

SECTION B

Town of Amherst SUBDIVISION REGULATIONS

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SECTION B

AMHERST SUBDIVISION REGULATIONS

Adopted March 8, 1966

ARTICLE I -- INTRODUCTION

Section 1.1 Authority.

Pursuant to the authority vested in the Amherst Planning Board by the voters of the Town of Amherst and in accordance with the provisions of NH-RSA 674:35, the Amherst Planning Board adopts the following regulations governing the subdivision of land in the Town of Amherst, New Hampshire.

ARTICLE II -- DEFINITIONS

Section 2.1 Definitions.

Abutter. Shall mean any person whose property is located in New Hampshire and adjoins or is directly across a street or stream from the land under consideration by the Planning Board. For purposes of receiving testimony only and not for purposes of notification, the term abutter shall include any person who is able to demonstrate that this land will be directly affected by the proposal under consideration.

Approval. Shall mean recognition by the Planning Board, certified by written endorsement on the plat, that the final plat submission meets the requirements of these regulations and satisfied, in the judgment of the Planning Board, all criteria of good planning and design.

Approval, Conditional Shall mean an expression by the Planning Board that the plat is approved but requires additional information or must meet specific conditions for the approval to be valid. Conditional approval does not constitute, nor should it be construed as, approval, either implied or granted, of the final plat, nor does it bind the Planning Board to approval of the final plat.

Board. Shall mean the Planning Board of the Town of Amherst, New Hampshire.

Bond. A bond filed with the Board of Selectmen whose purpose is to ensure that work specified by the Planning Board is completed satisfactorily. The amount of the bond shall be determined by the Planning Board with such assistance as it deems necessary. This amount shall be sufficient to cover all costs for completion of the work by the Town in the event that the applicant defaults. In all other respects, the action of the Board shall be governed by NH-RSA 674:36.

Engineer. Shall mean an individual licensed to practice engineering in the State of New Hampshire.

Final Plan. The final drawing or drawings on which the subdivider's plan of subdivision is indicated, prepared as required under the provisions of Section 4.4 hereof.

Health Officer. Shall mean the Health Officer of the Town of Amherst and/or Town Zoning Administrator.

Master Plan. Shall mean the comprehensive plan or plan of development for the community.

Official Map. Shall mean the Tax Map of the Town of Amherst.

Preliminary Layout. Shall mean a plan prepared as required in Section 4.4 and submitted to the Board prior to preparing the final plat.

Street. Listed below are the State definitions for the various roadways. These will be used by the Planning Board for their purposes.

Class I - Trunk Line Highways. These consist of all existing or proposed highways on the primary state highway system, excepting all portions of such highways within the compact sections of towns and cities of sixty-five hundred (6,500) inhabitants and over. The State assumes full control and pays cost of construction, reconstruction, and maintenance of its sections; the portions in compact areas are controlled by the towns and cities under Class IV highways.

Class II - State Line Highways. These consist of all existing or proposed highways on the secondary State highway system, excepting portions of such highways within the compact sections of towns and cities of sixty-five hundred (6,500) inhabitants and over, which are classified as Class IV highways. All sections improved to the satisfaction of the Commissioner are maintained and reconstructed by the State. All unimproved sections, where no State and local funds have been expended, must be maintained by the town or city in which they are located until such improved to the satisfaction of the Highway commissioner.

Class III - Recreational Roads. These consist of all such roads leading to, and within, State reservations designated by Legislature. The State Highway Department assumes full control of reconstruction and maintenance of such roads during the recreational season.

Class IV - Town and City Streets. These consist of all highways within the compact sections of towns and cities of sixty-five hundred (6,500) inhabitants and over. Extensions of Class I and Class II highways through these areas are included in this classification.

Class V - Rural Highways. These consist of all other existing public ways, including highways discontinued as open highways, highways closed subject to gates and bars, and highways not maintained in suitable condition for travel for five (5) years or more.

Scenic Roads. These are special town designations of Class IV, V and VI highways which have been designated according to NH RSA 231:158 and to which special rules apply.

Subdivider. The owner of record of the land to be subdivided, including any subsequent owner of record making any subdivision of such land or any part thereof, or the agent of any such owner.

Subdivision. Shall mean the division of a lot, tract, or parcel of land into two (2) or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale, rent, lease, condominium conveyance, or building development. It includes re-subdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided. The division of a parcel of land held in common and subsequently divided into parts among the several owners shall be deemed a subdivision under this chapter.

Subdivision, Minor. The subdivision of land into three (3) or fewer lots, with no potential for re-subdivision, and requiring no new roads, utilities, or other municipal improvements.

Principal Route of Access. Shall mean any public way, street, road, or highway which is maintained.

ARTICLE III -- APPLICATION PROCEDURE

Section 3.1 Application Procedure. (5-1-87)

- A. APPLICATION. All applications made to the Planning Board, whether for formal or informal consideration, shall be submitted to the Office of the Zoning Administrator at least thirty (30) days prior to the date of a Planning Board meeting at which the applicant wishes to appear.
1. Application for proposed subdivision may be presented as follows:
 - a. Preliminary Conceptual phase,
 - b. Design Review phase at which abutters must be notified,
 - c. Final Review phase of the application at which abutters must be notified.
 2. A completed application within the meaning of RSA 676:4 I (b) shall constitute a completed application form, a complete list of abutters, three (3) sets of addressed gummed mailing labels including yourself, the payment of a fee as per approved schedule of fees, as well as all of the items specified in Section 4.4, Paragraphs B, C, and D, and shall include any specific factual material required by the Planning Board, unless waived by the Planning Board during the subdivision process, including such materials as traffic, water supply, environmental impact studies, or similar materials necessary to make informed decisions as to the impact of a proposed subdivision or development.
 3. For Planning Board agenda purposes only, inclusion of submission documents required by Section 4.4 shall be considered complete. The Planning Board shall receive and vote to accept an application only at a public meeting after notification of abutters as per RSA 676:4 I (d).
 4. Applications and plans for Final Review phase will be reviewed by the Zoning Administrator for conformance with these subdivision requirements and applicants will be notified by regular

mail of any deficiencies which must be corrected in order to be placed on a Planning Board agenda for Planning Board Final Review of the application.

