

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

As of March 4, 2009

SUBDIVISION REGULATIONS

TABLE OF CONTENTS

ARTICLE 1 - INTRODUCTION 1

 1.1 Authority 1

 1.2 Title 1

 1.3 Purpose 1

 1.4 Conflicting Provisions and Validity 2

 1.5 Amendment 2

 1.6 Repeal of Conflicting Regulations 2

 1.7 Jurisdiction 2

 1.8 Subdivisions 2

 1.9 Permits 2

 1.10 Waiver Procedure 3

 1.11 Enforcement 3

ARTICLE 2 - DEFINITIONS 4

 2.1 Usage 4

 2.2 Words and Terms 4

 2.3 Other Definitions 7

ARTICLE 3 - PLANNING 8

 3.1 General Provisions 8

 3.2 Pre-application Review 9

 3.3 Submission of Completed Application 10

 3.4 Notification of Applicant, Abutters & General Public 11

 3.5 Placement on Agenda 11

 3.6 Public Hearing 12

 3.7 On-Site Inspection 12

 3.8 Approval Is No Acceptance of Dedication 13

 3.9 Security for Improvement 13

 3.10 Fee Schedule 13

 3.11 Impact Statements 14

 3.12 Sewage Disposal 14

 3.13 Drainage Calculations 14

 3.14 Storm Drainage 14

 3.15 Off-Site Improvements 15

 3.16 Phasing 15

 3.17 Large Lots or Parcels 15

 3.18 Public Sites and Open Spaces 15

 3.19 Projects of Regional Impact 16

 3.20 Land Affected by Municipal Boundaries 16

 3.21 Concurrent and Joint Hearings 16

ARTICLE 4 - DESIGN 17

4.1	Graphic Presentation.....	17
4.2	Open Space.....	19
4.3	Lots.....	19
4.4	Large Scale Developments	20
4.5	Design Standards.....	20
	Figure 1 – Typical Roadway Cross-Section	29
	Figure 2 – Typical Cul-de-sac	31
4.6	Other Data.....	32
4.7	Storm Drainage Systems.....	32
4.8	Erosion and Sediment Control Plan	35
4.9	Special Flood Hazard Areas.....	42
4.10	Landscaping and Planting	43
4.11	Fire Protection	43
4.12	Driveway Regulations.....	45
 ARTICLE 5 - CONSTRUCTION		47
5.1	Street Construction.....	47
 ARTICLE 6 - APPROVAL AND DISAPPROVAL.....		50
6.1	Extension.....	50
6.2	Failure of the Planning Board to Act.....	50
6.3	Disapproval.....	50
6.4	Conditional Approval	50
6.5	Recording of Final Plat	51
 ARTICLE 7 - MISCELLANEOUS PROVISIONS.....		52
7.1	Appeal	52
 ARTICLE 8 - SCHEDULE OF CHARGES.....		53
 Appendix “A” - APPLICATION FOR SUBDIVISION ACCEPTANCE/APPROVAL		54
 Appendix “B” - CHECKLIST FOR SUBDIVISION APPLICATIO		65
 Appendix “C” - TRAILS		68

ARTICLE 1

INTRODUCTION

1.1 Authority

Pursuant to the authority vested in the Town of Chester Planning Board at the May 11, 1982 Annual Town Meeting, and in accordance with the provisions of New Hampshire Revised Statutes Annotated Chapter 674:35 et seq. and 676:4, as amended, the Town of Chester Planning Board adopts the following regulations governing the subdivision of land in the Town of Chester, New Hampshire.

These regulations shall become effective upon their official adoption by the Planning Board in accordance with the provisions of RSA 675, and shall apply thereafter to all subdivisions within the Town of Chester.

1.2 Title

These Regulations shall be known as, and may be cited as, the "Town of Chester Land Subdivision Regulations," hereinafter referred to as "Subdivision Regulations." The current set of regulations revise and replace the Town of Chester Subdivision Regulations of June 1960, as amended, and take effect upon adoption by the Board and filing with the Town of Chester Town Clerk in accordance with RSA 675:6. A copy shall also be filed with the Chester Board of Selectmen and the New Hampshire Office of State Planning in accordance with RSA 675:9.

Adoption of these Regulations is not intended to invalidate any existing subdivision approval or alter any requirement of an approval under the former Regulations. The provisions of the former subdivision regulations shall be deemed to apply to all accepted applications currently pending before the Board unless determined otherwise by agreement of the applicant and the Board.

1.3 Purpose

The purpose of these Regulations shall be to promote the development of an economically sound and stable community by preventing such scattered or premature subdivision of land as would involve danger or injury to health, safety or prosperity by reason of the lack of water supply, drainage, sewage disposal, transportation, schools, fire department, or other public services, or necessitate an excessive expenditure of public funds for the supply of such services; to assure the adequate provision of safe and convenient traffic access and circulation, both vehicular and pedestrian, and access for fire fighting apparatus and equipment to buildings through the proper arrangement and coordination of streets and ways within a subdivision in relation to other existing or planned streets or with features of an official map of the Town, to assure, in general, the wise development of areas in harmony with the Town of Chester's Master Plan comprehensive plan of the community; to promote the amenities of the Town through provision for parks, playgrounds, public areas, and provide for open spaces of adequate proportions, preservation of street trees; and to secure equitable handling of all subdivision plans by providing uniform procedures and standards for observance both of the

subdivider and the Planning Board, and to promote any other proper purpose by means set forth in RSA 674:36 II or other applicable statute.

To ensure that an equitable share of costs of public facilities that are a primary benefit to new developments are provided for as part of those developments and are not imposed as a cost on the community at large.

1.4 Conflicting Provisions and Validity

Whenever the Regulations made under the authority hereof differ from those prescribed by the statute, ordinance or other regulations, the provision which imposes the greater restriction or the highest standard shall govern.

If any section, clause, provision, portion or phrase of these Regulations shall be held to be invalid or unconstitutional by any court of competent authority, such holding shall not affect, impair or invalidate any other section, clause, provision, portion or phrase of the Regulations.

1.5 Amendment

These regulations may be amended, changed, altered, added to or rescinded from time to time, whenever this action is deemed necessary or advisable by the Planning Board as provided in RSA 674 and 675. The Chairman or Planning Coordinator to the Board shall transmit a record of any amendments so authorized to the Registrar of Deeds of Rockingham County.

1.6 Repeal of Conflicting Regulations

Upon the valid adoption of the Subdivision Regulations all regulations or parts of regulations inconsistent with or contrary to the provisions of these regulations are hereby repealed to the extent necessary to give these regulations full force and effectiveness.

1.7 Jurisdiction

These Regulations shall apply to all land located within the corporate limits of the Town of Chester, owned by the Town of Chester, which may come under the authority of the Town of Chester.

1.8 Subdivisions

Any person proposing to subdivide land in the Town of Chester shall apply to the Planning Board for approval of such subdivision. A subdivision application shall be made and approved before any construction, excavation, land clearing or building development is begun, before any permits for the erection of any building may be granted, and before a subdivision plat may be filed with the Rockingham County Registry of Deeds.

1.9 Permits

No building permits may be issued for the construction or alteration of any building or structure within the purview of these Regulations until a copy of an approved subdivision plat has been presented by the applicant to the Building Inspector.

1.10 Waiver Procedure

When a proposed subdivision is submitted for approval, the Applicant may request in writing to waive specific requirements of these regulations as they pertain to the subdivision plan. The Applicant shall present reasons in writing why the waiver is needed.

The Planning Board may grant a waiver in a special case, so that justice may be done and the public interest secured, provided that such waiver will not have the effect of nullifying the intent and purposes of these regulations; and further provided that the Planning Board shall not approve waivers unless it shall make a written finding based upon the evidence presented to it in each specific case.

1.11 Enforcement

These regulations shall be enforced by the Board or its duly authorized agent which shall include, but not be limited to the Board of Selectmen, Town Building Inspector/Code Enforcement Officer and Town Attorney.

ARTICLE 2

DEFINITIONS

2.1 Usage

Unless the context clearly indicates to the contrary, words used in the present tense indicate the future tense; words used in the plural include the singular; and the word herein means these regulations.

2.2 Words and Terms

For the purpose of these Regulations, certain words and phrases used herein are defined as follows:

2.2.1 Abutter

Abutter as used herein, includes the definition of Abutter, set forth in NH RSA 672:3 and means:

- (1) any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration by the local land use board; and
- (2) affected municipalities and the regional planning commission(s) in the event of developments having regional impact.

For purposes of receiving testimony only, and not for purpose of notification, the term "abutter" shall include any person who is able to demonstrate that his/her land will be directly affected by the proposal under consideration.

For purposes of receipt of notification by a municipality of a local land use board hearing, in the case of an abutting property being under a condominium or other collective form of ownership, the term abutter means the officers of the collective or association, as defined in RSA 356-B:3, XXIII.

2.2.2 Applicant

Means the owner of record of the land to be subdivided, or his/her designated agent or representative as he/she may authorize by signed statement on a form sufficient and acceptable to the Board.

2.2.3 Approval

Means a final vote by the Planning Board, certified by written endorsement on the plat, that the plat meets the requirements of these Regulations and in the judgment of the Board satisfies all criteria of good planning and design.

2.2.4 Approval, Conditional

Means a final vote by the Planning Board that the plat is not finally approved nor ready for filing with the Registry of Deeds until such time as certain conditions, set forth by the Board, are met.

2.2.5 Board

Means the Planning Board of the Town of Chester, NH.

2.2.6 Buffer

See Subsection 7.13 Buffer Zones/Landscaping in the Town of Chester Site Plan Review Regulations.

2.2.7 Certified Soil Scientist

A person qualified in soil classification and mapping who is certified by the State of New Hampshire Board of Natural Scientists.

2.2.8 Certified Wetland Scientist

A person qualified in wetland classification and mapping who is certified by the State of New Hampshire Board of Wetland Scientists.

2.2.9 Cluster Subdivision

As defined by the Town of Chester Zoning Ordinance.

2.2.10 Commercial Uses

As defined by the Town of Chester Zoning Ordinances.

2.2.11 Development

Means any construction, excavation or grading activities on real estate for other than agricultural and silvicultural (tree care and harvesting) practices.

2.2.12 Disturbed Area

An area where the natural vegetation has been removed exposing the underlying soil.

2.2.13 Erosion

The detachment and movement of soil or rock fragments by water, wind, ice, gravity, or vehicles and/or construction equipment.

2.2.14 Lot

Means a parcel of land of sufficient size and dimension to meet the minimum requirements of the Chester Zoning Ordinance and these regulations for use, building coverage and area.

2.2.15 Lot of Record

Means a distinct tract of land recorded in a legal deed, court decree or subdivision plan filed in the records of Rockingham County, New Hampshire.

2.2.16 Lot Line Adjustment

Means any subdivision involving a minor relocation of a lot line between two properties or the annexation of land where the lot areas do not change by more than twenty-five percent and no new lots are created.

2.2.17 Planning Board Agent

The planning consultant, official, recording agent, or other person(s) assigned by the Board to perform plan review and other such duties.

2.2.18 Planning Session

Means a work session intended to provide time for the Planning Board to work on all ordinances and regulations, review all plans for sound planning and when necessary, conduct general business, exclusive of Public Hearings, in order for the Planning Board to function properly.

2.2.19 Public Hearing

Means a meeting, notice of which must be given per RSA 675:7 or 676:4, I(d), at which the public is allowed to offer testimony.

2.2.20 Publicly Approved Street

Means any street which has been accepted or opened or has otherwise received the legal status of a Class V highway or better prior to application for subdivision or building permits, or any street which in locations and lines corresponds with a street shown on a subdivision plat approved by the Planning Board.

2.2.21 Regular Meeting

Means the regular business meeting of the Planning Board as required per RSA 73:10. Business conducted at this meeting will include, but will not be limited to, public hearings, business related to subdivisions, site plans and gravel operations as well as general Planning Board business.

2.2.22 Stream

A stream that flows for sufficient times of the year to develop and maintain defined channels, but may not flow during dry portions of the year. Includes, but is not limited to, all perennial and intermittent streams located on U.S. Geological Survey maps.

2.2.23 Subdivision

As defined in NH RSA 672:14 as may be amended from time to time which is currently as follows: the division of a 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 recent subdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided. The division of a parcel of land held in common and subsequently divided into parts among several owners shall be deemed a subdivision.

2.2.24 Subdivision, Major

Means any subdivision that is not a Minor Subdivision.

2.2.25 Subdivision, Minor

Means in a three (3) year period, a subdivision of land into three or fewer lots requiring no new roads, utilities or other Town improvements and providing it is so classified by the Planning Board.

2.2.26 Town Engineer

The designated registered professional engineer or consulting firm of the Town of Chester Planning Board.

