SUBDIVISION OF LAND

Chapter 205

TOWN

of

PEMBROKE

SUBDIVISION OF LAND

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CHAPTER 205. SUBDIVISION OF LAND

[HISTORY: Adopted by the Planning Board of the Town of Pembroke 5-24-1994 as Ord. No. 94-4P. Editor's Note: This ordinance repealed former Ch. 205, Subdivision of Land, adopted 8-27-1979. **Amendments noted where applicable.]**

GENERAL REFERENCES

Planning Board — See Ch. 30.
Zoning — See Ch. 143.
Driveways — See Ch. 198.
Site plan review — See Ch. 203.

ARTICLE I - General Provisions (§ 205-1 - § 205-6)

§ 205-1. Authority.

Pursuant to the authority vested in the Planning Board by the Town of Pembroke, New Hampshire, and in accordance with Chapter 674:35 and 674:36, New Hampshire Revised Statutes Annotated, as amended, the Planning Board adopts the following regulations governing the review of subdivisions within the Town of Pembroke, New Hampshire.

§ 205-2. Title.

This chapter shall hereafter be known, cited and referred to as the "Subdivision Regulations of the Town of Pembroke," hereinafter referred to as "these regulations."

§ 205-3. Purpose.

The purpose of these regulations is to:

A. Provide against such scattered or premature subdivision of land as would involve danger or injury to health, safety or prosperity by reason of lack of water supply, drainage, transportation, schools, fire protection or other public services, or necessitate an excessive expenditure of public funds for the supply of such services.

B. Provide for the harmonious development of the municipality and its environs; for the proper arrangement and coordination of streets within subdivisions in relation to other existing or planned streets or with features of the Official Map Editor's Note: The Official Map is on file in the town offices. of the municipality for open space of adequate proportions and for suitably located streets of sufficient width to accommodate existing and prospective traffic and to afford adequate light, air and access for fire-fighting apparatus and equipment to buildings, and be coordinated so as to compose a convenient system.

C. Provide that the land indicated on plats submitted shall be of such character that it can be used for building purposes without danger to health and generally shall include provisions which will tend to create conditions favorable to health, safety, convenience and prosperity. The general purpose of these regulations is to exercise all of the authority available under RSA 674:36, as amended, and other state statutes.

§ 205-4. Interpretation.

A. In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare.

B. In matters of judgment or interpretation of the requirements set forth in these regulations, the opinion of the Planning Board shall prevail.

§ 205-5. Conflict with public and/or private provisions.

A. Public provisions. These regulations are not intended to interfere with, abrogate or annul any other ordinance, rule or regulations, statute or other provision of law. Where any provision of these regulations impose restrictions different from those imposed by any other provision of these regulations or other provision of law, whichever provisions are more restrictive or impose higher standard shall prevail.

B. Private provisions. These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant or other private agreement or restriction, the requirements of these regulations shall prevail. Where the provisions of the easement, covenant or private agreement or restriction impose duties and obligations more restrictive or higher standards than the requirements of these regulations or the determinations of the Planning Board in approving site plan or in enforcing these regulations, and such private provisions are not inconsistent with these regulations or determinations thereunder, then such private provisions shall be operative and supplemental to these regulations and determinations made thereunder. The Planning Board will consider these provisions in the review of the subdivision but will not assume the responsibility of enforcing these provisions.

§ 205-6. Severability.

The invalidity of any section or provision of this chapter shall not invalidate any other section or provision thereof.

ARTICLE II - Word Usage and Definitions (§ 205-7 - § 205-8)

§ 205-7. Word usage.

For purposes of these regulations, certain numbers, abbreviations, terms and words used herein shall be used, interpreted and defined as set forth in this section.

A. Unless the context clearly indicates to the contrary, words used in the present tense shall include the future tense; words used in the plural number shall include the singular; words used the singular shall include the plural; the word "herein" shall mean "in these regulations"; the word "regulations" shall mean "these regulations"; the word "shall" or "will" is mandatory; the word "may" is permissive;

B. A "person" shall include natural persons as well as a corporation, a partnership and/or an incorporated association of persons such as a club; "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged or designed to be used or occupied";

C. The terms "plat", "subdivision plat" or "subdivision" mean a subdivision and the terms shall be used interchangeably; and

D. Words not specifically defined herein shall have their common meaning.

§ 205-8. Terms defined.

The following definitions, in addition to the definitions found within the Town of Pembroke's Zoning Ordinance and Site Plan Review Regulations, Editor's Note: See Chs. 143 and 203, respectively. are hereby adopted for the purpose of these regulations:

APPLICATION - An application for subdivision approval.

ARTERIAL - A street intended to move through traffic to and from major areas of a town or city or to other towns or cities.

BLOCK - A tract of land bounded by streets or by a combination of streets, public lands, railroad rights-of-way, shorelines of waterways or boundary lines of municipalities.

BOARD - The Planning Board for the Town of Pembroke.

COLLECTOR ROAD - A street intended to move traffic from local roads to arterials.

COMPLETED APPLICATION - Includes the appropriate subdivision application and the specification for documents to be submitted as detailed in Appendix A or B. Editor's Note:Appendixes A and B are included at the end of this chapter.

CONSTRUCTION PLAN - The maps or drawing accompanying a subdivision plat and showing specific location and design of proposed improvements to be installed in accordance with the requirements of the Planning Board as a condition of the approval of the plat.

CUL-DE-SAC - A local street having only one (1) outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

FINAL SUBDIVISION PLAT - The final map or drawing on which the subdivider's plan or subdivision is presented to the Planning Board for approval.

LOCAL ROAD - A street intended to provide access to other roads from individual properties.

LOT LINE ADJUSTMENT - The movement of a property line or lines which result in no net increase in the number of lots.

LOT CONSOLIDATION - The merger of separate contiguous properties into a single tract of land.

LOT MERGER - The merger of separate contiguous properties into a single tract of land. **[Added 1-23-1996 by Ord. No. 96-1]**

MAJOR SUBDIVISION - All subdivisions not classified as minor subdivisions, including but not limited to subdivisions of four (4) or more lots; any subdivision requiring any new street or extension of the municipal utilities or the creation of any public improvements; any subdivision for the purpose of creating condominiums, a planned unit development, multifamily housing or attached single-family housing.

MINOR SUBDIVISION – Any subdivision containing not more than three (3) lots fronting on an existing street, not involving any new street or road or the extension of municipal streets or utilities or the creation of any public improvements and not adversely affecting the remainder of the parcel or adjoining property. A lot line adjustment as defined herein shall not be considered a minor subdivision. **[Amended 5-10-2016]**

PHASED SUBDIVISION - Any subdivision undertaken in a set time sequence.

RESERVE STRIPS - A strip of land reserved for the extension of a street, trail, utility or for some other public purpose.

ROAD, DEAD-END - A street or portion of a street with only one (1) vehicular traffic outlet.

ROAD RIGHT-OF-WAY WIDTH - The distance between property lines measured normally to the center line of the street.

SHADE TREE - A tree in a public place, special easement or right-of-way adjoining a street as provided in these regulations.

SUBDIVISION - As defined by RSA 672:14, as amended.

SUBDIVISION REGULATIONS - The Subdivision Regulations of the Town of Pembroke. Editor's Note: See Ch. 205, Subdivision of Land.

ARTICLE III - Jurisdiction and Subdivision Types (§ 205-9 - § 205-12)

§ 205-9. Jurisdiction.

A. These regulations shall apply to all subdivisions of land, as defined by RSA 672:14, as amended, located within the corporate limits of the Town of Pembroke.

B. No land shall be subdivided or proposed lots transferred within the corporate limits of the municipality until:

(1) The subdivider or agent has obtained final approval by the Planning Board for the plat; and

(2) The approved final plat is filed with the Merrimack County Registry of Deeds.

§ 205-10. Subdivision types.

For purposes of review and their impact on the town, subdivisions are hereby divided into two (2) types, minor and major. The definition of which are:

A. MAJOR SUBDIVISION -- The division of a parcel of land into four (4) or more lots, including the original lot. "Major subdivisions" are also subdivisions of any size which:

(1) Require the construction of any new street or portion thereof of a street;

(2) Require the extension of any municipal facility or the creation of any public improvements; or

(3) If it is determined by the Planning Board that the subdivision presents significant engineering/planning problems or that there is the likelihood of further subdivision of any of the parcels at a later date.

B. MINOR SUBDIVISION-The division of a parcel of land into three (3) or fewer lots, including the original lot. "Minor Subdivisions" shall include the re-subdivision of property in which the net result of lots is three or less. A lot line adjustment as defined herein shall not be considered a minor subdivision. **[Amended 5-10-2016]**

§ 205-11. Lot merger. [Amended 1-23-1996 by Ord. No. 96-2]

Pursuant to RSA 674:39-a lot mergers do not require public hearings provided that they meet the following conditions:

A. The applicant(s) meets the definition of a lot merger; and

B. The applicant(s) completes the lot merger application form and meets the conditions contained therein.

§ 205-12. Developments of regional impact.

A. Standards for regional impact. A development shall be considered to have a regional impact if it meets any one (1) of the following criteria:

(1) Proposed subdivisions where, within five (5) years or less, a total of sixty (60) or more dwelling units would be constructed;

(2) Proposed subdivisions where, within five (5) years or less, a total of thirty thousand (30,000) square feet of commercial gross floor area, seventy thousand (70,000) square feet of office or medical gross floor area or one hundred twenty thousand (120,000) square feet of industrial gross floor area would be constructed;

(3) Proposed subdivisions of one hundred (100) acres or more, which result in four (4) or more lots or a new street or roads;

(4) Proposed subdivisions and site plans where, within five (5) years or less, a total of eight (8) or more lots or dwelling units would be constructed within one thousand (1,000) feet of a municipal boundary;

(5) Proposed subdivision where, within five (5) years or less, a total of four (4) or more lots or dwelling units would be constructed, which abut or involve rivers or perennial (year-round) streams which, within one-half (1/2) river miles downstream, flow across a municipal boundary;

(6) Proposed subdivisions and site plans where, within five (5) years or less, a total of four (4) or more lots or dwelling units would be constructed, which abut or involve lakes or great ponds, the high water mark of which lies within one thousand (1,000) feet of a municipal boundary;

(7) Proposals before the Planning Board which may reasonably be expected to contribute substantially to air or water pollution, school enrollment, solid waste disposal, demand for water supply or wastewater treatment, street deterioration, traffic safety or otherwise substantially affect another municipality;

(8) Proposals before the Planning Board which, in the sole discretion of the Planning Board, are reasonably likely to have a substantial effect on another municipality.

B. If, after a review of the application by the Town Planner or by the Board, the application is found to have a regional impact, notice of the meeting when the application will be submitted to the Board shall be sent by certified mail to all affected municipalities and the Central New Hampshire Regional Planning Commission to the

attention of the Executive Director at least fourteen (14) days prior to the date of such meeting.

C. Within seventy-two (72) hours of reaching a decision regarding the development of regional impact the Planning Board shall send by certified mail to all affected municipalities and the Central New Hampshire Regional Planning Commission copies of the minutes of the meeting at which the decision was made.

ARTICLE IV - Application Procedures (§ 205-13 - § 205-26)

§ 205-13. Design review phase.

Prior to the preparation of plans and documents for formal application for approval of a subdivision, the applicant may apply for a design review with the Planning Board. The procedures to be used in this phase are as follows:

A. A request for a design review shall be submitted to the town in writing pursuant to the time frame requirements for a regular application;

B. Design review.

(1) At the time of the request for a design review the applicant shall submit to the Planning Board the following:

(a) A complete list of all abutters; and

(b) The fees as required under the subdivision applications for the notification of abutters and the newspaper ad.

(2) Failure on the part of the applicant to submit these items shall constitute an incomplete application and the Planning Board shall not take any further action;

C. The public and abutters must be notified as required by RSA 676:4 I(d), as amended;

D. The applicant may address the Board concerning a potential application. The Board or its designee may join the applicant in nonbinding discussions beyond the conceptual or general level involving more specific design and engineering details;

E. The Board shall not approve or disapprove the proposal or take any other action on the application, except to give general guidance to the applicant;

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

G. The time limits for Board action under RSA 676:4 I(c), as amended, shall not apply to the design review procedure; and

H. The Board shall not accept any subdivision submission by the applicant under this procedure. A separate subdivision application must be submitted consisting of the appropriate documents and fees.

§ 205-14. Subdivision application requirements.

A. An owner of land, or their agent, which is subject to these regulations shall file an application with the Planning Board for their review and approval pursuant to these regulations. The Planning Board will only consider completed applications. A completed application is one which shall:

(1) Be made on forms available at the Town Hall offices and shall contain all the information required on said forms. The application shall be submitted at least thirty (30) days in advance of the meeting at which the Board will receive the application (copies of the application deadline are available from Town Hall);

(2) Include the application fee, as outlined on the application form, which is due and payable upon submission;

(3) Be accompanied by all plans and documents required in these regulations, in accordance with design requirements of Appendix A for minor subdivisions and Appendixes A and B for major subdivisions; Editor's Note: The appendixes are included at the end of this chapter. and

(4) Be accompanied by all formal legal instruments where required in these regulations; deeds, easements and irrevocable offers of dedication to the public of all streets, utilities and parks.

B. Failure on the part of the applicant to complete any portion of the application form, failure to submit the required fees or failure to submit any other documents as required under these regulations shall constitute an incomplete application.

