



# SUBDIVISION REGULATIONS

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**Subdivision Regulations  
Gorham, New Hampshire**

**Amended August 20, 2020**

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## ARTICLE I. AUTHORITY AND PURPOSE

### 1.01 Authority

Pursuant to the authority vested in the Town of Gorham Planning Board by the voters of the Town of Gorham and in accordance with the provisions of Chapter 674:35-39, New Hampshire Revised Statutes Annotated, as amended, the Town of Gorham Planning Board adopts the following regulations governing the subdivision of land in the Town of Gorham, New Hampshire.

### 1.02 Purpose

- A. The purpose of these Regulations is to promote the development of an economically sound and stable community in a manner consistent with acceptable standards for the municipality and to provide uniform procedures and standards for observance by the Planning Board and subdividers. The provisions of these Regulations shall apply to all land within the boundaries of the municipality.
- B. Additional purposes of these Regulations include providing against scattered and premature subdivision of land, providing for the harmonious development of the town and the proper arrangement and coordination of streets within subdivisions in relation to other existing or planned streets, streets with adequate width for present and future traffic and emergency vehicle use and for protection of our town's scenic beauty.

## ARTICLE II. DEFINITIONS

As used in these Regulations, the following terms shall have the meanings indicated:

**ABUTTER** — Any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration by the Board. For purposes of receiving testimony only, and not for the purpose of notification, the term "abutter" shall include any person who is able to demonstrate that his land will be directly affected by the proposal under consideration. For purposes of receipt of notification of a meeting, in the case of an abutting property being under a condominium or other collective form of ownership, the term "abutter" means the officers of the collective or association, as defined in RSA 356-B:3, XXIII. For purposes of receipt of notification of a 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 Planning Board.

**BOARD** — The Planning Board of the Town of Gorham, New Hampshire.

**BOUNDARY AGREEMENT** -- A boundary agreement is an agreement between two abutting landowners as to the location of a common boundary and is used whenever a precise point or line determining the boundary between two or more parcels of real property cannot be identified from the existing public record, monuments, and landmarks. The agreed boundary shall be shown on a plan to be recorded in the Coos County Registry of Deeds.

**BUILDING DEVELOPMENT** — The process of changing the character of the land from its existing condition to a more usable condition by the construction or placement of a building or buildings thereon.

**COMPLETED APPLICATION** — The official subdivision application form and submission as defined in Articles III and IV of these Regulations.

**CONDOMINIUM** — A multifamily, group or cluster housing wherein dwelling units are individually-owned but wherein open space and group facilities are held in common ownership. A “condominium” shall be considered a subdivision of land as outlined in RSA 356-B and reviewed accordingly.

**CONTOUR LINE** — A line on a map or chart connecting all points of the same elevation in a particular area.

**DRIVEWAY** — A way providing access from a street to two (2) or fewer dwellings, lots or sites except in the case of a multifamily building which may have up to four (4) dwellings served by one (1) driveway.

**ENGINEER** — The duly designated engineer of the Town of Gorham or the consulting engineer assigned by the Gorham Planning Board.

**LOT** — A single parcel or unit of land with defined, fixed boundaries, represented and identified by a recorded plat or deed.

**MINOR LOT LINE ADJUSTMENT** — The sale, transfer, or other conveyance of land to the owner of adjoining land which does not increase the number of parcels or lots and does not result in any lots that do not conform to the requirements of these Regulations.

**PERFORMANCE GUARANTY** — Any security which is accepted in lieu of a requirement that certain improvements be made before the Planning Board provides final subdivision approval, including performance bonds, letters of credit, escrow agreements and other similar collateral or surety agreements.

**PLAT** — The map, drawing or chart on which the subdivider’s plan of subdivision is presented to the Gorham Planning Board for approval and which, if approved, will be submitted to the Register of Deeds of Coos County for recording.

**STREET** — A road, avenue, boulevard, lane, or highway, designated for purposes of vehicular travel, exclusive of driveways. “Street” shall mean the entire width of the right-of-way whether unimproved or improved.

**SUBDIVISION** — The division of the lot, tract or parcel of land into two (2) or more lots, plats, sites or other divisions of land for the purpose, whether immediate or future, of sale, rent, lease, condominium conveyance or building development. It includes resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided. The division of a parcel of land held in common and subsequently divided into parts among the several owners shall be deemed a “subdivision” under this title. “Subdivision” shall not mean the division of a residential structure into two (2) residential units only.

The grant of an easement in gross to a public utility for the purpose of placing and maintaining overhead and underground facilities necessary for its transmission or distribution network such as poles, wires, cable, conduit, manholes, repeaters and supporting apparatus, including any unmanned structure which is less than five hundred (500) square feet, shall not be construed as a "subdivision" under this title and shall not be deemed to create any new division of land for any other purpose. The rent, lease, development, or grant of an easement to a person for the purpose of placing and maintaining a wireless communications facility shall not be construed as a subdivision under this title, and shall not be deemed to create any new division of land for any other purpose. For purposes of this paragraph, "wireless communications facilities" means any towers, poles, antennas, or other unstaffed structure of less than 500 square feet intended for use in connection with licensed transmission or receipt of radio or television signals, or any other licensed spectrum-based transmissions or receptions. This paragraph shall not be deemed to affect other local zoning, site plan, or regulatory authority over wireless communications facilities.

**SUBDIVISION, MINOR** — A subdivision containing three (3) or fewer lots, with no potential for resubdivision; each lot fronting on and with Board-approved access to an existing, publicly-maintained street or existing private street previously approved by the Planning Board and constructed and maintained to Town specifications; not involving any new or extended streets, common water supply or wastewater disposal, stormwater facilities, or other public improvements or extension of municipal facilities.

**SUBDIVISION, MAJOR** -- A Major Subdivision is any subdivision which does not meet the criteria for a Minor Subdivision. Major subdivision also includes re-subdivision of a lot subdivided under the Minor Subdivision procedures within the previous ten years.

**VOLUNTARY MERGER** - The voluntary merger of two or more contiguous pre-existing approved or subdivided lots, which share the same owner, for the purposes of municipal regulation and taxation (RSA 674:39-a).

## ARTICLE III. PROCEDURES

### 3.01 Planning Board Approval Required

All minor lot line adjustments, boundary agreements, voluntary mergers of lots, and major and minor subdivisions, including development of condominium units, as defined in these Regulations, require approval by the Board in accordance with these Subdivision Regulations. Approval shall be obtained before any construction, land clearing or building development is begun, before any permit for the erection of any building in such proposed subdivision shall be granted, before any contract or offer for sale, rent, condominium conveyance or lease of lots in the subdivision shall have been negotiated, before converting a property to condominium or time-share ownership, and before any subdivision plat may be filed in the Coos County Registry of Deeds. The owner(s) or authorized agent shall apply in writing to the Board on a form provided by the Board and secure approval of such proposed subdivision, condominium development, minor lot line adjustment, boundary agreement or lot merger in accordance with these Regulations.

### 3.02 Notice

When Notice is required in the Regulations, the Board shall give Notice as follows:

- A. **Abutters:** A copy of the Notice shall be sent by certified mail to the abutters, easement holders, the subdivider and any engineer, architect, land surveyor or soil scientist whose professional seal appears on the plat, at least ten (10) days prior to the public meeting/hearing. For proposals in which any structure or building site will be within 500 feet of the top of the bank of any lake, pond, river or stream, notice shall also be given to the NHDES Dam Bureau. For the purposes of these Regulations, in counting days, the day on which notice is given and the day of the public meeting/hearing shall be excluded.
- B. **Public:** Notice to the general public shall be given by publication of a copy of the Notice in the newspaper with greatest local circulation as may be designated by the Board, at least ten days prior to the public meeting/hearing. At the same time, the Board shall post copies of the Notice in two public places in town.
- C. If the notice of public hearing has been included in the notice of submission of the application or any prior notice, additional notice is not required. In the case of an adjourned session of a public meeting/hearing, additional notice is not required if the date, time and place of the adjourned session is made known at the prior meeting/hearing.
- D. The subdivider shall pay, in advance, all costs of Notice. Failure to pay costs shall be the basis for disapproval of the application.
- E. The notice must include a general description of the proposal which is the subject of the application and shall identify the applicant and the location of the proposal. The notice shall also indicate the date, time and place of the public hearing or whatever is the subject of the notice.

