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*Town of Candia, New Hampshire  
Planning Board*



*Subdivision Regulations*

2010

**Subdivision Regulations**

**Town of Candia**

**History:**

**Adopted Sections III & IV on 11/4/87**

**Adopted Sections I & II on 1/20/88**

**Adopted Section V on 1/20/88**

**Amended 5/11/88**

**Amended 6/27/90**

**Amended 11/97**

**Amended 10/20/99**

**Amended 11/15/00**

**Amended 12/03/03**

**Amended 10/03/07**

**Amended 03/10/09**



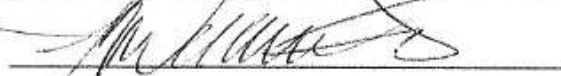
***Amended 8/4/2010***

PLANNING BOARD  
TOWN OF CANDIA


ADOPTION VERIFICATION

The attached regulations entitled Subdivision Regulations have been adopted  
by the Candia Planning Board after a duly noticed public hearing on August 4, 2009.

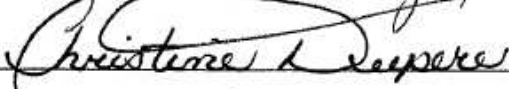
Planning Board certification:

	Chairperson
	Vice-Chairperson
	Selectmen's Representative
Judith Lindsey	Member
Willi Byrd	Member
_____	Member
_____	Member

Date filed with the Board of Selectmen

 9/3/2010

Date filed with the Town Clerk

 Sept. 9, 2010

Date filed with the Office of State Planning

September 15, 2010



## CANDIA PLANNING BOARD PUBLIC HEARING NOTICE

The Candia Planning Board will hold a Public Hearing on August 4, 2010 at 7:00 p.m. in the Candia Town Offices at 74 High Street to consider the following amendments to the Candia's Site Plan/Subdivision regulations. The full text of all proposed Amendments are available for inspection and review at the Land Use Office during regular office hours. For additional information, please call the Land Use Office at 483-8588.

### General Housekeeping Amendments:

#### Major Site Plans:

**Amendment #1:** Amend by updating "*Article 5.00 Action by the Board*" in accordance with RSA 676:4 regarding procedures on Plats.

**Amendment #2:** Amend by adding new Article 12.00 "*Appeals*" as provided in RSA 677:15 under Section V: Miscellaneous Provision.

**Amendment #3:** Amend by adding new Article 13: "*Active and Substantial development or Building*" under Section V: Miscellaneous Provisions.

**Amendment #4:** Amend by adding new "*Article 7.00 Development of Regional Impact*", under Section II: Procedures and Submission Requirements.

**Amendment #5:** Update and replace "*Section 7.07 Groundwater protection*" in accordance with RSA 674:43 & 44, to match with the Groundwater Protection Plan voted in March 2010.

#### Minor Site Plans:

**Amendment #1:** Amend by updating Article 5.00 Action by the Board in accordance with RSA 676:4 regarding procedures on Plats.

**Amendment #2:** Amend by adding new Article 10.00 "*Appeals*" as provided in RSA 677:15 under Section VII: Miscellaneous Provisions.

**Amendment #3:** Amend Section VII Miscellaneous Provisions by adding new Article 11 "*Active and Substantial development or Building*".

**Amendment #4:** Amend Section III: Procedures and Submission Requirements by adding new Subsection "3.04, Development of Regional Impact".

**Amendment #5:** Update and replace "*Section 7.07 Groundwater protection*" in accordance with RSA 674:43 & 44, to match the Groundwater Protection Plan voted in March 2010.

#### Subdivision Regulations:

P. 6 **Amendment #1:** Amend by updating "*Article 2: Administration and Enforcement, Section 2.07 Penalties*"; regarding transferring lots in an unapproved subdivision under RSA 674:35 II.

P. 8 **Amendment #2:** Amend by adding new Subsection "*2.13 Active and Substantial Development or Building*" under Article 2 Administration and Enforcement, per RSA 674:39.

P. 8 **Amendment #3:** Amend by adding new Subsection "*2.14 Development of Regional Impact*", under Article 2 Administration and Enforcement per RSA 36:54.

P. 24 **Amendment #4:** Amend by adding "*Section 11.09 Groundwater Protection*", in accordance with RSA 485-C; 2, to correspond with the Groundwater Protection Plan voted in March 2010.

**Earth Excavation Regulations:** Repeal and replace the 1989 Earth Excavation Regulations with new regulations.

For additional information, please call the Land Use Office at 483-8588.

For the Planning Board,  
Mary Girard, Chairperson  
August 2010

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## **SECTION I: AUTHORITY**

### **ARTICLE 1. ADOPTION AND AMENDMENT**

#### **1.01 (a) Authority:**

Pursuant to the authority granted by the voters of the Town of Candia, and in accordance with the provisions of Chapter 674: Section 35, Revised Statutes Annotated, the Candia Planning Board adopts the following Regulations governing the subdivision of land in the Town of Candia, New Hampshire.

#### **1.01 (b) Purpose:**

To assure that the land indicated on plats submitted to the Planning Board shall be of such character that it can be used for the building purposes without danger to public health.

To protect ground water quality for purposes of public health and safety. (RSA 674:36)

#### **1.02 Title:**

These regulations shall be known as the Town of Candia Subdivision Regulations, hereinafter referred to as "these regulations" .

#### **1.03 Validity:**

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

#### **1.04 Amendment:**

These Regulations may be amended whenever such action is deemed advisable by the board following a duly noticed public hearing on the proposed amendment. All changes to these regulations shall become effective when adopted and signed by majority of the Planning Board members and filed with the Town Clerk and with the Board of Selectmen. The amendment shall be filed in a central file with the Office of State Planning.

### **ARTICLE 2. ADMINISTRATION AND ENFORCEMENT**

#### **2.01 Administration and Enforcement:**

The administrative and enforcement officer for these Subdivision Regulations shall be the Candia Selectmen.

#### **2.02 Approval by Planning Board:**

All subdivision of land in the Town of Candia requires approval by the Planning Board in accordance with these Regulations.

#### **2.03 Special Use Permits:**

No special use permit for use of land or building related to a proposed subdivision shall be granted prior to review and approval of said subdivision by the Planning Board and the recording of an endorsed Final Plat in the Rockingham County Registry of Deeds.

**2.04 Prohibition of Construction Prior to Approval:**

No construction, land clearing or building development shall be initiated until the Final Plan of the proposed subdivision has been approved by the Planning Board, as evidenced by the issuance of the Notice of Action (Art. 10.17).

**2.05 Building Permits:**

No building permit shall be issued and no building or other structure shall be erected on any lot within the Town unless the street giving access to said lot is a public street, or unless authorized by the Board of Adjustment pursuant to RSA 674:41. Any building erected in violation of these provisions is an unlawful structure and the Board of Selectmen or appropriate agent of the governing authority shall enjoin any erection or cause the building to be vacated or removed.

**2.06 Prohibition of Sale Prior to Endorsement and Recording:**

No sale, rental, lease or other conveyance of any part of a proposed subdivision shall be entered into by the subdivider until an approved Final Plat has been endorsed by the Planning Board and recorded in the Rockingham County Registry of Deeds.

- A. In the event the Planning Board accepts a performance bond, in a form acceptable to the Selectmen after review by Town Counsel, the Final Plat shall be endorsed by the Planning Board at the time of approval and thereupon recorded in the Rockingham County Registry of Deeds.
- B. If construction of the subdivision is not secured by a performance bond, construction of said subdivision shall be fully completed in accordance with Article 19, following which the approved Final Plat shall be endorsed by the Planning Board and recorded in the Rockingham County Registry of Deeds.

**2.07 Penalties:**

As provided in RSA 676:16, any owner or agent of the owner of any land located within a subdivision who transfers or sells any land before a Plat of the said subdivision has been approved and endorsed by the Planning Board and *filed with the appropriate recording official under RSA 674:35 II., shall forfeit and pay a civil penalty of one thousand dollars (\$1000.00) 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 be exempt the transaction from such penalties* .~~recorded in the office of the Register of Deeds shall pay a penalty of five hundred dollars (\$500.00) for each lot or parcel so transferred or sold.~~

The Town may enjoin such transfer or sale and may recover the said penalty by civil action. *In any action to recover a penalty, the prevailing party may recover reasonable court costs and attorney's fees as may be ordered by the court. (August 4, 2010)*

**2.08 Appeals:**

Any person aggrieved by an official action of the board may appeal there from to the Superior Court as provided in RSA 677:15.

**2.09 Construction of Subdivision:**

A subdivider shall construct the subdivision to comply with the approved Final Plat and all requirements set forth in the Notice of Action (Article 10.16). Construction of improvements shall be in accordance with the provisions of Article 19.

**2.10 Acceptance of Streets and Utilities:**

The applicant should be aware that the Planning Board's approval of a road does not constitute acceptance of the road, or a statement that the Town will take over the road. This can only be done by the Board of Selectmen after the road has been completed and built to the Town's requirements, and satisfactory confirmation of same is received from the Planning Board and the Town's consulting engineer.

Any new street or utility will not be considered for acceptance by the Town until such time as all improvements have been completed as shown on the final plat, in accordance with these regulations and Town road specifications, and subject to any conditions established by the Board at the time of the approval of the final plat. The Town is under no obligation to accept the offer to dedicate the street. When the Planning Board and Board of Selectmen have voted to accept the street as complete, the Selectmen may hold a public hearing upon request to consider dedication of the street as a Town road. If the Board accepts the dedication, a deed, signed by the applicant and the Board of Selectmen must be provided and will be recorded in the Rockingham County Registry of Deeds.

**2.11 Maintenance of Streets:**

The applicant shall make arrangements for maintenance of any new street within a subdivision for the period prior to its acceptance by the Town as a public highway, and a deed has been accepted, signed and recorded in the registry of deeds.

The applicant may choose to maintain the street prior to its acceptance as a public highway by providing a notarized letter to that effect, and by notifying all of the residents of the street. Alternatively, the applicant may enter into an agreement with the Town to undertake winter maintenance at the applicant's cost. However, no such agreement will be entered into unless and until the construction of the road is complete in accordance with these regulations and Town road specifications and subject to any conditions established by the Board at the time of the approval of the final plat.

**2.12 National Flood Insurance Requirements:**

For 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, 33 U.S.C. 1334.
- B. The Planning Board shall require that all proposals for development greater than 50 lots or 5 acres, whichever is the 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:

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- (i) all such proposals are consistent with the need to minimize flood damage;
- (ii) 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) Adequate drainage is provided so as to reduce exposure to flood hazards.

