

# **Town of Lyman, NH**

## **SUBDIVISION REGULATIONS**

**Adopted by the Lyman Planning Board following  
a public hearing held on May 7, 2014**

### Lyman Planning Board Members

Roberta Aldrich

Bruce Beane

Brian Wohlleb

Leslie Poore

Thomas Messner

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## **SECTION I**

### **PURPOSE**

The purpose of these regulations is (1) to promote the development of an economically sound and stable community in a manner consistent with acceptable standards for the municipality, (2) to provide uniform procedures and standards for observance by the Planning Board and developers and (3) to provide against such scattered or premature subdivision of land as would involve danger or injury to health, safety or prosperity by reason of the lack of water supply, drainage, transportation, schools, fire department, or other public service, or necessitate an excessive expenditure of public funds for the supply of such services.

## **SECTION II**

### **AUTHORITY**

Pursuant to the authority vested in the Lyman Planning Board by the voters of the Town of Lyman and in accordance with the provisions of Chapter 674, Sections 35-42, New Hampshire Revised Statutes Annotated, the Lyman Planning Board adopts the following regulations governing the subdivision of land in the Town of Lyman. As amended May 7, 2014.

## **SECTION III**

### **DEFINITIONS**

- 3.01 **ABUTTER** – “Abutter” means any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration by the local land use board. For purposes of receiving testimony only, and not for purposes of notification, the term abutter shall include any person who is able to demonstrate that his land will be directly affected by the proposal under consideration.
- 3.02 **LOT** – A parcel of land at least sufficient in size to meet the minimum zoning requirements for use, coverage and area and to provide required yards and other open spaces. Such lot shall have frontage on a street approved by the Planning Board and recorded at the Grafton County Registry of Deeds, or street listed by the Town of Lyman as a public street maintained by the Town. In no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of these regulations. A lot shall have boundaries identical with those recorded with the Grafton County Registry of Deeds.

- 3.03 **RE-SUBDIVISION** – Shall mean the further division of existing subdivision or any change of the lot size therein, or the relocation of any street or lot line in a subdivision.
- 3.04 **STREET** – “Street” means, relates to and includes street, avenue, boulevard, road, land alley, viaduct, highway, free way and other ways, but excludes driveways serving not more than two (2) adjacent lots whether or not maintained by public authority.
- 3.05 **SUBDIVIDER** – An individual, firm, association, syndicate, partnership, corporation, trust or any other legal entity, or agent thereof, that undertakes the activities governed by these regulations. The term “subdivider” is intended to include the terms “developer” and “builder.”
- 3.06 **SUBDIVISION** – “Subdivision” means the division of the lot, tract, or parcel of land into two (2) or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale, rent, lease, condominium conveyance or building development. It includes re-subdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided. The division of a parcel of land held in common and subsequently divided into parts among the several owners shall be deemed a subdivision. Minor lot line adjustments and boundary agreements are subject to subdivision review.

## **SECTION IV**

### **ADMINISTRATION AND APPLICATION PROCEDURES**

- 4.01 The Planning Board of the municipality, hereinafter called the Board, shall administer these regulations.
- 4.02 These Regulations shall apply to all subdivisions of land located within the boundaries of the Town of Lyman. No land shall be subdivided, nor is any parcel of land proposed in the subdivision sold, leased, transferred or developed until:
- the applicant has obtained final approval of the subdivision plan; and
  - the final subdivision plat has been recorded at the Grafton County Registry of Deeds.
- No disturbance of the land shall occur in anticipation of subdivision approval until the plat has been recorded at the Grafton County Registry of Deeds.
- 4.03 **PRE-APPLICATION**
- A. CONCEPTUAL** Prior to formal application for subdivision approval, an applicant may submit an application marked CONCEPTUAL, signed by the owner of the property, with 2 (two) copies of a sketch plan (no surveying or engineering) to be scheduled for a conceptual discussion, under RSA 676:4 II (a), with the members of the Planning Board and to provide the Board an opportunity to provide its input in order to assure conformance with current regulations. This

consultation shall neither bind the applicant nor the Board. This consultation shall be limited to conceptual discussions of the proposed development and in general terms of the desirability of the type of development and its conformance to the Master Plan and shall occur at a regular or special meeting of the Board. This consultation shall not require formal abutter notification, unless in the opinion of the Planning Board, the anticipated topics of discussion contain specific details of a future subdivision proposal generally reserved for the Completed Application Phase. Plan review under this Section shall not constitute formal acceptance by the Board under RSA 676:4, I (c), nor shall any plans submitted for conceptual consultation be deemed to be a Completed Application under that section.

