

Chapter 201, SUBDIVISION OF LAND

[HISTORY: Adopted by the Planning Board of the Town of Hillsborough 8-16-2006.^{iEN}
Amendments noted where applicable.]

GENERAL REFERENCES

- Planning Board -- See Ch. 55.
- Regional Planning Commission -- See Ch. 63.
- Impact fees -- See Ch. 149.
- Site plan review -- See Ch. 185.
- Zoning -- See Ch. 229.

§ 201-1 Authority; title; purpose.

- A. Authority. Pursuant to the authority vested in the Planning Board by the voters of the Town of Hillsborough and in conformance with the provisions of RSA 674:35 and 674:36, as amended, the Planning Board hereby adopts the following regulations governing the subdivision of land.
- B. Title. These regulations shall be known as the "Town of Hillsborough Subdivision Regulations" and hereinafter referred to as "these regulations."
- C. Purpose.
 - (1) These regulations are designed to accomplish the purposes set forth in RSA 674:36 as amended and for the purpose of protecting the health, safety and general welfare and to provide for the harmonious development of the Town of Hillsborough and its environs.
 - (2) The purpose of these regulations is to foster the development of an economically and environmentally sound and stable community and to safeguard and protect the people of the Town of Hillsborough, the taxpayers, and the public from the consequences of improper subdivision, planless growth and haphazard development by:
 - (a) Protecting and preserving the rural and historical character of the Town.
 - (b) Protecting abutting and neighborhood land uses, interests, values and concerns through harmonious development of the Town and its environs.
 - (c) Preserving land values and avoiding increased real estate tax burdens.
 - (d) Promoting and protecting the amenities of the Town through provisions for parks, playgrounds and other recreation areas and the preservation of the environment, natural beauty, trees, wetlands, lakes, ponds, bogs, streams and rivers, wildlife habitat and other natural and historic resources, values and features.
 - (e) Preventing such scattered or premature subdivision of land as would involve danger or injury to health, safety or prosperity by reason of the lack of water supply, drainage, sewage disposal, transportation, schools, fire protection or other public services; or necessitate excessive expenditure of public funds for the supply of such services.
 - (f) Assuring the adequate provision of safe and convenient traffic access and circulation, both vehicular and pedestrian, through the proper design, construction,

arrangement and coordination of streets and ways within the subdivision in relation to existing or planned streets or with the features of an official map of the Town, if adopted.

§ 201-2 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ABUTTER -- Any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration by the local and use board. For purposes of receiving testimony only, and not for purposes of notification, the term "abutter" shall include any person who is able to demonstrate that his land will be directly affected by the proposal under consideration. For purposes of receipt of notification by a municipality of a local land use board hearing, in the case of an abutting property being under a condominium or other collective form of ownership, the term "abutter" means the officers of the collective or association, as defined in RSA 356-B:3, XXIII. For purposes of receipt of notification by a municipality of a local land use board hearing, in the case of an abutting property being under a manufactured housing park form of ownership as defined in RSA 205-A:1, II, the term "abutter" includes the manufactured housing park owner and the tenants who own manufactured housing which adjoins or is directly across the street or stream from the land under consideration by the local land use board.

ACCESSORY BUILDING -- A building subordinate and customarily incidental to the principal building on the same lot, for storing cars, boats, tools or for other specialized purposes.

APPLICANT -- Owner of record or designated agent of land to be subdivided.

APPLICATION -- The application for preliminary subdivision review, lot line adjustment or final subdivision approval submitted on forms provided by the Planning Board.

APPROVAL -- Recognition by the Board, certified by written endorsement on the final plat, that the submission meets the requirements of these regulations and all other applicable ordinances and regulations.

APPROVAL, CONDITIONAL -- Recognition by the Planning Board, certified by written endorsement on the plat, that the plat is not finally approved, nor ready for filing with the Registry of Deeds until such time as certain conditions, set forth by the Board, are met. This is not to be confused with a plat that has been approved subject to certain conditions that would be met as part of the implementation of the plan.

BOARD or PLANNING BOARD -- The Planning Board of the Town of Hillsborough.

BUILDING -- A structure built for the support, shelter or enclosure of persons, animals, chattels or movable property of any kind and includes all structures and attached and unattached decks.

BUILDABLE AREA -- A contiguous area within a lot exclusive of road rights-of way and other easements, surface waters, wetlands, areas of steep slope exceeding 25%, and areas within a federally designated one-hundred-year floodplain. The buildable area is the portion of a lot upon which any building may be placed, in conformance with the Hillsborough Zoning Ordinance.^{iiEN}

BUILDING SITE -- That portion of a lot, tract or parcel of land upon which a single building is or is to be placed.

CONDOMINIUM -- The division of a lot, tract, or parcel of land into two or more lots or buildings sites, or the division of a building or building complex into two or more individual units, whether immediate or future, which lots or building(s) shall be submitted to the condominium form of ownership and for which there shall be condominium conveyances, whether immediate or future, in conformity with RSA 356-B.

CONSTRUCTION PLAN -- The maps or drawings accompanying a division 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.

COTTAGE INDUSTRY -- A profession, occupation or business use that is clearly incidental and secondary to the use of the single-family residence or homestead and does not change the residential character thereof. Such occupation or business must not change the existing character of the neighborhood.

CUL-DE-SAC -- A local street having only one outlet and having appropriate terminus for the safe and convenient reversal of traffic movement.

DEVELOPED LOT -- A separately deeded parcel of land with an established access, a structure used as a dwelling or for other purposes, on-site water supply and on-site sewage disposal system.

DEVELOPMENT -- Changing the character of land from its existing state by the construction or placement of one or more buildings thereon, and/or the character of an existing structure for the purpose of rental, condominium conveyance or combined business and residential use. It does not include:

- A. Construction of customary outbuildings, such as garages, sheds and barns;
- B. Building additions for residential purposes not involving rental units or condominiums; and
- C. Building additions for cottage industry.

DIVERSION -- A channel with or without a supporting ridge on the lower side constructed across or at the top or bottom of a slope.

DRIVEWAY -- An area built for direct access to a garage or off-street parking space, serving not more than two lots, sites or dwelling units. A private way for access serving more than two lots, sites, or dwelling units shall be considered a private road under these regulations.

DWELLING -- A privately or publicly owned building containing a dwelling unit or units.

DWELLING UNIT -- A single unit providing complete independent living facilities for one or more persons, including permanent provisions for separate living, sleeping, eating, cooking and sanitation, limited to only one kitchen.

EASEMENT -- An interest in real property conveyed by a property owner for the benefit of another and evidenced by a legal document.

ENGINEER -- An engineer licensed by the State of New Hampshire.

EROSION -- The wearing away of the land surface by the action of wind, water or gravity.

FINAL PLAT -- The final drawing or drawings on which the subdivider's plan of subdivision is presented to the Planning Board for approval and which, if approved, shall be submitted to the Hillsborough County Registry of Deeds for recording within 90 days of that approval.

FLOOD LIMIT -- The land-water boundary of a watercourse flowing at its one-percent frequency (the so-called "one-hundred-year flood") as defined by a responsible public agency such as the U.S. Army Corps of Engineers or the U.S. Department of Agriculture Soil Conservation Service or by a private engineering firm qualified in hydraulics.

FLOOD HAZARD AREAS -- Areas delineated by the U.S. Soil Conservation Service or the U.S. Army Corps of Engineers or the Federal Emergency Management Agency or the National Flood Insurance Program of the Federal Insurance Administration as subject to inundation from an intermediate or more severe level of flooding, also referred to as the "base flood" or the "one-hundred year flood." It appears on a community's Flood Hazard Boundary Map as a Zone A or Zone A1-30.

FRONTAGE -- That side of a lot abutting on a public or private street and ordinarily regarded as the front of the lot.

GRADE -- The slope of a lot, road, street or other public way, specified in percentage terms.

LAND -- Shall include lands, tenements and hereditaments (a piece of property that can be inherited) including buildings and real property of all kinds.

LOT -- A parcel of land occupied or to be occupied by only the principal building or the accessory buildings or uses customarily incidental to it. A lot shall be of sufficient size to meet the minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are herein required. A lot shall have boundaries identical to those recorded at the Registry of Deeds.

LOT LINE -- The property line dividing a lot from an adjacent property, street, right-of-way, or body of water.

LOT LINE ADJUSTMENT -- Adjustment of a lot line(s) or boundary agreement that does not create buildable lots.

MASTER PLAN -- The Comprehensive Plan or plan of development for the Town as defined in RSA 674:1 and 674:2.

MINOR SUBDIVISION -- The subdivision of land into no more than three lots fronting on an existing street, not involving any new street or road or the extension of municipal streets or utilities or the creation of any public improvements and not adversely affecting the remainder of the parcel or adjoining property. It shall not mean the division of a residential structure into only two residential condominium units.