5. After such notice, the applicant may revise the plan/s. The revised plan, which must provide the information required by subdivision regulations shall be resubmitted at least fifteen (15) days prior to the Planning Board meeting at which the applicants wishes to appear. Approval of State agencies is mandatory for applications to be approved in the Final Review phase.
6. Adherence to these requirements will place applications on the next available Planning Board agenda for consideration, within constraints imposed by the number of applications received. Assignment to agenda will be in the order of receipt.
7. The preliminary Conceptual phase is intended to address the suitability of the land for subdivision and for review of the basic concept of the proposal in general terms such as desirability of types of development for an area, and under the Master Plan. This review shall not bind either the applicant or the Planning Board.
8. The Design Review phase continues this informational exchange between the Board and the applicant, and these discussions are encouraged for major (more than four [4] lots) subdivisions, subdivisions proposing new roads, and subdivisions applied for under the Planned Residential Development Ordinance.
9. Material presented for this discussion should include plats and information as described in Section 4.4. Discussions are vital to sound planning and to let both the applicant and the Board study the widest range of possible configurations. In addition, the suitability of the proposal can be determined with a minimum burden of expense on the applicant.

Section 3.2 General.

- A. The Planning Board shall, in the exercise of the authority granted pursuant to NH RSA 674:36, review all proposed subdivisions with a view toward determining the impact that the proposed subdivision will have on various Town services; and to that end, determining whether such proposed subdivision, if permitted, would create one (1) of the following conditions:
 1. Constitute a scattered or premature subdivision of land as would involve danger or injury to health, safety, or prosperity by reason of the lack of water supply, drainage, transportation, schools, fire department, or other public services;
 2. Necessitate an excessive expenditure of public funds for the supply of such services.
- B. If, after such review, the Board determines that the proposed subdivision would cause either of the aforementioned conditions, then the Board shall so inform the applicant and indicate that the applicant may modify the proposal to avoid the aforementioned conditions; and in doing so, the said Board may, considering all the circumstances, specify the extent to which the particular proposed subdivision may be developed in any given year, as well as establish the minimum duration of time for the total development of such particular subdivision. The Board shall state in its records any modifications it will require.

- C. If during review of an application, professional or engineering review is employed by the Planning Board, the costs of such review shall be borne by the applicant for approval. (10-18-89)

Section 3.3 Agreement to Approvals.

Acceptance and approval by the Board of the submission shall constitute an agreement between the Town and the applicant that subdivision and development of the land in question shall be done as detailed on the final plat/s. Deviation from the approved final plat requires the consent of the Board.

Section 3.4 Action of the Board.

- A. After due notice as required by RSA 676:4 I (d), the Planning Board shall hold a public hearing within thirty (30) days of accepting an application for Final Review. The applicant and abutters shall be notified of said hearing in fashion consistent with RSA 676:4 (g).
- B. The Board must act to approve, modify, and approve or disapprove a plat within ninety (90) days of the acceptance of the complete submission unless the time for action has been extended an additional ninety (90) days by the Selectmen or unless the applicant has waived the requirement for action within the time periods specified herein; and consent to such extension is agreeable to both parties. If the Board fails to act and has obtained no extension from the Selectmen or waiver from the applicant, then said applicant may obtain from the Selectmen an order directing the Board to act within fifteen (15) days. Failure of the Board to act upon such order of the Selectmen, shall constitute grounds for the Superior Court, upon petition of the applicant, to issue an order approving the application, if the court determines that the proposal complies with existing subdivision regulations and zoning and other ordinances.
- C. The approved final design plat shall be recorded with the Registrar of Deeds, Hillsborough County, prior to any sale or transfer of land within the subdivision. The recording of such approved plats shall, without further action, modify the official map of the Town of Amherst. Such recording shall not constitute acceptance by the Town of any street, easement, or open space shown thereon.
- D. No street or open space will be accepted by the Town until such time as all improvements have been carried out as shown on the final plat, in accord with the requirements of these regulations, subject to any conditions established by the Planning Board at the time of final design plat approval and compliance with all State and local regulations applicable thereto. Acceptance shall then take place only upon the acceptance by the Selectmen of the Town of a Warranty Deed to the premises so dedicated.

ARTICLE IV -- PLAT REQUIREMENTS

Section 4.1 Compliance with Regulations.

- A. No subdivision of land shall be made, and no land in any subdivision shall be sold or offered for sale or lease, and no street or utility construction shall be started until a final design plat, prepared in accordance with the requirements of the regulations, has been approved by the Board, and other required permits have been issued.
- B. The subdivider shall familiarize himself with all State and Town regulations relative to the health, buildings, roads, and other pertinent data, so that he is aware of the obligations and standards expected.

Section 4.2 Character of Land for Subdivision.

All land to be subdivided shall be, in the judgment of the Board, of such character that it can be used for building purposes without danger to public health or safety, or to the environment. Land subject to periodic flooding, poor drainage, or other hazardous conditions, shall not ordinarily be subdivided. Land with inadequate capacity for sanitary sewage disposal shall not be subdivided. Plats for the subdivision of land shall conform with all regulations of the Board, the Zoning Ordinances, and the Water Pollution Control Regulations and other applicable by-laws, ordinances, and regulations at both State and local levels.

Section 4.3 Lot Layout.

The layout of lots shall conform to the requirements of the Zoning Ordinance when in force and shall be appropriate for the intended construction.

Section 4.4 Preservation of Existing Features.

Due regard shall be given to the preservation and protection of existing features, trees, scenic points, brooks, streams, rock outcroppings, water bodies, other natural resources, historic landmarks, stone walls, and other significant features.

Section 4.5 Submission Documents.

- A. DESIGN REVIEW PHASE.
 - 1. Tentative plats for discussions should be sufficiently clear to show all site conditions. Plans should not be at a scale greater than one hundred (100) feet to the inch. Six (6) paper prints are filed with the application detailing the general concept of the proposal and indicating the form of subdivision sought.

2. Plans for a Planned Residential Development (PRD) should include plats based on the approximate location and number of units and bedrooms without any bonuses; the approximate location and number of units and bedrooms assuming a maximum increase derived from the granting of bonus bedrooms; and the number of lots to be achieved if a conventional style development were proposed. (NOTE: All bonus bedrooms deleted 3-10-87)
3. Suitability of the soils present on a tract may be paramount to the type of development on such tract and soils testing should be directed toward establishing soils type and suitability, indicating on plans: boundaries, topography, wetlands, ledge, streams, existing roads, new roads, structures, soils, types, adjacent development.