**B. PRELIMINARY PLAN** The subdivider may, but is not required to, submit to the Board for review a Preliminary Plan of the proposed subdivision.

Applications to the Board for review of preliminary plans shall be filed with the Board or its designated agent on the appropriate form as approved by the Board, at least twenty-five (25) days before the regularly scheduled meeting. The Preliminary Plan may be drawn in pencil or ink, and shall be submitted in three (3) copies. Preliminary plans should show substantially the same information described in Section VI. However, dimensions may be approximate and data may be tentative. The preliminary plans should 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 an exception is granted by the Board or its agent. The Board shall give public notice, at the applicant's expense, to abutters and the general public of the Preliminary Plan review, as required under RSA 676:4, I (d). The review of the Preliminary Plan shall be conducted only at formal meetings of the Board. The Board may review the proposal in detail and receive testimony in person or in writing from any applicant, any abutter, or any other person as permitted by the Board. This phase in the subdivision review process is optional for the applicant and is made available by the Board in order to save expense and unnecessary changes later on. Such preliminary review shall bind neither the applicant nor the Board.

4.04 **COMPLETED APPLICATION** A Completed Application sufficient to invoke jurisdiction of the Board shall be submitted to and accepted by the Board only at a public meeting of the Board with notice as provided in 4.07. The applicant shall file the application with the Board or its agent at least 25 days prior to the meeting at which the application will be submitted. The application shall include the names and addresses of the applicant and all abutters as indicated in town records not more than 5 days before the day of filing.

4.05 **FEES** A non-refundable application fee to cover administrative and plat filing costs at the Grafton County Registry of Deeds shall be submitted to the Secretary of the Board and is a required part of the Completed Application. In addition, the costs of newspaper advertising for any and all required public notices, and for postage for registered letters to abutters shall be paid in advance. Failure to pay costs shall constitute valid grounds for the Board to terminate further consideration and to disapprove the plat without a public hearing.

Reasonable fees in addition to those described above may be imposed by the Board to cover the costs of special investigative studies, review of documents and other matters which may be required by particular applications, per RSA 676:4, I(g).

- 4.06 The Board shall, within 30 days or at the next public meeting for which notice can be given, review the application for completeness as required by these Regulations. If the application is determined to be complete and all required fees have been paid, then the Board shall by motion accept the application as complete relative to the jurisdiction of the Board per RSA 676:4 i(b) and begin formal consideration of the application

If the Board finds the application to be incomplete, the subdivider shall be notified of the deficiencies in writing. The Board may reject an application with no further action based upon failure to supply information required by the Regulations, failure to meet reasonable deadlines established by the Board, or failure to pay cost of notice or other fees required by the Board.

The Planning Board will approve, conditionally approve or disapprove within 65 days after formal acceptance in accordance with RSA 676:4. Conditional approval shall become final without further public hearing upon certification to the Planning Board of compliance with the conditions imposed, provided however, that the conditions meet the requirements of RSA 676:4. All other conditions require a public hearing.

- 4.07 **NOTICE** Notice to the applicant, abutters and the public shall be given as follows: The Planning Board shall notify the abutters and the applicant by certified mail, return receipt requested, of the date upon which the application will be formally submitted to the Board. Notice shall also be provided to holders of conservation, preservation, or agricultural preservation restrictions, and every engineer, architect, land surveyor, or soil scientist whose professional seal appears on the plat. For proposals in which any structure or building site will be within 500 feet of the top of the bank of any lake, pond, river or stream, notice shall also be given to the NHDES Dam Bureau pursuant to RSA 676:4 I.(d)(2).

