

TOWN OF DUMMER

**SUBDIVISION
REGULATIONS**

SUBDIVISION REGULATIONS

Table of Contents

	Page(s)
Authority	Section I 1
Purpose	Section II 1
Definitions	Section III 1-4
General Requirements for the Subdivision of Land	Section IV 5-6
A. General Requirement of Approvals	5
B. General Land Development Standards	5-6
C. Development in Special Flood Hazard Areas	6
Preliminary Consultation and Review	Section V 7
Minor Subdivisions & Lot Line Adjustments	Section VI 7-10
Procedure for Minor Subdivisions	Part I 7-8
Roads and Utilities for Minor Subdivisions	Part II 8-9
Final Plat for Minor Subdivisions & Lot Line Adjustments	Part III 9-10
Major Subdivisions	Section VII 10-17
Preliminary Layout for Major Subdivisions	Part I 10-11
Procedure for Major Subdivisions	Part II 11-12
Roads and Utilities for Major Subdivisions	Part III 13-14
Drainage for Major Subdivisions	Part IV 15
Sediment & Erosion Control for Major Subdivisions	Part V 16
Final Plat for Major Subdivisions	Part VI 16-17
Voluntary Mergers of Existing Lots	Section VIII 17-18
Application Procedures	Section IX 18-21
A. Application Requirements	18-19
B. Filing and Submission of an Application	19
C. Expedited Review	19
D. Board Action on Submitted Application	20-21
E. Notices	21
F. Fees	21
Penalty for Non-Compliance	Section X 22
Amendments	Section XI 22
Legal Status Provisions	Section XII 22
Adoption	Section XIII 23

Table 1 Geometric & Structural Guides for Roads

Fee Schedule for Land Use Applications

Drawing: How To Calculate Front Setback Requirement

SUBDIVISION REGULATIONS

TOWN OF DUMMER, NEW HAMPSHIRE

SECTION I: AUTHORITY

Pursuant to the authority vested in the Dummer Planning Board by the voters of the Town of Dummer at the March 7, 1972 Town Meeting and in accordance with the provisions of Chapters 674, 675 and 676, NH Revised Statutes Annotated, as amended, the Dummer Planning Board adopted the following regulations governing the subdivision of land in the town of Dummer, New Hampshire. These regulations shall apply to subdivisions, mergers and lot line adjustments.

SECTION II: PURPOSE

The purpose of these regulations, in accordance with the town's Master Plan, are:

- to promote the harmonious development of a resilient and environmentally sound community for current and future residents,
- to provide uniform procedures and standards for the Board and subdivision applicants,
- to protect against any scattered or premature subdivision of land that could involve danger or injury to the health, safety, prosperity, or the general welfare of our citizens, and
- in agreement with the concept that private landowners wish to demonstrate responsibility and respect for fellow citizens and the community.

SECTION III: DEFINITIONS

ABUTTER: shall mean:

- 1) any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration by the local land use board.
- 2) any affected municipalities and the regional planning commission(s) in the event of developments having regional impact.
- 3) for purposes of receiving testimony only, and not for purpose of notification, the term "abutter" shall include any person who is able to demonstrate that his land will be directly affected by the proposal under consideration.
- 4) for purposes of receipt of notification by a municipality of a local land use board hearing, in the case of an abutting property being under a condominium or other collective form of ownership, the term abutter means the officers of the collective or association, as defined in RSA 356-B: 3, XXIII.

APPLICANT: shall mean the owner(s) of record, or agent duly authorized in writing, demonstrating intent to subdivide.

APPROVAL: shall mean recognition by the Planning Board, certified by written endorsement on the plat, that the plat meets the requirements of these Regulations and in the judgment of the Board satisfies all criteria of good planning and design.

APPROVAL, CONDITIONAL: shall mean recognition by the Planning Board, certified by written endorsement on the plat, that the plat has not received final approval nor is the plat ready for filing with the Registry of Deeds until such time as certain conditions set forth by the Board, are met. This is not to be confused with a plat that has been approved subject to certain conditions that would be met as part of the implementation of the plan.

BOARD: shall mean the Planning Board of the Town of Dummer.

BUILDING: shall mean any structure having a roof supported by columns or walls designed or built for the support, enclosure, shelter or protection of persons, animals or property of any kind.

