

CHICHESTER



Subdivision Regulations

Adopted April 3, 2008

Revised XXXX, 2019

2008 Official Copy

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(NOTE: Any number with in this document may be American standard or Roman numeral in format)

Section I

Authority

Pursuant to the authority vested in the Town of Chichester, New Hampshire Planning Board by the voters of the Town of Chichester, New Hampshire and in accordance with the provisions of RSAs 676:35, 676:36, and 675:6, the Chichester Planning Board adopts the following regulations governing the subdivision of land in the Town of Chichester, New Hampshire.

Section II

Definitions

1. ABUTTER

Means any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration by the Planning Board

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2. BOARD

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

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3. 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.

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4. 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.

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5. REASONABLY SYMMETRICAL LOT LINES

Means opposing lot lines of a parcel that are parallel to each other within fifteen degrees.

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6. STREET

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

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7. SUBDIVISION

Means 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, condominium conveyance or building development. It includes

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resubdivision, lot line adjustments and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided.

8. SUBDIVISION, MAJOR

Means a subdivision depicting four (4) or more lots and/or a road on the plan; or, include a drainage study or traffic study in the submittal package.

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9. SUBDIVISION, MINOR

Means any subdivision not meeting the definition of a "MAJOR SUBDIVISION" as defined in these Regulations above.

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ABUTTER

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**Section III
Procedure**

1. Application

A. 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.

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B. Applications to be placed on an agenda for public hearing must be received at the Town Office at least 21 days prior to the public hearing, as provided in RSA 676:4, I., (b).6. The Board will either accept jurisdiction over a completed application or deny it for specific reasons. The Board may continue the design review to allow the applicant time to complete the application, after which the Board must accept or deny it. The applicant may bypass the Preliminary Conceptual Consultation and/or Design Review Phase if they have a completed application. However, the application shall be reviewed to ensure completion by a designated person on the Planning Board, or a consultant so chosen by the Board, within the 21 days prior to the Board accepting jurisdiction or the public hearing. The Board will not accept or consider any materials submitted between the 21 day submittal deadline and the date of the meeting for which the application is first scheduled. Such materials will only be considered after said meeting. The opportunity to submit additional information and revise plans is between the Technical Review Committee (TRC) meeting and the date formal submittal is made.

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2. Technical Review Committee (TRC) Meeting

A. All major subdivisions, as defined by the Chichester Subdivision Regulations, and major site plans, as defined by the Chichester Site Plan Regulations, shall participate in a mandatory Technical Review Committee (TRC) review meeting prior to making formal submittal of an application. Failure to do so will result in the application being deemed incomplete at the time of formal submittal. The TRC meeting is optional for minor subdivisions and minor site plans (as defined by the Chichester Subdivision Regulations and Site Plan Regulations) but is highly encouraged. Applicants participating in the TRC review meeting shall signal their intent to do so, in writing, to the Planning Board Secretary no later than noon (12:00 PM) two Mondays before the first Thursday of the month (see below). Materials submitted shall include those materials that would be included in their complete formal submittal and include, but are not limited to, full plan sets, completed applications, escrows as needed (see below), and any other studies or exhibits.

B. The TRC meeting shall be held on the Monday prior to the first Thursday of the month, and shall be listed as such on the Town's online calendar. Specific TRC agendas shall also be posted online and in two public places the Thursday before the TRC meeting. TRC participants will include the Planning Board Chair (or other Planning Board representative), the Planning Board Secretary, the Building Inspector, and all Town department heads (exceptions will be those department heads who have emailed "no comment" to the Planning Board Secretary), a representative from the Conservation Commission, the applicant and/or the applicant's agent. At the Planning Board Chair's discretion, a Central New Hampshire Regional Planning Commission (CNHRPC) representative. The Town's engineer will be required to attend all TRC meetings when wetland crossings, drainage improvements, or roads are proposed, or, as requested by

the Planning Board Chair. Applicants shall provide an escrow fee of \$200 if a CNHRPC representative attends. If the Town's Engineer attends the meeting, an escrow fee, as identified by the Town's Engineer, shall be provided by the applicant. The Planning Board Secretary or the CNHRPC representative will issue a memorandum outlining deficiencies in the proposal to the applicant within five business days. The applicant then has the opportunity to revise and submit additional materials to the Town between the TRC Review meeting and the date formal submittal is made. No additional materials will be reviewed or considered between the formal submittal and the date of the first Planning Board meeting at which the application is placed on the agenda.