§ 205-15. Requirement for public hearing.

Except for the following, no application may be denied or approved without a public hearing:

A. Minor lot line adjustments or boundary adjustments which do not create buildable lots. These applications still require notice to abutters and to the public in accordance with § 205-17B. Any abutter may be heard on the application on request;

B. Minor subdivisions and proposals which do not create lots for building development purposes. This expedited review shall still require notice to abutters and to the public in accordance with § 205-17B. A public hearing, with notice to abutters and the public shall be held if requested by the applicant, the abutters or the Board. In general it is the Board's feeling that public hearings shall be required for all subdivisions. Application submission and final action may occur at one (1) meeting; or

C. Disapprovals of applications based upon the failure of the applicant to supply information required by the regulations, including abutters' identification; failure to meet reasonable deadlines established by the Board; or failure to pay costs of notice or other fees required by the Board.

D. Lot mergers pursuant to § 205-11 of these regulations, and RSA 674:39-a. **[Added 1-23-1996 by Ord. No. 96-3]**

§ 205-16. Public hearings.

The procedures for the public hearing shall be as outlined under the Planning Board bylaws. The Board may elect to modify the order of procedures for the public hearing if it deems appropriate.

§ 205-17. Minor subdivision application procedures. [Amended 11-24-1998 by Ord. No. 98-8]

Upon the submittal of a minor subdivision application the following procedures shall be used:

A. Determination if the application is complete. Upon receipt of an application, the Town Planner shall review the application to determine if the application is complete pursuant to § 205-14 and prepare a report for the Planning Board. The Planning Board, at the next regular meeting for which legal notice can be given, shall determine if the application is complete and shall vote upon its acceptance.

B. Notice to applicant, abutter and public. The Planning Board shall notify the abutters and the applicant by certified mail, return receipt requested, of the date of the meeting at which the application will be formally received, or if a public hearing is requested, when the public hearing is to be held by the Board. Notice will be mailed at least ten (10) days prior to the date of the meeting. The Planning Board shall notify the public at the same time by placing a public hearing notice in a newspaper of local distribution and by posting the notice in a minimum of two locations including Town Hall;

C. Incomplete applications. An application found to be incomplete shall be subject to the following procedures:

(1) The Board may review and comment on the subdivision, but shall take no further action on said application.

(2) Within 72 hours of the Board's determination, the Town Planner shall notify the applicant and property owner in writing of the Board's decision and the reasons for that declaration.

(3) An application which is determined to be incomplete may be revised and resubmitted to a subsequent regular meeting of the Board.

D. Complete application. An application found to be complete shall be subject to the following procedures:

(1) The Planning Board shall hold a public hearing on the completed application. Any abutter or any person showing a direct interest in the matter may testify in person or in writing.

§ 205-18. Major subdivision application procedures. [Amended 11-24-1998 by Ord. No. 98-8]

Upon the submittal of a major subdivision application the following procedures shall be used:

A. Notice to applicant, abutter and public. The Planning Board shall notify the abutters and the applicant by certified mail, return receipt requested, of the date of the meeting at which the application will be formally received by the Board. Notice will be mailed at least ten (10) days prior to the date of the meeting. The Planning Board shall notify the public at the same time by placing a public hearing notice in a newspaper of local distribution and by posting the notice in a minimum of two (2) locations including Town Hall;

B. Determination if application is complete. Upon receipt of an application, the Board shall determine if the application is complete pursuant to § 205-14. If it is determined that the application is incomplete, the Board shall take no further action on said application. Within 72 hours of the Board's determination, the Town Planner shall notify the applicant and property owner in writing of the Board's decision and the reasons for that declaration. An application which is determined to be incomplete may be revised and resubmitted to a subsequent regular meeting of the Board;

C. Public hearing. Once the Planning Board has accepted an application as complete they shall hold a public hearing on the completed application. Notice of the public hearing shall be given as described in § 205-18A. Any abutter or any person showing a direct interest in the matter may testify in person or in writing; and

D. The Planning Board, if deemed appropriate, may elect to table an application and continue the public hearing to a further meeting date.

§ 205-19. Conditional approval.

The Board may grant conditional approval of a plat or application, which shall become final approval without further public hearing, upon certification to the Board by its

designee or based upon evidence submitted by the applicant of satisfactory compliance with the conditions imposed. Final approval may occur in this 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;

B. Conditions which are in themselves administrative and which involve no discretionary judgment on the part of the Board; or

C. Conditions with regard to the applicant's possession of permits and approvals granted by other boards or agencies.

§ 205-20. Conditional approval time limit.

A. Conditional approvals granted by the Board shall be valid for a period of twelve (12) months from the date of the vote granting the conditional approval.

B. Failure on the part of the applicant to satisfy all of the conditions imposed by the Board as part of the conditional approval within the twelve-month period shall negate the conditional approval and shall be cause for the Board to deny the application.

§ 205-21. Final approval.

A. Final approval with public hearing. Prior to the expiration of the conditional approval as outlined under § 205-20, all applications required to have a public hearing prior to final approval shall file with the Planning Board an application for approval of a final plat. The application shall include the following elements:

(1) A copy of the final plat application;

(2) Three (3) copies of the final plat layout and the plat construction detail sheets if required, and the Mylar, as described in Appendixes A and B; Editor's Note: The appendixes are included at the end of the chapter.

(3) Copies of any and all items the applicant was required to obtain pursuant to the granting of the conditional approval; and

(4) A copy of an updated abutters list with the appropriate per abutter fee and the newspaper ad fee.

B. Final approval without public hearing. Once the conditions of approval have been met the Town Planner shall present the Planning Board Chairperson with the Mylar for signature pursuant to section § 205-22.

§ 205-22. Final plat certification; recording.

A. The applicant shall submit to the Town Planner a Mylar and five (5) copies of the final plat layout for Planning Board Chairperson's signature within thirty (30) days of receipt of final plat approval by the Planning Board. The Chairperson shall sign and date the final plat as approved, specifying any conditions. A member of the Board or designated agent shall file the final plat, and any documents affecting covenants, deed restrictions, etc., with the Merrimack County Registry of Deeds, at the applicant's expense.

B. The final plat layout shall consist of an original or a wash-off Mylar which shall be of such size and type which is acceptable for filing in the Merrimack County Registry of Deeds;

C. Every final plat application granted approval shall be deemed to be an amendment of or an addition to the Town of Pembroke Official Map Editor's Note: The Official Map is on file in the town offices. and a part thereof. Approval of a final plat application shall not be deemed to constitute or effect an acceptance by the town of the dedication of any street, open space or parks shown upon the final plat layout.

§ 205-23. Disapproval.

If the Board disapproves an application, it shall provide the applicant with written reasons for the disapproval.

§ 205-24. Five-year exemption. [Amended 01-23-1996 by Ord. No. 96-4, Amended 08-26-2008, Amended September 25, 2012]

A. Pursuant to the requirements of RSA 674:39, as amended, every subdivision plan approved by the Planning Board shall be further exempt from any changes in the Subdivision Regulations or Zoning Ordinance for a period of five (5) years, provided that active and substantial development has occurred, as defined below in 205-24.D.1, within twelve (12) months of receipt of final approval.

B. Pursuant to RSA 674:39-II, as amended, once substantial completion has occurred, defined in 205-24.D.2 below, the rights of the owner or successor in interest shall vest and no subsequent changes in regulations or ordinances, except impact fees, shall operate to affect such improvements.

C. Failure to have substantially completed improvements of a project as shown on the approved plan within five (5) years shall constitute grounds for revocation of plan approval pursuant to RSA 676:4-a, as amended.

D. "Active and Substantial Development" and "Substantial Completion" of the Improvements as Shown on the Subdivision Plat.

(1) For purposes of these Subdivision Regulations, "active and substantial development" shall be defined as:

(a) Construction of and/or installation of at least 50% of basic infrastructure to support the development* in accordance with the approved plans; and

(b) Construction and completion of at least 50% of drainage improvements to service the development** in accordance with the approved plans; and

(c) All erosion control measures (as specified on the approved plans) must be in place and maintained on the site; and

(d) Items a, b, and c shall be reviewed and approved by the Town Highway Department or designated agent.

(e) Movement of earth, excavation, or logging of a site without completion of items a, b, c, & d, above, shall not be considered "active and substantial development."

(2) For purposes of these Subdivision Regulations, "substantial completion of the improvements" shall be defined as:

(a) Construction of and/or installation of 100% of basic infrastructure to support the development* in accordance with the approved plans; and

(b) Construction and completion of 100% of drainage improvements to service the development** in accordance with the approved plans; and

(c) All erosion control measures (as specified on the approved plans) must be in place and maintained on the site; and

(d) Items a, b, and c shall be reviewed and approved by the Town Highway Department or designated agent.

(e) Movement of earth, excavation, or logging of a site without completion of items a, b, c, & d, above, shall not be considered "substantial completion."

(3) For plans approved in phases, each phase shall be analyzed separately for purposes of establishing whether active and substantial development or substantial completion has occurred unless the Board's approval specifically provides otherwise.

(4) For purposes of clarifying Section 205-24.D.1.a, above, *Basic Infrastructure to support the development shall include all of the following as applicable to the development: at least 1 building foundation wall/footing; paved roadways, access ways (if any) to a minimum of gravel base, etc.; and utilities placed overhead or in underground conduit ready for connection to proposed buildings/structures.

(5) For purposes of clarifying Section 205-24.D.1.b, above, **Drainage improvements to service the development shall include all of the following as applicable to the development: detention/retention basins, treatment swales, culverts, pipes, underdrains, catch basins, etc.

The Planning Board has the ability to modify the percentage of each definition up to 15% based upon the individual needs and requirements of each plan. The rationale for each deviation shall be clearly detailed in the Board's minutes.

§ 205-25. Multiple Planning Board action.

If in conjunction with a subdivision approval a site plan review is required, an application for site plan review shall be filed and shall be processed concurrently with the subdivision.

§ 205-26. Consideration of, and action on, applications. [Amended 11-24-1998 by Ord. No. 98-8]

The Board shall have sixty-five (65) days within which to consider and act on the application. The sixty-five (65) days period shall commence upon the date of the regular meeting of the Board on which the application was accepted as complete. The Board at their option may request an extension of the sixty-five (65) day period, for a further sixty-five (65) day period, from the Board of Selectmen.

ARTICLE V - General Design Standards (§ 205-27 - § 205-38)

§ 205-27. General requirements.

A. Conformance to applicable laws, rules and regulations. In addition to the requirements established herein, all developments shall comply with the following laws, rules and regulations:

(1) All applicable statutory provision [sic] and all rules and regulations promulgated in accordance with such provisions;

(2) The zoning and health ordinances, building and housing codes, Editor's Note: See Ch. 143, Zoning, Ch. 152, Building Standards, and Ch. 93, Housing Standards. and all other applicable ordinances and regulations of the Town of Pembroke; and

(3) The Master Plan, Official Map, Editor's Note: These documents are on file in the town offices. and Capital Improvements Program of the Town of Pembroke.

B. Self-imposed restrictions. If the owner places restrictions on any of the land contained in the development greater than those required by the Zoning Ordinance Editor's Note: See Ch. 143, Zoning. or these regulations, such restriction or reference thereto may be required to be indicated on the site plan, or the Planning Board may require that restrictive covenants be recorded with the County Registry of Deeds in form to be approved by the Town Attorney.

C. Specification references.

(1) Reference to "state highway specifications" shall mean Standard Specifications for Road and Bridge Construction of the New Hampshire Department of Transportation, as most recently adopted.

(2) Reference to "Uniform Traffic Control Devices" shall mean the Manual on Uniform Traffic Control Devices, published by the United States Department of Transportation, Federal Highway Administration, as most recently adopted.

§ 205-28. Phased subdivisions.

Phasing shall be required whenever the number of proposed dwelling units in a subdivision exceeds twenty-five (25) dwelling units. The plan shall conform to the following provisions:

A. The application shall consist of a phasing plan showing the number of and location of the phases;

B. All of the phases shall meet the requirements of a major subdivision within the Town of Pembroke;

C. All phases shall be designed and submitted at the same time;

D. A time table shall be submitted showing the time frame of the phasing. The normal time frame for a phase shall be one (1) year;

E. The phasing of a subdivision shall be designed to minimize the impact on the town; and

F. All roads, on-site improvements and off-site improvements for the entire subdivision shall have a financial guarantee posted prior to receipt of final approval.

§ 205-29. Plat access across municipal boundaries.

Whenever access to the subdivision is required across land in another town, the Planning Board may request assurance from the Planning Board Attorney that access is legally established, and from the Board of Selectmen, or their designated agent, that the access road is adequately improved or that a performance bond has been duly executed and is sufficient in amount to assure the construction of the access road. In general, lot lines should be laid out so as not to cross municipal boundary lines.

§ 205-30. Lot requirements.

A. Lot standards.

(1) Lot arrangement. The lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all lots in compliance with the Zoning Ordinance Editor's Note: See Ch. 143, Zoning. and all other applicable regulations and in providing driveway access to buildings on such lots from an improved street.

(2) Lot dimensions. Lot dimensions shall meet or exceed the minimum standards of the Zoning Ordinance. Where conditions warrant, lot dimensions shall be greater than the minimum as stated in the Zoning Ordinance. In general, lots shall be at right angles to street lines (or radial to curving street lines) unless a variation from this rule will give a better street or lot plan. Dimensions of corner lots shall be large enough to allow for erection of buildings, observing the minimum front yard setback from both streets.

