

# SUBDIVISION REGULATIONS

FOR THE  
TOWN OF RAYMOND, NH



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# **TOWN OF RAYMOND, NEW HAMPSHIRE**

## **SUBDIVISION REGULATIONS**

### **ARTICLE I – TITLE, AUTHORITY AND PURPOSE**

#### **1.1 TITLE**

These regulations shall hereafter be known and cited as the “Subdivision Regulations of the Town of Raymond, New Hampshire.”

#### **1.2 AUTHORITY**

Pursuant to the authority vested in the Raymond Planning Board by the voters of the town of Raymond, and in accordance with the provisions of Chapter 674 of the New Hampshire Revised Statutes Annotated, the Raymond Planning Board does hereby adopt the following Subdivision Regulations governing the review of Subdivisions in the Town of Raymond, New Hampshire. The Town’s former Subdivision Regulations were adopted on March 12, 1983.

#### **1.3 PURPOSE**

The purpose of these regulations is to provide for the orderly and harmonious development of the Town of Raymond and its environs, and to protect the public health, safety, convenience and welfare of its residents. Consistent with N.H. RSA 674, these regulations provide for the proper and appropriate subdivision of land so as to avoid danger or injury to health, safety or prosperity by reason of inadequate water supply, improper drainage or other conditions conducive to flooding, inadequate or inconvenient transportation, impediments to firefighting or to the provision of other public services, or undue and excessive expenditure of public funds to provide such services.

These regulations are also adopted to provide for open spaces and green spaces of adequate proportions; to provide for the proper arrangement and coordination of streets relative to other existing or planned streets; to provide for suitably located streets of sufficient width to accommodate existing and projected traffic; to afford adequate light, air and access for firefighting apparatus and equipment to buildings; and to coordinate planning procedures so as to compose a convenient system for the subdivision of land. The regulations provide that the land indicated on plans submitted to the Planning Board shall be of such character that it can be used for building purposes without danger to health and generally shall include provisions which will tend to create conditions favorable to health, safety, convenience and prosperity.

## **14 WAIVERS**

- 1.** Where the Planning Board finds that unnecessary hardship may result from strict compliance with these regulations with respect to a particular tract of land, the Board may modify or waive these regulations so that substantial justice may be done and the public interest is secured, provided that:
  - a. The granting of the waiver will not be detrimental to the public safety, health, or welfare or injurious to other adjacent property;
  - b. The waiver shall not have the effect of nullifying the intent and purpose of these regulations, the Zoning Ordinance, Master Plan or Official Zoning Map;
  - c. In granting waivers, the Planning Board may require such conditions as will, in the Board's judgment, secure substantially the objectives of the standards or requirements of these regulations;
  - d. A petition for waiver shall be submitted by the applicant at the time when the application is filed for consideration by the Planning Board. All petitions shall be made in writing using the Town's Waiver Request Form. The petition shall state fully the grounds for the waiver and all of the facts relied upon by the petitioner.
  - e. The Planning Board formally votes on such waiver request(s); and
  - f. Any granted waivers are noted on the final approved plan.
  
- 2.** Pursuant to RSA 674:36(II)(n), the Planning Board may only grant a waiver if it finds by majority vote that:
  - a. Strict conformity would pose an unnecessary hardship to the applicant and waiver would not be contrary to the spirit and intent of the regulations; or
  - b. Specific circumstances relative to the subdivision, or conditions of the land in such subdivision, indicate that the waiver will properly carry out the spirit and intent of the regulations.

## **ARTICLE II – DEFINITIONS**

*For terms for which no definition is provided, Raymond's Ordinances and Regulations may reference "The New Illustrated Book of Development Definitions" by Moskowitz and Lindbloom, published by the Center for Urban Policy Research, dated 1993 and as may be amended.*

For the purpose of this regulation, the present tense includes the future tense; the singular number includes the plural; and the plural number includes the singular. The word "shall" is mandatory; the word "may" is permissive; the words "used" or "occupied" include the words "intended", "designated", or "arranged" to be used or occupied, and certain terms or words shall be interpreted as follows:

**Abutting:** Having a common border with or being separated from such a common border by a street or stream.

**Abutter:** Means any person whose property is located in New Hampshire and adjoins or is directly across a street or stream from the land under consideration by the local land use board. For purposes of receiving testimony only, and not for purposes of notification, the term abutter shall include any person who is able to demonstrate that his land will be directly affected by the proposal under consideration. For purposes 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 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 (RSA 672:3).

**Acceptance:** An affirmative vote by a majority of the Board at a public meeting that an application contains the items required to constitute a complete application sufficient for the Board to invoke jurisdiction in accordance with RSA 676:4(I)(6).

**Access Management:** Providing or managing access to land development while simultaneously preserving the flow of traffic on the surrounding road system in terms of safety, capacity and speed.

**Active and Substantial Development:** The threshold level of work as determined by the Planning Board, with due regard for the scope and detail of

a particular project, which shall constitute a sufficient level of activity being conducted for the purpose of fulfilling paragraph I of N.H. RSA 674:39, Four Year Exemption.

**Applicant (Owner or Agent):** Means the individual(s) or corporation who own the land, or his or her agent or representative as authorized by a signed statement by the owner, who petitions the Planning Board for the review and approval of the Subdivision Application.

**Application:** The form and all accompanying documents, fees and exhibits required of an applicant to gain acceptance of the application by the Board.

**Approval:** Formal recognition by the Planning Board, certified by written endorsement on the Plan, that the final submission meets the requirements of the Subdivision Regulations and has been approved by the Planning Board.

**Approval, Conditional:** Recognition by the Planning Board that the Subdivision Plat is approved, contingent upon the completion of specific tasks or items required for final approval. Until all the requirements for an approval have been met, a conditional approval does not constitute, nor shall it be construed as approval, either implied or granted of the Subdivision Plat, nor does it bind the Planning Board to approval of the final Subdivision Plat. A conditional approval requires that the subdivision plat come back before the Board in a public meeting for final approval.

**Approval, with Conditions:** Recognition by the Planning Board that the Subdivision Plat is approved with conditions subsequent that, once resolved, will constitute final approval without returning to the Board. The Board Chairman shall have authority to sign the mylar.

**Arterial Roads:** Major roads which carry substantial traffic volumes and are designed to provide access to distant parts of the town or state. These routes are designated by the NHDOT and must be designed according to NHDOT requirements.

**As-Built Plan:** A scaled engineering drawing depicting the actual placement of improvements and other elements on the site.

**Berm:** A mound of soil, either natural or manmade, used to obstruct views, to regulate water flow, to mitigate noise, or for other purposes specific to its intended use.

**Best Management Practices (BMP):** In the context of stormwater management, a proven or accepted structural, non-structural, or vegetative

measure, the application of which reduces erosion, sediment or peak storm discharge or improves the quality of stormwater runoff.

**Board:** The presiding quorum of the Planning Board of the Town of Raymond, New Hampshire.

**Buffer:** The area between parcels within a zoning district or between zoning districts that shall be landscaped to provide a visual screen and to absorb noise, dirt, dust and litter, pursuant to the standards in these regulations.

**Chicane:** A form of curb extension that alternates from one side of the street to the other.

**Choker:** A barrier to traffic at the intersection of two streets in which one direction of the street is blocked but traffic from the opposite direction is allowed to pass through.

**Conditional Approval of Preliminary Layout:** Means an expression by the Planning Board that the Preliminary Layout appears to satisfy all requirements established herein for the Preliminary Layout submission phase. Conditional approval does not constitute, nor should it be construed as, approval either implied or granted of the plat, nor does it bind the Raymond Planning Board to approval of the plat.

**Condominium:** A building, or group of buildings, in which dwelling units, offices, or floor area are owned individually, and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis (Illustrated Book of Development Definitions, Moskowitz and Lundbloom, 1999).

**Curb:** A stone, concrete or other improved boundary usually marking the edge of the roadway or paved area.

**Curb Cut:** The opening along the curb line at which point vehicles may enter or leave the roadway.

**Deceleration Lane:** Right turn lanes and tapers removing turning and slow-moving vehicles from the travel lane of the road.

**Decision:** The action taken by majority vote of the Planning Board to approve, conditionally approve, or disapprove the application. The decision must be placed on file in the Planning Board's office and shall be available to

the public within 5 business days after the decision is made. If the decision is a denial, the applicant must be given written reasons for the action.

**Deed Restriction:** A restriction of the use of land set forth in the deed.

**Design Review Team:** Shall be comprised of those agents of the Planning Board designated to review subdivision plans prior to submission to the Planning Board and at any time the Planning Board may choose to refer an applicant back to the Design Review Team for additional review. The Design Review Team can also act as the Technical Review Committee.

**Development:** Any construction or land construction or grading activities on real estate other than for agricultural and silvicultural practices.

**Development Agreement:** An agreement executed by the Planning Board and the applicant that includes the approval or approval with conditions of the subdivision Plan and the improvements to be bonded along with the performance bond.

**Disturbed Area:** An area where the natural vegetation has been removed exposing the underlying soil or where it has been altered by human activity.

**Driveway:** A private roadway providing access to a street or highway (Illustrated Book of Development Definitions, Moskowitz and Lundbloom, 1999).

**Easement:** A grant of one or more of the property rights by the owner to, or for use by, the public, a corporation or another person or entity. Easements may be considered public or private. A private easement is limited to a specific individual such as the owner of an adjoining parcel. A public easement is one that grants rights to a large group of individuals or to the public in general. Public easements can include drainage, utilities, sidewalk and driveways. A restrictive easement is a condition placed on the land by its owner or by government, that in some way limits its use, usually regarding the types of structures that may be built there or what may be done with the ground itself. Restrictive easements are frequently placed on wetlands to prevent them from being destroyed by development. Conservation easements are often used to permanently protect the conservation values of the land.

**Erosion:** The detachment and movement of soil or rock fragments by water, wind, ice or gravity.

**Fill:** Sand, gravel, earth or other material of any composition whatsoever placed by humans.

**Filing:** Delivery of an application to the Planning Board or its agent/designee. It must be received no fewer than 30 days before the date of the Planning Board meeting at which it is to be presented and must include a letter of agency designating the owner's representative, all fees, the names and addresses of abutters, as well as the name and business address of every engineer, land surveyor or soil scientist whose professional seal appears on the plan or plat, for required notification.

**Flooding:**

- a. A general and temporary condition of partial or complete inundation of normally dry land areas from:
  1. The overflow of inland or tidal waters.
  2. The unusual and rapid accumulation or runoff of surface waters from any source.
  3. Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (a)(2) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
  4. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a)(1) of this definition (Title 44, Emergency Management and Assistance, Code of Federal Regulations, Subpart A Section 59.1, Definitions).

**Floodplain:** Floodplain or flood-prone area means any land area susceptible to being inundated by water from any source (see definition of flooding). (Title 44, Emergency Management and Assistance, Code of Federal Regulations, Subpart A Section 59.1, Definitions).

**Forced Turn Island:** A type of traffic island that prevents traffic from executing specific movements at an intersection.

**Formal Consideration:** Action to be taken by the Planning Board following acceptance of an application. The action must begin within 30 days of application acceptance and may include a site visit, a request for review by other boards or professionals, or scheduling of a public hearing.

**Frontage:** The total length of all property lines of a premise which abut an existing Class V or better road, or a road proposed to be built equal to or better than a Class V road.

**Hazardous Waste:** Any refuse, sludge or other waste material or combination thereof in solid, semi-solid, liquid or contained gaseous form which because of its quantity, concentration, or chemical, physical or infectious characteristics may cause or significantly contribute to an increase in mortality or in serious irreversible or incapacitating illness or which may pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed. Categories of hazardous waste material include but are not limited to explosives, flammables, oxidizers, poisons, irritants and corrosives, as well as hazardous waste material as defined by the Atomic Energy Act of 1954, as amended.

