

**Town of Chester  
New Hampshire**

**Site Plan Review Regulations**

**As of February 28, 2024**

# Site Plan Review Regulations

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# **Town of Chester Site Plan Review Regulations**

## **Article 1 – Authority and Title**

**1.1** - Pursuant to the authority vested in the Planning Board by the voters of the Town of Chester on May 3, 1979, and October 15, 1985, and in accordance with the provisions of RSA 674:43 and 44, New Hampshire Revised Statutes Annotated (RSA), the Planning Board has been empowered to review and approve or disapprove site plans for the development or change or expansion of use of tracts for non-residential uses, or for multi-family dwelling units (three or more units) whether or not such development includes the subdivision or re-subdivision of the site.

These regulations shall be known, and may be cited as, the "Town of Chester Site Plan Review Regulations," hereinafter referred to as "Site Plan Review Regulations." The current set of regulations revises and replaces any prior Site Plan Review Regulations, as amended, and takes effect upon adoption by the Board and filing with the Town Clerk of the Town of Chester, in accordance with RSA 675:6. A copy shall also be filed with the New Hampshire Office of State Planning in accordance with RSA 675:9.

## **Article 2 – Purpose and Intent**

**2.1** - The purpose of the site plan review procedure as detailed in RSA 674:44 is to protect the public health, safety and welfare; to promote balanced growth; to ensure sound site utilization; to avoid development which may result in adverse environmental impacts; to promote sustainable development and smart growth, to promote pedestrian oriented development, to prevent premature and uncoordinated development of land without adequate provisions for public services and facilities; and to guide the character of development. The site plan review procedure is intended to encourage the developer to create a site plan that emphasizes the four major categories of the Innovative Land Use Planning Techniques (ILUG): prosperity, sustainability, livability and mobility.

As provided by RSA 674:44, these regulations provide the procedures which the board shall follow in reviewing site plans; define the purposes of site plan review; specify the general standards and requirements with which the proposed development shall comply, including appropriate reference to accepted codes and standards for construction; include provisions for guarantees of performance, including bonds or other security; and include provision for waiver of any portion of the regulations in such cases where, in opinion of the Planning Board, strict conformity would pose an unnecessary hardship to the applicant and waiver would not be contrary to the spirit and intent of the regulations.

The site plan review procedure in no way relieves the developer, his/her agent, or any other individual from compliance with the Zoning Ordinances, Subdivision Regulations, or any other ordinance which pertains to the proposed development. No site plan will be finally approved until it complies in all respects with any and all applicable ordinances and regulations of the Town of Chester.

## **2.2 - Conflicting Provisions and Validity**

Whenever the regulations made under Planning Board authority differ from those prescribed by any statute, ordinance, or other regulations, that 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 these regulations.

## **Article 3 – Definitions**

**3.1** – The definitions contained in the Town of Chester Zoning Ordinance and in the Subdivision Regulations shall apply to the Site Plan Review Regulations unless a different definition is adopted in these regulations.

3.1.1 - Development - Development means construction of a structure or structures or other improvements on a tract of land for any non-residential use or for multi-family dwelling units (which are defined as any structures containing more than two (2) dwelling units), whether or not, such development includes a subdivision or re-subdivision of the site.

3.1.2 - Reconstruction - The activity of constructing something again.

3.1.3 - Innovative Land Use Planning Techniques Guide (ILUG) - A Handbook for Sustainable Development, October 2008, compiled by NH DES; NH Association of Regional Planning Commissions; NH OEP and NH Municipal Association and future updates shall be kept on file with the Chester Planning Department.

## **Article 4 – Jurisdiction**

**4.1** - Except as provided in Section 4.2, no person shall commence development, change or expand non-residential or multi-family dwelling use, or clearing land for any such purpose, (except for the purpose of septic system percolation tests), without site plan approval from the Planning Board.

**4.2** - Site plan approval shall not be required for change or expansion of existing non-residential or multi-family dwelling use if the Planning Board, upon request of the applicant, finds that the following criteria are fulfilled:

- (a) The existing use has an approved site plan;
- (b) The proposed change or expansion will not add more than 7% or 1,500 square feet, whichever is less, to the floor area of the existing structure(s);

(c) A proposed change or expansion would not create significant impacts on surrounding property in terms of traffic, parking, storm-water run-off, light, noise, odor or vibration, etc.; and

(d) The site has not received a previous exemption under this section.

**4.3** - No building permit for a non-residential or multi-family dwelling structure shall be issued without site plan approval or an exception granted under Section 4.2.

## **Article 5 – General Information Regarding the Site Plan Review Process**

**5.1** - It is recommended that the applicant read the Town of Chester Zoning Ordinance, Building Code and Subdivision Regulations.

**5.2** - The applicant shall make an application using appropriate forms (See Appendices F & G) provided by the Planning Board and shall comply with the application procedures and any other applicable regulations adopted by the Town of Chester.

**5.3** - In the case where an owner of contiguous land which is located in more than one municipality applies to the Planning Board for site plan review, the proceedings will be done in conformance with the standards outlined in RSA 674:53, Land Affected by Municipal Boundaries.

**5.4** - The applicant shall be required to pay all reasonable costs or fees for special investigative studies, engineering reviews and review of documents, which are particular to the application, in addition to administrative and notification fees as required by the Planning Board, in accordance with RSA 676:4, 1(g).

**5.5** - The Planning Board or its representative may make one or more visual on-site inspections of the land at any stage of the proposal. Inspection shall be conducted at such time when the site is free of snow cover, unless the Planning Board is otherwise satisfied that such inspection is not required.

**5.6** - If a plan is withdrawn prior to hearing notification for the plan, no further action is required by the Planning Board, and the plan will be considered terminated. One copy of any such plan(s) shall be retained for Board files.

**5.7** - The applicant shall be familiar with the Innovative Land Use Planning Techniques Guide (ILUG) and shall consider and utilize the land use techniques from this guide whenever appropriate and possible to ensure adequate environmental protection, smart growth and sustainable development.

**5.8** - The applicant, when preparing for storm-water management, should be guided by the Chester Storm-water Management Plan (Refer to Appendix C).

## **Article 6 – Procedures for Site Plan Review**

### **6.1 - Pre-Application Review Phase**

The Planning Board may provide for pre-application review of site plan plats in accordance with RSA 676:4, II, a-c, as follows:

#### **6.1.1 - Preliminary Conceptual Consultation Phase**

This is an optional phase centered on preliminary planning board review of and comment on the basic concept of the proposal. Such preliminary consultation is intended to facilitate compliance with site plan review requirements during final consideration. Such consultation shall not bind either the applicant or the Board, and statements made by the Planning Board members shall not be the basis for disqualifying said members or invalidating any action eventually taken.

The Board and the applicant may discuss proposals in conceptual form only and in general terms such as the desirability of types of development and proposals under the master plan. Such discussion may occur without the necessity of giving formal public notice as required under RSA 676:4, I(d); however, such discussions may occur only at formal meetings of the Board.

It is recommended that the applicant submit the following information for the preliminary consultation with the Board:

- a) Correct names, mailing addresses and zip codes of the owner(s) of record of the property and the applicant (if different), and
- b) A brief description of the proposal.

#### **6.1.2 - Design Review Phase**

This is an optional phase for nonbinding discussions between the Planning Board and the applicant, beyond conceptual and general discussions, which involve more specific design and engineering details; provided, however, that the design review phase may proceed only after identification of and notice to abutters and the general public as required by RSA 676:4, I (d). Statements made by Planning Board members shall not be basis for disqualifying said members or invalidating any action eventually taken on the application.

When meeting with the Planning Board under the design review phase option, a rough sketch of the site should be provided which shows the following:

- a) Location of lot lines;
- b) Lot measurements;
- c) Streets surrounding the site;
- d) Endangered habitats and sensitive land areas; and
- e) Water wells on abutting lots.

6.1.3 - Persons wishing to engage in either conceptual consultation, or the design review pre-application phase shall request an appointment with the Planning Board by contacting the

Planning Coordinator.

6.1.4 - Technical Review Committee - At least thirty (30) days prior to filing an application for site plan review with the Planning Board, an applicant shall submit an application to the Technical Review Committee for review of the proposed project. (8/28/19)

## **6.2 - Formal Application**

6.2.1 - Applications for site plan review shall be filed with the Planning Board and shall fulfill all the requirements of these regulations. An application, on forms approved by the Planning Board and available at the Planning Board office, shall be completed by the applicant.

At the request of the Planning Board, the applicant shall meet with the Town's designated expert or agent, before making formal application so that potential problems may be addressed as early as possible in the planning process.

A completed application will be submitted to and accepted for consideration by the Planning Board only at a public meeting for which notice has been given to the applicant, abutters and the general public.

6.2.2 - Incomplete applications shall not be placed on the Planning Board agenda.

6.2.3 - The Planning Board at any given time may deem an application complete and schedule same for a public hearing.

6.2.4 - All completed applications scheduled for Planning Board hearings shall be accompanied by the following:

6.2.4.1 - A letter of intent detailing the scope of the proposed development.

6.2.4.2 - A letter of authorization if a representative other than the property owner expects to be in charge of the development proceedings before the Board. This letter must be written by the present owner and state that the owner is in agreement with the development plans being proposed before the Board.

6.2.4.3 - On a separate piece of paper, provide the correct names and mailing addresses and zip codes of the applicant and owner(s) of record (if different), and all abutters (including those across the stream or street) as indicated in Town records to be obtained not more than five (5) days before the day of filing.

6.2.4.4 - A detailed description of innovative land use techniques to be utilized within the development site and the reason for implementing each.

6.2.5 - The applicant shall submit to the Planning Board a complete application for site plan approval, including all supporting exhibits as specified in Articles 7 and 8 of these regulations.

### **6.2.6 – Fees**

6.2.6.1 - See Schedule of Charges (Article 13).



6.2.6.2 - Costs of certified mailings for each landowner abutting the property subject to the proposed Site Plan Review.

6.2.6.3 - In the event that the abutters hearing is defaulted for any reason, or additional hearings are required, any and all additional fees shall be paid by the applicant for the new hearing.

### **6.3 - Notification**

The Planning Board shall notify the applicant and abutters by certified mail, of the date, time and place of the Planning Board meeting at which the application will be submitted to the Board for formal consideration. According to RSA 676:4(d), notice shall be mailed at least ten (10) days prior to the date of submission. Notice to the general public shall also be given at the same time by posting in two (2) public places and publishing in a local newspaper. The notice shall include a general description of the proposal, the applicant's name, and the location of the property subject to the proposal. For any public hearing on the application, the same notice as required for notice of submission of the application shall be given. If notice of public hearing has been included in any prior notice, additional notice is not required, nor shall additional notice be required of an adjourned session of a hearing properly noticed, if the date, time and place of the adjourned session was made known at the prior hearing.

### **6.4 - Acceptance, Formal Consideration and Public Hearing**

6.4.1 - At the beginning of the public hearing, the Planning Board shall formally accept for consideration the application for site plan if all requirements have been met. This marks the beginning of the sixty-five (65) day review period (RSA 676:4, I(c)). The Board may apply to the Selectmen for a time extension not to exceed an additional ninety (90) days before acting to approve, conditionally approve, or disapprove an application. An applicant may waive the time requirements for Board action within the time periods specified in these regulations.

In the event an application is found to be incomplete, the Planning Board shall notify the applicant requesting that the necessary documentation be submitted and inform the applicant that no further consideration of the application can be made until the application is complete.

6.4.2 - During the public hearing, the Planning Board will take testimony from the applicant, questions from members of the Planning Board, and questions from any abutters present and any members of the public present with an interest in the proceedings.

#### **6.4.3 - Site Inspections**

The Planning Board, together with any other appropriate Town agencies or agents, may choose to conduct one or more inspections of the property subject to the proposal. In the event such site inspections are deemed necessary by the Planning Board, the following shall be required:

6.4.3.1 - The Board shall receive permission from the applicant and/or landowner to inspect the property. Inclusion of the public at the site inspection is at the discretion of the applicant/owner.

6.4.3.2 - Such a site inspection shall be posted as a meeting of the Board pursuant to the Right-to-Know provisions of RSA 91-A.

6.4.3.3 - All applications are conditioned upon the owner/applicant allowing access to the property, to the extent reasonable and necessary for the Planning Board to properly review the application. Denial of access automatically terminates any further consideration of the proposal.

6.4.4 - The Planning Board shall not have the authority to approve an application which does not conform to the Town of Chester Zoning Ordinance.

6.4.5 - Within thirty (30) days of receipt the Board shall begin consideration of the accepted application.