**2.13 Active and Substantial Development or Building:**

*In approving any application, the Planning Board may specify the threshold level of work which shall constitute "active and substantial development or building" for the purpose of determining the minimum amount of work required in order to satisfy the provisions of RSA 674:39. Active and substantial development, in the absence of a specific finding of the Planning Board shall mean the construction of one or more subdivision roads as shown on an approved and recorded subdivision plat in accordance with the construction specifications shall be completed within Article 19 of these regulations. Such road construction shall be completed through the final wearing course, sufficient to cause eligibility for certificates of occupancy to be issued for structures on those lots fronting the road. This active and substantial development would thus entitle the subdivision to the four-year exemption as provided under RSA 674:39.*

**2.14 Development of Regional Impact:**

*A. Purpose.*

- 1. Provide timely notice to potentially affected municipalities concerning proposed developments which are likely to have impacts beyond the boundaries of the Town of Candia.*
- 2. Provide opportunities for the regional planning commission and the potentially affected municipalities to furnish timely input to the Town of Candia.*
- 3. Encourage the Town of Candia to consider the interests of other potentially affected municipalities.*

*B. Definitions:*

*Fulfill the statutory Definition – Any development which the Planning Board determines could reasonable be expected to impact on a neighboring municipality, because of factors such as, but not limited to, the following:*

- a. Relative size or number of dwelling units as compared with existing stock.*
- b. Proximity to the borders of a neighboring community.*
- c. Transportation networks.*
- d. Anticipated emissions such as light, noise, smoke, odors, or particles.*
- e. Proximity to aquifers or surface waters which transcend municipal boundaries.*
- f. Shared facilities such as schools and solid waste disposal facilities.*

*C. Review Required:*



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*Review Required: The Candia Planning Board, upon receipt of an application for subdivision, shall review it promptly and determine whether or not the development, if approved, reasonably could be construed as having the potential for regional impact. Doubt concerning regional impact shall be resolved in a determination that the development has a potential regional impact.*

*D. Procedure:*

*a. upon determination that a proposed development has a potential regional impact, the Candia Planning Board shall afford the regional planning commission and the affected municipalities the status of abutters as defined in RSA 672:3 for the limited purpose of providing notice and giving testimony.*

*b. Not more than 5 business days after reaching a decision regarding a development of regional impact, the Candia Planning Board shall, by certified mail, furnish the regional planning commission and the affected municipalities with copies of the minutes of the meeting at which the decision was made. The Candia Planning Board shall, at the same time, submit an initial set of plans to the regional planning commission, the cost of which shall be borne by the applicant. (This statute went into effect Jan. 1, 2010).*

*c. At least 14 days prior to public hearing, the Candia Planning Board shall notify, by certified mail, all affected municipalities and the regional planning commission of the date, time, and place of the hearing and their right to testify concerning the development.*

*d. Notwithstanding the foregoing, when the building inspector determines that a use or structure proposed in a building permit application will have the potential for regional impact and no such determination has previously been made by another local land use board, he or she shall notify the local governing body. The building inspector shall also notify by certified mail the regional planning commission and the affected municipalities, who shall be provided 30 days to submit comment to the local governing body and the building inspector prior to the issuance of the building permit. Applicability: The provisions of this section shall superseded any contrary or inconsistent provisions of local land use regulations enacted under RSA 155-E and RSA 674. (August 4, 2010)*

**ARTICLE 3. WAIVERS OF COMPLIANCE**

**3.01 Relaxation of Requirements:**

Upon the written request of the subdivider, the Board may grant a relaxation of one or more of the provisions of these Regulations as it deems appropriate, provided the Board shall first determine the following:

- A. that the relaxation is related to unique physical conditions peculiar to the proposed subdivision;

- B. that the granting of the relaxation will not be contrary to the purposes and objectives of these regulations; and
- C. that the public good will not be adversely affected.

**3.02 Expedited Review for Lot Line Adjustments, and Boundary Agreements Which**

**Create No New Lots or Non-conforming Lots:**

- A. Notice is required.
- B. Any abutter may be heard on the application for review at the public meeting when the matter is discussed by the Board. If deemed necessary, the Board may adjourn its consideration to another date and time to allow further abutter participation.
- C. A site location shall be submitted to the Board showing the original boundaries of the adjacent parcels.
- D. A detailed plan shall be submitted to the Board showing the new property line or lines created as a result of the lot line adjustment/boundary agreement.
- E. A statement shall be placed on the plan stating as follows:  
"This Plan shows a division of land for the purpose of lot line adjustment/boundary agreement as defined in the Candia Subdivision Regulations and does not require the approval of the Candia Planning Board as a subdivision."
- F. The plan shall be filed in the Rockingham County Registry of Deeds and with the Candia Board of Selectmen.
- G. A Lot Line Adjustment is an exchange of land or the transfer of part of one lot to an adjoining landowner where such exchange or transfer does not convey an area of land equal to the minimum lot size.

**SECTION II: PROCEDURES AND SUBMISSION REQUIREMENTS**

**ARTICLE 4. APPLICATION PROCEDURE FOR SUBDIVISION**

**4.01 Submission of Application:**

Application to the Planning Board for subdivision approval, and subsequent submission of required information, shall be made through the Office of the Planning Board. Inquiries for advice concerning procedures, requirements or the status of a particular application may be made to the Planning Board during regular business hours. An application Review Sub Committee, appointed by the Chair will review all applications for completeness prior to noticed hearing as a service to applicants. The applicant or agent shall attend to have their application reviewed. Failure to do so could hold up acceptance of the application at the noticed hearing.

**4.02 Notice - When notice is required, the Board shall give Notice as follows:**

- A. The Notice shall include a general description of the proposed subdivision which is the subject of the application, shall identify the subdivider and the location of the proposed subdivision, and shall state the date, time and place of the public hearing/meeting.
- B. A copy of the Notice shall be sent to the abutters and the subdivider by certified mail.
- C. For the purpose of these Regulations in counting days, the day on which Notice is given and the day of the public hearing/meeting shall be excluded.
- D. Notice shall be mailed at least ten days prior to the public hearing/meeting.
- E. Notice to the general public shall be given, by one publication of a copy of the Notice in the Union Leader or such other paper as may be designated by the Planning Board, at least ten (10) days prior to the public hearing/meeting, and at least two (2) places in the Town of Candia.
- F. The application shall include the names and addresses of the subdivider and all abutters as indicated in the town records not more than 5 days before the day of filing. Abutters shall also be identified on any plat submitted to the Board.
- G. The subdivider shall pay in advance all costs of Notice to Abutters. Failure to pay costs may be basis for disapproval of the Application.

**4.03 Filing Fees, Administrative Expenses, and Other Costs Incurred by the Town and Board:**

A. The subdivider shall pay the filing fees in advance according to the Schedule of Fees adopted by the Planning Board and placed on file in the Office of the Selectmen. In addition, the Board may require the subdivider to pay additional reasonable fees to cover its administrative expenses and costs of special investigative studies, review of documents, and other matters which may be required by particular applications (RSA 676:4(G)). Such additional fees may also include an appropriate allocation of legal expenses incurred by the Board.

B. All Subdivisions requiring new street/roads are subject to review by the Candia Town Engineer and Town Road Agent, at the applicant's expense. Cost will be estimated including engineer's attendance at hearings, and must be paid for in advance. Money will be held in an escrow account. Any additional cost above the estimate will be the responsibility of the applicant and must be paid before work is done. Engineering reviews may also be required for other major subdivisions at the discretion of the Board.

**4.04 Fee Schedule:**

Reference Appendix C for fee schedule

**4.05 Types of Subdivision:**

For the purposes of these Regulations, five types of subdivision are defined. Types (A) and (B) may involve residential, commercial or industrial development.

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- A. Minor Subdivision: The subdivision of land into three or fewer lots with no potential for re-subdivision and requiring no new roads, utilities or other municipal improvements. The procedure, requiring only the Final Plat, is set forth in Article 5.
- B. Major Subdivision: The subdivision of land into four or more lots, plats or other sites for the purpose whether immediate or future, of sale or of building development. It includes re-subdivision and when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided. Procedure and requirements are set forth in Article 6.
- C. Cluster Subdivision: When permitted by zoning ordinance, an optional form of subdivision for single-family housing, allowing the division of land into lots of reduced dimensions and the sharing of open space.
- D. Manufactured Housing Subdivision: When permitted by zoning ordinances, an optional form of subdivision for manufactured housing allowing the division of land into lots of reduced dimensions and the sharing of open space. Procedures and requirements are set forth in Article 8.
- E. Planned Residential Development: When permitted by zoning ordinances, Planned Residential Development is a form of subdivision intended for mixed housing types, from single-family to multi-family, in which buildings are grouped in patterns which allow a large percentage of space to be retained for common use.

**ARTICLE 5. MINOR SUBDIVISION**

**A. Definition**

**5.01 Definition:**

The subdivision of land into three or fewer lots with no potential for re-subdivision and requiring no new roads, utilities of other municipal improvements.

**B. Procedure**

**5.02 Standards:**

All Minor Subdivision shall conform to applicable standards set forth in Sections III and IV. In addition, the subdivision may not adversely affect any adjoining property.

**5.03 Procedure for Review:**

The Minor Subdivision process requires only the submission of the Final Plat, as set forth in Article 5.06 below. At an informal meeting with the subdivider, the Board shall first determine that the proposed subdivision qualifies for the Minor Subdivision procedure, following which the subdivider may submit the Final Plat immediately or at a subsequent meeting of the Board. Review of the Final Plat shall be in accordance with the procedures in Article 10.C. Notice is required in accordance with RSA 676:4.II.B.

**5.04 Expansion of Procedures:**



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

**C. Submission Requirements**

**5.05 Description of Final Plat:**

The Final Plat shall be in permanent black ink on permanent reproducible polyester film. It shall be submitted in 1 polyester film copies, and 4 black line paper prints. Sheet sizes shall be in accordance with the requirements of the Rockingham County Register of Deeds. Space shall be reserved on the Plat for endorsement by the four Board members. The Final Plat shall contain the following statement:

"The Subdivision Regulations of the Town of Candia and Notice of Action are a part of this Plat, and approval of the Plat requires the completion of all the requirements of said Subdivision Regulations except in only any relaxation of requirements granted in writing by the Board."

**5.06 Information Required:**

For Minor Subdivision, the Final Plat shall contain or be accompanied by the following information. Final Plat shall be drawn at a scale of no more than 100 feet per inch, unless otherwise specified by the Board.

- a) Name of municipality and subdivision, names and addresses of the subdivider and designer.
- b) Names and addresses of abutting property owners, subdivisions and buildings within 200 feet of the parcel to be subdivided, and also roads, streets and driveways within 200 feet of the parcel to be subdivided.
- c) Name and seal of the licensed State of New Hampshire engineer and/or land surveyor who prepared the Final Plat.
- d) A general site location map locating the proposed Minor Subdivision boundaries in relation to major roads. A vicinity map showing the location of the proposed subdivision in relation to abutting properties and existing streets, highways or municipal facilities.
- e) Boundaries and areas of the entire parcel referenced to a public street intersection or USGS benchmark, north point, bar scale, date and dates of any revisions. The Board may waive the requirement of a perimeter survey for the entire parcel and may require specific data only for lots for which sale or lease is contemplated, in such instances; the Final Plat shall include a general map insert which indicates approximately the size and shape of the entire parcel to be subdivided.
- f) Approximate contour lines at 5 foot intervals for the entire parcel, sketched from a standard USGS map or a Town base map.

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- g) Existing and proposed building sites and lot lines, angles and dimensions, lot sizes in square feet and acres, consecutive numbering of lots.
- h) Location of existing and proposed easements, deed restrictions, building set-back lines, parks and other open space, water courses, stone walls and significant natural and manmade features. This includes culverts, and the direction of flow indicated by arrows through those culverts.
- i) Where individual on-lot sewage disposal systems are proposed or in existence, the subdivider shall present evidence of State approval of the suitability of each lot for on-site sewage disposal for building purposes. For lots greater than 5 acres, an opinion by a registered Professional Engineer that a suitable site for a subsurface disposal system exists may be substituted for state approval. For lots greater than 10 acres, a request for a waiver from this requirement may be made when supported by appropriate soil data. In all instances shall specifically indicate on each such lot that state approval for an on-site subsurface disposal system has not been applied for nor has been granted.
- j) Where the minor Subdivision is to be supplied by public water supply or sewers, the Plat shall show the location of such existing service. A statement from the municipal department or company involved attesting to the availability of such service shall be submitted.
- k) A statement from the Candia Tax Collector indicating whether the property is under current use taxation status or not.

**5.07 Other Information:**

When in the judgment of the Board additional information is required to serve the purposes of these Regulations, the Board may require such other information as set forth in Articles 10.06, 10.11 and 10.12, Final Plat Requirements.

**ARTICLE 6. MAJOR SUBDIVISION**

**6.01 Definition:**

The subdivision of land into four or more lots, plats or other sites for the purpose whether immediate or future, of sale or of building development. It includes re-subdivision and when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided.

**6.02 Standards:**

All Major Subdivisions shall conform to the requirements within Sections III and IV of the Candia Subdivision Regulations, Standards for Subdivision Design, and Standards for Subdivision Construction, respectively.

**6.03 Procedure for Review:**

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The procedures of Article 10 may be followed for the review of Major Subdivision. These procedures involve three steps: 1) an Informal Discussion for which no fee shall be assessed (see Article 10A) 2), a review of the Preliminary Layout (see Article 10B) and 3) a review of and public hearing on the Final Plat (see Article 10C).

The Informal Discussion and the Preliminary Layout review shall be conducted at separate meetings of the Board and on separate dates from the public hearing on the Final Plat.

**6.04 Submission Requirements:**

Submission Requirements for Major Subdivision shall be as set forth in Article 10.