**Highly Erodible Soils:** Any soil with an erodibility class (K Factor) equal to or greater than 0.43 in any layer, as found in Table 3-1 of the *Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire*.

**Impervious Surface:** Any material that prevents absorption of stormwater into the ground (Illustrated Book of Development Definitions, Moskowitz and Lundbloom, 1999). Examples of impervious surfaces include but are not limited to roofs, patios, balconies, decks, streets, driveways, parking areas, sidewalks, along with any concrete, stone, brick, asphalt or gravel surface.

**Improvements:** All work required to construct the proposed development, including but not limited to site grading, landscaping, utility installation (water, sewer, electric, drainage, telephone, etc., and their appurtenances), roadways, parking lots, drives, buildings, fencing, signs, etc. meaning and intending to include all work necessary to construct the development as agreed and as shown on the approved plan or plat, including all on-site and off-site improvements.

**Local Roads:** All other town-maintained roads.

**Locus Map:** A map or insert depicting the location of the subject site or subdivision within a larger geographic area, such as the neighborhood, municipality or region, for the purpose of identifying its relative location.

**Lot:** A designated parcel, tract, or area of land established by plat, subdivision, or as otherwise permitted by law, to be separately owned, used, developed, or built upon

**Lot of Record:** A lot that exists as shown or described on a plat or deed in the records of the Rockingham County Registry of Deeds (Illustrated Book of Development Definitions, Moskowitz and Lundbloom, 1999).

**Lot Line Adjustment:** Adjustments to the boundary between adjacent properties, where no new lots are created.

**Major Collector Roads:** Important roads which provide service from arterials to minor roads. Typical traffic volumes are over 2,500 vehicles per day. These corridors are designated by the NHDOT and are eligible for federal funding. Some of these roads are under jurisdiction of the NHDOT, and others are under the jurisdiction of the Town of Raymond.

**Median:** A barrier placed between the lanes of traffic flowing in opposite directions or between parking spaces.

**Minor Collector Roads:** Locally important roads which provide service from arterials or major collectors to local roads and to more remote parts of the town. These roads are all under the jurisdiction of the Town of Raymond. Typical traffic volumes are between 750 to 2,500 vehicles per day. All roads serving commercial and/or industrial lots shall at a minimum be designated minor collector roads.

**Multifamily Structure:** A residential building designed for and occupied by three or more families, regardless of the type of ownership, such as, but not limited to condominiums, apartments or other common wall or row-type housing units of the same type.

**Nonpublic or Individual Waste Disposal:** Any treatment system other than a public sewer which receives sewage or other wastes.

**Nonresidential Use of Land:** Any use of land excluding uses that are solely for residential purposes.

**Nuisance:** A use of property or course of conduct that interferes with the legal rights of others by causing damage, annoyance or inconvenience.

**Pedestrian:** A person traveling on foot, including persons operating a pushcart, riding on or pulling a coaster wagon, sled, scooter, tricycle, bicycle or similar conveyance, or on/in roller skates, skateboard, wheelchair or baby carriage/stroller.

**Performance Bond:** Shall be one of the following: Savings Account, a non-lapsing Bond or Surety Bond, Certificate of Deposit, Cash, or Irrevocable Letter of Credit, when the Town of Raymond is placed as the beneficiary and given exclusive access thereto against completion of required actions/improvements

**Permit:** Written governmental permission issued by an authorized official empowering the holder thereof to take some action not allowed without such authorization.

**Planner:** Means the duly designated Planner for the Town of Raymond.

**Plat:** Map of a specific land area the boundaries of which are defined by a New Hampshire licensed surveyor who has duly surveyed metes and bounds, which is presented to the Planning Board for approval and which, if approved, shall be submitted to the Rockingham County Registry of Deeds for recording.

**Pre-application Review:** A process in which the preliminary conceptual consultations phase, design review phase and/or the preliminary layout procedures may be used, as defined in RSA 676:4 II.

**Private Road:** Roads that are open to the traveling public, but for which the Town of Raymond has no rights or responsibilities.

**Professionals of Record:** The duly designated and legally recognized engineer, licensed surveyor or other credentialed professional representing the applicant or petitioner as may be pertinent to the actual services to be performed in accordance with the provisions of NH RSA 310-A:3 and of NH RSA 310-A:55.

**Project Area:** The area within the subdivision's boundaries and other affected areas.

**Public Hearing:** A legally noticed Planning Board meeting scheduled to review a specific application or amendments to ordinances or regulations or other matters and to allow the public an opportunity to talk and participate.

**Public Meeting:** Any meeting of the Planning Board other than nonpublic sessions under RSA 91-A:3.

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

**Road Undulations:** Raised humps in the paved surface of a street that extend across the travel way for purposes of passively reducing speed.

**Seasonal High-Water Table:** Means and includes the upper limit of the ground water in a soil which becomes seasonally saturated with water.

**Sediment:** Solid material, either mineral or organic, that is in suspension or is transported or has been moved from its site of origin by erosion.

**Setback:** The distance between any building or improvement (i.e., septic system, water line, well, etc.) and the lot line or each other, of or within a parcel of land. Setbacks for buildings typically are designated as front, side and rear setbacks.

**Sidewalk:** An improved facility intended to provide for pedestrian movement usually, but not always, located in the public right of way adjacent to, but separate from a roadway.

**Sixty-five Day Review:** The time period following acceptance of an application as complete within which the Planning Board must make its decision in accordance with RSA 676:4 I(c).

**Stabilized:** When the soil erosion rate approaches that of undisturbed soils. Soils which are disturbed will be considered protected when covered with a healthy, mature growth of grass or vegetation.

**Stormwater Runoff:** The water from precipitation that is not absorbed, evaporated or otherwise contained within the contributing drainage area.

**Stream:** Areas of flowing water occurring for sufficient time to develop and maintain defined channels, although not necessarily flowing during dry portions of the year. Includes but is not limited to all perennial and intermittent streams designated on U. S. Geological Survey Maps.

**Street:** Includes such ways as alleys, avenues, boulevards, highways, roads, streets, and other rights of way, excluding driveways as per N. H. RSA 236:13. The term "streets" shall also apply to areas on any plan designated as street, roads, lanes, etc. A street is a public or private way intended to provide vehicular movement, which may or may not be continuous.

**Subdivider:** Means the registered owner(s), or the authorized agent of the registered owner(s), of a subdivision, or anyone who has contracted or has an option to purchase the property to be subdivided.

**Subdivision:** Means the division of a lot, tract, or other division of land into two or more lots, plats, sites or other divisions of land, for the purpose, whether immediate or future, of sale or of building development, lease or transfer. When appropriate to the context of these regulations, the subdivision shall relate to the process of subdividing, or to the land or area

subdivided. Subdivision shall include re-subdivision. The division of a parcel of land held in common and subsequently divided into two parts among the several owners shall be deemed a subdivision. Land adjacent subdivided solely for the purpose of transfer or exchange between two adjacent property owners will not require a subdivision hearing provided that the parcel transferred is to become an integral part of the owner's parcel to whom it is to be transferred and is deeded as such, and that both the plan and the deeds are recorded provided that the remaining portion of the original parcel meets all current existing Subdivision and Zoning Regulations.

**Subdivision, Major:** Means any subdivision that does not meet the definition of a Minor Subdivision.

**Subdivision, Minor:** Means a division of land that creates not more than two (2) additional lots for building development purposes and does not involve the creation of a street. The Planning Board can provide for an expedited review and approval of a Minor Subdivision in accordance with NH RSA 676:4 III. Such expedited review may allow submission and approval at one or more Board meetings, but no application may be approved without full notice to the abutters and holders of conservation, preservation, or agricultural preservation restrictions at some point prior to approval or disapproval (or if the Planning Board determines to hold a public hearing).

**Subdivision Performance Agreement:** Means an agreement executed by the Raymond Planning Board and the applicant that includes any conditions of approval of the subdivision, improvements to be bonded and identification of any impact fees assessed.

**Subdivision, Scattered and Premature:** Means a subdivision of land that is:

- 1) Located on a site that is remote from most town facilities and services (i.e., involving danger or injury to health, safety, or prosperity by reason of a lack of water supply, sewage disposal, drainage, transportation, schools, fire protection or other public services which may necessitate the excessive expenditure of public funds for the supply of such services (N. H. RSA 674:36 II (a)) or
- 2) Located at a site that is not at present adequately served by town facilities and services, but which may reasonably be expected to be served in the future

**Submission:** The presentation of a subdivision application to the Planning Board. Submission must take place at a public meeting of the Board, following the proper filing of all applications and required notice to the abutters and general public as required by these regulations and in general under N. H. RSA 676:4, I(d).

**Surveyor:** Shall mean a New Hampshire Licensed Land Surveyor.

**Tax Maps:** The recorded map of delineated lots or tracts in the municipality, showing boundaries, bearings, sizes and dimensions to the extent practicable, including sheet and lot numbers.

**Technical Review Committee:** A committee comprised of the Town of Raymond Community Development Director/Planner, Assistant Planner, Code Enforcement Officer, Public Works Director, Fire Chief, Assistant Fire Chief, Police Chief and Town Engineer, which has the charge of reviewing site plan applications and other technical submissions prior to Planning Board consideration or at any time the Planning Board may choose to refer an applicant back to the Technical Review Committee for additional review. The Technical Review Committee can also act as the Design Review Team.

**T-Intersection:** An at-grade intersection of perpendicular roadways.

**Town:** Means the Town of Raymond, New Hampshire.

**Town Engineer:** Means engineer, Public Works Director, or Agent as duly designated by and for the Town of Raymond Planning Board.

**Tract:** Shall mean the land being subdivided.

**Traffic Calming:** Means by which traffic may be slowed in order to prevent conflicts with pedestrians, bicycles or other slow-moving vehicles. Examples of traffic calming measures are road undulations, chicane curbing.

**Traffic Study:** A traffic impact study will seek to determine the effect of a proposed development on traffic patterns both on and off site and will propose appropriate mitigation measures, when necessary.

**Waiver:** Permission granted by the Planning Board, to depart from the literal requirements of a regulation with respect to submission of required documents or to specific actions required after consideration of waiver requests with regard to waiver criteria set forth in Section 1.4 of the Town of Raymond Subdivision Regulations.

**Walkway:** A facility or structure, whether in the public right of way or on private property, which is provided for the benefit and use of the pedestrian public.

**Water Supply System:** A system for the collection, treatment, storage, and distribution of potable water from the source of supply to the consumer (Illustrated Book of Development Definitions, Moskowitz and Lundbloom, 1999).

**Wetlands:** As defined in the current Wetland Administrative Rules published by the N. H. Department of Environmental Services, Wetlands Board (1996). An area that is inundated or saturated by surface water or groundwater 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 soil conditions.

**Yield Plan:** An analysis showing the maximum number of single-family homes that will be permitted within a Conservation Development. This analysis shall be based on applying a conventional layout plan (in accordance with Town Subdivision Regulations) including lots conforming to the underlying zone dimensional standards, streets needed to access those lots, rights of way, and other pertinent characteristics of the tract. The conventional layout shall reflect a development density and pattern, taking into account the presence of lakes, rivers, streams, wetlands, floodplains, steep slopes, existing easements or encumbrances and, if the property is not served by public sewer, the suitability of soils for private subsurface wastewater disposal, as indicated by the Soil Survey of Rockingham County, New Hampshire.

**Zoning Determination:** A determination made by either the Code Enforcement Officer as the administrator of the Zoning Ordinance in general, or the Planning Board for zoning sections delegated during their specific adoption, intended to be administered by the Planning Board, which qualifies whether or not a proposed subdivision is in compliance with the current Zoning Ordinance in the form of proposed lot shapes, sizes, characteristics and suitability for the intended purpose and/or its anticipated use.

