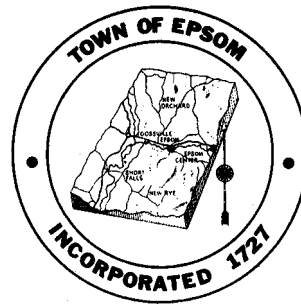
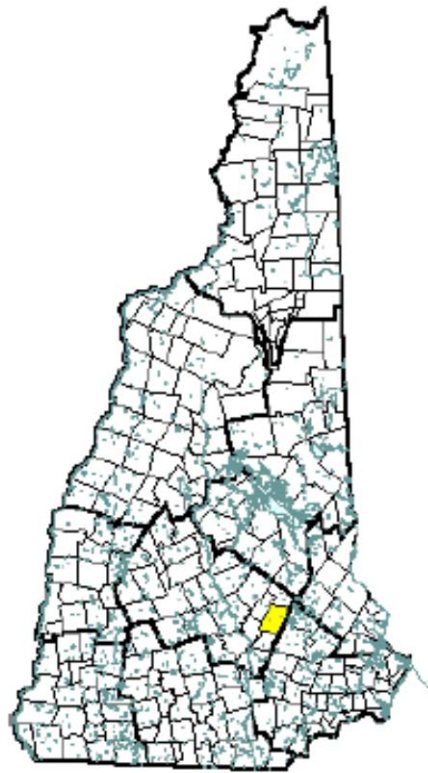


# TOWN OF EPSOM NEW HAMPSHIRE

INCORPORATED 1727



# SUBDIVISION REGULATIONS

**SUBDIVISION REGULATIONS  
TOWN OF EPSOM, NEW HAMPSHIRE**

EFFECTIVE DATE	RECORDED DATE	Action Taken	
04/21/73	05/01/73	Approval	Original Regulations
06/15/73	06/25/73	Amendment	Sect. III, Apend. I, Art. V
03/10/75	05/05/75	Amendment	Sect. III, Misc.
09/13/76	02/08/77	Amendment	Sect. III, Flood Hazard Areas
10/21/81	10/22/82	Amendment	Relating to new RSA 3623 Effective 10/01/81
10/04/83	10/05/83	Amended	Recodification and Appendix
5/22/02		Amendment	Section 4.03.2 Flood Hazard Area
5/22/02		Amendment	Section 5.01.1© Classification of Subdivision
		Amended	Section 3. 2 Definitions Words & Terms Defined
3/04		Re-Format	Complete Document
10/2006	11/2006	Amended	Replace Typical Driveway Exhibit with 9/2006 version
		Amended	Section 5.6 / paragraph 4
		Delete	Section 5.6 R *
4/13/11	4/13/11	Amended	Section 3.2 Definitions Words & Terms Defined
		Amended	Section 5.2 Lot Requirements
		Amendment	Section 5.5 C Monuments Placement
		Amended	Section 5 (d) Classification / Cul-de-sac
		Delete	Section 5.11 Temporary Dead-End Streets
4/27/11	4/27/11	Amendment	Section 3.2 Definitions / Contiguous Buildable Land

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# **SUBDIVISION REGULATIONS**

## **Epsom, New Hampshire**

### **Section 1 General Provisions**

#### **1.1 Authority**

Pursuant to the authority vested in the Epsom Planning Board by the voters of the Town of Epsom and RSA 674:35 et.se, the Epsom Planning Board adopts the following regulations governing the subdivision of land within the Town of Epsom, New Hampshire.

#### **1.2 Title**

These regulations shall hereafter be known, cited, and referred to as the Subdivision Regulations of the Town of Epsom, New Hampshire.

#### **1.3 Purpose**

The purpose of these regulations shall be to promote the development of an economically sound and stable community by preventing such scattered or premature subdivision of land as would involve danger or injury to health, safety, or prosperity, and to assure the adequate provision of safe and convenient traffic access and circulation, both vehicular and pedestrian, through proper arrangement and coordination of streets and ways within a subdivision in relation to other or planned streets or with features of an official map of the Town; to promote the amenities of the Town through provisions for parks, playgrounds, and other recreation areas, preservation of forests and greens and natural or historic features; and to secure equitable processing of all subdivision plans by providing uniform procedures and standards for observance, both of the applicant and the Planning Board.

The Regulations are adopted for the following purposes:

- (a) To protect and provide for the public health, safety, and general welfare of the municipality.
- (b) To guide the future growth and development of the municipality, in accordance with the Master Plan.
- (c) To provide for adequate light, air, and privacy; to secure safety from fire, flood, and other danger, and to prevent overcrowding of the land and undue congestion of population.
- (d) To protect and conserve the value of land throughout the municipality and the value of the buildings and improvements upon the land.

- (e) To provide adequate and efficient transportation, water, sewerage, schools, parks, playgrounds, recreation and other public requirements and facilities.
- (f) To provide for suitably located streets and/or access ways of sufficient width to accommodate existing and prospective traffic; to afford access for fire fighting equipment to buildings; and to be coordinated so as to compose a convenient and safe circulation system.
- (g) To establish reasonable standards of design and procedures for subdivisions in order to further the orderly layout and use of land; and to ensure proper legal descriptions and monumenting or subdivided land.
- (h) To ensure that public facilities are available and will have a sufficient capacity to serve proposed subdivisions.
- (i) To prevent the pollution of the environment of Epsom; to assure the adequacy of drainage facilities; to safeguard the water table; and to encourage the wise use and management of natural resources throughout the municipality in order to preserve the integrity, stability, and beauty of the community and the value of the land.
- (j) To provide for open spaces through the efficient design and layout of the land, while preserving the density of land as established in the Zoning Ordinance of the municipality.

#### **1.4 Jurisdiction**

These regulations shall apply to all subdivisions of land as defined herein, located within the corporate limits of the Town of Epsom.

- 1. No land shall be subdivided or lots transferred within the limits of the municipality until:
  - (a) the subdivider or their agent obtains a subdivision approval from the Planning Board, and
  - (b) the approved final plat is filed with the County Registry of Deeds.

##### **1.4.1 Rules of Procedure**

- 1. General
  - (a) These rules govern the procedures by which the Planning Board receives and acts upon communications or applications.
  - (b) Generally, these Rules have the same definitions as contained in the Subdivision Regulations of the Town of Epsom.

2. Officers
  - (a) Annually, the Board will elect officers at a duly notices regular meeting after the Annual Town Meeting but no later than April 30<sup>th</sup>.
  - (b) The officers of the Board include a Chair and a Vice Chair. The officers serve until they resign, they are no longer members of the Board, or until their successors have been duly elected.
  - (c) The duties and responsibilities of the officers are as follows:
    - i. The Chair presides over all meetings of the Board. The chair will be the spokesman for the Board and shall be responsible receiving and sending communications relative to the Board's business.
    - ii. The Vice-Chair exercises the duties of the Chair in the absence or unavailability of the Chair or when the Chair specifically requests. In absence of the Chair and Vice-Chair the Board may appoint another member to temporarily assume these duties.
3. Communications
  - (a) All written communications to the Board shall be directed to:

Chairman of the Epsom Planning Board
  - (b) Between meetings, parties may contact the Planning Board at the Town Office for information and assistance.
4. Meetings
  - (a) All meetings and work sessions of the Board are open to the Public except when the Board shall vote pursuant to RSA 91-A:3 to adjourn to a Non-public session. The Board may hold all or a portion of a meeting in a non-voting Non-public Session upon a majority roll-call vote in favor of a motion to that effect. Minutes of the Non-public Session shall be kept in conformance with RSA 91-A.
  - (b) All full-time and alternate members of the Board are expected to attend all meetings. Whenever a regular member is absent or whenever a regular member disqualifies himself, the Chairman shall designate an alternate, if one is present, to act in the absent member's place.
  - (c) A quorum of the Board is a total of five (5) full-time members and/or alternates designated to vote by the Chair. Any action of the Board may be adopted by a majority vote of those present and voting. In case of a tie vote the Applicant shall prevail. The maximum number of members allowed to vote on an application shall be seven (7).
  - (d) Unless otherwise designated in the public notices, all meetings of the Board will be held at the Epsom Town Office.

- (e) Representatives of the media and general public will be allowed to observe, record, file and/or videotape Board meetings so long as they are not disruptive and do not interfere with the conduct of the Board's business.

## 5. Public Hearings

- (a) The Chair will preside over all hearings, except as mentioned in Part 2 of this section.
- (b) Speakers shall address the Board, rather than each other. All speakers must state their names and addresses.
- (c) The Applicant or his agent will be given the first opportunity to present the proposal and briefly explain it.
- (d) The Board will then decide if the Application shall be accepted for consideration.
- (e) Abutters, persons with a direct interest in the Application, and the Town Officials or their agents, may testify in person at the hearing, or in writing at or before the hearing. Town residents and others not described above will be permitted to testify at the discretion of the Chair.
- (f) The Chair shall have the discretion to set a time limit on each speaker in uniform manner. The speaker will be selected at random and may be limited to two (2) opportunities to address the Board at one hearing. Those who wish to testify are encouraged to submit their comments in writing in advance of a hearing to assure that their comments will be conveyed to the Board even if time prevents them from fully expressing their views at the hearing. The Board may set a time limit on the hearing and/or continue the hearing if necessary.
- (g) The Chair shall close the public hearing after all parties have been heard and the Board shall proceed to consider action on the Application.
- (h) The vote of each Board member shall be recorded as favoring, opposing or abstaining.
- (i) All files, plans, records and minutes shall be considered public information, unless voted otherwise by the Board. If so voted, the reasons therefore shall be a matter of public record.
- (j) The Board may record the proceedings. Official tape recordings of the proceedings shall be retained until the Board approves the minutes of that proceeding. The accepted meeting minutes shall be the official record.



6. Miscellaneous

- (a) These rules may be amended at any particular meeting of the Board for which proper notice of amendment was given.
- (b) For good cause and in order to prevent unnecessary hardship, the Board may grant waivers from strict compliance with these Rules upon the motion of any member of the Board, consistent with section 2.08 of these regulations.
- (c) Field inspections by members of the Board in whole or part may be required prior to making a decision. The Applicant and other interested parties may be given the opportunity to accompany the Board members on these inspections.

1.4.2 Subdivision

No land shall be subdivided or lots conveyed or sold within the corporate limits of the municipality until:

- (a) The Planning Board has given final approval of the subdivision plan after a public hearing and after the Chairperson of the Board has affixed his/her signature on the approved plan.
- (b) The applicant has complied with all of these Regulations including the posting of appropriate performance guarantee.
- (c) The approved plan is filed with the Merrimack County Registry of Deeds.

1.4.3 Building Permits

No building or other permit will be issued by the Zoning Compliance Officer for any parcel, plan, or plat until a subdivision plat, approved by the Town of Epsom Planning Board is presented to the Zoning Compliance Officer by the Applicant.

**1.5 Interpretation**

In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. In matters of judgment or interpretation of the requirements set forth in these regulations, the opinion of the Planning Board shall prevail.

## **Section 2 Administration Enforcement Policy**

### **2.1 Conflict**

#### Conflict with Public and/or Private Provisions

##### 1. Public Provisions

These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule, or regulation, statute, or other provision of law. Where any provision of these regulations impose restrictions different from those imposed by any other rule, or regulations, or other provision of law, whichever provisions are more restrictive or impose higher standards shall prevail.

##### 2. Private Provisions

These regulations are not intended to abrogate any easement, covenant, or any other private agreement or restriction, provided that where the provisions of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall prevail. Where the provisions of the easement, covenant, or private agreement or restriction impose duties and obligations more restrictive, or higher standards than the requirements of these regulations, or the determination of the Planning Board in approving subdivision or in enforcing these regulations, and such private provisions are not inconsistent with these regulations or determinations thereunder, then such private provisions shall be operative and supplemental to these regulations and determinations made thereunder.

### **2.2 Separability**

If any part or provision of these regulations or applications thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of these regulations or the application thereof to other persons or circumstances.

### **2.3 Amendments**

These regulations may be amended, changed, altered, added to, or rescinded from time to time whenever such action is deemed necessary or advisable by the Planning Board but not until a public hearing on the proposed amendment, change, alteration or revision; and a statement, signed by the Chairman of the Planning Board, indicating any variations thus authorized from such regulations as were previously filed, shall be transmitted to the appropriate offices.

## **2.4 Validity**

No subdivision regulation or amendment or exception thereto shall be legal and have any force and effect until copies of such, certified by a majority of the Planning Board members, are filed with the Town Clerk and Board of Selectmen.

## **2.5 Exemptions**

Every plat approved by the Planning Board and properly recorded at the County Registry of Deeds shall be exempt from all subsequent changes in subdivision regulations adopted by the Town, except those regulations and ordinances which expressly protect public health standards, such as water quality and sewerage treatment requirements, for a period of four (4) years after the date of recording, subject to each of the following conditions:

1. Active and substantial development or building shall have commenced on the site by the owner or his successor in interest, in accordance with the approved plat within twelve (12) months after the date of approval, or in accordance with the terms of said approval, and where a bond to cover all the construction costs of roads, drains or sewers is required in connection with such approval, such bond is posted with the Town at the time of commencement of such development.
2. Development remains in full compliance with applicable public health regulations and ordinances.
3. At the time of approval and recording, the plat conforms to the subdivision regulations and zoning ordinances then in effect at the site of each plat.
4. All improvements for roads, culverts, cistern, water, sewer and utility supply lines, regarding and revegetation designated or displayed in an approved plan; must be completed and finalized within four (4) years of the approval of said plan. Further, all conditions imposed by the Planning Board must be fully completed and complied with within four (4) years of approval of said plan. This section is a part and condition of all plans or plats approved by the Epsom Planning Board.

## **2.6 Enforcement**

These regulations shall be enforced by the Board of Selectmen or its duly authorized representative.

1. Transfer of Lots in Unapproved Subdivisions

The sale of or transfer of any land, before a final plat of said subdivision in question has been approved by the Planning Board and recorded with the County Register of Deeds, shall be prohibited.