Notice shall be mailed at least 10 days prior to submission. Notice to the general public shall also be given at the same time by posting and publication in a newspaper of general circulation. The notice shall include a general description of the proposal which is the subject of the application and shall identify the applicant and the location of the proposal. For any public hearing on the application, the same notice as required for notice of submission of the application shall be given. If notice of public hearing has been included in the notice of submission or any prior notice, additional notice of that hearing is not required nor shall additional notice be required of an adjourned session of a hearing with proper notice if the date, time and place of the adjourned session was made known at the prior hearing. All costs of notice, whether mailed, posted or published, shall be paid in advance by the applicant. Failure to pay such costs shall constitute valid grounds for the Planning Board to terminate further consideration and to disapprove the plat without a public hearing.

4.08 **DETERMINATION OF REGIONAL IMPACT** Pursuant to RSA 36:56, upon receipt of an application for subdivision, the Board shall review it and determine whether or not the development, if approved, could reasonably be construed as having the potential for impact beyond the boundaries of Lyman. This regional impact could result from a number of factors, such as, but not limited to, the following:

- a. relative size or number of lots or units compared with existing stock;
- b. transportation networks;
- c. proximity to the borders of a neighboring community;
- d. anticipated emissions such as light, noise, smoke, odors or particles;
- e. proximity to aquifers or surface waters which transcend municipal boundaries; and
- f. shared facilities such as schools and solid waste disposal facilities.

Doubt concerning regional impact shall be resolved in a determination that the development has a potential regional impact. Upon determination that a proposed development has a potential regional impact, the Board shall afford the Regional Planning Commission and the affected municipalities the status of abutters for the limited purpose of providing notice and giving testimony. Within five (5) business days of reaching a decision that a development has regional impact, the Board shall, by certified mail, furnish the Regional Planning Commission with copies of the minutes of the meeting at which the decision was made and copies of the initial project plan and the affected municipalities with copies of the minutes of the meeting at which the decision was made. At least fourteen (14) days prior to the public hearing, the Board shall notify, by certified mail, all affected municipalities and the Regional Planning Commission of the date, time and place of the hearing and the right to testify concerning the development.

4.09 **HEARING** Except as provided in this section, no application may be denied or approved without a public hearing on the application. At the hearing, any applicant, any abutter or any person with a direct interest in the matter may testify in person or in writing. Other persons may testify as permitted by the Board at each hearing. Public hearings shall not be required, unless specified by the subdivision regulations, when the Board is considering or acting upon:

- (a) Minor lot line adjustments or boundary agreements which do not create buildable lots, except that notice to abutters and holders of conservation, preservation, or agricultural preservation restrictions shall be given prior to approval of the application in accordance with Section 4.07 and any abutter or holder of conservation, preservation, or agricultural preservation restrictions may be heard on the application upon request; or
- (b) Disapprovals of applications based upon failure of the applicant to supply information required by the regulations, including abutter identification; or failure to meet reasonable deadlines established by

the Board; or failure to pay costs of notice or other fees required by the Board.

- 4.10 The Planning Board may apply to the Selectmen for an extension not to exceed an additional 90 days before acting to approve or disapprove an application. The applicant may waive the requirement for Planning Board action within the time periods specified in Section 4.06 and consent to such extension as may be mutually agreeable.
- 4.11 The Planning Board shall record and file the approved Final Plat with the Grafton County Registry of Deeds within 30 days of the Board's approval.
- 4.12 The approval of a Final Plan shall be attested on the original and five (5) copies by the signatures of a legal majority of the members of the Board.
- 4.13 In case of disapproval of any application or plan submitted to the Planning Board, the ground for such disapproval shall be adequately stated upon the records of the Planning Board.
- 4.14 No plans of a subdivision of land within the boundaries of the Town shall be hereafter filed or recorded in the Grafton County Registry of Deeds until a Final Plan thereof shall have been approved by the Board, in accordance with all of the requirements, design standards and specifications set forth in these regulations, and until such approval shall have been entered on such Final Plan by a legal majority of the Board. The recording of a plat without the approval required by these regulations is void.
- 4.15 In accord with RSA Chapter 676:16, as amended, the owner or agent of the owner of any land located within a subdivision in the Town of Lyman, who transfers or sells any land before a plat of said subdivision has been approved by the Planning Board and filed with the Grafton County Registry of Deeds shall forfeit and pay a civil penalty of \$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 exempt the transaction from such penalties. The Town of Lyman, through its Counsel or other official designated by the Board of Selectmen, may direct such transfer or sale and may recover 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.
- 4.16 The approval of a Final Plan by the Planning Board shall not be deemed an acceptance by the Town of the dedication of any street or other public way or grounds.