OFFICIAL MAP -- The adopted street or base map of the Town as defined in RSA 674:9 through 674:11.

OWNER -- Any person, group of persons, firm or firms, corporation or other legal entity having legal title to a sufficient proprietary interest in the land sought to be subdivided under these regulations.

PARKING SPACE -- An off-street space, 10 feet wide by 20 feet long, for exclusive use as a parking area for one motor vehicle.

PLANNING BOARD ATTORNEY -- The attorney designated by the Board to furnish legal assistance for the administration or interpretation of these regulations.

PLANNING BOARD ENGINEER -- The engineer or other official designated by the Board to furnish engineering assistance for the administration of these regulations.

PLAT -- The map, drawing, or chart on which the plan of subdivision is presented to the Board for approval, and which, if approved, will be submitted to the County Registry of Deeds for recording.

PRELIMINARY PLAT -- The preliminary drawing or drawings, described in these regulations, indicating the proposed layout of the subdivision and showing the existing topography, test pits and percolation tests, soils boundaries and any other information required by the Board, to be submitted to the Board for approval.

PRIVATE ROAD -- A road which is not a Town road and which serves more than two lots, sites, or dwelling units.

PUBLIC HEARING -- A meeting, notice of which must be given per RSA 676:4I(d), which the public is allowed to offer testimony.

PUBLIC IMPROVEMENT -- Any drainage ditch, roadway, sewer or storm drain line, waterline, parkway, sidewalk, pedestrianway, 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 or 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.

PUBLIC MEETING -- The regular business meeting of the Planning Board as required per RSA 673:10.

REGISTERED ENGINEER -- An engineer properly registered and licensed in the State of New Hampshire.

RIGHT-OF-WAY -- 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. (See "easement.")

SALE OR LEASE -- Any immediate or future transfer of ownership of any possessory interest in land or land and buildings or an interest in a subdivision or part thereof, whether by metes or bounds, deed, contract, plat, map, leases, devise, intestate succession or other written instrument.

SEDIMENT -- Solid material, both mineral and organic, that is a product of erosion.

SETBACK -- The distance between a building and the nearest street line or property line. In determining the setback from buildings, measurements are to be made from the nearest corner board of the building. In determining setback from decks, measurements are to be made from the edge of floor decking.

SITE PLAN REVIEW -- Review procedure as adopted by the Town of Hillsborough in its Site Plan Review Regulations^{iiiEN} for development that is not one- or two-family housing or other exempted developments.

STEEP SLOPE -- Slopes with a grade greater than 25%.

STREET -- A highway, road, avenue, lane, and/or any other way which exists for vehicular travel, including the entire right-of-way.

STREET, ARTERIAL -- A street used for heavy and/or through traffic.

STREET, COLLECTOR -- A street used to carry traffic from local streets to arterial streets and to public and other centers of traffic concentration.

STREET, FRONTAGE -- A roadway parallel to a street which provides access to abutting properties in order to reduce the number of access points onto the street.

STREET, LOCAL -- A street used primarily to give access to abutting properties.

SUBDIVIDER -- The owner of record of the real property to be subdivided.

SUBDIVISION

- A. The division of a lot, tract, or parcel of land into two or more lots, plats, sites or other divisions of real property for the purpose, whether immediate or future, of sale, rent, lease, condominium conveyance or building development. It shall not apply to the division of a residential structure into two residential units.
- B. Subdivision includes resubdivision and, when appropriate to context, relates to the process of subdividing or to the land or territory subdivided.
- C. Subdivision includes creation of a condominium for residential or for mixed business and residential uses. A condominium consisting of a single building and no more than two units on a lot shall not be subject to subdivision review. A condominium consisting of two or more buildings, or more than two units, is subject to subdivision review.
- D. The division of a parcel of land held in common and subsequently divided into two or more parts shall be deemed a subdivision. A lot line adjustment, as defined in this section, shall be deemed a subdivision.
- E. Land divided by a highway shall be deemed to be contiguous if the reference deed describes the property as one single tract of land, even though a highway may pass through it.
- F. The grant of an easement in gross to a public utility for the purpose of placing and maintaining overhead and underground facilities necessary for its transmission or distribution network, such as poles, wires, cable, conduit, manholes, repeaters and supporting apparatus, including any unmanned structure which is less than 500 square feet, shall not be construed as a subdivision under this chapter, and shall not be deemed to create any new division of land for any other purpose.

SURVEYOR -- A land surveyor licensed by the State of New Hampshire.

TIE LINE -- A survey line that connects a point to other surveyed lines.

TOWN -- The Town of Hillsborough.

WETLANDS -- Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands include, but are not limited to, swamps, marshes, bogs and similar areas.

ZONING -- The Town of Hillsborough Zoning Ordinance. (See Ch. 229.)

§ 201-3 General requirements.

- A. Character of land for subdivision. Land of such character that it cannot, in the judgment of the Board, be used for building development purposes because of exceptional danger to health or peril from fire, flood, poor drainage, excessive slope, or other hazardous conditions, or due to damage or negative effect on a) air quality; b) ground or surface water resources; c) wildlife habitat and trails; d) significant natural features or sites; e) significant historic buildings or sites; or f) agricultural lands designated by the Soil Conservation Service as prime agricultural land or agricultural land of statewide significance, shall not be platted for residential, commercial, or industrial subdivision. The buildable area of a lot, as defined in these regulations, shall be clearly delineated on the plat and shall not be less than the

minimum lot size as required in the Hillsborough Zoning Ordinance.

- B. Premature subdivision. The Board shall not approve such scattered and premature subdivision of land as would involve danger or injury to public health, safety, or prosperity, by the reason of lack of water supply, sewage disposal, drainage, transportation, schools, fire protection, or other public services which necessitate the excessive expenditure of public funds for the supply of such services.
- C. Preservation of existing features. Suitable steps shall be taken to preserve and protect significant features, such as trees, scenic points, stone walls, rock outcroppings, water bodies, and historic landmarks. Where possible, the boundary lines should follow stone walls.
- D. Alternative methods for subdivision. The Board may require that the subdivider use an alternative method for subdivision, such as cluster development, as provided for by these regulations and/or the Hillsborough Zoning Ordinance if, in the Board's best estimation, the land is more suitable for the alternative method of subdivision due to the size of the parcel, the location, the cost of providing public services, topography, geology, hydrology, or other physical constraints.
- E. Reserve strips. No privately owned reserve strip, except proposed open space within the subdivision, shall be permitted which controls access to any part of the subdivision or to any other parcel of land from any street, or from any land dedicated to public use, or which may be so dedicated.

§ 201-4 Review procedure. [Amended 4-21-2010]

A. General.

- (1) Whenever any subdivision of land is proposed, before any construction, land clearing or building development is begun, before any permit for the erection of any building in such proposed subdivision shall be granted and before any subdivision plat may be filed in the Office of the Register of Deeds of Hillsborough County, the subdivider or the subdivider's authorized agent shall apply for and secure approval of such proposed subdivision in accordance with the following procedure.
- (2) Anyone wishing to a) divide his property into two or more lots; or b) adjust lot line portion of his property to his own land or the land of another; or c) otherwise to carry out a subdivision shall request the Board for a nonbinding consultation review or apply to the Board in writing for a preliminary or a final subdivision review. Only the latter is obligatory. For a preliminary or a final subdivision review, the prospective subdivider shall apply to the Board in writing on the appropriate application and shall pay the necessary fees. Each requires the Board to notify the public and to hold at least one public hearing.

- B. Nonbinding consultation and review. In order to save expense and unnecessary changes later on, a person may appear at any formal meeting of the Board for a discussion of a proposed concept in general terms and for a review of applicable subdivision regulations, application forms, necessary supporting maps, and documents. There is no application fee or time limit for this nor is this consultation and review binding in any way on either the applicant or the

Board.

C. Preliminary review.

- (1) If a person wishes a review of his project which goes beyond discussion of the proposed subdivision in conceptual form, he may apply to the Board in writing on the appropriate application form, and pay the required fees. The Board shall then give formal public notice of the preliminary subdivision review in accordance with these regulations.
- (2) The preliminary review shall be conducted only at formal meetings of the Board. The Board may review the proposal in detail and receive testimony in person or in writing from any applicant, any abutter or any other person as permitted by the Board. The Board may, but is not required to, give a formal response to the applicant with respect to the proposal as a whole or any portion of the proposal. Such preliminary review shall bind neither the applicant nor the Board. A formal meeting on a particular preliminary review may be adjourned to continue on a specific date with no further notice of the reconvened meeting required. If a final subdivision review has not been scheduled within one year of the date of the close of the preliminary hearing, then the application shall be considered abandoned.