### 3.03 Determination of Regional Impact

Upon receipt of an application for subdivision, the Board shall review it and determine whether or not the development, if approved, could reasonably be construed as having the potential for impact beyond the boundaries of Gorham. This regional impact could result from a number of factors, such as, but not limited to, the following:

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

Doubt concerning regional impact shall be resolved in a determination that the development has a potential regional impact. Upon determination that a proposed development has a potential regional impact, the Board shall afford the Regional Planning Commission and the affected municipalities the status of abutters for the limited purpose of providing notice and giving testimony. Within 72 hours of reaching a decision that a development has regional impact, the Board shall, by certified mail, furnish the Regional Planning Commission with copies of the minutes of the meeting at which the decision was made and copies of the initial project plan, and the affected municipalities with copies of the minutes of

the meeting at which the decision was made. At least fourteen (14) days prior to the public hearing, the Board shall notify, by certified mail, all affected municipalities and the Regional Planning Commission of the date, time and place of the hearing and the right to testify concerning the development.

### 3.04 Optional Preapplication Meetings

The Board encourages applicants to take advantage of the Preliminary Consultation and the Preliminary Plan steps of the application process. It may be in the best interest of the applicant, as well as the Board, to discuss the proposed subdivision, minor lot line adjustment or boundary line agreement on an informal basis prior to actual submission of the application.

#### A. Preliminary Consultation

1. **Procedure:** If the applicant so requests, the Board shall place on its agenda for a regularly scheduled meeting a Preliminary Consultation between the applicant and the Board. This phase in the review process is optional for the applicant to discuss a proposed subdivision in conceptual form and to ask specific questions regarding application procedures and requirements. It is made available by the Board in order to save expense and unnecessary changes later on. There is no application fee for this phase and no public notice is required.
2. **Information Requested:** A sketch plan may be utilized when necessary to show the location and type of the proposed development, with additional information, such as general topography, including prominent natural features of the tract. If the subdivider brings a detailed plan of any type to the Board meeting, the Board will recess any consideration until notice has been given as provided in Section 3.02.
3. **No Action of the Board:** The Preliminary Consultation between the subdivider and the Board shall be limited to a discussion as to concept and in general terms for the limited purpose of familiarizing the Board with the location and type of development, and the subdivider with general requirements of the Board as set forth in the Regulations. Such consultation shall not result in any decision, agreement or action binding upon the applicant or the Board. Following the Preliminary Consultation, and after determining the general character of the proposed subdivision, the Board shall advise the subdivider concerning subsequent procedures, classification of proposed subdivision as either minor or major, submission requirements for final review, and the necessity to obtain other local and state permits.

#### B. Preliminary Plan

1. **Procedure:** The subdivider may, but is not required to, submit to the Board for review a Preliminary Plan of the proposed subdivision. Applications to the Board for review of preliminary plans shall be filed with the Board or its designated agent on the appropriate form as approved by the Board, at least twenty-one (21) days before the Board meeting at which the plan will be discussed. The Board shall give notice, at the applicant's expense, as provided in Section 3.02, of the Preliminary Plan review as required under RSA 676:4, I (d). The review of the Preliminary Plan shall be conducted only at formal meetings of the Board. The Board may review the proposal in detail and receive testimony in person or in writing from any applicant, any abutter, or any other person as permitted by the Board. Again, this phase in the subdivision review process is optional for the applicant and is made available by the Board in order to save expense and unnecessary changes later on.
2. **Information Requested:** The Preliminary Plan may be drawn in pencil or ink, and shall be submitted in three (3) copies. Preliminary plans should show substantially the same information

described in Article IV, however, dimensions may be approximate and data may be tentative. The preliminary plans should be sufficiently clear to establish the basis of and to clarify the design requirements for the subdivision final plat. Maps shall be at a scale of no more than 100 feet per inch, unless an exception is granted by the Board or its agent.

3. **No Action of the Board:** Such preliminary review shall bind neither the applicant nor the Board.

### 3.05 Submission of Final Application

The completed application shall be formally submitted to and accepted by the Board only at a regularly scheduled public meeting after due notification as provided in Section 3.02 of the date the completed application will be submitted to and received by the Board.

The Board shall, within 30 days or at the next public meeting for which notice can be given, review the application for completeness, as required by these Regulations. If determined to be complete, and all required fees and costs of notice have been paid, then the Board shall, by motion, accept the application as complete relative to jurisdiction of the Board per RSA 674:4, I(b).

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

### 3.06 Board Action on Completed Application

- A. The Board shall act to approve, approve with conditions, or disapprove the final plat or completed application within 65 days, subject to extension or waiver as provided by RSA 676:4.
- B. The Board may require special investigative studies, environmental assessments and a legal review of documents, administrative expenses and other matters necessary to make an informed decision. The cost of such studies and investigations shall be paid by the applicant.
- C. Failure to pay any fee shall constitute valid grounds for the Board to terminate further consideration and to disapprove the application without a public hearing.
- D. Prior to approval of a subdivision, a public hearing shall be held as required by RSA 676:4(1)e, and notice shall be given in accordance with Section 3.02. At the discretion of the Planning Board Chair, a public hearing may be held at the same meeting as the submission of the application, provided the hearing has been noticed and the application is accepted as a complete application for subdivision approval by the Board.
- E. The Board shall notify the applicant in writing, signed by the Chair, of its actions on the final plat. In case of disapproval, the grounds for such disapproval shall be set forth in the Notice of Action, which shall become part of the public records of the Board. For the purpose of calculating the 30-day period within which to file an appeal under RSA 677:15, the 30-day period will begin with the date following the date upon which the Planning Board voted to approve or disapprove the application. In case of approval, the Notice of Action shall set forth the following as applicable:
  1. A statement that the subdivision shall be completed and constructed in conformity with the approved final plat and these Regulations.
  2. Any waivers granted by the Board from the requirements of these Regulations pursuant to Section 7.02, including any modifications of Standards contained in Article V.

3. Conditions of approval precedent, i.e., required prior to signing and recording final plat, if any, such as:
  - a) Any conditions of approval that must appear on the final plat, e.g., long-term responsibility for maintenance of roads, stormwater and other utilities and facilities, restrictions on the use of the property, or safeguards that must be observed during development of the property or once the project is in use.
  - b) A description of land, if any, to be dedicated to widen existing streets or accomplish some other purpose.
  - c) Amount of security to be provided to the Town to guarantee performance.
  - d) Amount to be provided to the Town to escrow for inspection fees.
  - e) Road/Utility Documents
    - I. If a subdivision is to be served by public water or public sewer, a statement from the Water and Sewer Department attesting to the availability of such service.
    - II. In the case of electric lines or other utilities to be installed by a public utility corporation, a statement shall be received in writing from such public utility that the work will be done within a reasonable time and without expense to the Town and that utility lines will be placed underground.
  - f) Legal Documents. Where applicable to a specific subdivision, the items listed below are required, in a form as approved by the Town's attorney, prior to final approval of the Subdivision Plat. All recording fees shall be borne by the subdivider.
    - I. The language of any deed restrictions, covenants or articles of association submitted by the applicant and accepted by the Board.
    - II. Easements and/or rights-of-way over property to remain in private ownership.
    - III. Rights to drain onto or across property, whether public or private, including a street.
    - IV. Deeds covering land to be used for public purposes, including titles to be transferred to the Town effective on such date as the Town accepts the land through the town meeting process.
    - V. Subdivider improvement agreement.
  - g) Approvals, as prescribed by law, from any other municipal, state or federal agency which may have jurisdiction, for example, NHDOT or town driveway permit, NHDES Shoreland, Wetlands or Alteration of Terrain permits.
4. Conditions of approval subsequent, i.e., special conditions placed on the approval, if any, such as the following, as specifying which must appear of the final plat to be signed and recorded:
  - a) Long-term responsibility for maintenance of roads, stormwater and other utilities and facilities.
  - b) Restrictions on the use of the property or of the open space areas.
  - c) Safeguards that must be observed during development of the property or once the project is in use.
  - d) Natural features to remain.
  - e) Requirements regarding utilities or fire protection.
5. A statement that all improvements, including off-site improvements, required by the Planning Board shall be completed and constructed at the sole expense of the applicant or the successors and assigns of the applicant.
6. A statement of responsibility for possible damage to existing streets during construction.
7. A written acknowledgement of the subdivider's responsibility for maintenance and the assumption by the subdivider of liability for injuries and damages that may occur on any land to be dedicated for public use, until such land has been legally accepted by the Town.
8. A statement that if the subdivider and Planning Board have agreed that any road(s) are to remain private, the landowners shall be required to conduct, at no expense to the Town, any