(3) Waterbodies and watercourses. If a tract being subdivided contains a waterbody, or portion thereof, lot lines shall be so drawn as to distribute the length of the meander line of the waterbody evenly among the fees of adjacent lots. Where a watercourse separates the buildable area of a lot from the street by which it has

access, provisions shall be made for installation of a culvert or other structure, of design approved by the Planning Board.

(4) Contiguous area. In addition to the minimum lot size there shall be a minimum contiguous buildable area on each lot which shall equal or exceed seventy percent (70%) of the minimum lot area for that district.

B. Lot improvements.

(1) Soil preservation, grading and seeding.

(a) All lots shall have final grading completed in accordance with the approved final subdivision plat and the lot covered with loam with an average depth of at least four (4) inches, containing no particles over two (2) inches in diameter over the entire area of the lot, except that portion covered by buildings or included in streets or where the grade has not been changed. Topsoil shall be redistributed so as to provide at least four (4) inches of cover on lots, at least three (3) inches of cover between any sidewalks and edge of roadway and edge of right-of-way and at least two (2) inches of cover on roadway shoulders. All topsoil cover shall be stabilized by seeding or planting.

(b) Lot drainage. Lots shall be laid out so as to provide positive drainage away from all buildings and individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed so as to avoid concentration of storm drainage water and from increasing the run-off onto adjacent lots.

(c) Seeding and planting. All areas to be seeded or planted shall be properly graded and prepared. Before seeding and planting, the areas shall be fertilized, and properly mulched after seeding and planting.

(2) Financial guarantee to include lot improvements. The financial guarantee shall include an amount to guarantee completion of all requirements contained in this section, including but not limited to, soil preservation, final grading, lot drainage, seeding and planting and all other lot improvements required by the Planning Board.

§ 205-31. Flood plain areas.

The Planning Board may, when it deems it necessary for the health, safety or welfare of the present and future population of the area and necessary to the conservation of water, drainage and sanitary facilities, prohibit the development of any portion of the property which lies within the flood plain of any stream or drainage course. These flood plain areas shall be preserved from any and all destruction or damage resulting from clearing, grading or dumping of earth, waste materials or stumps, except at the discretion of the Planning Board.

§ 205-32. Special flood hazard areas.

A. The Planning Board shall review all proposed developments 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, as amended.

B. All subdivisions greater than fifty (50) lots or (5) acres, whichever is smaller, shall include such properties' base flood elevation data.

C. Sufficient evidence (construction drawings, grading and land treatment plans) shall be submitted so as to allow determination that:

(1) All such proposals are consistent with the need to minimize flood damage;

(2) All public utilities and facilities, such as sewer, gas, electrical and water systems, are located and constructed to minimize or eliminate flood damage; and

(3) Adequate drainage is provided so as reduce exposure to flood hazards.

§ 205-33. Areas of poor drainage.

The Planning Board may prohibit the development of any portion of the property identified as wetland and may require the preservation and dedication of such. In areas containing poorly drained soils, including areas subject to a fluctuating water table, the Board may require that studies be prepared by a registered engineer relative to the impact of groundwater on the storm drainage system. Depending upon the nature and magnitude of the impacts so identified, the Board may prohibit the development of those portions of the property.

§ 205-34. Erosion and sediment control.

A. All major subdivisions, unless otherwise requested by the Board, shall prepare and construct adequate erosion and sediment control measures and shall be based on the best available technology. Such principles, methods and practices necessary for certification are found in the Erosion and Sediment Control Design Handbook for Developing Areas of New Hampshire (1987) prepared by the United States Department of Agriculture (USDA) Soil Conservation Service, as amended, and the Manual for Soil Erosion for Highways published by the New Hampshire Department of Transportation, as amended.

B. Standards. The design of the subdivision and control measures shall comply with the following standards:

(1) Stripping of vegetation, regrading or other development shall be done in such a way that will minimize soil erosion;

(2) Whenever practical, natural vegetation shall be retained, protected and supplemented;

(3) The disturbed area shall be kept to a minimum;

(4) Increased runoff water caused by changed soil and surface conditions during development shall be retained in such a way as to not increase the peak discharge of runoff water occurring on the site before any development begins;

(5) Sediment in runoff water shall be trapped and retained on the project area; and

(6) Off-site surface water shall either be diverted around or conducted safely through the project area.

§ 205-35. Preservation of natural features and amenities.

Subdivisions shall be designed in accordance with the following standards:

A. Existing features which would add value to residential, commercial or industrial development or to the town as a whole, such as trees, groves, watercourses and falls, beaches, historic spots, vistas and similar irreplaceable assets, shall be preserved in the design of the development;

B. Grading and clearing should be minimized so as to avoid creating undue erosion or interruption of natural drainage ways. Particular attention should be given to natural features suitable as buffer strips between residential subdivisions abutting commercial or industrial areas. Similar natural features that provide buffers between lots or sections of a development should be preserved to enhance privacy and attractiveness. All trees, where required, shall be welled and protected against change of grade;

C. If the Planning Board finds certain land to be unsuitable for development due to flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements or other features which will reasonably be harmful to the safety, health and general welfare of the present or future users of the development, inhabitants of the surrounding area or residents of the town, said land shall not be developed unless adequate methods are formulated by the developer and approved by the Planning Board to solve the problems created by the unsuitable land conditions; and

D. Developments shall use construction methods which cause the least disturbance to the environment possible. No cut trees, timber, debris, junk, rubbish or other waste materials of any kind shall be buried in any land or left or deposited on any

lot or street at the time of issuance of a certificate of occupancy, and removal of same shall be required prior to issuance of a certificate of occupancy. Nor shall any debris be left or deposited in any area of the development at the time of expiration of the performance bond or dedication of public improvements, whichever is sooner.

§ 205-36. Energy conservation design.

Design considerations. To protect community welfare and provide for more efficient use of community facilities, the Planning Board shall consider conservation of energy in the design of developments, to include the following:

A. Pedestrian and bicycle route safely separated from automobile traffic;

B. Commuter traffic lanes;

C. Orientation and design of buildings for southerly solar access and minimum northerly exposure; and

D. Lots to be cleared and graded so that a southerly solar access is provided for. Consideration shall be given to slope, height of nearest trees, structures, fences, walls or other permanent obstacles. The Planning Board may waive south-facing design requirements where an applicant shows a need for solar access and the intent and purpose of these regulations are maintained.

§ 205-37. Nonbuildable lot subdivisions.

All subdivisions which include a nonbuildable lot shall conform to the following requirements:

A. The plan shall show entire back lot with its access to a legal street. Such access shall have minimum frontage equal to sixty (60) feet;

B. The plan shall show adjoining lots and location of all buildings on said lots; and

C. No existing building or any future building on any adjoining lot shall be closer than the front yard set-back line from a future street giving access to the back lot.

§ 205-38. Lot line boundary adjustment.

All applications which include a lot line adjustment shall conform to the following requirements:

A. No new lots, nonconforming lots, or greater nonconforming lots shall be created;

B. The application and plats shall be signed by the owner(s) of both lots affected by the change;

C. The plat shall show both the old property line(s) and new lines. The plat shall have the old lines as dashed lines and the new lines as solid lines; and

D. The Planning Board may waive any requirements of the subdivision regulations, which they feel are not required. **[Amended 5-10-2016]**

ARTICLE VI - Street Design Standards (§ 205-39 - § 205-43)

§ 205-39. General requirements.

A. All developments shall provide for a safe and satisfactory access from a public street. Developments shall not, in general, derive access from a primary or secondary arterial street. Where driveway access from a primary or secondary arterial street may be necessary, the Planning Board may require that such lot be served by a combined drive serving several lots in order to limit possible traffic hazards on such street.

B. Whenever, in the opinion of the Board, safe and satisfactory access cannot be gained from an existing public street, the Board may require the construction and dedication of a public street. Said street shall be designed and constructed in accordance with the standards for public streets contained within this Article, including but not limited to right-of-way width, traveled way width, grade, base, pavement, shoulders, sidewalks, grass strips, street trees, street lights and street signs.

C. Wherever an existing public street is substandard with regard to the standards established within this Article, said street shall be improved in all respects, including the acquisition of additional right-of-way, so that it will conform to the standards set forth for public streets in this chapter.

D. Wherever a public street or the intersection of public streets will be adversely impacted by traffic generated by a development, said street or intersection shall be improved in accordance with standards established by the Town Engineer. Said improvements shall include but not be limited to the installation of traffic signals, the construction of additional lanes for turning movements and the construction of raised islands or barriers for the purpose of channeling traffic.

§ 205-40. Street frontage. [Amended 1-23-1996 by Ord. No. 96-5]

All subdivisions shall have frontage on and access from an existing street on the Official Map, Editor's Note: The Official Map is on file in the town offices. or from a proposed street to be constructed in conjunction with the subdivision pursuant to RSA 674:41.

§ 205-41. Design standards.

A. Grading and improvement plan. Streets shall be graded and improved and conform to the standards and specifications in this section and shall be approved as to design and specifications by the Planning Board, in accordance with the construction plans required to be submitted prior to final plat approval.

B. Widening existing rights-of-ways. Where a subdivision fronts on an existing roadway with a right-of-way less than that indicated on the Official Map Editor's Note: The

Official Map is on file in the town offices. or less than the minimum right-of-way in these regulations for the narrowest class street, the Planning Board may require the applicant to obtain the additional right-of-way required to meet the minimum indicated in these regulations.

C. Street layout.

(1) Streets shall be related appropriately to the topography. Local streets shall be curved wherever possible to avoid conformity or lot appearance. All streets shall be arranged so as to obtain as many as possible of the building sites at, or above, the grades of the streets. Grades of streets shall conform as closely as possible to the original topography. A combination of steep grades and curves shall be avoided.

(2) All streets shall be properly integrated with the existing and proposed system of thoroughfares and dedicated right-of-way as established on the Official Map. Editor's Note: The Official Map is on file in the town offices.

(a) All thoroughfares shall be properly related to special traffic generators such as industries, business districts, schools, churches and shopping centers; to population densities; and to the pattern of existing and proposed land use.

(b) Local streets shall be laid out to discourage use by through traffic, to permit efficient drainage and utility systems and to require the minimum number of streets necessary to provide convenient and safe access to property.

(c) The rigid rectangular gridiron street pattern need not necessarily be adhered to, and the use of curvilinear streets, cul-de-sacs or U-shaped streets shall be encouraged where such use will result in a more desirable layout.

(3) Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless in the opinion of the Planning Board such extension is not necessary or desirable for the coordination of the layout or the most advantageous future development of adjacent tracts.

(4) Blocks.

(a) Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depths. Exceptions to this prescribed block width shall be permitted in blocks adjacent to major streets, railroads or waterways.

(b) The lengths, widths and shapes of blocks shall be such as are appropriate for the locality and the type of development contemplated, but block lengths in residential areas shall not exceed twelve (12) times the minimum lot frontage width required in the zoning district, nor be less than four hundred (400) feet

in length. Wherever practical, blocks along arterials and collector streets shall not be less than one thousand (1,000) feet in length.

(c) In long blocks, the Planning Board may require the reservation of an easement through the block to accommodate utilities, drainage facilities or pedestrian traffic. Pedestrian or crosswalks, not less than ten (10) feet wide, may be required by the Planning Board through the center of blocks more than eight hundred (800) feet long where deemed essential to provide circulation or access to particular areas.

(d) Reserve strips. The creation of reserve strip(s) shall be subject to Board approval.

D. Construction of streets and dead-end streets.

(1) Construction of streets. The arrangement of streets shall provide for the continuation of principal streets between adjacent properties when such continuation is necessary for convenient movement of traffic, effective fire protection, for efficient provision of utilities and where such continuation is in accordance with the Master Plan. If the adjacent property is undeveloped and the street must be a dead-end street temporarily, the right-of-way shall be extended to the property line. A temporary L-shaped turnaround shall be provided on all temporary dead-end streets, with the notation on the subdivision plat that land outside the normal street right-of-way shall revert to abutters whenever the street is continued. The Planning Board may limit the length of temporary dead-end streets.

(2) Dead-end streets (permanent). Where a street does not extend to the boundary of the subdivision and its continuation is not required by the Planning Board for access to adjoining property, its terminus shall normally not be nearer to such boundary than fifty (50) feet. However, the Planning Board may require the reservation of an appropriate easement to accommodate drainage facilities, pedestrian traffic or utilities. A cul-de-sac turnaround shall be provided at the end of permanent dead-end street in accordance with subdivision construction standards and specifications.

E. Street improvements.

(1) Street classification and widths. Centerlines of roadways shall coincide with centerlines of street rights-of-ways and shall be designed using the following minimum standards and the standards found in Appendix C: Editor's Note: Appendix C is included at the end of this chapter.