2.2.27 Wetlands

Wetlands shall be determined according to New Hampshire Code Administration Rules, Chapter Wt 300 B Criteria and Conditions.

2.3 Other Definitions

Any word or term used in these Regulations which is not defined in this Article, nor a defined word or term in the Zoning Ordinance or Site Plan Regulations, nor defined in its context, shall carry its customary meaning unless otherwise stipulated by the Board.

ARTICLE 3

PLANNING

3.1 General Provisions

3.1.1 The transfer or sale of any lot in an unapproved subdivision shall be subject to penalty as provided in New Hampshire RSA 676:16, as amended.

3.1.2 Any proposed subdivision shall conform to the substance and intent of such Town of Chester Master Plan as may have been adopted, in whole or in part, by the Planning Board.

3.1.3 The application for subdivision approval shall conform to the specifications contained in the Town of Chester Subdivision Regulations, Town of Chester Zoning Ordinance and to any other applicable ordinances/regulations of the Town of Chester.

3.1.4 To aid the applicant, Planning Board, and abutters or persons with a direct interest in the plan, it is suggested that each of the stages below be utilized. Applicants may elect to begin the process at either stage.

3.1.5 Character of Land for Subdivision

Land of such character that it cannot, in the judgment of the Board, be safely used for building development purposes because of exceptional danger to health or peril from fire, flood, poor drainage, excessive slope, inadequate capacity for sanitary sewage disposal or other hazardous conditions, shall not be platted for residential, commercial, or industrial subdivision, nor for such other uses as may increase danger to life or property, or aggravate the flood hazard.

3.1.6 Premature Subdivision

The Board may provide against such scattered or premature subdivision of land as would involve danger or injury to health, safety, or prosperity by reason of the lack of water supply, sewage disposal, drainage, transportation, schools, fire protection, or other public services, or necessitate the excessive expenditure of public funds for the supply of such services (RSA 674:36,II(a)).

Factors that may be considered by the Planning Board in determining whether or not a subdivision is deemed premature may include:

- a) distance from nearest elementary school;
- b) capacity of school system and affect on school bus transportation;
- c) adequacy of access street(s);
- d) adequacy of water supply for domestic and firefighting purposes;
- e) potential health problems due to onsite sewage systems and water supply;
- f) potential fire protection problems due to location and/or special conditions relative to type of use;
- g) potential special policing problems;
- l) potential emergency access problems;

- j) excessive expenditure of public funds; and
- k) other potential problems within the meaning or the purpose of Section 3.1.6.

3.1.7 Preservation of Existing Features

Wherever feasible, suitable steps shall be taken to preserve and protect significant existing features such as trees, scenic points, stone walls, rock outcroppings, water bodies, historic landmarks and trails as described in Appendix AC@ of these regulations. Where possible, the boundary line(s) should follow stone walls.

3.1.8 Septic Systems and Water Supply

3.1.8.1 In areas not currently served by public sewer systems, it shall be the responsibility of the subdivider or his/her agent to provide the necessary state approvals for the installation and operation of any or all sewage disposal system(s). In subdividing parcels with existing dwellings, the subdivider must demonstrate to the satisfaction of the Board that the existing septic system is in good working order.

3.1.8.2 Prior to refilling, all test pits shall be inspected by the Town Building Inspector.

3.1.8.3 All new wells shall have a radius of seventy-five (75) feet, said radius to be located entirely on its lot.

3.1.8.4 The location, dimensions and design of all water mains and associated systems shall be as approved by the Planning Board.

3.2 Pre-application Review

3.2.1 Preliminary Consultation

This stage is very informal for the purpose of facilitation the subsequent preparation of the plans. It may involve a rough sketch of the proposal, but not a professionally prepared plan. Only conceptual ideas may be discussed, and in general terms, such as desirability of types of development and proposals under the Master Plan as may have been adopted, in whole or in part, by the Planning Board. No fees or formal public notice are required for the preliminary consultation, but such requests should be made fifteen (15) days prior to a regularly scheduled meeting for discussion with the Planning Board. This stage shall not bind either the applicant or the Planning Board, nor shall time limits apply. More detailed discussion requires notification to abutters and the general public. Although this phase is strictly optional, the Board strongly suggests that the applicant avail him/herself of the opportunity to resolve any issues at this early stage that might become a problem later on. Preliminary conceptual consultation shall not bind the applicant or the Board. Such discussion may occur only at a posted meeting of the Board.

3.2.2 Design Review Phase

3.2.2.1 Prior to submission of an application for Board action, an applicant may request to meet with the Board or its designee for non-binding discussions beyond the conceptual and general stage, involving more specific design and engineering details of the potential application.

3.2.2.2 The design review phase may proceed only after identification of and notice to abutters and the general public as required by RSA 676:4,1(d).

3.2.2.3 Persons wishing to engage in pre-application design review shall submit a request to the Board not less than fifteen (15) days before the regularly scheduled meeting of the Board. The request shall include:

a) List of abutters and their addresses taken from municipal records not more than five (5) days before submission.

b) See Schedule of Charges.

3.2.2.4 Statements made by Board members shall not be the basis for disqualifying said members or invalidating any action eventually taken on the application.

3.2.3 The applicant may elect to forego or engage in the pre-application review of either phase thereof and proceed directly to the formal application process.

3.3 Submission of Completed Application

3.3.1 Completed Application

A completed application shall consist of the items and information as set forth in the Town of Chester Subdivision Regulation and Zoning Ordinance, as well as, the information in Appendix A and B of this document accompanied by all applicable fees required by these regulations. Additional fees may be subsequently required to cover administrative expenses and the costs of special studies, review of documents, and other matters may be required by a particular proposal.

3.3.2 Application

A request for acceptance of an application must be in writing, accompanied by a completed application, which must be filed with the Board at least fifteen (15) days before the date of the meeting at which the Board will consider acceptance of the submitted application. Formal acceptance of applications shall ordinarily take place at the Board's Regular Meetings.

3.3.3 Scheduling of Acceptance and Public Hearing at Same Meeting

An applicant may elect to have both a vote on acceptance and a public hearing on the application at the same Board meeting by filing a written request and a complete application no later than the first (1st) or fourth (4th) Tuesday of the month at which the Board will consider acceptance of the submitted Application. Applications filed later than the first (1st) or fourth (4th) Tuesday before the meeting and at least fifteen (15) days before the meeting as required by Subsection 3.3.2 shall be submitted to the Board only for a vote to accept or reject the application. In such cases a public hearing will be scheduled at a later date following acceptance, with separate public notice, in order to provide adequate time for preliminary review.

3.3.4 Acceptance of Application

The Planning Board's Planning Coordinator is authorized to make a preliminary determination as to whether or not the information submitted by an applicant constitutes a completed application. Provided an application is submitted no later than the first (1st) or fourth (4th) Tuesday before the meeting to consider acceptance, the Planning Coordinator shall review the submission and notify the applicant in writing of any deficiency in the application. For applications submitted later than said date, the Planning Coordinator may, time permitting, review the application for completeness prior to the meeting. If the applicant disagrees with a determination of deficiency by the Planning Coordinator, the question shall be submitted to the Board. In any case, no application will be formally accepted until the Board votes to do so at a public meeting with the required public notice.

3.3.5 Incomplete Application

If the Planning Board determines that an application is incomplete, the Board shall vote not to accept it. The Board shall notify the Applicant of its determination in accord with NH RSA 676:3 and shall describe the information, procedure and other requirements necessary for the application to be complete.

3.4 Notification of Applicant, Abutters & General Public

The Planning Board shall notify the applicant, and any abutters, any engineers, architects, land surveyors or soil scientists whose professional seal appears on a plat and any holders of conservation, preservation or agricultural preservation restrictions by certified mail, return receipt requested, of the date of the meeting at which the formal application will be submitted. Said notification shall be mailed at least ten (10) days before the scheduled meeting date. Similar notices shall be given to the public by posting ten (10) days prior to the scheduled meeting in at least two (2) public places, and advertising in a newspaper of general circulation in the Town of Chester prior to the meeting.

The notice shall include a general description of the proposal which is the subject of the application for subdivision approval and shall identify the applicant and location of the proposal.

The notice may also include the date of the public hearing, otherwise separate notice must be given the applicant, the abutters and the public.

3.5 Placement on Agenda

Within thirty (30) days of the date of the meeting at which the application for subdivision approval is accepted by the Planning Board, the Board shall place the application on its agenda for formal consideration. Within sixty-five (65) days of acceptance of the application, the Planning Board shall act to approve or disapprove the proposed subdivision, subject to extension or waiver of the sixty-five (65) day period as provided in Article 6 hereof.

3.6 Public Hearing

3.6.1 No application may be denied or approved without a public hearing on the application. At the hearing, the applicant, any abutter or any person with an interest in the matter may testify in person or in writing. Other persons may testify as permitted by the Planning Board at said hearing. Public hearings shall not be required when the Planning Board is considering or acting upon a:

3.6.1.1 Lot Line Adjustment as defined herein, except that notice to abutters shall be given prior to approval of the application and any abutter may be heard on the application upon request.

3.6.1.2 A public hearing shall not be considered if the applicant fails to supply information required by the regulations, including abutters identification or holders of conservation, preservation or agricultural preservation restrictions; or 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.

3.7 On-Site Inspection

The Planning Board and its designated representatives may make a visual on-site inspection of the land proposed for subdivision and may require that the site be sufficiently flagged to permit ready determination of interior and exterior boundaries and locations of proposed streets and rights-of-way. In the event such site inspections are warranted, the following shall be required:

3.7.1 The Board shall receive permission from the Applicant and/or land owner to review the property. Inclusion of the public at the site inspection is at their own risk and at the discretion of the Applicant/owner.

3.7.2 Such a site inspection is not considered a meeting and no decisions shall be made during the site inspection and shall be posted as a meeting of the Board pursuant to the Right-to-Know provisions of RSA 91- A.

3.7.3 All applications are conditioned upon the Applicant/owner allowing access to the property, to the extent reasonable and necessary to properly review the application. Denial of access automatically terminates any further consideration of the proposal.

3.7.4 The practice of an Applicant directly calling a Board member to invite that person to visit the property without prior Planning Board notice shall be discouraged as inappropriate.

3.8 Approval Is No Acceptance of Dedication

The approval of any plan by the Planning Board shall not constitute an acceptance by the Town of the dedication of any street, highway, park or other public open space.

Acceptance of an approved street or highway is done by a vote of the legislative body at the annual Town Meeting (by Petition). Acceptance does not take effect until the street or highway is completed, a maintenance bond is posted with the Board of Selectmen until eighty (80%) per cent of the houses are completed, final "As Built" plans have been submitted to the Planning Board or their designee and a deed for the street or highway is received by the Office of the Board of Selectmen.

3.9 Security for Improvement

The Planning Board may approve a plan with such conditions as may be necessary to insure proper completion of the required improvements, including performance bonds or other acceptable security. Said controls must be recorded on a separate document and signed by both the applicant and the Planning Board.

The Planning Board shall require a security in a form and amount acceptable to the Planning Board before any work commences and before any building permits are issued for any portion of the subdivision that, if not properly completed, will have an adverse effect on adjoining property or has a potential for erosion. The security shall be placed under the control of the Planning Board.

Renewal of bonds shall be the responsibility of the Applicant and the bonds must remain in affect until the Applicant has satisfied the conditions for which the bond was issued.

Before voting to release the subdivider's security, the Planning Board shall determine to its satisfaction, that there have been submitted to them by the subdivider or his agents, written statements signed by:

3.9.1 A licensed surveyor approved by the Planning Board, paid for by the subdivider, stating that all permanent bounds and monuments on street lines and on lot lines have been installed and are accurately in the locations designated on the final plan.

3.9.2 A registered professional engineer or licensed surveyor approved by the Planning Board, paid for by the subdivider, stating that the streets, storm drainage and similar improvements have been constructed and completed in conformance with the final plat diagram and requirements.

3.10 Fee Schedule

Filing, applicant and abutter notification, and public notice, fees shall be made payable to the Town of Chester, and shall be paid by the applicant at the time that the application for subdivision approval is filed with the Planning Board. See "Chester Planning Board Schedule of Charges."

3.10.1 Additional Fees

Reasonable fees in addition to those reflected in the Fee Schedule may be imposed by the Planning Board during the course of review to defray costs incurred when it is deemed necessary to carry out special investigative studies, review of documents and other matters which may be required by particular applications for subdivision.

3.10.2 Failure to Pay Fees

Failure on the part of the applicant to pay any required fees or other costs associated with the final plat review process shall constitute valid grounds for the Planning Board to terminate further consideration and to disapprove the plat without a public hearing.

3.11 Impact Statements

Impact statements are required to be filed for any subdivision of more than three (3) lots, at the Planning Board's discretion. Such statements should explore the impact of the proposed development so as to provide against such scattered or premature subdivision of land as would involve danger or injury to health, safety, or prosperity by reason of lack of or damage to existing 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.