## **ARTICLE III – APPLICATION PROCEDURE**

### **3.1 GENERAL PROCEDURES**

The Raymond Planning Board follows the subdivision review procedure outlined in NH RSA 676:4.

#### **A. Classification of Subdivisions**

Whenever a subdivision of land is proposed, the owner shall apply for and secure approval in accordance with the following procedures, which shall include four (4) steps for a minor subdivision and five (5) steps for a major subdivision.

##### **(A) MINOR SUBDIVISION**

1. Zoning Determination
2. Consultation with Planner
3. Survey/Informative Phase
4. Final plan

##### **(B) MAJOR SUBDIVISION**

1. Zoning Determination
2. Consultation w/Planner
3. Survey Phase
4. Preliminary Plan/Design Review
5. Final plan

## **B. Official Submission Dates**

The Raymond Planning Board shall be given sole authority to determine whether an applicant has met all the necessary requirements as set forth in these regulations and has submitted a complete application. Complete applications must be filed with the Secretary of the Planning Board no fewer than thirty (30) days prior to the scheduled appointment with the Raymond Planning Board. In accepting a complete application plus any required fees, the Raymond Planning Board shall furnish the applicant with a dated receipt for the same, indicating the appointment time at a regular meeting. The official acceptance date of the complete application, therefore, shall be the date of the Raymond Planning Board hearing at which the application is accepted by the Raymond Planning Board. The requirements for complete applications are detailed in Article V, Section 5.1 – Plan, and in Article V, Section 5.4 – Final plan.

## **C. Consultation with Planner**

The applicant may, if he or she desires, meet with the Planner to review the town's land use regulations and seek preliminary comments on the proposed subdivision/site review. Prior to submission of a completed application, the applicant/agent is encouraged to meet with the Technical Review Committee. These are informal, work session type meetings, which will not bind the Planning Board or Technical Review Committee in any way.

## **D. Application**

Whenever a subdivision is proposed, and before any contract or offer for sale, rent or lease of lots in the subdivision shall have been negotiated, and before any application for a permit for the erection of a building thereon shall be made, the owner(s) of the property or his agent shall submit an application to the Raymond Planning Board for approval of such subdivision on a form to be provided by the Board. Application for approval shall be filed with the Secretary of the Raymond Planning Board no fewer than thirty (30) days prior to the scheduled appointment with the Raymond Planning Board. Each and every application received by the Raymond Planning Board shall meet the following guidelines to be considered complete.

1. All applications shall be submitted to the planning office no later than 4:00 pm on the Wednesday prior to the week of the scheduled Planning Board Meeting.

2. Applications shall be submitted on forms approved by the planning office and available at the office and on the Raymond web site.
3. All accompanying data, reports, fees and plans shall comply with the following minimum standards.
  - a. The required application check list shall be completed.
  - b. Any waiver request shall be in writing and attached to the checklist.
  - c. Each application shall have six (6) certified copies of the full-size plans for review by the Technical Advisory Committee.
  - d. Ten (10) copies of the plan in 11" X 17" size format.
  - e. One (1) copy of the final approved plan in a digital format referenced to NH State Plane feet, NAD 83, in a format compatible with the town's ESRI ArcView GIS system.
  - f. The applicant shall provide three (3) copies of any engineering or impact reports.
  - g. The applicant shall provide three (3) sets of printed labels for abutter mailing.
  - h. All required fees including site review fees as noted in Article IV Section IV of the Raymond Site Review regulations if applicable, shall be submitted with application. (The applicant shall provide an estimate of the disturbed area and shall calculate the required fees.)
  - i. Be sure the correct map and lot number is on application.
  - j. Be sure application is completed correctly and signed.

At the time of application, the applicant will be given a date and time for the application to be presented to the Technical Review Committee. The Technical Review Committee shall be posted as a public meeting pursuant to the provisions of RSA 91-A and notice shall also be given to the abutters.

## **E. Subdivision Filing Fee**

Application for approval of a subdivision shall be accompanied by a fee as calculated using the Subdivision Fee Schedule incorporated as part of these regulations in Appendix A, payable to the Town of Raymond, to offset the implementation of these Subdivision Regulations. An additional charge of \$10.00 per abutter notice shall accompany the application, along with the appropriate deposit for establishment of a Community Development Project Escrow Account for the purpose of covering reasonable fees incurred by the Planning Board for peer engineering and legal review. The filing fee is part of a complete application.

### **3.2 PRE-APPLICATION REVIEW PROCEDURE**

#### **A. Preliminary Conceptual Consultation Phase**

Prior to submission of a formal preliminary plan, the subdivider may request a meeting with the Raymond Planning Board or a designated agent of the Board, to seek general guidance and information; the Raymond Planning Board may provide preliminary comments regarding ideas for development. The purpose of the meeting is to provide assistance in resolving problems with meeting Subdivision requirements prior to final consideration. The Raymond Planning Board and the applicant may discuss proposals in conceptual form only and in general terms such as relating to the desirability of types of development and proposals under the Master Plan. The meeting is non-binding and does not require a formal public notice or notice to abutters.

#### **B. Design Review Phase**

The Raymond Planning Board or its designee (Technical Review Committee) may engage in non-binding discussions with the applicant beyond conceptual and general discussions, which involve more specific design and engineering details provided, however, that the design review phase proceeds only after identification of and notice to abutters and the general public as required. Statements made by Raymond Planning Board members shall not be the basis for disqualifying said members from subsequent review or deliberation of the proposal or for invalidating any action taken.

As part of the design review phase, the applicant may wish to discuss any areas of non-compliance with the Subdivision Plan. To do so, the applicant may present a proposed plan, including but not limited to, a yield plan, for review, with detailed information to allow the Planning Board or designee to determine any areas of noncompliance with the

Subdivision Regulations. Should any non-compliance issues be identified as part of this process, then the applicant can present the evidence required under Section 1.4(3) for a waiver, the applicant and the Planning Board/designee may discuss the evidence presented and the recommendations likely to be made based on such evidence when the formal application and waiver request is made. If the Planning Board/designee identifies deficiencies in the evidence required under Section 1.4(3), nothing shall preclude the applicant from presenting different or more evidence when a waiver request is filed with the subdivision application pursuant to Section 1.4. As with all other aspects of the design review phase, the discussions on areas of noncompliance are non-binding.

***Note: It is the strong recommendation of the Raymond Planning Board that applicants begin the process by meeting with the Technical Review Committee.***

### **3.3 APPLICATION PROCEDURE**

#### **A. Final Plan**

The subdivider, after official notification by the Raymond Planning Board with respect to the preliminary plan and the changes, if any, to be made thereto, shall within six months thereafter file with the Raymond Planning Board four drawings of the final plan and street profiles as described in Article 5.4, provided that if the preliminary plan shows development by phase, the final plan may be one of the phases then to be developed. If the complete subdivision plan cannot be shown on one sheet, then two or more sheets of the same size, with an index and match lines may be submitted. The subdivider shall tender offers of cession in a form certified as satisfactory by Legal Counsel for the town, of all lands included in streets, highways or parks not specifically reserved. Approval of the plat by the Raymond Planning Board shall not constitute an acceptance by the town of the dedication of any street, highway, park, or other public or open spaces. A bond or other Performance Guarantee, if required, also must be filed. A New Hampshire Department of Environmental Services Subdivision Approval also must be presented.

#### **B. Board Action on Plats**

1. No plat shall be approved or disapproved by the Raymond Planning Board without affording a public hearing thereon. Notice shall be given in accordance with RSA 676:4-I(d).

2. At the public hearing, any applicant, abutter, holder of conservation, preservation, or agricultural preservation restriction, or any person with a direct interest in the matter may testify in person or in writing.
3. No application may be denied or approved without a public hearing on the application unless the following situations occur:
  - i. The subdivision consists of a minor lot of line adjustment or boundary agreement which does not create a buildable lot. However, notice to the abutters and holders of conservation, preservation, or agricultural preservation restrictions is required prior to approval of the application. Any abutter or holder of conservation, preservation, or agricultural preservation restrictions may request to be heard on the application.
  - ii. The Board may disapprove the application prior to public hearing for the following reasons:
    - a. Failure of the applicant to supply information required by the Regulations, including abutters' or holders of conservation, preservation, or agricultural preservation restrictions identification; failure to meet reasonable deadlines established by the Planning Board; OR failure to pay costs of notice or other fees required by the Planning Board.
4. The Board may disapprove an application for the following reasons:
  - i. Failure of the applicant to supply information required by the Regulation, including proper identification of abutters or holder of conservation, preservation or agricultural preservation restrictions.
  - ii. Failure to meet reasonable deadlines established by the Board.
  - iii. Failure to pay cost of notice or other fees required by the Planning Board.
  - iv. Failure to conform to any applicable State or local statutes, ordinances or regulations.
  - v. The project is determined to be scattered and premature.

- vi. Other grounds for disapproval may also be relied upon, if the Board adequately states said grounds in its records.
5. In case of disapproval of any application submitted to the Board, the ground(s) for such disapproval shall be adequately stated upon the records of the Planning Board.

### **C. Approval**

The Board shall consider a completed application and shall act to approve or disapprove it within sixty-five days. However, the applicant may waive this requirement and consent to an extension of such period. Approval of the plat shall be made by written endorsement of the Chairman, Vice Chairman or Secretary of the Board on the original, reproducible, transparent mylar. Approval of the Board may be conditional upon completion of such improvements as the Raymond Planning Board deems necessary. These conditions will be identified in the Subdivision Performance Agreement executed by the Town of Raymond and the applicant and will be added to the plat prior to recording. The agreement becomes a part of the registration documents with the Rockingham County Registry of Deeds.

### **D. Conditional Approval**

The Board may grant conditional approval of a plat or application, which approval shall become final without further public hearing upon certification to the Board by its designee or based upon evidence submitted by the applicant of satisfactory compliance with the conditions imposed. Final approval of a plat or application may occur in the foregoing manner only when the 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 does not involve discretionary judgment, or
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

All other conditions shall require a hearing and notice as required by NH RSA 676:4 I (i) before approval becomes final. All conditions precedent (those which must be completed before final approval is given) must be completed within 6 months of approval, unless a mutually agreeable extension has been granted by the Planning Board. If the conditions are

not met within 6 months of approval, or within any extension period, then the approval shall lapse. Extensions shall be granted only if no amendments have been made to the zoning ordinance or subdivision regulations which would make the plan nonconforming and only if all required permits are still valid.

#### **E. Administrative Fees and Expenses**

All expenses incurred by the Town of Raymond in processing an application for final plan approval shall be borne by the applicant. These fees may include those necessary for document review and other matters which may be required by particular applications, including but not limited to, the expense of outside engineering review, consultant fees, studies deemed by the Board to be necessary to the review, etc., and/or legal fees. At any time, the Planning Board confers with a consultant at the applicant's expense, the applicant will be given the opportunity to be present or will be made privy to the substance of the conference.

Adjustment, either an increase or decrease of the plan application fee, shall be made at the time of final plan approval if the number of lots proposed at the time of plan fee assessment differs from the approved number of lots.

Escrow accounts, in accordance with RSA 673:16(II), will be established to offset the expenses legally imposed upon an applicant, including but not limited to the expense of the notice, the expense of consultant services or investigative studies under RSA 676:4, I(g), or the implementation of conditions lawfully imposed as part of a conditional approval, and may be paid out toward that expense by the municipal treasurer only upon order of the Planning Board or its designated agent for such purpose.

