

Town of Amherst

Development Regulations

Subdivision Regulations

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Part 2 – SUBDIVISION REGULATIONS

Article 1 - General requirements

201 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.

201.1 Purpose

The Subdivision Regulations are intended to facilitate housing and other construction that can be developed in such a manner to promote the most appropriate use of the land, encourage environmentally sound planning to conserve open space, retain and protect important natural and cultural features; and provide for efficient use of land and community services to advance the goals stated in the Master Plan and in accordance with RSA 674.21, Innovative Land Use Controls.

201.2 Objectives

- A. To maintain rural character, preserving farmland, forests, grasslands, wetlands, and maintaining rural views.
- B. To preserve those areas of the site that have the highest ecological value, including, for example, wildlife habitats, (areas of highest conservation value as identified by the NH Fish and Game's Wildlife Action Plan), and water resources (Drinking water supply areas and watersheds, wetlands, streams, and rivers.)
- C. To locate buildings and structures on those portions of the site that are the most appropriate for development, and avoiding development in areas ill-suited for development, including, for example, , areas with poor soil conditions, a high water table, that are subject to frequent flooding, or that have excessively steep slopes.
- D. To preserve historic, archeological, and cultural features on the site.
- E. To create a contiguous network of open spaces or "greenways" by linking the common open spaces within the subdivision to open spaces on adjoining lands wherever possible.
- F. To reduce the impacts on water resources by minimizing land disturbance and the creation of impervious surfaces and stormwater runoff.
- G. To reduce the amount of roads, sidewalks, and stormwater management structures that must be built and maintained.
- H. To minimize the impact of residential development on the municipality, neighboring properties, and the natural environment.

202 Application Procedure

202.1 Application

All applications made to the Planning Board, whether for formal or informal

consideration, shall be submitted to the Office of Community Development at least thirty (30) days prior to the date of a Planning Board meeting at which the applicant wishes to appear.

A. Application for proposed subdivision may be presented as follows:

1. Preliminary Conceptual phase, where a map of the site is presented, showing the site and neighboring properties, which includes:
 - The relative ecological condition of the site, based on the NH Fish and Game Wildlife Action Plan.
 - Wetlands, surface waters, and aquifers at the site.
 - Open space, trails, and recreation areas in the subject and neighboring parcels.
 - Soils designated of prime or local importance as shown in USDA NRCS mapping.
2. Design Review phase at which abutters must be notified,
3. Final Review phase of the application at which abutters must be notified.

202.2 A completed application within the meaning of RSA 676:4 I (b) shall constitute a completed application form, a complete list of abutters including the owner, applicant and any professionals whose stamp appears on the plan, three (3) sets of addressed gummed mailing labels, the payment of a fee as per approved schedule of fees, as well as all of the items specified in Section 211, Paragraphs 211.1, 211.2, and 211.4 as appropriate 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 studies, water supply/hydrogeologic studies, environmental impact studies, or similar materials necessary to make informed decisions as to the impact of a proposed subdivision or development.

202.3 The Planning Board, upon a showing of good cause by the applicant, may waive any provision of these Subdivision Regulations. It is the applicant's responsibility to submit waiver requests in writing, citing the provision requested to be waived, and the reasons for requesting the waiver.

202.4 For Planning Board agenda purposes only, inclusion of submission documents required by Section 211 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).

202.5 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.

- 202.6** 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.
- 202.7** 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.
- 202.8** 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.
- 202.9** The Design Review phase continues this informational exchange between the Board and the applicant, and these discussions are encouraged for major subdivisions, subdivisions proposing new roads, and subdivisions applied for under the Integrated Innovative Housing Ordinance. This review shall not bind either the applicant or the Planning Board.
- 202.10** Material presented for this discussion should include plats and information as described in Section 211. 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.

203 General Regulations

- 203.1** 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:
- A. 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;
 - B. Necessitate an excessive expenditure of public funds for the supply of such services.
- 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.

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. An estimated fee shall be placed in escrow with the Town prior to commencement of the third-party review. If the escrow amount has been expended prior to completion of the Planning Board's review, an additional escrow amount will be requested prior to proceeding with the review. If any escrow amount remains at the conclusion of the review, it will be returned to the applicant.

203.3 The "Roadway and Utility Standards" and "Stormwater Regulations" of the Town of Amherst are incorporated into these Subdivision Regulations by reference.

204 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.

205 Action of the Board

205.1 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).

205.2 The Board must act to approve, modify, or disapprove a plat within sixty-five (65) days of the acceptance of the complete application 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 thirty (30) days. Failure of the Board to act upon such order of the Selectmen, shall constitute grounds for the Board of Selectmen, upon petition of the applicant, to issue an order approving the application, if the Board determines that the proposal complies with existing subdivision regulations and zoning and other ordinances.