3. Preliminary Conceptual Consultation and Design Review

A. Preliminary Conceptual Consultations: Any applicant is allowed an informal Preliminary Conceptual Consultation in the discussion phase. They may present a conceptual concept no more than twice, after which, the process will cease. The Board may state concerns for the potential plan and the public may give their input when asked by the Chair. No advice or decisions from either party shall be binding. Other components include:

- i. Abutters are not required to be noticed for Preliminary Conceptual Consultations.
- ii. The meeting shall consist of general discussions by both the Board and Applicant. No formal design proposals are permitted, though tax maps, existing conditions plans, aerial photography, or other graphics and exhibits depicting the current state of the property are encouraged.
- iii. An applicant may signal their intent to be placed on a Planning Board agenda as a Preliminary Conceptual Consultation by providing to the Planning Board Secretary, one week before said meeting, a brief written narrative describing the proposed project and indicating their intent to be considered for a Preliminary Conceptual Consultation, as well as any exhibits they wish to provide the Board, excluding proposed designs.

B. Design Review: The applicant may chose to engage the Board for a Design Review Phase, if desired. Per RSA 676:4, II (b), the Board will review their proposal beyond the general form as provided above. The Board shall give proper formal public notice, at the applicant's expense of such a review. The Board may review the proposal in detail and receive testimony in person or in writing from the applicant, any abutter or any other person as permitted by the Board. Such a conceptual review shall bind neither the applicant nor the Board. Other components include:

- i. Abutters will be noticed. Applicants shall provide a list and fees for said abutter notification.
- ii. Applicants will signal their intent to be placed on a Planning Board agenda as a Design Review by providing an abutter list, abutter fees, plans, and

any other exhibits 14 days before said meeting. A written narrative, describing the proposal, shall also be provided describing the applicant's intent to be considered for Design Review.

iii. The Design Review phase may be continued for a second meeting. The Design Review phase will conclude after holding no more than two meetings.

1.4. Preliminary Layout

A. Five-Six (56) large copies of the preliminary layout as described in Section V shall be filed with the Chichester Planning Board, ~~with one copy being and ten~~ provided in a reduced 11 X 17" format. 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. A digital copy of the full submittal package shall also be provided to the Planning Board Secretary.

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B. Studies, in accordance with Section 5.m of the Chichester Site Plan Regulations, shall also be required for submittal, as applicable.

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2.5. 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.

3.6. 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 ten days before the date fixed thereof.

Section III Procedure (Continued)

4.7. Acceptance

Pursuant to RSA 676:4 I(c)1, the Board shall, within 30 days from the date of submission of the application, determine if the submitted application is complete in accordance with the Board's regulations and shall vote upon its acceptance

5.8. Approval

Upon the acceptance of a completed application, the Board shall begin formal consideration and shall act to approve, conditionally approve, or disapprove within 65 days in accordance with RSA 676:4 (c)1. 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.

6.9. Final Approval Condition

The Board's approval of an Application for Subdivision shall lapse if all conditions of the approved application 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.

7.10. Certificate of Failure to Take Action

Upon failure of the Board to approve, conditionally approve, or disapprove the application, the Selectmen shall, upon request of the applicant, immediately issue an order directing the Board to act on the application within 30 days. If the Planning 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 this paragraph, unless within those 40 days the Selectmen have identified in writing some specific subdivision regulation or zoning or other ordinance provision with which the application does not comply. Such a certification, citing this paragraph, shall constitute final approval for all purposes including filing and recording under RSA 674:37 and 676:18, and court review under RSA 677:15.

8.11. 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. Submittal of Applications shall comply with Section III.1.B of these Regulations.

Section IV

General Requirements for the Subdivision of Land

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

1. 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.