Regulation	Arterial Class A	Collector Class B	Local Class C
Right-of-way width	80 feet	60 feet	50 feet
Travelled way width 3-inch pavement	24 feet	24 feet	20 feet
Shoulder width asphalt surface treatment	8 feet	4 feet	4 feet
Minimum	0.5%	0.5%	0.5%
Maximum	8.0%	8.0%	8.0%
Maximum grade within 100 feet of intersections	2.0%	2.0%	2.0%
Minimum angle of intersection	75°	75°	75
Minimum centerline radii	600 feet	300 feet	150 feet
Intersection radii:			
Class A to	50 feet	50 feet	30 feet
Class B to	50 feet	30 feet	30 feet
Class C to	30 feet	30 feet	30 feet
Minimum tangent length between reverse curves	100 feet	100 feet	100 feet
Rate of superelevation per foot	.08 feet	.08 feet	.08 feet
Slope of pavement (minimum)	3/8 inch per foot	3/8 inch per foot	3/8 inch per foot
Slope of shoulder (minimum)	5/8 inch per foot	5/8 inch per foot	5/8 inch per foot
Intersection sight distance	400 feet	200 feet	200 feet

NOTE: Any location on a proposed street shall be accessible by a ten-percent or less grade.

(2) Alignment. Streets shall be laid out so as to intersect as nearly as possible at right angles to their centerline offsets. Street jogs at intersections with centerline offsets less than one hundred twenty-five (125) feet shall be avoided.

(3) Superelevation. All roadway curves shall be superelevated at a rate of eight-tenths (0.08) feet per foot and shall have adequate superelevation runoff.

(4) Vertical curves. All changes of roadway grade shall be connected by vertical curves of sufficient length to afford adequate sight distance and safe transition from one grade to another grade.

(5) Intersection sight distances. All roadway intersections shall be designed to have the specified corner sight distances [NOTE: Corner sight distance measured from a point on the minor street at least fifteen (15) feet from the edge of the major street pavement and measured from an eye height of three and three-fourths (3 3/4) feet on the minor street to a height of object of four and a half (4.5) feet on the major street].

(6) Design of intersection roadway surfaces. Intersection roadway pavements shall have a paved transition area at all corners to accommodate turning movements.

(7) Bridges. All bridges shall be as wide as the required pavement for that class road plus four (4) feet and shall conform to Standard Specifications for Road and Bridge Construction, State of New Hampshire, Department of Public Works and Highways.

(8) Cul-de-sacs. Permanent cul-de-sacs shall not exceed six hundred (600) feet in length and shall be provided with a circular turnaround with a centerline radius of not less than sixty (60) feet and a pavement width of twenty (20) feet. The center island shall be landscaped adequately.

(9) Temporary dead-end streets. Temporary dead-end streets shall have the turnaround leg of the L-shaped turnaround not less than thirty (30) feet long measured from the closest edge of pavement of the street and shall be as wide as the street which it serves with a fifty-foot radius transitional area at the corner.

(10) Staking.

(a) That before any clearing has started on the right-of-way (ROW) the centerline of the new street shall be staked and sidestaked at fifty-foot intervals. Sidestakes to be set back off the ROW at right angles from the centerline so as to be out of the construction area and with stationing and distances to the centerline of the street.

(b) Limits of clearing shall be marked by stakes or flagging. Distances from the centerline to be obtained from the cross sections.

(c) After clearing is done and before excavation is started, elevations shall be taken on the tops of sidestakes. Cuts and fill shall be computed to finish grade of roadway and said cuts or fills shall be marked on sidestakes.

(11) Clearing. All topsoil, stumps, brush, roots, boulders and like materials shall be removed from the proposed subgrade area. All soft and spongy places shall be excavated to such depth as shall be necessary to stabilize the foundation of the street and refilled solidly with subbase material as directed by the Board of Selectmen, or their designated agent. The subgrade shall be shaped and compacted evenly at a depth of at least twenty-four (24) inches for Class A streets and eighteen (18) inches for Class B and C streets below the finished surface of said streets as shown on the profile.

(12) Embankments. Embankments shall be formed of suitable material placed in successive layer of not more than twelve (12) inches in depth for the full width of the roadway cross-section and shall be compacted uniformly and sufficiently to prevent settlement. Stumps, trees, rubbish and other unsuitable materials of substance shall not be placed in the fill. The fill shall be allowed to thoroughly settle before applying gravel base material.

(13) Base course. The base courses shall not be laid until the subgrade has been inspected by the Board of Selectmen, or their designated agent. A twenty-four-inch base shall be required on Class A and B streets, such base to be eighteen (18) inches of bank run gravel laid in three (3) six-inch courses and a six-inch course of crushed gravel. An eighteen-inch base shall be required on Class C streets, such base to be constructed of a twelve-inch layer of bank run gravel laid in two (2) six-inch courses and a six-inch course of crushed gravel. Each layer shall be thoroughly compacted by an acceptable method. The completed base shall conform to the lines and grades of the profiles and cross sections. Any modifications to the above standards shall be recommended by the Town Engineer and approved by the Planning Board.

(14) Compaction of fill and base courses. Fill and base course materials shall be placed in six-inch layers and compacted to give required depth with ninety-five percent (95%) density obtained, and shall conform to Standard Specifications for Road and Bridge Construction, State of New Hampshire, Department of Public Works and Highways, 1974, Divisions 203.3.8.1, 203.8.2, 508.3.4.1, 508.3.4.2 and 304, as amended.

(15) Hot bituminous pavement. The roadway shall be paved in accordance with the following specifications:

(a) Rolled two-inch base at the rate of one hundred thirteen thousandths (0.113) tons per square yard.

(b) Rolled one (1) inch wearing course at the rate of fifty-seven thousandths (0.057) tons per square yard. Pavement shall conform to Standard Specifications for Road and Bridge Construction, State of New Hampshire, Department of Public Works and Highways, 1974, Division 400, Pavements, as amended.

(16) Shoulders. Shoulders shall be four-foot minimum in width and shall receive an asphalt surface treatment applied in the following manner:

(a) Asphalt penetration. The base course shall be treated with MC-250 asphalt or an approved substitute surface treatment at a rate not in excess of three-fourths (3/4) gallons per square yard, covered with clean sand, back dragged and rolled all as directed by the Board of Selectmen, or their designated agent.

(b) Asphalt seal.

[1] The surfaces to be sealed shall be thoroughly swept and treated at a rate not in excess of one-half (1/2) gallon per square yard with MC-800 asphalt or T3, 4 or 5 tar, covered with clean sand, back dragged and rolled all as directed by the Board of Selectmen, or their designated agent.

[2] Untreated shoulder and slopes shall have a minimum of two (2) inches of topsoil cover which shall be seeded or as noted on approved cross sections or as directed by the Board of Selectmen, or their designated agent. Seeding shall conform to the guideline for waterways and for well drained soil, pages 26 to 29 of Guides for Erosion and Sediment Control by Merrimack Conservation District.

(17) Underdrains. Underdrains shall be installed where the character and composition of the soil in the road bed and other areas of the subdivision render such installation necessary in the opinion of the Board of Selectmen or their designated agent. These underdrains shall consist of perforated metal pipe or perforated fiber pipe for a minimum of six (6) inches in diameter and laid in the bottom of a trench at such depth and width as may be necessary. The trench shall be filled with clean bank run gravel or equivalent material approved by the Board of Selectmen, or their designated agent.

(18) Topsoil protection. Topsoil moved during the course of construction shall be redistributed to provide at least four (4) inches of cover to all areas of the subdivision including and in particular those areas disturbed between the right-of-way limits and the shoulders and shall be established by seeding and mulching or planting. No topsoil shall be removed from the site unless approved by the Board of Selectmen, or their designated agent.

(19) Sidewalks. Sidewalks shall be located at a minimum of one (1) foot from the edge of the street shoulders or as otherwise specified by the Planning Board for the particular case in question and shall have a compacted subbase six (6) inches thick of crushed gravel and shall be surfaced with two (2) inches of bituminous concrete and shall be a minimum of five (5) feet in width.

(a) Sidewalks shall be required as follows: **[Amended 1-23-1996 by Ord. No. 96-6]**

District	Location
B1, B2 and R1	Both sides of the roadway
R3	1 side of the roadway; 1 side of the roadway, within 1 mile of any school
R3, LO and C1	Not required unless individual circumstances warrant

(b) In all cluster developments where the distance between units is one hundred twenty (120) feet or less: on one (1) side of the roadway.

(20) Curbing. Curbing shall be granite or an approved precast concrete. Curbing shall be required as follows: **[Amended 1-23-1996 by Ord. No. 96-6]**

District	Curbing Type
B1	There shall be a vertical barrier curb with a 6-inch reveal on the sidewalk side of the roadway and a vertical or slope curb on the opposite side of the roadway
B2, R1 and R3 District within 1 mile of any school and in all cluster devel- opments where the distance between units is 120 feet or less	There shall be a vertical granite or approved precast concrete with a minimum of a 6-inch reveal on both edges of the roadway
Remainder of R3 District, the LO and the C1 Districts	Curbing shall not be required unless individual circumstances warrant

§ 205-42. Shade trees; street signs; street lighting; street names; intersection lighting.

A. Street lighting shall be installed where it is deemed appropriate by the Planning Board, subject to approval by the Board of Selectmen.

B. Shade trees may be required along all proposed streets in new subdivisions and shall be of a size and species approved by the Planning Board.

C. Street signs, sign posts and intersection lighting shall be provided at all intersections of new or extended streets by the developer and shall be of a size and type as approved by the Board of Selectmen.

D. Names of all proposed streets shall be submitted with the subdivision plan. The applicant shall ensure that the proposed names will not duplicate existing names and are sufficiently different from existing names. The Board of Selectmen shall approve all street names.

§ 205-43. Monuments.

A. Monument location.

(1) Bound locations. The external boundaries, right-of-way lines, block corners, etc., of a subdivision shall be monumented in the field by bounds. These bounds shall be placed not more than one thousand four hundred (1,400) feet apart in any straight line and at all corners, at each end of all curves, at the point a curve changes its radius, at all angle points in any line and at all angle points along the meander line, said points to be not less than twenty (20) feet from the bank of any river or stream.

(2) Iron pipe locations. The lines of all lots and any other points not monumented by bounds shall be monumented by iron pipes. Those iron pipes located along rivers and streams shall be located along the meander line.

B. Monument types.

(1) Stone or concrete bounds. Bounds shall be of concrete or stone, not less than thirty-six (36) inches in length, not less than four (4) inches square or five (5) inches in diameter, and marked on top with a cross, brass plug, iron rod or other durable material securely imbedded.

(2) Iron pipes. Iron pipes shall be at least thirty-six (36) inches long and seven-eighths (7/8) inch in diameter or square.

C. Monument placement.

(1) Monuments shall be set flush with finished grade. No permanent monuments shall be set until all construction which would disturb or destroy the monuments is completed.

(2) All monuments shall be set under the direction of a land surveyor licensed in the State of New Hampshire.

ARTICLE VII - Design Standards and Requirements for Utilities (§ 205-44 - § 205-48)

§ 205-44. Storm water drainage.

A. General requirements. All developments shall make adequate provisions for storm water disposal facilities which shall be designed by a registered engineer. Storm drainage systems shall be designated to permit unimpeded flow of all natural watercourses and to insure adequate drainage of storm water away from and off of streets and lots.

B. Required improvements.

(1) Municipal storm sewers. Developments within five hundred (500) feet of an existing municipal storm sewer shall be required to connect to that system. Where municipal storm sewers are not available at the time of the application, but said storm sewer will become available in the future because of inclusion in the Capital Improvements Program, the Planning Board may require the applicant to install a municipal storm sewer system, ready for connection to the municipal system at the time of its expansion.

(2) Storm water drainage system. Where municipal storm sewers are not required under § 205-44B(1), a drainage system shall be required to be designed and constructed to carry away all surface runoff.

C. Design standards.

(1) Municipal storm sewer systems. Storm water runoff shall be carried away in a subsurface, piped storm sewer system. Such drainage facilities shall be located in the street right-of-way where feasible and shall be constructed in accordance with the standards and specifications of the Town of Pembroke. When located in the right-of-way, storm sewers shall be located in accordance with the standard street cross-section as contained in the Subdivision Regulations. Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within street rights-of-way, perpetual unobstructed easements at least thirty (30) feet in width for such drainage facilities shall be provided across property outside the street lines and with satisfactory access to the street. Drainage easements shall be carried from the street to a natural watercourse or other drainage facilities.

(2) Storm water system. When public storm sewers are not required, subsurface water runoff shall be carried away in a system of swales, drainage ways, culverts and channels to a natural watercourse or to other drainage facilities. Where a development is traversed by a watercourse, a drainage easement or drainage right-of-way conforming substantially to the lines of such watercourse and of such width and construction or both as will be adequate for the purpose shall be

conveyed to the town. Wherever possible, it is desirable that the drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume of flow. The applicant shall dedicate, either in fee or by drainage or conservation easement, land on both sides of the existing watercourse to a distance to be determined by the Planning Board.

(3) Accommodation of upstream drainage areas. A culvert or other drainage facility shall, in each case, be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the development, assuming conditions of maximum potential watershed development permitted by the Zoning Ordinance. Editor's Note: See Ch. 143, Zoning.

(4) Effect on downstream drainage areas. When a proposed drainage system will carry water across land outside the development, appropriate drainage rights must be secured and indicated on the site plan. Where it is anticipated that the additional runoff incident to the development will overload an existing downstream drainage facility, the Planning Board may withhold approval of the development until provision has been made for the improvement of said condition. Alternatively, upon recommendation from the Town Engineer, the Board may approve on-site retention or detention facilities to prevent the overloading of existing downstream facilities.