205.2 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.

- 205.3** 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, or in accordance with other options as indicated in Section 213.1 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 2 -- PLAT REQUIREMENTS

206 Compliance with Regulations

- 206.1** No subdivision of land shall be made or land cleared for conversion purposes, 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.
- 206.2** 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.

207 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.

208 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.

209 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, high value ecological habitats, other natural resources, historic landmarks, stone walls, and other significant features. Originality in lot layout will be encouraged to achieve the best possible relationship between the development and existing features on the property.

210 Submission Documents

210.1 Design Review Phase

- A. 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.
- B. Plans for a residential development proposed under the Integrated Innovative Housing Ordinance (IIHO) should include calculations of density allowed as of right, as well as any density bonus proposed, and rationale for granting the bonus.
- C. 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.

210.2 Final Review Phase

- A. Final plat/s, three (3) full size copies, ten (10) 11"X17" copies of paper prints and PDF/A copies of the full submission showing the following:
 - 1. Boundary of subdivision area, including bearings and distance on every lot line;
 - 2. Topography with sufficient detail to indicate stormwater runoff;
 - 3. Streams, seasonal runoffs, brooks, ponds, wetlands (poorly or very poorly drained soils);
 - 4. The subdivision's relation to existing roads;
 - 5. Existing structure(s);
 - 6. Adjacent structures within one hundred (100) feet of parcel boundaries;
 - 7. Site location map, showing proposed subdivision in relation to major roads;
 - 8. The subdivider or his agent(s) shall arrange to have soils investigations, including test pits and required Site Specific Soils Mapping (SSSM), witnessed by the Town Health Officer or their designee. Wetland areas, if present on the site, shall be delineated by a Certified Wetland 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;
 - 9. 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.

10. North arrow;
 11. Graphical scale;
 12. Date of layout and dates of revision.
 13. Professional stamp(s) of any Licensed Land Surveyor, Soil Scientist, Certified Wetland Scientist, Professional Engineer, and Subsurface Designer responsible for preparation of the Plat.
- B. Drainage calculations for proposed culverts or drainage structures, including driveway culvert size. These should be submitted for review in the form of a drainage report or memorandum with sufficient back up data to demonstrate compliance with the Amherst Stormwater Regulations and facilitate review by a third party;

C. 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:

1. 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.
2. 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.
3. Covenants permanently restricting the common land or open space from any future subdivision.
4. Easements and right-of-way over property to remain in private ownership including a street.
5. 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 Department of Public Works, 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.

210.3 Final Plat(s)

- A. All final Plats must show:
1. Name of municipality;

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2. Name of subdivision;
 3. Name and address of subdivider;
 4. Name and address of abutters;
 5. Existing roads or driveways within two hundred (200) feet of the subdivision;
 6. Existing and proposed lot lines;
 7. 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 or their designee;
 8. Street address and Lot designations compliant with Assessing Office and Fire/EMS Department requirements.
 9. Area reserved for stumps;
 10. Location of existing and proposed easements, IF NONE, SO STATE ON PLANS;
 11. Deed restrictions, IF NONE, SO STATE ON PLANS;
 12. Building setback lines;
 13. Parks;
 14. Recreation facilities;
 15. Conservation trails;
 16. Significant natural or manmade features;
 17. Water mains;
 18. Sanitary sewers;
 19. Storm water sewer or drain lines, and any water quality treatment facilities;
 20. Existing utilities, telephone, electric, gas;
 21. Proposed placement of telephone, electric, gas;
 20. Boundaries of Zoning Districts within the subdivision;
 21. Boundaries of other municipalities;
 22. Land use designation per Zoning Maps;
 23. Location of driveways accessing public road and indication of sight distances.
- B. Additional Final Plat Documents to be Submitted:
1. A statement of suitability of land for development;

2. A statement of work to be completed on existing streets to meet minimum standards;
3. Method of sanitary sewerage disposal;
4. Method of supplying water;
5. Road profiles and cross sections, including driveways for Class B reduced frontage lots;
6. Approval/s from any other Municipal, State or Federal Agency which may have jurisdiction. Applicable permit numbers shall be listed on the plan;
7. Name and seal of engineer or land surveyor licensed by the State of New Hampshire;
8. 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;
9. Stations, radii, curve data, and paving widths of streets;
10. Lot dimensions showing area in square feet and acres;
11. 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;
12. Accurate locations of all monuments to be set at street intersections, points of curvature and tangency of curved streets, and at angles of lots;
13. Drainage calculations for proposed culverts or drainage structures, including driveway culvert size. These calculations shall be presented in a Drainage Report/Memorandum demonstrating compliance with the requirements of Amherst Stormwater Regulations, and suitable for third party review;
14. Floor plans and architectural drawings of proposed units in an IHO residential project;
15. Indication on plan of what area is dedicated to open space, and method of dedication;
16. A statement of approval from appropriate municipal agency if subdivision is to be served by public water supply or sewer;
17. 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.