6.4.6 - Decision - Within sixty-five (65) days of formal acceptance of the plan, or, if the time limits are waived or extended by the Board of Selectmen in accordance with Sections 6.4 and Article 5 above, later, the Planning Board will make a decision on the site plan proposal in one of the following ways:

6.4.6.1 - Approval - At a duly noticed public meeting, the Planning Board may act to approve, without conditions.

6.4.6.2 - Conditional Approval - The Planning Board may grant conditional approval of a plat or application. Such conditional approval shall become final without further public hearing, upon certification to the Board by its designee or based upon evidence submitted to the Planning Board by the applicant, satisfaction of the conditions imposed. Final approval of a plat or application may occur in the foregoing manner only when the conditions are:

- a) Minor plan changes, whether or not imposed by the Board as a result of a public hearing, compliance with which is administrative and which does not involve discretionary judgment; or
- b) Conditions which are in themselves administrative and which involve no discretionary judgment on the part of the Planning Board; or
- c) Conditions with regard to the applicant's possession of permits or approvals granted by other boards or agencies, provided said permits or approvals themselves do not require a change to a plat submitted to the Planning Board or to any other conditions imposed by the Planning Board.

6.4.6.3 - Disapproval - If the Planning Board finds that the application does not fulfill the requirements of these regulations, or fails to comply with other Town or State laws, or will have an adverse impact on surrounding areas or the community, the Planning Board shall disapprove the application.

6.4.6.4 - Written Decision - The Planning Board shall issue a final written decision of its action to approve, conditionally approve, or disapprove the completed application. If the application is conditionally approved, the Planning Board shall list the conditions necessary to be met by the applicant prior to final approval.

6.4.7 - In accordance with RSA 676:3, if the application is not approved, the Planning Board shall provide the applicant with written reasons for disapproval. The decision shall be placed on file in the Planning Board's office and shall be made available for public inspection within seventy-two (72) hours after the decision is made, and a copy of the decision shall be filed with the Town Clerk.

6.4.8 - Approval and conditional approval shall be good for a term of two (2) years from the date granted. The plan will become null and void if active and substantial improvements have not commenced. *(Amended 2/28/2024)*

6.4.8.1 - Active and Substantial Development or Building: For the purposes of these regulations and conditional approvals, "active and substantial development or building" shall be defined as to have occurred: *(Added 2/28/2024)*

1. When a subdivision has completed construction of all the following components within twenty-four (24) months in accordance with the approved plans:

- a) Up to the finish grade of the road/s *(see subsections 5.1.1 thru 5.1.8 under Article 5 - Construction)*; and
- b) All of the drainage and stormwater management infrastructure associated with the road/s *(see sections 3.14 - Storm Drainage and 4.7 – Storm Drainage Systems)*; and
- c) All side slopes, ditches, treatment swales and detention areas have been final graded, loamed, seeded and fully stabilized, and
- d) All erosion control measures must be in place and maintained on the site; and
- e) And satisfactory financial guarantees remain on deposit with the Town to insure completion of the remaining improvements.

6.4.8.2 – Substantial Completion of Improvements: For the purposes of these regulations and conditional approvals, "substantial completion of improvements" shall be defined as to have occurred: *(Added 2/28/2024)*

1. When a subdivision has completed construction of all the following components in accordance with the approved plans:

- a) Up to and including hot bituminous binder course of the road/s *(see subsection 5.1.9 under Article 5 - Construction)*; and

- b) All utilities have been installed, if proposed to be installed underground, in underground conduit ready for connection to the proposed structures; and
- c) All on-site drainage improvements have been completed, and
- d) All other on-site and/or off-site improvements have been completed.

The Board recognizes that not all subdivisions are the same. The Board reserves the right, therefore, to adjust the conditions to achieve the vesting of rights when drafting conditions of approval for unique situations.

#### **6.5 - Concurrent and Joint Hearings**

The Planning Board may hold a hearing on a site plan review in conjunction with a subdivision hearing if both are required for the same project. A hearing for site plan review on the same project may also be conducted at the same time and place as a hearing before the Zoning Board of Adjustment.

#### **6.6 - Recording of the 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 applicant's fulfillment of all conditions listed as requirements, prior to the recording of the plat, in the project's conditions of approval. (5/24/17)

#### **6.7 - Recording of Documents**

All Planning Board approved documents intended to be recorded at the Rockingham County Registry of Deeds, including conditions of approval, conservation easements and plats, shall be conveyed to the registry by the Planning Board or their designee. The applicant shall not convey any of these documents to the registry for recording purposes. The applicant shall be held liable for all costs associated with the Planning Board's having the documents recorded. (5/24/17)

## **Article 7 – Specific Plan Requirements**

### **7.1 - Specific Plan Requirements**

The Plan must be presented to the Planning Board in the following format:

7.1.1 - The plan must be drawn in original ink on mylar or other material acceptable for recording purposes at the Rockingham County Registry of Deeds.

7.1.2 - Sheet size which conforms to the requirements of the Registry of Deeds of Rockingham County for filing. These sheet sizes are: 8.5"x11"; 11"x17"; 17"x22"; and 22"x34".

7.1.3 - Abutters must be indicated on any plan submitted, showing their location in relation to the proposed site plan.

7.1.4 - Scale should not be more than one (1) inch equals forty (40) feet (1" = 40'.)

7.1.5 - Proposed site plan name or identifying title.

7.1.6 - Correct current names of owner(s) of record (and applicant, if different).

7.1.7 - Date, north arrow and location (locus map).

7.1.8 - Name, license number, signature(s), and seal of a NH registered land surveyor, soil scientist and engineer, if applicable.

7.1.9 - Endorsement block for Planning Board approval.

7.1.10 - All benchmarks shall be placed in reference to a permanent USGS point location.

7.1.11 - Tax map reference including map and parcel number.

7.1.12 - The final plan(s) shall include sufficient data acceptable to the Planning Board and the Town Engineer to determine readily the location, bearing and length of the existing street and lot line, and to reproduce such lines upon the ground. All dimensions shall be shown to hundredths of a foot and bearings to at least half a minute.

The final plan(s) shall show the boundaries of the property and the bounds of any public or private streets and easements abutting or pertaining to the proposed site plan. The plan(s) 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 ten (10) seconds.

7.1.13 - Match lines when needed.

7.1.14 - The Planning Board may require a Community Facilities Impact Study, an Environmental Impact Study and/or additional information that it deems necessary in order to apply and enforce the intent and purposes of these regulations. Such studies shall be undertaken at the expense of the applicant for site plan review and at no cost to the Town of

Chester. The firm, individual or agency selected by the applicant to prepare such a study or studies shall obtain the prior approval of the Planning Board.

7.1.15 - All abutting landowners, physical features and uses of abutting land within three hundred (300) feet of the site.

7.1.16 - The shape, size, height, location and uses of existing and proposed structures located on the site and those existing within three hundred (300) feet of the site.

## **7.2 - Surveyed Site Plan**

Five (5) copies of the surveyed site plan shall be submitted upon application, and the plan shall include the following information:

7.2.1 - Location of property lines and their dimensions and bearings, boundary extensions, existing and proposed buildings, existing and proposed easements, alleys, parks, public open spaces, water courses, flood plains, ponds, vernal pools or standing water, wetlands, rock ledges, and other existing natural or man-made features. Abutting parcel names, together with the foregoing information with respect there to shall be included.

7.2.2 - Locations, names and widths of existing and proposed streets, roads and rights-of-way (ROWs) with their grades and profiles and their center lines.

7.2.3 - The plan shall show the location of an emergency key box to be available to the police and fire department to insure access to all on-site facilities in the case of emergencies.

7.2.4 - Locations of access to existing town roads, as stated in RSA 236:13, Section 5, and copies of permits for such access.

7.2.5 - Existing and proposed water mains, sewers, culverts, drains, and proposed connections or alternative means of providing water supply, and disposal of sewage and surface drainage. All utilities, including telephone and electric, shall be underground.

7.2.6 - Where the topography is such as to make difficult the inclusion of any facilities mentioned in Subsection 7.2.1 above, within the public area so laid out, the plan shall show the boundaries of proposed permanent easements over or under private property. Such easements shall be not less than ten (10) feet in width and shall have satisfactory access to existing or proposed public way(s).

7.2.7 - The size and location of all existing public and private utilities and all existing landscaping. This shall include the location and size of existing public utilities that are located off-site, with which connection is planned or located within one hundred (100) feet of the site.

7.2.8 - The location of all existing wells and septic systems within one hundred (100) feet of the site shall be shown.

7.2.9 - A vicinity sketch [suggested scale is one (1) inch equals five hundred (500) feet], showing the location of the site in relation to the surrounding public street system. The zoning districts and boundaries for the site and within one thousand (1,000) feet of the site shall be shown.

7.2.10 - Topographic plan of the proposed site shall be submitted which includes the information described below:

The general topography of the proposed site shall be shown by means of elevations of sufficient points on the property to establish and show contour lines at vertical increments of not more than two (2) feet for the entire area proposed development. Areas with slopes greater than 15% shall be delineated on the plan with the delineation shown in the "Legend Key".

7.2.11 – Existing and proposed driveway locations shall also be shown on the same plan sheet along with the topographic contours and the no-clearing buffers / structural setbacks / construction envelopes. (8/28/19)

(Note: The Town has returned to the past practice where driveway plans and profiles shall be included on the engineered septic system plans. Both the Building Inspector and Road Agent shall sign off on the applications for driveway permits, approve the driveway plans, and conduct inspections during the driveway construction process.) (5/24/17)

7.2.12 - Any additional information requested by the Planning Board at the informal discussion.

### **7.3 – Storm-Water Management and Design**

A Storm-Water Management Plan (SMP) shall be prepared for any use that will render more than fifteen (15) percent or ten thousand (10,000) square feet (whichever is greater) of any lot impervious. See Appendix C for details.

### **7.4 - Erosion and Sediment Control Plan**

The purpose of the Erosion and Sediment Control Plan is to control soil erosion and sedimentation resulting from site construction and development. A site plan shall include a plan for controlling erosion and sedimentation as provided in Appendix D.

### **7.5 - Septic System Siting Requirements**

7.5.1 - In no case shall the Planning Board grant final approval of a proposed site plan until all state and federal approvals, if necessary, have been received: e.g., N.H. Department of Environmental Services (DES) - Water Supply and Pollution Control Division Subdivision Approval; DES Subsurface Disposal; DES Site Specific; DES Wetlands Board - Dredge and Fill Permit; DES Water Supply Approval; and U.S. Army Corps of Engineers 404 Permit.

7.5.2 - In areas served by individual on-site sewage disposal systems, it shall be incumbent upon the applicant or his agent to adequately demonstrate that the lots will meet all current state and local septic system disposal standards. No site plan of land will be approved which cannot meet these standards.

7.5.3 - The applicant or his agent shall be required to submit all site information, including, but not limited to, percolation tests, test pits, soil, slope, and minimum distance data as may be required by the Town of Chester Zoning Ordinance to determine the suitability of the lot(s) for on-site sewage disposal.

7.5.4 - The location of and pertinent data on sufficient test pits and percolation tests to show that the regulations can be met on the lot(s). Information shall include at least the following:

7.5.4.1 - The location of at least two (2) test pits;

7.5.4.2 - One percolation test data;

7.5.4.3 - The certification of the test pit inspector witnessing the percolation tests; and

7.5.4.4 - An outline of the four thousand (4,000) square foot areas reserved for leach fields which corresponds to test locations.

(Local septic system requirements must be met prior to obtaining approval from the N.H. Water Supply and Pollution Control Division.)

## **7.6 - Legal Documents**

Where applicable to a specific site, the following are required in a form approved by Town Counsel:

7.6.1 - Agreements to convey to the Town land to be used for streets or other public purposes, with transfer of title.

7.6.2 - Easements and rights-of-way over property to remain in private ownership, including drainage easements.

7.6.3 - Performance security, as described in Subsection 7.7.

## **7.7 – Performance, Maintenance, and Offsite Improvement Guarantee (12/9/2015)**

**7.7.1 - Posting of Performance Guarantee** - The Planning Board shall review the Town Engineer's Construction and Road Bond Estimate, and then set the amount and approve the type of the construction performance guarantee prior to the final approval of the subdivision plan. The developer shall post such guarantee with the Planning Board prior to the sale of any parcel of land or lot within the subdivision or issuance of any building permits for occupied structures within the subdivision (10/25/2023). The guarantee shall cover the estimated cost of constructing and installing all site improvements, including, but not limited to: streets (both public and private roads), drainage facilities, parking, landscaping, and other utilities and infrastructure within the development.