D. Final application and review.

- (1) Application. Any person desiring approval for a lot line adjustment, subdivision of land or for building development, as defined in these regulations, must apply to the Board in writing on the designated application form and pay the required fees. A completed application may be filed with the Board at a regularly scheduled meeting, or with a representative of the Board.
- (2) Review.
 - (a) A formal hearing with public notice shall be scheduled by the Board or its representative not less than 21 days and not more than 30 days from the date of delivery, at which time the application will be considered for acceptance.
 - (b) Within five business days from the date of delivery of the application, the plans will be distributed by the Board or its representative to the following Town departments/commissions: Conservation, Fire, Highway, Police, Town Administration, and Water and Sewer, where applicable. A memorandum will be included with the plans requesting comments by the date of the public hearing. A lack of response by the date of the public hearing shall indicate to the Planning Board that the department/commission approves the application.
 - (c) The Board shall accept the application at the formal hearing if the application is complete and all costs of notice of the application have been paid. Only after such acceptance will the legal time limits be in effect. Upon determination by the Board that a submitted application is incomplete according to the Board's regulations, the Board shall notify the applicant of the determination in accordance with RSA 676:3, which shall describe the information, procedure, or other requirement necessary for the application to be complete.
 - (d) Upon acceptance, the Board may immediately begin its review of the final application or it may schedule a new hearing date for review. The Board may also schedule a site walk if it is deemed necessary.
 - (e) All applications shall be reviewed for potential regional impacts. Upon such finding,

- the Board shall follow the procedure set forth in RSA 36:57.
- (f) Following review and decision, the Board shall give a formal notice of decision to the applicant.
- (3) Notice of application and hearing. The Board shall notify the abutters, the applicant, and the general public of the date upon which the completed application will be formally submitted to the Board. The notice shall include a general description of the proposal and shall identify the applicant and the location of the property.
- (a) Notice shall be by certified mail to the applicant or agent and abutters at least 10 days prior to such formal submission or public hearing.
 - (b) Notice shall also be given to the general public by posting a copy of the notice in a minimum of two public places in the Town or by publication in a newspaper of general circulation in the Town at the same time that notice is mailed to the applicant and the abutters, with notice to be in such form and published as often as the Board shall determine.
 - (c) An applicant seeking approval for a subdivision will supply a list of all holders of conservation, preservation or agricultural preservation restrictions as defined under RSA 477:45. The Board shall notify these holders in the same way that abutters are notified during the application, approval and appeals process.
- (4) Costs and fees. All costs of notice of application and hearings, including secretarial time and disbursements, shall be paid in advance by the applicant. In addition to the fees for notice of submission of a subdivision application and of the public hearing on such application, the Board may impose reasonable fees to cover its administrative expenses and costs of special investigative studies, review of documents and other matters which may be required by particular applications. Such fees may be imposed by the Board to cover fees and disbursements of consultants to the Board, including, but not limited to, engineers, surveyors, lawyers, map cartographers, community planners and laboratory and field tests. Such fees shall be paid or provided for in advance to the satisfaction of the Board. Failure to pay such costs shall constitute valid grounds for the Board to terminate further consideration and to disapprove the plat.
- (5) Formal consideration; time limits.
- (a) The Board shall act to approve or disapprove the application within 65 days of acceptance; provided, however, that the Board may apply to the Selectmen of the Town for an extension not to exceed an additional 90 days before acting to approve or disapprove the application and, provided further, that the applicant may waive the requirement for Planning Board action within the foregoing time periods and consent to such extension as may be mutually agreeable. Upon failure of the Board to approve, conditionally approve or disapprove the application, the Selectmen shall, upon request of the applicant, immediately issue an order directing the Board to act on the application within 30 days. If the Planning Board does not act on the application within that thirty-day time period, then within 40 days of the issuance of the order, the Selectmen shall certify on the applicant's application that the plat is approved pursuant to RSA 676:4, I(c)(1), within those 40 days the Selectmen have identified in writing some specific subdivision regulations or zoning or other ordinance provision with which the application does not comply. Such a certification, citing RSA 676:4, I(c)(1), shall constitute final approval for all purposes including filing and recording under RSA 674:37 and 676:18, and court

review under RSA 677:15.

- (b) Failure of the Selectmen to issue an order to the Planning Board, or to certify approval of the plat upon the Planning Board's failure to comply with the order, shall constitute grounds for the superior court, upon petition of the applicant, to issue an order approving the application if the court determines that the proposal complies with existing subdivision regulations and zoning or other ordinances. If the court determines that the failure of the Selectmen to act was not justified, the court may order the municipality to pay the applicant's reasonable costs, including attorney's fees, incurred in securing such order.
- (6) Final review public hearings. Except as provided in this section, no application may be denied or approved without a public hearing on the application. At the hearing, the applicant, any abutter or any person with a direct interest in the matter may testify in person or in writing. Other persons may testify as permitted by the Board at each hearing. Pursuant to RSA 676:4, I(e), public hearings shall not be required when the Board is considering or acting upon:
- (a) Lot line adjustments which do not create buildable lots, except that notice to abutters shall be given prior approval of the application and any abutters may be heard on the application upon request to the Board; or
 - (b) Disapproval of applications based upon failure of the applicant to supply information required by the regulations, or failure to meet reasonable deadlines established by the Board; or failure to pay cost of notice or other fees required by the Board.
- (7) Decision of the Board.
- (a) The Planning Board may decide to approve an application, approve the application with conditions, or disapprove the application. For approvals with conditions, to clarify the expectations of the Board, time limits may be set for each condition as appropriate. Approval may become final without further public hearing when conditions are:
 - [1] Minor plan changes whether or not imposed by the Board as a result of a public hearing, compliance with which is administrative and which does not involve discretionary judgment;
 - [2] Conditions which are in themselves administrative and which involve no discretionary judgment on the part of the Board; or
 - [3] Conditions with regard to the applicant's possession of permits and approval granted by other boards or agencies or approvals granted by other boards or agencies.
 - (b) All other conditions shall require a hearing and notice.
 - (c) In case of disapproval of any application, the grounds for such disapproval shall be adequately stated upon the records of the Board and a copy thereof shall be mailed to the applicant within 72 hours after the decision is made.
 - (d) All conditional approvals granted by the Board shall expire eighteen (18) months from the date of conditional approval, unless the conditional approval explicitly sets a different expiration date, which shall be so stated in the record. An applicant may apply for an extension of the expiration date but the Planning Board is under no obligation to grant an extension. No extension shall be granted if the proposal does not comply with a zoning amendment or an amendment of these regulations which was enacted since conditional approval was granted.

- (8) Recording of final plat. No sale or transfer of land within a subdivision may be entered into until an approved subdivision final plat has been recorded with the Register of Deeds of Hillsborough County by the Clerk of the Board.
- (9) Construction.
 - (a) Inspections. Inspections by the Board's engineer or designated agent are required when:
 - [1] Completion of clearing and grubbing.
 - [2] Culverts and other drainage improvements are installed.
 - [3] Fine grading of the subgrade, side and back slopes.
 - [4] Base course(s) of sand and/or gravel have been laid and compacted.
 - [5] Finish course of crushed gravel has been laid, compacted and fine graded.
 - [6] Surfacing with bituminous courses is in progress.
 - [7] Such other operations as may be found necessary by the Board or its agent.
 - [8] All inspection costs will be borne by the applicant.
 - (b) Notice before inspection. For required inspections during construction, the contractor, owner or developer shall give at least 48 hours (two working days) notice to the Board or its representative in order to coordinate schedules. The Board or its representative may make such additional inspections as they deem necessary.
 - (c) Testing. All laboratory and field tests requested by the Board will be approved by the Board and shall be paid for by the subdivider.
 - (d) Subdivision as-built plans. Following completion of all improvements, the subdivider shall submit as-built plan(s) to the Board. This plan shall be drawn to scale and shall indicate by angles and dimensions the boundaries of any rights-of-way shown on said plan, all underground utilities, road profiles and center-line elevations and final grading plan showing swales and ditches. The plan shall show easements, dedicated roadways and roadbeds.

§ 201-5 Submission requirements.