**SECTION V**  
**EXPEDITED REVIEW**

**VOLUNTARY MERGER**

- 5.01 Any owner of two (2) or more contiguous preexisting approved or subdivided lots or parcels who wishes to merge them for municipal regulation and taxation purposes may do so by applying to the Planning Board or its designee. Except where such merger would create a violation of then-current ordinances or regulations, all such requests shall be approved, and no public hearing or notice shall be required. No new survey plat need be recorded, but a notice of the merger, sufficient to identify the relevant parcels and endorsed in writing by the Planning Board or its designee, shall be filed for recording in the Grafton County Registry of Deeds, and a copy mailed to the municipality's assessing officials. No such merged parcel shall thereafter be separately transferred without subdivision approval. (RSA 674:39-a)

Based on the above information, complete the required form and submit to the Administrative Assistant along with a check as stated in the fee schedule made out to the Town of Lyman. Form will be signed at the next scheduled Planning Board meeting, then registered at Grafton County Registry, and a copy sent to the owner of record. Forms must be signed by the Planning Board by April 1<sup>st</sup> to take effect during that tax year.

**MINOR LOT LINE ADJUSTMENTS OR BOUNDARY LINE AGREEMENTS**

- 5.02 Minor lot line adjustments or boundary agreements require the approval of the Planning Board to make certain that no new or nonconforming lots are being created. Minor lot line adjustments include an exchange of land or moving the common boundary between two adjacent lots where no new lots are created. A boundary agreement is an agreement between two abutting landowners as to the location of a common boundary, which is shown on a plan to be recorded in the Grafton County Registry of Deeds.

Application procedure:

- (A) Submit a completed Application for "Minor Lot Line Adjustment or Boundary Agreement" filled out by all owners or by the owner (s) giving land to the other owner (s).
- (B) Submit a check for the required fees.
- (C) Submit a plat according to the requirements of Section VI of the Lyman Subdivision Regulations (one original Mylar and five (5) copies to the Lyman Planning Board at a regularly scheduled meeting of the Board).

An application for a minor lot line adjustment or boundary agreement shall not require notice to the general public or a public hearing. Submission of the final application and approval may take place at the same meeting provided that notice has been given to the abutters and easement holders who may be heard upon request.

## SECTION VI

### SUBMISSION REQUIREMENTS

A completed application shall include the following items and must be filed at least 25 days prior to the Planning Board meeting at which it will be submitted.

**A) A completed application form including or accompanied by the following:**

- \_\_\_\_\_ 1. The names and addresses of all abutters, taken from the town records not more than 5 days before the day of filing
- \_\_\_\_\_ 2. Names and addresses of all persons whose name and seal appear on the plat
- \_\_\_\_\_ 3. Names and addresses of all holders of conservation, preservation, or agricultural preservation restrictions
- \_\_\_\_\_ 4. Payment to cover all filing and notification fees (see current Planning Board Fee schedule)
- \_\_\_\_\_ 5. One Mylar and 5 paper copies of the plat, prepared according to the standards of the N.H. Land Surveyors Association and the Grafton County Registry of Deeds, as follows:
  - a. Plats shall be at any scale between 1 inch to 100 feet and 1 inch to 500 feet
  - b. The outside dimensions of the Plat shall be 22 inches by 34 inches unless otherwise specified by the Grafton County Registry of Deeds
  - c. All plats shall have a minimum ½ inch margin on all sides
  - d. All title blocks should be located in the lower right hand corner and shall indicate:
    - (1) Type of survey
    - (2) Owner of record
    - (3) Title of plan
    - (4) Name of the town
    - (5) Tax map numbers and lot numbers
    - (6) Plan date and all revision dates
- \_\_\_\_\_ 6. A letter of authorization from the owner(s) if the applicant is not the owner
- \_\_\_\_\_ 7. A statement of whether the application is intended to qualify as Workforce Housing under RSA 674:58-61