B. FINAL REVIEW PHASE.

1. Final plat/s, six (6) copies of paper prints showing the following: Also a Registrar's original including at least the items with asterisks and Mylar copy of subdivision at scale of Amherst Tax maps shall be provided including at least the items with asterisks. (1-10-90)
 - a. boundary of subdivision area, including bearings and distance on every lot line;
 - b. topography with sufficient detail to indicate stormwater runoff;
 - c. streams, seasonal runoffs, brooks, ponds, wetlands (poorly or very poorly drained soils);
 - d. the subdivision's relation to existing roads;
 - e. existing structure;
 - f. adjacent structures within one hundred (100) feet of parcel boundaries;
 - g. soil type/s certified by Soils Conservation Service (SCS) or by a Soils Scientist qualified by Soils Conservation Service; (10-20-93)
 - h. site location map, showing proposed subdivision in relation to major roads;
 - i. The subdivider or his agent(s) shall arrange to have soils investigations, including test pits and required Hi-Intensity Soils Mapping (HISS), witnessed by the Town Health Officer and/or Zoning Administrative Official. Wetland areas, if present on the site, shall be further delineated by a HISS performed by a Certified Soil Scientist. The results of soils investigations to be placed on plans and include, but not limited to, soils data showing results and location of test pits and perc tests, a statement that tests meet the criteria established by State and Local authorities for the design of a septic system; (10-20-93)
 - j. location of four thousand (4,000) square feet per single family unit reserved for septic systems. Additional soils tests, after Final Review approval, may be required.
 - k. North point;
 - l. Bar scale;
 - m. Date of layout and dates of revision.
 - n. As part of a subdivision or lot line change submittal, all applicants are required to have the plans of the subdivision or lot line change reduced to no larger than 11"x 17" with no less than ten (10) copies. (8-15-01)

C. FINAL PLAT/S SHOWING:

- a. Name of municipality;
- b. Name of subdivision;
- c. Name and address of subdivider;

- d. Name and address of abutters;
- e. Existing roads or driveways within two hundred (200) feet of the subdivision;
- f. Existing and proposed lot lines;
- g. Proposed names of new streets or private roads and driveways servicing three (3) or more dwelling units, shall have appropriate road names as approved by the Board of Selectmen;
- h. Area reserved for stumps;
- i. Location of existing and proposed easements, IF NONE, SO STATE ON PLANS;
- j. Deed restrictions, IF NONE, SO STATE ON PLANS;
- k. Building setback lines;
- l. Parks;
- m. Recreation facilities;
- n. Conservation trails;
- o. Significant natural or manmade features;
- p. Water mains;
- q. Sanitary sewers;
- r. Storm water sewer or drain lines;
- s. Drainage calculations for proposed culverts or drainage structures, including driveway culvert size;
- t. Existing utilities, telephone, electric, gas;
- u. Proposed placement of telephone, electric, gas;
- v. Boundaries of Zoning Districts within the subdivision;
- w. Boundaries of other municipalities;
- x. Land use designation per Zoning Maps;
- y. Location of driveways accessing public road and indication of sight distances.

D. FINAL PLAT(S) SHOWING:

- a. A statement of suitability of land for development;
- b. A statement of work to be completed on existing streets to meet minimum standards;
- c. Final plans shall contain the following paragraph: The ways shown on this plat are intended by the subdivider and the Town of Amherst Planning Board to remain private ways. The recording of this plan shall not be construed as an offer of dedication of those ways as public highways under the New Hampshire common law of dedication and acceptance, nor shall the approval of this plat constitute an approval of those ways as public streets pursuant to RSA 674:40.
- d. Method of sanitary sewerage disposal;
- e. Method of supplying water;
- f. Watershed areas;
- g. Road profiles and cross sections, including driveways for Class B reduced frontage lots;
- h. Approval/s from any other Municipal, State or Federal Agency which may have jurisdiction;
- i. Name and seal of engineer or land surveyor licensed by the State of New Hampshire;
- j. Statement that final plat is based on a boundary survey with a maximum error of closure of 1 in 10,000 certified by an Engineer or Surveyor registered with the State of New Hampshire, distances shall be to the nearest hundredth (100th) of a foot and bearings to the nearest one (1) second;
- k. Stations, radii, curve data, and paving widths of streets;
- l. Lot dimensions showing area in square feet and acres;

- m. A written acknowledgment of the subdivider's responsibility for maintenance, and the assumption by him of liability for injuries and damages that may occur on any land to be dedicated for public use, until such land has been legally accepted by the Town;
- n. Accurate locations of all monuments to be set at street intersections, points of curvature and tangency of curved streets, and at angles of lots;
- o. Indication on plan for each lot the maximum Planned Residential Development bedrooms;
- p. Floor plans and architectural drawings of proposed units in a PRD;
- q. Indication on plan of what area is dedicated to open space;
- r. A statement of approval from appropriate municipal agency if subdivision is to be served by public water supply or sewer;
- s. Volume and page reference sufficient to indicate the subdivider's derivation of title in the event only one (1) parent tract is involved, and if the subdivision constitutes an assemblage of several tracts, the plat shall contain a title reference of each and indicate where each of the lots is situated with reference to the assembled tracts. All lots shall be numbered so as to coincide with the Town of Amherst tax map numbers by parent tract numbers.
 - i. No subdivision shall be finally approved until the Planning Board is provided with a certificate in writing from the Tax Collector that all tax liens (other than those that apply to April 1, of the tax year in which the subdivision is being approved) have been paid and cleared.
 - ii. That section 4.4 of the subdivision regulations shall require that any plan presented for final approval contain a depiction on the plan by dotted lines of the lot lines of the parent tract(s) as identified in the notes.
 - iii. That the identity of any lien holder or mortgages (including volume and page references where said liens are recorded) that exist at the time such approval is given are listed and certified by an attorney.
- t. Statement regarding choice of building or bonding of any proposed road layout with improvements (Option 1 or 2, see Section 4.6 New Roads and Improvements and Building Permits);
- u. Approval of Town Counsel of legal data in final, executable, recordable form on:
 - i. The agreement to convey to the Town, land to be used for streets and other public purpose;
 - ii. Any covenants dealing with methods of ownership of common land or open space. The intent herein is to guarantee that ownership and taxation of common land be equitably apportioned to individual owners for his/her lot/unit and common land. With respect to covenants and other recordable documents, no Building Permit shall be issued until the applicant has provided photo copies of the recorded instrument to the Town identifying the recorded item to be in place;
 - iii. Any covenants restricting use or future use of land within a subdivision to those permitted in the Zoning Ordinance as well as restrictions on bedrooms;
 - iv. Any proposed easements;
 - v. Any proposal to increase drainage onto or across other property, whether public or private;
 - vi. A recordable Warranty Deed for any land/road to be accepted by the Town.