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2. 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 and meet or exceed the NH Department of Transportation "Minimum Geometric & Structural Guides for Local Roads and Streets" dated September 1990 or any subsequent amendments:

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~~A-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.

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~~B-2.~~ The base course shall consist of bank-run gravel, free from loam, organic matter and have no rocks larger than 6 inches in diameter.

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~~C-3.~~ The finish course shall consist of crushed gravel, in accordance with NH Department of Transportation Specifications

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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.

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~~D-5.~~ Parking areas for single family and duplex units shall be consistent with the single family and duplex parking requirements of the Chichester Site Plan Regulations.

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6. 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. Bedding for the pipe shall be no less than 12 inches of 1½ stone (or smaller), this

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stone is also to be filled around the pipe of least 1/2 way up the pipe on both sides. Compaction needs to meet NH Department of Transportation Specifications.

3. Any improvements for public benefit that are depicted outside of a Right-of-Way shall be provided an easement for access and maintenance to the benefit of the Town of Chichester.

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Section IV

General Requirements for the Subdivision of Land (Continued)

1. The roadway shall be graded to the final grade in accordance with the profile and cross section submitted.
- ~~2.4.~~ Dead end 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 cul-de-sac with at least a 60-foot radius from the edge of the right of way.
- ~~3.5.~~ Reserve strip land which, in the opinion of the Planning Board show intent on the part of the subdivider to control access to land dedicated or to be dedicated to public use shall not be permitted.
- ~~4.6.~~ The widths of blocks shall not be less than 200 feet, nor shall they exceed 1,200 feet.
- ~~5.7.~~ Intersecting property lines at street intersections shall be joined by a curve of at least 20 foot radius.
- ~~8.~~ 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.
- ~~6.9.~~ Lots shall be "reasonably symmetrical" in shape.
- ~~7.10.~~ 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%. No street shall be gravel.
- ~~8.11.~~ 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.
- ~~9.12.~~ 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.

13. 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.

~~10-14.~~ Monuments and bounds shall be placed at every change of direction of lot lines. No more than 500' shall separate monumentation of any kind. Front lot corners along the road frontage shall be granite bounds; other bounds shall be of rebar, or if not feasible, a drill hole. Off-set bounds are permitted when required. If front lot corners cannot feasibly be granite bounds, rebar and/or drill holes will be considered at the Planning Board's discretion. All bounds and monuments shall be set flush and set under the supervision of a surveyor licensed in the state of New Hampshire. Once set, the surveyor shall submit a statement, in writing, to the Planning Board Secretary that the bounds have been set. Such a statement shall bear the surveyor's stamp and signature.

**Section IV
General Requirements for the Subdivision of Land
(Continued)**

~~3-15.~~ 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.

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~~4-16.~~ 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.

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~~5-17.~~ Before approval of a subdivision by the Planning Board, there shall be filed a bond, irrevocable letter of credit, or other suitable type of security 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.

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~~6-18.~~ The proposed subdivision shall conform to the Zoning Ordinance of the Town of Chichester. The Planning Board may waive any requirements listed in the Subdivision Regulations, where it finds that such regulation does not apply to the proposed development.

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~~7-19.~~ Wetlands – The applicant shall comply with the current wetlands ordinance within the Zoning Ordinance. Delineation of wetlands shall comply with the standards described in the Chichester Site Plan Regulations.

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~~8-20.~~ Special Flood Hazard Areas:

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The following shall apply to all site plans that involve land designated as "Special Flood Hazard Areas" (SFHA) by the National Flood Insurance Program (NFIP):

A. The Planning Board shall review the proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 22 U.S.C 1334.

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**Section IV
General Requirements for the Subdivision of Land
(Continued)**

- B. The Planning Board shall require that all proposals for development greater than 50 lots or 5 acres, whichever is lesser, include Base Flood Elevation (BFE) data within such proposals (i.e. floodplain boundary and 100-year flood elevation).
- C. The Planning Board shall require the applicant to submit sufficient evidence (construction drawings, grading, and land treatment plans) so as to allow a determination that:
 - i.a. All such proposals are consistent with the need to minimize flood damage;
 - ii.b. All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage; and,
 - iii.c. Adequate drainage is provided so as to reduce exposure to flood hazards.