maintenance, repairs and/or repaving deemed necessary by the Town prior to any future dedication and acceptance or petition to layout a town road over said private road.

9. All agreements, if any, between the applicant and Board concerning matters not required by these Regulations, but to be performed by the applicant.
10. Criteria established by the Board for determining “active and substantial development” and “substantial completion” pursuant to RSA 674:39 Five-Year Exemption and Section 6.08.

Unless all of the above information appears on the final plat to be signed and recorded, the Notice of Action shall be recorded at the Coos County Registry of Deeds with the final plat.

- F. The applicant shall provide a final mylar plat in permanent black ink suitable for recording together with the recording fee within one year of the Board's decision unless the Board has provided an extension. The approved final plat, with any conditions to be noted on the plat, shall also be submitted electronically in PDF format. Approval of the final plat shall be certified by written endorsement on the plat and signed by the Chairman or Secretary of the Planning Board. The Town shall transmit the mylar to the Registry of Deeds of Coos County for recording along with the Notice of Action unless all of the information listed in Paragraph E above is contained on the plat. In case of disapproval of any plat submitted, the grounds for such disapproval shall be adequately stated in the records of the Planning Board and written notice given to the applicant.
- G. Prior to final approval, the applicant shall provide proof of receipt of all other required local, state and federal permits.
- H. Final approval of a plat approved with conditions precedent may occur without an additional public hearing only when the conditions include one of the following:
  - a) minor plan changes, whether or not imposed by the Board as a result of public hearing, compliance with which is administrative and which does not involve discretionary judgment;
  - b) conditions which are in themselves administrative and which involve no discretionary judgment by the Board;
  - c) conditions relating to the Applicant's possession of permits and approvals of other boards or agencies.

All other conditions precedent shall require a notice and hearing, except that additional notice shall not be required of an adjourned hearing with proper notice, if the date, time and place of the adjourned session were made known at the time of the prior hearing.

- I. If the Board has not taken action to approve, approve with conditions, or disapprove the completed application within sixty-five (65) days of its acceptance and has not obtained an extension or waiver, the subdivider may obtain from the Selectmen an order directing the Planning Board to act within thirty (30) days. If the Board does not act on the application within that thirty (30) day time period, then within forty (40) days within issuance of the order, the Selectboard shall certify on the application that the plat is approved pursuant to RSA 676:4 I (c) (1) unless during that period the Selectboard has identified in writing that the proposed subdivision does not comply with some specific provision of the Subdivision Regulations or Zoning Ordinance.

### **3.07 Expedited Review**

#### **A. Voluntary Merger**

Any owner of two or more contiguous pre-existing approved or subdivided lots or parcels who wishes to merge them for municipal regulation and taxation purposes may do so by applying to the Board at least seven (7) days prior to a scheduled public meeting of the Board.

Except where such merger would create a violation of then current ordinances or regulations, all such requests shall be approved, and no public hearing or notice shall be required. No new survey plat need be recorded. A notice of merger containing a description of the two lots merged into one lot including tax map and lot number and signed by the Board shall be filed in the Coos County Registry of Deeds under the name of the owner or owners as grantors and a copy shall be attached to the Town's tax assessing card.

If there is any mortgage on any of the lots, the applicant shall give written notice to each mortgage holder at the time of the submission of the application. The written consent of each mortgage holder shall be required as a condition of approval of the merger and shall be recorded with the notice of the merger. Upon recordation of the notice and each consent, the mortgage or mortgages shall be deemed by operation of law to apply to all lots involved in the merger. The municipality shall not be liable for any deficiency in the notice to mortgage holders.

Any future subdivision of the merged lot shall require subdivision approval.

#### **B. Minor Lot Line Adjustments and Boundary Line Agreements**

Minor lot line adjustments and boundary agreements require the approval of the Board to make certain that no new or nonconforming lots will be created. An application for a minor lot line adjustment or boundary agreement shall not require notice to the general public or a public hearing. Submission of the final application and approval may take place at the same meeting, provided that notice has been given to the abutters and easement holders who may be heard upon request. Application requirements are provided in Sections 4.01 and 4.04.

After final approval is given, the mylar will be held and not recorded until the Town has received the accompanying deed and can record them both at the same time with the Coos County Registry of Deeds.

#### **C. Minor Subdivisions**

An application meeting the requirements of Section 4.01 and containing the information in Sections 4.02 and 4.03 as deemed necessary by the Board may be submitted and approved at one or more Planning Board meetings following notice as required in Section 3.02. A hearing, with notice as provided in Section 3.02, shall be held if requested by the applicant, abutters, or easement holders any time prior to approval or disapproval. The Planning Board may also determine to hold a hearing at its own discretion.

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

Resubdivision of a lot subdivided under the Minor Subdivision procedures within the previous ten years shall not be eligible for Minor Subdivision procedures.

### **3.08 Marking of Lots**

At the earliest practical stage during the application, the applicant shall place on the ground clearly observable survey stakes or ribbons marking the corners of all proposed lots or sites.

## **ARTICLE IV. PLAN REQUIREMENTS**

### **4.01 General Requirements**

A completed application sufficient to invoke jurisdiction of the Board pursuant to RSA 676:4, I (b) must include sufficient information to allow the Board to proceed with consideration and to make an informed decision. The completed application for subdivision, minor lot line adjustment or boundary line agreement shall be filed with the Chairman of the Board or designee at least twenty-one (21) days prior to a scheduled public meeting of the Board.

The following shall be required for and constitute a completed application:

1. A completed application form properly filled out and signed by all owners of record. In the case of an agent, the application material shall include certification from all owners that the agent is authorized to act on their behalf.
2. The names and addresses of the applicant and all abutters as indicated in town records not more than five (5) days before the day of filing, along with any easement holders, and any engineer, architect, land surveyor or soil scientist whose professional seal appears on the plat, on two (2) sets of mailing labels. (Can be purchased from office.)
3. A check payable to the Board to cover filing fees, mailing, advertising, and other costs.
4. Three (3) paper print copies and a PDF in accordance with and accompanied by the information listed below.
5. Requests for waivers, if any, pursuant to Section 7.02.
6. Any additional information which the Board deems necessary to evaluate the application in relation to these Regulations. Such additional information may include, but not be limited to, a study of the availability and impact on community services and facilities, impacts on natural resources, and engineering studies.