- A. Compliance with regulations, Master Plan, Official Map, other ordinances and regulations. All subdivisions shall conform to and give effect to the purpose of these regulations and any pertinent federal, state or local laws, ordinances, bylaws or regulations and with the Master Plan for the Town and Official Maps when adopted.
- B. General requirements. The plans shall include the following information:
 - (1) An approval block shall be located in the lower right-hand corner of the plat and shall read as follows:

Approved as a subdivision under the provisions of
RSA 674:37

HILLSBOROUGH PLANNING BOARD

In accordance with the vote of the Board

Dated _____

Chairman

- (2) A title block, located above the approval block when possible, shall indicate the following:
 - (a) Type of survey, i.e. plan of lots, plan for annexation, site plan.
 - (b) Title of plan/development (if applicable, i.e. "Colonial Heights").
 - (c) The name of the town(s) in which the parcel is located.
 - (d) Name and address of the owner of record.
 - (e) Written scale and date.
 - (f) Name and address of the preparer.
- (3) North arrow with reference to magnetic, true or grid North, and origin with the date of observation or plan number of reference plat; bar scale; Tax Map and lot number of subject parcel; date of any revisions.
- (4) Names, addresses and assessors map references, i.e., Tax Map and lot number, for all abutting properties. A separate list of abutters names and addresses shall be provided on mailing labels.
- (5) Locus plan showing general location of the total tract within the Town.
- (6) Bearings to the nearest second and distances to the nearest hundredth of a foot on all pertinent property lines of the entire parcel. Distances along irregular boundaries, such as streams and rivers, shall be shown to the nearest approximate foot.
- (7) Curved boundary lines showing radius and length. On nontangent curves, a course and distance of the long chord shall be shown.
- (8) Irregular boundaries without curves, such as rivers or streams, or with curves which have no definable geometry, shall have sufficient information to mathematically close the plat.
- (9) Tie lines, when used, shall be noted that they are not property lines.
- (10) Lot sizes and buildable area of lots expressed in square feet and acres.
- (11) The zoning district in which the property is located and any pertinent zoning district boundaries.
- (12) All monuments set or found. All lot corners created as the result of any annexation or subdivision are to be monumented, with the monuments shown on the plat prior to final approval. In subdivisions requiring the construction of new streets, all monuments on the right-of-way shall be set and shown on as-built plans prior to acceptance of the street by the Town.
- (13) Legend, unless symbols are clearly identified within the plat.
- (14) Building setback lines or building envelope as specified by the Zoning Ordinance.
- (15) Location of existing and proposed easements and areas affected by existing and proposed covenants, reservations and restrictions, benefitting or burdening the property.
- (16) Location of existing and proposed utilities, wells, septic systems, buildings, driveways, parking areas, stormwater drainage lines, drainage structures, drainage ways, wetlands and water bodies.
- (17) Seal and signature of a licensed land surveyor in the State of New Hampshire attesting that:
 - (a) All monuments shown on the plat are in place.
 - (b) The survey will close within one foot per 7,500 for lots in the Rural District and one foot per 10,000 feet for lots in all other zoning districts.
 - (c) This plan is based upon actual field survey made on the ground.
- (18) Location of numbered test pits and percolation tests. Data for all test pits dug shall be

- shown on the plan and/or on accompanying sheets of 8 1/2 inches by 11 inches bearing the permitted septic designer's stamp on each sheet.
- (19) Subdivision boundaries transferred to United States Department of Agriculture, Natural Resources Conservation Service Soil Maps. The copy of the county soil survey must be provided at the same scale as the original county soil survey. (This requirement can be waived for all lots to be served by Town or municipal sewer.)
 - (20) Wetland boundaries are identified and delineated according to the following standards and/or methodologies as amended:
 - (a) Corps of Engineers Wetlands Delineation Manual, Technical Report Y-87-1, Environmental Laboratory, Department of the Army, 1987.
 - (b) Field Indicators for Identifying Hydric Soils in New England, Version 3, New England Interstate Water Pollution Control Commission, 1998.
 - (c) 1988 National List of Wetland Plant Species, U.S. Fish & Wildlife Service, Porter B. Reed, Editor.
 - (d) Chapters Wt 100-800 of the NH Code of Administrative Rules, April 21, 1997, with revisions.
 - (21) Surface waters identified and delineated in accordance with, RSA 485-A:2, XIV, NH Water Pollution and Waste Disposal and NH Code of Administrative Rules pursuant to 485-A.
 - (22) A written statement shall be included on the subdivision plan certified by the stamp of the certified wetland scientist (CWS) that all wetlands and surface waters on-site have been delineated in accordance with the standards listed above.
 - (23) Topographic survey, with a minimum contour interval of two feet, showing the buildable area in accordance with § 201-3B, together with a fifty-foot wide access route from the building site to an existing Class V or better highway.
 - (24) Protective well radius for each lot and for each lot an area of at least 4,000 contiguous square feet suitable for the placement of an individual sewage disposal system.
 - (25) The location of any part of the land that lies within a special flood hazard area.
 - (26) Topographic survey, with a minimum contour interval of 20 feet, of the entire subdivision.
 - (27) Construction plans:
 - (a) Plan and profile.
 - [1] Plan of all proposed streets, drives, drainageways and drainage structures; sewer, water and electric lines, erosion and sediment control structures and other areas to be disturbed for the construction of improvements shall be made with existing topography shown in dashed lines and proposed contours shown in solid lines and at a contour interval no greater than two feet, plus spot elevations, center-line stationing of all proposed roads at fifty-foot intervals and the location of all adjacent lot lines with lot number of each lot taken from the site survey. Plans shall be drawn at a scale of not more than one inch equals 50 feet.
 - [2] Profiles will show existing and proposed elevations along the center lines, roadway grades, curve length, K value, high/low points and all proposed drainage structures and lines, sewer and water lines and other materials. Profiles shall be drawn at a scale of not more than one inch equals 50 feet horizontal and one inch equals five feet vertical.

- [3] Cross sections shall be shown every 50 feet along the center line at a scale for both horizontal and vertical of one inch equals 10 feet.
 - (b) Construction details of all roadways, curbing, sidewalks, drainage structures, sediment control and erosion control structures and any other required improvements shall be shown on a convenient scale.
 - (c) Construction sequence for each phase of subdivision and construction of improvements.
- (28) Permits from other agencies. Applicants must submit a list of all required permits for the proposed subdivision. Applicants must also submit complete copies of all applications submitted to, communications with and approvals from any federal, state or Town agency having jurisdiction over any aspect of the proposed subdivision, including but not limited to the following:
- (a) New Hampshire Department of Environmental Services Water Division.
 - [1] Dredge and fill permit.
 - [2] Subdivision approval (for lots under five acres in area and all lots located within the protected shoreland).
 - [3] Water supply systems.
 - [4] Site specific approval (if the subdivision calls for structures and/or impervious cover or alteration of an area greater than 100,000 square feet, or 50,000 square feet within the protected shoreland).
 - (b) New Hampshire Department of Resources and Economic Development.
 - [1] Natural Heritage Inventory Section, Notice of Review (RSA 485-A).
 - (c) New Hampshire Department of Transportation.
 - [1] Driveway permit on a state highway.
 - (d) Town of Hillsborough Sewer and Water Commission.
 - (e) Town of Hillsborough Historic District Commission.
- (29) Copies required.
- (a) Eight full-size plan sets shall be submitted with the application.
 - (b) One reduced size (11 inches by 17 inches) plan set shall be submitted with the application.
- (30) Digital data. Following approval by the Board, all final and as-built plans shall be submitted to the Town GIS Coordinator in an acceptable geo-referenced digital form to be used to update the Town's maps.
- (31) Applicants proposing a cluster development must submit a yield plan in compliance with the Zoning Ordinance and these regulations, indicating the maximum number of lots that can be gained with a conventional subdivision.
- (32) The Board reserves the right to require other information as deemed necessary, including, but not limited to traffic studies, fiscal impact studies, environmental impact studies and the like.
- C. Sheet size. The plat shall be prepared at a scale no smaller than 100 feet per inch, unless otherwise permitted by the Board. Sheet sizes will be in accordance with the requirements of the Hillsborough County Registry of Deeds (8 1/2 inches by 11 inches; 11 inches by 17 inches; 17 inches by 22 inches; or 22 inches by 34 inches).

§ 201-6 Design standards.