#### **F. Construction Inspection Expenses:**

Whenever a proposed subdivision will involve street construction, the installation of drainage structures, or other required improvements, the costs incurred by the Town to have the Town Engineer, Public Works Director or designated agent of the Raymond Planning Board inspect the required improvements 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 Raymond a sum of Five percent (5%) of the estimated cost of construction of said required improvements as provided by the Applicant and agreed to by the Town Engineer, Public Works Director or designated agent of the Raymond Planning Board, to make the

necessary inspections. The fee for the Town Engineer, Public Works Director or designated agent of the Raymond Planning Board shall be based on the standard rate schedule on file in the Planning Board office and shall be paid to the Town at least fifteen (15) days prior to commencement of the construction of any required improvements.

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. 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 improvement and prior to the release of any bond money deposited under these regulations.

#### **G. Subdivision Performance Agreement**

As a condition of the Planning Board's approval of a Subdivision, the applicant shall execute a Subdivision Performance Agreement. This document shall outline the understanding of the Board and the applicant as to the terms and conditions of the approval. The Subdivision Performance Agreement shall be prepared for signing within two weeks of the date of the Notice of Decision, with the costs of preparation being borne by the applicant as provided by NH RSA 674:4, I(g).

#### **H. Failure of the Board to Take Action**

The Raymond Planning Board shall act to approve, conditionally approve, or disapprove within 65 days after acceptance of an application, subject to extension or waiver as provided in RSA 676:4, I(c)(1).

#### **I. Filing with Registry of Deeds**

The Raymond Planning Board shall promptly file said Final plan with the Rockingham County Registry of Deeds within five (5) working days of certification that all conditions of approval have been met. All conditions required at the time of approval shall be listed on the Final plan to be recorded.

#### **J. Deeds**

Deeds for all land to be conveyed shall be prepared to agree with and make reference to the approved subdivision plat.

## **K. Impact Fees and Off-Site Improvements**

Impact fees will be assessed pursuant to the Impact Fee Ordinance and the Impact Fee Schedule and Methodology as it may be amended from time to time. Additionally, the Planning Board may, if it determines that specific off-site improvements are required which specifically arise from the proposed development, impose fees for such improvements in an amount which bears a rational nexus to the development and which is consistent with New Hampshire law.

## **L. Inspection of Improvements**

At least fifteen (15) working days prior to commencing construction of any required improvements, the subdivider shall notify the authorized agent of the Raymond Planning Board, in writing, of the time when he proposes to commence construction of such improvements, so that the Raymond Planning Board may cause inspection by the Town Engineer, Public Works Director or designated agent of the Raymond Planning Board to be made to assure that all standards, specifications and requirements shall be met during the construction of improvements and utilities required by the Raymond Planning Board.

## **M. Proper Installation of Improvements**

If the Town Engineer, Public Works Director or designated agent of the Raymond Planning Board shall find, upon inspection of improvements performed before the expiration date of any performance bond or escrow agreement, that any of the required improvements or conditions of Planning Board approval have not been constructed in accordance with approved plans and specifications filed by the subdivider, he shall so report to the Board of Selectmen and Raymond Planning Board. The Board of Selectmen or authorized agent then shall notify the subdivider and, if necessary, the bonding company or escrow agent and shall take all necessary steps to preserve the town's rights under the bond or agreement. No plat shall be approved by the Planning Board as long as the subdivider is in default on a previously approved plat.

## **N. Acceptance of Streets, Utilities, Other Improvements, and Public Land**

Before acceptance by the Town of any street, utility system or other improvement, the subdivider shall provide a surety bond or escrow agreement, approved as to form by Town Counsel, which shall be in the amount of at least ten percent (10%) of the cost of such improvement and for a period of two years, to be payable to the town if the subdivider

does not correct any deficiency found or repair damage to any such improvement during this period.

The subdivider shall further provide a written acknowledgement from all providers of utility services (electric, telecommunications, gas, water, etc.), approved as to form by Town Counsel. Said acknowledgement shall acknowledge each utility's obligations to pay real and personal property taxes for use of any public rights-of-way associated with the subdivision, provide for the indemnification of the Town for injury and damages associated with said utility use of said public rights-of-way, and identify the name of all utilities sharing, and poles or conduit located within the street or utility system for which acceptance is sought.

#### **O. Change of Design and Improvements**

If at any time before or during the construction of required improvements it is demonstrated that unforeseen conditions make it necessary or preferable to modify the location or design of such required improvements, the Raymond Planning Board may authorize changes provided these changes are within the spirit and intent of the Board's approval and do not extend to the modification or substantial alteration of the function of any improvements required by the Raymond Planning Board.

After a duly noticed Public Hearing, the Raymond Planning Board shall issue an authorization under this section in writing. Any authorized change shall be included on the official subdivision plat and notice of the authorized change shall be transmitted to the Rockingham County Register of Deeds.

#### **P. Changes, Erasures and Modifications**

No changes, erasures, modifications or revision shall be made in any subdivision plat after approval has been given by the Raymond Planning Board and endorsed in writing on the plat, except as herein provided. In the event that any such plat is recorded without complying with this requirement, the same shall be considered null and void and the Raymond Planning Board shall institute proceedings to have the plan stricken from the records of the Rockingham County Registry of Deeds.

**Q.** As required by RSA 674:39 every subdivision plat approved by the Planning Board and properly recorded in the registry of deeds (and for site plans, recording if such is ever required by Planning Board, or local regulations) shall be exempt from all subsequent changes in subdivision regulations, site plan review regulations, impact fee ordinances, and zoning ordinances adopted by the Town or Planning Board, except those

regulations and ordinances which expressly protect public health standards, such as water quality and sewage treatment requirements, for a period of 4 years after the date of approval; provided that:

1. Active and substantial development or building has begun on the site by the owner or the owner's successor in interest in accordance with the approved subdivision plat within 12 months after the date of approval, or in accordance with the terms of the approval, and, if a bond or other security to cover the costs of roads, drains, or sewers is required in connection with such approval, such bond or security is posted with the Town, at the time of commencement of such development;
2. Development remains in full compliance with the public health regulations and ordinances specified in this section; and
3. At the time of approval and recording, the subdivision plat or site plan conforms to the subdivision regulations, site review regulations and zoning ordinances then in effect at the location of such subdivision plan or site plan.

Once substantial completion of the improvements as shown on the subdivision plat or site plan has occurred in compliance with the approved subdivision plat or site plan or the terms of said approval or unless otherwise stipulated by the Planning Board, the rights of the owner or the owner's successor in interest shall vest and no subsequent changes in subdivision regulations, site plan regulations, or zoning ordinances, except impact fees adopted pursuant to RSA 674:21 and 675:2-4, shall operate to affect such improvements.

The Planning Board may, as a condition of subdivision approval, specify the threshold levels of work that shall constitute substantial completion and active and substantial development for purposes of fulfilling, respectively, subsection B above and subsection A above and after allowing the applicant to identify such threshold levels and with due regard to the scope and details of a particular project:

However, if for some reason specific threshold levels of work for a particular subdivision are not noted by the Planning Board as a condition of subdivision approval, then for the purposes of this section, "substantial completion of improvements" shall by these regulations mean that twenty-five percent (25%) or more of all the required improvements of the subdivision approval (roads, drains or sewers that have been bonded or secured through an agreement with the Town) have been installed and completed as determined by the Town's Code Enforcement Officer. Similarly, "active and substantial development or building" shall by these regulations mean that twenty-five percent

(25%) or more of all the lots or units approved within the subdivision approval have been developed and certificate of occupancy permits have been issued for these lots or units.

In the event that for a particular subdivision, the Planning Board does not as a condition of approval specify threshold levels of work that constitute "substantial completion of the improvements" and "active and substantial development of building," then the twenty-five percent (25%) threshold set forth above shall be applied automatically to the proposal as part of these regulations and no further vote of the Planning Board is required to make them a condition of approval.

Failure of the Planning Board to specify by way of these regulations or as a condition of subdivision approval what shall constitute "active and substantial development or building" shall entitle the subdivision plat approved by the Planning Board to the 4-year exemption as described in subsection A above. The Planning Board may, for good cause, extend the 12-month period set forth in subsection A 1.

## **ARTICLE IV – GENERAL REQUIREMENTS**

### **4.1 COMPLIANCE WITH REGULATIONS**

No subdivision of land shall be made, and no land in any subdivision shall be sold or offered for sale or lease, and no street or utility construction shall be started until a plat prepared in accordance with the requirements of these regulations has been approved by the board and other required permits have been issued. The subdivider shall familiarize himself with all state and town regulations relative to health, buildings, road, water regulations and other pertinent data so that he is aware of the obligations and standards expected. The subdivider may avail himself of the assistance of the board before preparation of applications or plans.

### **4.2 OTHER REGULATORY APPROVALS**

The Raymond Planning Board shall require written copies of decisions relative to the proposed subdivision made by, but not limited to:

- N. H. Department of Environmental Services Water Division
- N. H. Department of Environmental Services Wetlands Board

### **4.3 RESPONSIBILITY FOR REQUIRED IMPROVEMENTS**

All costs of required improvements shall be borne by the subdivider.

#### **4.4 COMPLIANCE WITH REGULATIONS**

No subdivision of land shall be made, and no land in any subdivision shall be sold or offered for sale or lease, and no street or utility construction shall be started until a plat prepared in accordance with the requirements of these regulations has been approved by the board and other required permits have been issued. The subdivider shall familiarize himself with all state and town regulations relative to health, buildings, road, water regulations and other pertinent data so that he is aware of the obligations and standards expected. The subdivider may avail himself of the assistance of the board before preparation of applications or plans.

#### **4.5 OTHER REGULATORY APPROVALS**

The Raymond Planning Board shall require written copies of decisions relative to the proposed subdivision made by, but not limited to:

- N. H. Department of Environmental Services Water Division
- N. H. Department of Environmental Services Wetlands Board

#### **4.6 RESPONSIBILITY FOR REQUIRED IMPROVEMENTS**

All costs of required improvements shall be borne by the subdivider.

#### **4.7 CHARACTER OF LAND FOR SUBDIVISION**

All land to be subdivided shall, in the judgment of the board, be of such a character that it can be used for building purposes without danger to public health or safety or to the environment. Land subject to periodic flooding, poor drainage or other hazardous conditions shall not ordinarily be judged suitable for building purposes. Lot lines for newly proposed lots shall be perpendicular to the right-of-way. Proposals to subdivide land with inadequate capacity for sanitary sewage disposal may be required to provide additional acreage per lot, over the amount specified in the Zoning Ordinance.

#### **4.8 CONFORMITY**

All subdivision plans shall conform to the Zoning Ordinance of the Town of Raymond and to the subdivision regulations herewith prescribed, and they shall be guided in their layout by any comprehensive plans that the Raymond Planning Board may have adopted covering the area involved before receiving final approval.

## **4.9 CERTIFICATION**

The subdivider shall certify before any plat is approved by the Board that all arrangements have been made with the appropriate governmental agencies, private utilities and other agencies, including town departments, to provide and install in the manner customary in the town all usual and necessary utilities and services to each of the lots in the subdivision, unless otherwise exempted by the Raymond Planning Board.

### **4.7 Construction Site Stormwater Runoff Control: Erosion and Sediment Control**

#### **A. Introduction and Purpose**

During the construction process, soil is highly vulnerable to erosion by wind and water. Eroded soil endangers water resources by reducing water quality and causing the siltation of aquatic habitat for fish and other desirable species. Eroded soil can also cause damage to adjacent properties and impair the function of municipal drainage systems and infrastructure. In addition, clearing and grading during construction cause the loss of native vegetation that support terrestrial and aquatic habitats.

The purpose of this regulation is to safeguard persons, protect property, and prevent damage to infrastructure and the environment in Town of Raymond. This regulation will also promote the public welfare by guiding, regulating, and controlling the design, construction, use, and maintenance of any development or other activity that disturbs or breaks the topsoil or results in the movement of earth on land in Town of Raymond.