### **4.02 Subdivision Plat Requirements**

Sheet size may be eight and one-half by eleven (8 ½ x 11), eleven by seventeen (11 x 17), seventeen by twenty-two (17 x 22), or twenty-two by thirty-four (22 x 34), or as otherwise specified by the Coos County Registry of Deeds, and shall have a three-inch margin for binding on the left side of the plat. Adequate space shall be provided for the necessary endorsements. The scale shall not exceed one hundred (100) feet to the inch and shall be sufficient to clearly depict details of the project. The plat shall include the following information:

1. Title block with proposed subdivision name or identifying title; name of municipality; tax map and lot number; the name and address of owner(s) of record; name, license number and seal of the surveyor and/or engineer; date and dates of any revisions.
2. Scale, written and graphic; north arrow.
3. A small locational map indicating the proposed subdivision in relation to major streets and intersections.

4. Names and addresses of owners of record of abutting properties; tax sheet and parcel numbers.
5. Signature block for Planning Board.
6. The statement: "The subdivision regulations of the Town of Gorham, New Hampshire, are a part of this plat, and approval of this plat is contingent on completion of all requirements of said subdivision regulations, excepting any waivers or modifications made in writing by the Board."
7. Boundary survey including existing and proposed lot lines, bearings, and distances; location of permanent markers; dimensions, acreage and square feet of existing and proposed lots; numbering and proposed monumentation; prepared and stamped by a land surveyor licensed in the state of New Hampshire, prepared in accordance with the requirements for a Standard Property Survey (Urban) and Administrative Rules of the NH Board of Licensure for Land Surveyors. Sufficient data to determine the exact location, direction and length of every street line, easement, lot line and boundary line and to reproduce these lines upon the ground. In the case of a large parcel the Board may waive the survey requirements for a portion of the parcel if judged unnecessary to review the application.
8. Flood hazard areas as shown on the town's NFIP maps supplemented by any additional data available from the town, and any berms or other flood control structures.
9. Buildings, roads, bridges, culverts, drains, pedestrian ways and other man-made features on and within 200 feet of the parcel.
10. Existing year-round and seasonal watercourses, ponds, wetlands, and standing water; outcroppings; and other significant natural features on and within 200 feet of the parcel.
11. Zoning districts, regulated shoreland, setback lines for each proposed lot, municipal boundary if any.
12. Existing and proposed topography at two-foot contour intervals. For large parcels where only a small portion is being subdivided, the Planning Board may allow five foot contours using best available data for portions of the parcel that are to remain unchanged by the proposal.
13. Existing and proposed plans for utilities such as telephone, electric, and if applicable, cable and internet, including easements on and within 200 feet of the property to be subdivided.
14. Existing and proposed driveways.
15. Existing and proposed streets with names and right-of-way lines and widths.
16. Soil types according to Natural Resource Conservation Service (NRCS) mapping. An on-site soil survey may also be required if NRCS units do not appear to be accurate or if natural characteristics appear to limit development potential.
17. Existing and proposed sewer lines and easements, or, if on-site wastewater disposal is proposed, location of soil, groundwater and percolation test pits, and location of area of suitable size for on-site disposal. Areas affected by protective radius for existing wells.
18. Location of existing and proposed water mains and proposed connections, or alternative means of providing water supply such as potential well site with protective radius.
19. Existing and proposed easements, rights-of-way, and any deed restrictions.

**For Major Subdivisions Only:**

20. Identification of future phases, if any, with approximate street locations.
21. A plan for landscaping, lighting and signage within the subdivision if applicable.
22. Proposed common areas such as recreation facilities and/or bicycle/pedestrian/recreation ways or easements for the same.
23. Stormwater Management Plan. Location and construction details of all existing and proposed temporary and permanent erosion and sedimentation and stormwater management and treatment facilities including culverts, drains, swales, retention and detention areas, on and within 200 feet of the parcel, including drainage computations.

- 24. Road plan.** Road design shall be submitted in plan and profile on sheets twenty-two by thirty-four (22 x 34) inches in size and having a horizontal scale of one (1) inch equals fifty (50) feet and a vertical scale of one (1) inch equals ten (10) feet. Three (3) copies shall be submitted to the Planning Board for review and approval. The plan shall display the stamp of a professional engineer and include the following information:
- a) Title, including the name of the subdivision, name of the owner, name of road, date, scale and name of designer/engineer.
  - b) Right-of-way lines.
  - c) Slope and drainage easements.
  - d) All center line data.
  - e) Edge of pavement lines, pavement and shoulder widths.
  - f) Typical cross section.
  - g) Existing grade at each half station (on profile).
  - h) Proposed grade at each half station (on profile).
  - i) Length of vertical curves and data (on profile).
  - j) Dimensions of curves - tangents, chords, and radii.
  - k) Utility locations.
  - l) Specific material or reference.
  - m) Construction details of all roadways, bridges, culverts, curbing and walkways.
  - n) Drainage structure location, inverts, skew, station, length, slope and end treatments.
  - o) Location of all monuments to be set at road intersections; points of curvature and tangency of curved roads; and corners and angles of lots.
  - p) Design year.
  - q) Average daily traffic.
  - r) A detailed engineer's estimate of construction costs.

#### **4.03 Additional Documents**

When judged by the Planning Board to be applicable to a specific subdivision, the following documents shall be submitted prior to signing and recording the approved final plat:

- A.** Agreement to convey to the Town land to be used for roads, open space and other public purposes, with transfer of title to such interests to be effective on such date as the Town accepts through the town meeting process.
- B.** Easements and rights-of-way over property to remain in private ownership.
- C.** Covenant language to be incorporated in every deed within the subdivision and cited on the plan to provide for road maintenance and repair. The applicant shall demonstrate that an entity (e.g. developer, landowners, or homeowners association) will be in place having the responsibility and financial substance to ensure maintenance and repair of proposed roads in a manner which provides safe access for all users, including residents, visitors, delivery and emergency vehicles, unless or until the road has been accepted by the Town as a Class V highway, including the timing and means for transfer of responsibility from developer to homeowners association. The proposed covenant language shall be provided for review and approval by the Planning Board, Town Manager, and town attorney and shall include:
  - a) The legal description of all properties that have a right to use the road.
  - b) The legal owner of said road.
  - c) The manner in which the responsibility for carrying out and paying for maintenance and repairs is to be shared by the parties.
  - d) How the costs for repairs will be incurred by the parties.

- e) The process for emergency repairs.
  - f) The consequences for non-participation.
  - g) The statement that in the event any lot owner petitions the Town to take over maintenance, the road owner(s) will be solely responsible for paying any costs of upgrading the road to town specifications if required.
- D. Rights to drain onto or across other property, whether public or private, including a road.
  - E. Copies of any proposed deed restrictions.
  - F. Stormwater facility maintenance plan including responsible parties.
  - G. Cost estimates for the determination of the amount of any required performance guaranty, proposed form of security and draft language of instrument.
  - H. Any permits required by any federal, state, or town agency having jurisdiction over any aspect of the proposed subdivision.

#### **4.04 Minor Lot Line Adjustment or Boundary Line Agreement**

- A. The applicant shall file a final mylar plat in permanent black ink along with three (3) paper copies. Sheet size may be eight and one-half by eleven (8 ½ x 11), eleven by seventeen (11 x 17), seventeen by twenty-two (17 x 22), or twenty-two by thirty-four (22 x 34), or as otherwise specified by the Coos County Registry of Deeds, and shall have a three-inch margin for binding on the left side of the plat. Adequate space shall be provided for the necessary endorsements. The scale shall not exceed one hundred (100) feet to the inch and shall be sufficient to clearly depict details of the project.
- B. The final plat shall identify itself as a "minor lot line adjustment" or "boundary line agreement" and shall contain the following statement: *"The property conveyed herein shall not be deemed or considered a separate lot of record, but upon the recording of this plan and the accompanying deed, shall be regarded as merged into and made an integral part of the contiguous lot of land previously owned by the grantee(s) so that the same shall hereafter be one combined single lot of record."*
- C. The final plat shall be prepared and stamped by a land surveyor licensed in the state of New Hampshire, prepared in accordance with the requirements for a Standard Property Survey (Urban) and Administrative Rules of the NH Board of Licensure for Land Surveyors.
- D. The plat shall contain the following information:
  - 1. Names and addresses of all owners of lands involved.
  - 2. Names and addresses of all abutters (as indicated in town records not more than five (5) days before the day of filing), and easement holders if any.
  - 3. Existing buildings, streets, rights-of-ways, streams and easements.
  - 4. Lot areas and dimensions.
  - 5. Natural features in the vicinity of the affected land.
  - 6. Name, address and seal of surveyor or engineer.
  - 7. A small locational map indicating parcels in relation to major streets and intersections, the tax sheet and parcel numbers and the zoning district.