2. Building Permits

No building permit shall be issued for the construction of any building or structure located on a lot or plat subdivided or sold which is in violation of the provisions of these regulations.

3. Pre-approved Construction Prohibited

No person, corporation, or other entity shall commit any of the following acts on any land in the Town of Epsom until a final plat of that land has been submitted to and approved by the Planning Board and recorded with the County Register of Deeds:

- (a) remove any stumps, topsoil, or other materials from any land proposed or intended for use as a subdivision;
- (b) bury any stumps, topsoil, or other yielding material on any land proposed or intended for use as a subdivision;
- (c) level or otherwise change the grade of any land proposed or intended for use as a subdivision;
- (d) construct any street to service a proposed or intended subdivision; and
- (e) install any utilities to service a proposed or intended subdivision.

4. Enforcement and Action

Appropriate actions and proceedings may be taken by law ordinance or in equity to prevent or correct unlawful construction and to recover damages, to restrain, correct or abate a violation, to prevent illegal occupancy of a building, structure or premises, and these remedies shall be in addition to the penalties as set forth below.

**2.7 Fines**

Any person, corporation, or other entity that fails to comply with, or violates any of these regulations, shall be subject to a fine of not more than One Hundred (\$100.00) Dollars per violation. A separate offense shall be deemed to have occurred on each day that a violation exists, or a condition prohibited hereunder shall continue to exist.

**2.8 Hardship**

Where the subdivider can show to the Planning Board's satisfaction that strict adherence to these regulations would cause unnecessary hardship and where, because of topography or other conditions peculiar to the site, in the opinion of the Planning Board, a departure from these regulations may be made without destroying the intent of these provisions, the Board may authorize a modification to the extent that said modification does not violate the Epsom Zoning Ordinances.

1. Because of peculiar conditions or circumstances relative to a particular subdivision, the Board may require additional or specific improvements. Any modification authorized or additional improvements required shall be stated in writing in the minutes of the Planning Board Meetings along with the reasoning on which the modification or addition improvement was justified.

## **2.9 Limits on Number of Lots Developed Per Year**

In order to prevent premature subdivision of land, avoid excessive and uneven expenditures of public funds, and assure that development proceeds in compliance with the subdivision regulations and orders of the Planning Board thereof on residential subdivision, the Planning Board, except in cases of unusual merit, will not approve for development in any one (1) year more than twenty (20%) percent of the total number of lots in the subdivision or permits for seven units or as specified in the Epsom Zoning Ordinances, which ever is less.

## **2.10 Waiver**

The subdivision of a parcel of land into three (3) or fewer lots may receive Planning Board approval and will be considered minor subdivisions if they do not require new town roads, water or electric, cable, septic, or other municipal improvements. If applicable, legally acceptable and permanent deed restrictions must accompany application to file subdivision plot.

## **2.11 Appeals**

Any person aggrieved by an official action of the Board may appeal therefrom to Epsom Zoning Board of Appeals or the Superior Court as may be applicable and provided by New Hampshire Law.

## Section 3 Definitions

### 3.1 Usage

1. For the purposes of these regulations, certain numbers, abbreviations, terms, and words used therein shall be used, interpreted, and defined as set forth in this section.
  - (a) Unless the context clearly indicates to the contrary, words used in the present tense shall include the future tense; words used in the plural number shall include the plural; the word "herein" shall mean in "these regulations"; the word "regulations" shall mean "these regulations".
  - (b) A "person" shall include a corporation, a partnership, and/or an incorporated association of persons, such as a club; "shall" is always mandatory; a "building" includes a "structure"; a "building" or "structure" shall mean any part thereof; "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied".
  - (c) The terms "plat", "subdivision plat", and "subdivision" shall mean a subdivision plat, and the terms shall be used interchangeably.
  - (d) The term "plan" shall mean all prepared drawings, other than the subdivision plat, required for construction of all proposed improvements.
  - (e) Words not specifically defined herein shall have their common meaning.

### 3.2 Words and Terms Defined

1. Abutter: Any person whose property has a common boundary with the parcel subject to consideration, or whose property is directly across the street or stream, or within 200 feet 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 include any person who is able to demonstrate that their land will be directly affected by the proposal under consideration.
2. Applicant: The owner of record, or his agent duly authorized in writing at the time of application, if a person other than the owner.
3. Application: All plans and documents required for Planning Board consideration.
4. Block: A tract of land bounded by streets or by a combination of streets, public lands, railroad rights-of-way, shorelines of waterways, or boundary lines of municipalities.
5. Board: The Planning Board of the Town of Epsom

6. Bond: Any form of security, including cash deposit, security bond, collateral, property or instrument of credit in an amount and form satisfactory to the Planning Board, or Selectmen.
7. Buffer Zone: An area of land boarding a delineated wetland, river, stream, pond, or other surface water 50 feet wide or as deemed appropriate by the Planning Board.
8. Bridge: Shall mean a structure having a clear span of ten (10) feet or more measured along the centerline of roadway, spanning a watercourse or other opening or obstruction.
9. Building: Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind and includes any structures.
10. Certified Soil Scientist: a person qualified in soil classification and mapping, who is certified by the State of New Hampshire.
11. Contiguous Buildable Land: A tract of real property connected and enclosed entirely by a common boundary to permit a buildable site. For the purpose of development, a contiguous piece of land is one that contains a building envelope of sufficient size for subsurface and site layout. A contiguous piece of land is not separated by other pieces of land – it must be a minimum one acre of land.
12. Cul-de-Sac: A local street having only one (1) outlet and having appropriate terminal for the safe and convenient reversal of traffic movement.
13. Developer: The individual, partnership, company, or corporation which will be responsible for the construction of all improvements and subsequent sale of lots, buildings, and/or dwelling units.
14. Easement: The authorization by a property owner for the use by another, and for a specific purpose, of any designated part of his property.
15. Engineer: The duly designated Engineer of the Town of Epsom, or if there is no such official, the Planning Consultant or official assigned by the Epsom Planning Board and Selectmen.
16. Engineer of Record: An Engineer properly licensed in the State of New Hampshire under whose direct supervision the proposed improvements are designed.
17. Final Subdivision Plat: The final map or drawing on which the subdivider's plan or subdivision is presented to the Planning Board for approval.
18. Flood Hazard Area: Those areas containing soils formed in thick alluvial deposits and delineated by the United States Soil Conservation Service

Survey, and other soils and areas so delineated in other governmental flood hazard studies.

19. Frontage: That side(s) of a lot abutting on public or private street(s) or way(s).
20. Grade: The slope of a lot, road, street, or other public way specified in percentage (%) terms.
21. Land Surveyor: A Land Surveyor properly licensed in the State of New Hampshire.
22. Lot: A tract, plot, or portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership or for building development.
23. Lot, Corner: A lot situated at the intersection of two (2) streets.
20. Lot Improvement: Any building, structure, place, work of art, or other object, or improvement of the land on which they are situated, constituting a physical betterment of a material change to real property, or any part of such betterment.
21. Lot Line Adjustment: The changing of the location of a lot line between two (2) abutting properties where there is no change to the number of lots.
22. Master Plan: A comprehensive plan for development of the local community, prepared and adopted by the local Planning Board, pursuant to State law, and including any part of such plan separately adopted and any amendment to such plan, or parts thereof.
23. Official Map: The map established by the Planning Board, pursuant to law, showing the streets, highways, parks, and drainage systems and set-back lines theretofore laid out, adopted and established by law, and any amendments or additions thereto adopted by the Planning Board as additions thereto resulting from the approval of subdivision plats by the Planning Board and the subsequent filing of such approved plats.
24. Official Submission Date: An application for subdivision of land shall be submitted to and accepted by the Board only at a public meeting of the Board. See Section 3.01.2.
25. Owner: Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest (10%) in the land sought to be subdivided under these regulations.
26. Performance Guarantee: Bond, cash, irrevocable letter of credit, or passbook (in the name of the Town) issued by a Banking Institution doing business in New Hampshire, in an amount approved by the Planning Board and in a form satisfactory to the Board of Selectmen.



27. Plan: The plans or drawings accompanying a subdivision plat and showing specific location and design of proposed improvements to be installed in accordance with the requirements of the Planning Board as a condition of the approval of the plat.
28. Preliminary Consultation: An optional meeting between the Board and the applicant, as provided in Section 3.02.
29. Preliminary Subdivision Plat: The preliminary drawing or drawings, described in these regulations, indicating the proposed manner or layout of the subdivision to be submitted to the Planning Board.
30. Public Improvement: Any drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, of which may affect an improvement for which local government responsibility is established. All such improvements shall be properly bonded, unless actually constructed, installed, or created by the municipality.
31. Right-of-Way: (See Easement) A strip of land occupied or intended to be occupied by a street, walkway, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or for other similar special uses. Such rights-of-way, involving maintenance by a public agency, shall be dedicated to public use by the developer.
32. Road Right of Way Width: The distance between property lines measured normal to the centerline of the street.
33. Sale or Lease: Any immediate or future transfer of ownership, or any possessory interest in land or land and buildings, or an interest in a subdivision or part thereof, whether by metes and bounds, deed, contract, plat, map, lease, devise, interstate succession, or other written instrument.
34. Same Ownership: Ownership by the same person, corporation, firm, entity, partnership, or unincorporated association; or ownership by different corporations, firms, partnerships, entities, or unincorporated associations, in which a stockholder, partner, or associate, or a member of his family owns an interest in each corporation, firm, partnership, entity, or unincorporated association.
35. Setback: The distance between a building and the nearest street line or property line.
36. Sketch Plan: A rough drawing, indicating the proposed manner or layout of the proposed subdivision. A sketch plan shall not be construed as any type of plat warranting Board approval.
37. Steep Slope: Slopes with a grade greater than fifteen (15%) percent.

38. Street: A state highway or a highway or town road, which is shown on the adopted street map and is accepted by Town Meeting for vehicular travel. The word "street" shall include the entire right-of-way. Classification of roadway is consistent with NHDOT and AASHTO references.
- (a) Street, Local (Class C): A street used primarily to give access to abutting properties.
  - (b) Street, Collector (Class B): A street which, in addition to giving access to abutting properties, serves to carry traffic from local streets to arterials and to public and other centers of traffic concentration.
  - (c) Street, Secondary Arterial (Class A): A street or highway used primarily for through traffic but which also serves as a collector or local street.
  - (d) Street, Major Arterial (Freeway): A street or highway used primarily for heavy and/or through traffic.
39. Subdivider: Any person who
- a. having an interest in land, causes it, directly or indirectly, to be divided into a subdivision, or who
  - b. directly or indirectly sells, leases, or develops, or offers to sell, lease or develop, or advertises for sale, lease or development, any interest, lot, parcel, site, unit, or plat in a proposed subdivision, or who
  - c. engages directly or through an agent in the business of selling, leasing, developing, or offering for sale, lease, or development a subdivision, or any interest, lot parcel, site, unit, or plat in a proposed subdivision, and who
  - d. is directly or indirectly controlled by, or under direct or indirect common control with any of the foregoing.
40. Subdivision: Any land, vacant, or improved, which is divided or proposed to be divided into two (2) or more lots, parcels, sites, units, plots, or interests for the purpose of offer, sale, lease, or development, either now or in the future, including re-subdivision. Subdivision includes the division or development of residential and nonresidential zoned land, whether by deed, metes and bounds description, devise, intestacy, lease, map, plat, or other recorded document.
41. Subdivision, Major: Any subdivision other than a Minor Subdivision.
42. Subdivision, Minor: The subdivision of a parcel of land into three (3) or fewer lots, in no case requiring new roads, utilities, or municipal improvements.
43. Temporary Improvement: Improvements built and maintained by a subdivider during construction of the subdivision and prior to a release of a performance bond, if any.

44. Wetlands: Wetlands shall mean any area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated conditions, more specifically, soils delineated and identified as explained in Section 5.06.11a. A fifty (50) foot undisturbed buffer shall protect the perimeter of all wetland areas and be shown on plat and plans.
45. Wetland Scientist: A person qualified in wetland classification who is certified by the State of New Hampshire.

## Section 4 Procedures for Subdivision Approval

### 4.1 General Requirements

#### 4.1.1 Subdivision of Land

Approval by the Planning Board is required before the land may be divided and sold, leased or otherwise conveyed or offered for sale, lease, or conveyance, including condominium conveyance.

#### 4.1.2 Subdivision Approvals and Additional Requirements

- (a) In all cases where any amendment of any subdivision plat is proposed, the applicant must also secure the approval of the amendment from the Planning Board. See Sections 4.3 and 4.4 for application classification for approval.
- (b) No building permit may be issued for the construction or alteration of any building or structure within the purview of these Regulations until an approved subdivision plat or amendments thereto have been secured by the applicant and presented to the Zoning Compliance Officer. The Planning Board shall certify on each subdivision plat or amendments thereto whether or not the plat meets the requirements of these regulations and other regulations and ordinances of the Town of Epsom.
- (c) Where a subdivision borders an existing street that is below the standards set forth herein, the applicant may be required to set aside and show areas for widening or realigning such street. Any land set aside for this purpose shall be deeded to the Town and shall not be counted for lot size, setbacks, or frontage. Said areas shall be marked as "Road Right-of-Way" on the final plat.
- (d) An applicant who is seeking approval of a condominium, in addition to the information otherwise required to be filed pursuant to these regulations, shall also file at the time of an application copies of:
  - 1. Condominium Declaration
  - 2. Condominium Bylaws
  - 3. Condominium Site Plan
  - 4. Condominium Floor Plan
  - 5. Where applicable, evidence of filing of an Application for Registration of the condominium with the New Hampshire Attorney General.
- (e) All proposed driveways within a subdivision shall have written approval of the road agent prior to approval by the Planning Board.