The basis for determining the performance guarantee shall be one hundred percent (100%) of the costs of all remaining required site improvements, plus any other funds necessary for the completion of ancillary work as conditioned by the Board's approval, including engineering and engineering contingencies. The amount shall be reviewed and approved by the Planning Board.

In the case where a new multi-unit subdivision is accessed by existing Town roads, the Planning Board may require a guarantee to cover the repair cost of resulting damage to existing roads (10/25/2023).



Time limitations shall be imposed upon completion of the improvements of the site in accordance with the Conditions of Approval. Posting a performance guarantee shall not be considered a vesting of rights, nor shall posting of a performance guarantee be considered "active and substantial development or building." Failure to commence work on site improvements within the specified time limits will result in one of the following situations.

- a. A forfeiture of the performance guarantee in favor of the Town in order to complete the required improvements, or;
- b. The need to post a new guarantee prior to construction, or;
- c. Revocation of the approved plan pursuant to RSA 676:4-a.

Performance guarantees must be represented in a written agreement with, and acceptable to, the Planning Board, and the Board's Counsel. This provision insures proper and legally binding agreements and appropriate economic assurance for the protection of the Town of Chester and its citizens.

The Planning Board may accept the following methods of posting a performance guarantee through the Planning Board's Office:

- a. Cash or a savings passbook held in the name of the Town of Chester and deposited with the Town's Treasurer.
- b. Irrevocable Letter of Credit (LOC), issued by a bank with offices in New Hampshire, in an amount and manner acceptable to the Planning Board. Sample forms of acceptable LOCs are available through the Planning Board's office.

In addition to the standard clauses, Irrevocable LOCs shall contain the following references and provisions:

- a. The Town Engineer's Construction / Road Bond Estimate for the subdivision shall be referenced. Said estimate shall include a 25% contingency amount for unforeseen construction issues and price increases (10/25/2023) .
- b. A fifteen percent (15%) annual escalation factor shall be included, in order to ensure any increases in the costs of improvements due to increases in labor and materials costs, inflation etc. will be covered. No cost increases for engineering, administration or other non-construction costs shall be included in the annual escalator. In the event the Issuer is unwilling to include said clause, then the Planning Board will hold back funds sufficient to account for escalation when recalculating LOC reduction requests for work satisfactorily completed.
- c. A clause shall be included stating the Issuer of the performance guarantee agrees that the LOC or other form of performance guarantee is governed by New Hampshire law; that any disputes over the performance guarantee will be subject to the jurisdiction of the New Hampshire state courts; and, that all notices required by the performance guarantee shall be sufficient when sent to the guarantor's agent within the State of New Hampshire (10/25/2023) .

**7.7.2 - Release of Performance Guarantee** - Upon inspection by the Town's Engineer of a partial completion of required improvements, and upon the receipt of his review letter recommending acceptance of the improvements and revised Construction and Road Bond Estimate, the Planning Board shall authorize, by vote and in writing, a reduction in the performance guarantee up to an amount equal to the estimated cost of the completed work (10/25/2023) .

The Town shall retain sufficient funds for the current cost to complete the remaining improvements as indicated by the Town Engineer's Construction and Road Bond Estimate approved by the Board (10/25/2023) . If the costs for completing the required improvements exceed the amount of the performance guarantee held by the Town, additional funds shall be required by the Board, in order to ensure completion before the development proceeds any further. The retainage shall be held until the completion of all the required improvements have been inspected and approved by the Board and the Town Engineer. Inspections required by the Town for release of a performance guarantee shall be completed within thirty (30) business days of written request delivered by hand or sent by courier or service to the Town.

Should the Board determine that any improvements are not complete or are unacceptable, it shall provide written notification, delivered by hand or sent by courier or service, within fifteen (15) business days of the inspection, to the bonded party. The bonded party shall complete the work within thirty (30) days of receipt of notification. The Town shall inspect for completion of the work cited as incomplete or unacceptable in the first inspection within fifteen (15) business days of written notification delivered by hand or sent by courier or service to the Town. All performance guarantees shall be released within ninety (90) days of final sign-off by the Town's engineer and the Board (10/25/2023) .

Should progress toward the completion of all required improvements fall substantially behind the mutually agreed upon timetable, the Planning Board may obtain a completion cost estimate, at the applicant's expense, from:

1. The developer's contractor; or
2. A qualified contractor of the Planning Board's choice.

If the estimated completion costs exceed the amount of the performance guarantee posted with the Town, the developer shall post an additional performance guarantee as is necessary to complete the required improvements. The developer shall post such guarantee within thirty (30) days of notice thereof.

The performance guarantee (or balance thereof) shall not be released until the Town's Engineer has certified in writing completion of the required site improvements in accordance with the approved final plan, and the Planning Board's Counsel has reviewed and approved all deeds governing land to be used for public purposes, as well as all easement agreements for the site.

Installation of all required improvements shall be completed within two (2) years of the date of the final plan's approval, unless the time frame is extended by mutual consent of the applicant and the Board. If the required improvements are not satisfactorily installed within

the mutually agreed upon timetable, the posted performance guarantee shall be forfeited by the applicant.

Prior to the return of the balance of the performance guarantee, the Town's Engineer shall certify in writing that all site improvements have been installed satisfactorily as per the approved subdivision plan. Furthermore, the developer shall certify in writing that the "As Built" location of all newly installed utilities are in conformance with the approved subdivision plan. Any change in location of the utilities shall require the submission of "As Built" plans indicating the actual location of the newly installed utilities.

#### **7.7.3 – Maintenance Bond – (Deleted 10/25/2023)**

### **7.8 - Traffic Impact Analysis**

To show evidence that the impending new land use is focused on pedestrian oriented development that maximizes pedestrian-friendly road systems and walkways and encourages the use of non-motorized transportation.

7.8.1 - Any development proposed to be located on or having an effect on a town or state (Class V or better) road or street shall be reviewed by the Planning Board to ascertain that adequate provisions have been made by the owner or his/her agent for traffic safety. To facilitate this review, the Planning Board may require the applicant to provide the Planning Board with a traffic impact analysis when deemed necessary by the Planning Board due to the size, location or traffic generating characteristics of the development.

Traffic impact analyses shall address each of the following:

7.8.1.1 - Traffic circulation and access, including adequacy of adjacent streets and intersections, entrances and exits, traffic flow, sight distances, curb cuts, turning lanes, and existing or recommended traffic signalization, and may require accident statistics.

7.8.1.2 - Pedestrian safety and access.

7.8.1.3 - Off-street parking and loading.

7.8.1.4 - Emergency vehicle access.

7.8.1.5 - Off-site improvements necessitated and to be constructed by the applicant.

7.8.1.6 - Connectivity amongst walkways and between adjacent properties through shared access easements.

7.8.2 - The Planning Board may retain, at the applicants expense the services of a consultant qualified in traffic planning to review the traffic impact analysis and to ensure that adequate provisions are made in the development plan to reduce or eliminate those impacts.

### **7.9 - Streets and Roads**

All public and private roads, streets, and driveways, shall be submitted as specified in Appendix A.

## 7.10 – Parking

Parking shall comply with the Town of Chester Zoning Ordinance as it relates to parking requirements. In the absence of parking regulations, the following parking regulations shall also apply:

7.10.1 - Parking Space - defined as an off-street area for vehicular parking.

7.10.2 - The following minimum number of parking spaces shall be provided on premises and maintained by the owner/developer of a property for each proposed, new or altered building, or use which may not involve a building or structure.

7.10.2.1 - Dwelling or manufactured house - At least two spaces for each dwelling unit.

7.10.2.2 - For industrial and manufacturing establishments there shall be at least one and one-half (1.5) parking spaces provided for each employee on the major shift.

7.10.2.3 - For commercial retail establishments there shall be a minimum of five parking spaces established plus one parking space for each four hundred (400) square feet of selling space.

7.10.2.4 - For office establishments there shall be a minimum of one parking space per employee plus an additional ten (10) percent of said space reserved for visitor parking.

7.10.3 - Parking Lot Requirements - The following requirements shall govern parking lots:

7.10.3.1 - Parking Lot - Parking lot shall mean a parking area having ten or more parking spaces.

7.10.3.2 - Handicapped Parking - The regulations of the US Department of Justice 2010 ADA Standards for Accessible Design, and as may be amended from time to time, shall apply. (8/28/19)

7.10.3.3 - No required parking space shall serve more than one use.

7.10.3.4 - The minimum width of aisles providing access to parking spaces shall be in accordance with the following schedule:

<u>Angle of Parking</u>	<u>Minimum Aisle Width</u>
Parallel	12 feet
30 degrees	12 feet
45 degrees	13 feet
60 degrees	18 feet
90 degrees	23 feet

7.10.3.5 - Parking lots shall have an area designed for handicapped parking and have the proper permanent signs to mark the handicapped spaces (RSA 265:73-a).  
(8/28/19)

7.10.3.6 - A minimum of eight (8) foot wide strips of land shall be provided on at least three (3) sides of the parking lot for the storage of plowed snow. The snow storage area may not encroach on the area required for off-street parking spaces or any fire lanes.

7.10.3.7 - Off-street parking spaces shall be established no further than two hundred (200) feet from residential buildings and five hundred (500) feet from industrial or commercial buildings.

7.10.3.8 - Parking spaces shall be so arranged as not to cause automobiles to back onto any street.

7.10.3.9 - Each parking space shall be a minimum of nine (9) feet by twenty (20) feet.

7.10.4 - Site Plan Review - Parking space requirements not specifically set forth in this Ordinance shall be governed by the Planning Board in the exercise of the authority granted to it pursuant to Site Plan Review Regulations.

## **7.11 - Signs**

For specific sign requirements, please refer to the Town of Chester Zoning Ordinance - General Regulations.

## **7.12 - Noise**

In accordance with Subsection 4.1 of the Town of Chester Zoning Ordinance, the following standards shall apply for the purpose of regulating noise levels within the Town:

### **7.12.1 - General Noise Provisions**

7.12.1.1 - It shall be unlawful for the owner, occupant and/or any person causing or permitting sound or noise to project within the boundary of a use district which exceeds the limiting noise level set forth in Table 1 below.

7.12.1.2 - Sound or noise projecting from one use district into another use district with a different noise level limit shall not exceed the noise limits at any point of the district into which the noise is projected.

7.12.1.3 - The issuance of a building permit shall carry an automatic increase in the noise limit to seventy-five (75) DBA for all activities directly involved with the permitted construction for the hours between 7:00 a.m. and 8:00 p.m. The noise limits for the hours between 8:00 p.m. and 7:00 a.m. shall remain as specified in Table 1 below, unless otherwise specify in the site plan.

### **7.12.2 - Measurement of Noise**

7.12.2.1 - The measurement of sound or noise shall be made with a sound level meter meeting the standards prescribed by the American National Standards Institute. Said meter shall be set for the A-weighted response scale.

7.12.2.2 - The appropriate methodology shall be used in conjunction with a meter in order to best determine that the maximum permissible sound pressure levels for use districts has not exceeded the limiting noise level set forth in Table 1.

7.12.2.3 - Measurement of sound levels shall be made at the property line of the property on which such noise is generated or perceived, as appropriate, and shall be taken at least four (4) feet from ground level.

7.12.2.4 - Compliance with the noise limits is to be maintained at the boundary of the property.

7.12.2.5 - Daytime hours shall be between 7:00 a.m. and 8:00 p.m. Night-time hours shall be between 8:00 p.m. and 7:00 a.m.

**Table 1**

**Maximum Permissible Sound Pressure Levels for Use Districts**

(Sound Pressure Level Limits Measured in DB(A)s)

	<u>Daytime</u>	<u>Night Time</u>
Commercial/Industrial Zones (includes professional office structures)		
Commercial Uses	65	55
Residential Uses (Includes multi-family structures)	60	50

**7.13 - Landscaping and Screening**

A landscaping and screening plan shall be required upon application for subdivision or site plan review, excluding minor subdivisions, change of ownership, or when waived by the Planning Board. A landscaping and screening plan shall be required for the entire development. If the development is done in phases, the landscaping shall be implemented in the respective phases. Landscaping shall be in accordance with Appendix E, "Landscaping and Screening Standards."

**7.14 - Protection of Natural and Historic Features**

7.14.1 - Each significant natural feature within the site including large or unusual trees, watercourses, natural stone outcroppings, and other scenic features shall be shown on the site plan. Planning Board approval shall be obtained before removal of such features.