**ARTICLE V. STANDARDS****5.01 General Requirements**

- A.** Land of such character that it cannot be safely used for building purposes because of exceptional danger to health or peril from fire, flood or other menace shall not be platted for residential occupancy nor for such other uses as may endanger health, life or property or aggravate the flood hazard until appropriate measures have been taken by the owner or his agent to lessen such hazards.
- B.** Scattered or premature subdivision of land as would involve danger or injury to health, safety or prosperity by reason of the lack of water supply, drainage, transportation, schools, fire department or other public services or necessitate an excessive expenditure of public funds for the supply of such services shall not be approved.
- C.** The Board may require the installation or construction of any of the following improvements in the subdivision, if warranted by the needs of the subdivision, its location and proximity to public services and the character of the land and the neighborhood: roads, water supply, sewage disposal, storm drainage, parks or open space or recreation facilities, fire protection facilities, street signs and sidewalks.
- D.** If the Board determines that improvements to off-site public facilities such as highways, sidewalks, drainage, sewer and water will be necessary to meet the additional needs created by the proposed subdivision, then the subdivider shall pay for such upgrading of the public facilities but only to the extent necessitated by the subdivision. If other properties would also benefit from the upgrading of such off-site improvements, then the Board shall determine the amount to be paid by the subdivider, taking into consideration the following:
  - a) The character of the area.
  - b) The extent that other public and private property will be benefited by the upgrading.
  - c) Any other factor that the Board deems appropriate to establish a rational connection to their needs created by subdivision and the amount to be paid by the subdivider.
- E.** Pavement and drainage facilities, curbs and sidewalks, when required, shall be installed in accordance with the NHDOT Standard Specifications for Road and Bridge Construction, latest edition, including Supplemental Specifications if any, and in all cases must be constructed under the supervision of the Planning Board's designated engineer.
- F.** Long, narrow lots or lots with very irregular shapes shall not be accepted by the Board if, in the opinion of the Board, these lots will create unusable or inaccessible areas of land.
- G.** Any natural drainageways and their easements shall be so incorporated that no flooding will occur and all stormwater can be disposed of properly.
- H.** The Board shall indicate any requirements imposed upon the subdivider to preserve and protect the existing features, trees, scenic views, brooks, streams, rock outcroppings, water bodies, wetlands, stone walls, boundary markers, other natural resources and historic landmarks.

## 5.02 Open Space and Recreation

Areas set aside for parks and playgrounds to be dedicated or to be reserved for the common use of all property owners by covenant in the deed, whether or not required by the Board, shall be of reasonable size and character for neighborhood playgrounds or other recreational uses. Park areas may be required in major subdivisions.

## 5.03 Special Flood Hazard Areas

For Subdivisions and site plans that involve land designated as “Special Flood Hazard Areas” (SFHA) by the National Flood Insurance Program (NFIP):

- A. The Planning Board shall review the proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
- B. The Planning Board shall require that all proposals for development greater than 50 lots or 5 acres, whichever is the lesser, include Base Flood Elevation (BFE) data within such proposals (i.e. floodplain boundary and 100-year flood elevation).
- C. The Planning Board shall require the applicant to submit sufficient evidence (construction drawings, grading and land treatment plans) so as to allow a determination that:
  - a) all such proposals are consistent with the need to minimize flood damage;
  - b) all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage; and,
  - c) adequate drainage is provided so as to reduce exposure to flood hazards.

## 5.04 Road Standards - General

### A. Purpose

The purpose of the Town of Gorham’s Road Standards (Section 5.04 through Section 5.07) is to ensure adequate emergency access, create safe and convenient traffic circulation, promote economical road construction, and to ensure that neither the Town nor any future owners will be burdened with extensive maintenance or upgrading costs. These standards were established to provide the town with livable neighborhoods and to alleviate future burdens from unsafe and substandard roadways.

### B. Acceptance

A road shown on an approved subdivision plan constructed as required by the Board may be accepted as a Class V town-maintained highway only by action of the town meeting as provided in RSA 674:40, or pursuant to RSA 674:40-a if applicable.

## 5.05 Road Design Guidelines

- A. When designing a circulation system for a future development, certain factors should be kept in mind:
  - 1. Vehicular and pedestrian safety.
  - 2. Efficient service for the appropriate users.

3. Compatibility with proposed development.
  4. The economy of the land construction and maintenance requirements.
- B.** The following guidelines are for use in designing vehicular and pedestrian circulation systems within new developments. These guidelines can be applied to different types of development depending on the circumstances and needs of the individual development.
1. Local street layouts should be designed to minimize drive-through traffic, pedestrian-vehicular conflicts, intersections and excessive vehicular travel and speed.
  2. Adequate vehicular and pedestrian access should be provided to all parcels.
  3. Provisions for bus service or carpooling within the development should be considered when appropriate.
  4. The circulation system should represent the most practical and efficient use of the site's topography and the proposed use.
  5. Traffic circulation should also be studied for its effect on the town's present circulation pattern and how best to minimize a negative impact.

#### 5.06 Road Standard Definitions

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

**ARTERIAL STREET** — A street whose primary function is to carry through traffic with ADT in excess of four hundred (400) cars.

**AVERAGE DAILY TRAFFIC (ADT)** — An estimate of the daily volume of traffic determined using eight (8) vehicle trips per day per household on an exclusively residential road or traffic study for mixed or nonresidential development.

**COLLECTOR STREET** — A street whose primary function is to intercept traffic from intersecting local streets and carry it to the nearest major street. Typical ADT is from two hundred fifty-one (251) to four hundred (400) per day.

**DEAD-END STREET** — A local street open at one (1) end, with special provisions for turning around, such as a cul-de-sac.

**DRAINAGE** — All drainage systems, catch basins, drains, ditches, culverts, pipes and mains.

**LOCAL STREET** — A street whose primary function is to serve abutting land use with ADT of from one (1) to two hundred fifty (250) cars per day.

**PRIVATE ROAD** — Any road which has not been accepted by the Town of Gorham as a Class V public highway.

**ROAD RIGHT-OF-WAY** — Includes all construction, excavation or fill, grading, drainage, utilities, sidewalks.

**SUBGRADE** — The top surface of the roadbed upon which the pavement and shoulders are constructed.

#### 5.07 Road Layout and Specifications

- A.** The standards and specifications contained in these Regulations are intended to provide minimum standards for the design and construction of roads. The Town's acceptance of these guidelines for its road work ensures the residents of Gorham a standard of construction that will provide safe and efficient travel and ease future financial burden caused by upgrading substandard roadways.
- B.** Unless expressly stated otherwise within these Regulations, all roads proposed for construction to provide frontage and/or access to lots to be created through a proposed subdivision must be constructed to the standards and specifications contained herein.