**B) The plat shall show the following information:**

- \_\_\_\_\_ 1. The proposed subdivision name or identifying title, name and address of the applicant and of the owner, if other than the applicant
- \_\_\_\_\_ 2. North arrow, scale-written and graphic; date of the plan; name, license number and seal of the surveyor or other person whose name appears on the plan
- \_\_\_\_\_ 3. Signature block for Planning Board endorsement
- \_\_\_\_\_ 4. Locus plan showing the general location of the total tract within the town and zoning district(s)
- \_\_\_\_\_ 5. Boundary survey including bearings, horizontal distances, and the location of permanent markers; curved boundary lines shall show radius, delta, and length
- \_\_\_\_\_ 6. All property lines must show ownership information
- \_\_\_\_\_ 7. A description of the bound must identify each boundary point
- \_\_\_\_\_ 8. Location of all property lines and their dimensions; lot areas in square feet and in acres; lots numbered according to the town tax map numbering system
- \_\_\_\_\_ 9. Location and amount of frontage on public rights-of-way
- \_\_\_\_\_ 10. Location of building set-back lines
- \_\_\_\_\_ 11. Location of existing and proposed buildings and other structures
- \_\_\_\_\_ 12. Location of all parcels of land proposed to be dedicated to public use (open space)
- \_\_\_\_\_ 13. Non-buildable lots must be so labeled
- \_\_\_\_\_ 14. Location and dimensions and description of any existing or proposed easements
- \_\_\_\_\_ 15. Existing and proposed culverts and drains and surface drainage
- \_\_\_\_\_ 16. Existing streets with names and classifications
- \_\_\_\_\_ 17. Proposed streets with names, classifications and right-of-way widths
- \_\_\_\_\_ 18. Sight distances for intersections (intersections must be at right angles for a minimum distance of 75 feet)
- \_\_\_\_\_ 19. Final road profiles, center line stationing and cross sections
- \_\_\_\_\_ 20. Location and width of proposed driveways
- \_\_\_\_\_ 21. Location of all utilities
- \_\_\_\_\_ 22. Location of all proposed water sources

- \_\_\_\_\_ 23. Existing and proposed topographic contours based on the USGS topographical data, with spot elevations where necessary in 10 foot increments
- \_\_\_\_\_ 24. Recording of natural features
- \_\_\_\_\_ 25. Floodplain land and proposed surface water drainage
- \_\_\_\_\_ 26. Soil and wetland delineation; soil conditions must be identified
- \_\_\_\_\_ 27. Location of percolation tests and test results; certification of official witnessing the tests
- \_\_\_\_\_ 28. Location of proposed and existing wells with a 75 foot well radius on its own lot
- \_\_\_\_\_ 29. Any special conditions must be listed on the mylar and all paper copies.

**C) Other information:**

- \_\_\_\_\_ 1. Plan for storm water management and erosion control, if applicable
- \_\_\_\_\_ 2. Copy of deed; any deed restrictions; and all deeds covering land to be used for public purposes, easements and rights-of-way over property to remain in private ownership, and rights-of-drainage across private property, submitted in a form satisfactory to the Planning Board
- \_\_\_\_\_ 3. Any State and/or Federal permits
- \_\_\_\_\_ 4. Any additional reports or studies deemed necessary by the Planning Board to make an informed decision, including but not limited to: traffic, school, fiscal and environmental impact analyses. The Board reserves the right to request such information after an application has been accepted as complete, as well as before acceptance.

Should the Board determine that some or all of the above described 'C' information is required the applicant will be notified in writing within 10 days of the meeting at which the determination was made.

## **SECTION VII**

### **PLAN REVIEW**

In reviewing an application for subdivision, the Board shall consider the following requirements and design standards.