(5) Drainage.

(a) Drainage shall be designated by the use of the Soil Conservation Service Method or other approved method. The rainfall frequency to be used with this formula shall be as follows:

10-year frequency for residential areas

25-year frequency for commercial or industrial areas

50-year frequency for flood protection areas

(b) Design calculations for predeveloped and post-development conditions including a narrative of said conditions shall be submitted. Also required will be defaulted hydraulic calculations for open channels, closed pipes and detention basins where applicable.

(6) Structures and materials. Storm drains, culverts and related installations, including catch basins, and drop inlets, shall be installed within and throughout the subdivision as necessary. All storm drainage structures and materials shall meet the standards set forth in Standard Specifications for Road and Bridge Construction, New Hampshire Department of Transportation. All pipes, except underdrains, shall have a minimum diameter of fifteen (15) inches and shall have

a minimum depth of two (2) feet of cover below subgrade over all pipes, including underdrains.

(7) Erosion protection. Sod, paving or stone shall be provided in ditches where soil or velocity conditions warrant protection from erosion as determined by the Board of Selectmen, or their designated agent. In addition, water bars or diversion ditches may be required as determined by the Board of Selectmen, or their designated agent.

§ 205-45. Water supply.

A. General requirements. All developments shall make adequate provision for a supply of potable water for domestic consumption and a water supply for fire protection purposes. All water supply systems and facilities shall be designed by a registered engineer.

B. Required improvements.

(1) Municipal water system. A municipal water system shall be required if available within five hundred (500) feet of the premises or as otherwise determined by the Board. Where a municipal water system is not available at the time of the application, but said water system will become available in the future because of inclusion in the Capital Improvements Program, the Planning Board may require the applicant to install a municipal water system, ready for connection to the municipal system at the time of its expansion.

(2) Nonmunicipal water supply. Where a municipal water system is not required under § 205-45B(1), a water supply system shall be provided through a private well on individual lots or by a private central system.

C. Design standards.

(1) Municipal water system. The applicant shall install facilities for the supply and distribution of water, including fire protection capabilities, in a manner prescribed by the construction standards and specifications of the Town of Pembroke and approved by the Town of Pembroke Water Department. Water mains shall be located within street rights-of-way unless topography dictates otherwise. When located in the right-of-way, water mains and appurtenant facilities shall be located in accordance with the standard street cross-section as contained in the Subdivision Regulations. When water mains are located in easements across private property, said easements shall be unobstructed in perpetuity, shall be thirty (30) feet in width and shall provide satisfactory access to a street.

(2) Nonmunicipal water supply. Where municipal water supply is not required, the Planning Board may approve the provision of water through either of the following methods:

(a) Individual private wells, the location of which shall comply with all standards of the New Hampshire Department of Environmental Services, Water Supply and Pollution Control Division (WSPCD); or

(b) A private central water system, serving two (2) or more lots or users, which shall conform to and meet all standards set for community water services as established by the New Hampshire Department of Environmental Services, Water Supply and Pollution Control Division, even though the WSPCD may not invoke jurisdiction in all cases. The Board may require the proposed system to be reviewed and approved by the Pembroke Water Department.

§ 205-46. Sanitary sewage disposal.

A. General requirements. All developments shall make adequate provisions for sanitary sewage disposal facilities which shall be designed by a registered engineer.

B. Required improvements.

(1) Municipal sanitary sewers. Municipal sanitary sewers shall be required if available within five hundred (500) feet of the premises or as otherwise determined by the Board. Where municipal sanitary sewers are not available at the time of application, but said sanitary sewers will become available in the future because of inclusion in the Capital Improvements Program, the Planning Board may require the applicant to install a municipal sanitary sewer system, ready for connection to the municipal system at the time of its expansion.

(2) Nonmunicipal sanitary sewage disposal. Where a municipal sanitary sewer system is not required under § 205-46B(1), sanitary sewage disposal shall be provided by an on-site sewage system.

C. Design standards.

(1) Municipal sanitary sewers. The applicant shall install sanitary sewer facilities to serve each lot or dwelling unit in a manner prescribed by the construction standards and specifications of the Town of Pembroke and approved by the Town of Pembroke Sewer Department. Sanitary sewers shall be located within street rights-of-way unless topography dictates otherwise. When located in the right-of-way, sewers shall be located in accordance with the standard street cross sections as contained in the Subdivision Regulations. When sewers are located in easements across private property, said easements shall be unobstructed in perpetuity, shall be thirty (30) feet in width and shall provide satisfactory access to a street.

(2) Nonmunicipal sanitary sewage disposal. Where municipal sanitary sewers are not required, the Planning Board may approve the provision of sewage disposal through either of the following methods:

(a) Individual disposal systems, the design and location of which shall be approved by the New Hampshire Department of Environmental Services, Water Supply and Pollution Control Division. Said systems shall be located on private property, no closer than seventy-five (75) feet to a watercourse, a water body, a wetland or a well that is being used as a source of water supply and shall not be located within the required setback for that district; or

(b) A private central sewerage system, the design and location of which shall be approved by the New Hampshire Department of Environmental Services, Water Supply and Pollution Control Division. Maintenance and operating costs of said system shall be assessed against the development. The Board may require the proposed system to be reviewed and approved by the Pembroke Sewer Department.

§ 205-47. General.

Whenever the proposal contains improvements to or new construction of private or public facilities beyond the limits of the applicant's tract of land, the applicant shall consider areas of improvements or construction to be a part of the subdivision plan and all pertinent requirements of these regulations shall apply.

§ 205-48. Nonmunicipal utilities.

All developments shall make adequate provision for nonmunicipal utilities as may be necessary and appropriate for the development. The applicant is responsible for all coordination with the utility companies to assure that nonmunicipal utilities are installed in accordance with plans provided to the Board pursuant to these regulations.

ARTICLE VIII - Financial Guarantees and Inspection Procedures (§ 205-49 - § 205-53.2)

§ 205-49. Financial guarantees and maintenance requirements.

A. Financial guarantees.

(1) The Planning Board shall require that the applicant post a bond or satisfactory surety at the time of application for site plan approval in an amount estimated by the Town Engineer and approved by the Planning Board as sufficient to secure to the Town of Pembroke the satisfactory construction, installation and dedication of the required municipal improvements delineated in the construction plans of Appendix B. Editor's Note: Appendix B is included at the end of this chapter.

(2) Such financial guarantee shall comply with all statutory requirements and shall be satisfactory to the Town Attorney as to form, sufficiency and manner of execution as set forth in these regulations. Such financial guarantee shall also be approved by the Board of Selectmen as to the amount and surety and conditions.

(3) The time stipulated by the Planning Board for completion of the required improvements shall be stated in the terms of the guarantee and shall not exceed two (2) years from the date of final approval. Upon showing of difficulty, the Planning Board may extend the completion date as set forth in such assurance for one (1) additional year. **[Added 11-24-1998 by Ord. No. 98-8]**

B. Temporary improvements. The applicant shall build and pay for all costs of temporary improvements required by the Planning Board and shall maintain same for a period specified by the Planning Board. Prior to the construction of any temporary facility or improvement, the developer shall file with the Board of Selectmen a separate suitable financial guarantee for temporary facilities. The guarantee shall ensure that the temporary facilities will be properly constructed, maintained and removed. **[Amended 7-26-2011 by Ord. No. 11-2]**

C. Costs of improvements. All required improvements shall be made by the applicant, at their expense, without reimbursement by the town, unless otherwise negotiated with the Board of Selectmen.

D. Failure to complete improvement. When a financial guarantee has been posted and required improvements have not been installed within the terms of such financial guarantee the Board of Selectmen may thereupon declare the financial guarantee to be in default and require that all improvements be installed regardless of the extent of the building development at the time the bond is declared to be in default.

E. If the town has reason to suspect that a financial guarantee will not be renewed by the issuing agency, cancelled prior to the expiration of the guarantee or that the issuing agency will not be in a position to continue the financial guarantee prior to

the completion of the improvements, the town reserves the right to declare the financial guarantee to be in jeopardy and may call the financial guarantee.

F. Failure to renew financial guarantee. Failure by the applicant to obtain or renew a financial guarantee of sufficient size to cover the cost of the improvements shall constitute grounds for the revocation of the approval. All financial guarantees shall be renewed and a copy submitted to the town a minimum of thirty (30) days prior to the expiration of that guarantee.

G. Acceptance of dedication offers. Acceptance of formal offers of dedication of streets, public areas, easements and parks shall be by ordinance of the town. The approval by the Planning Board of a plan shall not be deemed to constitute or imply the acceptance by the Board of Selectmen or the town of any street, right-of-way, easement or park shown on said plan. The Planning Board may require said plan to be endorsed with appropriate notes to this effect.

H. Post construction performance guarantee. The applicant shall submit to the town a post construction performance guarantee in the form of a performance bond, cash bond, or an irrevocable letter of credit in an amount to be considered adequate by the Town Planner and Town Engineer. Such guarantee shall be in effect for a period of one year. The beginning date of the one year period shall be the date of the vote by the Board of Selectmen to accept the improvements as well as the post construction performance guarantee, and to specifically begin the time period. The guarantee amount shall remain unchanged for the entire one year period. **[Added 11-24-1998 by Ord. No. 98-8; amended 8-24-1999 by Ord. No. 99-4]**

> The purpose of this guarantee is to provide funds to repair or reconstruct subdivision roads which have become damaged due to latent defects or other unexpected events. The Town Engineer shall determine if a repair or reconstruction procedure is required.

§ 205-50. Inspection of improvements.

A. General procedure. The Board of Selectmen, or their designated agent, shall provide for the inspection of required improvements during the construction of the development and certify their satisfactory completion. Whenever the cost of improvements is covered by a financial guarantee, the applicant and the bonding company shall be severally and jointly liable for completing the improvements according to specifications.

B. Fees. Whenever a proposed subdivision will involve street construction, the installation of drainage structures or other required improvements, the costs incurred by the town in having the work inspected shall be borne by the applicant. Prior to receiving final approval of the subdivision, the applicant shall deposit with the Treasurer of the town a sum of two percent (2%) of the estimated cost of

construction of the required improvements as estimated by the Selectmen or their designated agent. The deposit shall be held in a special escrow account by the Treasurer for the purpose of paying the Selectmen or their designated agent to make the necessary inspection. The unused portion shall be returned to the applicant upon final acceptance of the improvements. If the inspection cost exceeds the deposit, the applicant must pay that amount to the Treasurer prior to final acceptance of the improvements and prior to the release of any bond, letter of credit, money or other financial security deposited under this chapter.

C. Inspection schedule.

(1) The Board of Selectmen, or their designated agent, shall provide for the inspection of required improvements during the construction stage and shall certify their satisfactory completion. During the construction stage of any new street for town acceptance, the developer, or his agent, must notify the Selectmen at least two (2) business days in advance before starting the following phases of construction:

(a) Inspection No. 1: Layout of roadway, layout of wetlands.

(b) Inspection No. 2: After clearing, stumping and grubbing and placement of erosion control measures, and prior to placing of any fill materials of base gravel; inspection of any drainage facilities may occur at this time also.

(c) Inspection No. 3: Prior to the placement of fill for any utility. All utilities are to be installed prior to binder course. **[Amended 1-23-1996 by Ord. No. 96-7; 8-24-1999 by Ord. No. 99-4]**

(d) Inspection No. 4: Drainage piping and buried utilities and trench backfilling.

(e) Inspection No. 5: Subgrade and slope work.

(f) Inspection No. 6: Gravel grade and compaction.

(g) Inspection No. 7: Crushed gravel and compaction.

(h) Inspection No. 8: Final ditchwork, slope work, landscaping and erosion control.

(i) Inspection No. 9: Headwall inspection.

(j) Inspection No. 10: Binder course.

(k) Inspection No. 11: Wearing course.

(l) Inspection No. 12: Remaining work.

(m) Inspection No. 13: Final walk through. Preparation of punch list.

(n) Inspection No. 14: Follow up.

(2) Any reductions in the number of inspections must be approved by the Planning Board in consultation with the Town Engineer. **[Amended 1-23-1996 by Ord. No. 96-7]**

(3) The testing schedule and methods used to test the materials shall be approved by the Town Engineer.

(4) The Town Engineer may require additional inspections of the improvements based on the construction methods used, time of year or other variables. **[Added 1-23-1996 by Ord. No. 96-7]**

D. Acceptance procedure. Upon satisfactory completion of Inspections Nos. 1 through 14, the developer shall request that the Town Engineer and Road Agent recommend acceptance of the improvements to the Board of Selectmen as outlined in § 205-51B. **[Amended 8-24-1999 by Ord. No. 99-4]**

E. If, upon inspection, any of the required improvements have not been constructed in accordance with the Planning Board's construction standards and specifications, the developer shall be responsible for completing the improvements. Wherever the cost of improvements is covered by a performance bond, the bonding company and the developer shall be severally and jointly liable for completing the improvements according to specifications. Any costs incurred by the town as a result of the inspection procedures shall be borne by the developer and failure to pay such costs may result in the calling of the financial guarantee by the town.

§ 205-51. Release or reduction of financial guarantee.

A. Reduction of financial guarantee. A financial guarantee may be reduced upon actual dedication of public improvements and then only to the ratio that the public improvement dedicated bears to the total public improvements for the development. In no event shall a financial guarantee be reduced below twenty-five percent (25%) of the principal amount until the entire project has been completed and accepted by the town.

