

# *CHICHESTER*



## **Subdivision Regulations**

**Adopted April 3, 2008**

**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. BOARD**

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

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

#### **3. 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.

#### **4. STREET**

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

#### **5. 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.

#### **6. 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

## **Section III**

### **Procedure**

1. **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.

2. **Preliminary Layout**

Five (5) copies of the preliminary layout as described in Section V shall be filed with the Chichester Planning Board, with one copy being 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.

3. **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.

4. **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)**

**5. 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

**6. 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.

**7. 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.

**8. 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.

**9. 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:

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.
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:
  - A. 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 bankrun gravel or broken rock.
  - B. The base course shall consist of bank-run gravel, free from loam, organic matter and have no rocks larger than 6 inches in diameter.
  - C. The finish course shall consist of crushed gravel, in accordance with NH Department of Transportation Specifications
  - D. 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.
  - E. 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 stone is also to be filled around the pipe of least ½ way up the pipe on both sides. Compaction needs to meet NH Department of Transportation Specifications.

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

- F. The roadway shall be graded to the final grade in accordance with the profile and cross section submitted.
3. 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.
  4. 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.
  5. The widths of blocks shall not be less than 200 feet, nor shall they exceed 1,200 feet.
  6. Intersecting property lines at street intersections shall be joined by a curve of at least 20 foot radius.
  7. 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.
  8. 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%.
  9. 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.
  10. 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.
  11. 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.

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

12. 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.
13. 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.
14. 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.
15. 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.
16. Wetlands – The applicant shall comply with the current wetlands ordinance within the Zoning Ordinance.
17. Special Flood Hazard Areas:

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.

**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:
  - a. All such proposals are consistent with the need to minimize flood damage;
  - 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,
  - c. Adequate drainage is provided so as to reduce exposure to flood hazards.

**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:

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

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

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

**Section VI**

**The Final Plat**

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.
2. The final plat shall show:
  - 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.

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

- 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.
  
- 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
  
- D. 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 \$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**

### **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

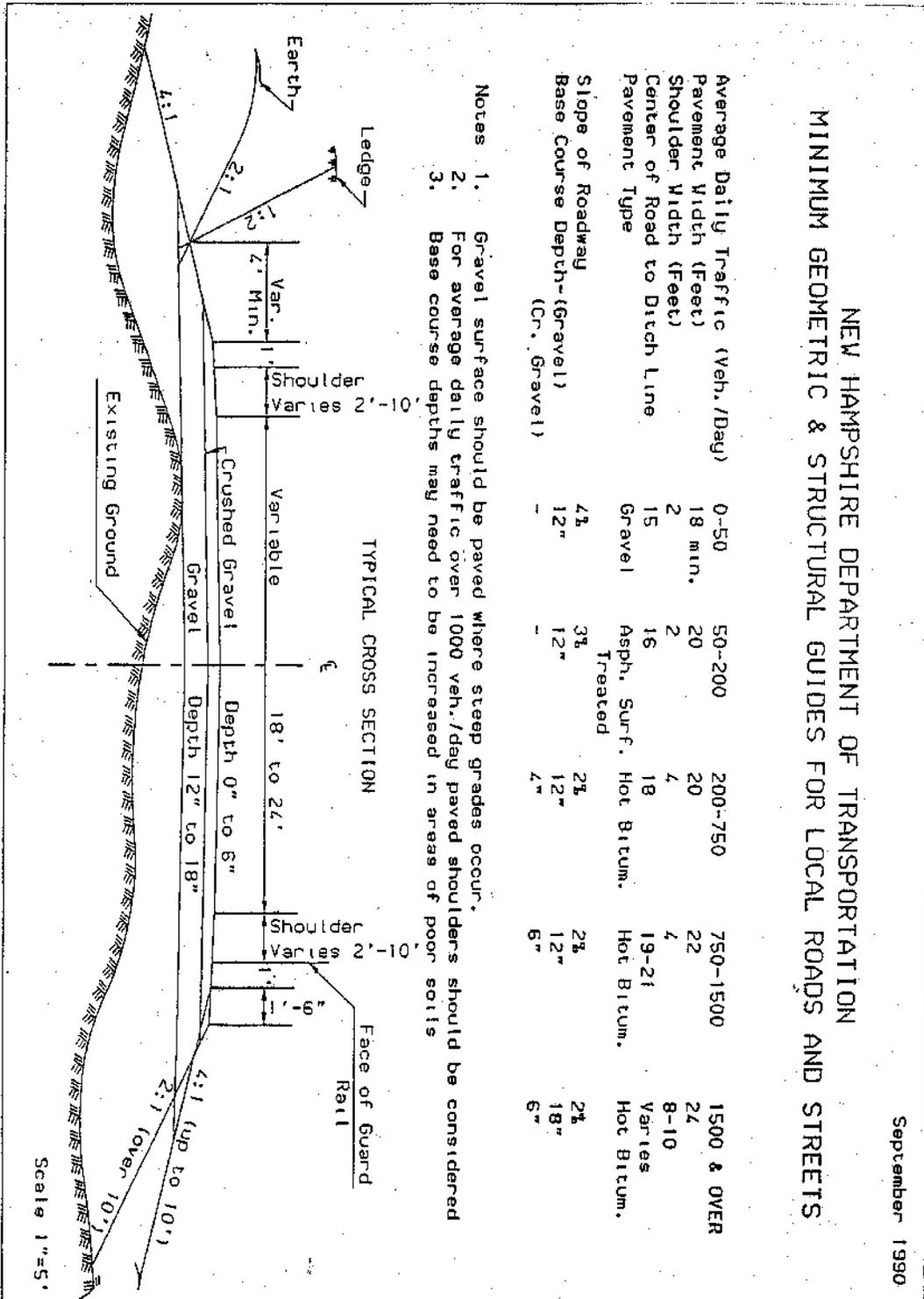
The undersigned declares to be the owner or authorized agent of the owner, of the land to be considered, and that the foregoing statements are true and correct; that the undersigned is conversant with and that this Application is submitted in accordance with the Zoning Ordinance and Subdivision Regulations 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



September 1990