## 4.2 Preliminary Consultation

**An individual who anticipates submitting a formal application for a subdivision approval is encouraged, but is not required, to consult with the Planning Board prior to submission of the formal application and supporting documentation.**

### 4.2.1 Purpose of Consultation

The purpose of the consultation is to familiarize the Planning Board with the basic concept of the proposed subdivision.

The consultation is further designed to acquaint the potential applicant with the formal application process and particular information that the Planning Board may request, to suggest methods for resolving possible problems in the development, design and layout, and to make the potential applicant aware of any pertinent recommendations in the Master Plan to the property in question.

### 4.2.2 Documents

In order to facilitate discussion, the potential applicant is requested to prepare a sketch map of the property to be subdivided. It should be drawn to scale, and may be drawn in pencil. The proposed subdivision should be drawn on the sketch. Dimensions may be approximate. The data may be tentative, but all information shall be sufficiently clear to illustrate all conditions and the proposed subdivision and/or development of the property.

The following information or data is requested to be submitted for review of the concept by the Planning Board.

- (a) General description of existing conditions on the site including characteristics of the land, topography, vegetation, and similar features.
- (b) General description of available community facilities and utilities.
- (c) General description of the lots, sites, or units to be created, including their size and dimensions, and proposed use.
- (d) An approximate topographic map of the site showing in sketch form the proposed layout of streets, lots, and other features in relation to existing conditions and/or the location of other site development features.
- (e) Location map.

### 4.2.3 Limits of the Review

The Planning Board shall conduct the Preliminary Consultation at regularly scheduled meeting of the Board.

- (a) The applicant will make a presentation defining the general scope and concept of the subdivision and/or development and how the land will be divided and/or used.
- (b) Any documents presented to the Board will be made a part of the record for future reference purposes.
- (c) Neither the applicant nor the Planning Board shall be bound by the discussion. However, the Planning Board shall be entitled to make recommendations with respect to the material presented to assist the applicant in preparing a formal application that will meet the development standards of the Town as expressed in these Regulations and in other ordinances and/or regulations.
- (d) The Planning Board shall enter into the minutes and shall communicate to the applicant and suggestions, recommendations, or other factors that the Board finds prudent and necessary.

#### 4.2.4 Separation of Process

If the proposed applicant elects to undertake this Preliminary Consultation, it is hereby declared that no processing time limits shall apply as defined in RSA 676:4.

Such time limits shall apply only when a formal application is submitted in accordance with Section 4.3 of these Regulations.

### 4.3 Formal Application Review Process

Whether or not a Preliminary Consultation has been conducted, and applicant shall prepare and submit an application for subdivision approval in accordance with and to the standards set forth in these Regulations.

This formal review process is designed to afford the Planning Board, the applicant, abutters, and parties in interest a clearly delineated method for examining the proposed subdivision plan thus allowing the Planning Board to make a timely and informed decision on the proposal.

To assist the Board the Applicant should state which of the three (3) types of subdivision of land is sought.

1. Lot Line Adjustment
2. Minor Subdivision
3. Major Subdivision

Each type requires different information from the Applicant. For Type-1, see Section 8 of these regulations. For Type-2, see Section 4.4 of these regulations. For Type-3, all applicable sections shall apply.

#### 4.3.1 Submission Period

An application for subdivision approval shall be submitted to the Town Office, c/o Chairperson of the Planning Board, at least fifteen (15) days in advance of a regularly scheduled Planning Board meeting. (Check with the Planning/Zoning Coordinator for meeting dates.) The application form and the supporting exhibits required are set forth in Section 4.3.2 of these Regulations.

#### 4.3.2 Exhibits Required at the Time of Submission

The applicant shall submit the following information when a formal application is made for subdivision approval. The Planning Board shall not determine whether or not the application is complete until it reviews all of the documents at a regularly scheduled meeting. The following shall be required unless otherwise indicated:

- (a) The latest version of a completed form entitled: "Application for Subdivision Approval". Forms may be obtained from the Town Office.
- (b) A list of the names and addresses of all abutters obtained from the Town Records not more than five (5) days before the date of filing of the application.
- (c) Copies of all deeds for the land being subdivided
- (d) Four (4) complete sets of blackline or blue-line prints of all subdivision plat plans prepared in accordance with Sections 5 and 6.
- (e) Other required documents as noted in Section 6.03 of these regulations.
- (f) Relevant information requested by the Board.
- (g) Any supporting documentation necessary to explain the proposal to the Planning Board, abutters, and the general public.
- (h) Application fee and abutter notification fees and/or any other fees as determined by the Planning Board.

#### 4.3.3 Planning Board Responsibilities in Initial Processing

The Planning Board will consider the exhibit materials submitted as per Section 4.3.2 and determine its completeness at its next regularly scheduled meeting.

- (a) The Board, at least ten (10) days in advance of the meeting, shall mail notice to the applicant and abutters stating that an application for subdivision approval has been filed. The notice will contain the following:
  - 1. Name and address of the applicant
  - 2. The location of the proposed subdivision proposal

3. A general description of the proposed project.
- (b) The Planning Board will also post the information contained in Section 4.3.3(a) in the Town Office.
  - (c) At a regularly scheduled meeting the Planning Board will:
    1. Review the application for completeness and determine its acceptability for further processing.
    2. Determine the need for special investigative studies and advise the applicant of the time and the need for financial support from the applicant.
  - (d) The Planning Board will begin formal consideration of the application provided that the application is determined to be complete and in full compliance with these Regulations.
 

If the application package is not complete, the Planning Board will advise the applicant of what information is needed to complete the application package and when it will next be considered by the Board.
  - (e) The Planning Board will arrange with the applicant at the meeting for an inspection of the site, if determined necessary or desirable, by the Board, a committee or a member of the Board, or a Town employee appointed for said purpose by the Chairperson.

#### 4.3.4 Public Hearing and Notice

The Planning Board, before taking action on a subdivision plat, shall hold at least one (1) public hearing thereon. The Planning Board shall take testimony from the applicant, abutters, and parties in interest to the proposal either in person or in writing.

The applicant and abutters shall be notified of the public hearing and the time and place of such hearing by certified mail, not less than ten (10) days before the date fixed for the hearing.

In addition, notice to the general public of the public hearing shall be posted in the Town Offices at least ten (10) days before the fixed date for the hearing.

The notice to the applicant, abutters, and general public shall contain the information as specified in Section 4.3.3 (a) 1, 2, and 3.

#### 4.3.5 Concurrent and/or Joint Hearings

The Planning Board may hold a hearing on a subdivision plat and for a related site plan in conjunction with each other if both are required for a project. A hearing by the Planning Board may be held at the same time and place that a hearing for a special exception or variance is held for the same project by the Board of Adjustment, provided that such a hearing is mutually agreed to in



advance by the Boards. The Planning Board Chairperson shall preside at the joint hearing.

- (a) The applicant shall petition the Planning Board Chairperson if such a joint meeting requested. However, either Board may initiate a request for a joint meeting.
- (b) The Planning Board shall establish its own rules for the conduct of such meetings

#### 4.3.6 Fees and Charges

The Applicant shall pay the following fees and charges as are applicable:

- (a) Administration: All expenses incurred by the Town of Epsom in processing an application for final plat approval shall be borne by the applicant. Costs of any required publications, costs of posting notices, and the cost of mailing notices of hearings, escrow for review services, shall be paid by the applicant at the time of filing. Failure to pay these costs, as specified, will be valid grounds for termination of consideration of the application.
- (b) Review: Fees for application review shall be as voted and approved by the Board.
- (c) Construction Inspection:
  - i Whenever a proposed subdivision will involve road construction, the installation of drainage structures, or other required improvements, the costs incurred by the Town in having the required improvements inspected shall be borne by the applicant. Prior to receiving final approval of a subdivision involving required improvements, the applicant shall deposit with the Treasurer of the Town of Epsom a sum as estimated by the Selectmen or their designated agent. The amount deposited under this section shall be held in a special escrow account by the Treasurer for the purpose of paying the Selectmen or their designated agent to perform the necessary inspections and construction observations.
  - ii Whenever the actual amount required to make necessary inspections exceeds the amount deposited under this section, such amount in excess of the deposited amount shall be paid to the Treasurer prior to the final acceptance of the improvements and prior to the release of any bond money deposited. See Section 7.00 of these regulations for bond and construction requirements.
  - iii Any amount deposited under this section and not used for the purposes stated herein shall be returned to the applicant upon

final acceptance of the required improvements. Escrow amounts shall be returned to the Owner within 30 working days.

#### 4.3.7 Time for Approval/Disapproval

The Planning Board shall act to approve or disapprove a subdivision plan within ninety (90) days of the formal acceptance as determined in Section 4.3.3. (c).

In the event that defects found in the subdivision can be remedied, the disapproval shall be “without prejudice” a revised application may be submitted at any time. If a revised application is submitted after a vote of disapproval, it shall be treated as a new application and shall follow the same procedures spelled out in these Regulations.

The Planning Board may apply to the Board of Selectmen for an extension not to exceed ninety (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 and consent to such extension as may be mutually acceptable.

Upon failure of the Planning Board to approve or disapprove within ninety (90) days (or within additional days, if granted by the Selectmen), the applicant may obtain from the Selectmen an order directing the Planning Board to act within fifteen (15) days.

Failure of the Planning Board to act upon such order shall constitute grounds for action in the Superior Court in accordance with RSA 676:4.

#### 4.3.8 Decision of the Board

After the public hearing(s) at which testimony is presented by the applicant, abutters, and parties in interest, the Planning Board shall issue a decision on the application. The decision may be any one of the following:

- (a) Approval with or without conditions: If the Board finds that the proposal meets the standards of these Regulations and other applicable State and Local laws, then the Board may approve the application.

The Board may attach reasonable conditions to ensure that the public interest is upheld. Such conditions which are administrative in nature and do not involve discretionary judgment may include, but are not limited to the following:

1. The Posting of a performance guarantee in an amount and under conditions satisfactory to the Planning Board.
2. The execution of a written agreement stating the nature, conditions, and time for performance of the approved application.
3. The phasing of the subdivision approval providing that the portion approved and portions to be approved subsequently are clearly

delineated on the documents to be filed with the Merrimack County Registry of Deeds.

4. The filing of permits required by other local, State, and/or federal agencies.
5. Any other administrative conditions that the Planning Board finds necessary to secure the public interest.
6. The payment of off-site improvements to roads and/or utilities to the extent that the subdivision creates a burden on such facilities in accordance with Section 10.6 of these regulations.

If conditions requiring discretionary judgment are imposed, the Planning Board shall hold another public hearing with notice to determine if the conditions have been met.

- (b) Disapproval without Prejudice: If the Planning Board finds that certain administrative/procedural requirements have not been met, but could be met with additional time, the Planning Board may disapprove the application without prejudice.

If such a finding is made, the Planning Board shall advise the applicant in writing what is necessary to correct the administrative/procedural defect(s).

- (c) Defects: If the Planning Board finds the application does not meet the standards of these Regulations, or fails to comply with other local or State laws, or will have an adverse impact on surrounding areas or the community, the Planning Board may disapprove the application.

In the event of disapproval, the grounds for disapproval shall be specified in the records of the Board and communicated to the applicant in writing.

#### 4.3.9 Phasing

To insure that the rate of growth of the Town does not unreasonable interfere with the Town's capacity for planned, orderly, and sensible expansion of its services to accommodate such growth, the Planning Board at its discretion may require phasing of projects, as provided in RSA 674:21.

A developer may wish to submit a phasing plan. The plan and map shall accompany the application. The plan shall specify the development time table for each phase of the subdivision. The plan shall include approximate dates for road and other public improvement construction, for lot sales/development commencement, and for building occupancy.

#### 4.4 Minor Applications

Accepted applications will be classified as either major or minor. For lot line adjustments see Section 8 of these regulations. All applications will be classified as major and subject to the full requirements of these regulations unless they meet both of the following:

- A. Proposals involving minor subdivisions which create not more than three (3) lots and which do not require the installation of any new public street may be submitted, reviewed and approved at one or more Board meetings.
- B. An application to subdivide a parcel which in whole or any part has been subject of a subdivision within the previous twenty (20) years shall be treated as a major subdivision. All requirements and restrictions applicable to major subdivisions shall apply to such application regardless of the number of parcels sought to be created and regardless of current or former ownership of the parcel. The period of twenty (20) years shall be effective from the date of the approval of the previous subdivision until the date the present application is received by the planning board.

##### 4.4.1 Submission and Notice

An application for minor subdivision approval shall be submitted in the same manner as prescribed in Section 4.3.1 of these Regulations.

Notice of such minor subdivision request will be given in the manner prescribed in Section 4.3.3 (a) and (b) of these Regulations.

##### 4.4.2 Specifications

1. The plat shall contain the following features:
  - (a) The location of property with respect to surrounding property and streets, the names of all abutters, and the names of adjoining streets.
  - (b) The location, bearings to the nearest minute and dimensions of all boundary lines proposed to be expressed in feet and hundredths of a foot, stations, radii, and curve data.
  - (c) The name, address and signature of the owner of the land being adjusted, the name, address and seal of the land surveyor.
  - (d) The date of the map, true north point, and magnetic north point, and scale.
  - (e) The location and type of all proposed and existing monuments.
  - (f) A vicinity map, showing the location of the property in relation to surrounding streets

- (g) Full legal descriptions of the drainage easements, site easements, rights-of-way, covenants, reservations, or other restrictions shall accompany the plat with notations of each on the plat.
- (h) Any other data or evidence deemed necessary by the Planning Board.

#### 4.4.3 Public Hearing

A public hearing, with notice as provided in Section 4.3.4. shall be held.

#### 4.4.4 Decision of the Board

The Board shall follow the same decision-making procedures as specified for a regular subdivision and the applicant shall supply the same information (if applicable) prescribed therein.

### 4.5 Plats for Recording Purposes Only

An owner of a lot of record established before the granting of platting jurisdiction to the Planning Board, may present a surveyed plat of such lot at any regularly scheduled meeting of the Planning Board for signature by the Board.