B. Certificate of satisfactory completion. The Board of Selectmen and Planning Board will not accept final dedication of required improvements, nor release a financial guarantee, until the Board of Selectmen, or their designated agent, has submitted a certificate stating that all required improvements have been satisfactorily completed and until the applicant's engineer or surveyor has certified to the Board of Selectmen, or their designated agent, through submission of detailed "as built" plans of the development, indicating locations, dimensions, materials and other information required by the Planning Board, that the layout of the line and grade of all public

improvements and lot monuments is in accordance with the construction plans for the improvements to a tract of land and that a title has been furnished to and approved by the Planning Board stating that the improvements are ready for dedication to the Town of Pembroke and are free and clear of any and all liens and encumbrances. Upon such approval and recommendation, the town may thereafter accept the improvements for dedication in accordance with the established procedure.

§ 205-52. Maintenance of improvements. [Amended 8-24-1999 by Ord. No. 99-4]

Where roadways in subdivisions under construction have not yet been accepted by the town, but will be accepted by the town upon completion of the roadway construction, the Town of Pembroke shall provide the following municipal services to the affected residents:

A. Residential trash and garbage pick up: subject to § 133-2 of the Code of the Town of Pembroke. This residential trash does not include leaves, brush, construction material, old furniture, etc.

B. Winter roadway maintenance: This roadway maintenance shall include snow plowing, roadway sanding and salting. The developer shall pay a fee to the town for this service, calculated at the rate to be determined by the Town Engineer and Road Agent. This fee is to be paid to the town by November 1 of each year.

§ 205-53. Off-site improvement agreements.

All projects involving the construction of off-site improvements shall be subject to the execution of an off-site improvement agreement. The agreement shall stipulate:

A. The parties responsible for the off-site improvements;

B. The cost of the improvements and the type of financial guarantee to be used to assure the completion of the improvements; and

C. A description of the off-site improvements.

§ 205-53.1. Issuance of building permits and certificates of occupancy. [Added 11-24-1998 by Ord. No. 98-8]

A. No building permits shall be issued prior to the filing of the endorsed plan with the Merrimack County Registry of Deeds.

B. In addition to the Building Code requirements, the following site improvements, conditions and commitments from the developer shall be in effect prior to the issuance of certificates of occupancy: **[Amended 8-24-1999 by Ord. No. 99-4]**

(1) The base course of pavement shall be constructed in accordance with town specifications.

(2) All driveway aprons shall be constructed to the limit of the town right-of-way.

(3) All sidewalks shall be constructed as required and shall terminate in ADA compliant handicapped ramps.

(4) All services shall be stubbed to the edge of the town right-of-way.

(5) The site drainage system shall be constructed and functioning as designed.

(6) Temporary and permanent erosion control measures for the affected area of the site must be constructed as specified on the approved construction plans or as ordered by the town's Engineer.

(7) It is the intent of the town to have the subdivision roadway constructed with permanent curbing (where required) and base course prior to the winter maintenance season. The required length of curbing shall be the distance of the affected subdivision road requiring curbing (including both sides of the road) to the furthest lot for which a certificate of occupancy is requested. Prior to the issuance of any certificates of occupancy, the developer shall construct the permanent curbing (where required) and full width of base course hot bituminous pavement or make a cast "curbing" deposit to the town equal to $50.00 per linear foot of subdivision roadway requiring curbing (as described above). At the time the permanent curbing shall be constructed and approved by the town's agent, the equivalent value of "curbing" deposit monies shall be refunded. In the event that the required permanent curbing is not constructed by September 1, the town shall use the "curbing" funds to construct the required permanent or temporary curbing.

Note: No gaps in the curbing, except for drives shall be permitted.

(8) The developer must provide a paved temporary turn around for snow plow trucks. The turn around design and location must be approved by the Town Engineer.

(9) The right-of-way of the affected subdivision roadway shall be clear of construction materials, debris, contractor's equipment, and storage trailers. Also, the side slopes shall be rough graded to within one foot of finished grade, all side road drainage ditches constructed substantially to grade and functioning as designed.

(10) Catch basin grates and public or private utility frames/grates shall be constructed so as not to extend above the base course pavement.

(11) The required regulatory and warning signs shall be constructed by the developer.

(12) All proposed site improvements as shown on the approved plan; including, but not limited to, landscaping, parking lot paving and striping, etcetera. **[Added 7-26-2011 by Ord. No. 11-2]**

§ 205-53.1. Certificates of Occupancy with Incomplete Subdivision Plan Improvements. [Added 7-26-2011 by Ord. No. 11-2]

A. In the event that the applicant is entitled to a Certificate of Occupancy under the Pembroke Building Code, except for work that cannot or will not be completed because of weather-related or other reasons (for example, landscaping and paving postponed due to cold weather or the applicant wishing to occupy a building without landscaping or signage), then the applicant shall post a financial guarantee in an amount equal to 125% of the cost of completing the work required. The Town Planner may deny request for a Certificate of Occupancy if he/she determines that the work could have been completed within the usual construction season. Such denial may be appealed by the applicant to the Planning Board, which shall either affirm or reverse the decision of the Town Planner.

B. The amount of the financial guarantee shall be determined by Town Engineer as being 125% of an amount sufficient to complete the unfinished improvements. The duration of the guarantee shall be determined by the Town Planner. Appeals to the amount and duration of the financial guarantee shall be made to the Pembroke Planning Board.

C. The financial guarantee shall be released when the Town Planner is satisfied that the applicant has complied with all requirements set forth in the Notice of Decision.

ARTICLE IX - Administrative Provisions (§ 205-54 - § 205-68)

§ 205-54. Amendments.

These regulations may be amended, changed, altered, added to or rescinded from time to time whenever this action is deemed necessary or advisable by the Planning Board, but not until public hearing on the proposed amendment, change, alteration or rescission, and a statement, signed by the Chair or Vice Chair of the Planning Board, indicating any variations thus authorized from such regulations as were previously filed, shall be transmitted to the Town Clerk.

§ 205-55. Fee schedule for subdivision plan review. [Amended 09-23-2003 by Ord. No. 03-06-PB; Amended 06-22-2010, 09-25-2012]

A. The following fee schedule is hereby established for minor and major subdivision plan review:

Application & Review Fees	Fee Per Unit
Subdivision	$175 per lot
Lot Line Adjustment	$200 per first two lots **plus** $100 per each additional lot
Lot Merger (per RSA 674:39)	$25 per project
Condominium Fees	**Fee Per Unit**
Conversion of Existing Development	$300 per project **plus** $50 per dwelling unit
New Condominium Declaration	$300 per project **plus** $100 per dwelling unit
Administration Fees	**Fee Per Unit**
Certified Notices of Hearing	$10 per address
Certified Notices of Decision	$10 per applicant
Recording Fee for Plans	$50 per sheet
Recording Fee for Plans (for each additional attempt)	$25 per sheet
Recording Fee for Documents	$25 per document (includes Town easements, etc.)

Newspaper Legal Notice	$120 minimum per notice, subject to adjustment based upon actual cost via legal escrow account

Engineering & Legal Escrow Fees	**Fee Per Unit**
Lot Line Adjustment	$100 per project (Engineering estimate will determine remaining fee. Application will not be accepted as complete without entire fee.)
Minor Subdivision	$300 per project (Engineering estimate will determine remaining fee. Application will not be accepted as complete without entire fee.)
Major Subdivision	$500 per project (Engineering estimate will determine remaining fee. Application will not be accepted as complete without entire fee.)

State LCHIP Surcharge	**Fee Per Unit**
Any Recorded Plan Set	$25 per plan set (make check out to Merrimack County Registry of Deeds)

B. All expenses incurred by the Town of Pembroke in processing an application for Board action shall be borne by the applicant. All fees, except for State LCHIP fees, must be paid by the applicant at the time of filing the application with the designated agent of the Board. Failure to pay these all expenses and fees as specified will be valid grounds for refusal to accept the application as complete or for disapproval of the application. **[Amended September 25, 2012]**

C. State LCHIP Surcharge-LCHIP Fees shall be submitted when final plans and Mylars are submitted for signature. No plans will be signed if LCHIP fees have not been paid in full. **[Added September 25, 2012]**

§ 205-56. Planning Board application form.

The Planning Board shall adopt subdivision application forms which shall be considered a part of these regulations.

§ 205-57. Special investigations.

The Planning Board, at it's [sic] discretion, may either request an applicant to prepare special studies of public facilities and utilities, natural resources, environmental quality issues or fiscal and economic impacts at the applicant's expense, or contract with a consultant to perform these studies at the applicant's expense.

§ 205-58. Review of applications.

In the review of applications, the Planning Board may contract with consultants to review all or portions of any application, an environmental impact statement or any special study requested by the Planning Board. This review shall be at the applicant's expense.

§ 205-59. Enforcement.

The Town Planner and Code Enforcement Officer are charged with ensuring that the development is constructed as approved by the Planning Board. Minor variations to the plan, not involving the movement of property lines, which are purely technical in nature may be approved by the enforcement staff. All other changes to the plan shall require the applicant to return to the Planning Board for an approval of those changes.

§ 205-60. Civil enforcement.

Appropriate actions and proceedings may be taken by law or in equity to prevent unlawful construction, to recover damages, to restrain, correct or abate a violation, to prevent illegal occupancy of a building, structure or premises, and these remedies shall be in addition to the penalties as set forth below.

§ 205-61. Violations and penalties.

The town adopts the provisions of RSA 676:17, as amended, in the enforcement of any violations of these regulations. Any person, corporation or other entity who fails to comply with or violates any of these regulations shall be subject to a fine not to exceed the maximum provided for in RSA 676:17, as amended. A separate offense shall be deemed to have occurred on each day that a violation exists or a condition prohibited hereunder shall continue to exist.

§ 205-62. Appeals. [Amended 1-23-1996 by Ord. No. 96-8]

A. Pursuant to the requirements of RSA 676:5 (III) a decision made by the Planning Board based solely upon the Zoning Ordinance Editor's Note: See Ch. 143, Zoning. may be appealed to the Zoning Board of Adjustment.

B. All other decisions made by the Planning Board may be appealed to the Superior Court as provided by New Hampshire RSA 677:15, as amended.

§ 205-63. Waivers.

A. General. Where the Planning Board finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations or the purposes of this section [sic] may be served to a greater extent by an alternative proposal, it may approve waivers to these regulations so that substantial justice may be done and the public interest secured, provided that such waiver shall not have the effect of nullifying the intent and purpose of these regulations.

B. Conditions. In approving waivers, the Planning Board may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements of these regulations.

C. Procedures. A petition for any such waiver shall be submitted in writing by the applicant at the time when the application is filed for the consideration of the Planning Board. The petition shall state fully the grounds for the waiver and all of the facts relied upon by the petitioner.

§ 205-64. Plan revocation.

Failure on the part of the applicant to adhere to any conditions of approvals, construction contrary to what was approved by the Planning Board or other conditions as outlined in RSA 676:4-a(I) shall constitute grounds for the invocation of RSA 676:4-a and the revocation of the subdivision approval.

§ 205-65. Consent to Board Inspection.

By filing an application, the applicant consents to the inspection by Board members and Board agents of the property at reasonable times and in a reasonable manner.

§ 205-66. Prohibited actions.

Once an application for subdivision has been submitted the applicant shall not undertake any of the following actions until the applicant has received final approval:

A. Transfer of lots in unapproved subdivisions. The sale of or transfer of any land, before a final plat of said subdivision in question has been approved by the Planning Board and recorded with the County Registry of Deeds shall be prohibited and subject to the provisions and penalties of New Hampshire state law.

B. Building permits. No building permit shall be issued for the construction of any building or structure located on a lot or plat subdivided or sold in violation of the provisions of these regulations.

C. Preapproval construction prohibited. No person, corporation or other entity shall do any of the following acts on any land in the Town of Pembroke until a final plat of that land has been submitted to and approved by the Planning Board and recorded with the County Registry of Deeds:

(1) Cut any trees or vegetation on any land proposed or intended for use as a subdivision;

(2) Remove any stumps, topsoil or other materials from any land proposed or intended for use as a subdivision;

(3) Bury any stumps, topsoil or other yielding material on any land proposed or intended for use as a subdivision;

(4) Level or otherwise change the grade of any land proposed or intended for use as a subdivision;

(5) Construct any street to service a proposed or intended subdivision; or

(6) Install any utilities to service a proposed or intended subdivision.

§ 205-67. Certain representations deemed conditions.

Representations made at a public hearing or material submitted to the Board by an applicant for a site plan approval concerning features of proposed buildings, structures, parking or use which are subject to regulation shall be deemed as to be conditions of approval.

§ 205-68. Saving provision.

These regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing regulations or as discontinuing, abating, modifying or altering any penalty accruing or about to accrue or as affecting the liability of any person, firm or corporation or as waiving any right of the town under any section or provision existing at the time of adoption of these regulations or as vacating or annulling any rights obtained by any person, firm or corporation, by lawful action of the town except as shall be expressly provided for in these regulations.