The Impact Statement should also take into account the impact the development may have on wetlands. See Subsection 5.5 Flood Plain Conservation District and 5.6 Wetlands Conservation District of the Town of Chester Zoning Ordinance for intent.

It must be demonstrated by the developer that the application for subdivision is consistent with such master or study plan as may have been adopted, in whole or in part, by the Planning Board and provides for the harmonious development of the municipality and its environs. The cost of the preparation of such impact statements shall be the sole responsibility of the applicant. The firm, individual or agency selected by the applicant to prepare such statements or studies shall have the prior approval of the Planning Board.

Any Subdivision Application submitted on a portion of a Lot of Record which has been subdivided within the previous twelve (12) months will be considered part of the original Application allowing the Planning Board to require the submission of an Impact Statement based on both Applications.

3.12 Sewage Disposal

Pursuant to RSA 485-A, the final plat will be accompanied by a septic system report and approval for each lot of less than five (5) acres within the subdivision, as required by Department of Environmental Services, and be consistent with Subsection 4.3 of the Chester Zoning Ordinances. Subdivisions where all lots exceed five (5) acres are exempt.

3.13 Drainage Calculations

Drainage calculations shall be provided on all land being subdivided.

3.14 Storm Drainage

Where a subdivision is traversed by a natural water course, drainage way, channel or stream, there shall be provided a storm- water easement or drainage right-of-way conforming

substantially with the lines of such water course. If the development is going to increase storm-water run-off and potential flooding, then the developer will be required to widen the water course or construct an adequate drainage system to assure that no flooding occurs and that all storm water is disposed of properly. If, in the opinion of the Planning Board, a problem or alterations may be necessary, an engineer's statement at the expense of the subdivider shall be provided.

3.15 Off-Site Improvements

Where the proposed land use in a subdivision would result in significant adverse impacts on public health, safety or welfare, and where such impacts may be lessened by installation of public improvements off the subdivision site, the Planning Board may make the installation of such public improvements a condition of subdivision approval and may impose on the applicant a fair and proportional share of the cost of such improvements and may require the applicant to furnish a security or other sufficient security in an amount adequate to cover the applicant's share of the costs of such improvements. However, no such a cost share will be assessed, imposed or accepted with respect to any dwelling units granted permits in any year in which building permits are restricted pursuant to Article 13 of the Zoning Ordinance, unless those units are exempted from the procedural and timing requirements of Zoning Article 13 by Section 13.2.

For improvements in any amount, the Planning Board shall require a security issued by an insurance company licensed to do business in the State of New Hampshire. All security shall be considered called on the day before it expires, unless the Chester Planning Board has provided written notification to the bonding insurance company for its release.

Any Subdivision Application submitted on a portion of a Lot of Record which has been subdivided within the previous twelve (12) months will be considered part of the original Application and the Applicant's fair and proportionate share of off-site improvements will be determined on both Applications.

3.16 Phasing

Some subdivisions may impose sudden demands for services which the Town could not have been reasonably expected to plan for based on its history of growth. The Applicant should be prepared to describe how he/she intends to schedule their subdivision plan so as to minimize its impact on the community. Depending upon the type and magnitude of the proposed subdivision, a phasing schedule may be required and must be approved, by the Planning Board, as a condition of subdivision approval. The phasing condition shall be a part of the ΔConditionals of Approval, which is signed by the Planning Board and filed concurrently with the approved plan.

3.17 Large Lots or Parcels

If a tract of land is subdivided into larger parcels than ordinary building lots, such parcels shall be so arranged as to allow the opening of future streets and logical future sub- divisions.

3.18 Public Sites and Open Spaces

Where deemed essential by the Planning Board, upon consideration of the particular type of development proposed in the subdivision, and especially in large scale neighborhood unit developments, the Planning Board may require the dedication or reservation of such areas or sites of a character, extent and location suitable to the needs of the development for schools, parks, playgrounds and other public purposes.

3.18.1 In this regard, any subdivision where the land to be subdivided consists of a parcel containing forty acres (40) or more, and, if it is the opinion of the Board that the impact of said subdivision, when developed, would create a need for open space in that area, then the Applicant for subdivision approval shall be required to dedicate a minimum of 5% of the total area of the subdivision of contiguous usable land (non-wetland), for the benefit of the subdivision. Such dedication shall be required at the time of the initial subdivision.

3.18.2 In reaching a decision on a parcel containing forty (40) acres or more, the Board's considerations shall include, but not necessarily be limited to, the proposed use of the subdivision, the number and size of the lots to be created, the location of the subdivision with respect to existing and proposed development and the Town of Chester's needs.

3.19 Projects of Regional Impact

In accordance with state law, any developments which are likely to have impacts beyond the boundaries of the Town of Chester shall be processed by the Chester Planning Board according to procedures established in RSA 36:54-58.

3.20 Land Affected by Municipal Boundaries

In the case where an owner of contiguous land which is located in more than one municipality applies to the Chester Planning Board for subdivision, the proceeding will be done in conformation with the standards outlined in RSA 674:53, land affected by municipal boundaries.

3.21 Concurrent and Joint Hearings

The applicant may request a joint hearing with one or more Land Use Boards in conjunction with a subdivision hearing if all are required for the same project per RSA 676:2.

ARTICLE 4

DESIGN

4.1 Graphic Presentation

4.1.1 The final plat shall be drawn in ink on mylar at a horizontal scale of forty (40) feet to one (1) inch, or such other scale as the Planning Board may prescribe as being adequate to show details clearly. Where necessary, sections of the plat may be presented in several sheets at the required scale accompanied by an index sheet showing the entire subdivision.

4.1.2 Provide an overall plan of the proposed subdivision showing the proposed lots drawn to a scale of four hundred (400) feet to one (1) inch. Three (3) paper copies will be provided.

4.1.3 Provide an AutoCADD disk version 2000.

4.1.2 The original mylar drawing to be returned to applicant and three (3) paper prints for use of the Planning Board thereof, shall accompany the application for subdivision approval.

4.1.3 Sheet size shall conform to the requirements of the Registry of Deeds of Rockingham County for filing.

4.1.4 Where a subdivision covers only part of the subdivider's entire land holding, a sketch shall show how adequate access is to be provided to the undivided part.

4.1.5 Primary control points or descriptions and "ties" to such control points to which all dimensions, angles, bearings, and similar data on the plat shall be referred.

4.1.6 Tract boundary lines, rights-of-way lines of streets, easements, wetlands, watershed areas and other rights-of-way, property lines of residential lots and other sites with accurate dimensions, bearings or deflection angles, and radii, arcs, and central angles of all curves.

4.1.7 The subdivision plat shall be based on a boundary survey with a maximum error of closure of 1 in 10,000 certified by a licensed land surveyor or engineer registered in the State of New Hampshire. Distances shall be to the nearest 100th of a foot and bearings to the nearest 10 seconds.

4.1.8 Town approved name and right-of-way width of each street or other right-of-way.

4.1.9 Location, dimensions and purpose of any easements.

4.1.10 Number to identify each lot or site and house number, if any.

4.1.11 Area of each lot or site.

4.1.12 Purpose to which sites, other than residential lots, are dedicated or reserved, and whether or not the applicant has accepted a restriction, that a lot is not to be further subdivided.

4.1.13 Location and description of all street monuments.

4.1.14 Location and description of all permanent lot boundary markers.

4.1.15 Names of record of owners of adjoining land, including land on the other side of the street, from Town records of not more than five (5) days before the date of filing.

4.1.16 Reference to recorded subdivision plats of adjoining platted land by record name, date and number.

4.1.17 An insert at a suitable scale shall be placed on the plan showing the relationship of the tract to surrounding properties. If there is no room available, the insert may be presented on a separate sheet.

4.1.18 A three inch by five inch (3"x5") space shall be available on the map for necessary endorsement of the Planning Board.

4.1.19 Certification of title showing that the applicant is the land owner.

4.1.20 Title, scale, North arrow, date and surveyor's seal.

4.1.21 Profiles and cross sections of all proposed streets at a horizontal scale of forty (40) feet to one (1) inch, and a vertical scale of ten (10) feet to one (1) inch. All elevations shall refer to an established bench mark.

4.1.22 Topographic Map

Topography maps should be prepared by a licensed surveyor showing two (2) foot contour intervals.

4.1.22.1 Driveways which meet the Driveway Construction Standards in Subsection 4.10 must be depicted on the topographical plan.

4.1.23 Plat

The final map, drawing or chart on which the developer's plan of site development is presented to the Town of Chester Planning Board for approval, and which, if approved, will be submitted to the Registry of Deeds of Rockingham County for recording. Plats must be drawn in ink on mylar for recording purposes. A margin of at least one (1) inch shall be provided outside ruled borderlines on three sides and of at least two (2) inches along the left side for binding. Only the following sizes are currently accepted at the Registry for recording: 8 1/2" x 11"; 11" x 17"; 17" x 22"; 22" x 34".

4.1.24 Subsoil Examination

A thorough examination of subsoil conditions must be made. Besides meeting requirements for the Water Supply and Pollution Control Commission, such examinations provide information concerning construction capabilities, such as potential erosion and sedimentation problems. The particular soil types will be marked out on the final plat.

4.2 Open Space

4.2.1 In any subdivision where the land to be subdivided consists of a parcel containing forty (40) acres or more and, if it is the opinion of the Chester Planning Board that the impact of said subdivision, when developed, would create a need for open space in that area, then the Applicant for subdivision approval shall be required to dedicate a minimum of 5% of the total area of the subdivision for the benefit of the subdivision as open space. Such dedication shall be required at the time of the initial subdivision.

4.2.2 In reaching a decision on a parcel containing forty (40) acres or more, the Chester Planning Board consideration shall include, but not necessarily be limited to, the proposed use of the subdivision, the number and size of the lots to be created, the location of the subdivision with respect to existing and proposed development and the town of Chester=s needs.

4.2.3 Area(s) set aside as open space shall be land worthy of preservation. Areas to consider for open space are primary conservation areas limited to jurisdictional wetlands, floodplains and steep slopes, and secondary conservation area, including those elements of the natural landscape that deserve to be spared from clearing, grading, and development.

4.3 Lots

4.3.1 Lot dimensions shall meet the requirements of the Zoning Ordinance for the district or districts in which the subdivision is located.

4.3.2 Depth and width of properties reserved or laid out for all purposes shall be adequate to provide for the off-street service and parking facilities for vehicles required by the type of use and development contemplated.

4.3.3 The Planning Board may require, where deemed appropriate, a road layout or an intersection to be modified on the basis of improving safety on the basis of reducing the impact to abutters, reducing the impact to wetlands or reducing winter maintenance requirements such as salting and/or sanding.

4.3.4 Corner lots shall be increased in size wherever necessary in order that any structure to be placed thereon shall conform to the minimum setback line of each street as required by the Zoning Ordinance.

4.3.5 The subdividing of the land shall be such as to provide that all lots shall front upon a publicly-approved street.

4.3.6 Non-contiguous, minimum frontage lots are prohibited.

4.3.7 Side lot lines shall be substantially at right angles or radial to street lines wherever possible.

4.3.8 Permanent boundary markers shall be placed at all lot lines, angle points and points of curve. The permanent boundary markers shall be metal pins or pipes, granite or cement bounds, and shall be set at least four (4) feet into the ground. The granite bounds shall be not less than four (4) inches across and cement bounds shall be reinforced with an iron rod of at least 3/4" diameter.

4.4 Large Scale Developments

The standards and requirements of these regulations may be modified by the Planning Board in the case of a plan and program for a complete community, or a neighborhood unit, or other major development which, in the judgment of the Planning Board, provides adequate public spaces and improvements for circulation, recreation, air, light and service needs of the tract when fully developed and populated, and which also provides such covenants or other legal provisions as will assure conformity to and achievement of the plan.

4.5 Design Standards

4.5.1 All street systems must be designed by a registered professional engineer. All design standards for street systems shall meet the approval of the Town's consulting registered professional engineer. All fees for the professional engineer are to be paid by Applicant.

4.5.2 Street System

4.5.2.1 The arrangement, character, extent, width, grade and location of all streets shall be considered in their relation to existing or planned streets, to topographical conditions, to public convenience and safety, and their appropriate relation to the proposed use of the land to be served by such streets.

4.5.2.2 Proposed streets shall conform, as far as practicable, to such master or study plan as may have been adopted, in whole or in part, by the Planning Board.

4.5.2.3 The center of a cul-de-sac shall remain open, be landscaped so as to prevent run-off from entering the town's right-of-way and when deemed necessary by the Town's consulting engineer, have an interior drainage system.

4.5.2.4 The arrangement of streets in a subdivision shall provide for the continuation of the principal streets in adjoining areas or to their proper projection when adjoining land shall have been subdivided.