- A. General subdivision design. Subdivision design and lot sizes within a subdivision shall be established by giving due regard to all of the factors outlined in these regulations, including water supply, sewage disposal, soil conditions, ground and surface water conditions, drainage, topography, the road system (private and public) which serves or leads to the subdivision and the general area in which the subdivision is located (including the condition of the roads and the present and prospective use of the roads), the need for off-street parking, the need to avoid scattered or premature subdivision, the nature and extent of existing development patterns in the area of the subdivision, the impact of the subdivision on Town services, availability of water supply for fire protection, protection of agricultural land, and the preservation of natural, unique, fragile or historic features.
- B. Lot and site layout. When laying out or planning a subdivision, the following regulations shall govern the layout of lots and sites:
- (1) The lot size, width, depth, shape and orientation shall be appropriate for the parcel being subdivided, for the location of the subdivision and for the type of development and use contemplated.
 - (2) All lots or sites shall abut on a Class V or better highway, a street shown on an approved subdivision plan, or a private road that meets the specifications in Appendix A.^{ivEN}
 - (3) Where extra right-of-way width has been indicated for widening of existing streets, lots shall begin at such extra width line.
 - (4) Block length and width or acreage within bounding roads shall be such as to provide for convenient access, circulation control and safety of street traffic.
 - (5) Access to lots abutting existing Town or state streets should be by common driveways, or frontage streets, where appropriate in the judgment of the Board, to minimize the number of driveways and/or new streets entering onto these existing streets.
 - (6) Driveways shall be designed to provide safe and convenient access and to control surface water runoff so that it does not damage the street to which the driveway leads.
- C. On-site sewage disposal design standards. The Board will not approve a subdivision which creates a lot or site that does not meet the minimum standards and design requirements for on-site sewage disposal and water supply imposed by the State of New Hampshire Water Supply and Pollution Control Division and Town regulations regardless of the sewage disposal technology or water supply proposed. More stringent standards may be imposed in specific cases.
- D. Street design. Proposed streets shall be in harmony and conformance with existing and proposed streets and the Town Master Plan and Official Map. Street patterns shall give due consideration to contours and natural features. Where required by the Board, provision shall be made for the extension of the street pattern to abutting undeveloped property. Every proposed street in a subdivision shall be laid out and constructed as required by the following standards:
- (1) All streets shall be constructed, and all bridges, culverts, drainage structures, storm sewers, gutters, drainage ditches, and other improvements required by the subdivision plat and accompanying documents shall be installed in conformance with the standards and specifications set forth in Appendix A including appended drawings.

- (2) The plan of any proposed subdivision shall show all work required to connect and complete the improvements and utilities between the proposed street pattern and any connecting street in an existing subdivision.
- (3) Where a proposed subdivision located in any zone district except the Rural District abuts an existing street with an inadequate alignment or right-of-way width, the subdivision plat shall include a street dedication of all land needed to meet the standards established by these regulations and as approved by the Board. [Amended 4-4-2007]
- (4) Where a proposed subdivision abuts an existing subdivision, the subdivider shall make every attempt to design the street system of the proposed subdivision to connect with dead-end or stub streets of the existing subdivisions in order to permit safe and reasonable intersubdivision traffic.
- (5) Streets shall intersect so that within 75 feet of the intersection (measured at the right-of-way lines) the street lines are at right angles except where it is impractical due to the character of the land. In no case shall the angle of intersection be less than 75°. The grade within 100 feet of an intersection shall not exceed 2%. No structure, planting, or embankment shall impair corner visibility. Intersecting street sidelines shall be joined by fillet curves with a minimum radius of 25 feet.
- (6) Multiple intersections involving a junction of more than two streets shall be prohibited.
- (7) The minimum distance between center-line offsets at street jogs shall be 150 feet.
- (8) Permanent cul-de-sac streets shall not exceed 1,000 feet in length and shall terminate in a suitable turnaround.
- (9) Temporary cul-de-sac streets, where future extension to another outlet is approved by the Board, may exceed 1,000 feet in length. In such cases, the full width of the right-of-way to the subdivision property line shall be permanently reserved as a street right-of-way and conveyed to the Town upon acceptance of the right-of-way.
- (10) If a cul-de-sac street is of a temporary nature, a turnaround shall be provided and provisions made for future extension of the street through to adjacent property and reversion of the excess right-of-way to the adjoining properties.
- (11) The following standards and Appendix A shall apply to cul-de-sac streets:
 - (a) The turnaround at the end of a cul-de-sac street shall be located so that it drains toward its entrance and to the side of the road.
 - (b) Unless there is the expectation of extending the street through to the adjoining property, a cul-de-sac street shall not be brought to the property boundary line and shall be placed so that the lots can back on the property line of the subdivision.
 - (c) A cul-de-sac may only be built off a Class V or better highway.
- (12) Lots shall be assigned address numbers in accordance with the existing street numbering system as shown on the Assessors Maps. Names of proposed streets are to be provided to the Board by the subdivider. Names duplicating presently existing public or private streets or roads are to be avoided. Purchase and installation of street signs shall be the responsibility of the subdivider and shall conform to Town signage as to style and quality. Names and numbers and details of signs to be provided shall be included on site survey maps submitted with the subdivision applications.
- (13) All road and driveway design and construction shall conform to the standards set forth in Appendix A which are a part of these regulations, including Typical Roadway Cross Section for New Construction and other noted details.
- (14) The Board shall impose limitations on the subdivision of areas served by existing streets

which do not meet the minimum standards established in Appendix A. Factors to be considered in establishing such limitations may include, but are not limited to the following: the standard to which such streets are presently maintained, the frontage and size of the proposed subdivision, the potential traffic increase from the proposed subdivision, the character and potential for development of the area served by such streets, the present and potential traffic on such streets and compliance with the Town's Master Plan.

- (15) In the case of subdivision adding sufficient traffic to any street to change the road classification specified in Appendix A, such streets shall meet the minimum standards established therein. The Board shall require a greater travel surface width and shoulders, a greater width of right-of-way and paving, together with curbs and sidewalks or other improvements. Where a subdivision requires undue expenditures by the Town to improve existing streets to conform to minimum requirements, the Board shall disapprove such subdivision until the Selectmen or the New Hampshire Public Works and Highway Department shall certify that funds for the improvements have been assured to upgrade such streets to meet such standards.

E. Pedestrian access.

- (1) Where necessary, in the judgment of the Board, rights-of-way for pedestrian and/or bicycle travel and access may be required.
- (2) The Board may require sidewalks along proposed public or private roads on one side or both sides of the road. Specifications for sidewalks are found in Appendix A.

F. Off-site improvements. If the Board determines that the proposed development creates the need for off-site improvements, all or part of which are rationally related to or occasioned by the proposed development, or which will require an excessive expenditure of public funds in order to provide the same, the Planning Board may impose the requirement that the applicant install or pay for all or part of such off-site improvements.

G. Utilities.

- (1) All subdivisions shall make adequate provisions for water supply, stormwater and sanitary sewage disposal, and required utilities and improvements. The Board may require the extension of public water and sewers to and within a proposed subdivision, without cost to the Town, where existing lines are, in the judgment of the Board, within a reasonable distance of the proposed subdivision.
- (2) The subdivider shall install laterals from all utilities in the street right-of-way to 10 feet beyond the streets property line of each building lot.
- (3) In all proposed subdivisions, electric, telephone, cable, and other utility distribution lines shall be noted on all plans and installed underground per specifications of the utility companies involved.
- (4) Proposed water and sewer utilities shall meet the specifications set forth by the Hillsborough Water and Sewer Commission.
- (5) All such utility system installations shall be at the expense of the subdivider and shall be installed under the supervision of the appropriate Town agency.
- (6) The Board may, at its discretion, require the installation of streetlighting.

H. Drainage.

- (1) An adequate surface storm water drainage system for the entire subdivision area shall be provided. A detailed drainage study shall be provided by the subdivider.
- (2) Pre- and post-drainage models for the two-, ten-, and twenty-five-year storm events shall be provided by the applicant; pre- and post-modeled flows shall be depicted on the plan.
- (3) Storm drainage systems shall be designed for the twenty-five-year storm return frequency.
- (4) The peak rate of discharge of stormwater runoff from the development under post-development conditions shall not exceed that of the predevelopment conditions unless it can be demonstrated that no off-site adverse impact will result or appropriate flowage easements have been secured.
- (5) Drainage calculations submitted shall, where appropriate, include flow analysis showing the effect of a subdivision on the existing drainage facilities outside of the area of the subdivision. Where the Board anticipates that additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility so that there will be a reasonable likelihood of damage to private property or an increase in the expenditure of public funds, the Board shall not approve the subdivision until adequate provision is made, at the subdivider's expense, for the accommodation of downstream drainage improvements.
- (6) All calculations used for the design of the storm drainage system and all proposed drainage improvements shall be by currently recognized best engineering methods and practices, and shall be stamped by a licensed professional engineer.

I. Sediment and erosion control.

- (1) Land shall be subdivided and improved in reasonable conformity with existing topography in order to minimize grading, cut and fill, and to retain, insofar as possible, the natural contours, limit stormwater runoff and conserve the natural cover and soil.
- (2) A detailed erosion control plan shall be submitted by the subdivider with the location and details of all erosion control measures shown on the plan.
- (3) Stripping of vegetation, regrading or other development shall be done in such a way as to minimize soil erosion.
- (4) Whenever practical, natural vegetation shall be retained, protected and/or supplemented.
- (5) The disturbed area shall be kept to a minimum, and the duration of exposure shall be a maximum of six months. In no case shall completed areas be left after October 1 of the current year without being seeded and mulched.
- (6) Temporary seeding and/or mulching shall be used to protect exposed critical areas during development.
- (7) Provision shall be made to accommodate the increased runoff caused by changed soil and surface conditions during and after development.
- (8) Sediment in the runoff water shall be trapped by the use of sediment basins or other acceptable methods.
- (9) Necessary diversions, sediment basins, and other erosion control structures shall be installed prior to any on-site grading or disturbance of existing surface vegetation.