- 7.01 Any proposed subdivision shall be in conformity with the provisions of all pertinent State and local codes and ordinances.
- 7.02 The Board shall indicate to what extent, if any, a plat may be required to show open space of adequate proportions, or a park or playground suitably located for

- recreational purposes. The park or playgrounds shall be reasonable in size and character considering the Subdivision and shall be designated for recreational purposes. Land designated as common areas for recreation or other use may not be subdivided for any other purpose.
- 7.03 Any proposed subdivision shall be so designed so that every lot has at least the minimum frontage, as specified in the Lyman Zoning Ordinances, on: (A) a Class V (or better) highway; or (B) a road shown on a plat approved by the Planning Board.
- 7.04 Proposed lots must have access and frontage on a state or town-maintained road or a street constructed or upgraded according to the specifications outlined in Exhibit A: “New Hampshire Department of Transportation Minimum Geometric and Structural Guides for Local Roads and Streets,” current version, and the standards contained in these Regulations and approved by the Lyman Planning Board. Plans for construction of a street must accompany the subdivision application. Final subdivision approval will only be given upon completion of the road as approved by the Planning Board with recommendation by a civil engineer. The civil engineer shall be selected by the Planning Board and paid for by the Subdivision Applicant. A performance guarantee as described in Section V may be provided in lieu of construction prior to approval.
- 7.05 The applicant shall demonstrate that an entity (e.g. developer, landowners, or homeowners association) will be in place having the responsibility and financial substance to ensure maintenance and repair of proposed roads in a manner which provides safe access for the residents, visitors, delivery and emergency vehicles. In the case of roads which will be dedicated to the town, applicants shall submit to the Planning Board for recording a development agreement which shall contain the responsibilities of the developer and of the town, if any, during the interim period between construction and acceptance by the town. The development agreement shall meet the approval of the Selectboard. Any cost of legal review shall be paid by the applicant prior to final approval of the subdivision. Planning Board approval of a private street does not constitute any future acceptance of the roadway by the town. State statutes on town road acceptance must be followed by the town and the road owner/developer.
- 7.06 As provided by RSA 674:21, if the Board determines that the proposed subdivision will adversely affect existing public facilities such as highways and drainage so as to be inadequate to meet the additional needs created by the proposed subdivision, then the applicant shall pay for such upgrading of the public facilities but only to the extent necessary to protect the public interest. If other properties would also benefit from the upgrading of such off-site public improvements, the Board shall determine the amount to be paid by the applicant, taking into consideration the character of the area, the extent that other public and private property will be benefited by the upgrading, and any other factor that the Board deems appropriate to establish a rational connection to the needs created by the subdivision and the amount to be paid by the applicant.
- 7.07 Land shown to be in a flood hazard area as delineated by the Flood Hazard Boundary Maps, Town of Lyman, by the Federal Insurance Administration and

land not suitable for development because of soils characteristics, which may also be hazardous to life, health, or property shall not be accepted for development purposes, but may be used, subject to approval by the Board and other pertinent authorities, for open space purposes.

- 7.08 The Board may require that a proposed subdivision design show respect for such features as trees, streams, topography and other natural assets.
- 7.09 Due regard shall be given to preservation of existing features, trees, scenic points and other natural and historic resources within the subdivision. The Board may require additional tree planting and other landscaping appropriate to the area being developed. Removal of stripped topsoil or surplus materials from the subdivision area shall not be permitted unless considered reasonable by the Board. Existing trees on lots and open space land shall be preserved wherever feasible or unless otherwise directed by the Board.
- 7.10 The following are required improvements: boundary markers, street signs, streets, water supply, sewage disposal and storm drainage, except where the Board may waive or vary such improvements in accordance with the provision of these regulations.
- 7.11 Utilities shall be installed underground except as otherwise approved by the Board.

## **BOUNDARY MARKERS**

- 7.12 Boundary markers shall be set at all corners and angle points of the subdivision boundaries; and at all street intersections and points of curve.
- 7.13 Boundary marker shall include , but not be limited to, iron rod or iron pipe, ½" diameter minimum, marked with the license number or name of the surveyor; bound made of concrete or stone, minimum of 4" x 4". Type and height of bound to be indicated on the Final Layout.

## **STREET SIGNS**

- 7.14 Streets which join or are in alignment with streets of abutting or neighboring properties shall bear the same name. Names of new streets shall not duplicate, nor bear phonetic resemblance to the names of existing streets within the municipality.
- 7.15 Street name signs shall be furnished and installed by the subdivider. The type, size and location shall be to the approval of the Board.