BUILDING SITE: shall mean that portion of a lot, tract, or parcel of land upon which a single building is placed or is to be placed.

DRIVEWAY: shall mean an area located on a lot, tract, or parcel of land, and built for access to a garage or off-street parking space serving not more than two (2) lots.

EASEMENT: shall mean the authorization by a property owner for the use by another, and for a specific purpose, of any designated part of his/her property. Private easement rights are normally attached to a piece of property and future buyers of said property retain those easement rights. Private easements normally benefit one landowner but constitute a burden upon the other landowner. By contrast, the public as a whole has rights in a public highway, rights attached to any particular property or even to any other set of rights. In the case of a public highway, the law in many respects assumes that the underlying landowner is not only burdened, but also benefited.

FRONTAGE: shall mean that side of a lot abutting a street and ordinarily regarded as the front of the lot.

LOT: shall mean a parcel of land capable of being occupied that is of sufficient size to meet the minimum requirements for use, building coverage, and area.

LOT OF RECORD: shall mean a parcel, the plat or description of which has been recorded at the Coos County Registry of Deeds. For purposes of these regulations, a lot shall have boundaries identical with those recorded with the Register of Deeds.

LOT LINE: shall mean the property line dividing a lot from a street right-of-way, a body of water or adjacent lot or property.

LOT LINE ADJUSTMENT: shall mean adjustments to the boundary between adjoining properties, where no new lots are created.

MAJOR SUBDIVISION: shall mean a dividing of contiguous land which creates more than three (3) lots, including the original lot, or which does not fall under the definition of a minor subdivision. All lots created shall meet the zoning regulations for building purposes, meaning they must meet at least minimum lot size and minimum road frontage. Major subdivisions are also defined as those proposals involving the creation of new streets and/or utilities, regardless of the number of lots.

MINOR SUBDIVISION: shall mean a dividing of contiguous land which creates not more than three (3) lots, including the original lot, with only one house per lot allowed. All lots created shall meet the zoning regulations for building purposes, meaning they must meet at least minimum lot size and minimum road frontage. Included, as a minor subdivision is a Lot Line Adjustment, which is the moving of one boundary between two (2) lots without creating a new lot and shall not adversely affect the development of either lot. Minor subdivisions are defined as those proposals involving:

- 1) three lots, or less, with no intention of and/or potential for re-subdivision, and fronting on a road, or
- 2) minor lot line adjustments which do not create buildable lots, or
- 3) additions of five (5) acres, or less, to presently owned lots with no intention of and/or potential for re-subdivision.

MYLAR: shall mean a form of polyester resin used to make heat-resistant plastic films and sheets.

NHDES: shall mean the New Hampshire Department of Environmental Services. Pursuant to RSA 485-A:29, I, NHDES regulates the subdivision of land into two (2) or more lots if the proposed lots will not be served by municipal sewers and one (or more) of the proposed lots is less than five (5) acres. Subdivision approval by the state is required for lots under five (5) acres, leased land, campgrounds and condominium creation; for both residential and commercial developments where, septic systems are or will be used.

PLAT: shall mean the map, drawing or chart on which the plan of subdivision is presented to the Board for approval. If approved, the plat will be submitted to the Coos County Registry of Deeds for recording on a mylar sheet(s).

PRELIMINARY LAYOUT: shall mean an un-surveyed sketch or map showing a general overview of the proposed subdivision. The layout should show substantially the same information as the final plat. This layout shall bind neither the applicant nor the board.

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

PUBLIC MEETING: shall mean the regular business meeting of the Planning Board as required per RSA 673:10 II. Notice must be posted at least 24 hours in advance and the meeting must be open to the public, although participation by the public is at the discretion of the Board.

RIGHT OF WAYS: shall mean:

- 1) a strip of land acquired by reservation, dedication, forced dedication, prescription, or condemnation and intended to be occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer, and other similar uses
- 2) generally, the right granted to one to pass over the property of another.

SETBACK: shall mean the distance between a legal boundary such as a right-of-way, property line, or lot line and any part of a building or other entity subject to setback regulations.

SPECIAL FLOOD HAZARD AREA: shall mean the land in the floodplain within the Town of Dummer, NH subject to a one percent or greater possibility of flooding in any given year. The area is designated as Zone A on the Flood Hazard Boundary Map (FHBM) and is designated on the Flood Insurance Rate Map (FIRM) as Zones A and AE.