4.5.2.5 Streets in the subdivision shall be so designed that, in the opinion of the Planning Board, they will provide safe vehicular travel while discouraging movement of through traffic.

4.5.2.6 Where a subdivision abuts or contains an existing or planned arterial street, the Planning Board may require marginal access streets, reverse frontage with screen planting contained in a non-access reservation along the rear property line, deep lots with rear service streets, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

4.5.2.7 Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the Planning Board may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land, as for park purposes in residential districts, or for commercial or industrial purposes in appropriate districts. Such distances shall be determined with due regard for approach grades and future grade separations.

4.5.2.8 Street Standards

The Planning Board may require the reservation of a sixty (60) foot easement connecting the new street with an external boundary to provide a continuation of the where future subdivision is possible. This future street will allow for safe future traffic circulation. In a case where the subdivision would land lock hitherto accessible land, the sixty (60) foot reserve strip may be required by the Planning Board. All easements proposed under this regulation must be deeded to the Town to facilitate their future use.

4.5.2.9 Street Intersections

Street intersections with center line offset of less than two hundred (200) feet shall not be permitted.

4.5.2.10 Angles at Street Intersections

Streets shall be designed to intersect as nearly as possible at right angles and no street shall intersect any other street at less than seventy (70) degrees. The center lines of no more than two (2) accepted rights-of-way shall intersect at any one point.

4.5.2.11 Property Lines at Intersections

Property lines at intersections shall be rounded with a minimum radius of twenty (20) feet or of a greater radius where the Planning Board may deem it necessary.

4.5.2.12 Street Monuments

Street monuments shall be replaced at all block corners, angle appoints, points of curves in streets, and at such intermediate points as shall be required by the appropriate Town official. The monuments shall be of granite or cement, not less than four (4) inches across the top. Cement monuments shall be reinforced with

an iron rod of at least 3/4" diameter. All monuments are to be set at least four (4) feet into the ground.

Where the distance between concrete or granite bounds is greater than four hundred (400) feet, the Planning Board requires iron pipes to be set at intervals of two hundred (200) feet.

4.5.2.13 Half-Streets Prohibited

Half-streets shall be prohibited, except where essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations, and where the Planning Board finds it will be practicable to require the dedication of the other half when the adjoining property is subdivided. Wherever a half-street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract.

4.5.2.14 Street Names

Streets which join or are in alignment with streets of abutting properties shall bear the same name. Names of new streets shall not duplicate or bear phonetic resemblance to the names of existing streets within the Town of Chester. All proposed street names require approval by the Road Naming Advisory Committee and the Board of Selectmen.

4.5.2.15 Street Signs

Street name signs shall conform to the quality, design and manner of erection of official Town street-name signs. Street name signs and all other signs shall be erected prior to issuance of the Building Permit(s).

4.5.2.16 Street Grades

Street grades shall conform to those specified in the Table of Geometric Standards in these regulations. Grades of all streets shall conform in general to the terrain.

4.5.2.17 Table of Geometric & Other Standards for Streets

<u>ITEM</u>	<u>STANDARD</u>
a) Minimum width of R.O.W.	60'
b) Minimum width of pavement	24'
c) Minimum grade	0.50%
d) Maximum grade	10%
e) Maximum grade at intersections	2% within 75' of all intersecting roads
f) Minimum angle of intersections	70 degrees
g) Minimum center-line radii on curves	300'
h) Minimum tangent length between reverse curves	200'
i) Road base (minimum)	24"
Sub base (sand)	8"
(bank-run gravel)	8"
Upper Base (crushed gravel)	8"
(Road base shall be installed by the developer prior to the issuance of building permits.)	
j) Pavement Thickness	
Binder	2.5 inches
Wearing	1.5 inches
k) Road crown (maximum)	¼" per foot
l) Width of shoulders	5'
(Shoulders to be cleared the 5' and constructed as road base.)	
m) Cul-de-sac streets and Loop streets	
Maximum length for loop and cul-de-sac streets shall be 1800 feet. Measurement shall include the total running length of the street including the loop and/or cul-de-sac. Measurement of total running length shall start at the last intersection with a Class V or better road which provides more than one access route for emergency vehicles. The length of pre-existing streets must be included in the running length measurement where they too are accessed by that same last multiple access intersection.	
1. Width of R.O.W.	60'
2. Length (maximum)	1800'

3. Diameter of turn-around at enclosed end;	
i) property line (minimum)	210'
ii) open center, entire diameter pavement to pavement	120'
iii) Minimum pavement width	24'
4. Access into turn around shall be offset	
n) Stopping sight distance	250'

4.5.3 Private Way for Open Space Subdivision

4.5.3.1 Purpose

The purpose of this regulation is to:

- a.) Enhance the safety and welfare of residents served by private ways.
- b.) Clarify the respective rights and responsibilities of builders and residents of open space subdivisions with respect to private ways and of the Town of Chester.
- c.) Provide access to lots over a private way rather than by individual private ways on each lot.
- d.) Preserve, protect and enhance environmentally sensitive land that might otherwise be cleared, excavated, filled and/or covered with impervious surface.
- e.) Reduce increased runoff from impervious surfaces that would adversely impact nearby streams, wetlands and public and private drainage control structures.
- f.) Encourage the protection and preservation of significant natural and roadside vistas.

4.5.3.2 Definition

Private Way – A form of access in an open space subdivision extending from a street and serving to provide common vehicular access to more than one (1) but not more than six (6) dwelling units. The private way shall lie entirely within the lots being served and shall be built in accordance with standards set forth in Section 4.5.3. Private ways shall not be considered for acceptance as a publicly approved (Town) street.

4.5.3.3 Scope

Private ways may be allowed by means of plan approval from the Planning Board for residential uses. All lots associated with the use of a private way must

provide off-street parking in accordance with the Town of Chester criteria. The Town of Chester shall not be required to provide any services in connection with a private way including without limitation construction, reconstruction, maintenance, snow plowing, school bus pick-up, or police patrols along a private way.

4.5.3.3 Private Way Standards

The Planning Board may authorize the use of private ways to provide access to open space subdivisions. The following conditions must be met and shall be shown on the plan submitted (for approval).

The Board, based on site configuration(s), may require additional conditions.

4.5.3.4.1 Dimensions:

- a.) The width of the right of way shall be a minimum of thirty-five (35) feet.
- b.) The width of the private way surface shall be eighteen (18) feet. The common drive shall have three (3) feet gravel shoulders on each side.
- c.) The private way shall not exceed 450 feet in length to the farthest unit.
- d.) The slope or grade of a common drive shall in no place exceed 8% if unpaved or 10% if paved.
- e.) The common drive shall intersect a public way at an angle of not less than 80 degrees.
- f.) Alignment and sight distances should be sufficient to support a designed speed of fifteen (15) mph and the minimum roadway curvature at the point of the private way intersection shall be sufficient for an emergency vehicle to negotiate, generally no less than a radius of 50 feet.
- g.) The private way shall be capable of providing access for emergency vehicles (WB50).
- h.) The private way shall lie entirely within the lots being served.

4.5.3.4.2 Construction:

- a.) A private way shall be constructed and paved, as current subdivision standards require. Inspections and approvals (at accepted construction stages) shall be completed in accordance with an approved plan design.
- b.) Drainage shall be adequate to dispose of surface runoff. Culverts and drainage control structures shall be installed if deemed necessary by the Planning Board.

c.) Any utilities contained within the private way shall be considered privately owned and maintained.

4.5.3.4.3 Alignment and Design:

a.) The private way, at its intersection with the street, must provide a leveling-off area with a slope no greater than 2% for the first 20 feet and a slope no greater than 5% for the next 30 feet.

b.) There shall be a minimum of 100 feet between entrances of any two private ways onto any road.

c.) The private way shall enter a roadway at a point separated by a least 100 feet from an intersection. On a state highway, the private way shall enter the roadway at a point separated by at least 100 feet from any other private way, curb cut or intersection, except when NHDOT requirements are more stringent.

d.) The private way shall have adequate sight distance at its intersection with the public roadway and shall not create traffic (or pedestrian) safety hazards to its users or the public.

e.) The private way shall provide the only vehicular egress/access to the lots being serviced by it, and this shall be so stated in the deeds, association documents and on the plan to the subject lots.

f.) Street Numbers and Identification – Permanent signage, sufficiently readable from the road to serve the purpose of identification by emergency personnel, indicating the street number address assigned to each lot served by the private way shall be installed within 10 feet of the intersection of the private way to the roadway, as well as within 10 feet of the intersection of an individual lot (drive) to the private way. This requirement is in addition to those for individual homes or businesses and may be expanded upon the request of the fire chief, police chief and/or the road agent.

g.) Private way design shall, to the greatest extent possible: 1) minimize adverse impact to environmentally damaging access to lots characterized by slopes or ledges; 3) result in the preservation of rural character through reduction of allowable access ways; 4) retain existing vegetation and topography.

h.) A neighborhood collection (NHBCU) unit, located in a pull-off area within the right-of-way, shall be constructed to the satisfaction of the US Postal Service and shown on the application plans.

4.5.3.4.4

No private way shall be extended or connected to any other way other than the approved point of intersection with the street-providing frontage to the development.

4.5.3.4.5

All lots to be served by a private way must meet the requirements of a lot, and dimensional requirements, as defined in the Zoning Ordinance, including but not limited to, set back, dimensions of front, side, and rear yards, as measured in relation to the street (serving as the legal frontage for the lots), and shall be the same as would be required for those lots had they not shared a private way.

4.5.3.4.6

The landowners of all residences served by a private way shall be granted a right-of-way. Such right-of-way shall be recorded at the Registry of Deeds within thirty (30) days of approval by the Planning Board, together with a statement of covenants as follows:

- a.) Private ways shall at no time be used to satisfy zoning frontage requirements. Each lot served shall be lot frontage on a street, which serves to satisfy lot frontage requirements.
- b.) The private way shall at no time become the responsibility of the Town of Chester.
- b.) Each landowner served by the private way shall be jointly and severally responsible and liable for the repair and maintenance of all portions of the private way, and utilities contained within, to which more than one landowner holds a Right-of-Way. Specific responsibilities shall be stipulated in a covenant included in the deed for each property served by the private way.
- c.) A covenant shall be entered into between the owner or developer the utility company(s) and the Town in a form acceptable to the Planning Board, which binds current and future owners of each lot served by the private way, prohibiting the sale of lots and erection of buildings except for lots approved and/or prior to the adaptation of this Regulation, until such time as the private way has been constructed and inspected at accepted construction stages in accordance with an approved plan design. A draft covenant shall be submitted for approval with the special permit application and shall include but not limited to specific standards for maintenance and repair of the private way and drainage system, provision for allocating financial responsibility, and a procedure for resolution of disagreements. If the permit is granted, said covenant shall be recorded at the Registry of Deeds and shall be made part of every deed to each lot served by the private way.

d.) A private way shall not be approved until the utility design approval(s) and agreement(s), a declaration of covenants, easements and restrictions (for the use and maintenance of the private way) has been approved by the Town.