**ARTICLE 7. CLUSTER SUBDIVISION REPEALED**

**ARTICLE 8. MANUFACTURED HOUSING CLUSTER SUBDIVISION REPEALED**

**ARTICLE 9. PLANNED RESIDENTIAL DEVELOPMENT REPEALED**

**ARTICLE 10. PLATTING PROCEDURE**

**A. INFORMAL DISCUSSION**

**10.01 Procedure:**

Upon request of the subdivider, the Planning Board shall place on the agenda of the Planning Board at a regularly scheduled meeting an Informal Discussion between the subdivider and the Board. No fee shall be assessed for the Informal Discussion. No notice to abutters is required. A notarized statement authorizing representation by an agent of the land owner is required if the land owner is not present.

**10.02 Information Required:**

The subdivider shall provide the Board with a sketch plan showing the location and type of proposed development, including such information as general topography including prominent natural features of the tract and how the concept conforms with the Master Plan.

**10.03 Action of the Board:**

The Informal Discussion between the subdivider and the Board shall be limited to a discussion as to concept for the limited purpose of familiarizing the Board with the location and type of development. Following the Informal Discussion, and after determining the general character of the proposed subdivision, the Board shall advise the subdivider concerning subsequent procedures and submission requirements.

**B. REVIEW OF PRELIMINARY LAYOUT**

**10.04 Procedure:**

The subdivider shall submit to the Planning Board a Preliminary Layout of the proposed subdivision.

**10.05 Description of Layout:**

The Preliminary Layout shall be drawn in pencil or ink and submitted in 4 black line paper prints. Dimensions may be approximate, date may be tentative, but shall be sufficiently clear to

establish the basis of and to clarify the design requirements for the subdivision Final Plat. Maps shall be at a scale of no more than 100 feet per inch unless otherwise specified by the Board.

**10.06 Information Required:**

The following information shall be submitted to the Planning Board as the Preliminary Layout:

- a) Name of municipality and subdivision, name and address of subdivider and designer or engineer, names and addresses of property owners within 200 feet of the parcel to be subdivided.
- b) General site vicinity map showing the subdivision boundaries and proposed streets in relation to existing streets, highways, abutting parcels of land and other features shown on the town highway map.
- c) Boundaries and area of the entire parcel owned by the subdivider, whether or not all land therein is to be subdivided, referenced to a public street intersection or USGS bench mark, north point, bar scale, date and dates of revision
- d) Boundaries and designation of zoning districts within the subdivision, municipal boundary, if any, land use designation from the Zoning Ordinance,
- e) Approximate contours at 5 foot intervals taken from a standard USGS map or Town base map.
- f) The subdivision plan shall provide soil maps and information in accordance with Site Specific Soil Maps for New Hampshire Special Publication No. 3, June, 1997, and as amended.

Maps prepared by field examination shall be prepared and stamped by a Certified Soil Scientist and include the date of the field examination. All costs of preparing soil data shall be borne by the applicant.

- g) Subdivision and buildings within 200 feet of the parcel to be subdivided; roads, streets and buildings within 200 feet of the parcel to be subdivided.
- h) Location of parks and other open space, watercourses, flood prone areas, foliage lines, stone walls that are existing and new boundaries, significant natural and manmade features.
- i) Existing and proposed lot lines: Existing and proposed easements, deed restrictions, deed covenants, building, accessory buildings and building set-back lines.
- j) Preliminary road profiles showing grades, existing and proposed street right-of-way lines (including side slopes), widths of streets, proposed names of new streets.
- k) Location of existing and proposed water mains, sanitary sewers, storm drainage lines, drainage structures and drainage ways, existing and proposed telephone, electricity, water, sewer, fire protection lines and other proposed facilities and/or utilities.
- l) Preliminary drainage analysis and computations: watershed areas.
- m) A statement from the Candia Tax Collector indicating whether the property is under current use taxation status or not.
- n) A letter from the Fire Chief and Police Chief regarding safety issues is required. A copy of the plan shall be submitted to these agencies: Road Agent, Conservation Commission, Building Inspector, and the Town Engineer at least 30 days prior to any public hearings to allow their recommendations to be part of the hearing process.



**10.07 Review of Layout:**

Upon receipt of the complete Preliminary Layout, the Board shall conduct a review of the proposed sub-division during a regularly scheduled public meeting. Notice shall be given to the subdivider, the abutters and the general public. No action to approve or disapprove will be taken at the preliminary hearing

**10.08 Action of the Board:**

After review of the Preliminary Layout by the Board, the Board shall submit in writing its Recommendations and Reservations with respect to the proposed subdivision and the advisability of preparing a Final Plat.

**C. REVIEW OF FINAL PLAT**

**10.09 Procedure:**

A completed application for Final Plat approval for review and action by the Board shall be submitted to the Planning Board within 90 days of the completion of the preliminary hearing. Notice is required. If not submitted by this time a new preliminary could be required.

**10.10 Description of Final Plat:**

The Final Plat shall be submitted on 4 blackline paper prints.

**10.11 Information Required on Final Plat**

The Final Plat shall contain or be accompanied by all of the information listed in Article 10.06 for the Preliminary Layout, whether or not a Preliminary Layout has been prepared for the proposed subdivision. In addition, the Final Plat shall contain the following maps and information. Maps shall be drawn at a scale or no more than 100 feet per inch unless otherwise specified by the Board.

- a) A boundary survey certified and identified by a seal of a land surveyor licensed to practice in the State of New Hampshire.
- b) Contour lines at 5 - foot intervals for the entire parcel to be subdivided.
- c) Soil test data, sewage disposal information, and approvals as required in Article 11.07.
- d) Existing and proposed lot lines and building sites, angles and dimensions, lot sizes in square feet and acres, consecutive numbering of lots.
- e) Existing and proposed street right-of-way lines, dimensions of tangents, chords and radii, location of all monuments to be set at street intersections, points of curvature and tangency of curved streets and angles of lots, names of existing and proposed streets.
- f) Wasting site noted on plan as specified in Article 17.
- g) A statement that all lots contain a minimum of 1 ½ acres of contiguous non poorly drained soils shall be placed on the final plan.

**10.12 Additional Information on Final Plat:**

As part of the Final Plat submission, the Board may require the subdivider to submit any or all of the following information:

a) Subdivision Grading and Drainage Plans: This Plan shall be submitted on a separate sheet or sheets and shall provide the following information for the entire area of the proposed subdivision, unless there is a determination by the Board that a lesser area is sufficient:

- 1) Basic street and lot layout, with all lots or sites numbered consecutively.
- 2) Location of all existing buildings and approximate location of proposed building.
- 3) Contours of existing grades at intervals of not more than 5 feet. Intervals less than 5 feet may be required, depending on the character of the topography.
- 4) Final identification, location, elevation, grades and/or contours at intervals of not more than 2 feet for the existing and proposed drainage ways, drainage easements, drainage structures, and water bodies. Intervals of less than 5 feet may be required by the Board, depending on the topography.
- 5) Final identification and location of proposed soil erosion and sediment control measures and structures.
- 6) Final drawings and specifications for each proposed soil erosion and sediment control measure in accordance with the standards set forth in Article 16.
- 7) Final drawings, details and specifications for proposed flood hazard measures and structures, and for proposed storm water retention facilities for ground water recharge. This includes culverts and the direction of flow indicated by arrows through those culverts.
- 8) Final slope stabilization details and specifications.
- 9) A timing schedule indicating the anticipated starting and completion date of the subdivision development and the duration of exposure of each area prior to the completion of effective soil erosion and sediment control measures.
- 10) A statement acknowledging the requirements of Article 19.03 and confirmation that said pre-construction conference has been scheduled.
- 11) A deed dedicating the road to the town and any easements with respect to drainage etc. must be presented before the plans are signed. This also includes deeds and easements to fire ponds, detention ponds, cisterns, and access to same.

b. Subdivision Street and Utility Plan: This Plan shall be submitted on a separate sheet or sheets and shall provide the following information:

- 1) Complete plans and profiles of all proposed streets, including but not limited to horizontal and vertical curve data at the street centerline, street stationing every fifty feet, intersection and turnaround radii and typical sections of proposed streets.
- 2) Complete plans and profiles of all proposed sanitary and storm sewers, including invert elevations, original and finished ground profiles, grades of storm sewer lines and inlets, type and class of material used.

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- 3) A statement as to the adequacy of flow and pressure for proposed subdivision and surrounding properties, the flow available on existing and proposed water main, the proposed number of units and anticipated sanitary sewer flow, and the available storm water facilities downstream of the subdivision.
  - 4) A statement from the appropriate utility company that utilities will be placed underground and that the work will be done within a reasonable time and without expense to the Town, and that the appropriate easements are available and have been granted.
  - 5) Location and details of all existing and proposed utilities (including water mains, telephone, electric and television distribution lines) on and adjacent to the land to be subdivided.
  - 6) Any other details pertinent to street and/or utility construction.
- c. Fire Protection and Emergency Access Plan: This Plan shall be submitted to show conformity with the recommendations of the Candia Police and Fire Departments, and shall comply with Article 19.14.
- d. Requests for Waivers: All requests for relaxation of requirements as described in Section 3.01 shall be in writing and included in the Application.
- e. Information if a Performance Bond is Required of the Subdivider: If a Performance Bond is required, the subdivider shall furnish an estimate of the full cost of all improvements and description of the surety or security to be offered to secure the performance bond.
- f. Other Plans: The Board may require such other information as it deems necessary to serve the purpose of these Regulations. Any expense incurred by the Board in developing such information shall be paid by the subdivider.

**D. ACTION ON FINAL PLAT**

**10.13 Submission of an Application for Final Plat Approval:**

- a. Necessity for Acceptance of a Completed Application: Before any review of the proposed final subdivision Application, the Board shall first determine if the Application is complete.
- b. Time for Filing an Application: The subdivider shall file the Application for Final Plat approval with the Planning Board at least 30 days prior to the public meeting at which the Application is to be considered for acceptance by the Board.
- c. Action by the Board on the Request to Accept the Completed Application: The Application shall be presented to the Board by the subdivider at a public meeting of the Board for which Notice has been given. The Board, by motion, shall accept or reject the Application at the public meeting or an adjourned session thereof, and such action shall be noted on the application and in the records of the Board.

**10.14 Consideration and Action on Final Plat:**

The accepted Application shall be deemed to be submitted to the Board as of the date on which the Board accepted the Application. Within 30 days of such date the Board shall begin formal consideration of the Application at a public hearing for which notice has been given.

The Board shall act to approve, approve with modifications or disapprove the Application within 65 days of the date of acceptance. The Board may apply to the Board of Selectmen prior to the expiration of the 65-day period for an extension of time not to exceed ninety days before acting to approve or disapprove the Application. The subdivider may consent to an extension of time for the Board to act beyond the initial 65 day period on the condition that such consent shall be in writing and shall be made part of the Board's record.

**10.15 Notice for Meetings/Hearings:**

Notice shall be given to the property owners within 200', the subdivider and the general public as to all public hearings on the Application. Any public meeting or public hearing for which Notice was required may be adjourned without additional Notice, provided the Board announces at the public meeting or hearing that such meeting or hearing will be adjourned to a fixed date, time and place. For a valid adjournment the records of the Board must contain a statement that such announcement was made and include also the date, time and place when the adjourned meeting/hearing is to be held.

**10.16 Notice of Action on the Final Plat:**

The Board shall notify the subdivider, by Notice in writing signed by the Chairman, of its actions on the Final Plat. In case of disapproval, the grounds for such disapproval shall be set forth in the Notice, which shall become part of the records of the Board. In case of approval, the Notice of Action shall set forth the following:

- a. A copy of any deed restrictions submitted by the subdivider and accepted by the Board;
- b. All requirements for off-site improvements;
- c. A description of the land, if any, to be dedicated to widen existing streets;
- d. A description of any relaxation of requirements granted to the subdivider;
- e. Requirements, if any, relative to underground utilities;
- f. When applicable, the statement described in Article 1.08 concerning liability for public use of land;
- g. All agreements, if any, between the subdivider and the Board concerning matters not required by these Regulations, but to be performed by the subdivider;
- h. A statement that the subdivision shall be completed and constructed in conformity with the Final Plat and these Regulations, as set forth in Article 19; and,

- i. A reference to the bond to be provided by the subdivider as guarantee of performance in construction of the subdivision as set forth in Article 10.19 and Article 19.