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**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 five (5) copies of a preliminary layout at a scale of not more than 100 feet to the inch, with one copy being provided in a reduced 11 X 17" format, showing or accompanied by the following information:

- I.1. Proposed subdivision name; name and address of owner of record; subdivider and designer; date; north point and scale.
- II.2. 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.
- III.3. Location of property lines and their approximate dimensions; existing easements, buildings, water courses, ponds or standing water, rock ledges and other essential features.
- IV.4. Existing water mains, sewers, culverts, drains and proposed connections or alternative means of providing water supply and disposal of sewerage and surface drainage.

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**Section V
The Preliminary Layout (Continued)**

V-5. 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.

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VI-6. 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.

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VII-7. 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 the entire tract.

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VIII-8. Preliminary designs of any bridges or culverts, which may be required.

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IX-9. 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.

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**Section VI
The Final Plat**

a-1. The final plat submitted for approval and subsequent recording shall be submitted with five (5) copies, with one copy being provided in a reduced 11 X 17" format. 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.

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b-2. The final plat shall show:

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a-A. 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.

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**Section VI
The Final Plat (Continued)**

~~b.B.~~ 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.

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~~c.C.~~ 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

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~~e.D.~~ Permanent monuments shall be set as required by these Regulations ~~the Engineer.~~

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**Section VII
Road Inspection, Escrow and Maintenance Requirements**

1. Subdivisions applications requesting that the Town to accept a proposed road as a Town-maintained road shall demonstrate compliance with the provisions outlined in this Section prior to the Board of Selectmen's consideration of said request. New roads that do not comply with these standards will not be considered for acceptance as a Town-maintained road. Roads not accepted, including those roads not yet accepted, shall be maintained by the developer or land owner(s).

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2. While the requirements outlined in this Section are mandatory for the Board of Selectmen's consideration of accepting a proposed road, in no way does complying with these requirements imply that the Board of Selectmen shall accept a proposed road as a Town-maintained road. Acceptance of any new road as a Town-maintained road is at the discretion of the Board of Selectmen, though, at a minimum, the standards in this Section must be adhered to for a road to be considered.

3. Roads not accepted as public streets, and/or, roads awaiting to be accepted as public streets must be maintained by the developer or, in the absence of a developer, a home owners association.

4. Performance Bond, Maintenance and Improvements Requirements.

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A. Improvements – all applicants shall be required to complete, in accordance with the Planning Board's decision to the satisfaction of the Town Engineer, Road Agent and the Board of Selectmen, all the street,

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sanitary, and other improvements of the subdivision as required in these regulations, specified in the final plat and construction plans of Sections V.I, of these regulations, as approved by the Planning Board, and to dedicate the same to the Town of Chichester, free and clear of all liens and encumbrances on the property and public improvements thus dedicated.

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B. Performance Bond – the Planning Board shall require that the applicant post a bond or satisfactory surety at the time of the application for final plat approval in an amount estimated by the engineer and approved by the Board as sufficient to secure the Town of Chichester, the satisfactory construction, installation, and dedication of the required improvements delineated in the construction plans of Section V.I of these regulations.

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i. Such performance bond shall comply with all statutory requirements and shall be satisfactory to the Planning Board's Attorney as to form, sufficiency, and manner of execution as set forth in these regulations. The period within which required improvements must be completed shall be specified by the Board in the resolution approving the final subdivision plat and shall be incorporated in the bond and shall not in any event, exceed two (2) years from the date of the final plat approval. Such bond shall be approved by the Board of Selectmen as to the amount and surety and conditions satisfactory to the Board of Selectmen. The Board, may upon proof of difficulty, recommend to the Board of Selectmen, an extension of the completion date set forth in such bond for a maximum period of one (1) additional year.

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3. Temporary Improvements – the applicant shall build and pay for all costs associated with temporary improvements required by the Board, and shall maintain said improvements for a period of time specified by the Board. Prior to the construction of any temporary facility or improvement, the application shall file with the Board of Selectmen, a separate suitable bond for temporary facilities, which bond shall insure that temporary facilities will be properly constructed, maintained and removed.