Attachments:

Attachment 1: Appendix A – Subdivision Plan Submittal Information
Attachment 2: Appendix B – Construction Plans Submittal Information
Attachment 3: Appendix C – Road Cross Sections

205 Attachment 1

Appendix A
Subdivision Plan Submittal Information
Town Of Pembroke

The applicant is responsible for preparing a subdivision plan of the proposed development and/or changes. The subdivision plan shall be of sufficient size and detail too [sic] clearly show what is proposed to be done on the site. The applicant shall supply the following information either on the subdivision plans or by supplemental typewritten sheets dated and signed by the applicant:

A. The plat, and the cover sheet of any documents submitted with it, must show the names, addresses, and telephone numbers of the applicant, the land surveyor or engineer, and everyone owning an interest in the property. The plat must also show the seal of the surveyor, the seal of the engineer responsible for the design of the project and the signatures of the owners.

B. The applicant must provide the names and addresses of all abutters. Pursuant to RSA 676:4 I (b) any engineer, architect, land surveyor, or soil scientist whose professional seal appears, or will appear, on any plat shall be considered an abutter. The citation of the most recent instrument conveying title to each parcel of property to be subdivided, giving the names of grantor and grantee, the date and the Registry of Deeds recording reference by book and page. **[Amended 1-23-1996 by Ord. No. 96-9]**

C. The plat must show the proposed names of the subdivision and of any proposed streets. These names may not be so similar to existing names as to be likely to create confusion.

D. The applicant must state the dates and the outcome of any applications to subdivide any part of the parcel in the prior ten (10) years.

E. The plat must be prepared with pen and ink, and be on Mylar or similar material, which is of suitable size for recording in the Merrimack County Registry of Deeds. It must show the date of preparation, the true North point and the magnetic North point. It must state the purpose of the subdivision [e.g., to create six (6) lots for single-family dwellings, etc.].

F. The plat must include a vicinity map, depicting the location of the property with respect to surrounding property and streets. It must show names of adjoining streets, names of abutters, and any zoning district lines on this or adjacent property. **[Amended 8-22-2000 by Ord. No. 00-4]**

G. The plat must include the location, bearings to the nearest minute and dimensions of all boundary lines and lot lines, expressed in feet and hundredths of a foot.

The plat must show the use, total area, and buildable area (according to the Subdivision Regulations and Zoning Ordinance[1]) of each lot.

H. The plat must show the existing topography of the entire parcel to be subdivided, at these intervals:

Grade	Contour Interval
0% to 2%	2-foot plus spot elevations
2%+ to 5%	2-foot
5%+	10-foot

Lot [sic] points, high points, and other areas needing spot elevations must be shown. Existing contours shall be shown with dashed lines; proposed contours shall be shown with solid lines. **[Amended 8-22-2000 by Ord. No. 00-4]**

I. The plat must show the location and approximate dimensions of all of the following, both existing and proposed, whether located on this parcel or within sixty (60) feet of its boundaries: streets (width and names, on this or adjoining property), easements, rights-of-way, bridges, paved areas, water courses, bodies of water, wetlands, drainage ditches, one hundred year flood plain, parks, playgrounds or other recreational areas, cemeteries, monuments, buildings, building set-back lines, ledges, boulders, wooded areas, proposed landscaping, areas with slopes greater than fifteen percent (15%) and environmentally significant areas.

J. The plat must show the location, size, elevation and slope of existing sewer and water lines, culverts, catch basins, utility lines or other underground structures beneath this property or within sixty (60) feet of its boundary lines.

K. The applicant must submit a proposal for connection with existing water and sewer lines, or alternative means of providing those services, specifying locations. On-site septic systems must be located within the building set-back lines. Issuance of a permit by the New Hampshire Department of Environmental Services, Water Supply and Pollution Control Division, will be considered by the Board, but is not binding on the Board.

L. The plat must show how surface water shall be collected and discharged so as to minimize and control erosion and sedimentation.

M. The plat must show soil types and boundaries, based on Soil Conservation Service data. If sewage or other waste water is to be discharged on-site, or if wetland must be identified, an intensive soil survey by a qualified soil scientist is required. Soil boundaries shall be shown on the plat by dotted lines.

N. The plat must show the location of actual or proposed soil test pits, test borings, and percolation test pits.

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[1] Editor's Note: See Ch. 143, Zoning.

O. Blocks, including those in subsequent additions to subdivisions, shall be numbered consecutively or lettered in alphabetical order. All lots in each block shall be numbered consecutively. Large remaining parcels to be subdivided in the future shall be lettered in alphabetical order.

P. The applicant must verify the classification of abutting roads, noting their position, if any, on the Town Road Management Plan.

Q. The applicant must provide full legal descriptions of all existing and proposed easements, rights of ways, covenants, reservations, or other restrictions on the use of the property, with notations of each on the plat.

R. The plat must show the location, dimensions, area, and purpose of any existing or proposed open space. The applicant must describe any restrictions on its use and any conditions on its dedication or reservation.

S. If development is phased, the plat must show the proposed schedule.

T. The applicant must disclose the existence of any environmentally sensitive, significant or unique areas within or abutting the parcel. Each applicant must affirm that the applicant consulted with the New Hampshire Natural Heritage Inventory, Department of Resources and Economic Development, concerning the significance of the parcel and abutting property.

U. The applicant must disclose whether the parcel is designated as prime agricultural land on the town map designed for that purpose, and whether the parcel abuts such land.

V. (Reserved)

W. Applications for cluster development must supply the information required by Article IX of the Town of Pembroke Zoning Ordinance.[2]

X. The applicant must submit any available certifications of approval required by any other federal, state or local governmental agency, and sufficient information to demonstrate compliance with the Zoning Ordinance and these regulations.

Y. The plat must show the following form for Board approval in the lower right corner of any title block:

Z. The plat must show the following form for Board approval in the lower right corner of any title block:

THE TOWN OF PEMBROKE PLANNING BOARD, in accordance with its vote of _____, 20 , hereby approves this plat. Approval is limited to the lots as shown. _____

[2] Editor's Note: See Ch. 143, Zoning.

For the Board

NOTES:

1. The information required herein is to be construed as the minimum required for a subdivision submittal. The Planning Board may require additional information in order to evaluate the proposal.

2. The lack of any information under any item specified herein or improper information supplied by the applicant may constitute grounds for the disapproval of the subdivision.

205 Attachment 2

Appendix B
Construction Plans Submittal Information
Town of Pembroke

Construction plans shall be prepared for all required improvements whether private or public improvements. Map sheets shall be no larger than twenty-two by thirty-four (22 x 34) so that it can be recorded at the Merrimack County Registry of Deeds. The following shall be shown:

A. Plans. Plans of all areas to be disturbed for construction of streets, drainage ways and structures, sewer, water and electric lines, erosion and sediment control structures, and other areas to be disturbed for the construction of improvements shall be made showing existing topography shown in dashed lines and proposed contours shown in solid lines are a contour interval no greater than two (2) feet plus spot elevations, soil types and boundaries shown in dotted lines, existing tree lines and proposed trees and all other plantings, edge of all paved areas, location and size of all structures, piping and other materials, center line stationing of all proposed roads at fifty-foot intervals and the location of all adjacent lot lines with the lot numbers of each lot taken from the appropriate preliminary of final plat. Plans shall be drawn at a scale of no more than one (1) inch equals fifty (50) feet.

B. Profiles. Profiles of all proposed roadways, showing existing and proposed elevations along the center lines of all proposed roads and all structures, piping and other materials. Profiles shall be drawn at a scale of one (1) inch equals fifty (50) feet horizontal scale and one (1) inch equals five (5) feet vertical scale.

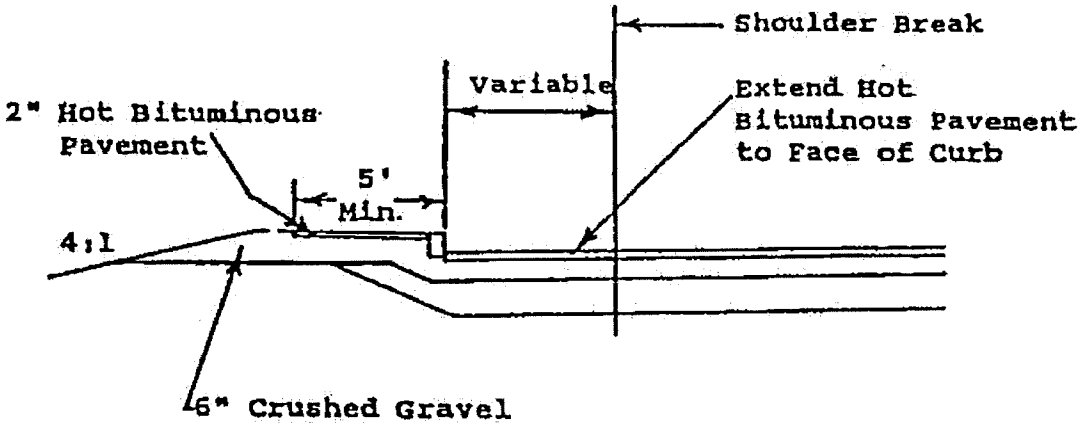
C. Cross-sections. Cross-sections of all proposed roadways at one-hundred-foot stations and at all catch basins or culverts showing the roadway and all areas to be disturbed for the construction of all proposed roadways, existing grades, proposed subgrades, proposed final grades and all utilities and other structures. Cross-sections shall be drawn to a convenient scale of not more than one (1) inch equals ten (10) feet, both the horizontal and vertical scales shall be the same.

D. Details. Construction details of all roadways, curbing, sidewalks, drainage structures, sediment and erosion control structures, and any other required improvements shall be shown at a convenient scale.

E. Erosion and sediment control. Plans and other information indicating how increased runoff, sedimentation and erosion shall be controlled during and after construction or required improvements.

205 Attachment 3

Appendix C
Road Cross Section
Town of Pembroke



Half Section

TYPICAL SIDEWALK

(When Required)

GENERAL ROAD DESIGN NOTES

A. Superelevate sections on curves as directed.

B. Ditches and gutters to be paved where required.

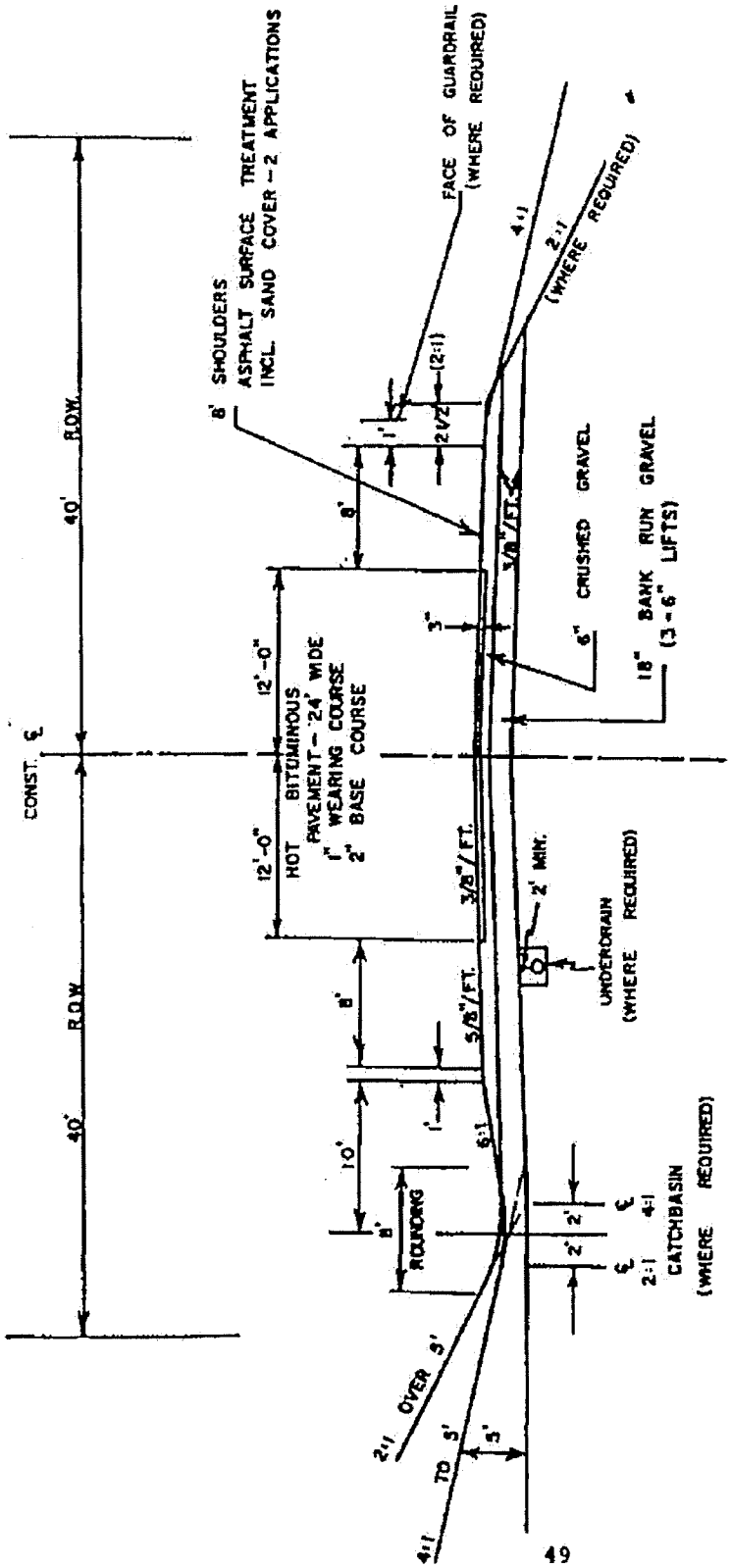
C. All drainage to have two-foot minimum cover.