J. Fire protection.

- (1) Any development occurring outside the public water supply area may be required to provide water for fire protection purposes through the use of a fire cistern upon recommendation of the Fire Chief. The size, location, and specification of the fire cistern shall be in accordance with the requirements of the Fire Department. The applicant shall be required to present a statement from the Fire Department which indicates compliance with this provision.
- (2) Any development occurring within the boundaries of the area served by the public water supply may be required to provide water for fire protection purposes through the use of fire hydrants upon recommendation of the Fire Chief. The size, location, and specification of the fire hydrants shall be in accordance with the requirements of the Fire Department. The applicant shall be required to present a statement from the Fire Department which indicates compliance with this provision.

K. Trees and plantings.

- (1) To the fullest extent possible, all existing trees and shrubbery shall be preserved by the subdivider. Special consideration shall be given to the arrangement and ultimate improvement or development of the lots to this end. Precautions shall also be taken to protect existing trees, shrubbery and vegetation during the construction of roads and utilities.
- (2) Where any land other than that included in public rights-of-way is to be dedicated to the public use, the subdivider shall not remove any trees from the site without written permission from the Board.
- (3) Topsoil moved during the course of construction shall be redistributed so as to provide at least six inches of cover to all disturbed areas of the subdivision. At no time shall topsoil be removed from the site without written permission from the Board.
- (4) All disturbed areas which are not covered by structures or paving shall be properly seeded or replanted by the subdivider.
- (5) The Board shall require street plantings for new subdivisions. If the subdivision includes a new public or private road, the subdivider shall submit a landscape plan for the road rights-of-way. The landscape plan, installation, and guaranty shall conform to the Hillsborough Site Plan Review Regulations.
- (6) Where appropriate for buffering, the preservation of natural features, surface water drainage management, water quality protections, or preservation of scenic views, the Board may require that part of wooded lots be subject to no-cut restrictions.

L. Monuments and markers.

- (1) Permanent survey monuments shall be set in the boundary of rights-of-way at street intersections, points of curvature and points of tangency of curves. Monument locations shall be shown and properly dimensioned on the final plat and as-built plans.
- (2) Monuments shall be stone, concrete or other material acceptable to the Board, and not less than five inches in diameter or square, and not less than 36 inches long. Concrete monuments shall be reinforced with steel rods, and a plug, brass plate or pin shall serve as the point of reference. If stone, a drilled hole shall serve as the point of reference, and a magnetic rod or other suitable metal shall be placed adjacent to the monument to allow for recovery. All monuments shall be marked with the license number and/or name of

- the surveyor and, when set, shall protrude from the ground no more than one inch to ensure their permanence.
- (3) The corners of all proposed lots shall be marked with monuments, including but not limited to the following:
 - (a) Iron rod or iron pipe, minimum 1/2 inch in diameter, marked with the license number and/or name of the surveyor;
 - (b) Concrete or stone bound, minimum five inches by five inches by 36 inches, marked with the license number and/or name of the surveyor;
 - (c) Drill holes or other identifiable marks in stone or concrete;
 - (4) Monuments set along the street right-of-way shall protrude from the ground no more than one inch to ensure their permanence.

§ 201-7 Special flood hazard areas.

- A. All subdivision proposals which contain lands designated as a "Zone A or Zone A1-30 special flood hazard area" by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study for the Town of Hillsborough, NH, together with the associated Flood Insurance Rate Maps (FIRM) and the Flood Boundary and Floodway Maps, dated June 15, 1979, and amendments, shall meet the requirements of this section. These maps are adopted by reference and declared to be part of this chapter.
- B. Contents of application.
 - (1) The subdivision application shall include the base flood elevation data.
 - (2) Sufficient evidence (construction drawings, grading, and land treatment plans) shall be submitted so as to allow a determination that:
 - (a) All such proposals are consistent with the need to minimize flood damage.
 - (b) All public utilities and facilities, such as sewer, gas electrical and water systems, are located and constructed to minimize or eliminate flood damage.
 - (c) Adequate drainage is provided so as to reduce exposure to flood hazards.
 - (d) All new or replacement water systems and/or sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into the floodwaters, and on-site waste disposal systems shall be located so as to avoid impairment of them or contamination from them during flooding.
 - (3) The Planning Board shall review the proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by federal or state law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. § 1334.

§ 201-8 Performance guarantee.

- A. Before the final plat is recorded at the Registry of Deeds, the subdivider shall file a performance guarantee in a form acceptable to the Board and in an amount sufficient to cover the cost of preparation of the streets, curbs, sidewalks, streetlights, street signs, traffic signals, landscaping, municipal water and municipal sewer facilities, setting boundary monuments, parks and recreational areas, or other off-site or promised improvements where applicable.

- B. For the purposes of establishing the amount of the performance guarantee required, the subdivider shall provide a cost estimate for improvements and the Board or its representative shall review and recommend any necessary changes prior to approval.
- C. The applicant shall construct and pay for all temporary improvements, such as erosion and sedimentation control measures and temporary infrastructure improvements, as required, and shall maintain those improvements for the period of the performance guarantee or the date that the Town accepts the dedication of the streets and releases all securities, whichever date comes earlier.
- D. If improvements for which security is given are not completed within two years or the time period specified in the performance security, then the Board may vote to complete the improvements and withdraw the necessary funds from the balance of any such security in accordance with the terms of the security.
- E. When subdivision improvements have been certified to be complete and acceptable to the Planning Board or its representative, the Board may recommend to the Board of Selectmen to accept such roads, parks and other improvements.
- F. In order to confirm that various items and features, delineated on plans presented to the Planning Board for approval (or which are otherwise required in connection with the development), are, in fact, constructed in accordance with those plans and/or in accordance with applicable codes and standards, the Planning Board may, at the time of plan approval, require the applicant to establish an appropriate escrow, or other security, which will be used by the Town of Hillsborough as security for retention of appropriate engineers or other consultants to confirm that construction is in conformance with the approved plans and/or applicable codes and standards. The applicant shall reimburse the Town for the cost of such engineers or consultants, prior to release of said security.
- G. Release of performance guarantees.
 - (1) Performance guarantees shall not be released until a licensed land surveyor has certified that required boundary monuments have been set.
 - (2) As phases or portions of the secured improvements are completed and approved by the Board or its representative, the Board may partially release said security upon request to the extent reasonably calculated to reflect the value of such completed improvements or installations; provided, however, that a reasonable retainage sufficient to repair or complete any such improvement on account of damage or deterioration caused by or on account of the completion of the project may be required.
 - (3) Developers shall be required to maintain all required public improvements in the subdivision, until the street, or other improvements, are officially accepted by the Town.
- H. Before a subdivider may proceed with the construction of any street or improvements on public property, he must provide the Town of Hillsborough with evidence of contractors and public liability insurance for both personal injury and property damage, in limits of not less than \$1,000,000 each. Such policy shall remain in effect until all work has been completed

and all performance guarantees have been released.

- I. The subdivider shall construct and install all improvements required by the Planning Board within 36 months from the receipt of notice of decision from the Planning Board of an affirmative decision.

§ 201-9 Acceptance of streets and open space.

- A. No street or open space shall be submitted to the Town for acceptance until such time as all improvements have been carried out as shown on the final plat, in accordance with the requirements of these regulations, and subject to any conditions established by the Board at the time of final plat approval. Acceptance of a street as a Town road shall be done through a petition for layout to the Selectmen or by dedication and acceptance requiring a vote of Town Meeting. Construction of such improvements in accordance with these regulations and any conditions imposed by the Board shall not impose on the Town any moral or legal obligation whatsoever to accept any street or improvement as public property.
- B. The subdivider shall file with the Selectmen a paper copy of the approved subdivision as-built plans, as well as a georeferenced digital copy.
- C. The subdivider shall file with the Selectmen street layout plans suitable for recording in the Hillsborough County Register of Deeds (two original Mylars and four paper prints) of the roadway that clearly shows all details, measurements, distances, drainage easements, rights-of-way, and monuments set to the same scale and under the same conditions and requirements as for the subdivision plan for the plat.
- D. The subdivider shall file with the Selectmen completed deeds and easements for all property within the subdivision to become public. Such deeds shall be warranted to transfer complete and absolute title to the Town of Hillsborough. Such easements shall grant the specified usage and rights in perpetuity. The deeds and/or easements shall include such other reasonable conditions as required by the Selectmen.
- E. Prior to acceptance of the streets or utilities by the Town, a surety bond or other acceptable guaranty covering corrections of defects, omission or corrections from failure to comply with construction standards, construction plans, specifications, or these regulations or from failure to function as designed, will be required from the subdivider in an amount to be determined by the Planning Board not to exceed 25% of the construction value of those improvements for a period of two years.
- F. The subdivider shall provide all other materials or documents as required by law or the Board of Selectmen to facilitate the maintenance or layout of streets or properties.
- G. Following an affirmative vote of the Planning Board to accept a subdivision plan for review, any open space land associated with the subdivision plan to be dedicated to the Town shall remain in its natural, unchanged state, unless specific improvements to the land are required by the Board. "Unchanged state," for purposes of this subsection, shall include, but not be limited to, a prohibition on logging, mining, or extracting any other natural resource from

tracts of land to be deeded to the Town following subdivision approval. Conveyance of all land and easements to be deeded to the Town for public open space shall occur within 90 days from the date the plat was signed by the Planning Board Chair. Nothing contained in this subsection shall be deemed to be a limitation on the Town or the Conservation Commission from exercising its authority to manage and maintain the land deeded to the Town. [Added 7-16-2008]

§ 201-10 Revocation of Planning Board approval.