STREET: shall mean a publicly approved travel way maintained for vehicular travel, or a thoroughfare that appears on a subdivision plat approved by the Planning Board. The word "street" shall include the entire right-of-way designated for it. The word "street" relates to and includes street, avenue, boulevard, road, lane, alley, viaduct, highway, freeway and other ways exclusive of driveways serving not more than two adjacent lots.

SUBDIVIDER: shall mean the registered owner or authorized agent of the registered owner of the land being subdivided.

SUBDIVISION: shall mean the division of a lot, tract, or parcel of land into two 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.

VOLUNTARY MERGER: shall mean the option landowners have to voluntarily merge contiguous parcels of land with the approval of the Board for municipal regulation and taxation purposes. Merger approval must be signed by the Board by April 1st to take effect during the tax year.

SECTION IV:

GENERAL REQUIREMENTS FOR THE SUBDIVISION OF LAND

- A. General Requirement of Approvals - Whenever any subdivision is proposed to be made and before any contract for the sale of, or negotiation to sell, such subdivision or any part thereof shall have been concluded, before any road, utility or building construction shall begin, and before any permit for the erection of a structure shall be granted, the subdivider shall apply for and secure approval of the proposed subdivision from the Dummer Planning Board.

The subdivision of real property requires a review by NHDES to ensure that each resulting parcel or unit supports the long-term wastewater absorption requirements without causing environmental damage, overload, or a public health risk. Pursuant to RSA 485-A:29, I, NHDES regulates the subdivision of land into two or more lots if the proposed lots will not be served by municipal sewers and one (or more) of the proposed lots is less than 5 acres. Subdivision approval is required for lots under 5 acres, leased land, campgrounds and condominium creation; for both residential and commercial developments where septic systems are, or will be used.

- B. General Land Development Standards - In reviewing a subdivision proposal, the Board shall utilize the following planning and design standards:

1. Any proposed Subdivision shall be in conformity with the Master Plan and the Zoning Ordinance of Dummer, and with the provisions of all pertinent state and local codes and ordinances.
2. Any proposed Subdivision shall be reviewed by the Board with respect to its effect upon existing community services and facilities including roads, schools, fire and police protection, and recreational areas.
3. Any proposed subdivision shall be so designed that every lot has access to a public or dedicated road in accordance with the Master Plan and zoning ordinance.
4. Land of such character that it cannot, in the judgment of the Board be safely used for building development purposes because of exceptional danger to health or peril from fire, flood, poor drainage, excessive slope, or other hazardous conditions, shall not be platted for residential, commercial, or industrial subdivision, nor for such other uses as may increase danger to life or property, or aggravate the flow hazard. Land with inadequate characteristics or capacity for sanitary sewage disposal shall not be subdivided for residential, commercial, or industrial subdivision purposes.

5. Scattered or premature subdivision of land as would involve danger or injury to health, safety, or prosperity by reason of lack of water supply, drainage, transportation, school, fire department, or other public services, or that a lack of these facilities would be a hazard, or necessitate an excessive expenditure of public funds for the supply of such services shall not be approved by the Board.

6. Long, narrow lots or lots with very irregular shapes shall not generally be accepted by the Board, especially if, in the opinion of the Board, these lots will create unusable or inaccessible areas of land.

7. Any natural drainage ways and their easements shall be so incorporated that no flooding will occur and all storm water can be disposed of properly.

8. The Board may require that a proposed subdivision design show respect for such features as trees, streams, topography, and other natural features.

9. Areas set aside for parks and playgrounds to be dedicated or to be reserved for the common use of all property owners by covenant in the deed, whether or not required by the Board, shall be of reasonable size and character for neighborhood playgrounds or other recreational uses. Park areas may be required in large subdivisions.

C. Development in Special Flood Hazard Areas - The Planning Board shall review the proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 USC 1334.

For subdivisions having land designated as special flood hazard areas, sufficient evidence (construction drawings, grading and land treatment plans) shall be submitted so as to allow determination that:

1. all such proposals are consistent with the need to minimize flood damage,
2. all public utilities and facilities, such as sewer, gas, electrical and water systems are located, and constructed to minimize or eliminate flood damage, and
3. adequate drainage is provided so as to reduce exposure to flood hazards.

In special flood hazard areas, all subdivision proposals and other proposed new developments shall include base flood elevation data.