#### **B. Definitions**

Clearing: Any activity that removes the vegetative surface cover.

Drainage Way: Any channel that conveys surface runoff throughout the site.

Erosion Control: A measure that prevents erosion.

Erosion and Sediment Control Plan: A set of plans prepared by or under the direction of a licensed professional engineer indicating the specific measures and sequencing to be used to control sediment and erosion on a development site during and after construction.

Grading: Excavation or fill of material, including the resulting conditions thereof.

Perimeter Control: A barrier that prevents sediment from leaving a site by filtering sediment-laden runoff or diverting it to a sediment trap or basin.

Phasing: Clearing a parcel of land in distinct phases, with the stabilization of each phase completed before the clearing of the next.

Sediment Control: Measures that prevent eroded sediment from leaving the site.

Site: A parcel of land or a contiguous combination thereof, where grading work is performed as a single unified operation.

Site Development Permit: A permit issued by the municipality for the construction or alteration of ground, and improvements and structures for the control of erosion, runoff, and grading.

Stabilization: The use of practices that prevent exposed and stockpiled soil from eroding, slumping or failure.

Start of Construction: The first land-disturbing activity associated with a development, including land preparation such as clearing, grading, and filling; installation of streets and walkways; excavation for basements, footings, piers, or foundations; erection of temporary forms; and installation of accessory buildings such as garages.

Watercourse: Any body of water, including, but not limited to lakes, ponds, rivers, streams, and bodies of water delineated by Town of Raymond.

Waterway: A channel that directs surface runoff to a watercourse or to the public storm drain.

### **C. Site Plan Review Approval**

1. A site plan application proposing land-disturbing activity of 3,000 or more square feet requires the approval of an Erosion and Sediment Control Plan.
2. No site plan approval is required for the following activities:
  - a. Any emergency activity that is immediately necessary for the protection of life, property, or natural resources.
  - b. Existing nursery and agricultural operations conducted as a permitted main or accessory use.
3. Each application shall bear the name(s) and address(es) of the owner or developer of the site, and of any consulting firm retained by the applicant together with the name of the applicant's principal contact at such firm and shall be accompanied by a filing fee.

4. Each application shall include a statement that any land clearing, construction, or development involving the movement of earth shall be in accordance with the Erosion and Sediment Control Plan and that an engineer or construction site manager shall be on site on all days when construction or grading activity takes place.
5. The applicant will be required to file performance guarantee, letter of credit, or other improvement security in an amount deemed sufficient by the Planning Board to cover all costs of improvements, landscaping, maintenance of improvements for such period as specified by the Planning Board, and engineering and inspection costs to cover the cost of failure or repair of improvements installed on the site. If a performance guarantee is required for overall general site construction, sediment and erosion control measures shall be included in the construction cost estimate for the performance guarantee.

#### **D. Erosion and Sediment Control Plan**

1. The Erosion and Sediment Control Plan shall include the following:
  - a. A natural resources map identifying soils, forest cover, and resources protected under other chapters of this code. Note: This map should be at a scale no smaller than 1"=100'.
  - b. A sequence of construction of the development site, including stripping and clearing; rough grading; construction of utilities, infrastructure, and buildings; and final grading and landscaping. Sequencing shall identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas, areas of clearing, installation of temporary erosion and sediment control measures, and establishment of permanent vegetation.
  - c. All erosion and sediment control measures necessary to meet the objectives of this local regulation throughout all phases of construction and after completion of development of the site. Depending upon the complexity of the project, the drafting of intermediate plans may be required at the close of each season.
  - d. Seeding mixtures and rates, types of sod, method of seedbed preparation, expected seeding dates, type and rate of lime and fertilizer application, and kind and quantity of mulching for both temporary and permanent vegetative control measures.
  - e. Provisions for maintenance of control facilities, including easements and estimates of the cost of maintenance.
2. Modifications to the plan shall be processed and approved or disapproved in the same manner as Section IV of this regulation, may be authorized by (*erosion and sediment control agency*) by written authorization to the permittee, and shall include
  - a. Major amendments of the erosion and sediment control plan submitted to the Planning Board for review and approval.

- b. Field modifications of a minor nature do not require Planning Board approval but should be noted on the final As-Built Plans.

## **E. Site Design Requirements**

1. Grading, erosion control practices, sediment control practices, and waterway crossings shall meet the design criteria set forth in the most recent version of (*erosion and sediment control manual*) and shall be adequate to prevent transportation of sediment from the site to the satisfaction of (*erosion and sediment control agency*). Cut and fill slopes shall be *no greater than 2:1*, except as approved by (*erosion and sediment control agency*) to meet other community or environmental objectives.
2. Clearing and grading of natural resources, such as forests and wetlands, shall not be permitted, except when in compliance with all other chapters of this Code. Clearing techniques that retain natural vegetation and drainage patterns, as described in the NH Stormwater Manual: Volume 3 Erosion and Sediment Controls During Construction (December 2008 as revised), shall be utilized.
3. Clearing, except that necessary to establish sediment control devices, shall not begin until all sediment control devices have been installed and have been stabilized.
4. Phasing shall be required on all sites disturbing greater than 30 acres, with the size of each phase to be established at plan review and as approved by the Planning Board.
5. Erosion control requirements shall include the following:
  - a. Soil stabilization shall be completed within *five days* of clearing or inactivity in construction.
  - b. If seeding or another vegetative erosion control method is used, it shall become established within two weeks or (*erosion and sediment control agency*) may require the site to be reseeded or a nonvegetative option employed.
  - c. Special techniques that meet the design criteria outlined in (*erosion and sediment control manual*) on steep slopes or in drainage ways shall be used to ensure stabilization.
  - d. Soil stockpiles must be stabilized or covered at the end of each workday and maintained at no greater than 1:1 slope.
  - e. The entire site must be stabilized, using a heavy mulch layer or another method that does not require germination to control erosion, at the close of the construction season.
  - f. Techniques shall be employed to prevent the blowing of dust or sediment from the site.
  - g. Techniques that divert upland runoff past disturbed slopes shall be employed.

6. Sediment controls requirements shall include
  - 1) Settling basins, sediment traps, or tanks and perimeter controls.
  - 2) Settling basins that are designed in a manner that allows adaptation to provide long term stormwater management, if required by (*erosion and sediment control agency*)
  - 3) Protection for adjacent properties by the use of a vegetated buffer strip in combination with perimeter controls
  
7. Waterway, watercourse and wetland protection requirements shall include when applicable:
  - 1) A temporary stream and/or wetland crossing installed and approved by the NH Department of Environmental Services (NHDES) if a wet watercourse or wetland will be crossed regularly during construction;
  - 2) Stabilization of the watercourse channel and/or wetland before, during, and after any in-channel work per NHDES requirements;
  - 3) On-site stormwater conveyance channels designed according to NHDES requirements; and
  - 4) Stabilization adequate to prevent erosion located at the outlets of all pipes and paved channels.
  
8. Construction site access requirements shall include:
  - a. a temporary access road provided at all site; and
  - b. other measures required by the Planning Board in order to ensure that sediment is not tracked onto public streets by construction vehicles or washed into storm drains
  
9. Waste Removal and Disposal
  - a. All waste generated on the site shall be controlled and discarded properly including building materials, concrete and concrete wash our effluent, chemicals, litter and sanitary wastes.
  - b. Waste shall not be discharged to the municipal MS4 system.

## **F. Site Inspection**

1. The Planning Board or its designated agent shall make inspections as hereinafter required and either shall approve that portion of the work completed or shall notify the permittee wherein the work fails to comply with the Erosion and Sediment Control Plan as approved. Plans for grading, stripping, excavating, and filling work approved by the Planning Board shall be maintained at the site during the progress of the work. To obtain inspections, the permittee shall notify the town engineer at least two working days before the following:
  - a. Start of construction
  - b. Installation of sediment and erosion measures
  - c. Completion of site clearing
  - d. Completion of rough grading

- e. Completion of final grading
  - f. Close of the construction season
  - g. Completion of final landscaping
2. The permittee or their agent shall make regular inspections of all control measures in accordance with the inspection schedule outlined on the approved Erosion and Sediment Control Plan(s). The purpose of such inspections will be to determine the overall effectiveness of the control plan and the need for additional control measures. All inspections shall be documented in written form and submitted to the Planning Board at the time interval specified in the approved permit.
  3. The Planning Board or its designated agent shall enter the property of the applicant as deemed necessary to make regular inspections to ensure the validity of the reports filed under Section b.

## **G. Separability**

The provisions and sections of this ordinance shall be deemed to be separable, and the invalidity of any portion of this ordinance shall not affect the validity of the remainder.

### **4.10 RESERVED STRIPS**

No privately-owned reserved strip, except an open space area, 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 or which may be dedicated to public use.

### **4.11 PRESERVATION OF EXISTING FEATURES**

Existing features which would add value to the subdivision, such as trees, watercourses, falls, brooks, historic spots and similar irreplaceable assets, shall be preserved in the subdivision to the greatest extent possible, as determined by the Board.

Land shall be subdivided and improved in reasonable conformity to existing topography in order to minimize grading, cutting and filling and in order to retain the natural contours, limit storm water runoff and conserve the natural cover and soil.

The smallest practical area of land should be disturbed at any one-time during development. When land is disturbed during development, the disturbance should be kept to the shortest practical period of time. Land should not be left disturbed during the winter months. Where necessary, temporary vegetation or mulching and structural measures may be required by the town

to protect areas disturbed during development. Sediment basins shall be installed and maintained during development to remove sediment from runoff water and from land undergoing development. Where possible, natural drainage ways should be utilized and left open to remove excess surface water. Permanent final vegetation and structures should be installed as soon as practical utilizing Best Management Practices.

#### **4.12 REQUIREMENTS FOR SUBDIVISIONS HAVING LAND IDENTIFIED AS SPECIAL FLOOD HAZARD AREAS**

All subdivision proposals governed by these Regulations having land identified as "Special Flood Hazard Area" in the Flood Insurance Study, Town of Raymond, New Hampshire, together with the associated Flood Insurance Rate Maps and Flood Boundary and Floodway Maps bearing the effective date of May 17, 2005, which are declared to be part of these Regulations and are hereby adopted by reference, shall meet the following requirements:

- A. The Raymond Planning Board shall review the proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
- B. The Raymond Planning Board shall also require that all proposals for subdivision of greater than five (5) lots or five (5) acres, whichever is less, include within the proposal base flood elevation data.
- C. Sufficient evidence (construction drawings, grading and land treatment plans) shall be submitted to allow a determination that:
  1. all proposals are consistent with the need to minimize flood damage,
  2. all public utilities and facilities such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage, and
  3. adequate drainage is provided to reduce exposure to flood hazards.

Variances allowed under this Article shall not apply to the provisions of Article 4, section 4:10 with respect to the "Special Flood Hazard Areas".

## **ARTICLE V – SUBMISSION REQUIREMENTS**

### **Plan**

#### **5.1 GENERAL**

The plan shall be prepared by a licensed land surveyor, in conjunction with a professional engineer and/or a licensed landscape architect, at a convenient scale of not more than one inch (1") equal to one hundred feet (100'). The plat may be prepared in ink or pencil 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 Rockingham County Register of Deeds, but shall be no larger than twenty-two inches by thirty-four inches (22" x 34"). It should be noted that the map prepared for the plan may also be used for the final subdivision plat, and therefore, should be drawn on reproducible Mylar in ink.