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4. Construction Inspections

A. For all site improvements required as part of site plan or subdivision approval by the Planning Board, an inspection fee, to be determined by the Board or its designee, shall be deposited into a Town account, prior to final plan approval, in accordance with RSA 673:16. This fee shall cover the cost of inspection to be provided by the Town Engineer, a Town appointed inspector, or designated Engineering Firm or other designee, to ensure that

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the improvements are constructed to the specifications of the Planning Board, or other applicable Town ordinances and/or regulations. The Planning Board reserves the right to engage any independent engineer of its choice.

5. During the construction process, the Town's inspector shall inspect the site to ensure improvements comply with the approved plans and required engineering standards. The amount of the said fee shall be determined by the Planning Board based upon a reasonable estimate of the anticipated inspection costs as provided by the Consulting Engineering Firm contracted with the Town of Chichester. Site inspections shall be conducted up to the amount of the fee collected. Should the inspection fee collected be insufficient to cover the remaining required site inspections, the Town will notify the applicant to cease further site development until additional funds have been received and deposited with the Town. Once all required site development and all site inspections have been conducted, any unused portion of the inspection fee shall be returned to the applicant.

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6. Inspection Schedule:

A. The Planning Board, or their designated agent, shall provide for the inspection of required improvements during the construction stage and shall certify their satisfactory completion. During the construction stage of any new street or, the developer or his agent must notify the Town's Inspector at least 2 business days in advance before starting each phase of street / improvement construction as noted below.

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Inspections of improvements shall conform with the following schedule:

- Inspection #1: Initial layout of roadway and flagging of wetlands.
- Inspection #2: After clearing, stumping, and grubbing, installation of temporary erosion control devices, prior to placement of any fill materials or base gravel.
- Inspection #3: Installation of underground utilities and drainage devices/stormwater management facilities (catch basins, underdrains, etc.)
 - Inspection #4: Completion of subgrade and slope work
- Inspection #5: Installation of bankrun gravel and compaction
- Inspection #6: Installation of crushed gravel and compaction

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- Inspection #7: Final ditchwork, slope work, landscaping, and permanent erosion control devices (i.e. retention / detention ponds, swales, etc)
- Inspection #8: Installation of headwalls
- Inspection #9: Installation of binder course of pavement.
- Inspection #10: Installation of wear course of pavement
- Inspection #11: Remaining work
- Inspection #12: Final walk through inspection. Preparation of punch list.
- Inspection #13: Follow up inspections as required.

7. The Planning Board in consultation with the Town's Engineer must approve any reductions in the number of inspections.

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8. The Town Engineer shall approve testing schedule and methods used to test the materials.

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9. The Town Engineer may require additional inspections based on construction methods used, materials, time of year, or other variables.

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If, upon inspection, any of the required improvements have not been constructed in accordance with the Planning Board's construction standards and specifications, the developer shall be responsible for completing the improvements. Wherever the cost of improvements is covered by a performance guarantee, surety provider and the developer shall be severally and jointly liable for completing the improvements according to Planning Board specifications. Any costs incurred by the Town as a result of the inspection procedures shall be borne by the developer and failure to pay such costs may result in calling of the financial guarantee by the Town.

10. Maintenance of Improvements – the applicant shall be required to maintain all improvements to and on the individual subdivided lots and provide for snow removal on streets until acceptance of said improvements by the Town. Roads not accepted as public streets, and/or, roads awaiting to be accepted as public streets must be maintained by the developer or, in the absence of a developer, a home owners association.

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11. Failure to Complete Improvements – If the Board finds that the applicant has not installed improvements satisfactorily or has not completed those

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improvements within the approved time of completion, or has not maintained those improvements in a satisfactory condition, the Board may provide notice to the applicant and may take further action or make such use of the bond as may be appropriate in the judgement of the Board to complete those improvements.