SECTION V: PRELIMINARY CONSULTATION AND REVIEW

1. Before the formal submission of any Application or any plan, any person contemplating the subdivision of land in Dummer may appear at a regular meeting of the Planning Board to discuss a subdivision proposal in general and conceptual terms. The purpose of this preliminary consultation and review is to establish for the subdivider the suitability of the land for subdivision, and to facilitate the preparation of an Application.
2. Such preliminary consultation shall be informal and directed toward:
 - a. reviewing the basic concepts of the proposal,
 - b. reviewing the proposal with regard to the Town Master Plan and Zoning Ordinance, reviewing the Town's Subdivision Regulations as they may apply to this proposal and the determination of the proposal as a major or minor subdivision, and
 - c. informing the subdivider of other necessary state and local requirements.
3. Preliminary consultation shall not bind the subdivider or the Board. Such discussion may occur without public notice. However, no discussions beyond the conceptual and general review shall take place without proper notice of all abutters and the public.
4. Preliminary consultation shall be separate and apart from formal consideration of an Application. The time limits for Board action shall not apply until a formal Application is submitted and accepted as complete by the Planning Board.

SECTION VI: MINOR SUBDIVISIONS & LOT LINE ADJUSTMENTS

A minor subdivision shall consist of three (3) or less, contiguous lots with one house (only) per lot. Procedures will be the same as for Major subdivisions with the following exceptions.

SECTION VI, Part I: PROCEDURE FOR MINOR SUBDIVISIONS

- A. Minor subdivisions are defined as those proposals involving:
 1. three lots, or less, with no intention of and/or potential for re-subdivision, and fronting on a road, or
 2. minor lot line adjustments which do not create buildable lots, or
 3. additions of five (5) acres, or less, to presently owned lots with no intention of and/or potential for re-subdivision.

B. The subdivider may first meet with the Board for preliminary consultation and review of the proposal as discussed above to determine if it is a minor subdivision. If it is determined by the Board to be a minor subdivision, the subdivider shall submit:

1. an Application, excluding the Preliminary Layout (Section VII, Part I) as described in Section IX, (A.), and
2. a final Plat as described in Section VI, Part III.

C. The Application and Final Plat for a minor subdivision shall be filed and submitted as required by Section IX, (B.). No Application shall be approved without full notice to abutters and the public. A public hearing shall be held for all minor and major subdivision applications.

SECTION VI, Part II: ROADS AND UTILITIES FOR MINOR SUBDIVISIONS

The Selectmen and Board may waive or vary required design, construction, and maintenance of roads and utilities pertaining to a minor subdivision. The following are required regulations relative to roads and utilities:

CONSTRUCTION SUPERVISION: The size, type, and location of public utilities, such as roads, electricity and telephone lines shall be approved by the Selectmen and the Board and installed in accordance with standards specified by the Town of Dummer for Minor subdivisions.

RIGHT-OF-WAY: No road right-of-way shall be less than 50 feet in width with a minimum of 20 feet wide travel surface.

GRADES: Grades of all roads shall conform in general to the terrain, but shall not be less than 0.5% or more than 10% unless specifically approved by the Board and the Selectmen.

ROAD LAYOUT: The arrangements of roads in the subdivision shall provide for the continuation of the principle roads in adjoining subdivisions or for their proper projections when adjoining property is not subdivided. Roads shall be laid out so as to intersect at right angles, as nearly as possible, and no street shall intersect another at less than 60 degrees.

ALIGNMENT: Intersecting property lines at road intersections shall be joined by a curve of at least a 20-foot radius. The Board may reject the location of a proposed road intersection if, in the opinion of the Board, the location creates a safety hazard due to poor line of sight or excessive grades of the street or road being entered.

DEAD-END ROADS: Except where near-future connections may be possible, dead-end or cul-de-sac roads shall be equipped with either a circular turnaround at the closed end with a minimum radius of 60 feet from the center to the outside edge of the right-of-way or with a T-shaped end in which the cross bar is at least 80 feet in length. There shall be no house straight ahead at the end of the road

and space must be left here for piling snow in the winter. If a cul-de-sac road is extended, the land previously in the cul-de-sac shall be properly and equitably transferred to the adjoining landowners.