**10.17 Acknowledgment of Receipt of Notice:**

The subdivider shall acknowledge receipt of the Notice and acceptance of all provisions set forth therein and shall return a signed copy of same to the Board for its records. Until such acknowledgment and acceptance has been filed with the Board, no further action shall be taken with regard to the Final Plat. Failure to acknowledge receipt of Notice of Action and acceptance within 90 days of mailing of the Notice of Action will cause approval to lapse.

**10.18 Performance Bond:**

The subdivider shall submit a performance bond providing for and securing to the Town the completion of the actual construction and installation of all improvements and utilities within four years from the date of acknowledgment and acceptance of the Notice of Action. The bond shall be in an amount determined by the Planning Board and in conformity with the requirements of Article 18.04.

**10.19 Description and Recording of Final Plat:**

The subdivider shall submit to the Board one mylar copy and four black line copies of the approved Final Plan. Sheet sized shall be in accordance with the requirements of the Rockingham County Register of Deeds. Space shall be reserved on the Plat for endorsement by four Board members. The Final Plat shall contain the following statement:

"The Subdivision Regulations and the Notice of Action of the Town of Candia are a part of the Plat, and approval of this Plat requires the completion of all the requirements of said Subdivision Regulations excepting only any relaxation of requirements granted in writing by the Board."

The Board shall cause one copy of the Plat to be recorded in the Rockingham County Registry of Deeds and shall deliver a copy to the Town for its records. All graphic material and presentations shall be on the surface of the mylar Plat which is suitable for writing. The act of recording an approved subdivision Plat shall not in itself constitute acceptance by the Town of any street or easement shown thereon.

**10.20 Failure to Record:**

No sale or transfer of land within the subdivision may be entered into until an approved subdivision Final Plat has been recorded in the Rockingham County Registry of Deeds. Approval of a Final Plat shall lapse if such Plat is not recorded in the Registry of Deeds within three years from the date of acknowledgment and acceptance of the Notice of Action (Section 10.17), unless the Planning Board extends the time.

**10.21 Modification of Official Map:**

When there exists an Official Map of the Town of Candia, the recording of an approved Final Plat shall without further action modify the Official Map. The act of modifying the Official Map shall not constitute acceptance by the Town of any street or easement shown thereon.

**SECTION III: STANDARDS FOR SUBDIVISION DESIGN**

**ARTICLE 11. GENERAL PROVISIONS**

**11.01 Compliance with Other Ordinances:**

All subdivisions shall be in harmony with the Master Plan and shall be in conformance with the Official Map, when such exists and shall be in conformance with other applicable Federal, State and local by-laws, ordinances and regulations. Where these Regulations are in conflict with such other ordinances or regulations, the more stringent of those setting the higher standard shall apply.

**11.02 Character of Land for Subdivision:**

Land of such character that it cannot, in the judgment of the Board, be safely used for building development because of danger to health or peril from fire, flood, poor drainage, excessive slope (25% or greater), or other hazardous conditions, and/or because of these conditions does not provide a contiguous acceptable area of 50% of the minimum lot size, shall not be platted for residential, commercial, industrial or institutional subdivision, nor for such other uses as may increase danger to life, property or the environment. Land with inadequate characteristics or capacity for on-site sanitary sewage disposal shall not be subdivided for residential, commercial, industrial or institutional subdivision purposes unless each lot is connected to a public sewer system.

**11.03 Prohibition of Premature or Scattered Subdivision:**

Scattered or premature subdivisions of land as would involve danger or injury to health, safety or prosperity by reason of inadequate water supply, drainage, transportation, school, fire protection or other public services, or would necessitate an unplanned and/or excessive expenditure of public funds for the supply of such services, shall not be approved by the Board.

**11.04 Off-site Improvements:**

If, upon the finding of fact, the Board determines that the proposed subdivision will adversely affect existing public facilities, such as streets, sidewalks, drainage, sewer and water supply, causing them to be inadequate to meet the additional needs created by the subdivision, then the subdivider shall pay for such upgrading of the public facilities to an extent necessary to protect the public interest. If other properties benefit from the upgrading of such off-site public improvements, the Board shall determine the portion of the cost to be paid by the subdivider, taking into consideration the following elements:

- a) The character of the area



- b) The extent that other public and private property will be benefited by the upgrading, and
- c) Any other factors that the Board deems appropriate to establish a rational connection between the needs created by the subdivision and the amount to be paid by the subdivider.

**11.05 Preservation of Existing Features:**

Prominent natural and archaeological features within a subdivision such as trees, shrubs, scenic points, brooks, streams, rock outcroppings, water bodies, stone walls, boundary markers, historic markers and historic landmarks, shall be preserved and protected to the maximum extent possible by the subdivider. The subdivider shall demonstrate to the satisfaction of the Board the manner by which said existing features will be protected.

**11.06 Fire Protection and Fire Suppression Water Source Requirements:**

All Major subdivisions shall meet the approval of the Candia Fire Department regarding fire prevention, protection, emergency access and fire suppression water source requirements and shall conform to the specifications in Section IV, article 19.14. Minor subdivision of less than 3 lots may receive a waiver from fire suppression if safety is not a concern.

**11.07 Sewage Disposal Requirement:**

No subdivision of land will be approved by the Board where it creates a lot or site that will not meet the minimum design, construction standards, and requirements imposed by the State of New Hampshire Water Supply and Pollution Control Division regarding subdivision for building purposes, and any standards imposed by the Town of Candia regulations. Unless the proposed subdivision will be connected to a public sewage or other state-approved central sewage system, all proposed lots or sites shall include an "approval for subdivision for building purposes" for at least one subsurface disposal system on each such lot or site, in accordance with the most recent regulations of the New Hampshire Water Supply and Pollution Control Division. In minor subdivisions, for lots greater than 5 acres which meet land character requirements (Article 11.02), an opinion by a registered Professional Engineer that a suitable site for a subsurface disposal system exists, may be substituted for state approval. In minor subdivisions, for lots greater than 10 acres which meet land character requirements (Article 11.02), a request for a waiver from this requirement may be made when supported by appropriate soil data. In all instances where state approval was not required, the plat shall specifically indicate on each such lot that neither state approval for an on-site subsurface disposal system has been applied for nor has been granted.

**11.08 Liability for Public Use of Land:**

On land required to be dedicated for public use, the subdivider shall file a statement in writing accepting liability for personal injuries and/or property damage arising from any negligence of the subdivider or agents of the subdivider suffered by any person

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or to the property of any person until such offer of dedication is accepted by the Town. In addition, the subdivider's statement shall acknowledge responsibility for the maintenance of the easement areas until such time as the areas are dedicated and accepted by the town or transferred to an association of owners or the like. The subdivider shall furnish evidence of sufficient insurance coverage with regard to such liability in an amount and form satisfactory to the Town legal counsel and the Selectmen. This statement required of the subdivider shall be approved as to form and substance by the Selectmen after review by the Town legal counsel.

**11.09 Groundwater Protection:**

*The quality of groundwater as defined in RSA 485-C: 2 VIII shall not be adversely affected by the proposed development. The applicant shall certify that the proposed development does not violate the rules and regulations of Chapter 485-C Groundwater Protection Act with regard to groundwater and shall meet the following requirements:*

**A. *Groundwater Pollution Monitoring Devices:***

*Any proposed or expanded site with the potential for contaminate leaching shall have provision for suitably designed and approved monitoring wells installed around the perimeter of the site. Said design and installation shall be approved by the Planning Board through its Town's Engineer at the expense of the applicant.*

**B. *Surface Drainage Control Measures:***

*Any proposed or expanded site with the potential for surface run off degradation shall have provision for the containment and diversion of surface water runoff to suitable and approved catchment facilities. Said design and construction to be approved by Planning Board through its Town's Engineer at the expense of the applicant. (August 4, 2010)*

**ARTICLE 12. LOT AND SITE LAYOUT**

**12.01 Compliance with Zoning Ordinances:**

The general layout of lots, lot sizes and dimensions, sites and buildings shall conform to the requirements of the Candia Zoning and Wetlands Ordinances in effect at the time of application.

**12.02 Lots on Public Streets:**

All lots shall abut and have frontage access on a regularly maintained public street or at the discretion of the Board, on a street planned, built and maintained to Town specifications and standards.

**12.03 Entrance into Public Streets:**

Where lots abut existing Town, State or Federal streets, there shall be a minimum number of driveways and/or streets entering into said Town, State or Federal streets. Lots which can be serviced by both existing town roads and a proposed road shall be accessed from the proposed subdivision road. Double frontage and reverse frontage lots may be allowed where essential to provide separation of residential development from traffic arteries. A planting screen easement of at least 10 feet, and across

which there shall be no right of access, shall be provided along the line of lots abutting such a traffic artery.

**12.04 Marking of Lots:**

At the earliest practical stage during the application, the subdivider shall place on the ground clearly observable survey stakes or ribbons marking the corners of all proposed lots or sites. At the time of submission of the Final Plat, the subdivider shall place granite blocks with adjacent iron detection pins at the corners of all lots. Use of slash marks on trees, paint on rocks and drill holes in small boulders to identify permanent boundary lines is prohibited.

**ARTICLE 13. OPEN SPACE AND COMMON AREA REQUIREMENT**

**13.01 Reservation of Land:**

When deemed necessary in the judgment of the Board, land for recreation areas, schools and other municipal needs within a subdivision shall be reserved. The Board shall determine whether such land shall be deeded to the Town or shall be reserved for the common use of all property owners of the subdivision by covenant in the deeds to the lots. All areas to be reserved for recreation, schools or other requirements shall be of reasonable size, slope and character.

**ARTICLE 14. STREET LAYOUT AND DESIGN**

**14.01 Conformance with Official Map:**

The layout of all streets shall conform to the Official Map, if such exists.

**14.02 Conformance with Construction Standards:**

All streets whether existing or proposed and all bridges, culverts, drainage structures, storm drains, gutters, drainage ditches, sidewalks and any other improvements shown on the Final Plat and/or required by any accompanying documents shall be constructed in conformance with the Standards for Subdivision Design and the Standards for Subdivision Construction adopted by the Town of Candia, New Hampshire.

**14.03 Utility Connections with Existing Subdivision:**

When utilities are to be installed between the proposed street patterns and any connecting street in an existing subdivision, they shall be indicated on the Final Plat.

**14.04 Adjustment of Alignment of Right-of-Way:**

When a subdivision abuts an existing street and the right-of-way width of such street is rendered inadequate because of the needs created by the proposed subdivision, the subdivider shall include in the street dedication all land needed to provide access and right of way to said street. Such a dedication shall be shown on the Final Plat.

**14.05 Harmony with Topography:**

Street patterns shall give due consideration to contours and natural features. Subdivision streets shall be laid out to blend with the topography.

**14.06 Street Patterns and Extensions:**

The layout of the street pattern shall be based on a minor street system connected to a collector street system connected to an arterial street system, in conformance with the standards set forth in Article 14.15. In addition, streets shall be arranged to provide for extension or connection of eventual street systems necessary to develop abutting land in future subdivisions. Loop roads are preferred.

**14.07 Traffic Deterrents:**

Minor residential streets shall be designed to discourage through traffic. Said methods of traffic deterrents may take the form of undulating street lines and other forms of passive traffic controls.

**14.08 Curb Cuts:**

Curb cuts of minor and collector streets onto arterial streets and of collector streets onto arterial streets shall be kept to a minimum. Curb cuts of private driveways onto arterial streets and of minor streets onto arterial streets shall be discouraged. A maximum of two driveways (curb cuts) per lot shall be permitted.

**14.09 Intersections and Grades:**

Streets shall intersect so that within 75 feet of the intersection the street lines are at right angles, and in no case shall said angle be less than 75 degrees. The grade within 100 feet of an intersection shall not exceed +/- three percent. No structure or planting shall impair corner visibility.

**14.10 Multiple Intersections:**

Multiple intersections involving a junction of more than two streets shall be prohibited. Four-way intersections shall be avoided on all minor streets. The minimum distance between center line offsets of successive intersections shall be 150 feet.