The owner shall present a deed to the Board showing ownership and a description of the lot. The plat shall have the phrase "No Jurisdiction Taken" affixed thereon, together with a line for the signature of the Planning Board Chairperson immediately there under.

The Planning Board may, in their discretion, sign the plat at the meeting or at a time certain after ant needed investigative studies are completed.

### 4.6 Off-Site Capital Improvements

The Planning Board, as a condition of the final approval, may require the subdivider to pay proportionally for necessary off-site capital improvements to roads and/or utilities impacted by the development. The subdivider may be required to pay that portion of the costs which bears a reasonable relationship to the needs created by and the special benefits conferred upon the subdivision. The Planning Board may require the subdivider to pay for specialized consulting services to ascertain the proportional costs attributable to the subdivider.

#### 4.6.1 Conditions

If off-site improvement costs are required, the following conditions shall apply:

- (a) The Board must make findings, supported by evidence in the records, that the existing roads or utilities are inadequate to service the development; the Board must determine the extent of the needed

improvements; the Board must determine the anticipated costs of the improvements (including engineers and administration); and the Board must determine the proportionate share to be paid by the subdivider;

- (b) The Board shall establish with the Town Treasurer a dedicated fund into which the off-site improvement funds will be paid by the subdivider. The funds collected will be used only for the purpose collected.
- (c) The Funds shall be spent or encumbered for the designated purposes within six years of being collected or they shall be returned to the subdivider with interest paid at prevailing rates.

#### **4.7 As Built Plans**

The applicant may be required to submit three (3) sets of construction "As-Built" plans to the Planning Board for the Board to review at a regular meeting. The Planning Board, after review and a determination that there are no substantial defects to the subdivision requiring further investigation, shall sign each set. One (1) set shall be given to the applicant, one (1) set shall remain in the Planning Board records, and one (1) set shall remain in the Board of Selectman's records. See Section 7.0 for additional construction requirements.

## Section 5 Design Standards and Requirements for Improvements

### 5.1 General

- A. Approval of Improvements:** All improvements shall be designed and constructed in accordance with the Town of Epsom regulations and standards, and shall be subject to the approval of the Board
- B. Installation and Maintenance:** The applicant is responsible for the satisfactory installation of all required improvements and maintenance of these improvements in a satisfactory condition without cost to the Town of Epsom until their acceptance by the Town of Epsom.
- C. Standards and Specifications:** The following standards and specifications shall include but not be limited to the following documents for the design and construction of all improvements:
1. Zoning Ordinance – Town of Epsom, current edition;
  2. Master Plan – Town of Epsom, current edition;
  3. Manual on Drainage Design for Highways – State of New Hampshire, Department of Transportation, current edition;
  4. Manual on Uniform Traffic Control Devices (MUTCD) – U.S. Department of Transportation, Federal Highway Administration, current edition;
  5. Standard Specifications for Road and Bridge Construction – State of New Hampshire, Department of Transportation, Current Edition;
  6. Highway Design Manual – State of New Hampshire, Highway Design Division, Vol. 1 & 2, current edition;
  7. High Intensity Soils Maps for New Hampshire Standards and Origins – Society of Soil Scientists of Northern New England, Current Edition;
  8. A Policy on Geometric Design of Highways and Streets – AASHTO – current edition;
  9. Highway Capacity Manual – Transportation Research Board, current edition;
  10. Roadside Design Guide – AASHTO – Current Edition;
  11. Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire – Current Edition.

## 5.2 Lot Requirements

- A. SIZE:** All lots shall contain a minimum of two (2) acres as required by the Epsom Zoning Ordinances. Each lot shall have at least one (1) acre contiguous land with the following characteristics not included:
1. All wetlands as defined within these regulations.
  2. All land with slopes in excess of twenty (20) percent.
  3. Any land the surface of which is covered by soils listed as group five (5) or group six (6) under the regulations adopted by the New Hampshire Water Supply and Pollution Control Division within the New Hampshire code of administration regulations as ENV-WS 1000 series, in effect as of August, 1999.
  4. All land designated as flood zone under the Epsom Zoning Ordinances.
  5. All land with exposed ledge.
  6. All lands which are subject to a right of passage by easement or otherwise. The method of the reservation of the right of passage or the identity of the holder of the right of passage, irrelevant for the purposes of these regulations and the holder of the passage may be a private party, government entity or a legal entity.
  7. All required setbacks as required under the Epsom Zoning Ordinances.
  8. All land which is subjected to drainage, conservation or utility easements.
- B. HISS MAPS** Should any proposed subdivision contain any land, soils, natural features, contours, or topographic features described within this regulation, the Board may require the applicant to submit as part of the application, the report of a soil scientist approved by the planning board to perform the site specific soil map of the development site to be completed in accordance with:
1. Standards and Specifications: A High Intensity Soils Study (HISS) shall be prepared in accordance with the HIGH INTENSITY SOILS MAPS for NEW HAMPSHIRE – STANDARDS and ORIGINS published by the Society of Soil Scientists of Northern New England, Special Publication No. 1. The HISS shall be prepared and stamped by a certified soil scientist.
  2. Lot Size Calculations: Lot size calculations shall be submitted in accordance with the Town of Epsom Zoning Ordinance and as stated in 5.02-A.
  3. Large Lots: Any proposed subdivision plan which creates lots of more than five (5) acres may request a waiver from the Board from the



requirement of the HISS. However, a sufficient area of the lot shall be HISS-mapped to substantiate a single building lot.

**C. Plans** The area of buildable land for each lot, as requested by the Board, shall be shown on the plans.

**D. Layout**

1. Lot dimensions and building setback lines shall meet the requirements of the Zoning Ordinance for the district or districts in which the subdivision is located.
2. The subdividing of land shall be such as to provide that all lots shall front upon a Class V or better road, or road shown on a plan approved by the Planning Board.
3. If a tract of land is subdivided into larger parcels than ordinary building lots, such parcels shall be so arranged as to allow the opening of future streets and logical future re-subdivisions.
4. Side lot lines shall be substantially (within 10 degrees) at right angles or radial to the street lines for a minimum one-hundred (100')-foot distance beginning at the R.O.W.
5. All required easements, within and/or beyond the limits of the project, shall be provided where necessary and shall be at least twenty(20') feet wide.

**5.3 Grading**

Grading shall be shown in the drawings with information including, but not limited to, the following:

1. **Contours:** Existing and proposed contours at two (2)-foot intervals, based on USGS datum.
2. **Spot Elevations:** Spot elevations shall be shown along drainage facilities and adjacent at not more than one-hundred (100') foot intervals in all directions.
3. **Layout:** The layout of the existing and proposed streets, lots, wetlands (including square foot impact areas), and drainage facilities.
4. **Buildings:** The location of all existing buildings and structures onsite and within fifty (50') feet of any property line abutting any streets and/or roads.
5. **Erosion Control:** The erosion control measures shall be indicated on the plans and be in accordance with best management practices of the STORMWATER MANAGEMENT AND EROSION AND SEDIMENT CONTROL HANDBOOK FOR URBAN AND DEVELOPING AREAS IN NEW HAMPSHIRE. Proper construction details shall be provided in the plan set.

## 5.4 Flood Hazard Areas

- A.** Land subject to periodic flooding, poor drainage, or other hazardous conditions shall not be divided for residential use, except as provided hereunder. Land with inadequate capacity for sanitary sewage disposal shall not be subdivided, unless connected to a town and state approved sewer system. Where private individual sewage systems are proposed, the subdivider shall perform soils tests to be submitted as part of the survey phase and also to be included with subsequent submissions preliminary layout and final plat. The subdivider shall arrange to perform such tests under the supervision of the New Hampshire Water Supply and Pollution Control Commission and at locations recommended by the commission, provided that percolation tests for each proposed lot are included.
- B.** All subdivision proposals and other proposed new development greater than five (5) lots or five (5) acres whichever is lesser, shall include within such proposals base flood elevation data. Requirements for subdivisions having land designated as "Special Flood Hazard Area" by the Federal Insurance Administration (Department of Housing and Urban Development) are:
1. Sufficient evidence (construction drawings, grading, elevations, and land treatment plans) shall be submitted so as to allow the Board to determine that:
  2. all such proposals are consistent with the need to minimize flood damage;
  3. all public utilities and facilities, such as sewer, gas, electrical, and water systems are located, elevated, and constructed to minimize or eliminate flood damage;
  4. adequate drainage is provided so as to reduce exposure to flood hazards.
- C.** Adequate design information shall also be submitted to the Board, assuring that new or replacement water supply systems and/or sanitary sewerage systems are designed to minimize or eliminate infiltration of flood waters, and that on-site waste disposal systems are located as to avoid impairment or contamination during flooding.

## 5.5 Monuments

**A. LOCATION:**

1. Bound Locations

The external boundaries, rights-of-way lines, block corners, etc. of a subdivision shall be monumented on the field by bounds. These bounds shall be placed not more than 1,400 feet apart in any straight line and at all corners, at each end of all curves, at the point a curve changes its

radius, at all angle points in any line, said points to be not less than twenty (20) feet from the bank of any river or stream.

## 2. Iron Pipe Locations

The lines of all lots and any other points not monumented by bounds shall be monumented by iron pipes. Those iron pipes located along rivers and streams shall be located along the meander line.

### **B. TYPE:**

#### 1. Stone or Concrete Bounds

Bounds shall be of concrete or stone, not less than thirty-six (36) inches in length, not less than four (4) inches square or five (5) inches in diameter, and marked on top with a cross, brass plug, iron rod, or other durable material securely imbedded.

#### 2. Iron Pipes

Iron pipes shall be at least thirty-six (36) inches long and seven-eighths (7/8) inch in diameter or square.

### **C. PLACEMENT:**

1. Bounds shall be set flush with finished grade. No permanent bounds shall be set until all construction which would disturb or destroy the monuments is completed.
2. All bounds shall be set under the direction of a registered professional engineer or a registered land surveyor.
3. Bounds to be set for approved subdivisions prior to a building permit being issued.

## **5.6 Street Plans:**

1. **General:** All subdivisions shall have adequate provision for a safe and suitable access to a Class V or better road or shall make provisions for the construction and dedication of a Class V or better road in order to obtain safe and suitable access to the subdivision. Where an adjacent existing street from which access is gained is deemed to be substandard, the upgrading of said street shall be provided for, as may be required by the Town of Epsom Planning Board. Where traffic from a proposed subdivision will adversely impact a nearby street or intersection, provisions shall be made for the mitigation of said impacts. Proposed streets shall be of suitable location, width, grade, and improvement to accommodate prospective traffic and afford satisfactory access to police, fire fighting, emergency equipment, snow removal, sanitation, and road maintenance equipment. The arrangement and character of all streets in a subdivision shall

conform to the Master Plan, and any and all other Town regulations, and shall compose a safe and convenient system in relation to other existing and planned streets, to topographic conditions, and to the proposed uses of land to be served by the street. Existing stonewalls shall be retained where possible or relocated and restored as required by the Board.

2. **Access:** No subdivision shall be approved unless the property to be subdivided shall have frontage on and access from an existing Class V or better road. Each lot shall have a safe, independent and direct access from a Class V or better road. Where warranted, the Board may require that a driveway be shared by two (2) lots. All portions of such a drive which are commonly shared shall be improved to facilitate two (2)-way traffic flow beyond Town right-of-way. Rights of passage over and across such driveway shall be established by easement for each of the lots so served and recorded with the plat plan. Unless a driveway is shared, it must be located a minimum of fifteen (15) feet from any and all property lines .
3. **Right-of-way:** The Board may require greater width of right-of-way where, in its judgment, the width is warranted due to present or future demands.
4. **Arrangement:** All streets shall be integrated with the existing and proposed street system. The Applicant shall provide for a circular terminus at the end of all proposed roads for all phases and situations where thru streets are not provided in the design. Where extension of existing roadways is proposed, the existing turnaround shall be removed in its entirety.
5. **Classification:**
  - (a) Arterial Street: Streets intended to carry traffic from collector streets to the system of highways. A street intended to move through traffic to and from major attracters.
  - (b) Collector Street: Streets which carry traffic from local streets to the major system of arterial streets and highways. A street intended to collect and distribute traffic in minor traffic generating areas.
  - (c) Local Street: Streets used primarily for access to abutting properties, designed and intended to carry through traffic.
  - (d) Cul-de-sac: Streets with only one point of access not to exceed one thousand (1,000) feet in length from an approved street having multiple points of public access.
  - (e) Private Street: All streets on property held under private ownership and not maintained by the Town.
6. **Driveways**
  1. When a proposed driveway is located on a State road, the Applicant is responsible for obtaining the necessary approval and

permits from the State. A copy of the permit shall also be submitted to the Town of Epsom and the New Hampshire Department of Transportation approval number shall be shown on the plan;

2. When a proposed driveway is located on a Town road, the Applicant is responsible for certifying the proper sight distance is provided at the location indicated on the plans. For all residential driveways located on the lot serving a single family or duplex lot, the minimum proper all season sight distance shall be two-hundred fifty (250) feet in all directions and consistent with the latest version of AASHTO. For all other driveways (common, commercial, industrial, multi-family, etc.), the minimum all season sight distance shall be three-hundred sixty-five (365) feet in all directions meeting the requirements for roadway intersections and consistent with the latest version of AASHTO. Proper visibility easements shall be provided to meet the sight distance requirements. The Applicant is responsible for obtaining a driveway permit from the Town of Epsom Road Department prior to the issuance of a building permit; and
3. Driveway width for commercial and industrial subdivisions shall be in accordance with the Town of Epsom Zoning Ordinance. Maximum driveway width for residential single family and duplex lots shall be twelve (12) feet at the right-of-way with five (5)-foot radius at the edge of pavement of the street.
4. Proposed driveways with access to or abutting existing or proposed streets, roads or public rights-of-way shall conform to the cross sections, distances, slopes and general requirements shown in Exhibit 2 (rev. 9/06) – Driveway Typical. In the event that the proposed driveway abuts or has access to a State road, the more stringent of either the State driveway permit requirements of the Exhibit 2 (rev. 9/06) – Driveway Typical requirements shall govern and apply.