- v. Estimate from appropriate contractors of cost of installation of all roads / improvements shown on plan;
- w. Space reserved on plat for endorsement by all appropriate agencies;
- x. The following statement, “The Subdivision Regulations of the Town of Amherst are part of this plan, and approval of this plat is contingent on completion of all requirements of said Subdivision Regulations, excepting only any variances or modifications made in writing by the Board and attached hereto.”
- y. Study or review of, unless waived by the Planning Board;
 - i. Fiscal impact,
 - ii. Environmental impact,
 - iii. Traffic,
 - iv. Drainage plans, (5-1-87)
 - v. Water supply,
 - vi. Hydrogeological,
 - vii. Other.
- z. Statement regarding a phasing plan in accordance with Section 3.19 of the Zoning Ordinance. (10-1-97)

E. SUBMISSION DOCUMENTS FOR LOT LINE CHANGE, LINE CHANGE, AND RECORDING.

1. Completed Planning Board application form with appropriate documents.
2. Six (6) paper prints and original.
3. Site location map.
4. Site map showing:
 - a. Name of municipality,
 - b. Name and address of owner/s,
 - c. Boundaries (including bearings) certified with name, address, and seal of licensed surveyor with the following statement entered on the plat and signed by the Surveyor. I hereby certify that this plan is based on an actual field survey and has a maximum error of closure of 1 in 10,000'. (For lot line change only);
 - d. Location of all monuments found or to be set (For lot line change only);
 - e. North Point;
 - f. Bar scale;
 - g. Date of layout and date of any revision;
 - h. Names and addresses of abutters as defined in the Zoning Ordinance;
 - i. Location of existing or proposed easements (if none, so state on plan/s);
 - j. Deed restrictions (if none, so state on plan/s);
 - k. Name, seal, and signature of land surveyor (licensed by New Hampshire);
 - l. Lot dimensions, area of lot/s in square feet, area of lot/s in acres;
 - m. Volume and page references sufficient to indicate derivation of title/s;

- n. New lot lines (shown solid) and former lot lines to be eliminated (shown dotted) with, if necessary, the following note entered on the plat; Lot/Parcel number is not to be considered a separate building lot but will henceforth be considered as part of premises known as lot number _____. For Consolidation and Lot Line Change(s);
 - o. All existing buildings on lot/s (for Lot Line Change Only);
 - p. Soils Conservation Service soils type overlaid on plan (for Lot Line Change only);
 - q. Zoning district boundaries on parcel, if any. (11-19-87, 11-20-96)
 - r. As part of a subdivision or lot line change submittal, all applicants are required to have the plan(s) of the subdivision or lot line change reduced to no larger than 11”x 17” with no less than ten (10) copies. (8-15-01)
- F. LOT CONSOLIDATION. All lot consolidations shall be completed using form designated by the Planning Board and must comply with the current Amherst Zoning and Subdivision Regulations. Signed copies of the form shall be recorded at the Hillsborough County Registry of Deeds and the Amherst Assessors office per RSA 674:39a. (11-20-96)

Section 4.6 Legal Data Required.

When applicable to a specific subdivision, the following are required in form and substance approved by Town Counsel prior to approval of a subdivision plat:

- A. Agreement to convey to the Town land to be used for streets and other public purposes, with transfer of title to such interests to be effective on such date as the Town accepts such land.
- B. Covenants which shall include a definitive statement of the method of ownership of the common land or open space. The intent herein is to guarantee that ownership and taxation of common land be equitably apportioned to individual owners for his/her lot/unit.
- C. Covenants permanently restricting the common land or open space from any future subdivision.
- D. Easements and right-of-way over property to remain in private ownership including a street.
- E. Rights to drain onto or across other property, whether public or private, deeds covering any land to be used for public purposes, easements, right to drain onto or across private or public property shall be submitted to, and approved by the Board of Selectmen with the approval of Town Counsel, the Road Commission, and/or any other appropriate agency.

All documents required hereunder shall be submitted in final, executable, recordable form satisfactory to Town Counsel as part of the Final Review Phase.

Section 4.7 New Roads and Improvements and Building Permits.

Any subdivision which requires road system layout and construction will have such improvements installed in accordance with the Road Specifications of 1971 of the Town of Amherst, or as amended thereafter. The subdivider shall elect to comply with Option (1) or Option (2) as described below and shall

so note on subdivision plans submitted to the Planning Board for final approval and such notation shall become binding on his successors, heirs or assigns.

- A. OPTION (1) The road system or part of a road system and any other planned or required improvement is entirely completed. An as-built road plan is furnished to and approved or disapproved by the Road Commission upon installation of the two (2) inch base course of bituminous concrete. The road/improvements are accepted by the Board of Selectmen, deeded to the Town; and a Maintenance Bond (Irrevocable letter of credit) is furnished to the Planning Board. Any deeds are recorded. Building Permits may then be issued.
- B. OPTION (2) The road system or part of a road system and any other planned or required improvement is not entirely completed. Roads and improvements are completed except for installation of final wearing course of blacktop as described in Road Specifications of 1971. A Completion Bond or other form of surety, in a form and amount acceptable to the Planning Board, shall be furnished to the Board to assure completion of the road/improvement covered by the bond. An as-built plan shall be furnished to and approved by the Road Commission upon installation of the two (2) inch base course of bituminous concrete.

Along a road or portion of a road covered by a Completion Bond, building permits may be issued upon acceptance of the surety by the Planning Board.

Within twenty-four (24) months of the issuance of a Certificate of Occupancy for a structure on any new public road or portion of a new public road, or the occupancy of fifty percent (50%) of the homes along such road, the road shall be completed in accordance with the final approved plans, prior to the issuance of any further building permits on such road.

Until the road construction has been accepted, the subdivider, developer, or his successors shall be responsible for the maintenance of the streets, including winter maintenance of snow plowing, sanding and other protection, which obligation shall be made part of the requirements of the Completion Bond.

Upon satisfactory completion of the road system as judged by the Road Agent/Commission of the Town of Amherst, said road system will be accepted by the Board of Selectmen and shall be properly deeded by the applicant to the Town, the subdivider, developer, or his successors shall provide the Town with a Maintenance Bond. (4-26-89)

C. BONDING.

- 1. Option (1) The road system or other improvement is completed in accordance with Section 4.6 (Option 1), a Maintenance Bond (Irrevocable Letter of Credit) shall be filed with the Planning Board by the subdivider, developer, or his successors, in a form and amount sufficient to cover any and all costs which arise due to deficiencies in the quality of the completed road or other improvements, as determined by the Road Commission.

The Maintenance Bond shall be reviewed by Town Counsel. The surety shall be for a period of two (2) years following acceptance of the improvement/s.

2. Option (2) The road system or other improvement is completed to the extent called for in Section 4-6 (Option 2). A Completion Bond (Irrevocable Letter of Credit), in a form and amount acceptable to the Planning Board and sufficient to cover any and all costs necessary to complete the improvements, is filed with the Planning Board; as estimated by the Road Commission and Zoning Administrator; and shall include, but not be limited to the cost of such items as streets, public improvements, extension or installation of water or sewer lines, setting road bounds, public parks or recreation areas, or other such improvements as required by the Planning Board in the approval of the Final Subdivision Plat. Estimated costs for interim winter plowing and other maintenance shall be included in the amount.

This bond or other form of surety, shall be reviewed by Town Counsel.