D. All drainage to be constricted as shown on plans or as directed by the Town Engineer.

E. Guard rail required on all two to one (2:1) slopes.

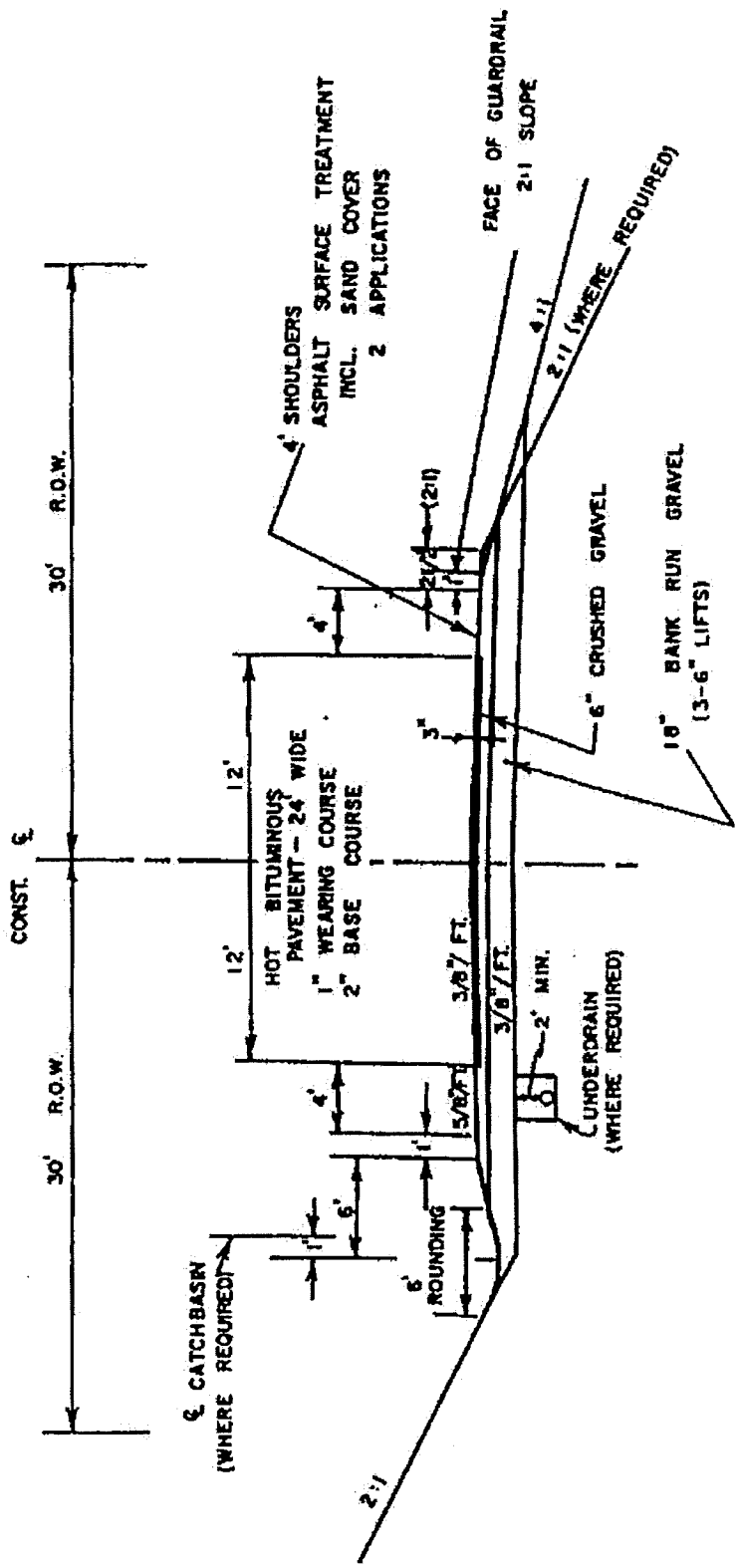
F. Curb shall be granite, concrete of bituminous material.

G. Curb reveal shall be six (6) inches from finished pavement.



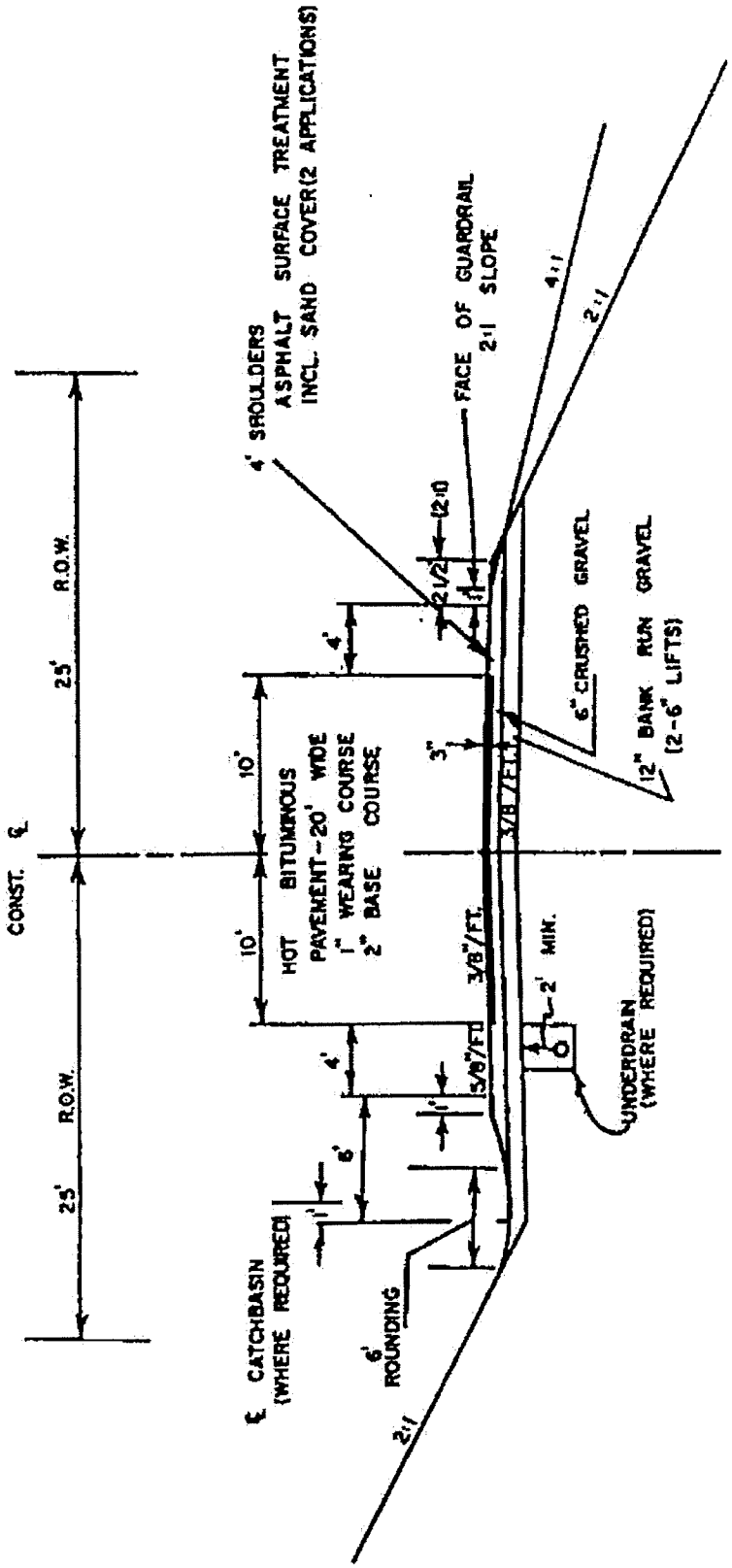
TYPICAL SECTION

CLASS "A" ARTERIAL ROAD



TYPICAL SECTION

CLASS "B" COLLECTOR ROAD



TYPICAL SECTION

CLASS "C" LOCAL ROAD

Fee Schedule Amended: 9-25-2012, 5-6-2014

§ 205-55. Fee schedule for subdivisions plan review
The following fee schedule is hereby established for Voluntary Mergers, Lot Line Adjustments, Minor Subdivisions, and Major Subdivision plan review:

Subdivision review fee	$175.00 per lot
Lot Line Adjustment review fee	$200 per the first two lots plus $100 per each additional lot
Lot Merger, per RSA 674:39, review fee	$25.00 per lot and $25.00 administrative fee
Condominium review fee	
Conversion of an Existing Development	$300.00 per project plus $50 per dwelling unit
New Condominium Declaration	$300.00 per project plus $100 per dwelling unit
Certified Notices of Hearing	$10.00 per address
Certified Notices of Decision	$10.00 per applicant
Recording Fee for Plans	$50.00 per sheet
Recording Fee for Plans (for each additional attempt)	$25.00 per sheet
Recording Fee for Documents	$25.00 per document (includes Town easements, etc)
Newspaper Legal Notice	$120.00 minimum per notice (subject to adjustment based upon actual cost via legal escrow account)
Engineering and Legal Fees	$100 (Lot Line Adjustment), $300 (Minor Subdivision), or $500 (Major Subdivision) per project. Engineering estimate will determine remaining fee. Application will not be accepted as complete without entire fee.

All fees, except State LCHIP Fees, must be paid by the applicant at the time of filing the application with the designated agent of the Board. Failure to pay all these expenses and fees as specified will be valid grounds for refusal to accept the application as complete or for disapproval of the application. State LCHIP fees shall be included with the submission of the final plans and Mylars for signature. No plans will be signed if LCHIP fees have not been paid.

In the review of applications, the Planning Board may contract with consultants to review all or portions of any application. This review shall be at the applicant's expense. The Planning Board, at its discretion, may request an applicant to prepare special studies at the applicant's expense, or contract with a consultant to perform these studies at the applicant's expense.

Regular escrow fees shall be placed in an account which will be used to pay for engineering and legal review and notification fees, if required. If at any time the account needs to be replenished, the applicant will do so by the date of the next public hearing or the application may be denied because of the negative balance. Any funds remaining in the account, including interest, will be returned to the applicant within 90 days of Planning Board denial or plan registration to ensure that all outstanding consultant invoices have been paid.

Town of Pembroke - Subdivision Review Fees

Planning Board Fee Worksheet

NAME: _____ CASE #: _____

√	APPLICATION & REVIEW FEES	FEE	PER UNIT	QUANTITY	TOTAL
	Subdivision	175	per lot		
	Lot Line Adjustment	200	per first two lots		
		plus 100	per each additional lot		
	Lot Merger per RSA 674:39	25	$25 per lot plus $25 Administrative Fee		
	CONDOMINIUM FEES	**FEE**	**PER UNIT**	**QUANTITY**	**TOTAL**
	Conversion of Existing Development	300	per project		
		plus 50	per dwelling unit		
	New Condominium Declaration	300	per project		
		plus 100	per dwelling unit		
	ADMINISTRATION FEES	**FEE**	**PER UNIT**	**QUANTITY**	**TOTAL**
	Certified Notices of Hearing	10	per address		
	Certified Notice of Decision	10	per applicant		
	Recording Fee for Plans	50	per sheet		
	Recording Fee for Plans (for each additional attempt)	25	per sheet		
	Recording Fee for Documents	25	per document (includes Town easements, etc)		
	Newspaper Legal Notice	120	minimum per notice, subject to adjustment based upon actual cost via legal escrow account		
				CHECK #1 TOTAL:	

Check #1

	ENGINEERING AND LEGAL ESCROW FEES	FEE	PER UNIT	TOTAL
	Lot Line Adjustment	100 *	per project (*Engineering estimate will determine remaining fee. Application will not be accepted as complete without entire fee.)	
	Minor Subdivision	300 *	per project (*Engineering estimate will determine remaining fee. Application will not be accepted as complete without entire fee.)	
	Major Subdivision	500 *	per project (*Engineering estimate will determine remaining fee. Application will not be accepted as complete without entire fee.)	
			CHECK #2 TOTAL:	

Check #2

1. Two separate checks must be paid to the Town. One is for application and administration fees, one is for escrow fees.

2. All fees, except state LCHIP fees, must be paid by the applicant at the time of filing the application with the designated agent of the Board. Failure to pay all these expenses and fees as specified will be valid grounds for refusal to accept the application as complete or for disapproval of the application. State LCHIP fees shall be included with the submission of the final plans and Mylars. LCHIP checks shall be made out to Merrimack County Registry of Deeds.

3. In the review of applications, the Planning Board may contract with consultants to review all or portions of any application. This review shall be at the applicant's expense. The Planning Board, at its discretion, may request an applicant to prepare special studies at the applicant's expense, or contract with a consultant to perform these studies at the applicant's expense.

4. Regular escrow fees shall be placed in an account which will be used to pay for engineering and legal review and notification fees, if required. If at any time the account needs to be replenished, the applicant will do so by the date of the next public hearing or the application may be denied because of a negative balance. Any funds remaining in the account, including interest, will be returned to the applicant within 90 days of Planning Board denial or plan registration to ensure that all outstanding consultant invoices have been paid.