12. Release or Reduction of Performance Bond.

A. Certificate of Satisfactory Completion – the Board of Selectmen and Planning Board will not accept dedication of required improvements, nor release nor reduce a performance bond until:

- i. The applicant has submitted a certificate stating that all the required improvements have been satisfactorily completed;
- ii. Approval by the applicable Town departments has been obtained;
- iii. The project is free and clear of any and all liens and encumbrances;
- iv. The applicant’s engineer and/or surveyor has submitted a detailed “as built” survey plan of the subdivision, indicating the locations, dimensions, materials, and other information required by these regulations, and that the layout of the line and grade of all public improvements and lot monuments is in accordance with the final plat and construction plans for the subdivision, and;
- v. A title insurance policy has been furnished to and approved by the Board.

Upon approval and recommendation, the Town (i.e. Board of Selectmen) may choose to thereafter accept the improvements for dedication in accordance with the established procedure.

B. Reduction of Performance Bond – a performance bond may be reduced upon actual dedication of public improvements and then only to the ratio that the public improvement dedicated bears to the total public improvements for the subdivision. In no event shall a performance bond be reduced below twenty-five (25%) of the principal amount.

13. Warranty – If a road is accepted by the Town, the applicant shall warranty to the Board of Selectmen, in writing, all roads, drainage, roadside landscaping, and like improvements for a minimum of one (1) year after acceptance of the road by the Town. The warranty shall include a performance bond equivalent to 20% of the original construction cost of the roads and improvements.

A. Issuance of Building Permits and Certificates of Occupancy on New Roadways.

- i. Authority of Building Inspector

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This section shall not be construed as inhibiting the authority of the Building Inspector. This section simply stipulates when new lots are eligible for building permits and certificates of occupancy. This section does not inhibit the Building Inspector for denying the issuance of such permits or certificates for reasons not related to provision of these regulations.

ii. Issuance of Building Permits

Per RSA 676:12, IV, no building permit shall be issued for new lots fronting on a new subdivision road, as approved by the Planning Board, until the applicant, or his/her successor, has provided the Town with a bond or other form of performance surety, in the amount of 110% of anticipated cost of constructing new road and utilities, pursuant to RSA 674:36, III or RSA 674:44, IV. All sureties must be acceptable to the Town Attorney.

As an alternative, applicant(s), or successor(s) in ownership, may forego bonding requirements. However, in such cases, no building permit shall be issued for new lots in developments for which no surety has been provided until all required improvements have been constructed to the satisfaction of the planning board's consultant engineer, Town Road Agent, and the Planning Board.

iii. Issuance of Certificate of Occupancy

Per RSA 676:12, IV, no building shall be used or occupied prior to the completion of required utilities and road construction through installation of base (binder) course of pavement in accordance with Town road standards. All improvements must be constructed to the satisfaction of the Town's Consultant Engineer and Road Agent. In the case of gravel roadways, no building shall be used or occupied prior to the completion of required utilities and road construction through installation of 6" crushed gravel base.

Above work must be completed for the entire frontage of the lot for which a certificate of occupancy is requested, unless otherwise approved by the Planning Board. Furthermore, no certificate of occupancy shall be issued unless a bond for remaining work to be completed has been provided to the Town and is acceptable to the Town Attorney.

Section VIII
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

Town of Chichester Subdivision Regulations

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transmit a record of any changes so authorized to the Registry of Deeds of Merrimack County.

Section ~~VIII~~X

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 \$275 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~~X

Adoption

These Regulations shall become effective and adopted by the Board after public hearing.

Adopted on April 3, 2008 following a Public Hearing on April 3, 2008.

Exhibit 1

Application for Subdivision

Application is hereby made to the Chichester Planning Board for preliminary approval of a Subdivision entitled: _____

Located at: _____

And described as Map _____ Lot _____ Sub _____ of the Chichester Tax Maps.

Name of Person Submitting Application: _____

Address: _____ Telephone: _____

If the person submitting this application is not the owner of record, the applicant must submit with this application a letter of authorization from the owner to act on their behalf.