- C. Any existing private road which was constructed prior to adoption of these Regulations, or not constructed and maintained in compliance with the standards and specifications contained herein, and is proposed to serve as the access to a new building, site or lot, must be brought up to the standards and specifications contained in these Regulations and approved by the Planning Board.
- D. Any private road that is proposed for town maintenance must be brought up to the current road standards and specifications at the expense of the developer, homeowners association or abutting landowners before Town acceptance. When there are no records indicating that the Town witnessed the road construction (i.e., inspection reports, sieve analyses, compaction tests), road corings to investigate subgrade shall be performed and paid for by the applicant.
- E. The Board, at its discretion, may permit a subdivider to provide for a road serving a proposed subdivision to remain privately-maintained. The developer, landowners or homeowners association shall be responsible for the maintenance and repair of private roadways in a manner which provides safe access for the residents, visitors, delivery and emergency vehicles at all times.
- F. In the case of roads to be dedicated to the Town, applicants shall submit to the Planning Board for recording a development agreement which shall contain the responsibilities of the developer and of the Town, if any, during the interim period between construction and any future dedication and acceptance by the Town. The development agreement shall meet the approval of the Selectboard. Any cost of legal review shall be paid by the applicant prior to final approval of the subdivision.

#### G. Specifications

1. **Right-of-way.** All street rights-of-way shall be a minimum of fifty (50) feet and may, if warranted to accommodate all construction, excavation or fill, grading, drainage, utilities and safe passage of pedestrians and bicycles, be greater.
2. **Alignment.** Street intersections and curves shall be designed to permit adequate visibility for vehicular and pedestrian traffic. No street shall be designed with a curvature of less than one hundred twenty-five (125) feet radius for a local street, two hundred fifty (250) feet for a collector street or five hundred (500) feet for an arterial street. Streets entering on the opposite side of the same street shall be laid out directly opposite each other or shall have a minimum offset of one hundred twenty-five (125) feet from their centerlines. Property on corners shall reserve a twenty-foot curve radius.
3. **Intersecting roadways.** Roads shall be laid out to intersect at ninety-degree (90°) angles for a minimum of fifty (50) feet, unless specific circumstances warrant differently. In any case, no street shall intersect at an angle of less than sixty degrees (60°). Intersecting roadways shall have a transitional area at all corners to accommodate turning movements to a radius of thirty (30) feet.
4. **Grade.** Grades of all streets shall conform in general to the terrain and shall not be less than one percent (1%) or more than ten percent (10%) unless specifically approved by the Planning Board where, in its judgment, existing topographic conditions or the preservation of natural features indicate that such modifications over short distances will result in the best subdivision of land. A maximum of one percent (1%) grade will be allowed within one hundred (100) feet of an intersection.

**5) Dead-end streets.** All dead-end streets shall be constructed with a cul-de-sac or turnaround providing adequate room for movement of snowplows and fire equipment, with an outside roadway diameter of at least one hundred (100) feet. Variations in design may be approved by the Planning Board as judged appropriate to accommodate variances in terrain. Dead-end streets designed to be permanent shall generally be less than one thousand (1,000) feet in length.

**6) Construction specifications**

Construction specifications shall be as follows:

	Local		Collector	Arterial
Average Daily Traffic (ADT)	0 to 50	51 to 250	251 to 400	401 and up
Pavement Width	20 ft	22 ft	24 ft	Variable
Shoulder Width	2 ft	4 ft	4 ft	8 to 10 ft
Pavement Type	Hot Bituminous			
Base Course	2.5 in	2.5 in	2.5 in	3 in
Wearing Course	1 in	1.5 in	2 in	2 in
Pavement Slope	½ in/ft	¼ in/ft	¼ in/ft	¼ in/ft
Center of Road to Ditch Line	12 ft	15 ft	16 ft	Varies
Minimum Base Course Depth, Crushed Gravel	5 in	6 in	6 in	6 in
Gravel Bottom	12 in	16 in	18 in	18 in

**NOTES:**

- a) Elements including pavement and shoulder width may be modified when based on sound engineering design and approved by the Planning Board's designated engineer.
- b) Material specifications shall conform to *NHDOT Standard Specifications for Road and Bridge Construction*, latest edition, including Supplemental Specifications if any.
- c) Design standards, including minimum stopping sight distance, shall conform to geometric design guides by the American Association of State Highway and Transportation Officials, *A Policy on Geometric Design of Highways and Streets*, latest edition.
- d) Roadway signage shall conform with the FHWA *Manual on Uniform Traffic Control Devices*, latest edition.

**8. Clearing and Grubbing.** Clearing and Grubbing shall comply with *NHDOT Standard Specifications for Road and Bridge Construction*, latest edition, including Supplemental Specifications if any. Clearing shall consist of cutting and disposing of all trees unless intended for preservation, down lumber, stubs, and bushes that interfere with excavation, embankment or clear vision of the roadway. The limits of clearing and grubbing should

extend no less than 10 feet from the road shoulder and should include stumps, roots, boulders, topsoil, and unsuitable material.

9. **Excavation and Embankment.** Excavation and embankment shall comply with NHDOT *Standard Specifications for Road and Bridge Construction*, latest edition including Supplemental Specifications if any.
10. **Aggregate Base Course.** Aggregate subbase and aggregate base shall comply with NHDOT *Standard Specifications for Road and Bridge Construction*, latest edition, including Supplemental Specifications if any.
11. **Pavement Specifications.** Pavement shall comply with NHDOT *Standard Specifications for Road and Bridge Construction*, latest edition, including Supplemental Specifications if any.
12. **Gravel Surface:** The Board may approve a gravel surface for roads with the potential to serve no more than six dwelling units or six single family lots provided no portion of the road will be constructed over or adjacent to poorly drained or very poorly drained soils or will exceed 8% grade.
13. **Shoulders.** Shoulder sections shall not be constructed in a separate operation from that of the gravel base. The shoulder slope shall be constructed and compacted with the gravel base installation. Shoulder material shall comply with NHDOT *Standard Specifications for Road and Bridge Construction*, latest edition, including Supplemental Specifications if any.
14. **Ditching.** The base level of the ditching shall be a minimum of thirty (30) inches below final grade level.

#### H. Drainage

1. **Culverts.** Culverts shall comply with NHDOT *Standard Specifications for Road and Bridge Construction*, Section 603 Culverts and Storm Drains, latest edition, including Supplemental Specifications if any.
2. **Catch basins.** Catch basins shall comply with the NHDOT *Standard Specifications for Road and Bridge Construction*, latest edition, Section 604 Catch Basins, Drop Inlets and Manholes and Section 605 Underdrains, including Supplemental Specifications If any.

#### I. Erosion and sediment control

Erosion and sediment controls are an important aspect of any road construction proposal. Erosion and sediment control shall comply with the following in addition to Section 5.09.

##### 1. General

- a) The smallest practical area of land shall be exposed at any one (1) time during the development.
- b) Land shall not be left exposed during the winter months.
- c) When land is exposed, it shall be for the shortest time period possible.
- d) The development should be fitted to the existing topography to reduce erosion.

2. Vegetation
  - a) Temporary cover crops can be used to stabilize the soil when cover is only needed for a few months. These cover crops can be used when the time of the year is unfavorable for establishing permanent cover.
  - b) Permanent cover crops should be selected based on their ability to control erosion with little or no maintenance required. Permanent cover crops should be installed as soon as possible in the development.
3. Seeding and loaming
  - a) The loaming and seeding of disturbed land shall take place with approved methods and materials for the proper establishment and growth of grasses to be used as permanent cover.
  - b) Hydroseeding, in which seed, fertilizer and mulching are applied in a fast all-in-one operation, is an acceptable form of permanent cover established.
4. Mulching
  - a) Straw mulch can be used to control erosion until a cover crop is established and doesn't have to be removed. Straw is usually applied at one and one-half (1 ½) tons per acre.
  - b) There are also a number of fibrous materials, such as jute or cotton netting, which can be used to control erosion until permanent cover is established.
5. Sediment basins shall be installed and maintained to remove sediment from runoff waters. Usually sediment basins are temporary structures and are graded into the surrounding landscape after construction is completed and the area stabilized.
6. Diversions intercept and divert runoff so that it will not cause damage; they consist of a channel and edge construction across the slope. Diversions need a stable outlet to dispose of the runoff safely. Many times, if the slope is long enough, diversions are used in series to protect the slope and often seeded and blended into the landscape as permanent erosion control.
7. Erosion and sediment control methods and devices shall comply with the New Hampshire Department of Transportation *Standard Specifications for Road and Bridge Construction*, latest edition, Sections No. 646, Turf Establishment, and No. 650, Planting, and the *New Hampshire Stormwater Manual*, published by NHDES, current edition.