**G. Sidewalks:** The Board may require the construction of sidewalks for pedestrian access to schools, parks, shopping areas and transit stops or where population density and/or traffic volume conditions are such that the Board Determines the construction of sidewalks to be prudent. In commercial and industrial districts, sidewalks may be required on both sides of the street. In residential districts, sidewalks may be required on one side of the street. Sidewalks shall be designed 5' wide (minimum) and constructed with granite curb, 6" gravel, 3" gravel, and 3" of asphalt pavement. Curb shall be set in Portland Cement Concrete.

**H. Walking Trails:** The Board may require the construction of walking trails for projects where the Board determines the construction of trails will connect to existing or planned trail systems and to be desirable to the character and nature of the neighborhood.

- I. **Curbs:** The Board may require roadways be curbed on both sides and drained appropriately
- J. **Roadside Drainage:** Roadside drainage shall be maintained by roadside swales, as required to control runoff and as directed by the Town of Epsom Road Department.
- K. **Streets in Cut/Fill:** Side slopes in fills shall be no steeper than 4 horizontal to 1 vertical (4H:1V), graded, loamed and seeded as required to match to original ground with appropriate slope easements outside of the roadway right of way (ROW). Typical section shall match Exhibit 1. All slopes in ledge cut shall be no steeper than 1H:1V and provide for a fall zone (max slope at 4H:1V) with a width equal to fifty percent (50%) of the height of the cut. A chain link fence shall be provided at the top of the ledge cut. The fall zone shall not be located in the roadway ROW. The Applicant shall provide proper construction details to show the required information. Underdrain shall be provided in all roadway cut sections.
- L. **Easements:** Slope, visibility, and/or drainage easements shall be provided to the Town of Epsom for proper maintenance.
- M. **Street Signs:** The location and type of sign to be installed shall be in accordance with the Manual on Uniform Traffic Control Devices (MUTCD).
- N. **Street Light:** Street lights shall be provided if required by the Board.
- O. **Street Name:** No street name shall be used which will duplicate or be confused with any street name already in use. Street names shall be subject to the approval of the Board.
- P. **Guardrail:** Guardrail shall be metal beam on wood posts, meeting the New Hampshire Department of Transportation Standards and Specifications. All guardrail installation must end safely using a MELT-type terminal unit. FLEAT or ELT-type units may be permitted by the Road Department. Guardrail shall be used in locations where the New Hampshire Department of Transportation's typical warrant for guardrail is met and/or as required by the Board.
- Q. **Underdrain:** Underdrain shall be provided in all roadway cut sections and where the seasonal high water table is within four (4) feet of finished grade.
- R. **Roadway Design Standards:** The standards for roadway design shall be in accordance with Exhibit 1- Typical Roadway Section and Table 1. Centerlines of roadways shall coincide with centerlines of street rights-of-way and shall be designed using the following minimum standards:

TABLE 1			
	Arterial	Collector	Local
Right-of-way width	80 feet	60 feet	50 feet

TABLE 1			
	Arterial	Collector	Local
Traveled way width	24 feet	24 feet	22 feet
Shoulder width	10 feet	4 feet	3 feet
Minimum Grade	1%	1%	1%
Maximum Grade	8.0%	8.0%	8.0%
Maximum grade within 100 feet of intersections	2.0%	2.0%	2.0%
Minimum angle of intersection	75	75	75
Minimum centerline radii	600 feet	300 feet	200 feet
Intersection radii: Arterial to Collector to Local to	50 feet 50 feet 30 feet	50 feet 30 feet 30 feet	30 feet 30 feet 30 feet
Rate of super elevation (Use AASHTO Chart)	.08 feet	.08 feet	.04 feet
Rate of super elevation through intersection	.04 feet	.04 feet	.04 feet
Cross slope of pavement (minimum)	2%	2%	2%
Slope of shoulder (minimum)	5%	5%	5%

Stormwater shall grade away from Town road.

1. Vertical Curves: A vertical curve shall be introduced between tangents where the algebraic difference in grade is in excess of one percent (1%);
2. Horizontal Curves: Where street lines intersect at angle points, a curve of appropriate radius shall be introduced between horizontal tangents; and
3. Maximum Grade on Local Streets: Where, in the opinion of the Board, and where it has been demonstrated to the satisfaction of the Board by the Applicant, that adherence to the maximum grade specified above will cause local streets to be constructed in what the Board considers to be excessive cuts or fills, a waiver from the above specified maximum grade may be granted, provided:

- (a) the maximum allowable grade be eight percent (8%);
  - (b) the maximum length of such grade, measured between vertical points of intersection (PVI) is five-hundred (500) feet;
  - (c) no other such slope greater than six percent (6%) occurs within five-hundred (500) feet measured along the centerline of the road from PVIs; and
4. Structural Sections: Structural section shall be in accordance with Town of Epsom road typical section and NHDOT suggested minimal standards for other roads.
  5. Sight Distance: Minimum sign distance shall be designated in accordance with AASHTO "A POLICY for GEOMETRIC DESIGN of HIGHWAYS and STREETS" Latest edition.
  6. Alignment: Streets shall be laid out so as to intersect as neatly as possible at right angles to their centerline offsets. Street jogs at intersections with centerline offsets less than one hundred and twenty-five (125) feet shall be avoided.
  7. Superelevation: All roadway curves shall be superelevated at the rate shown above and shall have adequate superelevation runoff consistent with AASHTO..
  8. Design of Intersection Roadway Surfaces: Intersecting roadway pavement shall have a paved transition area at all corners to accommodate appropriate design vehicle turning movements.
  9. Bridges: All bridges shall be as wide as the required pavement for that class road plus four (4) feet and shall be designed and constructed in accordance with the standard specifications for Road and Bridge Construction, Bridge Design Manual from the State of New Hampshire, Department of Transportation, and AASHTO.
  10. Cul-De-Sacs: Permanent cul-de-sacs shall not exceed one thousand (1,000) feet in total length, including the turnaround, and shall be provided with a circular turnaround with a centerline radius of not less than fifty (50) feet to not more than seventy-five (75) feet and a pavement width of twenty-two (22) feet. The center island shall be landscaped adequately.

#### 5.7 Utilities:

The applicant shall show the location and size of all underground and overhead non-municipal utilities. The location of all manholes, transformer poles and other appurtenant facilities or structures shall be shown. A UTILITY CLEARANCE LETTER shall be submitted for each non-municipal utility stating approval of the proposed improvements by the utility provider. Non-municipal utilities shall include but not be limited to:



- (a) Gas;
- (b) Electric;
- (c) Telephone; and
- (d) Cable Television

All proposed utilities shall be underground and shall be located a minimum of fourteen (14) feet off the centerline of the roadway pavement. Utilities shall be located so as not to conflict with roadside drainage systems.

## **5.8 Water System:**

1. Municipal Water System: When a project is to be served by public water, the Applicant shall show the location of all existing and proposed water lines and all appurtenant structures on the plan. A UTILITY CLEARANCE LETTER shall be submitted from the appropriate water company approving the proposed water plan. The municipal water system shall be design and constructed in accordance with the appropriate water company standards and the standards of the New Hampshire Department of Environmental Services.
2. Individual Well: When a project is to be served by and individual well, the well location and protective radius shall be shown on the plan. The State subdivision approval number shall be shown on the plan. Private individual wells shall be designed and constructed in accordance with the New Hampshire Department of Environmental Services Regulations. Protective well radius shall not encroach on right-of-ways.
3. Common Water System: When a common private water supply is to be utilized, plans similar to those for municipal water supply shall be submitted indicating the source of water, details of any pumping station and any other distribution and treatment facilities. Certification from the New Hampshire Department of Environmental Services shall be submitted. The State subdivision approval number shall be shown on the plan. Common water systems shall be designed and constructed in accordance with the New Hampshire Department of Environmental Services Regulations.
4. Fire Protection: Flow rate for fire protection and hydrant locations shall be coordinated with and approved by the Town of Epsom Fire Department in cooperation with the Epsom Village Water District if pertinent. The Applicant shall provide a written report documenting the required information.

## **5.9 Sanitary Sewer System:**

1. Individual Disposal System: When a project is to be served by an individual septic system, a copy of the New Hampshire Department of Environmental Services' approval shall be submitted. The State subdivision approval number shall be shown on all plans. Individual disposal systems shall be designed and constructed in accordance with the New Hampshire Department of Environmental Services and the Town of Epsom Regulations.

2. Privately-Owned Common Disposal Systems: Common disposal systems shall be designed and constructed in accordance with the New Hampshire Department of Environmental Services. The design and location of the common disposal system shall be approved by the New Hampshire Department of Environmental Services and the Town of Epsom. The proposed ownership and operation shall be acceptable to the Town of Epsom, including all necessary easements, agreements and licenses.

#### **5.10 Storm Drain System:**

1. General: The proposed development shall provide for proper surface drainage so that removal of surface waters will not adversely affect any neighboring properties or the public storm water system and will help reduce flooding, erosion, and sedimentation. The drainage system shall be designed so that the post-development runoff rate does not exceed the pre-development runoff rate. Surface water runoff shall be controlled and directed in a system of catch basins, pipes, swales, drainage ways, culverts, or channels to a natural watercourse or existing drainage facilities. Where a subdivision is traversed by a watercourse, drainage way, channel, or stream, there shall be provided an easement conforming to the lines of such watercourse. When a proposed drainage system will result in water encroaching on land outside a subdivision, appropriate drainage rights must be secured and indicated on the plan. Where the Board of Selectmen determines that the existing downstream, offsite drainage system is substandard, the Planning Board may require the Applicant to improve the drainage system.
2. Design Computations: A drainage study/stormwater management report shall be submitted for review and shall include:
  - (a) A table of contents;
  - (b) A narrative statement indicating how the Applicant has met the requirements of Section 7 and describing the methodology and results of the analyses;
  - (c) A summary table comparing existing and post-development rates of runoff for each individual drainage basin/watershed to abutting properties. All watersheds and drainage areas shall be consistently labeled in the tables, calculations and plans;
  - (d) A summary table of each pipe indicating project location, pipe size, type, length, slope, Manning's "n" value, peak discharge, depth of flow, and peak velocity for the design storm. The summary table shall also include hydraulic grade line (HGL) elevations at each location in closed conduit piping systems;
  - (e) A summary table of each swale and channel indicating project location, cross-section/channel width, slope, Manning's "n" value, peak discharge, depth of flow, and peak velocity for the design storm;

- (f) The project location and watershed area shown on USGS quadrangle as a figure in the report;
- (g) A watershed area plan for the existing condition showing topography and existing ground elevations at two (2)-foot contour interval for the project site. The plan shall clearly show the boundary of each drainage area and subarea with identifying label and size indicated in acres.
- (h) A watershed area plan for post-development conditions showing existing and proposed topography at two (2) -foot contour intervals for the project site. The plan shall clearly show the boundary of each drainage area and subarea with identifying label and size indicated in acres. The post-development area shall be shown on a separate plan from the existing condition;
- (i) Runoff calculations shall be completed for the existing and post-development conditions using Soil Conservation Services (SCS) methods as described in the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire for the appropriate design storms as required by the regulations;
- (j) Flood routing calculations shall be provided for the design of each detention pond using acceptable methods such as Modified Puls, Storage Indication, or as may be approved by the Town Engineer. In addition to the design storm, a fifty (50)-year storm analysis shall be conducted to establish the fifty (50)- year elevation at the detention basin. A minimum of twelve (12) inches of free board shall be provided above the fifty (50)-year storm to the minimum elevation of embankment at the detention basin;
- (k) Water quality treatment facilities shall be designed to New Hampshire Department of Environmental Services standards and are in addition to the requirements if these regulations;
- (l) Riprap design calculations shall be provided to the requirements of the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire for each pipe outfall location and where necessary for open channels and swales; and
- (m) The report shall be stamped by a licensed professional engineer in the State of New Hampshire.

3. Hydraulic Grade Line (HGL):

- (a) Closed Conduit: Closed conduit systems shall be designed to convey the appropriate design storm required by the regulations under gravity flow conditions with no more than full flow pipe conditions;
- (b) Open Channels and Swales: For open channels and swales, the HGL shall be shown for the appropriate design storm required by the regulations; and

- (c) Detention Basins/Ponds: The HGL shall be shown for the fifty (50)-year flood event.
- 4. Flow Computations: Flow computations shall be in accordance with the following:
  - (a) Manning's formula shall be used to compute capacities for all open channels, swales, and closed piping drainage systems; and
  - (b) The capacity of cross culverts shall be computed in accordance with Manual on Drainage Design for Highways – New Hampshire Department of Transportation.
- 5. Design Runoff: The rainfall frequency to be used for calculations shall be as follows:
  - (a) Residential Areas: 10 years;
  - (b) Commercial Areas: 25 years;
  - (c) Industrial Areas: 25 years; and
  - (d) Flood Protection Works: 50 years
- 6. Placement of Drain Lines: All off-site drain lines shall be placed within right-of-way dedicated for public street unless use of easements is specifically approved by the Board.
- 7. Pipe Size, Velocity and Type:
  - (a) Minimum allowable pipe diameter in any storm drain system shall be fifteen (15) inches;
  - (b) The minimum design velocity in pipes shall be two (2) feet per second and the maximum velocity shall be ten (10) feet per second;
  - (c) The minimum depth of cover for storm drain lines shall be thirty-six (36) inches from the top of pipe to finished grade.
  - (d) Bedding shall be three-quarter (3/4)-inch crushed stone. Bedding shall be a minimum six (6)-inch depth in earth and twelve (12)-inch depth in ledge; and
  - (e) Acceptable pipe material as recommended and approved by the Town Engineer and Planning Board.
  - (f) Maximum length between drain manholes shall be three hundred (300) feet.