4.5.3.4.7

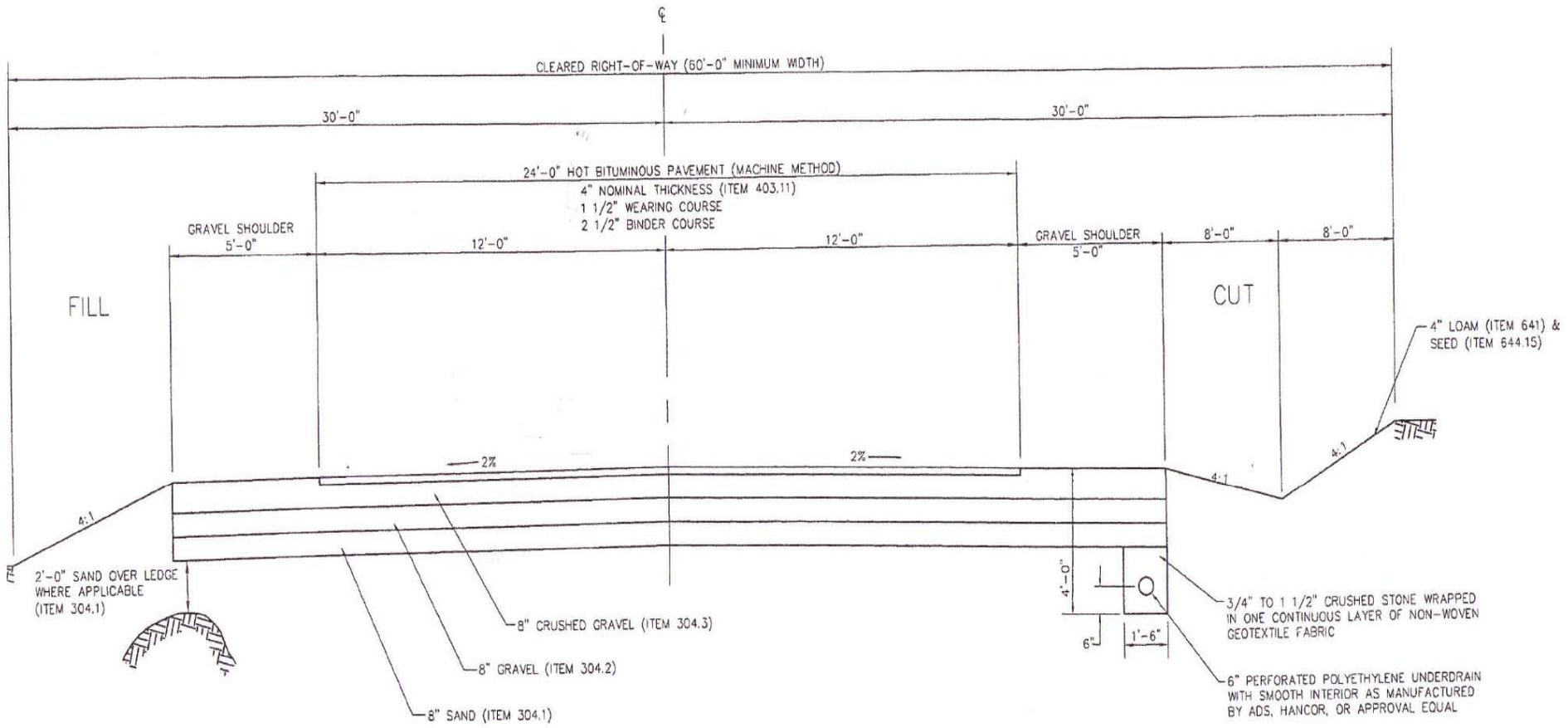
Performance Guarantee – The Planning Board may require a performance bond or other security for the completion of the private way. Such security shall be posted prior to construction of the private way. The private way shall be completed, inspected by the Planning Board or its designee, and the security released prior to the issuance of occupancy permits for the lots served by the private way.

EXAMPLES

See

FIGURE NO. 1
TOWN OF CHESTER, NEW HAMPSHIRE
TYPICAL ROADWAY CROSS-SECTION

FIGURE NO. 2
TOWN OF CHESTER, NEW HAMPSHIRE
TYPICAL CUL-DE-SAC



NOTE:
 ITEM NO.'S REFER TO NHDOT "STANDARD
 SPECIFICATIONS FOR ROAD & BRIDGE
 CONSTRUCTION".

FIGURE NO. 1
 TOWN OF CHESTER, NEW HAMPSHIRE
 TYPICAL ROADWAY CROSS-SECTION

NOT TO SCALE

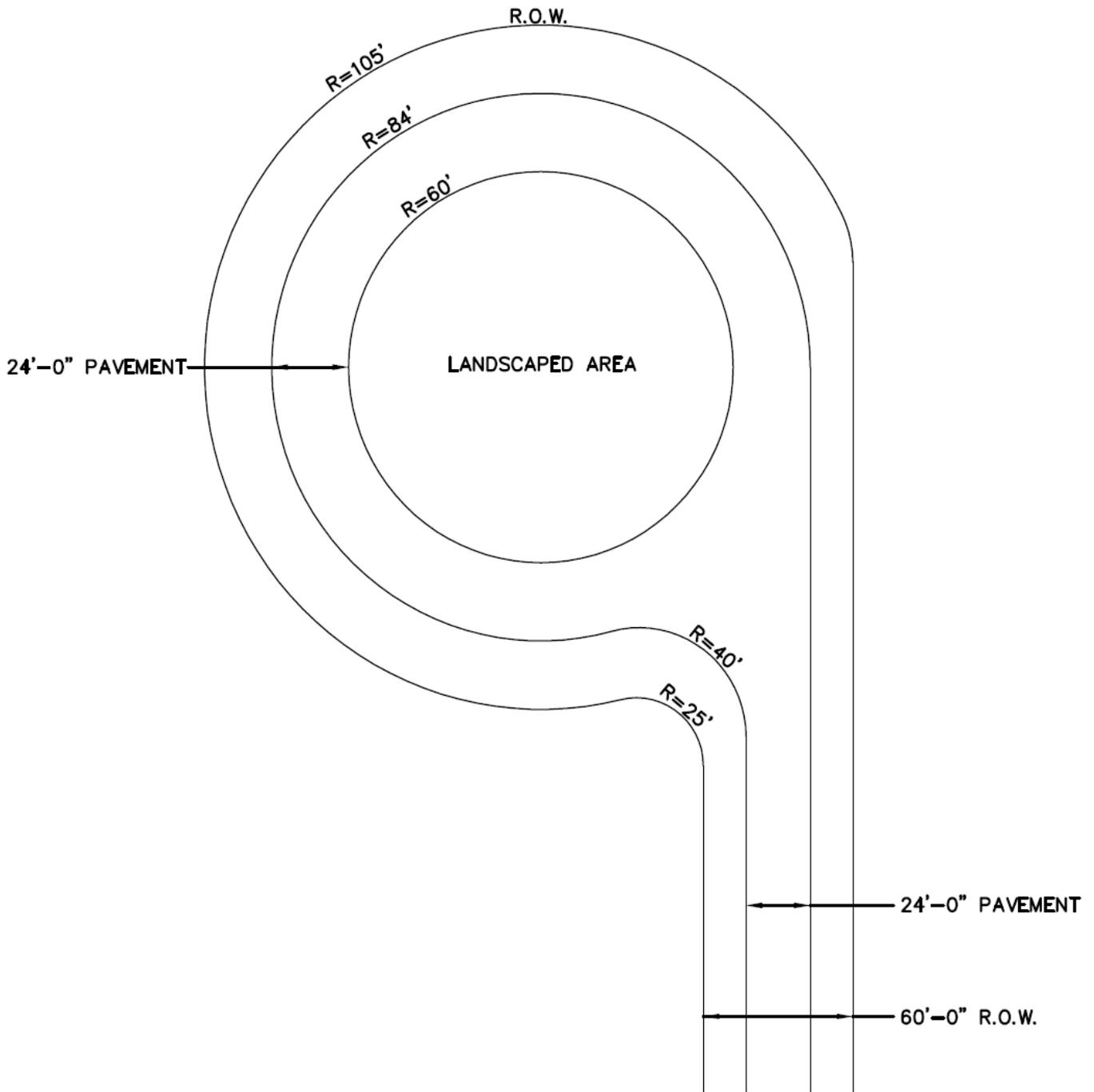


FIGURE NO. 2
TOWN OF CHESTER, NEW HAMPSHIRE
TYPICAL CUL-DE-SAC
 NOT TO SCALE

4.6 Other Data

At the time of submission of the Final Plat, the applicant shall file with the Planning Board:

4.6.1 Protective covenants in form for recording; and

4.6.2 Other conveyances, certificates, affidavits or endorsements as may be required by the Planning Board in the enforcement of these regulations.

4.6.3 Modification and Additional Improvements

Where the applicant can show to the Planning Board's satisfaction that strict adherence to these regulations would cause unnecessary hardship and where, because of topography or other conditions peculiar to the site, or because of the nature or size of the proposed subdivision, in the opinion of the Planning Board, a departure from these regulations may be made without destroying the intent of these provisions, the Planning Board may authorize a modification or deviation to the extent that said action does not constitute a variance from any other requirements of the Zoning Ordinance.

Likewise, because of peculiar conditions or circumstances related to a particular proposed subdivision, the Planning Board may require the installation of other improvements.

Any modification or deviation thus authorized, or additional improvements required, shall be stated in the minutes of the Planning Board with the reasoning which the modification, deviation or addition was justified set forth.

4.7 Storm Drainage Systems

A roadway storm drain system may be a closed system, an open system, or a combination of the two. It is the intent of these regulations that system engineers be aware of the following considerations when drainage systems are being designed.

4.7.1 Extensive open drainage swales and holding basins often become the responsibility of the Town to maintain and constitute a significant expense to taxpayers. Roadside channels shall be designed in accordance with Federal Highway Administration design procedures publication "HEC 15-Design of Roadside Channels with Flexible Linings-October 1975."

4.7.2 Closed systems increase the velocity of flow and have the potential for increased erosion and flooding near the outfall. While good engineering practices can mitigate this potential, demand for water quality requires flow along a grassed swale prior to outfall into any wetland or water body.

4.7.3 Under conditions of severe topography, contractors have on occasion not been able to construct the highway and the approved open drainage swales within the fifty (50) foot right-of-way, leading to problems of easement acquisition or to property owners holding clear title to part of the swale. In an effort to avoid these or similar problems in the road construction, it is expected that the drainage system engineer will carefully consider the relative fiscal impacts of the proposed system and design a system which

will impose the least long-term maintenance costs and will preserve the highest level of water quality that is reasonably attainable. Therefore, the Planning Board reserves the right to judge the adequacy of the drainage system based upon these criteria.

4.7.4 A storm drainage system either open or closed including swales, headwalls, culverts, catch basins and storm drains shall be designed by a Registered Civil Engineer.

4.7.4.1 Calculations shall be done to a positive out-fall. Where the Planning Board anticipates that the additional runoff incident to the proposed subdivision or site plan will overload an existing downstream drainage facility so that there will be damage to private property or an increase in the expenditure of public funds, the Planning Board shall not approve the subdivision or site plan unless the plan makes adequate provision, at the developer's expense, for all downstream drainage improvements.

4.7.5 The engineer shall examine, and perform the necessary calculations, to ensure that runoff due to additional upstream development will not overload the proposed or the existing downstream facilities, either open or closed systems, on either public or private property. Where the engineer determines that the additional runoff shall have no adverse effects on these downstream drainage facilities, he shall so certify by placing the following statement on the plan:

"I certify that any additional runoff incident to development on this site shall have no adverse effects on any open or closed, public or private, downstream drainage facilities."

4.7.5.1 Design storm frequency shall be ten (10) years. All culverts shall be checked to ensure there will be no washout of the road during a fifty (50) year design storm, or where the Planning Board deems necessary a storm of greater intensity where site conditions, protection of private property, or an increase in the expenditure of public funds may warrant such action.

4.7.5.2 Design Methods:

- a) Rational method for zero (0) to two hundred (200) acres drainage areas, or
- b) Soil Conservation Services (SCS) TR-20 method.

4.7.5.3 Minimum Time of Concentration:

- a) Pervious Areas - 10 minutes
- b) Impervious Areas - 5 minutes

4.7.5.4 Rainfall intensity shall be based on U.S. Weather Bureau at Concord.

4.7.6 Closed Drainage Systems

4.7.6.1 Pipe shall be Reinforced Concrete Pipe (minimum Class III) or Polyvinyl Chloride (PVC) Pipe (minimum Class SDR-35).

4.7.6.2 Minimum cover shall be three (3) feet. In instances where this cannot be attained, computations signed and stamped by a registered engineer for the structural stability of the proposed design shall be submitted for review.

4.7.6.3 Minimum pipe diameter is twelve (12) inches.

4.7.6.4 A manhole is required at every change in direction.

4.7.6.5 Design shall be for self-cleaning velocities.

4.7.6.6 Granite curbing is required.

4.7.7 Open Drainage System

4.7.7.1 Open Channel Flow (ditches) design shall use the following guidelines:

ROUGHNESS

<u>Type of Channel</u>	<u>Co-efficient</u>	<u>Max. Velocity</u>
Concrete	n = .012	10 fps
Natural	n = .024	3 fps
Grass	n = .030	6 fps
Constructed Slope, Section 588.3 NH Highway Specs	n = 0.45	12 fps

Above 12 fps use alternate solution.

4.7.7.2 Ditches within the street right-of-way shall be loamed and seeded, graveled with additional compacted bank run gravel based on the above criteria.

4.7.8 Culvert Design

4.7.8.1 Culverts over forty-eight (48) inches in diameter shall have freeboard.

4.7.8.2 Headwall shall be specified for culverts over twenty (20) inches in diameter.

4.7.8.3 All culverts must have a minimum cover of eighteen (18) inches. Headwalls may either be winged pre-cast concrete (12 inch minimum wall thickness) or winged cast-in-place concrete (12 inch minimum wall thickness).

4.7.8.4 Minimum culvert size is twelve (12) inches diameter.

4.7.9 Catch Basins and Manholes

4.7.9.1 These shall be built in accordance with New Hampshire Department of Public Works and Highways standard drawings. Type B catch basin grates shall be used for catch basins within the paved portion of a street. Three hundred (300) feet shall be the maximum distance between catch basins on streets.