7.14.2 - Each existing building or manmade structure, including stone fences, shall be shown on the site plan and reviewed by the Planning Board for historic significance. Such features will not be destroyed or removed without Planning Board approval.

### **7.15 - As-Built Plans** (5/24/17)

Supplemental information may be required by the Planning Board to update the final plans to reflect "as-built" conditions and details. As-built plans are measured, record drawings surveyed during the construction process, and are intended to show the exact dimensions, geometry and locations of all infrastructure.

7.15.1 - The final as-built plans (record drawings) shall meet the following requirements:

7.15.1.1 - Sheet size shall be twenty-four (24) inches x thirty-six (36) inches;

7.15.1.2 - Plan scale shall not exceed one (1) inch equals fifty (50) feet. Profile horizontal scale shall match plan scale with a horizontal to vertical scale ratio of five to one (5:1.)

7.15.1.3 - Proposed elevations for road centerline at fifty (50) foot stations shall be shown on the profile. As-built elevations shall appear in parentheses next to the proposed elevations. As-built vertical curve information shall appear on the profile;

7.15.1.4 - Horizontal alignment of the street centerline with tie in to intersecting streets, edges of pavement, width of shoulders, sidewalks, shoulder breaks, centerline of ditches and bottom and top of slopes (all with spot elevations), shall be shown on the plan;

7.15.1.5 - The location of the right of way and all monuments delineating the right of way shall be shown on the plan. The location of all utility, slope, drainage and sight distance easements shall appear on the plan;

7.15.1.6 - The location of fire cisterns including exposed fill and vent pipes, bollards and turnout areas shall appear on the plan;

7.15.1.7 - All storm and sanitary sewer structures and piping shall appear on the plan and profile. As-built elevations shall appear in parentheses next to the proposed elevations for pipe inverts, structure rims and pipe outlets at headwalls and ditch lines. Indicate size and type of material for all piping and structures;

7.15.1.8 - The location of water mains, water services, bends, valves, hydrants, and blow offs;

7.15.1.9 - The location of all water and sewer service laterals shall be shown to the limit of the street right of way. Indicate the size and type of material;

7.15.1.10 - The location of surface runoff retention/detention ponds, water quality swales, water quality facilities, erosion stone, etc. shall be shown on the plan. Elevation information in the form of spot elevations and/or contours indicating the as-built grading shall appear on the plan;

7.15.1.11 - A statement that sight distance requirements at all affected intersections have been determined post construction, meet the Town requirements for sight distance and have been observed in the field by a Town representative or the Town's Consulting Engineer;

7.15.1.12 - Location of all visible roadway components including but not limited to utility poles, guardrail, curbing, drive aprons and drive culverts, lighting and landscaping;

7.15.1.13 - Location of all private utilities such as gas, electric, telephone and cable conduit, transformer pads, junction boxes and services stubs;

7.15.1.14 - Plans shall be submitted tied to state plane coordinates;

7.15.1.15 - All easements and dedicated roadway's right-of-way; and

7.15.1.16 - All lot construction envelopes, driveway cuts and post-construction topographic contours within roadway's right-of-way.

7.15.2 – The final as-built plans for roads shall be reviewed and approved by the Town's Engineer and Planning Board prior to submitting any road/s for acceptance as Town roads.

7.15.3 - All as-built plans shall be sealed and signed by a professional surveyor licensed by the State of NH.

7.15.4 - A security bond may be required to guarantee performance of the applicant's obligations as described herein.

## **7.16 - Illumination**

All public and private outdoor lighting installed in the Town of Chester shall be in conformance with the requirements found in the Town Zoning Ordinance "Lighting Requirements".

## **7.17 - Energy Efficient Development**

7.17.1 - Buildings should be oriented so that passive solar heating and cooling opportunities can be optimized.

7.17.2 - Vegetation should be left intact and/or landscaping should be designed to provide structures with shading and cooling during summer months and minimize the obstruction of solar heat penetration during the winter months.

7.17.3 - Landscaping should include native plants that can thrive in the New England climate and require little use of fertilizing chemicals.

7.17.4 - Energy Star approved building materials should be utilized whenever possible.

7.17.5 - Building design features should discourage pest infestation.

## **7.18 - Groundwater Protection**

7.18.1 - Any application for site plan review which involves the proposed receiving, handling, storing or processing of any regulated substance (as defined in RSA 339-A:2) shall disclose this information as part of the application submission. Copies of all appropriate state permits as required by the NH DES for the proposed use shall be submitted to the Town of Chester Health Officer and Chester Fire Department as part of the



site plan application. The Applicant shall also show compliance with Article 16 – Groundwater Protection in the Town of Chester Zoning Ordinance.

7.18.2 - Site plan applications which involve property contaminated by hazardous or toxic materials (as defined by RSA 339-A:2) shall disclose such information as part of the application. If the Planning Board finds that a health risk or an environmental threat exists from a previous use or existing use of the site, then the Planning Board shall require that any environmental assessment that has been completed and submitted by the Town Health Officer (or 3rd party consultant of Board's choice and applicant's expense) prior to any Planning Board action.

#### **7.19 – Special Flood Hazard Areas** (5/24/17)

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

7.19.1 - The Planning Board shall require, under the Conditions of Approval, that the proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

7.19.2 - The Planning Board shall require that all proposals for development greater than 50 lots or 5 acres, whichever is the lesser, include Base Flood Elevation (BFE) data within such proposals (i.e. floodplain boundary and hundred (100) year flood elevation).

7.19.3 - The Planning Board shall require the applicant to submit sufficient evidence (construction drawings, grading and land treatment plans) so as to allow a determination that:

7.19.3.1 - all such proposals are consistent with the need to minimize flood damage;

7.19.3.2 - all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage, and;

7.19.3.3 - adequate drainage is provided so as to reduce exposure to flood hazards.

#### **7.20 – Mail Delivery Provisions**

**7.20.1 – Responsibility:** All applicants shall be responsible for the planning, procurement and installation of mail and package delivery facilities to service the occupants of new commercial sites and/or subdivisions.

The USPS has been enabled with autonomy in determining the best and most cost-efficient modes of delivery when adding new delivery locations. This includes the mode of delivery, location, and type of equipment. All applicants are encouraged to meet with the local USPS representatives very early in the planning process to discuss the most acceptable mode of delivery. The Town of Chester is not a responsible party in these discussions or the

resulting determinations.

**7.20.2 – Plans:** The method of delivery and related infrastructure (e.g. parking) determined by the Post Office shall be fully represented on the subdivision / site plans. The Board shall make the final determination as to the appropriateness of the design and siting of these proposed delivery facilities.

**7.20.2.1 – Highway and Code Enforcement Reviews:** The Road Agent and Building Inspector shall review the proposed delivery facilities and related infrastructure to provide comments to the Planning Board on potential issues with pedestrian and traffic safety, handicap accessibility, wetland setbacks, and winter and regular road maintenance. A building permit shall be required prior to installation, as well as other permits, if applicable (e.g. electrical.)

**7.20.3 – Maintenance:** Applicants shall make arrangements to establish responsibility for the accessibility, functional and structural maintenance, and/or replacement of the delivery facilities. The Town of Chester shall not be responsible for maintaining accessibility, functional and structural maintenance, and/or replacement of said delivery facilities.

#### **7.21 – Permanent Monumentation –** (8/28/19)

In addition to the standard boundary monumentation of lots, the following monumentation shall be required for lots where land clearing and/or construction activities are planned:

7.2.1 – Permanent monumentation of the no-clearing buffers for wetlands, creeks and streams, ponds, vernal pools, or the Exeter River, where these buffers constrain the building/construction envelopes of lots.

7.2.2 - Permanent monumentation of the no-clearing buffers of the parent lots of Open Space (Article 6) or Age-Friendly (Article 7) subdivisions.

7.2.3 - Permanent monumentation of the open space or conservation easement areas of the Open Space (Article 6) or Age-Friendly (Article 7) subdivisions.

Said monumentation shall consist of aluminum “No-Clearing Boundary” or “Conservation Easement” markers affixed to metal delineator posts or trees. The signs shall be at least six (6) by six (6) inches in size. The posts shall be at least four (4) feet tall above ground surface, and these markers shall be spaced at least one marker every fifty (50) feet.



For buffer setback distances, see Table 2 - Setbacks and No Clearing Buffer Zones of the Chester Zoning Ordinance, as amended from time to time.

## **Article 8 – Off-Site Improvements**

Pursuant to RSA 674:44, IV, the Board may require special improvements on-or off-site which it deems reasonably necessary or desirable for the conditions or circumstances relative to the particular site plan review. Any such special requirements shall be stated in writing in the minutes of the Board with the reasons therefore. The Planning Board may require either that the applicant construct the improvements in whole or in part, or reimburse the Town or any other party who, at the direction of the Town, constructs the improvements. The applicant's responsibility for such improvements is limited to that portion of the cost of the improvements which bears a rational nexus to the needs created by, and special benefits conferred upon, the site, taking into consideration the Town's ability to pay for such improvements.

## **Article 9 – Administration and Enforcement**

### **9.1 - General**

9.1.1 - These regulations shall be administered by the Planning Board, with the assistance of the Building Inspector, Town Engineer and such other persons as the Board shall designate. It shall be the duty of the Board of Selectmen to enforce the Site Plan Review Regulations. The Selectmen in enforcing these regulations shall act upon complaint or information from the Planning Board, Building Inspector, Town Engineer, or otherwise, and shall, whenever practicable, take such action as the Planning Board or such other officer requests.

9.1.2 - An agent so designated by the Planning Board may be charged with the responsibility of inspecting the sites for compliance with the Site Plan Review Regulations.

### **9.2 – Appeals**

Any person aggrieved by any decision of the Planning Board concerning a site plan review may appeal said decision to the Superior Court, as provided in RSA 677:15.

### **9.3 - Waiver Procedure**

9.3.1 - When a proposed site plan plat is submitted for approval, the applicant may request in writing the waiver of specific requirements of these regulations as they pertain to the site plan. The applicant shall present reasons in writing why the waiver is needed.

9.3.2 - 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.

### **9.4 - Effective Date**

These revised regulations are effective as of March 30, 2011, on which day they have been filed with the Town of Chester Town Clerk. In accordance with RSA 675:9, a copy of these

regulations and subsequent amendments will be forwarded to the New Hampshire Office of State Planning.

### **Article 10 – Certificate of Occupancy**

No site subject to these regulations may be occupied or used unless a Certificate of Occupancy has been issued by the Building Inspector. The Building Inspector shall not issue such certificate of occupancy until these regulations have been complied with and the improvements made or a performance bond provided to the Town of Chester for unfinished improvements.

### **Article 11 – Phasing and Major Capital Improvement**

Some projects may impose sudden demands for services which the Town of Chester could not have been reasonably expected to plan for based on its history of growth.

The applicant should be prepared to describe how the applicant intends to schedule the proposed development plan so as to minimize its impact on the community. Depending upon the type and magnitude of the proposed development, a phasing schedule, consisting of a written agreement, may be required by the Planning Board.

In such cases, a preliminary plan should encompass the entire tract comprising the development, but final calculations, maps, etc. need to be presented for approval one phase at a time. Each phase should be so designed so that all site requirements are met independently for each phase yet to be approved and constructed.

### **Article 12 – Developments Having Regional Impact**

All applications shall be reviewed for potential regional impacts. Upon such a finding, the Planning Board shall furnish the Regional Planning Commission(s) and the affected municipalities with copies of the minutes of the meeting at which the determination was made. The copies shall be sent by certified mail within seventy-two (72) hours of the meeting. At least fourteen (14) days prior to the scheduled public hearing, the Board shall notify by certified mail the Regional Planning Commission(s) and the affected municipalities of the date, time and place of the hearing, and of their right to appear, with the status of abutters, to offer testimony concerning the proposal.

## **Article 13 – Schedule of Charges**

The Planning Board shall set fees consistent with normal costs incurred in the review of site plans. The applicant shall be responsible for all such costs incurred by the Town of Chester, its Planning Board and its officials and agents in the review of such plans.

## Site Plan Review

Abutters Fee	\$ 10.00 - domestic \$ 20.00 - international
Application Fee	\$100.00 + Additional fee determined by size of proposed building (as follows):
	0-2,000 square feet = \$100.00
	2,000 – 4,000 square feet = \$125.00
	4,000 – 25,000 square feet = \$275.00
	25,000 – 100,000 square feet = \$525.00
	Over 100,000 square feet = \$775.00

External Site Work Only Fee = \$175.00 (e.g. paving, landscaping, etc)

Existing Plan Review/Update Fee = \$175.00 (e.g. paving, landscaping, etc.)