Calendar completion dates of the improvements under Option (2) shall be in accordance with the requirements of Section 4.6, Option (2).

After completion of a road system / improvement, a Maintenance Bond (Irrevocable Letter of Credit) as required in Option (1) shall be filed with the Planning Board.

In the case of a water or sewer system, the Maintenance Bond shall extend for a period of five (5) years.

Before any work may commence on a subdivision, the subdivider, developer, or his successors shall file with the Road Commission a Certificate of Insurance including liability. (4-26-89)

- D. PERMITS. If, during the course of execution of a subdivision the subdivider, developer, or his successors shall violate the conditions of the subdivision approval, the Zoning Ordinances, or the Subdivision Regulations of the Town of Amherst, the Planning Board may notify the Zoning Administrator of such violation and request that no further building permits or certificates of Occupancy be issued until:
1. The violation(s) has been satisfactorily corrected as judged by the Zoning Administrator;
 2. A bond to cover the correction of the violation(s) has been accepted by the Board of Selectmen.

Section 4.8 Design for Open Space.

- A. OPEN SPACE SHOWN ON TOWN PLAN. Where a proposed park, playground, or other open space is shown on the maps of the Master Plan is located in whole or in part in a proposed subdivision, the Board shall require substantial compliance with such Master Plan. As a condition of approval of the Final Phase, the Board may require that the area shown thereon as open space be offered for dedication to the Town. The Board shall not require such dedication in excess of fifteen percent (15%) of the total area of the subdivision without reasonable compensation, and if the Town does not take steps within a period of one (1) year from the date of approval of the subdivision to acquire the portion of the open space in excess of said fifteen percent (15%), the subdivider may submit to the Board a plan for subdivision of such portion, provided such additional subdivision does not exceed the total number of family dwelling units permitted by the

Zoning Ordinances for the applicable district, and meets requirements of these subdivision regulations.

- B. **OTHER OPEN SPACE.** If no such open space, park, or playground is shown on the maps of the Master Plan within the boundaries of a proposed subdivision, the Board may, where it deems essential, require that the Final Plat show one (1) or more sites of character, size, shape, and location suitable to be used as community open space or park, in area not to exceed fifteen percent (15%) of the total area of the subdivision. In the case of cluster subdivision, open space shall be not less in area than as provided in the Zoning Ordinances. Such areas of open space, whether privately or publicly owned, shall have a sufficient legal restriction recorded in the Hillsborough County Registry of Deeds land records to assure permanence of use as open space. Open space land in private ownership shall be deeded in such a way that it will assure operation or maintenance of the land in an orderly manner suitable for the purpose intended.
- C. **TREES AND PLANTING.** Due regard shall be given to preservation of existing features, trees, scenic points, and other natural and historic resources within the subdivision. The Board may require additional tree planting and other landscaping appropriate to the area being developed. Removal of topsoil or surplus materials from the subdivision area shall not be permitted unless in accord with the Zoning Regulations. Existing trees on lots and open space land shall be preserved wherever feasible, unless otherwise directed by the Board.
- D. **DEVELOPMENT OF OPEN SPACE.** On land to be used as active recreation open space, undesirable growth and debris may be removed. Wooded and brook areas shall be left in their natural state. Active recreation open space shall be graded properly to dispose of surface water and shall be seeded with lawn grass. An area, not to exceed one (1) acre, for the purpose of burying stumps, boulders, and other natural waste may be designated on the Final Plat. This area must be filled in on an "as-you-go" basis and finally covered with at least four (4) inches of topsoil and seeded with lawn grass or other suitable ground cover such that the area is protected from erosion and is as close to its natural condition as possible two (2) years after the seeding as judged by the Zoning Administrator. There shall be no deposition, dumping, or storage of waste or other natural or man-made material, supplies, or equipment on any subdivision of land designated as open space excepting that specifically designated for the disposal of natural waste as described above. No work, removal, or filling shall be done, nor shall the existing natural characteristics of open space land be altered from the original condition until a site plan, prepared by a surveyor or engineer licensed by the State of New Hampshire, shall have been approved by the Board.

ARTICLE V -- ROADS AND UTILITIES STANDARDS

Section 5.1 Street Design.

- A. Proposed streets other than private driveways shall be in harmony and conformance with existing and proposed streets, as shown on the Official Map.
- B. Street patterns shall give due consideration to contours and natural features.