- A. A subdivision plat which has been filed with the Registry of Deeds under RSA 674:37 may not be revoked in whole or in part by the Planning Board, except pursuant to RSA 676:4-a, and only under the following circumstances:
- (1) At the request of, or by agreement with, the applicant or the applicant's successor in interest.
 - (2) When the applicant or successor in interest to the applicant has performed work, erected a structure or structures, or established a use of land, which fails to conform to the statements, plans or specifications upon which the approval was based, or has materially violated any requirement or condition of such approval.
 - (3) When the applicant or successor in interest to the applicant has failed to perform any condition of the approval within the time specified in the approval, or if no such time is specified, within the time periods specified in RSA 674:39.
 - (4) When the time periods specified in RSA 674:39 have elapsed without any vesting of rights as set forth therein, and the plat, plan or other approval no longer conforms to applicable ordinances and regulations.
 - (5) When the applicant or successor in interest to the applicant has failed to provide for the continuation of adequate security as provided by RSA 674:36, III(b), and 674:44, III(d), until such time as the work secured thereby has been completed.
- B. The Board shall follow the procedure set forth in RSA 676:4-a with regard to notice, hearing, and the declaration of revocation. A revocation may be appealed pursuant to RSA 677:15.

§ 201-11 Administration and enforcement.

- A. These regulations shall be enforced by the Board, Town Planner, Code Official, or any other duly authorized agent(s) of the Planning Board. Should the Board or its duly authorized agent determine that an applicant is proceeding contrary to these regulations or the terms of any protective covenant or other agreement with the Board or Town, the Board or its authorized agent shall notify the applicant of the specifics of the violation(s) and the appropriate steps and timetable to undertake in order to remedy said violation(s).
- B. Any person, firm, or corporation violating the provisions of these regulations or terms of any approved subdivision regulation shall be subject to a civil penalty as specified by RSA 676:17, for each day, or part thereof, as that such a violation is identified and found to continue after the conviction date or after the date on which the violator receives written notice from the municipality that he/she is in violation, whichever is earlier.

- C. The Board reserves the right to waive, upon written request, any portion of these regulations in such cases where, in the opinion of the Board, strict conformity would pose an unnecessary hardship to the applicant and waiver would not be contrary to the spirit and intent of these regulations.

§ 201-12 Appeals.

In accordance with RSA 677:15, any person(s) aggrieved by any decision of the Board concerning a subdivision plan application may present to the Superior Court a petition, duly verified, setting forth that such a decision is illegal or unreasonable in whole or part and specifying the grounds upon which the same is claimed to be illegal or unreasonable. Such petition shall be presented to the court within 30 days after the Board's final decision regarding the subdivision application in question has been filed and becomes available for public inspection.

§ 201-13 Construal of provisions; severability.

- A. In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of public health, safety, and general welfare.
- B. Where any section of these regulations conflicts with another, or with any other local regulation or ordinance, the regulation imposing greater restrictions or higher standards shall apply. In addition, the fact that requirement under these regulations is less restrictive than a federal or state regulation or statute, does not relieve an applicant from the requirements of that regulation or statute, unless specifically authorized by said regulation or statute.
- C. If any section, clause, provision, or portion of these regulations shall be held invalid or unconstitutional by any court or competent justice, such holdings shall not affect or impair any other section, clause, provision, or portion of these regulations.

§ 201-14 Amendments.

Pursuant to RSA 675:6, these regulations may be amended, changed, altered, added to, or rescinded from time to time whenever this action is deemed necessary or advisable by the Board after a public hearing on the proposed amendment, change, alteration or rescission.

§ 201-15 When effective.

These regulations shall take effect when adopted and duly certified and filed with the Town Clerk as required by RSA 675:6, (III).

Appendix A

Road and Driveway Design and Construction Standards

I. Road design standards.

The purpose of these standards is to ensure safe vehicular and pedestrian travel on streets, public or private. Proper design requires the blending of safe roadway layout and grade with minimization of impacts on the existing terrain and environment. These standards are further intended to be flexible in consideration of different traffic volumes and terrain conditions.

- A. Arrangement of streets. The streets in a subdivision shall be properly arranged and coordinated with other existing or planned streets.
- B. Rights-of-way. No street or highway right-of-way shall be less than 60 feet in width and may be required to be more if a greater width is warranted in the opinion of the Board. The apportioning of the street widths among roadway, sidewalks, and grass strips shall be subject to the approval of the Board.
- C. Dead-end streets/culs-de-sac. Dead-end streets shall be equipped with a turnaround roadway at the closed end, as shown in Exhibit 2 following. The maximum grade through a cul-de-sac shall be 5%.
- D. Intersections. Street intersections shall have a minimum angle of intersection of 75°, with a preferable angle being 90°. Property line radius at intersections shall be no less than 20 feet. Refer to Table 1 for other requirements.
- E. Street names.
 - (1) Streets that extend or are in alignment with streets of abutting or neighboring properties shall bear the same names of existing streets within the Town of Hillsborough.
 - (2) Other street names shall be approved by the Planning Board in a review process, after consultation with the Selectmen.
 - (3) Precautions shall be taken to ensure street names are not duplicated or so similar to other street names as to cause confusion.
- F. Existing street conditions. Where a subdivision requires undue expenditures by the Town to improve existing streets to conform to minimum requirements, the Board may disapprove such subdivision until the Selectmen shall certify that funds for the improvements have been assured by the municipality.
- G. Minimum design requirements.
 - (1) New roads shall be designed to conform to the minimum standards established in Table 1 below and as shown on the attached Typical Roadway Cross Section (Exhibit 1). The roadway designs are based on average daily traffic volumes (ADT).

Table 1
Minimum Road Design Standards

Traffic Load	ADT 0-50	ADT 50-250	ADT 250-400	ADT 400-750 (or greater)
Design speed (miles per hour)	20	20	30	35
Center-line curve radius (feet)	120	150	250	425
Roadway width (feet)	18	20	22	24
Shoulder width (each side) (feet)	2	2	3	4
Vertical curve				
Crest:	15	15	30	50
Sag: K Values (min):	24	24	40	50
Sight distance (feet)	150	200	300	350
Sight distance at road intersections (feet)	200	300	350	400
Profile grade				
Minimum:	0.5%	0.5%	0.5%	0.5%
Maximum:	10%	9%	8%	7%
Minimum platform at road intersections	2% – 50'	2% – 75'	2% – 100'	2% – 100'
Minimum pavement radius at road intersections (feet)	30	30	35	40

(2) ADT should be determined by the manual entitled “Institute of Transportation Engineers – Trip Generation.” This may be supplemented by actual traffic data

complied for local roadway networks, applicable to the proposed project.

- (3) Where streets have the potential for extension through to other lands or other potential street networks, appropriate increases in the traffic volume estimates may be required at the discretion of the Planning Board. The Planning Board shall have the right and authority to increase design standards in such cases and in other cases where it is deemed appropriate.
- (4) For streets serving commercial/industrial areas, the Planning Board may require more restrictive requirements than shown in Table 1. These commercial/industrial roads shall at least meet the requirements of a collector road.

H. Curbing.

- (1) Curbing may be required by the Planning Board where it is deemed appropriate and necessary for the purposes of drainage, slope stability and/or pedestrian safety. Curbing allowed includes straight granite and sloped granite.
- (2) The construction of curbing shall be in accordance with the details in Appendix A.

I. Sidewalks. When the Planning Board determines that sidewalks are necessary, they shall be not less than five feet in width and conforming to the grades of the street, and may be constructed on only one or on both sides of the street. A sidewalk shall be a raised, paved walkway with curbing and a minimum four-foot wide landscape buffer strip between the curb and the edge of the walkway.