- a. 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.
 - b. That Section 211 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.
 - c. 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.
17. Statement regarding choice of building or bonding of any proposed road layout with improvements (Option 1 or 2, see Section 213.0 - New Roads and Improvements and Building Permits);
18. Approval of Town Counsel of legal data in final, executable, recordable form on:
- a. The agreement to convey to the Town, land to be used for streets and other public purpose;
 - b. 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;
 - c. Any covenants restricting use or future use of land within a subdivision to those permitted in the Zoning Ordinance as well as restrictions on number of bedrooms;
 - d. Any proposed easements;
 - e. Any proposal to increase drainage onto or across other property, whether public or private;
 - f. A recordable Warranty Deed for any land/road to be accepted by the Town.
19. Estimate from appropriate contractors of cost installation

- of all roads / improvements shown on plan;
20. Space reserved on plat for endorsement by all appropriate agencies;
 21. Erosion & Sedimentation Control Plan prepared by a Licensed Professional Engineer. As a minimum, all Erosion & Sedimentation Control Plans shall be consistent with the requirements of the Amherst Stormwater Regulations as amended from time to time.
 22. List all State and local permits, variances and waivers granted;
 23. Study or review of, unless waived by the Planning Board;
 - a. Fiscal impact,
 - b. Environmental impact,
 - c. Traffic,
 - d. Water supply,
 - e. Drainage Report,
 - f. Hydrogeological,
 - g. Other, as deemed necessary by the Planning Board.
 24. Statement regarding a phasing plan in accordance with Section 3.19 of the Amherst Zoning Ordinance.

210.4 Submission Documents for Lot Line Change and Recording

- A. Completed Planning Board application form with appropriate documents.
- B. Three (3) full size paper prints, ten (10) 11"X17" paper prints and original.
- C. Site location map.
- D. Site map showing:
 1. Name of municipality,
 2. Name and address of owner/s,
 3. 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);
 4. Location of all monuments found or to be set (For lot line change only);
 5. North Point;
 6. Bar scale;
 7. Date of layout and date of any revision;

8. Names and addresses of abutters as defined in the Zoning Ordinance;
9. Location of existing or proposed easements (if none, so state on plan/s);
10. Deed restrictions (if none, so state on plan/s);
11. Name, seal, and signature of land surveyor (licensed by New Hampshire);
12. Lot dimensions, area of lot/s in square feet, area of lot/s in acres;
13. Volume and page references sufficient to indicate derivation of title/s; 4. 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):

15. All existing buildings on lot/s (for Lot Line Change Only);
16. Soils Conservation Service soils type overlaid on plan (for Lot Line Change only);
17. Zoning district boundaries on parcel, if any.

210.5 Lot Consolidation

All lot consolidations shall be completed using the 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.

210.6 Voluntary Merger

- A. Upon application by the owner, the Planning Board shall approve the merger of two or more contiguous preexisting approved or subdivided lots or parcels for the purpose of municipal regulation and taxation, unless the merger would create a violation of current regulations. No public hearing or notice shall be required. The owner shall complete a lot merger form which is available from the Amherst Planning Department. The Form shall be submitted to the Planning Department for endorsement by the Planning Board and recording in the HCRD, and shall be filed with or mailed to the Town Assessor.
- B. No parcel or parcels merged under these provisions shall thereafter be separately transferred without subdivision approval.

211 New Roads and Improvements and Building Permits

- 211.1 Any subdivision which requires road system layout and construction will have such improvements installed in accordance with the Roads and Utility Standards as detailed in Part 3 of these regulations. 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 prior to acceptance. An as-built road plan is furnished to and approved or disapproved by the Town upon installation of the 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) sufficient to cover a two-year guarantee period or such greater period as may be required by the Planning Board is furnished to the Planning Board. Any deeds are recorded. Building Permits and Driveway 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 prior to acceptance. Roads and improvements are completed except for installation of final wearing course of pavement as described in the Roadway and Utility Standards. 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 Office of Community Development upon installation of the base course of bituminous concrete.

- 211.2** 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.
- 211.3** 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. If no Certificates of Occupancy have been issued on the road, the Completion Bond shall be extended until such time as conditions for acceptance of the road are met.
- 211.4** The road will be accepted by the Town only following the completion of the road and receipt of an acceptable maintenance bond as detailed in Option 1 above. No road will be accepted by the Town unless at least one (1) Certificate of Occupancy has been issued on the new road.
- 211.5** 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.
- 211.6** Upon satisfactory completion of the road system as judged by the Office of Community

Development and the Department of Public Works 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.