8. Drainage Structures: Manholes and other drainage structures shall be pre-cast concrete meeting H-20 loading and constructed and installed in accordance with New Hampshire Department of Transportation Standards and Specifications for Road and Bridge Construction. Drainage structures shall not exceed eighteen (18) feet in depth (rim to bottom of structure). Outlet structure at detention basins, when necessary, shall be submitted for approval.
9. Driveway Culverts: The location, length, size, bedding and backfill of all driveway culverts shall be approved by the Epsom Road Department prior to construction. Driveway culverts shall be located a minimum of eight (8) feet off edge of roadway pavement. Driveways and driveway culverts and related items shall be designed and approved and incorporated in the subdivision plan.

#### **5.11 Wetland Delineation:**

1. Standards and Specifications: Wetlands shall be identified using the following criteria:
  - (a) "Army Corps of Engineers Wetland Delineation Manual" Technical Report Y-87-1 (January 1987); and
  - (b) State of New Hampshire Department of Environmental Services, Wetland Bureau, using the current edition of the administrative rules. The wetland delineation shall be performed by and stamped by a certified wetland scientist.
2. Applicability: Wetlands shall be delineated for all projects and shown on the plans.

#### **5.12 Fire Suppression Water Supply:**

1. Any subdivision with ten or more single family dwellings or any subdivision with ten or more living units shall provide as a minimum of fire protection a quantity of water determined by and installed in accordance with National Fire Protection Association (referred to as NFPA) Standard 1231 "Water Supplies for Suburban and Rural Fire Fighting". The Planning Board with consultation with the Fire Department may determine that a fire protection system needs to be installed with less than ten (10) units. All protection systems are subject to the following provisions:
  - (a) A minimum quantity of water for any underground tank system shall be 2,500 gallons.
  - (b) A minimum quantity of water for any above ground water source shall be 10,000 gallons.
  - (c) Any new construction required to install hydrant, sprinkler, or above ground or underground water system shall be inspected by the Fire Department before any enclosure of earth or building materials.

- (d) Any plans for emergency suppression water supply shall be submitted and approved by the Planning Board and the Fire Department before any construction begins.
- (e) Each site will have unique conditions that will require investigation and analysis by a Registered Professional Engineer to finalize the design. The Planning Board reserves the right to have an independent engineering review of the design at the expense of the applicant.
- (f) The storage system (cistern) must be capable of flowing water at a rate of 1,000 gallons per minute at draft for at least three-quarters of the required water supply.
- (g) The calculated quantity of water as determined by NFPA STANDARD 1231 shall be modified, depending on the type of construction of the building(s), defined as follows:
  - i) Fire resistive construction – a building constructed of non-combustible materials (reinforced concrete, brick or stone and having any metal property fireproofed) with major structural members designed to withstand collapse and prevent the spread of fire. The required quantity of water shall be 50% of the calculated quantity.
  - ii) Non-combustible Construction – A building having all structural members (including walls, floors, and roofs) of non-combustible material and not qualifying as fire-resistive construction. The required quantity of water shall be 75% of the calculated quantity.
  - iii) Ordinary Construction – A building have exterior walls of masonry or other non-combustible materials in which the other structural members are wholly or partly wood or other combustible material. The required quantity of water shall be 100% of the calculated quantity.
  - iv) Wood Frame Construction – A building in which the structural members are wholly or partly of wood or other combustible material and the construction does not qualify as ordinary construction. The required quantity of water shall be 150% of the calculated quantity.

### **5.13 Fire Protection Cistern Specifications**

1. Drawings are for estimating purposes only.
2. The Planning Board and Fire Chief must approve the design of the cistern.
3. The entire cistern is to rated for highway loading, unless specifically exempted by the Planning Board.
4. The cistern is to have a minimum amount if water determined by and usable to the Fire Department and provide a flow of 1,000 gallons per minute through its suction piping.

5. If cistern is to be underground it is to be steel reinforced concrete tank. A minimum of 2½ inches of concrete must be maintained over all reinforcing steel.
6. Cast in place concrete shall achieve a 28-day strength of 3,000 p.s.i. It should be placed with a maximum of 4-inch slump, and vibrated in a workmanlike manner.
7. A Slump and Strength Test must be performed by an independent testing agency with the results sent to the Planning Board before final acceptance of the cistern.
8. Concrete is to be mixed, placed and cured without the use of calcium chloride. Winter placement and curing must follow the accepted A.C.I. Codes.
9. The cistern is to be located no more than 1,500 feet truck travel distance from any building which it is to serve.
  - (a) The maximum distance may be waived by the Fire Department if, and only if, there are important advantages to a different water supply, but in no case shall the maximum truck travel distance be greater than 2,000 feet.
10. The cistern must be located with direct access from a Town maintained road and on land with a permanently deeded easement to the Town of Epsom.
11. The Fire Department suction connection shall be situated so that when in use, a street, fire lane, or any other access way to a building is not blocked to vehicle traffic.
12. The base must be designed so that the cistern will not float when empty.
13. The cistern must be provided with an acceptable standard sized manhole with an approved locking mechanism. The lock will be supplied by the Fire Department.
14. The cistern system shall include a dry fire hydrant connection so located that a Fire Department pumper may be able to connect to the dry fire hydrant with one ten-foot length of suction hose at any time of year. Approach to the cistern shall be paved to Town of Epsom road construction standards.
15. The actual location of the pipes is to be specified by the Fire Chief and placed on the plans submitted.
16. The final discharge from the dry hydrant must be 4½ inch National Standard type treads and must be capped.
17. The entire cistern is to be completed and inspected, with roof panels in place prior to any back filling.
18. Backfill for the cistern shall be screened gravel with no stones larger than 3 inches and shall be compacted to 95% ASTM #1557. Backfill over cistern shall be either:
  - (a) 4 feet of fill; or
  - (b) the top and highest 2 feet of sides of cistern insulated with vermin-resistant foam insulation, and 2 feet of fill.

19. Bedding for the cistern shall be 12 inches minimum of  $\frac{3}{4}$  to  $1\frac{1}{2}$  inch crushed, washed stone and compacted No fill to be used under stone.
20. The cistern fill pipe will be at least a 4 inch steel pipe, Schedule 40, with a sprinkler Siamese attached to it. The Siamese is to be 36 inches above final grade. Fill pipe must be welded to reinforcing steel bars in 4 locations.
21. The suction riser pipe is to be 8 inch steel, Schedule 40. Any suction pipe which is underground can be Schedule 40 PVC. The suction pipe is to be attached to a 4' x 4' x  $\frac{1}{4}$ " anti-vortex plate 6 inches of the bottom of the cistern. Also, any underground pipe must be supported at the elbow of the suction riser, in concrete and concrete be at least at level of frost line.
22. Suction pipe connection is to be 24 inches above finish grade.
23. Bottom of suction pipe to pumper connection must not exceed 14 feet vertical distance.
24. All horizontal suction piping must slope slightly uphill towards pumper connection.
25. Vent pipe must be 8 inch Schedule 40 steel or PVC with bug screen. The end of the pipe must be no closer than 36 inches to finish grade.
26. All piping shall be ASTM Schedule 40: PVC pipe must have glued joints.
27. Perimeter of cistern at floor/wall joint must be sealed with 8 inch PVC waterstop.
28. After backfilling, cistern is to be protected by fencing or large stones. The suction connection must be protected by post that are 8 feet long and embedded in the ground 4 feet. The post location must be 4 feet apart from each other and 3 feet away from suction connection towards road.
29. All construction, back fill, and grading material to be in accordance with proper construction practices and acceptable to the Planning Board, Zoning Compliance Officer, and Fire Chief.
30. The installer is responsible for completely filling the cistern until accepted by the Zoning Compliance Officer and the Fire Chief.
31. The permanently deeded easement must show that the easement lines be at least 25 feet away from the walls of the cistern.
32. The Town of Epsom expects the design of the cistern to be trouble-free and last a lifetime.

\*\*\*NOTE: These specifications and accompanying drawings are subject to change. Be sure to check for latest revisions prior to designing and installing any new cistern.



## Section 6 Plans and Document Specifications

### 6.1 Final Plat Plans

1. The final plat shall be stamped by a land surveyor licensed in the State of New Hampshire. If improvements are proposed, the plans shall be stamped by an engineer licensed in the State of New Hampshire. Improvement plans shall be prepared at a scale of not more than one (1) inch equal to one hundred (100) feet in ink, on mylar, and the sheets shall be numbered in sequence if more than one (1) sheet is used and shall be no larger than twenty-two by thirty-four (22 X 34) inches.
2. The final plat plans shall be accompanied by a transmittal letter to the Board, which shall contain a brief description of the proposal, a completed application, and date submitted. Contact Town Offices for latest version of application.
3. The final plat plan shall contain as a measure the following features:
  - (a) The location of property with respect to surrounding property and streets, the names of all abutters, and the names of adjoining streets, and the name of the proposed subdivision.
  - (b) The location, bearings to the nearest minute, and dimensions of all boundary lines of the property to be expressed in feet and hundredths of a foot, stations, radii, and curve data.
  - (c) The location of all existing details including but not limited to: streets, easements, water bodies, streams, and other pertinent features, such as wetlands and delineation criteria, railroads, buildings, parks, cemeteries, flood zones, drainage ditches, utilities, and bridges within one hundred (100) feet of the parcel to be subdivided. Existing right-of-way and pavement width shall be dimensioned. Setbacks shall be shown.
  - (d) Map # and Lot # and zoning of all abutting land owners.
  - (e) The location and width of all existing streets and other public ways and easements and proposed streets, rights-of-way, and building set-back lines.
  - (f) The locations, dimensions, and areas of all proposed lots defined by metes and bounds.
  - (g) The location, dimensions, and area of all property proposed to be set aside for park or playground use, open space, or other public or private reservation, with designation of the purpose thereof and conditions, if any, of the dedication or reservation.
  - (h) The name, address, and signature of the owner of land to be subdivided, and the name, address, signature, and seal of the land surveyor, engineer of record, wetland scientists and soil scientist as necessary.

- (i) The date of the plan, true north point, and magnetic north point, scale, and title of the subdivision.
- (j) The location and type of all proposed and existing monuments.
- (l) Names of all new proposed streets as approved by the Board of Selectmen.
- (m) Indication of the land use of any lot proposed by the subdivider and where permitted by the Zoning Ordinance.
- (n) Blocks shall be consecutively numbered or lettered in alphabetical order. The blocks in numbered additions to subdivisions bearing the same name shall be numbered or lettered consecutively throughout the several additions.
- (o) All lots in each block shall be consecutively numbered. Large remaining parcels, to be subdivided in the future, shall be lettered in alphabetical order within each block.
- (p) A vicinity map of appropriate scale to show the location of the subdivision in relation to surrounding streets and development, showing the proposed street system and lot layout and an indication of the probable future street system drainage and lot layout of the remaining portion of the tract if only a part of the tract is to be developed.
- (q) Results of soil and other tests as required by the New Hampshire Water Supply and Pollution Control Commission and/or other public agencies having jurisdiction, and at locations recommended by such agencies or by the Board during consultation.
- (r) Certification of subdivision approval from New Hampshire Water Supply and Pollution Control Commission.

#### Plan and Deed References

- (s) Topographic contours to be two (2) foot interval maximum, but must clearly show intent, also all low points, high points, and other areas needing spot elevations should be shown. Contours should be shown in dashed lines.

#### Zoning District Boundary Lines (if any)

- (t) Soils types and boundaries based upon an on-site survey or Soil Conservation Service data. Soil boundaries shall be shown by dotted lines. The level of on-site soil information required shall be consistent with documents listed in Section 5 – Design Standards and Requirements for Improvements.
- (u) Metes and bounds description of any, drainage easement(s), slope easement(s), Utility easement(s), temporary easement(s) (such as

temporary turnaround), no-cut zone(s) along stream and wetlands (as may be requested by the Conservation Commission), vehicular and pedestrian access easement(s), visibility easement(s), fire ponds/cistern easement(s), roadway widening easement(s), walking trail easement(s), other easement(s) note type(s), covenants, reservations, or other restrictions, shall accompany the final plat with notations of each on the final plat.

#### Shoreline Protection Boundaries

- (v) Any other data, evidence, or test results required by the Board, including but not limited to that resulting from full or partial environmental and/or economic impact statement; and that necessary for certification by the Town Fire Department and Town Water Precinct Commission.

## 6.2 Construction Plans

### 1. General

Construction plans shall be prepared for all required improvements. Plan sheets shall be of the same size as the final plat. Plans shall be separate from final plat plans, exclusively, to the purpose of construction. Plan sheets format and layout shall generally match sample construction plans included in the NHDOT Highway Design Manual Vo. 2 and the following shall be shown:

#### (a) Plans

Plans of all areas to be disturbed for the purpose of construction of all proposed work, including but not limited to: streets, drainage ways, drainage structures, sewer, water, telephone, and electric lines, permanent and temporary erosion and sediment control structures. Areas to be disturbed for the construction of improvements, shall show existing topography shown in dashed lines and proposed contours shown in solid lines at a contour interval no greater than two (2) feet, plus spot elevations, soil types and boundaries shown in dotted lines, existing tree lines and proposed trees and all other plantings, edge of all paved areas, location and size of all structures, piping and other materials, center line stationing of all proposed roads at fifty (50) foot intervals and the location of all adjacent lot lines with the lot numbers of each lot taken from the appropriate preliminary or final plat. Plans shall be drawn at a scale of no more than one (1) inch equals one hundred (100) feet. Reference NHDOT – Highway Design Manual, Volume 2, Sample Plans for general format.

(b) Profiles

Profiles of all proposed roadways, showing existing and proposed elevations along the center lines of all proposed roads, and all structures, piping, and other materials. Profiles shall be drawn at a scale of one (1) inch equals fifty (50) feet horizontal scale and one (1) inch equals ten (10) feet vertical scale (storm drain excluded). Reference NHDOT – Highway Design Manual, Volume 2, Sample Plans for general format.