**14.11 Permanent Cul-de-Sac Streets:**

A permanent cul-de-sac street in excess of 1,000 feet may be permitted at the discretion of the Planning Board provided that public safety issues are addressed. The maximum 1,000 foot length shall be measured from the intersecting center line of the closest class V or better road to the center point of the turn around. A cul-de-sac street shall not be brought to the property boundary line, but shall be placed so that the lots are contiguous with the property line of the subdivision. The cul-de-sac shall be designed for storm drainage and provided with proper turn around termination, as specified in Section IV, Article 19.16. The minimum length of a cul-de-sac shall be 400 feet and the maximum road grade within the cul-de-sac shall be identified at 4% maximum.

**14.12 Temporary Cul-de-sac Streets:**

Temporary cul-de-sac streets shall not be allowed. In the case of temporary streets, where future extension to another outlet is approved by the Board, the full width of the right-of-way shall be shown on the plat. Provisions shall be made for future extension of the street through to adjacent property and for reversion of the excess right-of-way to the adjoining properties. A temporary turn around shall be designed with proper turn around termination as specified in Section IV, Article 19.18.

**14.13 Dead End Streets:**

Dead end streets which do not end in a cul-de-sac conforming to Article 19.16 shall be prohibited.

**14.14 Tree Plantings:**

The Board may require the planting of trees and/or shrubs within the street right-of-way in those subdivisions where, due to the nature and character of the land, it would be appropriate. Such plantings shall be indicated on the Final Plat.

**14.15 Classification of Streets:**

Classification standards for street design shall be as set forth below:

STANDARDS FOR STREET DESIGN

	Minor	Collector	Arterial
Number of Units	1 – 30	31 - 50	50+
Average Daily Traffic (a)	1 – 300	300 - 500	500+
Minimum Right-of-Way (b)	60'	60'	60'
Minimum Paved Travel Surface Width	22'	22'	24'
Minimum Shoulder Width (each side)	4'	4'	6'
Minimum Horizontal Curve Radii	300'	575'	950'
Minimum Vertical Curve Radii	200'	300'	400'
Maximum Profile Grade	7%	6%	5%
Minimum Profile Grade	1%	1%	1%
Minimum Stopping Sight Distance	250'	300'	400'

Minimum "K" Value \*

\* K is defined as the length of the vertical curve divided by the algebraic difference of the tangent grades entering and exiting the vertical curve. K indicates numerically that the

combination of the length of curve and the tangent grades provide adequate sight distance at a particular speed.

- (a) Shall be future anticipated traffic (assuming 10 trips per day per dwelling unit)
- (b) All cross-section horizontal distances shall be measured perpendicular to straight-line sections and radial to curved sections.
- (c) Sight distance is the distance along a roadway that an object of specified height is continuously visible to the driver. This distance is dependent on the height of the driver's eye above the road surface, the specified object height above the road surface, and the height of sight obstructions within the line of sight. The height of the driver's eye is considered to be 3.5 feet above the road surface. The height of the object is 30 inches above the road surface. The minimum sight distance shall be all-season sight distance of 2.5 feet above finished grade.

**14.16 Roadways in Commercial and Industrial Zones:**

All roads in Commercial and Industrial zones shall comply with the design and specifications of an Arterial Street.

**14.17 Marking of Proposed Streets:**

At the earliest practical stage during the application the subdivider shall place on the ground clearly observable survey stakes or ribbons marking the center line of all proposed streets.

**14.18 Street Rough-Grading:**

Streets shall be rough-graded to the minimum extent necessary to provide for the construction of paving surface and required drainage features. Trees, stone walls and other natural features shall be protected and preserved whenever possible.

**14.19 Alteration of Right-of-Way or Travel Surface:**

The Board will require greater width of right-of-way and/or travel surface where in the judgment of the Board, the demands of present or future traffic make it desirable or where topographic conditions create a need for greater width for grading.

**14.20 Curbing:**

The Board may require curbing with a closed drainage system in urban or village areas. All curbing shall be sloped granite curbing only.

**14.21 Pedestrian Walks, Sidewalks:**

Where necessary in the judgment of the Board, rights-of-way for pedestrian access shall be required between parts of the subdivision or between a subdivision, a school, and/or other public property. When such need has been created by the subdivision, the Board may require the subdivider to provide sidewalks outside the subdivision.



**14.22 School Bus Boarding Area:**

Boarding areas shall be required by the Board where deemed necessary.

**14.23 Street Lighting:**

The Board shall require the installation of street lighting in any subdivision where it deems it necessary.

**14.24 Naming of Streets:**

No Street shall have a name which will duplicate or closely duplicate the name of an existing street. The continuation of an existing street shall have the same name. The names of public ways shall be approved by the Board.

**14.25 Street and Traffic Control Signs:**

Street and traffic control signs shall be furnished and installed by the sub divider, as directed by the Planning Board or its designated agent. A stop sign shall be placed at intersection where the street intersects with existing street or road. All cul-de-sac streets shall have appropriate signage to indicate that this is not a through street.

**ARTICLE 15. UTILITIES, DRAINAGE AND SEWAGE DISPOSAL**

**15.01 Provision for Utilities and Drainage:**

All subdivisions shall make adequate provision for water supply, storm water, sanitary sewage disposal, required utilities and improvements.

**15.02 Avoidance of Flood Damage:**

All public utilities and facilities, such as sewer, gas, electrical and water systems shall be located, elevated, and/or constructed to minimize or eliminate flood damage. All utilities and drainage construction in subdivisions shall conform to the flood plain protection requirements of the Candia Zoning Ordinance.

**15.03 Installation of Utilities:**

All utility system installations shall be at the expense of the subdivider and shall be installed under the supervision of the Planning Board's designated agent.

**15.04 Installation of Laterals:**

The subdivider shall install laterals from all utilities in the street right-of-way to 5 feet inside the property line of each proposed building lot within the subdivision.

**15.05 Underground Placement of Utilities:**

Electric, telephone, cable television distribution and alarm systems shall be placed underground, including services to street lights. The subdivider shall coordinate subdivision design with the utility companies to insure adequate and suitable area for underground installations. This design shall be on the Final Plat plan before final approval by the Board.

**15.06 Storm Water Drainage System:**

An adequate surface storm water drainage system for the entire subdivision area shall be provided by the subdivider. The subdivider shall provide a suitable designed on-site drainage retention system wherever needed, that shall carry storm drainage. Drainage calculations must be submitted by a licensed professional engineer and shall include both pre and post development runoff and sizing of all proposed drainage facilities. Otherwise, storm drainage shall be carried to existing watercourses or shall connect to existing storm drains. Storm water drainage shall not create additional flow over any adjacent property. For the purpose of preparing drainage plans, all storm sewers and subdivision drainage facilities shall be based on a one hundred year storm design flow.

**15.07 Sewage Disposal Design:**

The design of sewage disposal systems for all subdivisions shall meet the requirements of Article 11.07.

**ARTICLE 16. SEDIMENT AND EROSION CONTROL**

**16.01 Purpose:**

The purpose of this article is to control soil erosion and to prevent the resulting sedimentation from occurring in subdivision areas by requiring proper provision for water disposal and protection of soil surfaces during and after construction, in order to promote the public health, safety, convenience and general welfare of the community.

**16.02 Standards:**

The following standards shall be observed by the subdivider in the design, layout and construction of the subdivision:

- a. Stripping of vegetation, regarding or other development shall be done in such a way that will minimize on-site and off-site soil erosion.
- b. Whenever practical, natural vegetation shall be retained, protected and supplemented.
- c. The disturbed area shall be kept to a minimum, and the Duration of exposure shall not exceed 6 months.
- d. Temporary seeding and/or mulching shall be used to protect exposed critical areas during development.
- e. The subdivider shall make provisions to accommodate the Increased runoff caused by changed soil and surface conditions during and after development.

- f. The subdivider shall make reasonable effort to trap sediment in the runoff water until the disturbed area is stabilized by the use of sediment basins or other acceptable methods.
- g. Diversion, sediment basins and other erosion control mechanisms shall be constructed by the subdivider prior to any on-site grading or disturbance of existing surface material.

**16.03 Sediment and Erosion Control Plan:**

The Board shall require the filing of a plan incorporating the standards outlined in Article 16.02, and the proposed facilities. Plans developed for the State of New Hampshire Dredge and Fill and/or Site Specific Approval may be acceptable for this purpose.

**16.04 Notice of Intent to Initiate Construction Activity:**

Permit must be submitted to the EPA.

**ARTICLE 17. DISPOSITION OF EXCAVATION MATERIALS**

**17.01 Disposition and Excavation of Materials:**

Disposition of stumps, rubble, road construction material and brush which are unsuitable to be used as embankment fill shall be wasted to a designated area within the subdivision. Said wasting area shall not be within an undivided lot or the proposed street right-of-way. The wasting area shall be located by plan, copies of which shall be given to the Board and the eventual property owner. Waste areas shall be above ground water and capped with fill, loam and seeded. All Local, State and Federal regulations pertaining to disposal of solid wastes shall be met. Wasting areas shall be subject to the approval of the Board.

**17.02 Disposition of Construction Generated Materials:**

Construction generated materials shall not be wasted or burned on site.

**17.03 Hazardous Waste:**

Hazardous waste shall be disposed of in accordance with all applicable local, state, and federal regulations and not within the subdivision.

**SECTION IV: STANDARDS FOR SUBDIVISION CONSTRUCTION**

**ARTICLE 18. ADMINISTRATIVE PROVISIONS**

**18.01 Administrative Authority:**

During construction of an approved subdivision the Planning Board is the administrative authority for all regulations, not specifically the authority of the Selectmen.

**18.02 Administrative, Legal and Engineering Fees:**

Any expenses incurred by the Planning Board in the direct or indirect supervision, administration or evaluation of a subdivision construction shall be paid by the subdivider. Final approval for any proposed subdivision shall be conditional upon such payment.

**18.03 Time for Completion of Construction:**

The subdivider shall construct the subdivision and shall comply with all requirements of the Final Plat within four years from the date of signing the plat.

**18.04 Performance Bond:**

The subdivider shall execute and deliver to the Selectmen, in form acceptable to Town Counsel, a bond or letter of credit to ensure performance of all terms and conditions of Final Plat approval. The bond shall be provided in incremental amounts corresponding with construction cost estimates for each phase of the project.

- A. Amount of Bond: The Town Engineer and Road Agent shall furnish to the board an estimate of the full cost of all improvements for each phase of the project. Such estimate shall be reviewed by the Board's designated agent who will recommend the amount of the bond to the Board. The Board shall determine the final amount of the bond and shall notify the Board of Selectmen accordingly.
- B. Surety or Security: The subdivider's obligations as set forth in the performance bond shall be secured by surety or security as approved by the Selectmen, in form acceptable to Town Counsel. All documents evidencing or establishing the surety or security shall be prepared at the subdivider's expense and approved by Town Counsel.
- C. Reduction of Security: The security may be reduced by the Board of Selectmen during the course of construction in such amounts as deemed by the Planning Board to be in the best interest of the Town, but on the condition that the remaining security shall be sufficient to complete all remaining construction and provide adequate retainage. The subdivider may provide a construction completion schedule and the Board may partially release the bond in stages corresponding with completion of construction at predetermined intervals. Said release shall be in increments corresponding to the bonded increments required in 18.04.
- D. Release of Bond: 90% of the performance bond shall be released when the Selectmen are satisfied that the subdivider has complied with all requirements as set forth in the Final Plat. The decision to release the bond shall be based upon as assessment of the plans, the engineer's preparatory work for construction, engineering inspection during construction, the record drawing survey and the final plans on completed work. The Selectmen shall notify the Board that all conditions of the bond have been performed and shall have the authority to release the bond unless, after notification, the Boards directs otherwise.

- E. Retainage: The Board shall retain 10% of the total of the original bond to guarantee correction of latent defects and potential damage from erosion and sedimentation as required in Article 18.11.
- F. Enforcement of Bond: If the subdivider has not totally complied within four years of the date of the recording of the final plat in the Rockingham County Register of Deeds, the Town shall enforce its rights under the performance bond and the surety or security given it to secure it. In the event that the Town is required to enforce the bond, it shall be entitled to have reasonable attorney's fees paid by the subdivider and awarded by the Court.

**18.05 Modification of Design and Improvements:**

All alterations or modifications of the plans not approved by the Town Engineer, Road Agent, or Fire Chief need approval by the Planning Board, and copies of the proposed changes must be given to the Road Agent and Town Engineer if necessary before the alterations are made. If at any time before or during the construction of the subdivision the applicant determines that unforeseen conditions make it necessary or desirable to modify the location or design of any of the required improvements or installations, the Board may authorize such modification which shall be set forth in writing and signed by the Chairman of the Planning Board. No revision to approved plans shall be valid or binding until approved by the Planning Board.