## **STREETS**

- 7.16 The design of streets shall provide for proper continuation of streets from adjacent subdivisions and built up areas and proper projection of streets into adjacent unsubdivided and open land.

- 7.17 No street shall have a right-of-way width of less than 50 feet regardless of other provisions in this or other ordinances.
- 7.18 Grades of all streets shall be a reasonable minimum but shall not be less than 1% or more than 8% unless specifically approved by the Board.
- 7.19 Streets shall intersect at right angles where possible but under no circumstances at an angle of less than 60 degrees.
- 7.20 "T" intersections formed on opposite sides of the same collector street shall not be closer than 200 feet center line to center line.
- 7.21 Street lines at intersections shall be cut back to provide for curb radii of not less than 25 feet.
- 7.22 Street intersections and curves shall be so designed as to permit adequate visibility for both pedestrian and vehicular traffic. Curves in general shall have a minimum center line radius of 100 feet.
- 7.23 Any subdivision street proposed to be built adjacent to existing lots of record shall be positioned on the Final Plan such that any setbacks applying to the existing lots will not be changed or otherwise reduced should the street be built.
- 7.24 A dead-end street or cul-de-sac shall not exceed 600 feet in length and shall be provided with a suitable turn around at the closed end. When a turning circle is used it shall have a minimum outside curb radius of 65 feet.
- 7.25 All roadways shall be constructed in accordance with the standard specifications for road and bridge construction, geometric design standard for rural roads as published by the State of New Hampshire Department of Transportation

#### **WATER SUPPLY**

- 7.26 Any water supply system shall be designed and installed in accordance with New Hampshire State standards.

#### **SEWAGE DISPOSAL**

- 7.27 It shall be the responsibility of the subdivider to provide adequate information to prove that the area of each lot is adequate to permit the installation and operation of an individual sewage disposal system (septic tank and drainage field). Such information shall consist of a report showing the results of a series of percolation tests taken in accordance with the existing State regulations. Based on these tests the engineer shall locate the best position of each private sewerage system and shall submit a typical design for each system also done in accordance with State regulations.

## **STORMWATER MANAGEMENT AND EROSION CONTROL**

7.28 The subdivision shall be designed in a manner which will minimize and treat stormwater runoff and prevent erosion.

a) The applicant shall submit a stormwater management and erosion control plan when one or more of the following conditions are proposed:

- 1) A cumulative disturbed area exceeding 20,000 square feet.
- 2) Construction of a street.
- 3) A subdivision involving three or more lots, or three or more dwelling units.
- 4) The disturbance of critical areas, such as slopes over 15%, wetlands, seasonal or year-round water courses, fluvial erosion hazard areas or floodplains.

b) All stormwater management and erosion control measures in the plan shall adhere to the "New Hampshire Stormwater Manual," current edition, published by NHDES, to the extent practicable.

c) The applicant shall bear final responsibility for the installation, construction, and establishment of provisions for ongoing maintenance of all stormwater and erosion control measures required by the Planning Board. Final approval will not be granted until the plan and a mechanism for ensuring ongoing maintenance are approved by the Planning Board.

d) Drainage easements may be required where drainage-ways will flow, or increase in volume, across subdivision lots or abutting properties.

## **SECTION VIII**

### **PERFORMANCE GUARANTEE REQUIRED**

8.01 In lieu of construction of completion of improvements, the subdivider shall file with the Board a performance guarantee in an amount sufficient to defray all expenses. This may be tendered in the form of a certified check payable to the municipality, an irrevocable letter of credit, or a faithful performance bond running to the municipality and issued by a Surety Company acceptable to the municipality. The conditions and amount of such certified check or performance bond shall be at least equal to the total cost of furnishing, installing, connecting, and completing all of the street grading, paving, storm drainage, and utilities, or other improvements within two (2) years of the date of the certified check or performance bond.

8.02 The Board may recommend a maximum extension of twelve (12) months to the guaranteed performance period when the subdivider can demonstrate, to the satisfaction of the Board and other interested officials or agencies, good cause for



such extension. Such recommendation for extension shall be referred to the Selectmen of the municipality for official action.