4.7.9.2 Design intake quantity should not exceed 1.5 cfs per grate.

4.7.9.3 For catch basins located off of the paved portion of the street, Type C catch basin grates shall be used. Type B catch basin grates may be used in locations off of the pavement in special circumstances.

4.7.10 Underdrains

4.7.10.1 Underdrains shall be considered in all roadway design and where required shall be installed.

4.7.10.2 Underdrains shall be six (6) inches minimum diameter perforated PVC pipe installed with a minimum of twelve (12) inches of crushed stone around pipe. Stone to be wrapped with filter fabric.

4.8 Erosion and Sediment Control Plan

The purpose of this Plan is to control soil erosion and sedimentation resulting from site construction and development. Site plans shall include plans for controlling erosion and sedimentation as provided below.

4.8.1 Applicability

The applicant shall submit an erosion and sediment control plan to the Planning Board for any tract of land being developed, where one (1) or more of the following conditions are proposed:

4.8.1.1 A cumulative disturbed area exceeding twenty thousand (20,000) square feet.

4.8.1.2 Construction or reconstruction of a road or street.

4.8.1.3 Disturbed critical areas.

4.8.2 Definitions

4.8.2.1 Best Management Practice (BMP): 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 storm water runoff.

4.8.2.2 Critical Areas: Disturbed areas of any size located within 75 feet of a stream, bog, water body, or poorly or very poorly drained soils; disturbed areas exceeding 2,000 square feet in highly erodible soils; or disturbed areas containing slope lengths exceeding 25 feet on slopes greater than 15 percent.

4.8.2.3 Disturbed Area: An area where the natural vegetation has been removed exposing the underlying soil.

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

4.8.2.5 Highly Erodible Soils: Any soil with an erodibility class (K factor) greater than or equal to 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."

4.8.2.6 Project Area: The area within the site plan boundaries.

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

4.8.2.8 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 a good covering of hay or straw mulch (2 tons/acre). Mulch is only a temporary measure; ultimately, the site needs vegetation.

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

4.8.2.10 Stream: Areas of flowing water occurring for sufficient time to develop and maintain defined channels, but may not flow during dry portions of the year. Includes, but is not limited to all perennial and intermittent streams located on U.S. Geological Survey maps.

4.8.3 Design Standards

The following standards shall be applied in planning for erosion and sediment control:

4.8.3.1 All erosion and sediment control measures in the plan shall meet, as a minimum, the Best Management Practice (BMPs) set forth in the "Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire, "Rockingham County Conservation District, NH Department of Environmental Services, Soil Conservation Service (now the Natural Resources Conservation Service), August 1992, as amended, a copy of which is available in the Planning Board Office.

4.8.3.2 Whenever practical, natural vegetation shall be retained, protected or supplemented. The stripping of vegetation shall be done in a manner that minimizes soil erosion.

4.8.3.3 Appropriate erosion and sediment control measures shall be installed prior to soil disturbance.

4.8.3.4 The area of disturbance shall be kept to a minimum. Disturbed areas remaining idle for more than thirty (30) days shall be stabilized.

4.8.3.5 Measures shall be taken to control erosion and sediment within the project area. Sediment in runoff water shall be trapped and retained within the project area using approved measures. Wetland areas and surface waters shall be protected from sediment.

4.8.3.6 Off-site surface water and runoff from undisturbed areas shall be carried non-erosively through the project areas, or diverted away from disturbed areas where feasible. The integrity of downstream drainage systems shall be maintained.

4.8.3.7 Naturally occurring streams, channels, and wetlands shall be used for conveyance of runoff leaving the project area.

4.8.3.8 Measures shall be taken to control the post development peak rate of runoff so that it does not exceed pre-development runoff for the twenty-five (25) year storm event and for additional storm event frequencies as specified in the design criteria of the "Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire.

4.8.3.9 Storm drainage plan of the site shall be designed for a twenty-five (25) year storm and if an existing drainage system to which the site drainage system will be connected is inadequate, provisions shall be made for retention and gradual release of storm water in order to meet the twenty- five (25) year storm demand.

4.8.3.10 Land owner will be responsible for maintenance of retention and drainage system in perpetuity.

4.8.3.11 Priority should be given to preserving natural drainage systems including perennial and intermittent streams, wetlands, swales, and drainage ditches for conveyance of runoff leaving the project area.

4.8.3.12 All temporary erosion and sediment control measures shall be removed after final site stabilization. Trapped sediment and other disturbed soil areas resulting from the removal of temporary measures shall be permanently stabilized within thirty (30) days unless conditions dictate otherwise.

4.8.3.13 Provisions shall be made for snow storage during winter months. The snow storage area shall not infringe on roads, walking, parking areas, brooks, ponds and rivers.

4.8.4 Minimum Requirements

4.8.4.1 The Planning Board may waive the requirement for all or part of an erosion and sediment control plan if they determine that a plan is unnecessary because of the size, character, or natural conditions of a site.

4.8.4.2 All requests for waivers and action thereon shall be made in writing by the applicant, and shall be accompanied with supporting technical documentation to demonstrate minimal environment impact.

4.8.4.3 The following minimum requirements apply to all projects that are not exempt, regardless of size:

4.8.4.3.1 Site drawing of existing and proposed conditions:

- a) Locus map showing property boundaries
- b) North arrow, scale, date
- c) Property lines
- d) Easements
- e) Structures, utilities, roads and other paved areas
- f) Topographical contours
- g) Critical areas
- h) Waterways, bodies of water, wetlands, drainage patterns, and watershed boundaries
- i) Vegetation
- j) Soils information for design purposes or for determining highly erodible soils shall be determined from a National Cooperative Soil Survey (NCSS) soil series map. A High Intensity Soil Map of the site, prepared in accordance with SSSNNE Special publication No. 1, can only be used for design purposes and not for determining highly erodible soils.
- k) Temporary and permanent erosion and sediment control BMPs
- l) Areas and timing of soil disturbance
- m) A schedule for the inspection and maintenance of all BMPs

4.8.4.3.2 Narrative section including discussion of each measure, its purpose, construction sequence, and installation timing as they apply to the site.

4.8.5 Completed Application Requirements for Erosion and Sedimentation Control Plan

4.8.5.1 The Planning Board shall require each of the following in the final plan unless the project is deemed of sufficiently minimal impact to qualify for the minimum requirements specified in Subsection 4.8.4 of these Regulations.

4.8.5.1.1 Construction drawing of existing and proposed conditions:

- a) Locus map showing property boundaries
- b) North arrow, scale, date
- c) Property lines
- d) Structures, utilities, roads, earth stockpiles, equipment storage, and stump disposal
- e) Topographical contours at 2-foot intervals
- f) Extent of the 100-year flood plain boundaries, if published or determined
- g) Soils information for design purposes from a National Cooperative Soil Survey (NCSS) soil series map, or at the discretion of the Board, High Intensity Soil Map of the site, prepared in accordance with SSSNNE Special Publication No. 1. Highly erodible soils shall be determined by soil series.
- h) Easements
- i) Areas of soil disturbance
- j) Areas of cut and fill
- k) Areas of poorly and very poorly drained soils, including any portion to be disturbed or filled
- l) Location of all structural, non-structural, and vegetative erosion and sedimentation control BMPs
- m) Identification of all permanent control BMPs
- n) Critical areas, stockpile and staging areas
- o) Vegetation
- p) Tabulated sequence of construction
- q) Within the project area, and within 400 feet of the project boundary, surface waters, wetlands, drainage patterns, and watershed boundaries.

4.8.5.2 Other Plan Requirements:

- a) Construction schedule
- b) Earth movement schedule
- c) Description of temporary and permanent vegetative BMPs, including seeding specifications
- d) Description of all structural and non-structural BMPs with detailed drawings of each, as appropriate
- e) A report section, including:
 - (1) Design calculations for all temporary and permanent structural control BMPs
 - (2) A proposed schedule for the inspection and maintenance of all BMPs
 - (3) Identification of all permanent control measures and responsibility for continued maintenance
 - (4) A drainage report with calculations showing the volume, peak discharge, and velocity of present and future runoff
 - (5) When detention structures are planned to reduce future condition peak discharge, the soil cover complex method shall be used to compute the runoff volume and peak discharge for designing the structure. The design will conform to the criteria outlined for those types of structures given in the "Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire."

4.8.6 Responsibility for Installation and Construction

4.8.6.1 The applicant shall bear final responsibility for the installation, construction, inspection and disposition of all erosion and sediment control measures required by the provisions of these Regulations.

4.8.6.2 The Planning Board may require a bond or other surety, as described in Subsection 5.7 in an amount and with surety conditions satisfactory to the Board, providing for the actual construction and installation of such measures within a period specified by the Planning Board and expressed in the bond or the surety.

4.8.6.3 Site development shall not begin before the erosion and sediment control plan receives conditional approval. Best Management Practices shall be installed as designed and schedules as condition of final approval of the plan.

4.8.7 Maintenance and Inspection

4.8.7.1 A narrative description of on-going maintenance requirements for water quality protection measures required by erosion and sediment control plans after final Planning Board approval shall be recorded on the deed to the property on which such measures are located. Responsibility for maintenance by subsequent owners of the property on which the permanent measures have been installed shall be included in the deed and run with the land. The description so prepared shall comply with the requirements of RSA 478:4-a. For improvements which require easements on property owned by another, the easement must be recorded at the Rockingham County Registry of Deeds. If the owner fails to adequately maintain such measures, the Town shall have the authority to perform the required maintenance. The cost of such work shall be borne by the property owner. This information shall also be recorded with the plan.

4.8.7.2 The Planning Board may require routine inspections to verify on-going maintenance of water quality protection measures. Such inspections shall be performed by the designated agent at reasonable times to the landowner.

4.8.7.3 If permission to inspect is denied by the landowner, the designated agent shall secure an administrative inspection warrant from the district or superior court under RSA 595-B.

4.8.7.4 The Board of Selectmen may require a fee for routine inspections of water quality protection measures. The fee shall be paid by the owner of the property. A fee schedule shall be established by the Planning Board which represents the cost of performing an inspection of various types of water quality protection measures. The procedure for the adoption of the fee schedule shall be as provided in RSA 414:9-a.

4.8.8 Plan Review and Approval

4.8.8.1 Technical review of any erosion and sediment control plan prepared under these Regulations shall be conducted by the Rockingham County Conservation District or other qualified professional consultant, as determined to be appropriate by the Planning Board, at the expense of the applicant.

4.8.8.2 The Planning Board shall indicate approval of the erosion and sediment control plan, as filed, if it complies with the requirements and objectives of these Regulations. Such approval shall be a component of site plan approval. If disapproved, a list of plan deficiencies and the procedure for filing a revised plan will be given to the applicant.

4.8.9 Other Required Permits

In addition to local approval, the following may be required:

4.8.9.1 RSA 485-A:17 requires a permit from the New Hampshire Water Supply and Pollution Control Division for "...any person proposing to significantly alter the characteristics of the terrain, in such a manner as to impede natural runoff or create an unnatural runoff...". Regulations require this permit for any project involving more than 100,000 contiguous square feet of disturbance or if such activity occurs in or on the border of the surface waters of the state.

4.8.10 Enforcement

4.8.10.1 Any violation of the requirements of these Regulations shall be subject to the enforcement procedures detailed in RSA 676. The designated agent shall be responsible for the enforcement of the provisions of these Regulations.

4.8.10.2 Written Notice of Violation. A written notice of violation shall be issued to the property owner by registered mail from the designated agent if the agent determines that conditions at the site are in violation of any of the requirements of these Regulations or plans approved under these Regulations and that the violation is not an immediate threat to public health and safety. The notice of violation shall:

4.8.10.2.1 Specify the actions or conditions which violate the requirements of these Regulations or plans approved under these regulations;

4.8.10.2.2 Identify what needs to be done to correct the violation(s);

4.8.10.2.3 Specify a reasonable time frame within which the violation(s) will be corrected; and

4.8.10.2.4 Be provided to the property owner with a copy to be kept in the official records of the Planning Board.

4.8.10.3 Cease and Desist Order. A Cease and Desist Order may be issued to the property owner by the designated agent if the agent determines that conditions at the site are in violation of any of the requirements of these Regulations and the violation is either:

4.8.10.3.1 An immediate threat to the public health or safety; or

4.8.10.3.2 The property owner has failed to take corrective action(s) identified in a written notice of violation issued under Subsection 7.4.10.2 of these Regulations within the time frame specified therein.

4.9 Special Flood Hazard Areas

4.9.1 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 and State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

4.9.2 The Planning Board shall require that all subdivision proposals and other proposed new developments greater than fifty (50) lots or five (5) acres, whichever is lesser, include within such proposals base flood elevation data. Sufficient evidence (construction drawings, grading and land treatment plans) shall be submitted so as to allow determination that:

4.9.2.1 All such proposals are consistent with the need to minimize flood damage.

4.9.2.2 All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage.

4.9.2.3 Adequate drainage is provided so as to reduce exposure to flood hazards.

4.10 Landscaping and Planting

4.10.1 Installation and preservation of landscaping and preservation of natural and scenic features shall be undertaken by the Applicant where ever possible to enhance the environment of the subdivision and the Town of Chester.