**18.06 Inspection of Construction:**

Prior to commencing construction, the subdivider shall pay to the Town an amount of money estimated by the Board to fully compensate the Town for all inspection and testing charges deemed necessary. The subdivider shall notify the Selectmen and the Planning Board in writing of the time when construction is proposed to commence so the Selectmen may cause inspection to be made to insure that all Town specifications and requirements shall be met. It shall be the responsibility of the subdivider to notify the Planning Board during the period of construction when inspection is to be made.

**18.07 Certification of Compliance:**

The subdivider shall notify the Board in writing when all requirements of the Final Plat have been met. The subdivider's engineer shall certify compliance with the Final Plat, including total and/or partial recertification's of any original installations, guarantee of installation improvements or correction of deficiencies.

**18.08 Correction of Deficiencies:**

If it is determined that any of the required improvements have not been completed in accordance with the plans and specifications as filed by the subdivider and as required by the Town, the Selectmen shall notify the subdivider in writing of any such deficiencies. The subdivider shall rectify all deficiencies at the expense of the subdivider. If the subdivider does not substantially rectify all deficiencies within a reasonable time as determined by the Town, the Town shall take all necessary actions to protect and preserve the Town's rights and interests including suspension or revocation of Final Plat approval. In the event of legal action, the Town shall be

entitled to have reasonable attorney's and engineer's fees paid by the subdivider and awarded by the court.

**18.09 Guarantee of Installation of Improvements:**

For a period of two years after completion of all improvements or one year after the correction of all deficiencies as described above, whichever comes last, if the Selectmen determine that the improvements have failed for any reason or do not meet the specifications as filed by the subdivider and as required by the Town, the Selectmen shall notify the subdivider in writing of such failure and the subdivider shall rectify all failures at the expense of the subdivider. If the subdivider does not substantially rectify all deficiencies within a reasonable time as determined by the Town, the Selectmen shall take all necessary action to protect and preserve the Town's rights and interests. In the event of legal action, the Town shall be entitled to have reasonable attorney's and engineer's fees paid by the subdivider and awarded by the court.

**18.10 Damage to Adjacent Public and Private Property, Drainage Facilities, Waterways, Streams and Brooks:**

If at any time before all public improvements are finally accepted by the Town and before the performance bond is totally released should any conditions within the approved subdivision cause damage to adjacent public or private property, drainage facilities and waterways, streams and brooks, including but not limited to soil erosion and damage to standing vegetation, the Selectmen shall notify the subdivider in writing of such damage and the subdivider shall correct all damage within a reasonable period of time as set forth in the notice by the Town, the Town shall take all action necessary to protect and preserve its rights and interests including injunctive relief. The Town shall be entitled to have reasonable attorney's and engineer's fees paid by the subdivider and awarded by the court.

**18.11 Correction of Defects:**

Upon completion of improvements and approval by the Town, the subdivider shall furnish a bond sufficient to correct defects and make required improvements for a period of two years from completion as may be required by the Selectmen in an amount based on the cost of such improvements. Said bond shall include an amount to correct any potential damage resulting from erosion or sedimentation, and shall be a minimum of 10% of the total of the original bond.

**18.12 Erosion Control after Construction:**

For a period of 18 months after completion of all improvements, the subdivider shall be responsible for the control of soil erosion and any resulting sedimentation, in accordance with the requirements of Article 16.

**18.13 Subdivision Record Drawing Plans:**

Following completion of all improvements, the subdivider shall submit a Record Drawing Plan. This plat shall be drawn to scale and shall indicate by dimensions, angles and distances, as applicable, the location of sewer and drain Y-branches, laterals, manholes, catch basins, hydrants, valves, curb shut-offs, road profiles and



center line elevations, and final grading plan showing swales and ditches. The plan shall show easements, dedicated roadways and roadbeds. The Record Drawing Plan shall be evaluated by the Board or its designated agent and any expenses associated shall be paid by the subdivider.

**18.14 Monuments:**

Permanent survey monuments shall be set in the boundary of rights-of-way at intersecting streets, point of curvature, and point of tangency of curves; the point of intersections of short curves may be used instead, where such is practical, at the discretion of the Board. Monuments shall be placed on one side of the street only and at only one corner of intersecting streets. Adjacent monumental points shall be in sight of one another. Monuments shall be referenced to a public street intersection, USGS benchmark or other recognized existing monument. Monument locations and benchmark locations and elevations shall be of granite, set adjacent to an iron detection pin, and not less than 4 inches in diameter or square, and not less than 48 inches long. Iron pipes shall not be considered permanent monuments for the purpose of these regulations. When a bound is to be placed in an existing stone wall, the monumentation may be an offset bound of a type acceptable to the Board.

All boundary markers to be set and certified before the plan is recorded. If this cannot be accomplished prior to recording the cost of the marker shall be bonded for an amount and type to be recommended by the Planning Board.

**18.15 Offer of Cession:**

Before signing the final approval for the construction of the subdivision, the subdivider shall convey all necessary deeds and documents pertaining to easements and right-of-way as may be required.

The road within the subdivision will not be considered to be accepted until the Planning Board and the Board of Selectmen have voted to accept the road and the selectmen have accepted the deed at a public hearing. As per Article 2:11 the Town will not be liable for any maintenance until the deed is accepted. An agreement may be made with the Town for winter maintenance at the developer's expense.

**ARTICLE 19. CONSTRUCTION SPECIFICATIONS**

**19.01 Conformance with Construction Standards:**

Compliance with the construction standards set forth below is required as a condition of acceptance of newly developed roads and improvements dedicated for public ownership.

**19.02 Settlement of Design & Road Construction Questions:**

The State of NH Department of Transportation Regulations shall be the final authority on any issues related to design and road construction.

**19.03 Pre-Construction Conferences:**

Least 10 days before any construction begins the subdivider will schedule a pre-construction meeting with the Board or its designated agent, Road Agent and Town Engineer. The purpose of the meeting will be to review the owner's means, methods and materials in relation to the construction of the subdivision, and to introduce all parties by opening the lines of communication.

**19.04 Clearing and Grubbing:**

Right-of-way width shall be cleared and grubbed to the minimum extent necessary to facilitate construction of the roadway surface and required drainage features. Trees, stone walls and other natural features shall be preserved whenever possible.

- A. Limits: The limits of clearing and grubbing areas shall be clearly defined prior to the pre-construction meeting defined in 19.03.
- B. Clearing: All trees, down timber, brush, bushes and debris within 5' (five feet) of a cut and fill area shall be cleared by cutting and proper disposal as described in Article 17.01.
- C. Grubbing: Stumps, roots, duff, grass, turf, debris and other unsuitable material will be removed within all excavation limits and fill limits where the embankments are to be made to a depth not more than 5' (five feet) below subgrade. Removal and disposal of all material shall be in conformance with Article 17.01.
- D. Inspection and Approval: All clearing and grubbing shall be conducted under the supervision of the Board or its designated agent.

**19.05 Excavation and Embankments:**

All material will be of suitable nature with no stumps, roots, sod or frozen lumps permitted. All excavation and embankments shall be brought within required lines and grades. Fine grading of the sub-grade shall be within 1/2" of the final grade.

- A. Suitable Material: Suitable material is free of debris, pieces of pavement, organic matter, topsoil, wet or soft muck, peat, clay, silt and all excavated ledge or rocks over 6" in largest dimension. Suitable material for re-use shall be approved for said re-use by the Board or its designated agent.
- B. Earth Excavation: Earth excavation shall consist of all material not classified as rock. Any suitable material may be used to flatten slopes where possible.
- C. Earth Embankments: Earth embankments shall consist of all suitable material other than rock. The soil shall be placed in layers not exceeding 12" in depth. Each layer shall be compacted to a minimum of 95% before successive layers are placed. Compaction tests shall be performed a minimum of one test per 300 feet of roadway.
- D. Rock Excavation: Rock excavation, required for the preparation of road sub-grade, shall consist of the removal of all solid rock which requires for its

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removal: blasting, wedging or sledging. In roadways, rock removal shall be to a depth of 2 feet below roadway sub-grade.

- E. Rock Embankment: Rock embankments shall consist of solid placed in not more than 2' lifts. Rocks shall be placed to the best advantage of roadway construction. All rock embankment plans, under roadways, shall be designed and stamped by a Registered Professional Engineer and shall incorporate use of a filter fabric or material needed to control particle migration between road bedding and rock embankment.
- F. Muck Excavation: Muck excavation shall consist of the removal and disposal of organic matter, which is not suitable for roadway foundation material. In those locations where the road alignment crosses swamp or marshlands or other similar soil that is incapable of supporting expected loads, such inadequate soil shall be entirely removed and replaced with suitable material. The Board or its designated agent shall require the subdivider to submit evidence either by boring tests or other investigation to determine the depth of composition and stability of the subgrade.

**19.06 Drainage:**

All culverts shall be reinforced concrete pipe class III, IV or V. Pipe shall be bell and spigot or tongue and groove type with elastomeric oil resistant compression ring jointing. All pipes shall have a minimum cover of 3 feet. Minimum culvert size shall be 15". Class III shall be used under shoulder and green areas, class IV under roadways and class V under fill areas deeper than 15'.

**19.07 Catch Basins and Headwalls:**

Catch basins shall be constructed of precast reinforced concrete and shall be designed to withstand H-20 and/ or HL-93 wheel loadings, or as directed by the Board or its designated agent. Headwalls shall be constructed of native fieldstone and mortar.

- A. Backfilling: All culverts, catch basins and headwalls shall be backfilled with suitable material in maximum 12" lifts to 95% compaction when compared to the suitable materials standard optimum proctor value.
- B. Inspection: All materials supplied for the project shall be in compliance with subdivision and Town regulations pertaining to the material, and shall be so certified by the vendor.

**19.08 Sib-Base Specifications:**

Roadway sub-base material shall consist of a minimum of 12 inches of sand and 12 inches of gravel. Sand and gravel shall meet the following specifications:

**SAND**

Sieve Size	% passing by weight
6 inch	100
No. 4	70-100
No. 200	0-12

**GRAVEL**

4 inch	100
No. 4	25-70
No. 200	0-12

**19.09 Base Material:**

Roadway base material shall consist of a minimum of 6 inches of crushed gravel. Crushed gravel shall meet the following specifications.

**CRUSHED GRAVEL**

Sieve Size	% passing by weight
3 inch	100
2 inch	95-100
1 inch	55-85
No. 4	27-52
No. 200	0-12

**19.10 Compaction:**

Finish grade and sub-base grade material shall be thoroughly compacted in lifts not to exceed 6". Final compaction shall be equal to or greater than 95% of the base or sub-base standard optimum proctor value.

**19.11 Surface Course:**

Surface layer shall consist of one 2 ½ " layer of Type B binder course, and one 1 ½ " layer of Type E wearing course. Surface course work shall conform to all requirements listed in Section 401 of the NH DOT standard specifications including

the requirements for materials, batch and drum plants, hauling, placing, compacting, joints, and surface tolerances.

- A. Approval of Paving Materials and Contractor: The Planning Board or its designated agent shall approve the paving material and contractor to be used on the project.
- B. Representation: A representative from the Town shall be present during all paving operations.

**19.12 Profiles:**

Typical road profiles are shown in Appendix B.

**19.13 Miscellaneous Items:**

- A. Utilities: Utilities will be placed after the project has been brought to subgrade and rough slope work has been completed. The lines will be inspected by their respective companies and letter of acceptance will be provided to the Board or its designated agent.
- B. Bituminous Concrete Sidewalk: All bituminous concrete Sidewalk shall be placed in 2 courses and shall meet the current NH Department of Transportation construction standards for 2 inch bituminous sidewalk. Bituminous sidewalks shall have a base course consisting of a minimum 9" deep layer of crushed gravel meeting the gradation requirements of 19.09.
- C. Guard Rail: Beam guard rail shall be required where roadway fill slopes are steeper than a 4:1 slope or in any other location where a road side hazard is determined to exist. Final guardrail locations shall be determined by the board or its designated agent and shown on the final plat. All guardrails shall meet the current requirements of the NH Department of Transportation Standard Specifications for Roads and Bridges for Beam Guard Rail. Wire or wood guard rail shall not be permitted.
- D. Topsoil: Topsoil shall consist of a loose friable soil with no admixture, refuse or material toxic to plant growth. Topsoil shall be free from stones, lumps, stumps or similar objects larger than 2" in greatest diameter. Prior to stripping material to be used as topsoil, it shall have demonstrated by the occurrence upon it of healthy crops, grass or other plant growth, that it is of good quality and reasonably free drainage. All topsoil material shall be approved for use by the board or its designated agent. All disturbed areas shall receive a 6" layer of approved topsoil.
- E. Seeding: All graded areas shall be seeded with the Rockingham County Slope mix (USDA approved) at the rate of 65 lbs. per acre.