#### **5.2 DRAFTING REQUIREMENTS FOR PLAN**

- A. Applicant/Agent name and address, including telephone number of applicant; Name and address, including telephone number, of legal owner or owners owning ten percent or more of the property; citation of last instrument conveying title to each parcel or property involved in the proposed subdivision, giving grantor, grantee, date, and land records reference; name and address, including telephone number, of the professional person(s) responsible for subdivision design, for the design of public improvements, and for surveys (i.e., surveyor, engineer, architect, wetland scientist, soils scientist, etc.); any legal descriptions.
- B. Subdivision name, if not within a previously platted subdivision. The proposed name shall not duplicate phonetically the name of any plat previously recorded in the town. Proposed names of any streets shall not duplicate phonetically the name of any existing or platted streets in the town.
- C. Abutting property owner names, addresses, Map and Lot numbers, and Registry of Deeds References (i.e., Volume and Page of recorded instrument of ownership) for all abutters to the proposed subdivision. Three sets of mailing labels, along with a list of names, addresses and Map and Lot numbers for properties across streets or within two hundred feet of the perimeter of the proposed subdivision.
- D. The boundaries of the tract with a signed statement by a Licensed Land Surveyor attesting to the accuracy of the plan and a survey closure of better than one in ten thousand (1/10,000).

- E. The approximate limits of abutting properties and subdivisions adjacent to the tract.
- F. The names and locations of all existing public rights of way, their boundaries if they can be established, and if not, by their center lines.
- G. The locations and widths of all existing easements and the names of the parties controlling them.
- H. The location of private rights of way (permission to cross) serving the lot on adjacent property, with the name of the party to whom it is granted.
- I. The locations and dimensions of all cemeteries upon or adjacent to the tract. A 25' easement shall be shown around any cemetery, as well as an access easement to said cemetery.
- J. The location of ponds or standing water, permanent or seasonal as can be determined, and location and dimensions of all existing and proposed waterways and drainage ways.
- K. The location and dimension of existing and proposed bridges, culverts, catch basins, drains, water mains and hydrants and connections thereto.
- L. The location and width of all infrastructure and utilities consisting of, but not limited to, cisterns, existing and proposed streets and other public ways, and easements for proposed driveways, streets, right of ways, and building setback lines.
- M. The location and dimensions of all property lines showing proposed lots and any areas reserved by the subdivider.
- N. All new lots numbered consecutively in accordance with the Town of Raymond Tax Map. All plans shall show Tax Map number and Tax Lot number, e.g., Tax Map Number X, Lots Y, Y-1, Y-2, Y-3, etc.
- O. The location, dimensions, and area of all existing and proposed park or playground areas, open space, or other public or private reservation, with designation of the purpose thereof and conditions, if any, of the dedication or reservation.
- P. A copy of such private deed restrictions and/or covenants as are intended to cover part or all of the tract, to be submitted on a separate sheet.

- Q. An overlay of the plat showing floodplain boundaries in relation to the Federal Floodplain Management Maps.
- R. An overlay of the soil maps of the Town of Raymond, showing all poorly and very poorly drained soils and all areas of greater than 25% slope and exposed ledge.
- S. Location of all existing wells and septic systems.
- T. All restrictions and stipulations relevant to the plat.
- U. Existing topography of the land to be subdivided shall be shown at contour intervals not exceeding two feet Spot elevations shall be shown where slope is less than 2 %.

Contours shall be shown in dashed lines. Topography may be derived from aerial photography or Lidar in non-developable areas. Areas being developed shall be obtained through field survey only.

- V. Soils types and boundaries based upon an on-site survey and soil conservation service data. Soil boundaries shall be shown by dotted lines.
- W. Full legal descriptions of the drainage easements, size easements, right of ways, covenants, reservations and other restrictions shall accompany the plan with notations of each on the plan.
- X. A title block shall be located in the lower right-hand corner of the plat.
- Y. Types and location of bounds and other monumentation, existing and to be set. All street lines shall be delineated by 4" x 4" x 3' granite markers and all others shall be iron pins or drilled holes, as appropriate.
- Z. The lack of information under any item specified herein, or improper information supplied by the applicant, shall be cause for disapproval of a plan.

### **5.3 OTHER SUBMITTAL ITEMS**

In addition to the above, the Raymond Planning Board shall require the following information addressing the unique characteristics of the land to be subdivided:

- A. Rock ledge at or above ground level, as observed.
- B. Standing water areas that are to be filled and the depth of fill. A Dredge and Fill Permit from the New Hampshire Wetlands Board is required for any filling or dredging in any area designated by the Raymond Conservation Commission as a wetland or where water is encountered at any time.
- C. Where topography makes it difficult to include utilities and infrastructure previously mentioned within the public area so laid out, the plan shall show permanent easements for such facilities.
- D. Dimensions and areas regarding water areas, bridges, culverts and drains, may be approximate scaled distances.
- E. Temporary stakes along center lines of proposed roads may be required to facilitate inspection.
- F. Where the preliminary layout as submitted covers only a portion of the subdivider's entire holding, a nonbinding sketch of the prospective future street system in the unsubmitted part of the property shall be provided. The street system of the submitted part will be considered in light of adjustments and connections to the proposed remainder.
- G. When submitted to the Planning Board, the Plan shall be accompanied by any other studies the Raymond Planning Board may deem necessary or desirable to protect and assure the health and safety of the citizens of Raymond, including the future occupants of the subdivision, whether residential, commercial or industrial.
- H. Access connections to abutting parcels shall be shown.

## 5.4 FINAL PLAN

In addition to the information required for a plan (refer to Chapter 5, section 2) and along with other submittal items (refer to Chapter 5, section 3), the following is required:

- A. Adequate space should be available on the plan for the necessary endorsement by the proper authorities. Wording for this shall read, "Approved by the Raymond Planning Board on (date approved by the Raymond Planning Board at a regular Public Hearing). Certified by: Chairman, Vice Chairman or Secretary or member."
- B. The state seal of the surveyor and, if used to prepare the plans, the engineer, soil scientist or wetlands scientist.
- C. The error of closure, to be not less than one in ten thousand (1 in 10,000), shall be entered on the plan along with the method of closure.
- D. Typical street cross section.
- E. All final proposed water courses and drainage ways with the directions of flow indicated.
- F. All dimensions required in Articles 5.2(l) to 5.2(o), to the nearest one/one hundredth ( $1/100^{\text{th}}$ ) foot. All dimensions in Article 5.2 (I) and (k) to the nearest one tenth ( $1/10^{\text{th}}$ ) foot. Average widths for water course and drainage ways. Dimensions of ponds and standing water are not necessary. Bearings of all property lines must be shown to the nearest one second of arc.
- G. Street right of way lines shall show the length of each tangent segment to the nearest one one-hundredth ( $1/100^{\text{th}}$ ) of a foot and the bearing along it to the nearest one second of an arc. Also, the length, central angle, (delta) radius, and length of tangent of each curved segment.
- H. Location and type of all permanent monuments.
- I. Names of proposed streets.
- J. Reference to the deed number of the property owners, as: "Land owned by \_\_\_\_\_ and described by deed recorded in Volume number \_\_\_\_\_, Page number \_\_\_\_\_, at the Rockingham County Registry of Deeds, Brentwood, New Hampshire. Recorded on \_\_\_\_\_."

K. Wetland delineation.

## **5.5 CONSTRUCTION PLANS (Major Subdivisions Only)**

Construction plans shall be prepared for all required improvements. Plan sheets shall be of the same size as the plan. The following shall be shown:

- A. Plans of all areas to be disturbed for construction of streets, drainage ways, 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 showing existing topography (shown in dashed lines) and proposed contours (shown in solid lines at a contour interval of no greater than two feet (2') 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 streets at 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 plan. Plans shall be drawn at a scale of no greater than one-inch equals fifty feet (1" =50').
- B. Profiles of all proposed streets, showing existing and proposed elevations along the center lines of all proposed streets and all structures, piping and other materials. Profiles shall be drawn at a scale of one-inch equals five feet (1" =5') vertical scale. Profiles for all drainage lines shall be provided in same.
- C. Cross sections of all proposed streets at fifty-foot station intervals and at all catch basins or culverts, showing all areas to be disturbed for the construction, existing grades, proposed sub-grades, proposed final grades, and all utilities and other structures. Scale of cross sections shall be no greater than one-inch equals ten feet (1" =10') vertical scale and one-inch equals fifty feet (1" =50') horizontal scale.
- D. Details of construction of all streets, driveways, curbing, sidewalks, drainage structures, sediment and erosion control structures, and any other required improvements shall be shown at a convenient scale.
- E. Erosion and Sediment Control plans and other information indicating how runoff sedimentation and erosion shall be controlled during and after construction of required improvements.

- F. Benchmarks comprising pertinent points of known elevation, tied into the USGS system datum, as well as 3 points on the State Plane Coordinates system, shall be shown on all plan sheets.

## **5.6 DESIGN OF STREETS AND ROADS**

### **A Road Layout**

Streets shall be laid out to provide for a reasonable flow of traffic including anticipated future growth and use.

1. Arrangement of streets will allow for connection to existing subdivisions and will allow for connection to future subdivisions. Linearly connecting streets should bear the same name.
2. Streets shall be logically related and in harmony to the existing topography so as to reduce disturbance to slopes and wetlands.
3. Blocks shall not be greater than 1,000 feet in length nor less than 200 feet in length. Streets entering from opposite sides of a street should be located directly across from one another or, otherwise, offset by a minimum of 150 feet.
4. Cul-de-sacs shall be required on all dead ends and shall conform to the requirements of Sub Section 5.
5. Each lot shall be provided with two independent access routes from the Raymond Fire Station and/or otherwise shall not be located more than 1,000 feet from a point with two such access routes. Both access routes shall be located entirely over state and/or Raymond town roads.
6. A turn-around for school buses and snowplows will be provided at each town line crossing. Said turn-around shall meet the requirements for a temporary cul-de-sac.
7. Local rural and urban streets shall be designed to encourage passive speed control.
8. Regardless of street ownership (public or private) all roadways shall meet the design and construction regulations for streets and roads.

## B. Design Criteria

Methods of design shall conform to the specifications of the American Association of State Highway and Transportation Officials (AASHTO).

1. Bridges and other structures shall be designed and detailed according to current standards of the AASHTO and the New Hampshire Department of Transportation (NHDOT). Bridges shall be designed for a state certified loading of 99,000 pounds gross weight and for AASHTO HS-20 loading, shall pass a 50- year flood design to meet flood conditions without water touching the bridge deck supports or creating backwater outside the property of the developer, and shall be a minimum width of 24 feet curb to curb and 28 feet rail to rail to provide room for pedestrians a pedestrian walkway 4 feet wide.
2. Fill slopes will be no steeper than 4:1 but may be as steep as 2:1 if guardrails are provided. Ledge shall slope away from the roadway at a minimum of 12:1 slope and shall be entirely located outside the right of way.
3. Special trees, stone walls, historical artifacts and other points of interest shall be identified during the design process, shall be shown on the preliminary plans, and shall be brought to the attention of the Raymond Planning Board. All such objects shall be left in place if more than 8 feet from the edge of pavement.
4. Pavement shall be centered in the right of way.
5. Streets shall intersect at an angle of 90° or at any angle contrary to major traffic flow as determined by the Raymond Planning Board.
6. Highway finish grades shall be a minimum of four feet (4') above annual high water and any underlying ledge or bedrock.
7. Drainage for the entire subdivision shall be designed by a Registered Professional Engineer. Complete drainage plans and calculations shall be submitted to the Planning Board. Copies of applications for all permits such as for Dredge and Fill, Corps of Engineers and EPA also shall be submitted.