Recording Fee (mylar)	\$ 40.00	Per Page
Recording Fee (Conditions of Approval)	\$ 35.00	
Noticing (newspaper)	\$150.00	
Postage for re-mailing	\$5.00	
Engineering Review Fee	Per Contract	

## **Appendix A – Road Design Standards**

### **A.1 - Design Standards**

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.

A.1.1 - Street System - 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.

A.1.1.1 - 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.

A.1.1.2 - 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 Towns consulting engineer, have an interior drainage system.

A.1.1.3 - 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.

A.1.1.4 - 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.

A.1.1.5 - 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.

A.1.1.6 - 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.

A.1.2 - 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.

A.1.3 - Street Intersections - Street intersections with center line offset of less than two hundred (200) feet shall not be permitted.

A.1.4 - 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.

A.1.5 - 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.

A.1.6 - 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.

A.1.7 - 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.

A.1.8 - 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.

A.1.9 - 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).

A.1.10 - 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.

A.1.11 - 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 (5/24/17)	8%
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"
	Upper Base (crushed gravel)	8"
	Middle Base (bank-run gravel or crushed gravel)	
	Lower Base (sand)	
	(The hot bituminous binder course shall be installed by 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)	1,800'
	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 (5/24/17)	*24'

4. Access into turn around shall be offset
- n) Stopping sight distance 250'

\* The applicant may apply for a waiver to reduce the minimum width of pavement from twenty-four (24) feet to twenty-two (22) feet or twenty (20) feet. The Planning Board shall make their determination whether to grant a waiver based on the amount of anticipated traffic, number of dwelling units being accessed, mitigation of runoff, or other factors and concerns. (5/24/17)

## **A.2 - Private Way for Open Space Subdivision**

A.2.1 - 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.

A.2.2 – 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.

A.2.3 - 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.

A.2.4 - 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.

A.2.5 - 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 four hundred and fifty (450) feet in length to the farthest unit.
- d.) The slope or grade of a common drive shall in no place exceed eight (8) percent if unpaved or ten (10) percent 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 fifty (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.

#### A.2.6 - 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.

#### A.2.7 - 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 two (2) percent for the first twenty (20) feet and a slope no greater than five (5) percent for the next thirty (30) feet.
- b.) There shall be a minimum of one hundred (100) feet between entrances of any two (2) private ways onto any road.
- c.) The private way shall enter a roadway at a point separated by at least one hundred (100) feet from an intersection. On a state highway, the private way shall enter the roadway at a point separated by at least one hundred (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 ten (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.

A.2.8 - 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.

A.2.9 - 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.

A.2.10 - 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.

c.) 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.

d.) 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.

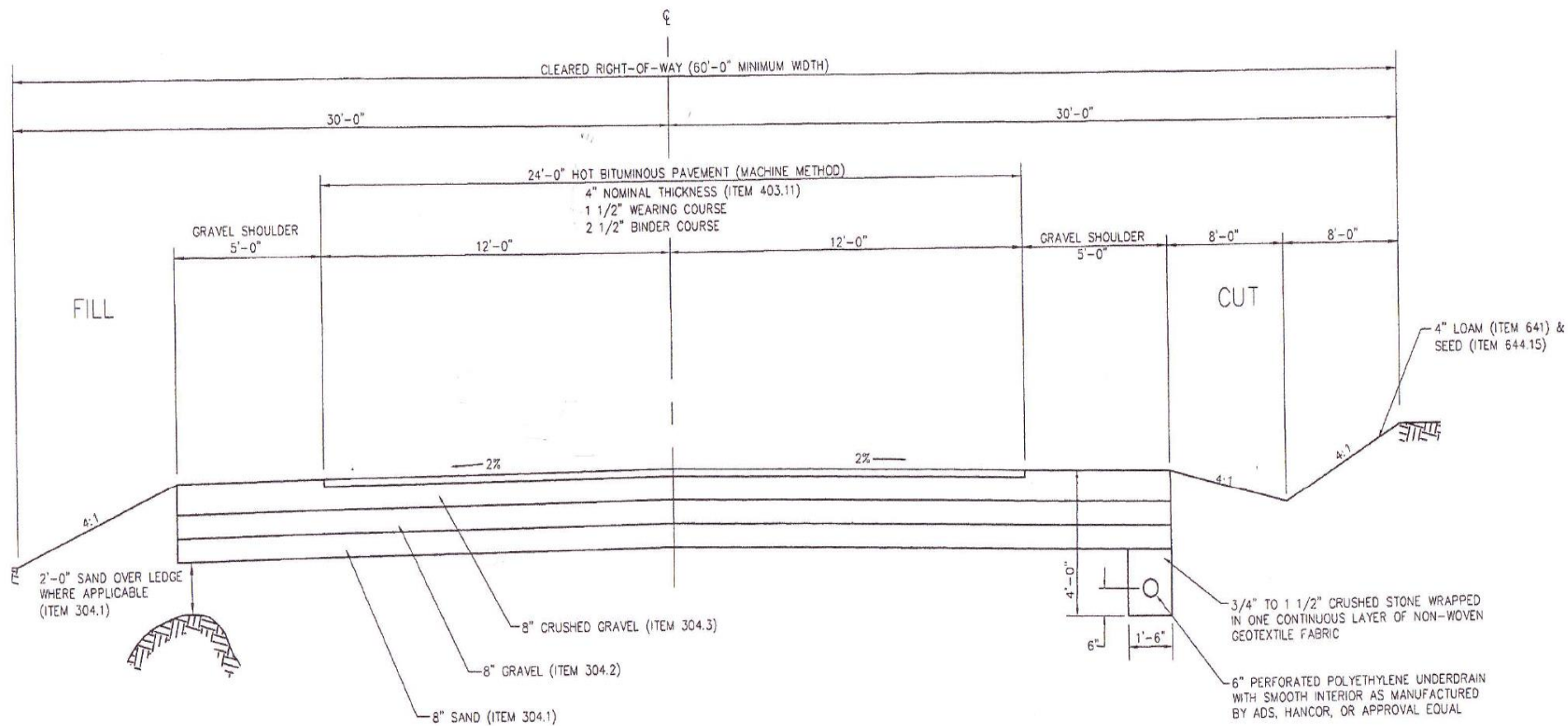
e.) A private way shall not be approved until the utility design approval(s) and agreement(s), a declaration of covenants, easements and restrictions (for the use and maintenance of the private way) has been approved by the Town.

A.2.11 - 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.

A.2.12 – Examples - See

**FIGURE 1**  
TOWN OF CHESTER, NEW HAMPSHIRE  
TYPICAL ROADWAY CROSS-SECTION

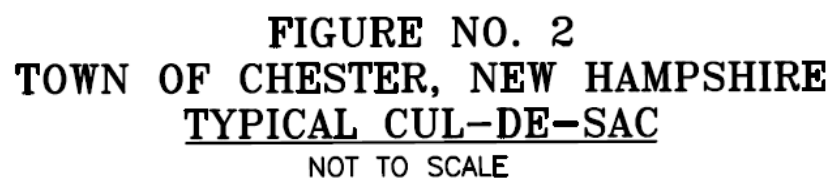
**FIGURE 2**  
TOWN OF CHESTER, NEW HAMPSHIRE  
TYPICAL CUL-DE-SAC



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**

### **A.3 - Street Construction**

A.3.1 - 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 side-staked at fifty (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.

A.3.2 - 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.

Test pits shall be performed, as directed by the Board's approved engineering consultant, to determine if ledge or the Estimated Average Seasonal High-Water Table (EASHWT/ESHWT) exists within two (2) feet below the two (2) foot subgrade level. Test pits shall be performed at least every fifty (50) feet along the centerline of the roadway. *(Added 2/28/2028)*

The installation of underdrains shall be required if the EASHWT/ESHWT is located at or above the two (2) foot subgrade of the roadway. *(Added 2/28/2024)*

A.3.3 - Tree stumps and other organic materials shall be removed below the subgrade of the roadway. Rocks and boulders and ledge shall also be removed to a depth of two feet below the subgrade of the roadway. The installation of underdrains shall be required where ledge is removed. *(Amended 2/28/2028)*

On soils which are not suitable for roadways, the subsoil shall be removed from the street site to a depth where suitable material is encountered, and replaced with material, whether from onsite or offsite, meeting the specifications for gravel aggregate subgrade below. *(Amended 2/28/2024)*

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

*(Added 2/28/2024)*

A.3.4 - Base: A sand and gravel base shall be placed on a previously prepared subgrade of acceptable well-draining granular soil (see Subsections 5.1.3 and 5.1.4 of the Subdivision Regulations for additional construction requirements). The sand and gravel base shall consist of eight (8) inches of sand above eight (8) inches of well-compacted bank-run gravel or crushed gravel above a minimum of eight (8) inches of equally well-compacted crushed bank-run gravel. *(Amended 2/28/2024)*

The crushed gravel layer, bank-run gravel layer, and the sand layer under the pavement shall each be graded at a cross slope of one quarter (1/4) inch per foot. Crushed gravel, bank-run gravel, and sand 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. *(Amended 2/28/2024)*



A.3.5 - Pavement: Paving shall be hot bituminous pavement and shall be placed in two courses. The courses shall consist of a two and a half (2 ½) inch binder course and one and a half (1 ½) 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.

A.3.6 - As-Built Plans: 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 and electric), drain manholes, and any other pertinent information. As-built plans shall be one mylar and three copies.

A.3.7 - 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 street where future development 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 shall be required by the Planning Board. All easements proposed under this regulation shall be deeded to the Town to facilitate their future use. *(Amended 2/28/2024)*

If the development 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 development does not involve the construction of a roadway, all monumentation shall be in place prior to the signing of the development 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 Applicant. The form shall contain the signature and seal of the licensed land surveyor that certified the placement of the monumentation.

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.

## **Appendix B - Fire Cistern Standards (5/24/17)**

### **B.1 – Purpose**

The purpose of these regulations is to assure that there are dedicated water sources for fire suppression within the Town of Chester. The Town currently does not have any pressurized hydrants. The Town utilizes dry hydrants in areas that have a static water source. Dry hydrants are not always a reliable water source. Because of the lack of dedicated water sources and travel distances within the Town, cisterns shall be required.

### **B.2 - Design, Permitting, Installation and Maintenance Process**

B.2.1 - The number, location and size of all cisterns shall be determined by the Chester Fire Department or designee (CFD) based on the currently adopted editions, and as may be amended, of NFPA 1142, *Standard on Water Supplies for Suburban and Rural Firefighting* and NFPA 1141 *Standard for Fire Protection Infrastructure for Land Development in Wildland, Rural and Suburban Areas*.

B.2.2 - The cistern, its installation, and configuration shall be designed and certified by a N.H licensed and registered professional engineer. The plan shall have the engineer's approval stamp and shall be signed. The design of the cistern shall be approved by the CFD prior to commencing any construction.

B.2.2 – A cistern permit shall be obtained from the Fire Department prior to the installation of any cisterns.

B.2.3 - All cisterns shall be required to be installed and fully operational, to the satisfaction of the CFD, prior to any combustible materials being stored on site.

### **B.3 - Design Standards**

B.3.1 - The cistern system shall be located twenty (20) feet off the edge of the roadway pavement. A paved apron shall be installed between the cistern system and the edge of the roadway. The apron shall be constructed at the same time as the roadway, and to the same construction standards as the roadway.

B.3.2 - The cistern shall be rated H-20 highway loading. Bedding for cistern shall be minimum twelve (12) inches of three-quarter ( $\frac{3}{4}$ ) inch crushed, washed stone, compacted in six (6) inch lifts. No fill below the stone bedding. The cistern shall be designed as to not float when empty.

B.3.3 -. The Town shall be granted a minimum of a ten (10) foot easement on all sides of the cistern for maintenance and possible tank removal. All easement dimensions should be recommended by the CFD and approved by the Planning Board.

B.3.4 - The cistern shall be constructed of concrete, fiberglass, or other material approved by the CFD prior to approval of cistern installation. Concrete or Gunite is to be mixed, placed, cured without the use of calcium chloride ( $\text{CaCl}_2$ ). Winter placement and curing shall follow accepted practices by the American Concrete Institute (ACI) as amended.

B.3.5 - The cistern system suction side shall be capable of delivering at least one thousand (1,000) gallons of water per minute for three quarters (3/4) of the rated capacity of the cistern.

B.3.6 - The suction pipe shall be located a maximum of five (5) feet from the access area's finished grade.