4.10.2 All planting strip areas at sides of streets shall receive a minimum of four (4) inches of compacted, good loam, free of sods, clay and stones over one inch in diameter shall be raked out and removed.

4.10.3 After placement of loam, planting strips shall be seeded with slope mix approved by New Hampshire Department of Transportation specifications.

4.10.4 All new earth slopes shall be mulched and seeded.

4.10.5 All disturbed portions of the lot shall be loamed and seeded.

4.11 Fire Protection

The following fire protection measures shall be constructed and approved by the Town's Consulting Engineer and Fire Chief before a Building Permit will be issued for construction of a dwelling or structure.

4.11.1 All subdivisions creating greater than nine (9) new house lots or with the potential of creating same in the future (i.e. subdivisions of parcels larger than twenty (20) acres) must be located within one half of a mile of an adequate dry hydrant, cistern, or pressure hydrant.

4.11.2 A dry hydrant will be considered adequate if it is capable of providing 30,000 gallons of water during the driest time of the year (based on 1,000 G.P.M. for 30 minutes.) and is protected by a six (6) foot high chain link fence surrounding its entire dry perimeter.

4.11.3 If a dry hydrant exists within 1/2 mile of a proposed subdivision, but is not deemed adequate by the Chief of the Chester Fire Department, it will be the

responsibility of the Applicant to perform whatever work would be necessary to provide adequate storage capacity as specified under 4.9.2, above. All costs incurred will be borne by the Applicant.

4.11.4 If no dry hydrant, cistern or pressure hydrant exists within 1/2 mile of a proposed subdivision, it shall be the responsibility of the Applicant to construct, at his own cost, an adequate impounding area to maintain a supply of 30,000 gallons of water during the driest time of the year, within 1/2 mile of the proposed subdivision, or 30,000 gallon cistern.

4.11.4.1 The Applicant shall also be responsible for providing all screens, pipes, elbows, fittings and caps necessary for the Chester Fire Department to connect a four (4) inches diameter suction hose to the supply connection.

4.11.4.2 In all cases, in order to be deemed as adequate, six (6) foot high chain link fencing will be required around the dry perimeter of the dry hydrant. This cost will be borne by the Applicant.

4.11.5 If it becomes physically impossible to locate or construct a dry hydrant, cistern or pressure hydrant with 1/2 mile of the proposed subdivision, the subdivision will be considered premature and will be denied subdivision approval due to inadequate fire preventive resources.

4.11.6 The design of dry hydrants and cisterns shall be subject to the review and approval of the Chief of the Chester Fire Department as well as the Chester Planning Board. Dry hydrants and cistern shall be conveyed to the Town of Chester by the Applicant with a Warranty Deed.

4.11.7 Dry hydrants and cisterns shall be located a maximum of seven (7) feet above the seasonal low water of the fire pond, or bottom of cistern and be located at the property line.

4.11.8 Dry hydrant piping shall be installed and configured in accordance with the Chester Fire Department Regulations for same.

4.11.9 Cisterns shall be constructed of re-enforced cast-in-place concrete with an interior waterproof coating. The cistern shall pass a two week, zero allowable leakage test conducted by the developer; and a 1,000 G.P.M. flow test conducted by the fire department.

4.11.10 Cisterns shall have separate suction, fill and vent piping. All said piping to be schedule 40 steel with corrosion resistant coating.

4.11.11 Cisterns shall be designed by a New Hampshire registered professional structural engineer. The design and construction shall be in accordance with all appropriate A.C.I. including 301, 318 and 315, local, state and BOCA building requirements and shall meet H-20 loading requirements.

4.11.12 Adequate precautions shall be designed into the structure to resist freezing of the cistern contents.

4.11.13 Cistern design and construction shall be in accordance with Chester Fire Department Regulations for same.

4.11.14 The Chief of the Chester Fire Department will be the final authority for adequacy of all pressure hydrants, cisterns, dry hydrants, as well as, any other fire protection measures.

4.12 Driveway Regulations

4.12.1 Purpose and Authority

The purpose of these regulations is to implement the powers conferred by RSA 236:13 for regulation of access to public highways under the jurisdiction of the Town of Chester.

4.12.2 Permit Required

No driveway giving access to a Class V highway or road shown on a subdivision plat shall be constructed or altered in any way that substantially effects the size and grade of the driveway within the limits of the public right-of-way without a written permit issued by the Planning Board or its designee.

4.12.3 Administration

The Planning Board or its designee shall administer the permit application process, perform site inspections where appropriate, issue enforcement directives in connection with these regulations.

4.12.4 Permit Fee

A fee, established by the Planning Board, shall be submitted by the Applicant to the Planning Board or its designee prior to the issuance of the Driveway Permit, to defray the cost of processing the application. For the dollar amount, please consult the Planning Board Schedule of Charges.

4.12.5 Permit Application

Permit application shall be obtained from and submitted to the Planning Board or its designee along with the septic design plan.

4.12.6 Security for Improvements

The Planning Board or its designee may require security in a form and amount acceptable to the Planning Board for improvements to the driveway before any work commences and before any Building Permits are issued (See Schedule of Charges).

The security shall be placed under the control of the Planning Board or its designee. Before voting to release the security, the Planning Board shall determine to its satisfaction, that the improvements have been completed.

4.12.7 Information Required

The application shall provide details concerning the location, size, use, profile, headwall detail and where required by the Planning Board or its designee, submit engineering information concerning the proposed driveway. Details will be located on the septic design plan.

4.12.8 Scope of Review

The Planning Board or its designee may approve, approve with conditions, or disapprove driveway permit applications. In reviewing driveway permit applications, the Planning Board or its designee shall consider the safety of the traveling public and the requirements of the road construction and drainage. The Planning Board or its designee may prescribe appropriate grading specifications, drainage structures and traffic control devices, and may require the applicant to bear the cost thereof.

4.12.9 Driveway Construction Standards

All newly constructed driveways shall be constructed as follows:

4.12.9.1 Driveways must be graded and have proper drainage to prevent runoff from entering a Town right-of-way.

4.12.9.2 Where required, culverts must be a minimum of twelve (12) inch ABS and must extend at least six (6) feet from the edge of pavement or gravel.

4.12.9.3 All culverts must have headwalls built on each end.

4.12.9.4 Minimum one (1) foot cover over culvert.

4.12.9.5 Sight distance ten (10) feet back from the edge of the roadway and five (5) feet high, should be two hundred (200) feet. May require clearing of brush and/or trees.

4.12.9.6 Driveway width shall be twelve (12) feet.

4.12.9.7 Driveway may flare to twenty-two (22) feet at roadway.

4.12.9.8 Base must be at least six (6) inches of bankrun gravel. Recommend ten (10) inches.

4.12.9.9 Surface must be at least four (4) inches of processed gravel. Recommend six (6) inches.

4.12.9.10 No driveway shall have a slope greater than 10%.

ARTICLE 5
CONSTRUCTION

5.1 Street Construction

5.1.1 Right-of-Way Preparation

Before any clearing has started on the right-of-way, the center line of the new street shall be staked and sidestaked at 50 foot intervals. Limits of clearing shall be marked by stakes or flagging. Distances from the center line shall be obtained from the cross sections. The stakes shall be maintained throughout the roadway construction.

5.1.2 Before grading is started, the right-of-way area directly dedicated to the construction of the roadway and shoulders shall be cleared of all stumps, roots, brush, and other objectionable material. All ledge, large boulders, and tree stumps shall be removed from this area.

5.1.3 Tree stumps and other organic materials shall be removed below the subgrade of the roadway. Ledge shall also be removed to a depth of two feet below the subgrade of the roadway. Test pits will be performed, as directed by the Town Consultant, to determine if ledge exists within two (2) feet of the subgrade level. On soils which are not suitable for roadways, the subsoil shall be removed from the street site to a depth of two (2) feet below the subgrade and replaced with material meeting the specifications for gravel aggregate sub-base below.

5.1.4 Subbase

All fill material necessary to achieve subgrade elevation shall consist of stone and sand reasonably free from loam, silt, clay and organic material and shall meet the requirement of the following table:

<u>Sieve Size</u>	<u>Percent Passing By Weight</u>
6 inch	100
No. 4	20 – 100
No. 200	0 - 12

5.1.5 Base

A gravel base shall be placed on a previously prepared subgrade of acceptable well-draining granular soil. The base shall consist of a minimum of twelve inches of well-compacted bank run gravel covered with a minimum of six inches of equally well-compacted crushed bank run gravel. The bank run gravel base and the crushed bank run gravel base under the pavement shall each be graded at a cross slope of 1/4 inch per foot. Bank run and crushed bank run shall conform to Section 304 of the

Standard Specifications for Road and Bridge Construction (latest edition) by the State of New Hampshire Department of Transportation.

5.1.6 Gradation Testing

All fill, sand, gravel and crushed gravel shall be tested for gradation in accordance with Section 304, Subsection 3.5 of the New Hampshire Department of Transportation specifications. Test results shall be submitted to the Town Consultant for review and approval. All costs shall be at the developer's expense.

5.1.7 Compaction Testing

All fill, sand, gravel and crushed gravel shall be tested for compaction in accordance with Section 304, Subsection 3.6 and 3.7 of the New Hampshire Department of Transportation specifications. Compaction tests shall not exceed 12 inches in depth and test results shall be submitted to the Town Consultant for review and approval. All costs for testing shall be at the developer's expense.

5.1.8 Slope Stabilization/Seeding

Prior to paving, all sideslopes, ditches, treatment swales and detention areas shall be final graded, loamed and seeded.

5.1.9 Pavement

Paving shall be hot bituminous pavement and shall be placed in two courses. The courses shall consist of a 2 1/2 inch binder course and 1 1/2 inch wearing course. The bituminous pavement shall be batched and placed in accordance with Section 401 of the Standard Specifications for Road and Bridge Construction (latest edition) by the State of New Hampshire Department of Transportation.

5.1.10 As-Built Plans

"As Built" plans will be submitted to the town's consulting engineer and the Planning Board at the completion of the installation of the crushed bank run gravel. Placement of pavement cannot take place until plans have been submitted.

At the completion of construction, as-built plans of all improvements must be submitted with certification by a registered engineer and/or registered land surveyor printed thereon that all installations are as shown. These as-built plans will show true locations of catch basins, headers, underground utility locations and depths (telephone, water, sewer and electric), drain man holes, and any other pertinent information. As-built plans shall be one mylar and three copies.

5.1.11 Monumentation

If the subdivision involves the construction of a roadway, all monumentation shall be in place before fifty percent (50%) of the surety held for the road construction is released; and if the subdivision does not involve the construction of a roadway, all

monumentation shall be in place prior to the signing of the subdivision plan by the Planning Board Chairman; and once in place, a form certifying that the monumentation has been accurately installed shall be filed with the Planning Board by the subdivider. The form shall contain the signature and seal of the licensed land surveyor that certified the placement of the monumentation.

ARTICLE 6

APPROVAL AND DISAPPROVAL

6.1 Extension

The Planning Board may apply to the Board of Selectmen for an extension not to exceed an additional ninety (90) days before acting to approve or disapprove an application, or the applicant may waive the requirement for the Planning Board action within the time periods specified in Subsection 3.4 and consent to such extension as may be mutually agreeable. Said waiver must be signed by both applicant and Planning Board.

6.2 Failure of the Planning Board to Act

6.2.1 In the event that the Planning Board does not act on an accepted application within the prescribed sixty-five (65) days, the applicant may petition the Selectmen to issue an order directing the Planning Board to act within thirty (30) days.

6.2.2 If the Planning Board fails to act within forty (40) days of this directive, the Selectmen must approve the application unless they find in writing that the plan does not comply with a local regulation. In the event the Selectmen fail to act, the applicant may petition superior court to approve the plan.

6.3 Disapproval

In the case where the Planning Board formally disapproves of any application for subdivision approval submitted to the Planning Board, all the grounds for such disapproval shall be adequately stated upon the records of the Planning Board and written confirmation sent to the applicant.

6.4 Conditional Approval

The Board may grant conditional approval of an application, but the plat will not be signed or recorded until all of the conditions precedent have been met. If the applicant has not complied with the conditions of approval within one (1) year, the approval is considered null and void and the applicant must submit a new subdivision application. A further public hearing is not required when such conditions:

6.4.1 Are administrative in nature.

6.4.2 Involve no discretionary judgment on the part of the Board.

6.4.3 Involve the applicant's obtaining of permits and approvals granted by other boards or agencies, such as the Department of Transportation, the Wetlands Board, or Water Supply and Pollution Control Division; however, any subsequent change to the plan required by such approvals would constitute grounds for a new application process.