8. Functional Classification of Roads

- a. Arterial Roads – major roads which carry substantial traffic volumes and are designed to provide access to distant parts of the town or state. These routes are designated by the NHDOT and must be designed according to NHDOT requirements.
- b. Major Collector Roads- important roads which provide service from arterials to minor roads. Typical traffic volumes are over 2,500 vehicles per day. These corridors are designated by the NHDOT and are eligible for federal funding. Some of these roads are under jurisdiction of the NHDOT, and others are under the jurisdiction of the Town of Raymond.
- c. Minor Collector Roads – locally important roads which provide service from arterials or major collectors to local roads and to more remote parts of the town. These roads are all under the jurisdiction of the Town of Raymond. Typical traffic volumes are between 750 to 2,500 vehicles per day. All roads serving commercial and/or industrial lots shall at a minimum be designated minor collector roads.
- d. Local Roads – all other town-maintained roads.
- e. Private Roads – roads that are open to the traveling public, but for which the Town of Raymond has no rights or responsibilities.

9. Multiple intersections involving a junction more than two streets shall be prohibited.

10. No street shall have a name which will duplicate or closely duplicate the name of an existing street. The Raymond Planning Board shall have final approval of all street names. The applicant must submit all proposed street names to the Raymond Fire and Police Department and, upon receiving their approval, the names may be submitted to the Raymond Planning Board.

11. The Raymond Planning Board shall require the planting of trees and/or shrubs within the street right of way. Such plantings shall be indicated on the Final plan (see Section 5.6(I)).

12. Street and traffic control signs shall be furnished and installed by the subdivider as directed by the Planning Board or its designated agent.
13. The review of any subdivision conducted by the Board or its' agents under these Regulations shall ascertain that adequate provisions have been made by the owner or his/her authorized agent for traffic safety. To facilitate this review, the Board or its' agents shall require the developer to submit a traffic impact analysis, when deemed necessary, due to the size, location or traffic generating characteristic of the development.

### C. Right of Ways

Right of Ways (ROW) shall be established in accordance with the following regulations:

1. Minimum right of way widths for each functional classification of road are given in the design matrix.
2. Right of Way for permanent cul-de-sacs shall have a minimum radius of 75 feet.
3. Property lines at street intersections shall be joined on the plat by a fillet which provides the same minimum distance from edge of pavement apron which is provided by the right of way for that classification of road.
4. Permanent maintenance easements for cross culverts shall be provided.
5. Temporary construction easements for slopes will be shown on the plan.
6. Right of ways for future roads shall include adequate easements for necessary slope and drainage work. Profiles and cross sections shall be submitted showing the proposed construction details.
7. All areas disturbed during construction within or adjacent to a right of way shall receive a final surface treatment of either loam and seeding or asphalt pavement, whichever is more applicable.

- D. The following geometric design standards shall apply to all road designs, whether public or private.
1. Grades of streets shall not exceed 8.0%. At intersections, the grade on the minor street shall not exceed 2.0% within 75 feet of the edge of pavement of intersecting roads.
  2. For all changes in grade, vertical curves shall be provided according to the design matrix. All K values shall be shown on construction drawings.
  3. Horizontal curves shall have the minimum radius as shown in the design matrix. Curves shall be super elevated at a maximum rate of .08 (1"/1').
  4. Pavement and shoulder width shall be as shown in the design matrix. Pavement will be centered in the right of way.
  5. Minimum slope of roads and culverts shall be 0.5% and of ditches shall be 1.0%.
  6. Ditch slopes greater than 5% shall not be permitted unless a closed drainage design is employed.

## Right of Way Design Matrix\*

Criteria	Public Roads				
	Collector - Rural	Collector - Urban	Local Rural	Local Urban	Private Road
Average Daily Traffic Volume (ADT)	750 to 2,000	750 to 2,000	<750	<750	<750
Design Speed	30 MPH	25 MPH	25 MPH	25 MPH	15 MPH
Minimum ROW Width	50'	50'	50'	50'	n/a
Minimum Pavement Width	24'	24'	22'	22'	20'
Minimum Shoulder Width each side	4'	none (curbed)	4'	none (curbed)	2'
Minimum Horizontal Curve Radius	250'	200'	200'	200'	110'
K-value / Crest	30	20	20	20	10
K-value / Sag	35	30	30	30	20
Minimum Tangent Length	100'	75'	75'	75'	50'
Stopping Sight Distance	200'	155'	155'	155'	125'
Curbing Requirement	No	Yes	No	Yes	No
Sidewalk Requirement	No	Yes	No	Yes	Yes **
Closed Drainage Requirement	No	Yes	No	Yes	No

Information for 25MPH/20MPH was gathered from AASHTO "A Policy on Geometric Design of Highways and Streets" 2011 6th Edition

Minimum Horizontal Curve Radius from Table 3-13b (Minimum Radii for Low-Speed Urban Streets)

K-value/Crest, K-value/Sag & Stopping Sight Distance from Tables 3-34 and 3-36 (Design Controls for Crest and Sag Vertical Curves)

For Rural Collectors, use AASHTO Green Book

For Urban Collectors, use *Designing Walkable Urban Thoroughfares -- A Context Sensitive Approach*

\* Any waiver request must meet minimum AASHTO standards

\*\* Sidewalks are required on private streets serving 20 units or more

## E. Cul-de-Sacs

Cul-de-sacs shall meet the following criteria and be designed in accordance with the Typical Cul-de-sac Detail included in these regulations.

1. The point at which the normal portion of a highway begins to flare for the turnaround is called the throat.
2. The grade on the turning portion of the cul-de-sac shall not exceed 2.0%, the grade shall not exceed 2.0% for 50 feet leaving the throat.
3. The distance from the throat to the nearest intersecting street shall not be less than 400 feet, nor more than 850' feet.
4. Temporary turnarounds shall be provided.
5. Permanent cul-de-sacs will have a central area of 40-foot radius, with a 20-foot roadway around it. A culvert will be provided from the center to the outside to handle anticipated drainage.
6. Transition curves into a cul-de-sac will have a minimum radius of 37.5'.

## F. Utilities

All subdivisions shall make adequate provision for water supply (both domestic and emergency), storm water management, sanitary sewage disposal, required utilities, and required improvements.

1. All public utilities and facilities, such as sewer, gas, electrical, and water systems shall be located, elevated, and/or constructed to minimize or eliminate flood damage. All utilities and drainage construction in subdivisions shall conform to the flood plain protection requirements of the Raymond Zoning Ordinance.
2. All utility system installations shall be at the expense of the subdivider.

3. The subdivider shall install laterals from all utilities in the street right of way to 5 feet inside the property line of each proposed building lot within the subdivision.
4. Electric lines, telephone lines, cable television distribution lines, and alarm systems shall be placed underground, including services to streetlights. The subdivider shall coordinate subdivision design with the utility companies to ensure adequate and suitable area for underground installations. This design shall be on the final plan before final approval by the Raymond Planning Board.
5. The design of on-site sewage disposal systems for all subdivisions shall meet the requirements promulgated by the N. H. Department of Environmental Services Subsurface Systems Bureau. The design of off-site sewer disposal facilities will meet the requirements promulgated by the Town of Raymond Sewer Commission, when established.
6. The design of all water distribution and fire suppression facilities shall be in accordance with Town of Raymond Water Department regulations, AWWA and NFPA standards.
7. All utilities shall be protected by and installed within permanent easements to be transferred to the town if said utility is located within private land. Minimum easement width shall be 25 feet.

#### G. Fire Protection and Emergency Access

The applicant shall meet with the authorized representative of the Fire Department to review fire protection and suppression improvements

such as fire alarm/sprinkler systems, pressure hydrants, dry hydrants, and cisterns, and to review site access and/or any other improvements that shall be required for approval.

1. All new subdivisions shall be required to be located within one half mile of an adequate pressure hydrant, dry hydrant, or cistern.
  - a. Subdivisions creating more than nine new building sites, or with the potential to create same in the future (i.e., parcels larger than 20 acres for 2-acre zoning and 10 acres for 1-acre zoning) shall be required to construct an adequate pressure hydrant, dry hydrant or cistern.
  - b. The one-half mile radius within which an adequate pressure hydrant, dry hydrant or cistern shall be located will be measured along the center line of an approved roadway providing access to the site. The distance shall be measured from the center of the hydrant or storm pipe to the furthest corner of any proposed or potential lot corner.
2. A dry hydrant and/or cistern shall be considered adequate if it is capable of providing 30,000 gallons of water at a rate of 1,000 gallons per minute during the driest time of the year (based on 1,000 GPM for 30 minutes) and is protected by a suitable chain link fence, when deemed necessary. Cisterns need not be fenced. Pressure hydrants shall be deemed adequate if capable of supplying 1,000 GPM at a residual pump pressure of 20 psi. All mechanical connections shall be approved by the Raymond Fire Department (see attached standards).
  - a. The Raymond Fire Chief or his authorized representative shall be the sole authority on adequacy of dry hydrants, cisterns and pressure hydrants.
  - b. The applicant shall be responsible for providing hydrant standpipe fill connections in accordance with Raymond Fire Department Regulations.
  - c. Dry hydrants and/or cisterns shall be the responsibility of the Homeowners Association or owner for care and maintenance.

- d. Cisterns shall be constructed in accordance with Raymond Fire Department Regulations and NFPA 1231.
- e. A water main extension is required if the subdivision entrance is within 1,000 feet of the existing distribution system, is within the allowable system gradient, and is acceptable to the Raymond Public Works, Water Division. All pressure hydrants with distribution system extensions shall meet the following requirements:
  - 1. Hydrants will be placed at the beginning and end of every development and will be placed at distances not exceeding 1,000 feet of roadway in a residential development, or every 500 feet in industrial/commercial parks.
  - 2. Hydrants will pass a flow test of 1,000 GPM at 20 psi residual in residential areas (to be witnessed by the Fire Department).
  - 3. Hydrants in industrial and commercial parks will be flow tested, two at a time, each to provide 1,000 GPM at 20 psi residual (to be witnessed by the Fire Department).
  - 4. Hydrant gates, pipes and aperture will be as described in the Raymond Water Department "*Guideline Specification for Design and Construction of Water Mains.*"
  - 5. If necessary, the applicant shall be required to make system improvements necessary to comply with Items 2 and 3 above, at his or her own expense.
- f. Emergency Access

The Fire Chief shall require a key box for any new, non-residential, multi-family, commercial, or industrial construction in any property protected by an automatic alarm system or where access to or within openings, or where immediate access is necessary for life saving or firefighting purposes. The key box shall be of a type approved by the Fire Chief and is to be installed in an approved location. Key box installations shall be in accordance with Fire Department instructions for same.

## H. Storm Drainage Systems

Storm drainage systems shall be designed to permit unimpeded flow of all-natural water courses and ensure adequate drainage of storm water away from and off roads, drives, parking areas, buildings, slopes, ditches, etc. The storm drainage system shall include capacity and provisions to drain building foundations where necessary.

1. Drainage shall be designed by the use of the Rational Method Formula, SCS-TR55 or a method approved by the town's Engineer. There shall be a net zero increase in runoff from the site for pre-development conditions to post development conditions. This net zero increase in runoff shall apply to and be evaluated for 50-year storm frequency events for all areas. Flood protection areas shall be evaluated for 50-year storm frequency events also.
2. Storm water drainage calculations provided by a Licensed Professional Engineer shall be submitted to the town for all subdivision applications. The drainage calculations shall include, but not necessarily be limited to, the following sections:
  - Summary of Drainage Calculations
  - Pre-development Conditions/Calculations
  - Post Development Conditions/Calculations
  - Detention Pond Evaluation (if applicable)
  - Detailed Hydraulic Calculations (pipes, ditches, etc.)
  - Sedimentation Swale/Erosion Control Calculations
3. Storm water detention ponds, if applicable, shall be designed to reduce peak storm water runoff for a 50-year storm water frequency event and shall be designed to include an emergency spillway.