(c) Cross-Sections

Cross-sections of all proposed roadways shall be shown at: all one hundred (100) foot stations, all catch basins and culverts, and at all driveways. Cross-sections shall show the proposed roadway and depict all areas to be disturbed during construction. Minimal information shown on each cross section shall be proposed roadways, existing ground, proposed subgrades, proposed final grades, and all utilities and other structures.

Cross-sections shall be drawn to a convenient scale of not more than one (1) inch equals ten (10) feet, both the horizontal and vertical scales shall be the same. Reference NHDOT – Highway Design Manual, Volume 2, Sample Plans for general format.

(d) Details/Typicals

- (i) Construction details of all roadways, curbing, sidewalks, drainage structures, sediment, and erosion control structures and any other required improvements shall be shown at an appropriate scale.
- (ii) Data on test pits and percolation tests shall be shown including: location, data, rate, identification witness, and outline of area reserved for septic system.

(e) Erosion and Sediment Control

- (i) Plans and other information, indicating how increased runoff, sedimentation, and erosion potential shall be controlled during and after construction of proposed improvements.
- (ii) The construction of the subdivision and control measures shall comply with the minimal following standards: Developer and contractor are required to comply with Federal, State and Town regulations.

(f) Stripping of vegetation, regarding, or other development shall be done in such a way that will minimize soil erosion.

(g) Whenever practical, natural vegetation shall be retained, protected, and supplemented.

- (h) The disturbed area shall be kept to a minimum.
- (i) Increased runoff water caused by changed soil and surface conditions during development shall be detained in such a way as to not increase the peak discharge of runoff water leaving the site before any development began.
- (j) Sediment in runoff water shall be trapped and retained within the project area.
- (k) Off-site surface water shall either be diverted around or conveyed through the project area.

### **6.3 Other Required Documents**

1. The applicant shall submit copies of approved permits issued if required by any federal, state or municipal agency including but not limited to: NHDES wetlands, subsurface and/or site specific permits, and/or NHDOT drive access permits, and EPA Notice of Intent.
2. The applicant shall submit all revisions in plans delineated in Section 4.03 at least 15 days prior to the regular scheduled meeting of said Board.
3. Relevant project correspondence including but not limited to: studies, reference data, bond data.
4. Protective Covenants: Covenants for the protection of open space or other purposes.
5. Utility Clearance Letters: Certificates of approval from the appropriate utilities for extension and layout.
6. Deeds: Deeds for land to be conveyed to the Town of Epsom to be used for streets and other public purposes. Deeds shall be written in metes and bounds description.
7. Easements: Deeds of easements and right-of-way. Deeds shall be written in a metes and bounds description.
8. Permits: The applicant is responsible for and shall obtain all necessary permits from government agencies.
9. Zoning Variances: Documentation of any action of the Town of Epsom Zoning Board of Adjustment relative to the subdivision. All variances shall be listed on the plans.
10. Agreements: Agreements, if any between the Applicant and the Town of Epsom regarding public improvements or other purposes.
11. Notes regarding construction phasing: If the project is to be phased, the Applicant shall submit a document for review stating how the project is to be

phased, work to be performed in each phase, and the construction schedule for each phase. Phasing shall meet the requirements and approval of the Town of Epsom Selectmen. The construction phasing shall be noted on the plans.

12. Other documents as required by the Board

NOTE: The lack of information under any item specified herein, or improper information supplied by the applicant, shall be the cause of disapproval of an application.

## Section 7 Bonding and Construction Requirements for Acceptance

### 7.1 General

1. All applicants shall be required to complete, in accordance with the Planning Board's decision and to the satisfaction of the Board of Selectmen, or their appointed agent, all the street, sanitary, and all other proposed improvements of the subdivision as required in these regulations. Improvements specified in the final plat plans and construction plans prepared in accordance with these regulations, and as approved by the Planning Board, and to dedicate same to the Town of Epsom, free and clear of all liens and encumbrances on the property and public improvements thus dedicated before any lots can be transferred or sold.
2. Bond
  - (a) The Planning Board shall require that the applicant post a bond or satisfactory surety prior to subdivision application approval for the amount estimated by the Board of Selectmen and approved by the Planning Board sufficient to secure to the Town of Epsom. The satisfactory completion of all proposed improvements.
  - (b) The bond shall comply with all statutory requirements and shall be satisfactory to the Planning Board Attorney as to form, sufficiency, and manner of execution, as set forth in these regulations. The period within which required improvements must be completed shall be specified by the Planning Board in the resolution approving the final subdivision application and shall be incorporated in the bond and shall not in any event exceed three (3) years from the date of final application approval. The Board of Selectmen shall also approve the type of surety and conditions. The Planning Board may, upon proof of difficulty, recommend to the Board of Selectmen a maximum time extension of one (1) additional year be added when calculating the completion date.
3. Costs of Improvements
  - (a) All proposed improvements shall be constructed by the applicant at his/her expense without reimbursement by the municipality.
  - (b) Temporary Improvement (If Required)

The applicant shall build and pay for all costs of temporary improvements required by the Planning Board and shall be maintained for a period specified by the Planning Board. Prior to construction of any temporary facility or improvement, the developer shall file with the Board of Selectmen a separate suitable bond for temporary facilities, which bond shall insure that the temporary facilities will be properly constructed, maintained, and removed.

4. Failure to Complete Improvement

When a bond has been posted and required improvements have not been installed within the terms of the bond, the Board of Selectmen may thereupon declare the bond to be in default and require that all improvements be installed, regardless of the extent of the building development at the time the bond is declared to be in default.

5. Acceptance of Dedication Offers

(a) Acceptance of formal offers for the dedication of streets, public areas, easements, and parks shall only occur by an appropriate action or the duly authorized body or the Town. The approval by the Planning Board of a subdivision application shall not be deemed to constitute or imply the acceptance by the Board of Selectmen or the Town of any street, right-of-way, easement or park shown on application plans. The Planning Board may require the application plans show appropriate notes to this effect.

(b) Reduction of Bond – Certificate of Substantial Completion

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

(c) Release of Bond - Certificate of Satisfactory Completion

The Board of Selectmen and Planning Board will not accept dedication of required improvements or release or reduce a bond, until the Board of Selectmen, or their designated agent, has submitted a certificate, stating that all required improvements have been satisfactorily completed; also until the applicant's engineer or surveyor has certified to the Board of selectmen, or their designated agent, through submission of detailed "as built" survey plans of the subdivision, indicating locations, dimensions, materials, and other information required by the Planning Board, that the layout of the line and grade of all public improvements and lot monuments are in accordance with the final plat and construction plans for the subdivision; and a title insurance policy has been furnished to, and approved, by the Planning Board. Upon satisfactory completion of the above mentioned tasks, the subdivision roadway shall be deemed ready for dedication to the Town of Epsom free and clear of any and all liens and encumbrances. Upon such approval and recommendation, the town may thereafter accept the improvements for dedication in accordance with the established procedure.

6. Construction Inspection of Privately Constructed (new or rebuilt town roads)

The Planning Board of the Town of Epsom in the interest of the public welfare of its citizens institutes the following Subdivision Regulations relative to the non-governmental construction of new or rebuilt Town roads.



- (a) All new or rebuilt roads constructed by non-governmental source shall require construction observation services as outlined in this section of these Regulations. The Board of Selectmen may waive this requirement where it deems appropriate.
- (b) The Board of Selectmen shall select and contract with the engineer who will provide the inspection service.
- (c) The entity responsible for constructing the roadway shall provide the Town with cash, irrevocable letter of credit, or passbook (in the name of the Town) issued by a Banking Institution doing business in New Hampshire to cover the cost of inspection services. As a minimum this security shall be \$5.00/foot of roadway to be constructed plus ten percent (10%). Ten percent (10%) of the total construction observation shall be retained by the Town of Epsom to cover administrative costs.
- (d) The entity responsible for constructing the roadway shall be responsible for all cost of the inspection services. The Board of Selectmen shall make the sole determination as to whether the charges are reasonable.
- (e) Upon final acceptance of the constructed roadway, the Board of Selectmen shall release the security after all engineering invoices and lien waivers have been paid.

## **7.2 Construction Specifications**

### **1. General Application**

- (a) The construction of all streets with subdivisions shall be in conformity with those ordinances of the Town pertaining to such development and in the absence of information on the approved plans shall also meet the following construction and material specifications outlined here within and in the latest edition of the State of New Hampshire's Standard Specifications for Road and Bridge Construction latest version.
- (b) All material shall be secured from sources approved by the Town's Consultant Engineer. Samples of materials to be used and/or certificates of compliance shall be submitted to the Town Engineer upon request.
- (c) The Town's Consultant Engineer shall regularly be notified to inspect all phases of road and utility construction and materials used as outlined further in this section.

### **2. Town Provisions**

#### **(a) Clearing**

The entire area of each roadway shall be cleared and grubbed of all stumps, brush, roots, boulders, like materials and all trees not intended for preservation, and shall not be used for fill or buried on site. All stumps must be trimmed to a height of not greater than six (6) inches from the

existing grade. Any stumps located within three (3) feet of the sub-grade elevation shall be removed.

(b) Excavation

All loam, soft clay, and other yielding material shall be removed from within the limits of the roadway area to a depth of no less than twenty-four (24) inches below subgrade grade and/or to a depth that may be required by the Town Engineer. Ledge occurring anywhere in the full cross-section of the roadway must be cleared to a minimum depth of twenty-four (24) inches below the finished surface. Ledge occurring in pipe trenches must be cleared so as to have a gravel cushion of at least one (1) foot below and on both sides of the pipe.

(c) Rough Grade and Preparation of Sub-Grade

The excavated area shall be backfilled to the subgrade and shoulder elevation with suitable backfill, rough graded and compacted to subgrade and shoulder elevations. The subgrade shall be shaped to a true surface conforming to the proposed cross-section of the road and thoroughly compacted before applying the gravel.

(d) Base Courses

(i) The base course area shall be deemed to include travel way and shoulder areas and shall consist of the courses on the approved plans unless the Town Engineer determines that ground condition warrant greater depth for either course.

(ii) The base course shall not be constructed during freezing weather or on a wet or frozen sub-grade. Blading and rolling shall be required to provide a smooth, even and uniformly compacted course true to cross-section and grade. A minimum slope of the finished base course shall be 0.02 feet per foot (2%) or as may be required on curves or as shown on the approved plans. At all times during construction, the sub-grade and all ditches shall be constructed and maintained so that the road bed will be effectively drained. All compaction shall be at ninety-five percent (95%) density in accordance with AASHTO T99.

(iii) A minimum of twelve (12) inches of gravel (NHDOT Item No. 304.2) for subgrade, plus a finish course of 6" of crushed gravel (NHDOT Item 304.3) or as shown on the approved plans shall be placed over the accepted subgrade material, and compacted in accordance with NHDOT Standard Specifications for Road and Bridge Construction, Division 300, 2002 Edition.

(iv) Samples of all gravel may be obtained by the Town at any time to ensure quality and for periodic testing.

3. Paving

Street paving shall be accomplished by placing a minimum of two (2) courses of hot asphalt concrete which shall be placed with a self-propelled spreader and in accordance with the specifications stated in the State of New Hampshire Department of Transportation Standard Specifications or Road and Bridge Construction, adopted and approved, latest edition.

If a significant time interval occurs between the successive passes of the paving machine, the contractor must use a joint heater to ensure a better bond. No wearing course will be done between October 1 and May 15 and no binder course will be done between October 15 and April 15 without written approval from the Town Engineer. The minimum surface temperature for placement of the base or binder course of pavement shall be forty (40) degree Fahrenheit and the minimum surface temperature for the placement of the wearing course of pavement shall be fifty (50) degrees Fahrenheit.

4. Guardrail

Steel beam guardrail meeting current New Hampshire Department of Transportation standards shall be used when necessary. The Planning board may approve the use of alternate barrier materials in special instances. The inside (roadside) face of guardrail shall be set 2' from the edge of the traveled way, with gravel shoulders between the edge of pavement and guardrail.

5. Curbing

Granite curbs, where required by the Planning Board, shall conform to the New Hampshire Department of Transportation standards. Curb shall be bedded on and surrounded by a minimum of six (6) inches layer of gravel or as shown on the plans. Complete compaction shall occur in all areas and under the entire length of curb.

6. Sidewalks

The sub-base for a sidewalk, when required by the Planning Board, shall be at least six (6) inches of bank-run gravel, thoroughly compacted and three (3) inches of crushed bank-run gravel, thoroughly compacted. All stones larger than three (3) inches in diameter shall be removed. Bituminous concrete shall be constructed in two (2) courses; namely binder course and wearing course. (courses shall consist of two (2) inches of binder and one (1) inch of wearing course.) In no case shall the surface be constructed until the sub-base has been inspected and approved. Concrete sidewalks shall not be less than four (4) inches in thickness reinforced by 6 x 6 – 6° wire mesh, placed on the same base or as shown on the approved plans.

7. Stormwater Drainage Appurtenances

- (a) Drain catch basins or manholes shall conform to the current standards of the New Hampshire Department of Transportation.

- (b) Minimum size for pipe drains and culverts shall be fifteen (15) inches in diameter. Driveway culverts may be 12" in low flow areas.
- (c) All pipes shall be reinforced concrete pipe or as shown on plans for the given application. Drainage pipes shall have a minimum of three (3) feet of cover under pavement, two (2) feet in ditch lines and twelve (12) inches for driveways.
- (d) Culvert headwalls/endwalls, when required, shall be either concrete or mortar rubble masonry.

9. Water Mains and Fire Hydrants

(a) Connections to Lots

If Town water is supplied, each lot shall have a separate connection brought to the lot line, equipped with an outside stop, and capped until ready for use. All services lines shall be connected to the main by the use of tapped couplings. The developer shall provide ties for the end of the service and the outside stop for each lot development.

(b) Design and Construction

Water mains, services, fire hydrants, and other appurtenances shall be designed, constructed and installed according to standards set by the Town per current NFPA Standards.

(c) Materials

All materials shall meet the requirements or specifications set forth by the Town.