6.4.4 Within sixty (60) days after the expiration of the conditional approval, the Planning Board shall hold a public hearing pursuant to RSA 676:4-a to determine the final status of the proposal.

6.5 Recording of Final Plat

Following approval of the final plat, with the signature of the Planning Board thereof, the Planning Board shall have the original tracing of the approval final plat recorded in the Rockingham County Registry of Deeds within thirty (30) days of the date of approval. The applicant shall be held liable for all costs associated with the Planning Board's having the plat recorded.

ARTICLE 7

MISCELLANEOUS PROVISIONS

7.1 Appeal

Any persons aggrieved by any decision of the Planning Board concerning a plat or subdivision may, in accord with the provisions of RSA 677:15, present to the Superior Court of Rockingham County a petition, duly verified, setting forth that decision is illegal or unreasonable in whole or in part, specifying the grounds upon which the same is claimed to be illegal or unreasonable. Such petition shall be presented to the Court within thirty (30) days after the filing of the decision in the office of the Planning Board.

ARTICLE 8

SCHEDULE OF CHARGES

Subdivisions

Abutters Fee	\$ 10.00 (domestic) \$ 20.00 (international)
Application for Major/Minor Subdivision, Cluster or Resubdivision	\$ 300.00 Per lot
Lot Line Adjustment_	\$ 150.00

Additional Documents

Recording Fees (mylar)	\$ 40.00
Recording Fees (Conditions of Approval)	\$ 35.00
Noticing (Newspaper)	\$ 150.00
Postage for Re-mailing	\$ 5.00

Engineering Review costs

Open Space Subdivision

Pre-Application Review	\$500.00
(Billed at a flat hourly rate, any remaining funds from the \$500.00 will be credited to subsequent reviews)	

(Make check payable to DuBois & King, Inc. and submit with Application)

Design Review	Per Contract
Acceptance/Approval	Per Contract

Conventional Subdivision

Review	Per Contract
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Effective May 9, 2006, a fee of \$25.00 will be charged for all returned checks.

Appendix "A"

APPLICATION FOR SUBDIVISION
ACCEPTANCE/APPROVAL
CHESTER PLANNING BOARD

MAP #_____, LOT #_____

TO BE COMPLETED BY APPLICANT

1.

2. Owner of Record: _____

Address _____

Telephone # _____

Name of Applicant if different than owner:
(Attach a letter authorizing representation)

Address _____

Telephone # _____

3.

Name of Lien Holder if different than owner:

Address _____

Telephone # _____

4.

Name of licensed engineer and/or land surveyor:

Address _____

Telephone # _____

5. Location of Subdivision (Street/Road Name):

6. Type of Subdivision?

_____ Major _____ Minor _____ Open Space

_____ Re-subdivision _____ Lot Line Adjustment

7. a. Total acreage of parcel: _____ Acres

b. Total acres of wetland: _____ Acres

c. Total acres of wetland impact: _____ Acres

d. Number of lots being created: _____

8. Zoning District: Residential (R-1) _____ Commercial (C) _____

9. Will there be further subdivision of this parcel within five (5) years of this approval?

_____ Yes _____ No

10. Is the road this subdivision is on paved _____ or gravel _____?

11. Was this property the subject of a variance from the Zoning Board of Adjustment at any point in time?

_____ YES If Yes, Case #: _____

_____ NO

DO YOU HAVE THE FOLLOWING ITEMS ATTACHED?

Application Fee _____

Completed Checklist _____

List of Abutters _____

Subdivision Plans **X** six (6) _____

Other Required Documents per
Ordinance/Regulations/Checklist _____

Signature of Applicant Date _____

Signature of Applicant Date _____

Signature of Representative Date _____

Signature of Owner of Record Date _____

05/01/02

APPLICATION
FOR A
CONDITIONAL USE PERMIT
CHESTER PLANNING BOARD

Required if applying to Wetlands Board

Map # _____ Lot # _____

DATE _____

APPLICANT:

ADDRESS:

TELEPHONE NUMBER: _____

LOCATION OF PARCEL UNDER CONSIDERATION:

(Road Name)

A. Provide in writing and in as much detail as possible, the reason(s) for requesting a "Conditional Use Permit". (Attach a separate document).

B. Provide the Planning Board with any engineering plans which support the request for a "Conditional Use Permit". (Attach a separate document).

C. Additional data:

1. Is this request associated with a recent subdivision, site plan or excavation operation?

Yes ____ No ____

2. If "Yes", name of the activity

Signature of Applicant _____

Chester's Road Name Advisory Committee

This Committee was appointed by the Chester Board of Selectmen in 1999 to act on behalf of the Board of Selectmen in naming new roads in the town.

The Committee is made up of interested and informed citizens who are eager to contribute their considerable expertise to help the Town of Chester in selecting road names that are appropriate to the location and reflect the character and history of the Town. A member of the Police and Fire Departments is invited to all meetings, which are called on an ad hoc basis throughout the year.

In completing the Application it is essential that the Applicant attach a diagram or map of the location, as well as the number of roads needing names.

If the Applicant has interest and knowledge of the area the Committee will welcome that information. While an Applicant may offer his or her suggestion for the road name, the Committee for conformity with the regulations will review it and to be sure the name reflects the character and history of the Town. The decision of the Committee is final. Any appeal must be for cause and to the Board of Selectmen.

Chester's Road Name Advisory Committee

Application For Road Name
Chester Road Name Advisory Committee
c/o Chester Planning Board
84 Chester Street, Chester, NH 03036

Part One – To be completed by Applicant

*Date Filed _____ *Name Needed by _____

*Applicant/Owner _____ * Map _____ *Lot _____

*Contact Person _____ *Phone: _____

*Name of subdivision (if applicable) _____

*Location with reference to existing roads: **Please attach sketch or drawing on a sheet of 8-1/2” x 11” paper showing new road(s) as they relate to existing roads, copy of plan or map ok.** _____

*Number of roads needing names _____

Historic significance or prior use of land if known (for example: “Holt Orchard”; “Whippoorwill Farm”, etc.): _____

List three (3) name(s) in order of preference: _____

Note: Committee is not bound by any suggestion

*** THESE MUST BE FILLED OUT OR APPLICATION WILL NOT BE CONSIDERED**

Should you have questions concerning this application, please call Liz Richter, RNAC Planning Board Liaison, liz@gsinet.net. Thank you.

Part Two: Official Use Only

Name(s) approved by RNAC _____

RNAC-s/ _____

Approved by Fire Dept. _____ Title: _____

Approved by Police Dept. _____ Title: _____

Approved by Selectmen s/ _____

s/ _____

s/ _____

s/ _____

s/ _____

Approval **Denied by** and reason _____

Accepted by Planning Board _____ Date: _____

Copy sent to Applicant _____ Date: _____

Revised 06/06

QUADRANT LIST OF STREET NAMES FOR NEW ROADS IN THE
TOWN OF CHESTER, NH



At the discretion of the Road Naming Advisory Committee, a name appropriate to the history of Chester may be assigned. (Revised 7/2006)

BELOW IS A SUGGESTED LIST OF HISTORICAL NAMES WHICH CAN BE USED FOR NEW ROAD IN THE TOWN OF CHESTER, NEW HAMPSHIRE.

Bell	Morse
Blaisdell	Noyes
Chase	Nichols
Davis	Richardson
Dolloff	Robie
Downing	Sanborn
Flagg	Spollett
Forsythe *	Stevens
Gillingham	Tolford
Goldsmith	Townsend
Hazelton	Weeks*
Hunt	West*
Ingalls	Wilcomb
Lewis	Underhill
Melvin	Vaal

The nouns Lane, Road, Drive, Avenue, or Circle may be used to identify a road.

* Denotes names with a North Chester background

UTILITY NOTIFICATION LIST

Send a copy of the subdivision plan to the appropriate utility company and provide the Planning Board with a copy of the cover letter for proof of submission.

New Hampshire Electric Coop, Inc.
Line Design Supervisor
Engineering Department
579 Tenney Mountain Highway
Plymouth, NH 03264

Public Service Company of NH
1000 Elm Street
Manchester, NH 03101

Granite State Telephone
Raymond Blevin
425 South Stark Highway
Weare, NH 03281

Send the following information to the cable company:

1. A set of plans.
2. A copy of the Power Companies design must be forwarded so the cable company can design the current and future cable plant. The size, type and number of conduits needed in an underground area will be determined upon completion of the cable company's design. If utility poles are used the cable company will need the number of poles and which lots they will feed.
3. If the homes or businesses are located 200' or more from the street then a 2" schedule 40 conduit with a pull line must be provided to the building.

SCHEDULE OF CHARGES

Subdivisions

Abutters Fee	\$ 10.00 (domestic)
	\$ 20.00 (international)

Application for Major/Minor Subdivision, Cluster or Resubdivision	\$ 300.00 Per lot
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Lot Line Adjustment_	\$ 150.00
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Additional Documents

Recording Fees (mylar)	\$ 40.00
------------------------	----------

Recording Fees (Conditions of Approval)	\$ 35.00
---	----------

Noticing (Newspaper)	\$ 150.00
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Postage for Re-mailing	\$ 5.00
------------------------	---------

Engineering Review costs

Open Space Subdivision

Pre-Application Review	\$500.00
------------------------	----------

(Billed at a flat hourly rate, any remaining funds from the \$500.00 will be credited to subsequent reviews)

(Make check payable to DuBois & King, Inc. and submit with Application)

Design Review	Per Contract
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Acceptance/Approval	Per Contract
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Conventional Subdivision

Review	Per Contract
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Effective May 9, 2006, a fee of \$25.00 will be charged for all returned checks.

Appendix "B"

**CHECKLIST FOR SUBDIVISION APPLICATION
ACCEPTANCE/APPROVAL
CHESTER PLANNING BOARD**

MAP #_____, LOT #_____

DATE _____

PLAN TITLE _____

OWNER OF RECORD _____

APPLICANT _____

ENGINEER/SURVEYOR _____

STREET/ROAD LOCATION _____

IS THIS SUBDIVISION ON A CLASS 5 OR BETTER ROAD? _____

A. Show the following on your plot plan. Submit six copies:

1.	Names of and Map/Lot Numbers for all abutters	
2.	Locus drawn to an adequate scale	
3.	3" X 5" block for signatures of Planning Board	
4.	Name of Proposed Subdivision	
5.	Name and Address of the Owner of Record with signature	
6.	Name and Address of the licensed engineer and/or land surveyor	
7.	Name and Address of the Wetland and Soil Scientists and their seal	
8.	Title, scale, north arrow, date and surveyor's seal	
9.	Error of Closure statement and signature	
10.	Certificate of Title (Deed Reference)	
11.	Streets and Street Names	
12.	Existing structures, wells, septic and leach field on property if applicable	
13.	Services and Utilities	
14.	Boundaries, rights of way, easements	
15.	Total acreage and square footage of lot	
16.	Individual acreage and square footage of each lot	

17.	Location and description of all permanent lot boundary markers inclusive of easement markers, if required	
18.	Reference to any variance from the ZBA	
19.	State Approvals	
	Subdivision	
	Site Specific	
	Wetland Board	
	Natural Heritage	

B. DETAILED INFORMATION to be included in the Application for Subdivision Acceptance. Submit six (6) copies:

1. Wetlands

Identify and calculate on a plan:

a.	Water courses and watersheds	
b.	Open bodies of water	
c.	Hydric A and B soils	
d.	Application for Conditional Use Permit (If applying to Wetlands Board)	

2. Soil Data

a.	Topographical survey of entire parcel	
b.	Subsoil data on individual lots	
c.	Verification of subsoil testing from Building Inspector	
d.	Prime Farmland. Identify in area _____ sq. ft.	

3. Roads

a.	Calculate water runoff	
b.	Calculate water velocity	
c.	Application for proposed road name	
d.	Road plans with road profile	
e.	Traffic Impact Study for four or more lots	
f.	Total length of pavement from last point of multiple access	

4. Additional Information:

a.	Cluster Calculation	
b.	Open Space Calculation	
c.	*Copy of notification letter to utility (see attached)	
d.	Application for Conditional Use Permit	
e.	*Letter authorizing representation	
f.	*Drainage Calculations on all subdivisions	

For more detailed information regarding wetlands, soils and roads, refer to the Chester Zoning Ordinance and Subdivision Regulations. Both may be obtained from either the Selectmen's Office or the Planning Board Office during regular business hours. Should the Board have any particular concerns about the soils, they may wish to involve an engineering consultant. This is done at the expense of the applicant.

Signature of Owner of Record

Date

Signature of Representative

Date

*** Must be provided**

Revised 5/1/2002

Appendix “C”

TRAILS

Space Reserved