## I. Landscaping

All Subdivisions shall be adequately and suitably landscaped. It is the intent of this regulation to encourage the planting and/or replanting of both hard- and soft-wood trees in an effort to provide continued and adequate shade, animal habitat, sound attenuation, air filtration, radiation protection and sight aesthetics. The following shall be considered the minimal landscaping effort acceptable to address this requirement.

1. All surface areas which have been disturbed by construction and have not received a surface treatment of asphalt or

concrete shall receive a surface treatment of four inches of loam to be fertilized, mulched and seeded.

2. All road right of ways shall have mixed plantings of deciduous trees of 1 to 2-inch tree caliper. The plantings shall be spaced at fifty-foot intervals on both sides of roadways, a minimum of 8 feet off the edge of roadway, but in no instance shall plantings be located within the ditch lines.
3. In areas where development is being proposed in open areas with minimal tree cover, deciduous trees shall be planted at a rate of eight per acre.
4. Deciduous species considered acceptable for use shall include walnut, maple, chestnut, beech, ash, oak, linden, or other species acceptable to the Raymond Planning Board. All species shall conform to all applicable provisions of the Horticultural Standards published by the American Association of Nurserymen.
5. Within 50 feet of all intersections between new and existing roads, landscape plantings of ornamental and flowering species shall be required. Said plantings shall be arranged in a setting which will distract from the disruptive nature of the new roadway and offer a pleasing contrast to typical appearances of roadway intersections.
6. Ornamental and flowering species acceptable for use shall be Dogwood, Cherry, Crabapple, Bradford Pear, Honey Locust or other species acceptable to the Planning Board. All species shall conform to all applicable provisions of the Horticultural Standards published by the American Association of Nurserymen.
7. All trees shall be properly planted, mulched, fertilized, wrapped and supported in accordance with the previously mentioned standards. In addition, all trees shall be warranted for one year from planting.
8. Where a cut slope is more than 10 feet, or a fill slope is more than 20 feet (distances to be measured along the slope), and the Planning Board determines that the open slopes detract from the wooded character of the community, trees of no less than 6 feet in height shall be planted 20 feet on center or as otherwise directed.

## J. Streetlights

At the discretion of the Planning Board, a streetlight shall be installed at each intersection in order to adequately light same.

1. Streetlights shall be single fixture units providing sufficient light to adequately illuminate the intersection in conformance with the Site Plan Outdoor Lighting Design Standards.
2. Sodium Vapor lamps shall not be used or acceptable.
3. Light posts shall be located a minimum of eight feet from the edge of pavement, but in no case shall light poles be located in ditch lines.

## **ARTICLE VI – SUBDIVISION AGREEMENT AND PERFORMANCE GUARANTEE**

As part of the granting of an approval, the Raymond Planning Board shall require the applicant to execute a Subdivision Agreement. The Agreement shall be prepared by the Planning Board within two weeks of the date of the Notice of Decision. The Agreement must be executed within 45 days and prior to the start of any work. The Raymond Planning Board shall require a Subdivision Performance Bond be posted before the Code Enforcement Officer issues any building permits. However, under no circumstances shall any improvements be made to the site prior to signing a Subdivision Performance Agreement and establishment by the applicant of an Inspection Escrow Account with the Public Works Director.

The cost of improvements required, which will be used to determine the amount of the Performance Bond, may be established by either of the following two methods:

- The applicant may provide cost estimates for the construction of streets, monuments, hydrants, or water facilities for the subdivision, based upon standard cost preparation guides such as prepared by R. S. Means Company, Inc. or Equipment Guide Book Company, or based upon the average of public sector bid costs for similar work. Costs must be correct and/or adjusted for inflation over the anticipated time frame of the project. The applicant's cost estimate shall be reviewed by the Town's Engineer for accuracy and must be approved by same.

- The Public Works Director or the Board's authorized agent may calculate the bond amount using similar methods to those referred to in item "A" above, plus standard cost estimate charts developed for the Town and periodically updated. Cost Estimate charts also are available to the applicant for use in bond calculation, as specified in item "A" above.

In either case, a 10% standard contingency factor shall be added to subtotals of all bond amounts to cover unknown conditions. Also, anticipated cost increases due to inflation over the course of construction shall be included.

The Performance Bond shall be in the form of a Savings Account or Certificate of Deposit naming the Town of Raymond as signatory and beneficiary, or in the form of cash. Deposited funds must be deposited into FDIC insured banks operating within the State of New Hampshire. Bond funds may be released, upon order of the Public Works Director or other designated agent of the Planning Board, as work on improvements or site reclamation is completed and satisfactorily inspected.

**A. Maintenance Bond**

The Raymond Planning Board shall require surety covering maintenance of streets and other improvements for a period of two years from the date of substantial completion, in an amount not to exceed 15% of the total cost of said improvements. The amount of surety shall be as recommended by the Town's authorized agent and shall be approved by the Raymond Planning Board, who may consult with Town Counsel as to the form and content of the maintenance bond. The Town's authorized agent's recommendation shall be based upon his knowledge and upon inspection of the work performed in construction of the approved improvements. If repair or unusual maintenance is necessary, or if additional improvements are required, costs as necessary shall be drawn against said surety.

**B. Inspection Service Fee**

Applicants shall be required to deposit an inspection fee in escrow with the Town. The fee shall cover the costs of the Town's designated agent, who shall monitor and inspect improvements for compliance with approved plans and applicable engineering standards. Funds shall be in the custody of the Town Treasurer in an amount approved by the Planning Board, which amount shall not be less than five percent (5%) of the site improvement bond estimate. Interest earned from said escrow account, along with 10% of the final inspection costs, shall be retained by the Town to cover administrative costs.

**C. Maintenance Bond**

The Raymond Planning Board shall require surety covering maintenance of streets and other improvements for a period of two years from the date of substantial completion, in an amount not to exceed 15% of the total cost of said improvements. The amount of surety shall be as recommended by the Town's authorized agent and shall be approved by the Raymond Planning Board, who may consult with Town Counsel as to the form and content of the maintenance bond. The Town's authorized agent's recommendation shall be based upon his knowledge and upon inspection of the work performed in construction of the approved improvements. If repair or unusual maintenance is necessary, or if additional improvements are required, costs as necessary shall be drawn against said surety.

**D. Inspection Service Fee**

Applicants shall be required to deposit an inspection fee in escrow with the Town. The fee shall cover the costs of the Town's designated agent, who shall monitor and inspect improvements for compliance with approved plans and applicable engineering standards. Funds shall be in the custody of the Town Treasurer in an amount approved by the Planning Board, which amount shall not be less than five percent (5%) of the site improvement bond estimate. Interest earned from said escrow account, along with 10% of the final inspection costs, shall be retained by the Town to cover administrative costs.

**E. Inspection of Improvements**

At least fifteen (15) days prior to the start of construction of any subdivision improvements, the applicant shall pay to the Town the inspection fee required by the Raymond Planning Board, and shall notify other authorized agent, in writing, of the time when construction is proposed to begin. The Town's designated inspection agent shall then cause inspections to be made to assure that all standards, specifications and requirements are met during the construction of required improvements and utilities.

**F. Proper Installation of Improvements**

If, prior to expiration of any Performance Bond or final inspections performed pursuant to Section B above, the Town's inspection agent finds that any of the required improvements have not been constructed in accordance with approved plans and specifications filed by the applicant, or in accordance with any conditions of the Planning Board's approval, it shall be reported to the Board of Selectmen and to the Raymond Planning Board. The Board of

Selectmen then shall notify the applicant and take necessary steps to preserve the Town's rights under the bond or the Subdivision Performance Agreement.

**G. Failure to Complete Improvement/Abandonment of Project**

When a Performance Bond has been posted and required improvements have not been constructed or installed in accordance with the approved plan, the Board of Selectmen may thereupon declare the applicant to be in default and utilize all legal and equitable remedies, including use of bond proceeds, to complete the project.

**H. Release or Reduction of Performance Bond**

The Board of Selectmen and Planning Board will not accept dedication of required improvements, nor will a release or reduction of a Performance Bond be ordered, until the Town's authorized inspection agent has submitted a certificate stating that all required improvements have been satisfactorily completed. Prior to such certification, the applicant's engineer or surveyor will certify to the Town's agent, through submittal of detailed, as-built survey plans of the subdivision indicating locations, dimensions, materials, and other information required by the Planning Board or the Town's Engineer, that the layout of the line and grade of public improvements is in accordance with the final, approved plat and construction plans for the subdivision. Also, a title opinion will be furnished to and approved by the Planning Board, certifying that all such improvements are ready for dedication to the Town and are free and clear of any and all liens and encumbrances. Upon receipt of such certifications, the Town may thereafter accept the improvements for dedication in accordance with the established procedure.

**I. Reduction of Performance Bond**

The amount of a Performance Bond may be reduced upon the dedication of certain public improvements, to the ratio that the dedicated improvement bears to the total of the required improvements of the subdivision. In no event shall a Performance Bond be reduced to below 15% of the original amount. Reduction may be ordered upon completion of any of the following major construction milestones:

- Site Sub Grade (completion of cuts & fills) and Utility completion (water drains, electric lines, etc., installed and accepted)
- Asphalt Binder Completion (all foundation materials and asphalt binder course installed, inspected and accepted)

- Substantial Completion (Development is ready to function for intended purpose; all improvements have been installed, inspected and accepted with the exception of the final asphalt course). NOTE: The subdivision must be certified by the Public Works Director or other authorized agent of the Planning Board to have been substantially completed in order to receive Certificates of Occupancy within the subdivision.
- Final Inspection (all required improvements are fully complete, inspected, and acceptable).

A subdivision may be constructed in phases, each phase being separately bonded and subject to bond reduction, only if the Planning Board approves such phased construction at the time of plan approval.

## **J. Occupancy**

The Building Inspector shall not issue a building permit until these regulations have been complied with and the required improvements have been made, or a Performance Bond has been provided to the Town for unfinished improvements. No development, home or building may be occupied or used unless a Certificate of Occupancy has been issued by the Building Inspector. The Development or Phase of Development must be certified to be substantially complete in order to receive Certificates of Occupancy for the buildings therein.

**Appendix A – Fees**

<b>Fee Schedule by # of New Lots</b>	
1	\$356
2	\$431
3	\$506
4	\$793
5	\$868
6	\$943
7	\$1,018
8	\$1,093
9	\$1,379
10	\$1,454
11	\$1,529
12	\$1,604
13	\$1,679
14	\$1,965
15	\$2,040
16	\$2,115
17	\$2,190
18	\$2,265
19	\$2,551
20	\$2,626
21	\$2,701
22	\$2,776
23	\$2,851

**Base Rate \$300**

(includes staff wages with a 23% roll-up rate)

**Variable Rate \$75**

(Install poles, reflective plates, Materials & Labor & Mapping Updates)

**ABUTTERS - \$10.00 PER NOTICE**

For each lot over 23, use the Base Rate multiplied by 4.75 added to the Variable Rate multiplied by the number of new lots. **(BR x 4.75) + (VR x Z)**  
*{Z is the # of new lots}*

<b>Escrow Deposits for Legal/Engineering Review</b> <i>Minor Subdivision (if applicable, TBD by TRC):</i>	\$850
<i>Major Subdivision up to 8 Lots:</i>	\$1,250
<i>9 to 13 lots:</i>	\$1,850
<i>14 to 18 lots:</i>	\$2,250
<i>19 to 23 Lots:</i>	\$2,500
<i>23 to 30 Lots:</i>	\$2,750
<i>Over 30 Lots: To be determined by Town Engineer/Legal Counsel</i>	TBD

**Once a balance is reduced to 50% of the original deposit, the applicant shall replenish it to 100% of the amount initially required by this schedule.**