F. Fertilizer: All seeded areas shall be fertilized with an appropriate type of fertilizer and application rate for the existing soil type.

G. Mulch: All seeded areas shall be mulched within 24 hours of seeding. A good quality of mulch hay shall be used and applied at the rate of 2 tons per acre.

**19.14 Fire Protection:**

An adequate fire suppression water source is required for any of the following:

1. A major subdivision creating 9 or more dwelling units,
2. A major subdivision more than 1000 feet from an arterial road
3. A subdivision with multi-family structures of three or more dwelling units, or
4. Any commercial and/or industrial subdivision

Actual water supply requirements will be determined by the use, type of construction, and fire load inside the building(s) or of the number of residential units within a development.

For residential subdivisions, an additional water supply must be included as specified in Section 19.14 A per each addition of houses up to 9. The additional water supply can be met by additional cisterns, individual building sprinkler systems, or an approved fire pond if a natural water supply is present on the site.

If cisterns are chosen as the water supply, the volume and construction of the cistern shall be a minimum supply consisting of a 30,000 gallon, 20 year warranty fiberglass tank which the property owner shall be responsible for maintaining access to. The required number of cisterns shall be as follows:

# of houses	# of cisterns
4-9	1
10-18	2
19-27	3

If sprinkler systems are chosen to meet the water supply requirements, the systems shall be designed and installed in accordance with NFPA Standard 13 for commercial and industrial buildings, NFPA Standard 13D for single family structures and NFPA Standard 13R for multi-family structures.

The fire department may, at the discretion of the Chief, require the developer to contribute the cost for the installation of an on-site cistern or fire pond to the Town of Candia Water Supply Capital Reserve Fund if it is determined that this option will improve the overall fire protection of the Town

A. Adequacy: A water supply using a cistern is deemed adequate if it is capable of providing 30,000 gallons of water during the driest time of the year. Fire



suppression ponds shall contain a minimum of 90,000 gallons of water. More than 9 homes shall require an additional water supply.

- B. Upgrading an existing source: If a fire suppression water source is located on a proposed subdivision but is not deemed adequate by the Chief of the Candia Fire Department, it will be the responsibility of the subdivider to upgrade the storage capacity to conform with article 19:14 A. Costs incurred for the upgrading will be the responsibility of the subdivider.
- C. All new driveways shall have a minimum 10-foot drivable surface capable of supporting fire apparatus. There shall be a 3-foot clear area on both sides of the driveway with a minimum clearance height of 12 feet, and a maximum grade of 10%.
- D. Street address numbers shall be a minimum of 4" high with a contrasting background and posted on a minimum 4 x 4 post or mailbox within 10' of the roadway. Existing structures less than 20' from the road may display the address numbers on the building. The street address shall be obtained from the Fire Department prior to obtaining a building permit and be posted prior to the commencement of any construction activity Temporary markers shall be allowed with prior approval of the Fire Department.

**19.15 Construction of a Fire Suppression Water Source:**

All construction for a Fire suppression water source shall meet the following specifications:

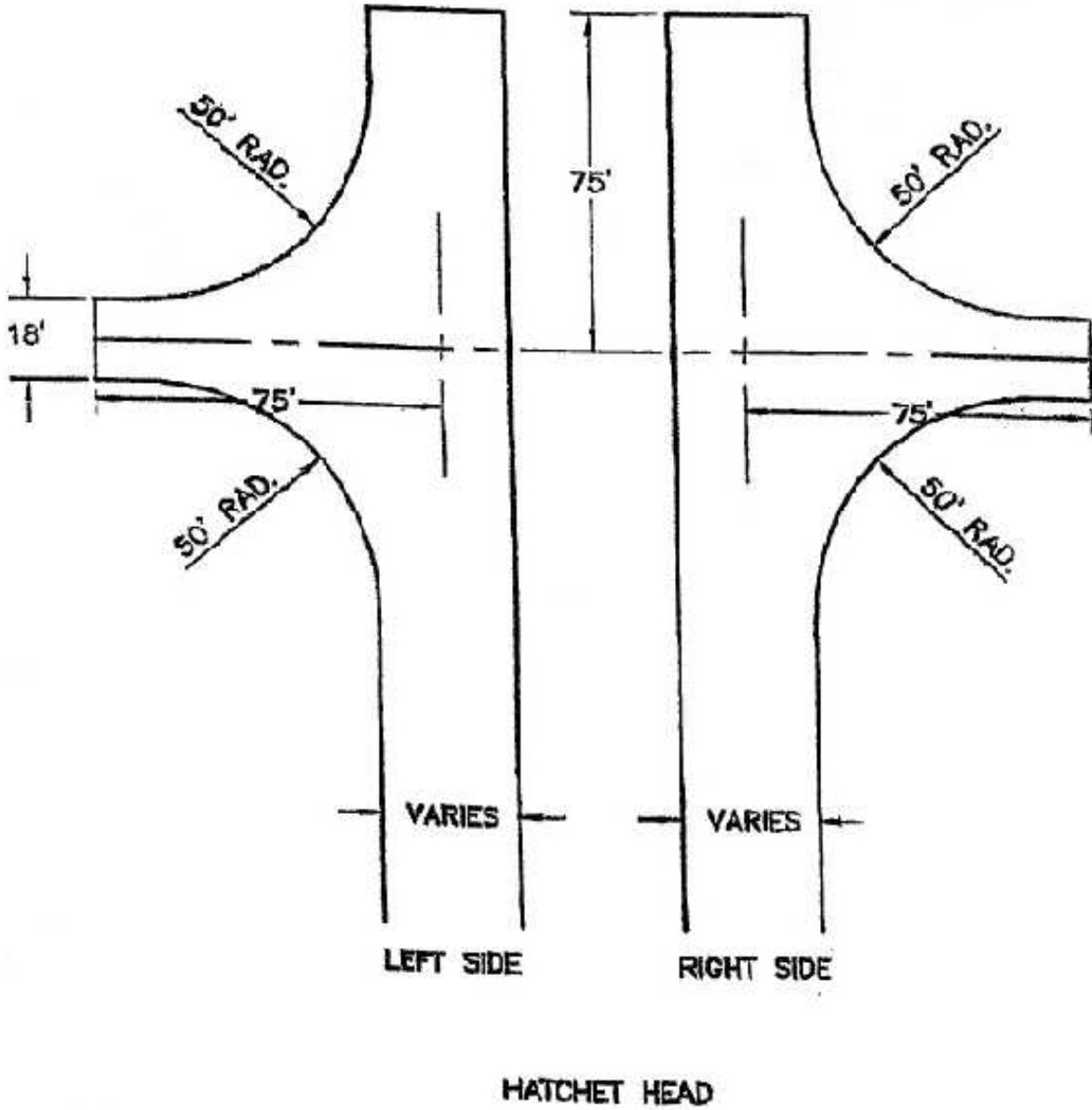
- A. The piping system will be constructed of non-corrosive P.V.C. pipe and fittings.
- B. Piping for dry hydrants and cistern supply lines will be schedule 80 with a minimum diameter of 8" to be reduced at the dry hydrant steamer connection.
- C. The dry hydrant head will be equipped with a female N.S.T. 6" diameter fire department hydrant connection, and will be no higher than 24" nor less than 20" from the finished grade, to the outlet center line.
- D. Finished grade will be no less than 4" or more than 10' above the high water table.
- E. The piping will be equipped with an inlet strainer, capable of a minimum of 1,500 G.P.M. to be constructed of the same non-corrosive material.
- F. The top of the inlet strainer will be no less than 18" from the bed of the water supply and will have a minimum of 36" between the strainer surface and the low water line.
- G. The dry hydrant will be located not less than 22 feet or more than 24 feet from the edge of the paved roadway or as per Town of Candia requirements.

- H. The dry hydrant will be located at the inner edge of a pull off area. Pull off areas are to be constructed with the same material and specifications required for the roadway, with a minimum width of 25' and a minimum length of 40' to be parallel with the roadway or as per Road Agent. All pull off areas are to be on a level area unless a waiver is granted by the Fire Chief.
- I. The fire suppression system will be constructed so as not to create any life-safety or traffic hazards.
- J. Where there is an existing acceptable water source; it may be utilized in place of constructing one, provided a hydrant and pull off area are constructed.
- K. Gallonage required for a fire pond is 25,000 gallons for each living unit, (one family is one unit, four families are four units), with a minimum of 125,000 gallons and a maximum of 500,000 gallons. A fire pond must fill naturally and shall be fenced in with an access gate in the front for the fire department, if in the opinion of the Fire Chief; the pond presents an undue hazard to public safety. Cisterns will be filled and maintained originally by the applicant. Cisterns are to be filled with clean water, not pond or swamp water.
- L. Piping will have a minimum of 5' earthen coverage, (suitable frost free material) laid in a manner eliminating all potential pockets.
- M. The subdivider/developer is responsible for the construction of the fire suppression water source.
- N. All subdivisions of 9 or more living units or with the future potential of 9 or more units will have sources of water for fire suppression.
- O. The town shall have a deeded right-of-way to allow access and repair to the system.
- P. System shall be in place and approved prior to the issuance of any Certificate of Occupancy.
- Q. Beaver ponds are not considered acceptable as fire suppression water sources.
- R: All detention ponds, fire ponds, and cisterns shall be deeded to the Town with access to the area for upkeep and repair and shall not be included in the acreage for the lot where they are located.



**19.17 Temporary Turnaround Design:**

A) Left and Right Hatchet Designs:



## **SECTION V: DEFINITIONS**

### **ARTICLE 20. DEFINITIONS**

**Abutter**: Shall mean 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. For purposes of receiving testimony only and not for purposes of notification, the term "abutter" shall also include any person who is able to demonstrate that such person's land will be directly affected by the proposal under consideration.

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

**Approval, Conditional**: Shall mean an expression by the Planning Board that the plat is approved, but requires additional information or must meet specific conditions for the approval to be valid. Conditional approval does not constitute, nor should be construed as approval, either implied or granted, of the Final Plat, nor does it bind the Planning Board to approval of the Final Plat.

**Board**: Shall mean the Planning Board of the Town of Candia, New Hampshire.

**Bond, Performance**: Shall mean a bond filed with the Board of Selectmen whose purpose is to ensure that work specified by the Planning Board is completed satisfactorily. The amount of the bond shall be recommended by the Planning Board with such assistance as it deems necessary. This amount shall be sufficient to cover all costs for completion of the work by the Town in the event that the applicant defaults. In all other respects, the action of the Board shall be governed by NH RSA 674:36.

**Boundary Agreement**: A Boundary Agreement is an agreement between adjoining owners of real estate for the purpose of establishing a common boundary.

**Condominium**: Real Property and any interests therein, lawfully submitted through the recording of condominium instrument pursuant to the provisions of Chapter 356:9 NH Revised Statutes Annotated. No project shall be deemed a condominium unless the undivided interests in the common area(s) (all portions of the condominium other than the units) are vested in the unit owners.

**Certified Soil Scientist**: A person qualified in soil classification and mapping, who is certified by the State of New Hampshire Board of Natural Scientists.

**Cluster Subdivision**: when permitted by zoning ordinance is an optional form of subdivision which provides for lots of reduced dimensions and the sharing of open space.

**Driveway**: Shall mean a vehicular entrance to public or private land built for direct access to a garage, residence, business, or off-street parking area serving not more than 2 adjacent dwelling units. Maximum number of driveways (curb cuts) per lot shall be two.