J. Bicycle paths. Based on subdivision density, traffic volumes, proximity to schools, parks, and other features, the Planning Board may determine that bicycle paths shall be provided as part of the proposed development. Such paths shall be a minimum of five feet in width or, in cases where bicyclists and pedestrians would share a path, the minimum shall be eight feet in width.

K. Steep grades. Where roadway profiles exceed 5%, special consideration will be given to drainage, sedimentation and erosion protection. This may require curbing and special measures such as riprap or other erosion protection. In no case shall grades exceed 5% within at least 50 feet of an intersection.

L. Superelevation. Where superelevation is necessary, the design shall conform to the recommendations of AASHTO for the proposed rate of superelevation, and the Design Engineer shall provide appropriate documentation and calculations to demonstrate the safety and adequacy of the proposal.

II. Constructions standards.

A. Subgrade.

- (1) All trees and roots shall be stripped to below the base course of pavement and shoulders for the full width of the pavement and shoulders. All soft spots, peat, organic material, spongy soil, and other unsuitable materials shall be removed and replaced by material approved by the Board or its agent. The subgrade fill or backfill shall be compacted in lifts not exceeding 12 inches in depth. The subgrade shall be

graded in the general cross slope configuration shown on the Typical Roads Section (Exhibits 1 or 3).

- (2) Boulders and/or ledge shall be removed to a depth of six inches below the subgrade level shown on the Typical Road Section (Exhibits 1 or 3). After removal to this depth, they shall be covered by a fill material approved by the Board or its agent and graded and compacted to the subgrade level.
- B. Base course.
- (1) Bank-run gravel of good quality shall be spread over the entire width of the proposed pavement and shoulders to a depth of 12 inches, plus six inches of crushed gravel.
 - (2) Then bank-run gravel and crushed gravel each shall be placed in lifts not exceeding six inches and in the cross slope configuration shown on the attached Typical Roadway Section (Exhibits 1 or 3).
- C. Compaction. Roadway subgrade and base courses shall be compacted to 95% of maximum density proctor method in accordance with AASHTO T-99.
- D. Pavement materials.
- (1) Base course of two inches conforming to Type B of the NHDOT Specifications.
 - (2) Wearing course conforming to Type F of the NHDOT Specifications.
- E. All slopes shall be graded, loamed, hayed and seeded, No slope, cut or fill will be greater than two horizontal to one vertical (2:1) in ledge, or three horizontal to one vertical (3:1) in all other materials.
- F. All proposed drainage facilities and culverts shall be installed. Natural watercourses shall be cleaned and increased in size where necessary to take care of storm runoff. Drainage swales at least three feet in width and 16 inches in depth at its midpoint below center-line grade shall be constructed in the street right-of-way on both sides of the paved roadway. Drainage facilities must be adequate to provide for the removal of stormwater to prevent flooding of the pavement and erosion of adjacent surfaces. Roadway drainage shall be sized to accommodate the twenty-five-year rain event.
- G. The recommendations of the Town Road Agent respecting locations of culverts, drainage, and type and quality of fill and subfill shall be followed.

III. Driveway standards.

- A. No driveway shall be constructed within 50 feet of the intersection of two public roads.
- B. When two proposed driveways on the same side of the road are within 50 feet of each other, the Planning Board may require a common access to be used, for reasons of safety and topographical considerations.
- C. The driveway shall have a minimum width of 18 feet at the intersection of the street and for a distance of 20 feet from the street. In all cases, the driveway shall be wide enough to accommodate emergency vehicles. The driveway entrance may be flared as it

approaches the road.

- D. Driveways shall not have a slope that exceeds 5% for a distance of 20 feet from the street.
- E. No driveway shall have a slope that exceeds 15%.
- F. The driveway entrance shall drop six inches from the center of the road to a point at least six feet in back of the ditch line.
- G. A minimum of 150 feet all-season safe sight distance in each direction is required.
- H. If a culvert is required for proper drainage, the culvert shall be a minimum of 15 inches in diameter and shall be new galvanized steel or concrete. The culvert shall be long enough to maintain the driveway width dimensions, or at least a 3:1 side slope. A minimum of two feet of cover shall be provided.
- I. The culvert may be required to have a catch basin with a cover at the inlet end and a concrete or stone header at the outlet end. The culverts shall be installed under the supervision of the Road Agent.
- J. Driveways shall not interrupt the natural or ditch line flow of drainage water. Where shallow ditch lines or natural drainage courses exist, driveways may be swaled at a point beyond the shoulder to accommodate the flow of stormwater.
- K. The drainage ditch shall be six inches below the outlet end of the culvert and drop at least 1/2 inch to the foot at distance to be determined by the Road Agent.
- L. Any driveway crossing a wetland or body of water shall have all permits required by the NH Wetlands Board.
- M. All bridges shall be constructed in accordance with NH state standards and as approved by the Planning Board.
- N. No structures (including buildings), permanent or portable signs, lights, displays, fences, walls, etc. shall be permitted over, or under the Town road right-of-way.
- O. Driveways providing access for multi-unit residential, commercial, or industrial uses shall be designed to conform with good engineering practice using the NHDOT manual, Policy and Procedures for Driveways and Other Accesses to the State Highway System, as a guide.
- P. The contractor shall give twenty-four-hour notice to the Road Agent before starting construction.
- Q. Final approval by the Planning Board will be granted upon inspection and determination that all work has been satisfactorily completed.

IV. Driveways to back lots.

Driveways to back lots shall be subject to the following standards, in addition to any other applicable standards spelled out in Section III above:

- A. Unless existing conditions prevent it, only one curb cut will be allowed for both the front and the back lot.
- B. All curb on Town streets or private roads are to be approved by the Road Agent. The location will be suitable, and the use and maintenance of the driveway will not create a hazard or nuisance.
- C. The edge of the traveled way shall be set back at least 10 feet from any property lines.
- D. Appropriate buffering shall be provided to protect the privacy of neighbors and shield them from dust, noise, lighting, etc.
- E. There shall be a proper turnaround for emergency vehicles, subject to approval by the Town Fire Chief.

V. Private roads.

In order to encourage interior development as an alternative to development exclusively or primarily on major roads and streets (so-called strip development), and to allow development at no additional cost to the Town, the Planning Board may approve the layout of roads to be built and maintained by the landowner(s) according to the following conditions:

- A. Before final approval of a private subdivision road, the applicant shall provide a performance guarantee to cover the cost of construction and maintenance of the road and utility lines, if any. Performance guarantees shall conform to the same standards required for public roads found in the Subdivision Regulations.
- B. A maintenance agreement shall accompany the plan to be recorded which states to what extent each parcel or lot is responsible for maintenance of the private road. The agreement shall run with the land, and upon any future conveyance of property, the agreement shall be incorporated in and made part of a conveyance binding upon the parties thereto, their successors and assignees.
- C. A proposed private road is required to meet the same design and construction standards as a public road.
- D. The applicant shall sign a Statement of Agreement with the Town, indicating she/he understands that the Town is under no obligation to take over maintenance or ownership of the road.
- E. No private subdivision road will be approved by the Town or the Planning Board unless adequate provision is made for any utilities serving the site. The plan submitted must show the location and size of necessary utility easements; and if private lines are to be connected to public lines, a public turn off must be installed and maintained by the applicant at the end of the public line.

VI. Class VI roads.

Subdivision on Class VI roads may be permitted conditionally only when denial would cause unusual hardship. A true copy of the following conditions shall be placed on the approved plat for all such subdivision. Additional conditions may be added by the Planning Board as it deems necessary.

“The Planning Board hereby approves this subdivision subject to the following conditions:

- A. Approval of this subdivision in no way constitutes an approval of any portion of the Class VI roadway as a Class V roadway, nor does it obligate the Town to maintain any portion of the Class VI roadway, including snow plowing, nor does the Town assume any liability for any damages resulting from the use of said road(s).
- B. Prior to the issuance of a building permit, it shall be necessary for the road, or a portion thereof, to be reconstructed to Town specifications. Any expense therefore shall be the responsibility of the subdivider or any successor(s) in title for said lot(s). A building permit may only be issued in accordance with RSA 674:41, I(c).
- C. It shall be the duty of every seller of this land to so inform the potential buyer of any lot of these restrictions prior to the buyer making any binding commitment to purchase said lot.
- D. Any conditions imposed by the Planning Board as a part of subdivision approval shall be made a covenant of the deed(s) conveying all or any part of said subdivision and shall run with the land.”

ⁱ Editor's Note: These regulations also superseded former Ch. 201, Subdivision of Land, adopted 12-8-1982, as amended.

ⁱⁱ Editor's Note: See Ch. 229, Zoning.

ⁱⁱⁱ Editor's Note: See Ch. 185, Site Plan Review.

^{iv} Editor's Note: Appendix A is included at the end of this chapter.