SUB-GRADE PREPARATION: The proposed roadway shall be cleared of all stumps, roots, boulders and of all trees not intended for preservation. All loam must be removed. Where loam or improper road base material exceeds 12 inches in depth, such material shall be removed and filled with adequate amounts of bank run gravel, broken rock, or regular stones not exceeding 8 inches in diameter. Adequate disposal of surface water shall be provided for.

ROAD SURFACE: The road shall be graveled to a depth of at least 10 inches; depending on soil conditions.

ROAD SHOULDERS: Shoulders shall be from 2 to 3 feet wide and slope away from the traveled surface at a ratio of 3 to 1.

DRAINAGE: Drainage ditches of at least 2 feet in width and 18 inches in depth, at their midpoint below centerline grade, shall be constructed on both sides of the road. Culverts, of proper size, shall be installed where necessary.

PRIVATE ROADS: Private roads may be permitted within a subdivision provided that the subdivider specifically stipulates in each deed issued to a lot owner that the lot is served by a private road and the road will not be accepted as a Town Road unless it meets the road standards of the Town. This requirement does not constitute accepting a road as a Town Road.

SECTION VI, Part III:

THE FINAL PLAT FOR MINOR SUBDIVISIONS & LOT LINE ADJUSTMENTS

A. The Final Plat submitted for approval and subsequent recording shall be submitted in triplicate at a scale of not more than 100 feet to the inch on sheets that are 17" x 22" in size. A margin of at least one inch shall be provided outside ruled borderlines on three sides and of at least two inches along the left side for binding. Adequate space shall be available on the map for the necessary endorsement by the proper authorities.

B. The Final Plat shall show:

1. Proposed subdivision name or identifying title, the name and address of owner of record, and the name, license number and seal of the surveyor, engineer or designer; date, scale and north point.

2. Final road lines, lot lines, building lines, reservations, easements and areas to be dedicated to public use, and areas the title to which is reserved by the subdivider.

3. Sufficient data acceptable to the Town Board of Selectmen to determine readily the location, bearing and length of every road line, lot line, and boundary line and to reproduce such lines upon the ground. All dimensions shall be shown to hundredths of a foot and bearing to at least

half minutes. The error closure shall not exceed 1 to 2500. The final plan shall show the boundaries of the property and the current tax map and lot numbers.

4. Permanent monuments shall be set as required by the Selectmen.
5. Final acreage and frontage of each lot.
6. A copy of any restrictive covenants to be attached to deed of the property being subdivided and a copy of any easement acquired across other property.

SECTION VII: MAJOR SUBDIVISIONS

A major subdivision shall consist of four or more contiguous lots and the following procedures shall apply:

SECTION VII, Part I: THE PRELIMINARY LAYOUT FOR MAJOR SUBDIVISIONS

- A. Subdivider shall file with the Board one copy of a Preliminary Layout drawn at a scale of not more than 100 feet to the inch and submitted on sheets that are 17" x 22" in size.
- B. The Preliminary Layout shall show or be accompanied by the following information:
 1. Proposed subdivision name; name and address of owner of record; name and address of surveyor, engineer or designer; date; north point and scale.
 2. Boundary lines of parcel being subdivided and of abutting properties, names of owners of record of abutting properties, and names of abutting subdivisions.
 3. Lot size and frontage width of each lot of proposed subdivision.
 4. Location of existing roads, easements, buildings, watercourses, ponds or standing water, rock ledges, and public open spaces.
 5. Location of existing water supplies (wells or mains), sewage disposal, culverts, and drains and proposed means of water supply, sewage disposal and surface drainage.
 6. Flood hazard areas.
 7. Location, name and widths of existing and proposed roads or highways within or leading to the subdivision, with their grades and profiles along with preliminary designs of bridges and culverts.

8. Elevations of sufficient points on the property to indicate the general topography of the property.

9. Where the topography is such as to make difficult the construction of facilities mentioned in item 4 (above), within the individual lots or property so laid out, the Preliminary Layout shall show the boundaries of proposed permanent easements over or under such private property. Such easements shall not be less than ten (10) feet in width and shall have satisfactory access to existing or proposed public ways.

10. Location of all parcels of land proposed to be dedicated to public use and the conditions of such dedication. A copy of such private deed restrictions as are intended to cover part or all of the tract shall be submitted with the Final Plat.