Subdivision Layout Checklist:

- | Provided | N/A | |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | 1. Proposed Subdivision Name |
| <input type="checkbox"/> | <input type="checkbox"/> | 2. Proposed Lot Numbers |
| <input type="checkbox"/> | <input type="checkbox"/> | 3. Lot Areas |
| <input type="checkbox"/> | <input type="checkbox"/> | 4. Zoning District(s) |
| <input type="checkbox"/> | <input type="checkbox"/> | 5. Scale (Not more than 100' to the 1") |
| <input type="checkbox"/> | <input type="checkbox"/> | 6. Property Lines and Approximate Dimensions |
| <input type="checkbox"/> | <input type="checkbox"/> | 7. Existing Easements |
| <input type="checkbox"/> | <input type="checkbox"/> | 8. Existing Buildings |
| <input type="checkbox"/> | <input type="checkbox"/> | 9. Water Courses |
| <input type="checkbox"/> | <input type="checkbox"/> | 10. Ponds or Standing Water |
| <input type="checkbox"/> | <input type="checkbox"/> | 11. Rock Ledges and Other Essential Features |
| <input type="checkbox"/> | <input type="checkbox"/> | 12. Existing Water Mains, Sewers, & Culverts |
| <input type="checkbox"/> | <input type="checkbox"/> | 13. Proposed Means of Providing Water Supply, Sewerage, and Surface Drainage |
| <input type="checkbox"/> | <input type="checkbox"/> | 14. Owner of Record |
| <input type="checkbox"/> | <input type="checkbox"/> | 15. Site Map Location |
| <input type="checkbox"/> | <input type="checkbox"/> | 16. Location, Name, and Widths of Existing Streets with Grades and Profiles |
| <input type="checkbox"/> | <input type="checkbox"/> | 17. Location, Name, and Widths of Proposed Streets with Grades and Profiles |
| <input type="checkbox"/> | <input type="checkbox"/> | 18. Preliminary Design of any Bridges or Culverts |

Preliminary Layout Checklist:

- | Provided | N/A | |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | 19. Elevations of Sufficient Points to Indicate General Topography |
| <input type="checkbox"/> | <input type="checkbox"/> | 20. Proposed Permanent Easements |
| <input type="checkbox"/> | <input type="checkbox"/> | 21. Proposed Parcels of Land to be Dedicated to Public Use |
| <input type="checkbox"/> | <input type="checkbox"/> | 22. Sketch of Prospective Future Streets not Part of the Preliminary Layout |

Abutting Properties Layout Checklist:

- | | | |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | 23. Names of Owners of Record |
| <input type="checkbox"/> | <input type="checkbox"/> | 24. Subdivision Names |
| <input type="checkbox"/> | <input type="checkbox"/> | 25. Roads and Easements within 200' |
| <input type="checkbox"/> | <input type="checkbox"/> | 26. Structures within 100' |
| <input type="checkbox"/> | <input type="checkbox"/> | 27. Parks, Open Spaces and Similar Facts Regarding any Abutting Property |
| <input type="checkbox"/> | <input type="checkbox"/> | 28. Existing Means of Water Supply, Sewerage, and Surface Drainage |

Application Checklist:

- | | | |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | 29. Three (3) Copies of the Application for Subdivision |
| <input type="checkbox"/> | <input type="checkbox"/> | 30. Four (4) Copies of the Proposed Subdivision Layout |
| <input type="checkbox"/> | <input type="checkbox"/> | 31. One (1) Reduced copy of the Proposed Subdivision Layout |
| <input type="checkbox"/> | <input type="checkbox"/> | 32. Mailing List of Abutters, Owner of Record, Applicant, Surveyor, Other Professionals |

Does the owner of record, own or have any interest in a partnership or corporation owning abutting property? YES NO

The undersigned declares to be the owner or authorized agent of the owner, of the land to be considered, and that the foregoing statements are true and correct; that the undersigned is conversant with and that this Application is submitted in accordance with the Zoning Ordinance and Subdivision Regulations of the Town of Chichester and any and all State and Federal regulations pertaining thereto.

Signature of Applicant

Date of Submission

Exhibit 2

New Hampshire Department of Transportation
Minimum Geometric & Structural Guides for Local Roads and Streets