#### J. Embankments

1. All cut and fill slopes shall have a maximum slope of 3:1 (three horizontal to one vertical).
2. Embankment construction will generally follow the procedures set forth in the State of New Hampshire Department of Transportation *Standard Specifications for Road and Bridge Construction*, latest edition, Section 203, Excavation and Embankments, Subsection 3.7, including Supplemental Specifications if any.
3. Any alternative methods or materials for embankment construction will be explicitly stated in the initial design submission and must receive approval by the Planning Board.

- K. Sidewalks.** Sidewalks or other pedestrian/bicycle access ways shall be installed at the expense of the subdivider where the subdivision abuts or fronts on major streets or at such other locations as the Planning Board deems necessary. The Planning Board may require pedestrian walks and rights-of-way for access between parts of a subdivision and/or public property. Sidewalks shall be constructed in accordance with instructions from the Planning Board's designated engineer and the Town Manager or designee. Sidewalk width shall not be less than four (4) feet and conforming to the grades of the streets. Alternative surfaces (e.g., porous pavement, grass pavers, etc.) are encouraged.

- L. **Bond or escrow.** No street or road construction shall begin until a performance bond, letter of credit, or the full amount of the construction cost based on the engineer's estimate is submitted to the Town pursuant with Article VI Performance Guaranties. As a substitution for the performance bond or letter of credit, money for the full amount of the construction cost may be deposited in a savings account in escrow. As an alternative to both of the above, the owner(s) may build the road for its full length or in a phased construction in accordance with these standards and approved by the Planning Board before the final plat is signed and recorded and before any sale of lots or construction of dwellings proceeds.

#### 5.08 Utilities

- A. All subdivisions shall make adequate provisions for water supply, stormwater and sanitary sewage disposal and required utilities and improvements. If existing public water and/or sewer lines are within a reasonable distance of a proposed subdivision, then, in the sole judgment of the Board, the Board may require the extension of public water and sewers to and within a proposed subdivision, without cost to the Town.
- B. In areas not currently served by public sewer, the subdivider shall provide information to prove that the area of each lot is adequate to permit the installation and operation of an individual septic system. This shall consist of the NH Department of Environmental Services subdivision application and approval and, if deemed necessary, a professional site assessment.

#### 5.09 Stormwater Management and Erosion Control

- A. The purpose of this section is to control soil erosion and the resulting sedimentation from occurring in subdivision areas by requiring proper provisions for stormwater disposal and the protection of soil surfaces during and after construction in order to promote the public health, safety, convenience and general welfare of the community.
- B. All stormwater management and erosion control measures shall adhere to the *New Hampshire Stormwater Manual*, current edition, published by NHDES to the extent practicable. For all subdivisions, the following minimum standards shall also be observed by the subdivider in the design, layout and engineering of the proposed subdivision.
  - 1. The development should be fitted to the existing topography to the extent practical to prevent erosion.
  - 2. Stripping of vegetation, regrading or other development shall be done in such a way that will minimize soil erosion.
  - 3. Whenever practicable, natural vegetation shall be retained, protected and supplemented.
  - 4. The disturbed area shall be kept to a minimum and the duration of exposure shall be the shortest time practicable. In no case shall completed areas be left past October 1 without being seeded.
  - 5. Temporary seedlings and/or mulching shall be used to protect exposed critical areas during development.
  - 6. Provisions shall be made to accommodate the increased runoff caused by changed soil and surface conditions during and after development.
  - 7. Sediment in the runoff water shall be trapped until the disturbed area is stabilized by the use of sediment basins or other acceptable methods.
  - 8. Diversions, sediment basins and so forth shall be constructed prior to any on-site grading or disturbance of existing surface vegetation.

- C. The applicant shall bear final responsibility for the installation, construction, and establishment of provisions for ongoing maintenance of all stormwater and erosion control measures required by the Board. Final approval will not be granted until the plan and a mechanism for ensuring ongoing maintenance are approved by the Board.
- D. Flow volume, velocity, and pollutant loading, including but not limited to sediments, total suspended solids (TSS), phosphorus, nitrogen, metals, pathogens, dissolved substances, floatable debris, and oil and other petroleum products, shall not be higher at the property line post-development when compared with pre-development conditions.

#### **5.10 Fire Protection**

All subdivisions shall meet the approval of the Gorham Fire Department documented by the Fire Chief or designee, relative to emergency access, fire prevention, protection, and water supply.

#### **5.11 Minimum Standards**

The Planning Board may set higher requirements with respect to any of the standards contained herein if conditions, in the opinion of the Board, warrant such action.

### **ARTICLE VI. PERFORMANCE GUARANTIES AND CONSTRUCTION OF SUBDIVISION**

#### **6.01 General Provisions**

Before the final approved plat is signed and recorded at the Registry of Deeds, the applicant must file a performance guaranty, in an amount and form acceptable to the Town, to serve as a surety that all proposed roads; improvements within public streets or to public facilities; and improvements that may be a part of sewer, water, stormwater and/or utility systems; and proper stormwater management and erosion control measures are completed in accordance with the approved plans.

#### **6.02 Performance Guaranty Requirements and Procedures**

- A. Any performance guaranty shall be approved as to form and amount by the Town of Gorham, and conditioned on the completion of such improvements within two years of the date of the performance guaranty unless released earlier by a vote of the Board upon request of the developer. The performance guaranty shall be in the form of cash, a letter of credit drawn on a federal or state chartered bank, or a performance bond.
- B. The applicant shall construct and pay for all temporary improvements required by the Board, such as erosion and sedimentation control measures and temporary infrastructure improvements, and shall maintain those improvements for the period of the performance guarantee, or the date that the Town releases all securities, whichever date comes earlier.
- C. If improvements for which security is given are not completed within the period specified in the performance security, nor in proper conformance with the approved plans, the Board may vote to complete the improvements and withdraw the necessary funds from the balance of any such security in accordance with the term of security.

- D. Any time a performance guaranty of any other sum is required by these Regulations to be posted with the Town as security, the applicant shall prepare and submit an I.R.S. form 1099 with the security.

### **6.03 Inspection Requirements**

The Planning Board shall, at the time of plan approval, require the applicant to establish an appropriate escrow, or other security, in addition to the Performance Guaranty designated in Section 6.02 herein, acceptable to the Planning Board, which will be used by the Town of Gorham for retention of appropriate engineers or other consultants to confirm that construction is in conformance with the approved plans and/or applicable codes and standards. The subdivider shall notify the Board in writing of the time when he/she proposes to commence the construction of any such improvements. The Board shall make necessary arrangements, including the employment of inspectors and consultants to carry out inspections and testing to ensure compliance with town specifications and requirements of these Regulations during the period of construction and installation of any required improvements. The Board may require the written agreement of the subdivider to pay an additional amount of money if required for inspection and testing charges which exceed the amount of money paid by the subdivider prior to the endorsement of the Board's approval set forth above.

### **6.04 As-built Plan Requirements**

In order to provide a permanent record of the locations, dimensions and characteristics of various items and features, delineated on plans presented to the Planning Board for approval (or which are otherwise required in connection with the development), the Planning Board shall require the applicant to provide "as built" drawings, sealed by a licensed professional engineer, or licensed land surveyor, prior to the final release of performance guaranty pertaining to such items. As-built plan requirements and content shall conform with applicable standards established by the Public Works Department.