**Easement**: Shall mean an acquired privilege or right of use acquired in the land of another and is used to create facilities for access, space for emplacement of public utilities and right-of-way, both in favor of the municipality and/or in favor of its residents. It shall include, without limitation, streets and roads, electronic telephone utilities, vehicular and pedestrian traffic, sidewalks, water, storm drainage and sanitary sewer utilities, pipelines, street lighting, slopes, ingress and egress, construction and conservation easements.

**Endorsement**: Shall mean certification of approval of a Final Plat, as evidenced by the signatures of the Chairman of the Planning Board and three board members, on the Final Plat.

**Engineer**: Shall mean an individual licensed to practice engineering in the State of New Hampshire.

**Erosion**: Shall mean the wearing away of land surface by the action of wind, water or other natural forces.

**Final Plat**: Shall mean the final drawing or drawings on which a plan of subdivision is indicated, prepared as required under the provisions of Article 10 of these Regulations.

**Lot**: Shall mean a single parcel of land in the same ownership throughout as shown on or described in an instrument recorded in the Registry of Deeds.

**Lot Line**: Shall mean the property line dividing a lot from a street right-of-way, a body of water or adjacent property.

**Lot Line Adjustment**: A Lot Line Adjustment is an exchange of land or the transfer of part of one lot to the adjoining landowner where such exchange or transfer does not convey an area of land equal to the minimum lot size.

**Manufactured Housing Cluster Subdivision**: an optional form of subdivision for manufactured housing allowing the division of land into lots of reduced dimensions and the sharing of open space.

**Master Plan**: Shall mean the comprehensive plan or plan of development for the community as adopted by the Planning Board under RSA 674:4.

**Official Map**: Shall mean the Zoning Map for the Town of Candia, New Hampshire.

**Open Space**: Shall mean a recreational area that includes either private or public facilities for both active and passive types of recreation including playgrounds, parks and undeveloped land of all types and at all levels.

**Planned Residential Development**: a form of subdivision intended for mixed housing types, from single-family to multi-family, in which buildings are grouped in patterns which allow a large percentage of open space to be retained for common use.

**Plat**: Shall mean Final Plat.



**Preliminary Layout**: Shall mean a plan of a proposed subdivision prepared as required in Article 10 of these regulations and submitted to the Board for consideration prior to preparation of the Final Plat.

**Right-of-Way**: Shall mean a strip of land used for or intended to be used for a street, cross-walk, water main, sanitary or storm sewer main or for other special use including public use. The usage of the term for land platting purposes in these regulations shall mean that every right-of-way hereafter established and shown on a recorded plat is to be separate and distinct from the lots and parcels adjoining such right-of-way, and is not to be included with the dimensions or areas of such other lots or parcels.

**Sediment**: Shall mean solid material, both mineral and organic, that is in suspension, is being transported or has been moved from its site of origin by air, water or gravity as a product of erosion.

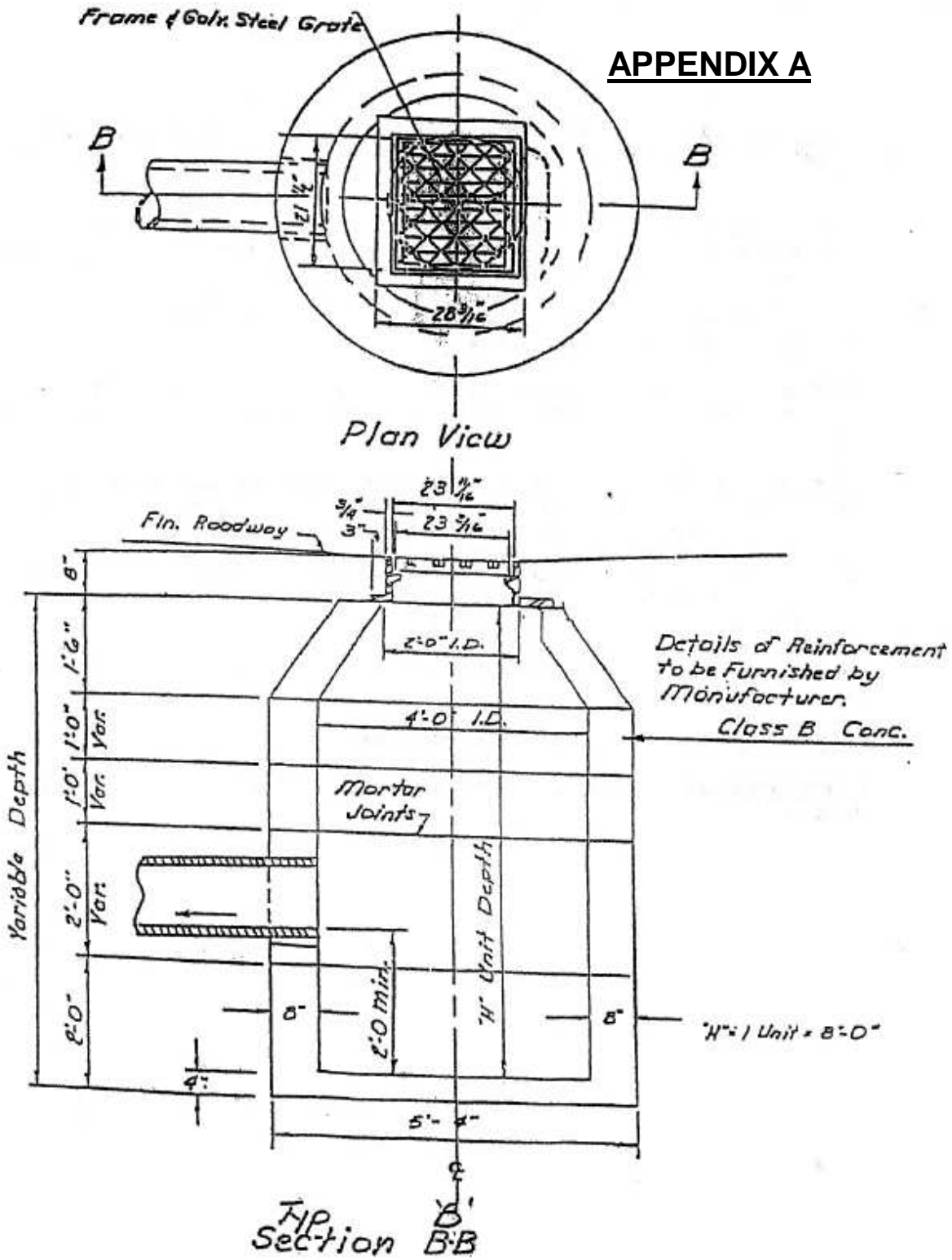
**Subdivision**: Shall mean the division of a lot, tract or parcel of land into two or more lots, plats, sites or other division of land for the purpose, whether immediate or future, of sale, rent, lease, condominium conveyance, building development or other form of conveyance. When appropriate to the context, subdivision refers to the process of subdividing, or to the land subdivided. The division of a parcel of land held in common and subsequently divided into parts among the several owners shall be deemed a subdivision. A division of land resulting from the laying out of a public street or streets shall be considered a subdivision.

**Surveyor**: Shall mean a person duly registered and licensed as such under the laws of the State of New Hampshire.

**Town**: Shall mean the Town of Candia, New Hampshire.

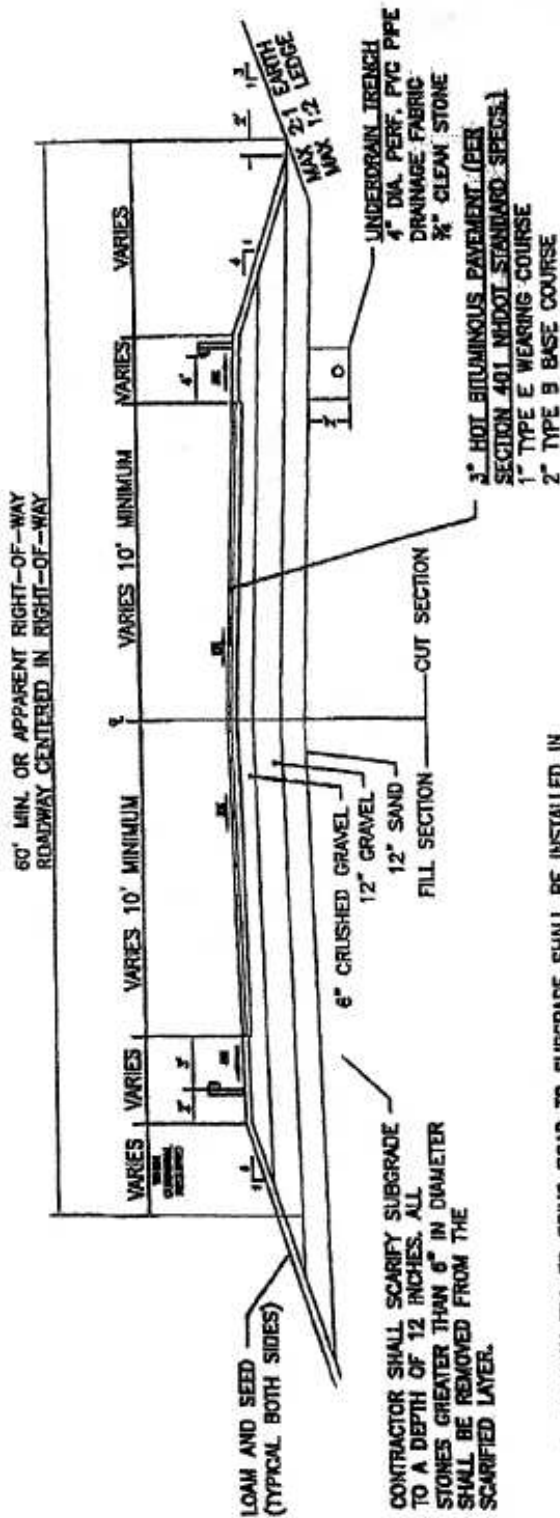
**Zoning Ordinance**: Shall mean the Zoning Ordinance for the Town of Candia, New Hampshire.

**APPENDIX A**



TOWN OF CANDIA, N.H.

## APPENDIX B



1. ALL ROADWAY FILL TO BRING ROAD TO SUBGRADE SHALL BE INSTALLED IN LIFTS NO GREATER THAN 12" IN DEPTH.
2. ALL FILL SHALL BE COMPACTED TO 95% MINIMUM. COMPACTION TEST TO BE CONDUCTED NO FURTHER THAN 300 FT. APART.
3. GUARD RAIL REQUIRED FOR SLOPES STEEPER THAN 4:1.
4. UNDER DRAIN SHALL BE CONSTRUCTED AS REQUIRED BY THE TOWN'S CONSULTING ENGINEER. UNDER DRAIN TRENCH TO BE CONSTRUCTED WHEREVER FINISH GRADE IS 24" OR GREATER BELOW EXISTING GROUND. DETERMINATION OF THE NEED AND EXTENT FOR UNDER DRAIN SHALL BE MADE AT THE TIME OF SUB GRADE INSPECTION. UNDER DRAIN SHALL BE CONSTRUCTED ON THE UPHILL SIDE OF THE ROADWAY CUT.
5. ALL ROADWAY CONSTRUCTION SHALL CONFORM TO NHDOT STANDARD SPECIFICATIONS, LATEST EDITION.

TYPICAL ROAD CROSS SECTION

TOWN OF CANDIA, N.H.

REVISED JANUARY 2008

**APPENDIX C**

SCHEDULE OF FEES

A.	Application for Subdivision - Minor	\$100.00
	- Major	\$150.00
B.	Lot Origination Fee	\$75.00 per lot/ dwelling unit
C.	Boundary Line Adjustment	\$50.00
D.	Site Plan Review - Minor	\$75.00
	- Major	\$150.00
E.	Legal Notice (per hearing)	\$50.00
F.	Abutters (include owner and agent)	\$6.32
	<b>* Current rates established by the US Postal Service</b>	
G.	Driveway Permit	\$25.00
H.	Gravel Pit Permit	\$100.00
I.	Mylar Recording Fees: (22" x 34" sheet)	\$26.00 per sheet
	L-Chip Charge (6/2008 new fee)	\$25.00
	Delivery to Registry Charge	add \$20.00
J.	Fire Dept. Inspection Fee For Major Subdivisions	\$50.00

Rev. 6/07