211.7 During construction, periodic inspections by a licensed Professional Engineer shall be performed at the applicant's expense to ensure the new construction is generally in conformance with the approved plans for the improvements and with Town standards and requirements.

211.8 Bonding

1. Option 1: The road system or other improvement is completed in accordance with Section 213.1 - 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 may arise due to deficiencies in the quality of the completed road or other improvements, as determined by the Office of Community Development and the Department of Public Works.

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 213.1 - 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 Office of Community Development based on an estimate prepared by the Project Engineer; and shall include, but not be limited to, the cost of such items as streets, lighting, sidewalks, public improvements, extension or installation of water or sewer lines, drainage improvements, 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. The Completion Bond shall remain in effect until completion and acceptance of the road or other public improvements. Estimated costs for interim winter plowing and other maintenance shall be included in the amount of the bond. In the event that the completion of the road extends beyond two (2) years after base course construction, the Maintenance Bond shall be extended to cover a five (5) year period after acceptance of the road.

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

211.9 After completion of a road system / improvement, a Maintenance Bond (Irrevocable Letter of Credit) as required in Option 1 shall be filed with the Office of Community Development. If more than two (2) years have elapsed from the start of construction until the completion and acceptance of the road, the maintenance period shall be

extended to five (5) years.

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

211.11 Before any work may commence on a subdivision, the subdivider, developer, or his successors shall file with the Office of Community Development a Certificate of Insurance including liability.

211.12 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.

211.13 Pre-construction Meeting.

For subdivisions which require any new road construction, a pre-construction meeting shall be required by the Planning Board. 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 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 Public Works Director or Designee, are familiar with the approved design, the terms and conditions of the approval and that all performance surety is 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.

211.14 Third Party Review and Inspection Required

All proposed public improvements as well as other aspects of subdivision construction shall be inspected and approved by a third-party engineering consultant on behalf of the town, at the expense of the subdivider, owner, developer or their assigns, periodically during construction and prior to acceptance by the Town.

212 Design for Open Space

212.1 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.

212.2 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 desirable, 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 Ordinance. 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. The Planning Board, in its discretion, may require additional provisions for protection of open space and its intended use.

212.3 Trees and Plantings. 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. Species of street trees and other landscaping shall be in accordance with the requirements of the Non-Residential Site Plan Regulations.

214.4 Development of Open Space. On land to be used as active recreation open space, undesirable growth and debris may be removed. Wooded buffers 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 in accordance with state regulation and other local requirements. This area must be filled in on an "as-you-go" basis and finally covered with at least twelve (12) inches of soil and 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 Community Development Director or their designee. 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.

212.5 Invasive Species. Applicant shall, to the greatest extent practicable, eradicate invasive plant species on the property as a condition of receiving a Certificate of Occupancy. The Director of Community Development, or their designee shall inspect the property to determine compliance with this regulation prior to issuance of a Certificate of Occupancy.

213 Subdivisions Containing Reduced Frontage Lots.

213.1 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.

213.2 Conditions and Restrictions.

- A. Reduced frontage shall be a minimum of thirty-five (35) feet on the public way.
- B. The driveway portion of reduced frontage lots shall be an integral portion of and attached to the back lot.
- C. Class A reduced frontage provides access to one (1) back lot.
- D. Class B reduced frontage provides access to two (2) back lots.
- E. 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.
- F. 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.

- G. 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.
- H. 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.

213.3 Construction Requirements.

- A. Class A reduced frontage lot: Subject to any construction requirements in the Town of Amherst Driveway Regulations.
- B. Class B frontage lots: The driveway shall be constructed in conformance with the following requirements:
 - 1. 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.
 - 2. Ledge and boulders shall be removed to at least eight (8) inches below sub-grade and replaced with sand or bank run gravel.
 - 3. Proper drainage shall be installed as indicated on the Final Plat, in accordance with the requirements of the Stormwater Management Regulations of the Town of Amherst.
 - 4. The grade of the driveway shall not be more than eight (8) percent nor less than one (1) percent.
 - 5. Approved street signs, culvert posts, and delineators for curbing, catchbasins and guardrails shall be installed in accordance with the requirements of MUTCD and/or AASHTO Standards as directed by the Board of Selectmen and paid for by the developer.

214 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 Roadway and Utility Standards for the Town of Amherst, applicable at the time construction is undertaken.

215 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.

216 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 corporation or municipal department having jurisdiction and to the satisfaction of the governing body and without expense to the Town. Utility assets that are required to be above ground shall be located as far from the edge of pavement as practicable.

ARTICLE 3 -- ADMINISTRATION AND ENFORCEMENT

217 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.

218 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.

219 Other Regulations

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

220 Enforcement

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

221 Penalties

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 be assessed penalties as provided in RSA 676:16.

222 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.