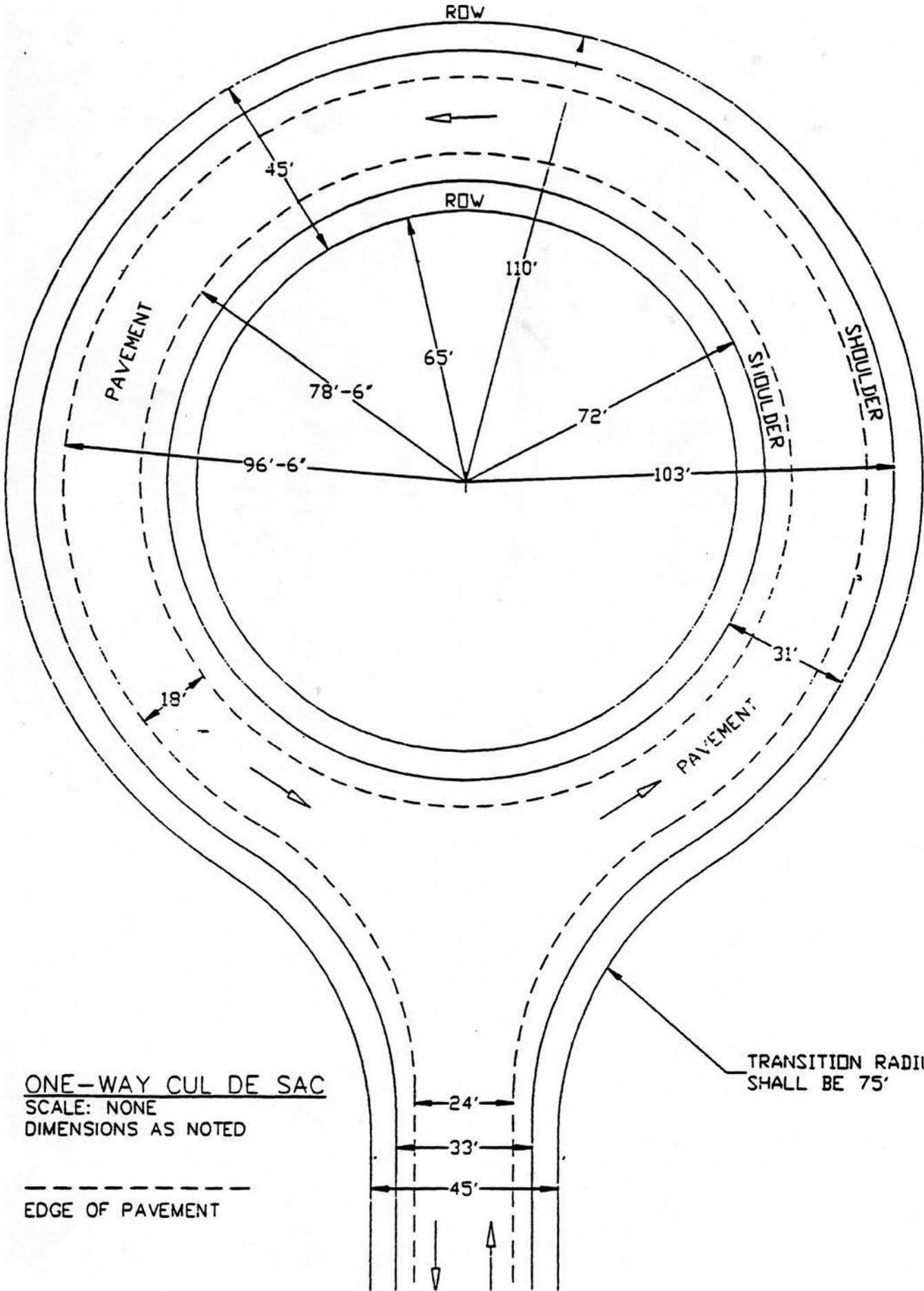
- C. Where required by the Board, provisions shall be made for the extension of the street pattern to abutting undeveloped land to provide future potential access. Every proposed street in a subdivision shall be laid out and constructed as required by these regulations, except reduced frontage driveways which shall be regulated by Section 5.2.
- D. Where a subdivision abuts an existing street with an inadequate alignment, or right-of-way width, the subdivision plat shall include in the street dedication all land needed to meet the standards established by these regulations, and as approved by the Board. Permanent dead-end streets shall be constructed to Section 5.1.1. In case of temporary dead-end streets, where future extension to another outlet is approved by the Board, where indicated on the plan, the full width of the right-of-way to the subdivision property line shall be dedicated to the Town.
- E. The intersection of any street shall have a corner rounding at the property line with a radius of one-half the width of the right-of-way. The plan of any proposed subdivision shall show all work required to connect and complete the improvements and utilities between the proposed street pattern and any connecting street in an existing subdivision.
- F. All streets other than private driveways shall be constructed and paved, and all bridges, culverts, drainage structures, storm sewers, gutters, drainage ditches, and other improvements required by the subdivision plan and accompanying documents shall be installed in conformance with the standards and specifications adopted by the governing body.
- G. Private roads and driveways servicing three (3) or more dwelling units shall have appropriate road names as approved by the Board of Selectmen. (1-10-90)
- H. Final plans shall contain the following paragraph: "The ways shown on this plat are intended by the subdivider and the Town of Amherst Planning Board to remain private ways. The recording of this plan shall not be construed as an offer of dedication of those ways as public highways under the New Hampshire common law of dedication and acceptance, nor shall the approval of this plat constitute an approval of those ways as public streets pursuant to RSA 674:40. (1-10-90)
- I. CUL-DE-SAC SPECIFICATIONS. (5-15-96)
 - 1. Town Roads – Two-way Travel: Each cul-de-sac is to have a minimum seventy-five (75) feet radius as measured from the center of the cul-de-sac to the inside edge of the right-of-way. The radius of the transition from the roadway to the cul-de-sac shall be a minimum of forty-five (45) feet. The pavement width shall be a minimum of twenty-four (24) feet, centered on the right-of-way. Shoulders shall be a minimum of four (4) feet wide and so designed as to allow for proper drainage, snow removal, and maintenance. The shoulders shall be constructed of a minimum of three (3) inches of asphalt and six (6) inches of crushed stone/gravel base or twelve (12) inches of crushed stone/gravel base.

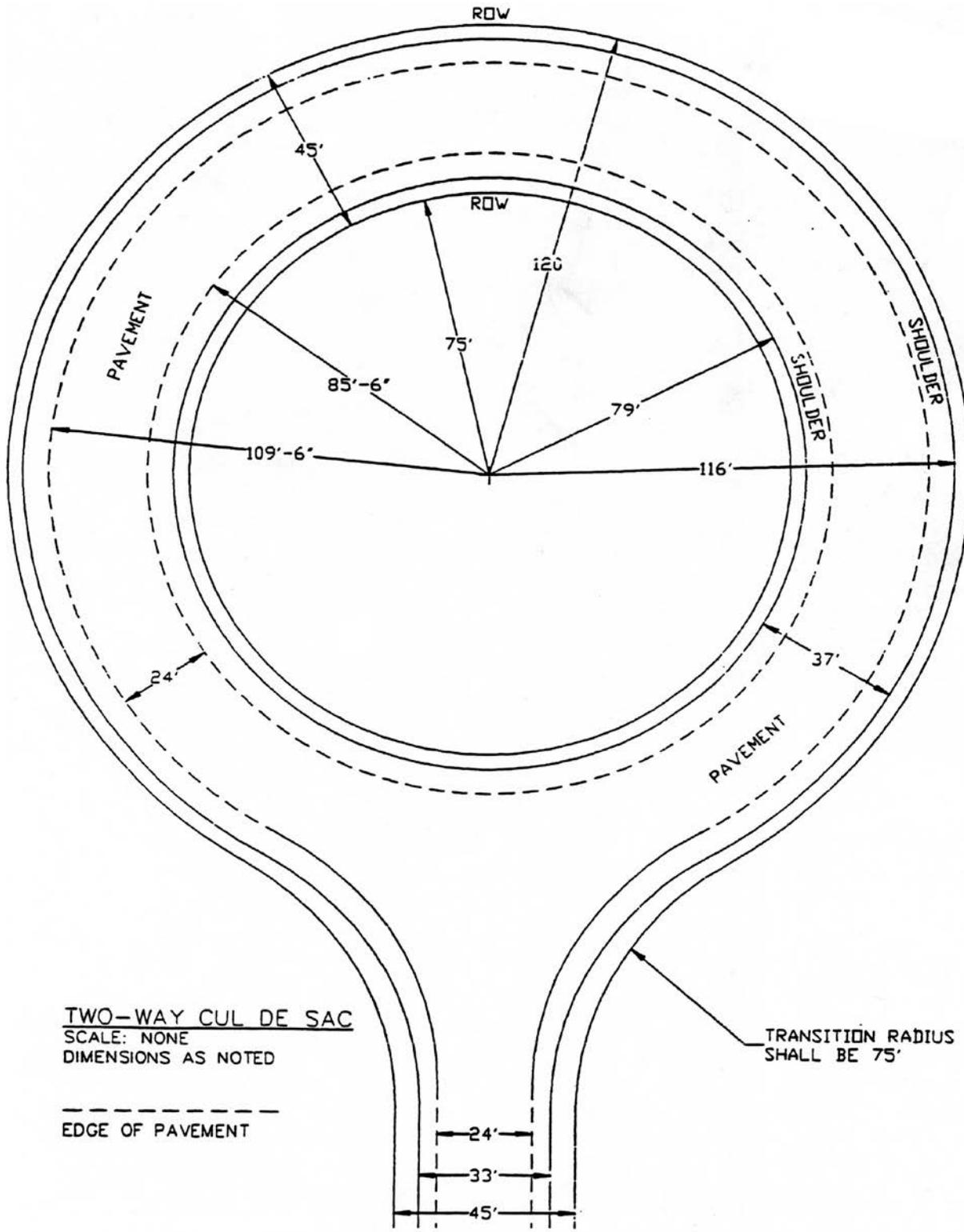
The center and outside of the cul-de-sac are to be constructed so as to facilitate proper drainage and winter maintenance and must have an approved landscaping plan for natural or planted areas. All disturbed areas within and adjacent to the right-of-way are to be seeded or stabilized in an approved manner.