B.3.7 - All suction pipe shall be six (6) or eight (8) inches diameter ASTM schedule 40 steel. The finished end of the suction pipe shall be a six (6) inch National Standard Thread female swivel connection on a horizontal pipe. The suction pipe shall be supported vertically to prevent additional stress on the pipe when filled. The connection shall be capped with a brass (lugged) cap and secured by chain or cable. The taper shall not allow air bubbles to form in the draft pipe.

B.3.8 - The center of the suction pipe connection shall be thirty-six (36) inches from the finished grade and slightly pitched back for drainage. The suction pipe from the bottom of the cistern to the fire department connection (FDC) shall be a maximum length of fifteen (15) feet.

B.3.9 - The suction pipe shall be supplied with an anti-vortex plate welded. The plate shall be 16-inch x 16-inch minimum, one-quarter ( $\frac{1}{4}$ ) inch thickness and attached to the bottom of the cistern tank on all four corners by one (1) inch anchors. The plate shall be supported and a minimum of six (6) inches from the floor of the cistern tank.

B.3.10 - The cistern fill pipe shall be ASTM Schedule 40 steel with a Siamese four (4) inch Stortz connection, and shall be supported vertically to prevent additional stress on the pipe when filled. The connection shall be a matched Stortz end cap secured by chain or cable. The termination for the fire department connection (FDC) shall be forty-five (45) degrees.

B.3.11 - The vent pipe shall be sized appropriately by the engineer with a fixed screen to protect from wildlife, insects, and objects from getting inside the pipe. The vent pipe shall be a minimum thirty-six (36) inches from finished grade with a 180-degree termination towards the finished grade.

B.3.12 - All cisterns shall be equipped with an at-grade, watertight cover for access. It is recommended that a Halliday Products type cover be used. The cover shall be hinged and lockable. A current Halliday model S1R2424 cover would be an example of an acceptable cover. All covers shall have a Knox® lock and all covers shall be approved by the CFD.

B.3.13 - The cistern shall be protected from freezing by a minimum four (4) feet of clean fill on top of the cistern, and the finished grade area shall be free from obstruction of landscaping or other objects for use of the cistern except bollards for protection.

B.3.14 - All steel pipe joints shall be welded. PVC pipe shall be glued in accordance with manufactures specifications.

B.3.15 - No cistern shall have a gasket or seam below the water level.

B.3.16 - All accessories and piping for the cistern shall be painted red with a rust inhibitor to protect against corrosion.

B.3.17 - Protection from vehicle traffic shall be required for all cisterns. A series of (4) inch diameter, concrete-filled steel bollards placed minimum four (4) feet below grade and 4 feet above grade shall be installed. Bollards shall be two (2) feet from each end of the cistern and spacing four (4) feet on center for remaining protection. Additional protection may be required by the CFD. All Bollards shall be painted yellow.

B.3.18 - The property owner shall supply and install identification signs (reflective type) with posts at each cistern to advise the public of fire department emergency use. Description of the sign will be designated by the CFD.

B.3.19 - The cistern shall have a visual water level indicator that faces the area where fire apparatus will be drafting at the FDC. The cistern shall also have a weatherproof sign indicating the gallons of water capacity in the cistern, and will face in the same direction as the water level indicator.

#### **B.4 - Cistern Size as Relates to Building Size**

B.4.1 - The approved and installed cistern size is directly related to, and will therefore determine, the maximum building size for which a building permit may be granted. This maximum building size shall be indicated on the plan and recorded as a restricted covenant on the property.

#### **B.5 – Testing and Acceptance**

B.5.1 - The cistern system shall be inspected by the CFD prior to any backfilling. There shall be no exceptions.

B.5.2 – The CFD shall be notified when the cistern is ready for testing. Prior to filling, the cistern shall be subjected to a 24-hour vacuum leak test to be witnessed and documented by the CFD.

B.5.3 - The cistern shall be filled by the property owner a minimum of thirty (30) days prior to operational testing by the CFD.

B.5.4 - Prior to certifying a cistern as operational, the property owner shall provide to the Town executed easement deeds which the Town shall hold in escrow. The easement deed shall be with warranty covenants providing the Town with access for the use and maintenance of the cistern. The language of the easement deeds shall be approved by the Town prior to the execution of the deeds by the property owner. All costs related to the preparation, approval and recording of easement deeds and related documents shall be borne solely by the property owner.

B.5.5 - After the cistern system has been certified operational, the property owner shall provide a ninety (90) day leak testing period. The CFD shall be notified upon the filling of the cistern and shall be provided with a copy of the daily and weekly inspection sheets for the system, recorded on a form supplied by the CFD.

B.5.6 - The costs of installing, maintaining, testing, repairing, upgrading and replacing cisterns shall be and remain the exclusive responsibility and obligation of the property owner. All cistern easement deeds shall contain a statement that the property owner accepts those responsibilities and obligations and that those responsibilities and obligations shall run with the property.

B.5.7 - After a successful ninety (90) day test period and upon recommendation of the CFD, the Town will accept the cistern and the easement deeds shall be recorded at the county registry of deeds.

B.5.8 - No building permits shall be issued until said cistern is inspected, tested, and accepted by the CFD. Building permits and occupancy permits may be revoked, upon written notice, if a cistern is found to be inoperable or falls below the operational standards set forth in these regulations.

## **Appendix C – Stormwater Management Plan**

### **C.1 - Low Impact Development**

C.1.1 - Low impact development, which uses hydrology as an integral part of its design, may be required. Low impact design, being dependent upon system maintenance, is most suitable in larger developments where a maintenance agreement, and its enforcement, is practical.

Open Space Subdivisions: Requires a site analysis to determine which areas conform with the Purpose and Objectives of Article 6 Open Space Subdivision and Subsection 6.8.4 Conservation Area Design in the Town of Chester Zoning Ordinance and are best for development, where to minimize clearing in order to protect mature trees, and where to minimize road frontage and its associated impervious area.

Site Plans: Low impact development site plans also seek to minimize impervious area, by designing with minimum pavement widths and avoiding excess parking, as well as by multiple story buildings and parking garages, both of which utilize less coverage for a greater floor area. Low impact design, being dependent upon system maintenance, is most suitable in larger developments where a maintenance agreement, and its enforcement, is practical.

C.1.2 - Bioretention Area: An area intended to capture stormwater runoff from developed areas and to promote infiltration of that runoff into on-site soils.

C.1.3 - Bio-retention Usage in Chester:

C.1.3.1 - Bio-retention is required for use on private sites and private roads requiring site plan and/or subdivision approval, unless otherwise waived.

C.1.3.2 - Bio-retention is not required and not recommended for public roads.

C.1.3.3 - Where bio-retention is utilized,

a. There shall be a maintenance easement giving the town access and the right, but not the obligation, to maintain the system, at the owner's expense.

b. There shall be a drainage maintenance agreement specifying maintenance procedures and requiring annual report to the Town on maintenance performed.

### **C.2 - Stormwater Management**

C.2.1 - Definitions

C.2.1.1 - Erosion: The wearing away of the land surface by the action of wind, water or gravity.

C.2.1.2 - Sediment: Solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water or gravity as a product of erosion.

C.2.1.3 - Runoff: The portion of precipitation that makes its way overland toward stream channels or lakes.

C.2.1.4 - Measure: A specific procedure designed to control runoff, erosion or sediment.

C.2.1.5 - The developer shall control runoff, erosion and sediment during and after construction through any measure approved by the Planning Board or Town Engineer. In each instance, the measure or measures shall be suitable to the site and subject to approval by the Planning Board and/or the Town Engineer.

C.2.2 - All runoff, erosion and sediment control measures and the design of all drainage structures and systems shall meet the design standards and specifications set forth in these regulations or in the current "Manual on Drainage Design for Highways", published by the New Hampshire Department of Transportation.

### **C.3 - Hydrology / Runoff Calculation Methods**

C.3.1 - The calculation of runoff is of prime importance to the overall scheme of drainage design. The Town of Chester approves four methods to compute runoff:

1. The Rational Method is primarily used when the drainage area is less than two hundred (200) acres. It is also used extensively for on-site design.
2. The NEHL-AWM Method is primarily used when the drainage area is greater than one square mile.
3. The Potter Method is primarily used when the drainage area is between two hundred (200) and one thousand (1,000) acres. This method provides a check on either of the preceding methods.
4. The Soil Conservation Service (SCS) Method is primarily used when the drainage area is greater than two hundred (200) acres. The design storm shall be a 10-year or 25-year, 24-hour rainfall of a storm distribution Type III.

C.3.2 - The methodology used in computing the runoff for the Rational Method, NEHL-AWM Method and Potter Method is found in the NHDOT Drainage Manual as well as many popular Engineering Texts.

C.3.3 - The following four SCS publications, which provide the details on hydrologic analysis using the SCS methods, are widely distributed and used;

1. NEH-4: Hydrology, Section 4, National Engineering Handbook.
2. TP-149: A Method for Estimating Volume and Rate of Runoff in Small Watersheds.

3. TR-20: Computer Program for Project Formulation, Hydrology, Technical Release No. 20.

4. TR-55: Urban Hydrology for Small Watersheds, Technical Release No. 55.

C.3.4 – Runoff calculations shall be modeled, not only for the parent lot/s of the proposed project, but also for the entire drainage watershed. This is required to verify whether the adjacent upstream and/or downstream culverts and bridges have sufficient flow capacity. (5/24/17)

C.3.5 – For the purpose of accurately demonstrating the net runoff impact of the proposed project, the evaluated watershed boundary shall be limited to the boundaries of the parent lot and not the entire watershed, in order to prevent understatement in the representation of the net impact of the project's post-development conditions. (5/24/17)

#### **C.4 - Drainage Design Criteria**

The following design criteria shall apply to proposed drainage systems:

C.4.1 - In proposed new roadways drainage systems must be closed drainage systems. Water is to be channeled into the drainage system through curbing or berms. In rural areas asphalt berms will be allowed. Adequate treatment of the runoff must be provided before the runoff leaves the development site.

C.4.2 - Cross culverts pipes: 25-year storm frequency; check surcharge for a 50-year storm.

C.4.3 - Closed drain system: 25-year storm frequency; check surcharge for a 50-year storm.

C.4.4 - Stormwater detention facilities: 50-year storm frequency; check impacts for 100-year storm.

C.4.5 - Stormwater retention facilities: 50-year storm frequency; check impact for 100-year storm.

C.4.6 - Box culverts and bridges: 100-year storm frequency, with 1-foot freeboard.

C.4.7 - The Board reserves the right to require that storm drainage systems be designed for less frequent, more intense rainfalls where conditions warrant.

#### **C.5 - Drainage Design**

C.5.1 - All computations for culvert pipes and drainage systems shall be documented and included in the drainage report. These shall be performed by a registered engineer who shall stamp and sign the drainage report.

C.5.2 - All available records concerning rainfall and floods shall be used in the design of culverts and storm sewers.



C.5.3 - Pipe culverts will be designed as open flow channels. They will either be under inlet or outlet control. The exact control can be found by following the procedure outlined in "Hydraulic Charts for the Selection of Highway Culverts", published by the Bureau of Public Roads as H.E.C. No. 5. This material can also be found in the NHDOT Drainage Manual.

C.5.4 - No surcharging in catch basins or drain manholes allowed for the design storm.

C.5.5 - Minimum pipe culvert sizes are as follows:

1. Roadways: 18"
2. Driveways: 12"

C.5.6 - Pipe culverts with a span of ten (10) feet or more shall be considered as bridges.

C.5.7 - It is preferred that culverts be located to fit natural channels in lines and grade.

C.5.8 - The minimum grade of culverts shall be 0.4% or able to maintain a velocity of two (2) feet per second (fps) while flowing one-third full.

C.5.9 - Collars will be designed for culverts whose grades exceed twenty (20) percent.

C.5.10 - When the computed outlet velocity is in the range beyond normal design of 10 feet per second, additional outlet protection shall be considered.

C.5.11 - Pipe velocities in excess of twenty (20) feet per second at the design flow shall not be allowed unless special energy dissipation devices have been designed.

C.5.12 - The maximum headwater depth of flow immediately upstream from a pipe culvert shall be controlled by the following:

1. Damage to adjacent property;
2. Damage to culvert and the roadway;
3. Traffic interruption;
4. Hazard to human life; and,
5. Damage to stream & floodplain environment.