### **6.05 Release of Performance Guaranties**

- A. As phases or portions of the secured improvements or installations are completed, certified by the Town's inspecting engineer, and approved by the Planning Board, the Board may partially release said security to the extent reasonably calculated to reflect the value of such completed improvements or installations, provided, however, that the Planning Board shall establish a reasonable retainage sufficient to cover the cost of any defects, omissions or failures to install improvements according to approved plans. This guarantee period shall be one year unless determined otherwise by the Planning Board prior to final approval.
- B. Performance guaranties shall not be released until a licensed land surveyor has certified that the boundary monuments have been set.

### **6.06 Monuments**

- A. Permanent survey monuments shall be set in all existing and new corners and lot boundaries at points of angular change. Permanent survey monuments shall be set in the boundary of rights-of-way at intersecting roads, points of curvature, and points of tangency of curves. The point of intersection of short curves may be used instead, where it is workable, at the discretion of the Board. Monuments shall be placed on one side of the road only and at only one corner of the intersecting roads. Adjacent monuments shall be in sight of one another.

- B. Monuments shall be referenced to a public road intersection, USGS benchmark or other recognized existing monument.
- C. With the exception of monuments on road rights-of-way, boundary markers shall be 5/8" diameter steel rod, at least three feet (3') long with two feet (2') located in the ground at final grade level.
- D. Boundary markers on road rights-of-way shall be concrete or stone, not less than 4 inches in diameter or square and not less than 42 inches (42") long, installed in the ground a minimum of 36 inches (36"). A plug brass plate or pin securely embedded shall serve as the point of reference. All permanent monuments shall contain ferrous material at subsurface levels, or, if stone, be marked by an adjacent steel rod to allow for recovery. If site conditions do not permit the installation of concrete or stone monuments, the surveyor may use a 5/8" steel rod set in concrete or drill holes in rock with magnetic nails inset to facilitate retrieval.
- E. The type of marker set should be noted on the final plat if possible.
- F. Monuments shall contain the name and/or license number of the surveyor.
- G. Monuments must be set within 90 days of final approval.

#### **6.07 Time for Completion of Construction**

The applicant shall construct the subdivision and shall comply with all requirements set forth in the Notice of Action within three years from the date of issue of the Notice of Action. Upon written request of the applicant, when the Planning Board finds that conditions beyond the control of the applicant prevent compliance within the three-year period, the Board may grant an additional period of time for compliance with the Notice up to two years.

#### **6.08 Five-Year Exemption**

- A. In accord with RSA 674:39, every plat approved by the Board and recorded in the Registry of Deeds shall be exempt from all subsequent changes in subdivision regulations and other local land use ordinances and regulations, except those which expressly protect public health, such as water quality and sewage treatment requirements, for a period of five years after the date of approval, provided, however, that:
  1. Active and substantial development or building has begun on the site by the owner or his successor in accordance with the approved plat within 24 months after the date of approval, or in accordance with the terms of said approval, and, if a bond or other security to cover the costs of roads, drains, sewers or other improvements is required in connection with such approval, such bond or other security remains current.
  2. Development remains in full compliance with the public health regulations and ordinances specified in this section.
  3. At the time of approval and recording, the plat conforms to the subdivision regulations then in effect at the location of such subdivision.Once substantial completion of the improvements has occurred in compliance with the approved plat, or the terms of said approval, the rights of the owner or his/her successor in interest shall vest and no subsequent changes in subdivision regulations or other land use regulations shall operate to affect such improvements (RSA 674:39).

- B. For the purposes of Section 6.08 A., “substantial completion” of improvements shown on the plat shall be as determined by the Board with due regard to the scope and details of a particular project. This might include, for example, all subdivision roadways have been completed, all proposed utilities have been extended throughout the subdivision, all on-site stormwater management and erosion control improvements have been completed, and all other on-site and off-site improvements have been determined to be in compliance with the approved subdivision plan. If the Board does not specify which such improvements will constitute “substantial completion,” “substantial completion” shall then be interpreted as completion of ninety percent (90%) of the required improvements on a cost basis.
- C. For the purposes of Section 6.08 A.1., “active and substantial” development or building shall be as determined by the Board. “Active and substantial” development might be deemed to have occurred, for example, when roadways have been completed to the crushed gravel base course, stormwater management and erosion control measures have been installed on any disturbed or cleared areas, utilities have been extended to the site, and any required off-site improvements have been completed. If the Board does not specify which such improvements will constitute “active and substantial” development, “active and substantial” shall be interpreted as fifty percent (50%) of the required improvements on a cost basis. However, in no case will excavation of earth and/or clearing of trees alone be considered “active and substantial” development.
- D. The Board may, for good cause, extend the 24-month period set forth in Section 6.08 A.1.

## **ARTICLE VII. ADMINISTRATION AND ENFORCEMENT**

### **7.01 Administration**

- A. The Gorham Planning Board or its duly authorized agent shall administer these regulations.
- B. Applications for subdivision approval shall be in a form as required by the Planning Board.

### **7.02 Waivers**

#### **A. Waiver of Application Requirement**

Upon written request by the applicant, or upon the motion of any Board member, the Board may vote to waive, in whole or in part, any provision(s) of the subdivision application requirements contained in Article IV when, in the majority opinion of the Board, such provision(s) would be inappropriate or superfluous to informed evaluation of the site in question. If, during the course of its review, the Planning Board determines that the waived information is necessary to complete its review, then the applicant shall provide that information.

#### **B. Waiver of Standards**

Upon the written request by the applicant, the Board may grant a waiver or relaxation of the provisions of the Regulations as it deems appropriate per NH RSA 674:36, II(n), by majority vote of the Board. Reasons for the waiver shall be recorded in the meeting minutes. The requirements of these Regulations may only be modified or waived by the Board when:

1. Strict conformity would pose an unnecessary hardship to the applicant and a waiver would not be contrary to the spirit and intent of the regulations; or

2. 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 regulation.

In approving waivers, the Planning Board may require such conditions as will, in its judgment, substantially secure the objective of the standard or requirement of these Regulations that is being waived.

### **7.03 Penalties for Transferring Lots in Unapproved Subdivisions**

An owner or agent of the owner of any land located within a subdivision who transfers or sells any land before a plat of said subdivision has been approved by the Planning Board and recorded or filed in the office of the Coos County Registrar of Deeds shall forfeit and pay a penalty of one thousand dollars (\$1,000) for each lot or parcel so transferred or sold; and the description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties. The Town may enjoin such transfer or sale or agreement and may recover said penalty by civil action. In any such action, the prevailing party may recover reasonable court costs and attorneys' fees as the same may be ordered by the court.

### **7.04 Enforcement**

These Regulations shall be enforced by the Board of Selectmen or their duly authorized representatives pursuant to RSA 676:15-18 as amended.

### **7.05 More Restrictive Provision to Prevail**

Where a provision of these regulations is found to be in conflict with a provision of any other ordinance, regulations, code or covenant in effect in the Town of Gorham, the provision which is the more restrictive shall prevail.

### **7.06 Amendments**

These Regulations may be amended or rescinded by the Planning Board, but only following public hearing on the proposed change with public notice pursuant to RSA 675:7. The Chairman or Secretary of the Planning Board shall transmit a record of any changes so authorized to the Town Clerk.

### **7.07 Severability**

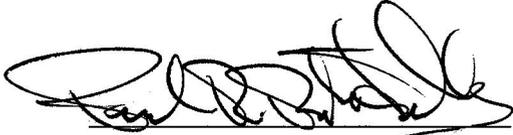
If any portion of these Regulations is found for any reason to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of these Regulations.

### **7.08 Appeals**

An appeal may be taken from the decision of the Planning Board to the Superior Court, as provided in RSA 677:15.

These Regulations were amended August 20, 2020 by the Gorham Planning Board.

Gorham Planning Board Approval:







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Received by Town Clerk:

  
Signature

Sept 24, 2020  
Date