2. Town Roads – One-way Travel: Each one-way cul-de-sac is to have a minimum one hundred (100) feet radius as measured from the center of the cul-de-sac to the outside edge of the outside shoulder. The radius of the transition from the roadway to the cul-de-sac shall be a minimum of seventy-five (75) feet. The width of the right-of-way shall be a minimum of forty-five (45) feet. The pavement width shall be twenty-four (24) feet, except within the cul-de-sac which shall be a minimum of eighteen (18) feet. The pavement shall be centered on the right-of-way. Shoulders shall be a minimum of four (4) feet wide and so designed as to allow for proper drainage, snow removal and maintenance. The shoulders shall be constructed of a minimum of three (3) inches of asphalt and six (6) inches of crushed stone/gravel base or twelve (12) inches of crushed stone/gravel base or twelve (12) inches of crushed stone/gravel base.

The center and outside of the cul-de-sac are to be constructed so as to facilitate proper drainage and winter maintenance and must have an approved landscaping plan for natural or planted areas. All disturbed areas within and adjacent to the right-of-way are to be seeded or stabilized in an approved manner. One-way directional signage shall be shown on a traffic control plan and installed as approved.

- J. See designs on following pages:





Section 5.2 Subdivisions Containing Reduced Frontage Lots.

- A. GENERAL. It shall be the purpose of this section to provide for a means whereby the Planning Board may approve subdivisions containing lots with reduced frontage as a means of access to back lots, provided minimum conditions are met by the developer concerning the extent of their utilization for said purpose. (8-20-86)
- B. CONDITIONS AND RESTRICTIONS.
1. Reduced frontage shall be a minimum of thirty-five (35) feet on the public way.
 2. The driveway portion of reduced frontage lots shall be an integral portion of and attached to the back lot.
 3. Class A reduced frontage provides access to one (1) back lot.
 4. Class B reduced frontage provides access to two (2) back lots.
 5. No subdivision plan providing for reduced frontage lots shall be approved unless the total acreage of such plan is a minimum of ten (10) acres for each reduced frontage lot(s) sought. Twenty (20) acres could produce two (2) reduced frontages, etc.
 6. No Class B reduced frontage shall access a public road unless four hundred (400) feet of safe, all season, sight distance is established.
 7. No Class B reduced frontage shall be located so as to enter onto a public road within five hundred (500) feet of any existing or proposed street intersection on the public road (unless the frontage enters at an existing intersection), or be located within five hundred (500) feet of another existing or proposed reduced frontage lot/s on the same side of the public road.
 8. The use of reduced frontage lots shall be restricted when, in the opinion of the Planning Board, such use is in conflict with the long range plan for the Town or creates unusual traffic problems or conditions.
 9. The driveway area of Class B reduced frontage lots, approved by the Planning Board, shall be depicted on the final plat as a shaded area, being a corresponding portion of the two (2) lots to be serviced by this frontage. At the time of Submission of documents for the final phase, the applicant shall provide the Planning Board with a declaration of covenants and restrictions satisfactory to Town Counsel which shall provide for the mutual recognition of easements between the two (2) lots, a provision for the maintenance of the driveway, and a suitable dedication which shall ensure that such driveway shall never become a Town road. (8-20-86)
- C. CONSTRUCTION REQUIREMENTS.
1. Class A reduced frontage lot. Subject to any construction requirements for driveways.
 2. Class B frontage lots and the driveway shall be constructed in conformance with the following specifications:

- a. Removal of all loam, muck, stumps, and other improper road foundation material within the limits of the right-of-way. In embankment areas suitable foundation material shall be placed in one (1) foot layers and compacted to form a stable sub grade.
- b. Ledge and boulders shall be removed to at least eight (8) inches below sub-grade and replaced with sand or bank run gravel.
- c. Proper drainage shall be installed as indicated on the Final Phase Plat. Natural water courses shall be cleaned and increased in size where necessary to take care of storm runoff. Drainage ditches at least eighteen (18) inches in depth at its midpoint below center line grade shall be construed at the street right-of-way on both sides of the roadway and so designed as to provide for the proper flow of storm runoff. Culvert pipes consisting of either reinforced concrete or metal, having a minimum size of eighteen (18) inches of cover to final grade. Culverts in embankments over fifteen (15) feet high shall be of reinforced concrete pipe of the proper class.
- d. The grade of the driveway shall not be more than eight (8) percent nor less than one (1) percent.
- e. Approved street signs and culvert posts shall be installed as directed by the Board of Selectmen and paid for by the developer. (8-20-86)

Section 5.3 Driveway Regulations. (3-12-88, 6-18-03)

- A. PURPOSE. In as much as driveways are, in effect, intersections, they require certain controls in order to provide safe and efficient access to and exits from property, as well as to provide for proper and suitable discharge and control of surface drainage in and around the entrance (within the Town Right of Way) to said driveway, this regulation is enacted. (See RSA 236:13)
- B. PERMITS. Anyone desiring to construct, repave, pave, or relocate a driveway within the Town Right of Way shall first apply for a permit from the Town of Amherst Director of Public Works (hereafter "Director"), who is hereby delegated the authority to administer these regulations on the part of the Planning Board. The Director shall prescribe the application form for such a permit and shall have the authority, in appropriate cases, to require the applicant to require suitable surety to guarantee the performance of conditions of the issuance of the permit. In addition to the foregoing the Director is empowered to act on behalf of the Planning Board with regard to any and all of the duties and prerogatives set forth in RSA 236:13, (V) and (VI), in order to implement these regulations and the foregoing statues.
- C. GENERAL REQUIREMENTS. These requirements are intended to be used by the Amherst Planning Board for new or relocated driveways shown on new Subdivision and Site Plans:
 1. A plan showing the location and proposed grading and drainage of the driveway and including sight distance requirements.
 2. Wherever practicable, one (1) common driveway shall be constructed to serve adjacent lots. Driveways shall not intersect a public road within fifty (50) feet of the nearest sideline of another public road. Whenever such a common driveway is either proposed or required, the applicant shall provide documents, subject to the approval of the Board and the counsel for the Town, which adequately establishes the perpetual joint easements and maintenance

responsibility for the common driveway which will govern the relationship between the owners of the lots that are contemplated to benefit from the driveway.