10. Debris and Waste

No cut trees, timber stumps, debris, earth, stones, soil, junk, rubbish, or other waste materials of any kind shall be buried, or deposited on any street. Nor shall any be left or deposited in any area of the subdivision at the same time of expiration of the performance bond or dedicated of public improvements, whichever is sooner. Any and all such materials shall be disposed of according to Town, State, and Federal law.

**7.3 Construction Observation Procedures**

1. Preconstruction Meeting

At least fifteen (15) working days prior to commencing construction improvements the Developer shall notify the Road Agent/Highway Department in writing of the time when he proposes to commence construction of such improvements. The Road Agent will arrange for construction observation by the Town's Consultant Engineer to assure that all standards, specifications and requirements are met during the construction of the required improvements. The

Developer shall schedule a preconstruction meeting with the Road Agent, which is mandatory, prior to the start of construction. The following parties shall attend the meeting: the Road Agent, the Town's Consultant Engineer, the Developer, the Developer's Contractor, the Developer's Engineer, and affected Utility Companies that are involved. The intent of the preconstruction meeting is as follows:

- (a) To outline the respective responsibilities for the involved parties.
- (b) The Developer's representative shall present the construction schedule and sequence, proposed coordination with affected State and Town agencies who may have jurisdiction with the project and governing utility companies, and introduce the Contractor's Superintendent for the project.
- (c) The Town shall provide a copy of the approved plans, specifications and related documents to the Town's Consultant Engineer.
- (d) The Town shall establish the chain of communication between all parties involved.
- (e) Emergency telephone numbers shall be supplied and the Town's Consultant Engineer will consolidate and publish the numbers.
- (f) The escrow amount for the construction observation shall be as specified in Section 7.1.6-c. Initial amount shall be constructed under the project plus ten percent (10%). Ten percent (10%) of the total construction observation costs shall be retained by the Town of Epsom to cover administrative costs. The escrow amount shall be periodically reviewed to assure that sufficient funds are available to cover all construction observation costs and additional funds provided as needed. Upon acceptance of the project, unused escrow amount shall be returned to the owner within 30 working days.

## 2. Professional Services – Notification and Fees

- (a) The Developer shall place the escrow amount for construction services with the Town prior to the start of construction.
- (b) The Town's Consultant Engineer shall be notified by the Developer or his representative at least two (2) working days prior to construction initiation and at all subsequent times the Town's Consultant Engineer services will be required.
- (c) The Developer or his representative shall inform the Town's Consultant Engineer of his overall and current bi-weekly work schedule.
- (d) The Developer will be charged hourly for the Town's Consultant Engineers' services.
- (e) Cancellation of the Town's Consultant Engineer's services must be received at least one (1) day prior to his scheduled appearance.

In a case where the Town's Consultant Engineers is not notified that his services are not required, a minimum charge of up to four (4) hours (to be approved by the Selectmen) shall be assessed to the requesting Developer.

3. Access to Work

The Developer shall provide the Town of Epsom and the Town's Consultant Engineer safe and full access to all of the construction operations at any requested time.

Structural calculations, prepared by a registered Engineer in the State of New Hampshire, may be required by the Town and evidence of the adequacy of proposed excavation supports.

4. Observation of Work

The Town's Consultant Engineer shall observe all progress and quality of the work completed by the Contractor. The Consultant Engineer, as an experienced professional, shall become generally familiar with the work in the progress and determine, in general, if the work is proceeding in accordance with the approved plans. The Town Consultant Engineer will prepare construction reports documenting his observations and submit these to the Town weekly. Observation of the work shall not imply partial or final acceptance of the project.

The Town's Consultant Engineer shall review and approve or take other appropriate action on the Contractor submittals, such as shop drawings, product data, material test results, and other data, which the Contractor is required to submit, but only for the limited purposes of checking for conformance with the approved plans.

The frequency and duration of construction observation shall be determined by the Road Agent and will vary from project to project and will depend on the quality of construction, complexity and field conditions. Upon apparent completion of construction, the Town's Consultant Engineer will prepare a punch list of items requiring correction, conduct a final site visit, and prepare a final report to the Town of Epsom regarding the project.

5. Field Changes

Minor changes, which do not alter the design intent, may be suggested by the Developer and agreed to by the Town's Consultant Engineer. However, proposed changes which will alter the basic design, as judged by the Town's Consultant Engineer, must be resubmitted to the Town's Planning Board, through the design engineer for concurrence prior to construction.

6. Testing

The Town's Consultant Engineer is responsible for supervising an independent testing laboratory with respect to all material and compaction testing to determine compliance with Town regulations. All costs incurred as a result of testing (and

re-testing in the event of test results that do not meet Town specifications) shall be borne by the Developer.

7. Layout of Work

- (a) It is the Developer's responsibility to provide layout of the work. Layout of the work shall be performed by an engineer or land surveyor licensed in the State of New Hampshire. Line, grade and location of roadway, curbing, drainage, utilities, and no cut zones, shall be provided with staked offsets. Layout shall be maintained during the course of the work and shall be provided as required to adequately control the accuracy of the work.
- (b) A superintendent shall be named, assigned and be present for the duration of construction activities.

8. Construction Checklist Items

A Construction Checklist indicating the various construction items discussed herein and their bonded value as previously mutually agreed upon by the Town and Developer is attached. It is the intent to use this form as a tool to monitor construction progress.

(a) Clearing and Grubbing

Upon completion of the clearing and grubbing, all fill areas shall be observed by the Town's Consultant Engineer prior to the start of further construction.

(b) Subgrade Construction

- (i) All fill operations shall be performed under observation by the Town's Consultant Engineer. Under no circumstances will fill operations be allowed until existing ground has been checked for grubbing, stripping topsoil and removal of unsuitable material.
- (ii) All sub-grades shall be checked by the Town's Consultant Engineer for material, compaction, and grade prior to the sub-base being placed.

(c) Utility Installation

(i) Drainage System (Including Under Drain)

Drainage construction shall be performed under the Town's Consultant Engineer's observation. No work shall be permanently back-filled without prior permission of the Town's Consultant Engineer.

Before final acceptance, completed storm drains will be checked. Any imperfections such as cracks, displaced joints, variations from

line of grade or leaks, shall be repaired or replaced to the satisfaction of the Town's Consultant Engineer.

(ii) Other Utilities

In general, all the work shall conform with the requirement and specifications of the proper utility company. It is the Developer's responsibility to arrange the work with the proper utility authority and the Town.

Excavating and back-filling operations shall be observed by the Town's Consultant Engineer.

(d) Subgrade Preparation

The subgrade shall be checked by the Town's Consultant Engineer for compaction and conformance to line, grade and crown. Under no circumstance will the gravel operation be allowed to begin until the sub-grade has been checked by the Town's Consultant Engineer.

(e) Gravel Base Placement

A testing company, prior to starting the placement of gravel, shall perform sieve and proctor analysis of the proposed material. Sieve analysis of the materials shall be rechecked during placement if questioned by the Town's Consultant Engineer

(i) The gravel operation shall be under the Town's Consultant Engineer's observation. After the gravel sub base is completely placed, shaped and compacted, the surface shall be checked and approved for smoothness, accuracy of crown and grade, and compaction.

(f) Crushed Gravel Base Placement

A testing company, prior to starting the placement of crushed gravel, shall perform sieve and proctor analysis of the proposed material. Sieve analysis of the materials shall be rechecked during placement if questioned by Town's Consultant Engineer. Placement of crushed gravel shall not begin until the gravel sub-base is checked by the Town's Consultant Engineer.

(i) The crushed gravel operation shall be under the Town's Consultant Engineer's observation. After the crushed gravel course is completely placed, shaped and compacted, the surface shall be checked and approved for smoothness, accuracy of crown, grades, and compaction.



(g) Placement of Bituminous Concrete

(i) Base Course

No pavement is to be placed until the crushed gravel base has been approved by the Town's Consultant Engineer. All paving operations shall be observed by the Town's Consultant Engineer.

Pavement placement shall be checked for conformance to method, crown, line, grade, compaction, smoothness and uniformity.

(ii) Wearing Course

No pavement is to be placed until the base course has been checked and approved by Town's Consultant Engineer. Pavement operations shall be observed by the Town's Consultant Engineer.

Pavement placement shall be checked for conformance to method, crown, line, grade, compaction, smoothness and uniformity.

No permanent wearing course pavement will be placed after November 15, 2003.

(h) Curbing Installation

The Developer shall notify the Town's Consultant Engineer to check the layout of the curbing. The Developer is not required to have the Town's Consultant Engineer present during the installation of the curbing. However, if the curb placement is considered unacceptable by the Town's Consultant Engineer, it is the responsibility of the Developer to make any required changes.

(i) Turf Establishment

Areas to be loamed shall be checked for smoothness and conformance to shape and grade.

(i) Loam analysis shall be provided by the Developer to the Town's Consultant Engineer prior to starting the operation. Analysis of the loam shall be rechecked during placement if requested by the Town's Consultant Engineer.

(ii) Seeding will be checked for conformance to Town subdivision regulations and related regulations.

(iii) Turf establishment shall be checked for satisfactory growth and shall be re-seeded if required by the Town's Consultant Engineer.

(j) Installation of Monumentation

Monument installation shall be checked for location and material for conformance with the approved plans. Licensed Land Surveyor certification shall be provided to the Town regarding the placement of monuments.

## **Section 8 Boundary Line Adjustments**

### **8.1 Minor Lot Line Adjustments or Boundary Agreements**

1. The Planning Board shall consider as Boundary Line Adjustments those alterations of existing boundary lines between two or more abutters which so not result in the creation of conforming lot or lots. If the adjustments create conforming lots they shall be considered subdivisions and subject to the appropriate Subdivision Regulations.

### **8.2 Procedure for Boundary Line Adjustments**

1. The applicant shall submit to the Planning Board application consisting of:
  - (a) the name of the owners of record as applicants
  - (b) the location and tax map numbers
  - (c) a list of abutters
  - (d) a brief description of adjustment sought
  - (e) monies to cover the cost of notification of abutters and posting of notice and application fee.
2. At the next Planning Board Meeting proof of notice to abutters shall be provided (by the Planning Board) and the applicant shall submit one (1) mylar and three (3) paper copies of a plat prepared by a land surveyor licensed in the State of New Hampshire at a scale of not more than one (1) inch equal to one hundred (100) feet in ink, and the sheets shall be numbered in sequence if more than one sheet is used, and shall be of such size as is acceptable for filing in the Office of the County Register of Deeds, but shall be no larger than twenty-two by thirty-four (22 X 34) inches.

### **8.3 Specifications**

1. The plat shall contain the following features:
  - (a) The location of property with respect to surrounding property and streets, the names of all abutters, and the names of adjoining streets.
  - (b) The location, bearings to the nearest minute and dimensions of all boundary lines proposed to be expressed in feet and hundredths of a foot, stations, radii, and curve data.
  - (c) The names, addresses and signatures of the owners of the land being adjusted, the name, address and seal of the land surveyor.
  - (d) The date of the map, true north point, and magnetic north point, and scale.
  - (e) The location and type of all proposed and existing monuments.

- (f) A vicinity map, showing the location of the property in relation to surrounding streets
- (g) Full legal descriptions of the drainage easements, site easements, rights-of-way, covenants, reservations, or other restrictions shall accompany the plat with notations of each on the plat.
- (h) Any other data or evidence deemed necessary by the Planning Board.

#### **8.4 Decision of the Board**

Upon presentation of the above stated documents in complete and proper form, the application shall be acted upon at the same meeting unless just cause is shown that an extension of time is necessary for the Planning Board to make a decision.

**LETTER OF CREDIT**

Board of Selectmen  
Town of Epsom  
PO Box 10  
Epsom, NH 03234

RE: \_\_\_\_\_ Subdivision

Dear Town Officials:

By this document the \_\_\_\_\_ Bank (hereinafter "Issuer") hereby issues an irrevocable letter of credit in the amount of \$ \_\_\_\_\_ to the Town of \_\_\_\_\_ on behalf of \_\_\_\_\_ (Developer). This irrevocable letter of credit is issued to guaranty completion of all improvements required by the \_\_\_\_\_ Planning Board and the Town of \_\_\_\_\_. Subdivision Regulations in conjunction with a subdivision plan entitled " \_\_\_\_\_ ", dated \_\_\_\_\_, prepared by \_\_\_\_\_, and approved by the \_\_\_\_\_ Planning Board.

It is understood that the improvements guaranteed by this irrevocable letter of credit include but not limited to the following:

1. Construction of \_\_\_\_\_ linear feet of roadway along with all associated utilities. Said roadway being shown on the above plan as \_\_\_\_\_.
- 2.
- 3.

It is agreed and understood by the issuer of this letter of credit that it shall be issued for a period of \_\_\_\_\_ months. If all improvements guaranteed by this letter of credit are not completed by \_\_\_\_\_ (date) and is a certificate indicating completion of all improvements has not been issued by the Town Engineer or assign, then this letter of credit shall be automatically considered to have been called and without further action of the Town of \_\_\_\_\_ or its Planning Board, the \_\_\_\_\_ Bank shall forewith forward a check in the amount of \$ \_\_\_\_\_ to the Treasurer of the Town of \_\_\_\_\_. The funds so forwarded to the Town Treasurer shall be used exclusively for the purpose of completing the improvements which are guaranteed by this letter of credit. Any funds not needed by the Town to complete improvements required by the subdivision plan referred above shall be returned to the \_\_\_\_\_ Bank.

\_\_\_\_\_  
(Signature of Bank Official)

Dated: \_\_\_\_\_

I have read this letter of credit and agree to its terms.

\_\_\_\_\_  
(Signature of Developer)

# **EXHIBIT 1**

## **Typical Roadway Section**

## **EXHIBIT 2**

### **Driveway Typical**

# **EXHIBIT 3**

## **Cistern Concept Plan**



## **EXHIBIT 4**

### **Cistern Concept Elevation**