C.5.13 - As a guide, the following table may be used under "normal conditions":

<u>Pipe Size Maximum Allowable Headwater</u>	
12"-30"	2 times pipe diameter
36"-48"	1-1/2 times pipe diameter
54" & up	1 times pipe diameter

C.5.14 - Minimum cover for culverts, measured between the pipe crown and finished grade, shall be as follows:

1. Paved Roads – three (3) feet for all type of pipe material.
2. Unpaved Roads – three (3) feet for all type of pipe material.
3. Under Driveways -one (1) foot for all type of pipe material.
4. Under Grass – two (2) feet for all type of pipe material.

C.5.15 - Acceptable Pipe Materials for Roadway Culverts include: reinforced concrete; and smooth interior corrugated HDPE (Hi-Q Sure Lok or equal) or SDR-35 PVC pipe, also, for driveway materials CMP is acceptable. PVC and HDPE must be bedded and covered in accordance with the typical detail in the Appendix A.

C.5.16 - All culverts shall be constructed with end sections, headers, or stone slope paving as specified below. End sections shall be permitted on all pipes less 48" diameter, except where there is an active stream.

C.5.17 - Any drainage structures must be readily accessible by Town forces or an association must be formed to provide for private maintenance of the drainage facilities.

C.5.18 - Ditches: (if permitted by Board)

C.5.18.1 - A maximum length of four hundred (400) feet for a ditch to a catch basin or drop inlet is required. Local conditions may require variations. The DPW Director must approve any variations.

C.5.18.2 - In order to keep the ditch self-cleaning, a minimum grade of 0.5% shall be required, except for "Site Specific Swales" as required by R.S.A.

C.5.18.3 - Acceptable methods of treatment include matting for erosion control, stone for erosion control, stone fill and rip rap.

C.5.18.4 - All ditches steeper than five (5) percent shall be adequately protected against soil erosion. Matting for erosion control or stone linings shall be provided, as determined by an engineering evaluation.

C.5.18.5 - Ditches shall be used at the top of back-slopes only when excessive offsite runoff damages slopes and/or overtakes on-site systems.

C.5.19 - Subsurface Drainage (Under-drains) shall be provided in all cut sections. The design and materials shall be in accordance with NHDOT Standard Specification Section 605. (6/22/2011)

C.5.20 - Detention and Retention Facilities

C.5.20.1 - Outlets: Detention ponds shall have an outlet designed to drain the bottom of the pond. The preferred outlet is a "V" notch, in lieu of a pipe. Retention ponds shall be designed to have an overflow structure or level spreader.

C.5.20.2 - A 10' wide gravel road, is required for detention pond maintenance and to the last structure of a retention pond system.

C.5.20.3 - Detention ponds shall be designed with one (1) foot of freeboard for a 50-year storms and shall not intercept the seasonal high ground water table. The 100-year storm must be provided with an appropriate overflow design.

C.5.20.4 - Retention ponds shall be designed with 1 foot of freeboard for a 50-year storms and pond bottom shall be four (4) feet above the seasonal high-water table. The 100-year storm must be provided with an appropriate overflow design.

C.5.21 - Underground Detention Systems for Private Sites require 2-4 feet of separation to seasonal high water from bottom of infiltration chambers, as determined by Town Engineer depending on soil type.

## **Appendix D – Erosion and Sediment Control Plan**

### **D.1 – Purpose**

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.

### **D.2 - When Required**

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:

D.2.1 - A cumulative disturbed area exceeding ten thousand (10,000) square feet or fifteen (15) percent (whichever is greater) of the lot area will be rendered impervious.

D.2.2 - Construction or reconstruction of a road or street.

D.2.3 - Critical Areas of Disturbance.

### **D.3 – Definitions**

D.3.1 - 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 stormwater runoff.

D.3.2 - Critical Areas of Disturbance: Disturbed areas of any size located within seventy-five (75) feet of a stream, bog, water body, or poorly or very poorly drained soils; disturbed areas exceeding two thousand (2,000) square feet in highly erodible soils; or disturbed areas containing slope lengths exceeding twenty-five (25) feet on slopes greater than fifteen (15) percent.

D.3.3 - Disturbed Area: An area where the natural vegetation has been removed exposing the underlying soil.

D.3.4 - Erosion: The detachment and movement of soil or rock fragments by water, wind, ice, or gravity.

D.3.5 - 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."

D.3.6 - Project Area: The area within the site plan boundaries.

D.3.7 - Sediment: Solid material, either mineral or organic, that is in suspension, is transported, or has been moved from its site of origin by erosion.

D.3.8 - 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 (two (2) tons/acre). Mulch is only a temporary measure; ultimately, the site needs vegetation.

D.3.9 - Stormwater Runoff: The water from precipitation that is not absorbed evaporated, or otherwise stored within the contributing drainage area.

D.3.10 - 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.

#### **D.4 - Design Standards**

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

D.4.1 - All erosion and sediment control measures in the plan shall meet, as a minimum, the NH Stormwater Management Manual Volume 3, 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.

D.4.2 - Whenever practical, natural vegetation shall be retained, protected or supplemented. The stripping of vegetation shall be done in a manner that minimizes soil erosion. See table 2 Setbacks and No Clearing Buffer Zones in the Town of Chester Zoning Ordinance.

D.4.3 - Appropriate erosion and sediment control measures shall be installed prior to soil disturbance.

D.4.4 - The area of disturbance shall be kept to a minimum. Disturbed areas remaining idle for more than fifteen (15) days shall be stabilized.

D.4.5 - 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.

D.4.6 - 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 facilities and water resources shall be maintained.

D.4.7 - Site runoff from disturbed areas should be adequately treated to prevent the discharge of sediment to nearby streams, wetlands and vernal pools.

D.4.8 - Measures shall be taken to control the post-development peak rate of runoff so that it does not exceed pre-development runoff for the 10-year, 25-year and 50-year storm events 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.

D.4.9 - Storm drainage plan of the site shall be designed for a 10-year, 25-year and 50-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 stormwater in order to meet the 25-year storm demand.

D.4.10 - Land owners will be responsible for maintenance of retention and drainage systems in perpetuity. This obligation shall be noted in the deeds.

D.4.11 - 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.

D.4.12 - All temporary erosion and sediment control measures shall be removed after final site stabilization. Permanent stabilization measures should be in place within five (5) days after final grading is completed. 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.

D.4.13 - 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.

## **D.5 - Minimum Requirements**

D.5.1 - 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.

D.5.2 - 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.

D.5.3 - The following minimum requirements apply to all projects that are not exempt, regardless of size:

D.5.4 - 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

D.5.5 - Narrative section including discussion of each measure, its purpose, construction sequence, and installation timing as they apply to the site.

## **D.6 - Completed Application Requirements for Erosion and Sedimentation Control Plan**

D.6.1 - 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 D.5 of these Regulations.

D.6.1.1 - 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 two (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 four hundred (400) feet of the project boundary, surface waters, wetlands, drainage patterns, and watershed boundaries.
- r) Areas with slope greater than fifteen (15) percent shall be delineated.
- s) Have a legend key for different types of areas, contours, symbols, notations, etc.

#### D.6.1.2 - 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."

#### D.6.2 - Responsibility for Installation and Construction

D.6.2.1 - 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.

D.6.2.2 - The Planning Board may require a bond or other surety, as described in Subsection D.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.

D.6.2.3 - 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.

#### D.6.3 - Maintenance and Inspection

D.6.3.1 - 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.

D.6.3.2 - 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.

D.6.3.3 - 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.

D.6.3.4 - 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.

D.6.3.5 - Extensive open drainage swales and holding basins often become the responsibility of the Town to maintain and constitute a significant expense to taxpayers.

D.6.3.6 - Under conditions of severe topography, contractors have on occasion not been able to construct the highway and the approved open drainage swales within the sixty (60) 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 lowest 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.

#### D.6.4 - Plan Review and Approval

D.6.4.1 - 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.

D.6.4.2 - 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.

D.6.5 - Other Required Permits - 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.

#### D.6.6 - Enforcement

D.6.6.1 - 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.

D.6.6.2 - 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:

D.6.6.2.1 - Specify the actions or conditions which violate the requirements of these Regulations or plans approved under these regulations;

D.6.6.2.2 - Identify what needs to be done to correct the violation(s);

D.6.6.2.3 - Specify a reasonable time frame within which the violation(s) will be corrected; and

D.6.6.2.4 - Be provided to the property owner with a copy to be kept in the official records of the Planning Board.

D.6.6.3 - 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:

D.6.6.3.1 - An immediate threat to the public health or safety; or an abutter's property; or public infrastructure, including but not limited to roads and drainage systems.

D.6.6.3.2 - The property owner has failed to take corrective action(s) identified in a written notice of violation issued under Subsection D.6.7.2 of these Regulations within the time frame specified therein.

#### D.6.7 - Waiver Procedure

D.6.7.1 - 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.

D.6.7.2 - 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.

## **Appendix E - Landscaping and Screening Standards**

### **E.1 - Purpose**

The purpose of this regulation is to improve the aesthetic qualities of the Town of Chester and to protect and preserve the appearance, character and value of its community.

### **E.2 - Definitions**

Unless specifically defined below, words or phrases used in this regulation shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this regulation its most reasonable application.

E.2.1 - Ground cover: A low growing plant, other than turf grass, which forms a continuous cover over the ground surface.

E.2.2 - Landscape Materials: Any combination of living plant materials and nonbinding materials such as rock, pebbles, sand, fencing, walls, fountains and other decorative materials.

E.2.3 - Landscaping: Landscaping shall consist of trees, shrubs, vines, turf, ground cover and other landscaping material which are utilized to enhance the aesthetic and functional qualities of a site.

E.2.4 - Plant Materials: Living plants which include trees, shrubs, ground covers, turf and vines which are suitable for ornamental and/or functional use.

E.2.5 - Screen: Screening shall consist of fencing constructed of cedar, redwood or other durable wood or masonry walls for the purpose of this regulation, a screen shall be opaque to a height of six (6) feet above the ground surface.

E.2.6 - Shrub: A self-supporting wood plant which normally reaches a height of less than (15) feet.

E.2.7 - Tree: A self-supporting wood plant which normally reaches a height of more than (15) feet.

E.2.8 - Turf: Ground cover composed of one or more species of perennial grass that is grown as a permanent lawn.

E.2.9 - Vine: A plant which is typically woody and climbs by supporting itself on some other plant or structure.

### **E.3 - Landscaping and Screening Plan**

E.3.1 - This plan shall include the following information:

- a. A scale at 1" = 20 to 1" = 50.
- b. North point.

- c. The location and size of all above-grade utilities on site.
- d. The location of all existing and proposed parking.
- e. The location of all existing and proposed buildings.
- f. The location of all existing and proposed screening.
- g. The location, condition, size and quantity of all existing plant materials to be retained, and all proposed landscape materials.
- h. Plant species shall be identified by both common and botanical name, and shown on the plan by indicating their crown spread drawn to scale.
- i. The location and common name of all twelve (12) inch diameter or larger (at four and a half (4.5) feet above ground level) trees that are to be removed.
- j. Area of trees retained or removed may be generalized if appropriate to the scale and purpose of the plan. All landscape and screening information may be combined with other submitted plans, in lieu of a separate plan, if appropriate to the proposal's scale and legibility.

#### E.3.2 - Minimum Standard for Landscaping:

E.3.2.1 - The minimum landscaping requirements for all commercial, industrial, institutional and religious development shall be one (1) tree and two (2) shrubs per 5,000 square feet of total lot area.

E.3.2.2 - All portions of the site not covered with impervious material or building shall be landscaped, open areas not covered with other materials shall be covered with turf or ground cover. Ground cover shall be utilized on all slopes in excess of fifteen (15) percent.

E.3.2.3 - Landscaping of parking lot interiors, exclusive of automobile storage and sales lots, shall be required for lots which are more than one aisle in width in all zoning districts. This requirement shall apply to all for which a site plan review is required. The trees and shrubs used to meet the requirements of Paragraph 2.a above may not be counted toward this requirement.

E.3.2.4 - Street shade trees shall be provided, at approximately 40' intervals, along existing and new roads, public and private, in cases where they do not exist. The Board may waive this requirement in naturally wooded areas, or where there is insufficient area or other physical constraint.

#### E.3.3 - Landscaping for Parking Lot Interior

E.3.3.1 - The minimum requirement for parking lot interior landscape shall be as follows: no less than two and a half percent (2 ½ %) of the total parking lot square footage shall

be landscaped. The number of trees used in the parking lot interior shall not be less than one (1) for each two hundred (200) square feet of required parking lot interior landscaping.

E.3.3.2 - Interior landscaped area shall be situated within the lot so as to be surrounded by parking lot pavement on at least three (3) sides.