3. The maximum width of any residential driveway, at the Town Right of Way line, shall not exceed eighteen (18) feet. Industrial and commercial driveways shall be designed for their proposed use. Driveways should intersect the street at a ninety (90) degree angle and shall not be less than sixty (60) degrees from the Town Right of Way line.
 4. The grade of the driveway shall slope ¼” to ½” per foot downward away from the edge of the traveled surface of the Town roadway to the center of the roadway ditch line. A driveway grade greater than four (4) percent shall include a platform or parking area on the applicants land large enough to park two (2) cars when weather conditions prohibit use of the driveway. No parking shall be allowed within the Town Right of Way.
 5. If it is determined during consultation with the Town of Amherst Director of Public Works that a culvert is required, the minimum shall be fifteen (15) inches in diameter, sixteen (16) gauge riveted aluminum, corrugated steel, reinforced concrete, or polypropylene. The culvert shall be a minimum of twenty (20) feet long and with all headers mortared or securely fastened to avoid end damage by vehicles. A paved swale may be allowed within the ditch line to provide drainage relief if the applicant can show that the installation of a culvert is neither appropriate nor possible to install.
 6. The minimum all-season sight distance shall be the posted speed limit times ten (10). Unposted roads shall be assumed to be thirty (30) mph. The sight triangle shall begin at a point three feet nine inches (3’-9”) above the driveway surface and be located in the proposed driveway at least ten (10) feet back from the edge of the traveled way. The other ends of the triangle shall be measured three feet nine inches (3’-9”) above the Town roadway at a point ten (10) times the posted speed limit of the Town road and be applicable in both directions from the proposed driveway. In addition any blind spots within the triangle shall be noted on the plan.
 7. A sixteen (16) foot paved apron, or to the edge of the Town Right of Way if less than sixteen (16) feet, shall be constructed from the edge of the Town road’s traveled way. This is not required if the Town road is not paved.
 8. The Amherst planning Board, subject to consultation with the Director of Public Works, may waive any of the foregoing requirements when it is shown that strict compliance would cause undue hardship and is not in the Public interest.
- D. DEFINITIONS: Town Right of Way – The term “Town Right of Way” shall mean the full width of the legal right of way of a public road, which width generally is understood to extend beyond the limits of the paved or traveled portion of the road.

Section 5.4 Classification of Streets.

The classifications of Town streets shall be as defined in the Official Map, and the classification of new streets and streets now shown on such plan shall be as determined by the Board. The standards of design

applicable to Town roads shall be those contained in the Road Construction Specifications for the Town of Amherst, applicable at the time construction is undertaken.

Section 5.5 Pedestrian Walks.

Where necessary, in the judgment of the Board, rights-of-way for pedestrian travel and access may be required between subdivisions or its parts, or between a subdivision and public property.

Section 5.6 Drainage.

An adequate surface stormwater drainage system for the entire subdivision area shall be provided. Storm drainage shall be carried to existing water courses, or connect to existing storm drains. If the stormwater drainage system creates any additional flow over any adjacent property, the subdivider shall obtain an easement from the adjacent owner and shall hold the Town of Amherst harmless from any claims for damage resulting from said easement. The Board may require the installation of street lighting in any subdivision where it deems necessary.

Section 5.7 Underground Utilities.

All utilities within the bounds of a proposed subdivision which now includes new roads shall be placed underground. Where underground utilities are to be furnished from a public source; all necessary mains, branch off-sets to each lot, and fire hydrants shall be installed by the subdivider, as approved by the cooperation or municipal department having jurisdiction and to the satisfaction of the governing body and without expense to the Town. (8-20-86)

ARTICLE VI -- ADMINISTRATION AND ENFORCEMENT

Section 6.1 Modifications.

The requirements of the foregoing regulations may be modified when, in the opinion of the Board, specific circumstances surrounding a subdivision or condition of the land in such subdivision indicate that such modification will properly carry out the purpose and intent of the Master Plan and of these regulations.

Section 6.2 Acceptance of Streets.

Nothing herein intended to modify the requirements of law with reference to the acceptance of streets by the Town. Nothing herein is intended to modify or control the construction, reconstruction, or extension of roads by the Town or State.

Section 6.3 Other Regulations.

Where these regulations are in conflict with other local or State Ordinances, the more stringent shall apply.

Section 6.4 Enforcement.

These regulations shall be enforced by the Board of Selectmen or its duly authorized representative.

Section 6.5 Penalties.

As provided in RSA 676:16, any owner, or agent of the owner of any land located within a subdivision who transfers or sells any land before a plat of the said subdivision has been approved by the Planning Board and recorded or filed in the Office of the Registrar of Deeds shall forfeit and pay a penalty of five hundred (500) dollars for each lot or parcel so transferred or sold; and the description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties.

Section 6.6 Appeals.

Any person aggrieved by an official action of the Board, may appeal there from to the Superior Court as provided by RSA 676:15.

Section 6.7 Validity.

If any section, subsection, or phrase of these subdivision regulations is found for any reason to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of these regulations.

Section 6.8 Effective Date.

The effective date of these regulations shall be March 8, 1966, as amended.

Section 6.9 Pre-construction Meeting.

To ensure that the prescribed requirements are met on delayed starts for subdivisions which require any new road construction, a pre-construction meeting shall be required by the Planning Board for subdivisions which have not commenced Construction within one (1) year of approval and/or have changed ownership. The pre-construction meeting shall be held no more than three (3) months or less than thirty (30) days prior to commencement of any activity on the site. The purpose of the pre-

construction meeting is to ensure that all parties involved with the meeting is to ensure that all parties involved with the development of the project, including, but not limited to, the owner and/or developer, the contractors and builders, the Town's Engineer, the Building Inspector and the Road Agent, are familiar with the approved design, the terms and conditions of the approval and that all performance quadrant are accurate and in place. In addition to the individuals listed previously, representatives from the Planning Board and the Selectmen's representative to the Planning Board may attend the meeting. (1-20-93)