- 8.03 Before a subdivider may be released from an obligation required by his guarantee of performance, the Board will require certification from the various departments and agencies concerned to the effect that all improvements have been satisfactorily completed in accordance with all applicable standards, state and local codes and ordinances. Where so required by the Board, prior to the approval endorsement of the Board on the final plat, the subdivider shall pay the town an amount of money estimated by the Board to fully compensate the town for all inspections and testing charges deemed necessary by the Board relating to such improvements required as conditions of approval. All inspection and testing shall conform in quality and quantity to accepted engineering and construction practices.

## **SECTION IX**

### **WAIVER**

Where, in the opinion of the Board, strict conformity would pose an unnecessary hardship to the Applicant and a waiver will not be contrary to the spirit and intent of these Regulations, or specific circumstances relative to the subdivision, or conditions of the land in such subdivision, indicate that the waiver will properly carry out the spirit and intent of the regulations, the Board may waive, or modify certain requirements of these Regulations in accordance with RSA 674:36,II(n). The basis for any waiver granted by the Planning Board shall be recorded in the minutes of the Board. The Planning Board may set higher requirements with respect to any of the standards if conditions in the opinion of the Board, warrant such action in order to prevent a specifically-identified hazard to the public health, safety or welfare.

## **SECTION X**

### **CONFLICT WITH OTHER ORDINANCES**

In any case where a provision of these regulations is found to be in conflict with a provision of any other ordinance or code of the municipality existing on the effective date of these regulations, the provision which establishes the higher standard for the promotion and protection of health and safety shall prevail.

## **SECTION XI**

### **CONFORMITY WITH THE LYMAN MASTER PLAN**

Subdivision plans shall conform to the substance and intent of the Master Plan and the Zoning Ordinance.

## **SECTION XII**

### **CONFLICT WITH OTHER ORDINANCES**

In any case where a provision of these regulations is found to be in conflict with a provision of any other ordinance or code of the municipality existing on the effective date of these regulations, the provision which establishes the higher standard for the promotion and protection of health and safety shall prevail.

## **SECTION XIII**

### **SEVERABILITY**

The invalidity of any section, subsection, paragraph, sentence, clause, phrase or word of these regulations shall not be held to invalidate any other section, subsection, paragraph, sentence, clause, phrase or work of these regulations and to this end the provisions of these regulations are hereby declared to be severable.

## **SECTION XIV**

### **APPEALS**

An appeal may be taken from the decision of the Planning Board to the Superior Court as provided in Chapter 677, Section 14, and New Hampshire Revised Statutes Annotated.

## **SECTION XV**

### **AMENDMENTS**

These regulations may be amended or rescinded by the Board but only following a Public Hearing on the proposed change. The Chairman or Secretary of the Board shall transmit a record of any changes to the Grafton County Registry of Deeds.

# + EXHIBIT A +

REV. FEB. 1990

## NEW HAMPSHIRE DEPARTMENT OF TRANSPORTATION

### MINIMUM GEOMETRIC & STRUCTURAL GUIDES FOR LOCAL ROADS AND STREETS

Average Daily Traffic (Veh./Day)	0-50	50-200	200-750	750-1500	1500 & OVER
Pavement Width (Feet)	18 min.	20	20'	22	24
Shoulder Width (Feet)	2	2	4	4	8-10
Center of Road to Ditch Line	15	16	16	19-21	Varies
Pavement Type	Gravel	Asph. Surface Treated	Hot Bituminous	Hot Bituminous	Hot Bituminous
Slope of Roadway	1/2" per ft.	3/8" per ft.	1/4" per ft.	1/4" per ft.	1/4" per ft.
Base Course Depth - (Gravel) (Cr. Gravel)	12"	12"	12"	12"	18"
					6"

- Notes
1. Gravel Surface should be Paved where Steep Grades occur.
  2. For Average Daily Traffic over 1000 Veh./Day Paved Shoulders should be considered.
  3. Base Course Depths may need to be increased in areas of Poor Soils.

TYPICAL CROSS SECTION