E.3.3.3 - Each landscaped area shall contain at least one (1) tree that is adaptable to the environment of parking areas and the remaining area shall be landscaped using shrubs, ground cover and other suitable landscape material.

E.3.3.4 - Each landscaped area shall be separated from the pavement material by curbing, stone walls or other materials so as to prevent vehicle encroachment.

#### **E.3.4 - Minimum Standards for Screening**

E.3.4.1 - All exterior trash storage containers shall be screened so that they are not visible from off the property and a permanent masonry or wood frame enclosure shall be provided each such area. A detailed drawing of the enclosure shall be included in the landscape plan.

E.3.4.2 - For all buildings, except single and two family residential structures, in the commercial, professional business and industrial zoning districts, a solid screen fence or wall shall be provided not less than six (6) feet in height, along one side and rear property lines which are common property zoned or used for residential purposes except that such screening shall not extend in front of the building line and shall not be required where such screening exists on the abutting residential property.

E.3.4.3 - In all zoning districts, parking lots shall be screened from single family or duplex residential uses or zones if both of the following criteria are met:

- a) The parking lot is within fifty (50) feet of the property line, and,
- b) The residential district is adjacent to the property on which the parking lot is constructed.

#### **E.4 - Plant Material**

##### **E.4.1 - Plant Size Definitions:**

E.4.1.1 - Small trees 15'-30' ultimate height

E.4.1.2 - Medium trees 30'-70' ultimate height

E.4.1.3 - Large trees over 70' ultimate height

E.4.1.4 - Dwarf shrub < 4' ultimate height

E.4.1.5 - Small shrub 4'-6' ultimate height

E.4.1.6 - Medium shrub 7'-10' ultimate height

E.4.1.7 - Large shrub over 10' ultimate height

E.4.2 - The American Standard for nursery stock, published by the American Association for Nurserymen, is hereby incorporated by reference for the determination of plant standards.

E.4.3 - Plant species that are highly susceptible to disease or early demise are prohibited.

## **E.5 - New Plant Material**

The following are the minimum plant sizes and conditions to be used in satisfying the requirements of this regulation:

E.5.1 - New Plant Material shall be balled and burlap wrapped, except ground cover plants. Container grown stock may be utilized where appropriate.

E.5.1.1 - Small ornamental tree 6'-8' tall,

E.5.1.2 - Shade tree 2 ½ " caliper,

E.5.1.3 - Evergreen tree 4'-5' tall, shrub,

E.5.1.4 - Medium to large 18"-24" tall, shrub,

E.5.1.5 - Dwarf to small 12"-18" tall,

E.5.1.6 - Ground cover 2 ½ " peat pot.

E.5.2 - Existing trees that are to be retained to satisfy the requirements of this regulation shall meet the following standards:

a. Shade trees a minimum of 3 inches in diameter at 4½ feet above grade.

b. Ornamental trees shall be a minimum of eight (8) feet in height.

c. Evergreen trees shall be a minimum of six (6) feet in height.

d. Trees shall be free from mechanical injuries, insect infestations and disease.

e. Trees shall be protected from injury of roots, trunks and branches during grading and construction. Protective fencing, tree wells, and/or retaining walls shall be utilized to avoid damage and ground compaction, to insure tree vigor upon completion of construction.

## **E.6 - Installation**

Landscaping, as required by the provisions of this regulation, shall be installed as approved by the Planning Board before the certificate of occupancy is issued. Plant installation shall be

completed within two (2) planting seasons in a twelve (12) month period. For the purpose of this regulation, planting seasons are from March 21 through June 21, and September 21 through November 30. Screening fence(s) shall be installed prior to certificate of occupancy.

#### **E.7 - Maintenance**

The owner, tenant and their agent, if any, shall be jointly responsible for the maintenance of the landscaping and/or screening in perpetuity. The plant materials shall be kept in a healthy, neat and orderly condition. Plants that are not in sound growing condition, or are dead, shall be removed and replaced with a plant of the same species. Plants and other landscape material and all screening shall be maintained in proper repair, and shall be kept clear of refuse and debris.

#### **E.8 - Obstruction of Sight Distance at Intersections**

E.8.1 - Landscaping and/or screening materials shall not interfere with the line of sight between a height of two (2) feet and eight (8) feet above the roadway within the triangular area formed by the right-of-way lines and a line connecting them at a point twenty-five (25) feet from their point of intersection.

E.8.2 - Landscaping and/or screening materials shall not interfere with the line of sight within twenty (20) feet of the point of intersection of any number of access or driveways and sidewalks.



## E.9 - Invasive Species

Plant species prohibited by the NH Department of Environmental Services shall not be used. These include but are not necessarily limited to: (effective date January 1, 2007)

Latin Name	Common Name	Latin Name	Common Name
<i>Acer platanoides</i> *	Norway Maple*	<i>Lonicera bella</i>	Showy Bush Honeysuckle
<i>Ailanthus altissima</i>	Tree of Heaven	<i>Lonicera japonica</i>	Japanese Honeysuckle
<i>Alliaria petiolata</i>	Garlic Mustard	<i>Lonicera morrowii</i>	Morrow's Honeysuckle
<i>Berberis vulgaris</i>	European Barberry	<i>Lonicera tatarica</i>	Tartarian Honeysuckle
<i>Berberis thunbergii</i> *	Japanese Barberry*	<i>Lythrum salicaria</i>	Purple loosestrife
<i>Butomous umbellata</i>	Flowering Rush	<i>Myriophyllum aquaticum</i>	Parrot Feather
<i>Cabomba caroliniana</i>	Fanwort	<i>Myriophyllum heterophyllum</i>	Variable Milfoil
<i>Celastrus orbiculatus</i>	Oriental Bittersweet	<i>Myriophyllum spicatum</i>	European Water-Milfoil
<i>Cynanchum nigrum</i>	Black Swallow-wort	<i>Najas minor</i>	European Naiad
<i>Cynanchum rossicum</i>	Pale Swallow-wort	<i>Nymphoides peltata</i>	Yellow Floating Heart
<i>Egeria densa</i>	Brazilian elodea	<i>Phragmites australis</i>	Common Reed
<i>Elaeagnus umbellata</i>	Autumn Olive	<i>Polygonum cuspidatum</i>	Japanese Knotweed
<i>Euonymus alatus</i> *	Burning Bush*	<i>Potamogeton prispus</i>	Curly-leaf Pondweed
<i>Heracleum mantegazzianum</i>	Giant Hogweed	<i>Rhamnus carthartica</i>	Common Buckthorn
<i>Hydrilla verticillata</i>	Hydrilla	<i>Rhamnus frangula</i>	Glossy Buckthorn
<i>Hydrocharis morsus-ranae</i>	European Frogbit	<i>Rosa multiflora</i>	Multiflora Rose
<i>Iris pseudacorus</i>	Water flag	<i>Trapa nunans</i>	Water Chestnut
<i>Ligustrum obtusifolium</i>		Plum-leaved Privet	

## **Appendix F – Application for Site Plan Review**

### **Chester Planning Board**

Map # \_\_\_\_\_ Lot # \_\_\_\_\_

To be completed by the Applicant:

1. Owner of Record: \_\_\_\_\_  
Address \_\_\_\_\_  
\_\_\_\_\_  
Telephone Number \_\_\_\_\_
  
2. Applicant if different than owner: \_\_\_\_\_  
Address \_\_\_\_\_  
\_\_\_\_\_  
Telephone Number \_\_\_\_\_
  
3. List professionals directly involved in the plan preparation:  
Name \_\_\_\_\_  
Address \_\_\_\_\_  
\_\_\_\_\_  
Telephone Number \_\_\_\_\_  
  
Name \_\_\_\_\_  
Address \_\_\_\_\_  
\_\_\_\_\_  
Telephone Number \_\_\_\_\_
  
4. List owners with 10% or more interest. Include Deed Reference  
Name \_\_\_\_\_

Address

Telephone Number

Name

Address

Telephone Number

5. Location of proposed plan:

Road Name

6. Attach an abutters list and include the applicant's name. This list should state the names and addresses, as well as their Tax Map and Lot numbers.
7. Attach a sheet with the names and addresses of any additional professionals directly involved in the plan preparation.
8. Provide a written description of your intent for this project. A separate sheet may be used for this purpose. Consult the Regulations and Ordinances, Town of Chester, for more detailed information.

Signature of Owner of Record

Date

Representative of Owner of Record

Date

**Please note that prior to applying to the Planning Board, all applicants for new Site Plan Reviews must first submit a brief application for review by the Town's Technical Review Committee. The application can be downloaded from the TRC's webpage on the Town's website.**

## Appendix G – Site Plan Review Checklist

### Chester Planning Board

Map # \_\_\_\_\_ Lot # \_\_\_\_\_

#### A. TO BE COMPLETED BY THE APPLICANT:

1. Owner of Record: \_\_\_\_\_
2. Name of Development or Business: \_\_\_\_\_
3. Location of Property: \_\_\_\_\_
4. Is the property located in a Commercial Zone? C-1: \_\_\_\_\_ C-2: \_\_\_\_\_ No: \_\_\_\_\_

#### Instructions:

- Mark each item with a “√” (check) when submitted or with an “X” if it does not apply.
- Mark with an “\*” (asterisk) those items requiring review by the Town’s consulting engineer.
- Note: All items listed are subject to review by the Town’s engineer and may require additional information to be submitted during the review process.
- Note: Acceptance of this application by the Planning Board does not constitute agreement whether an item marked inapplicable is actually inapplicable. The Board shall make the final determination of which items are applicable for each specific plan.

#### B. INFORMATION SHOWN ON SITE DEVELOPMENT PLAN – EXISTING

1.	Names, addresses, and Map/Lot numbers for all abutters	
2.	Locus drawn to an adequate scale	
3.	Name of proposed development	
4.	Name and address of the Owner of Record with signature	
5.	Name and address of all licensed professionals involved in the development of the plan. Include seal.	
6.	Title, scale, North arrow, date and surveyor’s seal	
7.	Error of Closure statement and signature	
8.	Certificate of Title (Deed Reference)	
9.	Streets and Street Names	
10.	Show all existing features on property	
11.	Services and utilities	
12.	Total acreage and square footage of parcel	
13.	Location and description of all permanent lot boundary markers	

### C. SUBMISSION ITEMS – EXISTING

1.	Supplemental sketch plan	
2.	Photographs	
3.	Test pit locations and results	
4.	Soil types and soil boundaries	

### D. INFORMATION SHOWN ON SITE DEVELOPMENT PLAN – PROPOSED

1.	New grades, topographic contours	
2.	Structures; size, height	
3.	Streets, drives, parking spaces, sidewalks, dimensions and number	
4.	Loading spaces, facilities	
5.	Public and private utilities	
6.	Landscaping; type, size and spacing	
7.	Exterior lighting and signs	
8.	Storm drainage plan, including snow removal plans	
9.	Circulation plan showing vehicular and pedestrian circulation	
10.	Access plan; required public street changes, sight distance	
11.	Dimensions between structures and property lines	
12.	Stamp of NH Licensed Professional Engineer	
13.	Stamp of NH Licensed Land Surveyor	
14.	Stamp of NH Licensed Soil Scientist	
15.	Public Land or Common Area	

### E. SUBMISSION ITEMS – PROPOSED

1.	Drainage calculations	
2.	Legal descriptions of easements, Condominium Assoc. Documents	
3.	Community facilities impact studies (specify areas of study)	
4.	Environmental Impact Statement (specify areas of study)	
5.	Agreement for land conveyance to Town	
6.	Other (specify)	

### F. APPROVALS

<u>Required</u>		<u>Date of Approval</u>
	Local Excavation Permit	
	NHDES Alteration of Terrain Permit	
	NHDES Water Resource Board Approval	

Chester Planning Board  
Site Plan Review Checklist

<u>Required</u>		<u>Date of Approval</u>
	ZBA Notices of Decisions – Variances or Special Exceptions	
	ZBA Meeting Minutes for Variances or Special Exceptions	
	Conservation Commission - Meeting Minutes	
	NHDES Dredge and Fill Approval	
	NHDES Approval for Sewage Disposal System – Design	
	NHDES Approval for Sewage Disposal System – Construction	
	NHDES Approval for Sewage Disposal System – Operation	
	NHDES Community Water Supply Approval	
	NHDES Underground Storage Tank Notification	
	Department of Transportation Permit	
	Other (specify)	

Submit six hard copies and a .pdf file of the plan set.

\_\_\_\_\_  
Signature of Owner of Record

\_\_\_\_\_  
Date

\_\_\_\_\_  
Authorized Representative of Owner of Record

\_\_\_\_\_  
Date