11. Where the Preliminary Layout submitted covers only a part of the subdivider's entire holding, a sketch of the prospective future lot layout and road system of the submitted part shall be furnished and the lots and road system of the submitted part will be considered in the light of adjustments and connections with the road system of the part not submitted.

SECTION VII, Part II: PROCEDURE FOR MAJOR SUBDIVISIONS

A. Minimum Lot Size - Due to the absence of municipal sewerage facilities, minimum lot sizes within all subdivisions shall, in addition to meeting the requirements of the Dummer Zoning Ordinance, also meet the minimum lot size requirements by soil type. The July 21, 1988 Minimum Lot Size by Soil Type (Appendix 1) in prior versions of the Subdivision Regulations is outdated and therefore not included in this update. The Dummer Planning Board directs applicants to contact the USDA Soil Conservation Service in Lancaster, NH to obtain the most recent soil classification data reasonably available to determine the minimum lot size requirement for subdivisions. Where the minimum lot size in the Zoning Ordinance differs from those in the most recent soil classification data reasonably available, the more stringent shall apply. This requirement is subject to the following qualifications:

1. Where more than one soil type is found on a lot, the maximum number of lots or dwelling units to be permitted on the parcel will be determined by summing the number of units permitted for each type of soil present in the parcel. The number of units permitted for a single type of soil is determined by dividing the area (in square feet) covered by the soil type by its minimum lot size obtained from the most recent soil classification data reasonably available.

$$\begin{array}{lcl} \text{Maximum} & & \text{Area (in sq.ft.)} \\ \text{Number of Units} & = & \text{of Soil Type A} \\ \text{Permitted} & & \text{Minimum lot size} \\ & & \text{permitted for soil} \\ & & \text{type A} \end{array} \quad + \quad \begin{array}{l} \text{Area (in sq.ft.)} \\ \text{of Soil Type B} \\ \text{Minimum lot size} \\ \text{permitted for soil} \\ \text{type B} \end{array}$$

This formula applies to multi-family residential development as well.

2. Wetlands may be used as a part of the computed lot size according to the following:

- a. Areas designated as poorly drained soils may be utilized to fulfill 25% of the minimum lot size.
- b. Areas designated as very poorly drained, marshes or alluvial soils may not be utilized to fulfill minimum lot sizes.
- c. No subsurface wastewater disposal system shall be constructed within 75 feet of any designated wetland area.

3. Minimum lot sizes for residential developments with greater than four (4) bedrooms per unit shall be determined as follows:

- a. For residential use with 5 or more bedrooms per unit, the minimum lot size shall be proportionately larger than the lot size indicated in the most recent soil classification data reasonably available as determined by the formula:

Lot Size = No. of Bedrooms x (Lot Size from the most recent soil classification data reasonably available) (sq. ft.)

- b. For duplex use, the lot size shall be increased by 50% of the minimum lot size as determined by the most recent soil classification data reasonably available.

- c. For commercial uses, the lot sizes will be determined by the formula:

Lot Size = $\frac{\text{Gal. of Wastewater/Day}}{1,837 \text{ (gpd/40,000 ft.}^2\text{)}}$ x Lot Size + Land Required (sq.ft.) from most recent soil classification data reasonably available for well radius

Gallons of wastewater discharged per day shall be determined from NH Code of Administrative Rules, Part W 1007.02(b), "Unit Design Flow Figures."

- d. Final site plan approval for industrial development which is of such nature or character as to require State or Federal permits for pre-treatment and discharge or subsurface disposal shall not be granted until all such permits are secured. The conditions upon which such permits are issued shall comply with State and Local regulations and be made part of the record before the Planning Board.

SECTION VII, Part III: ROADS AND UTILITIES FOR MAJOR SUBDIVISIONS

The Selectmen and Board may waive or vary the required design, construction, and maintenance of roads and utilities in accordance with the intentions and provisions of these regulations.

The following are required regulations for roads, streets, and sidewalks (where applicable) for major subdivisions:

CONSTRUCTION SUPERVISION: The size, type, and location of public utilities, such as roads, streets, streetlights, electricity and telephone lines, gas lines, fire hydrants, curbs, sidewalks, and drainage facilities, shall be approved by the Board and installed in accordance with standards specified by the Town of Dummer. Final approval of road construction plans, based on the standards which follow, must be given by the Board of Selectmen and Road Agent. Construction of all utilities must be done under the supervision of and with the approval of the Board of Selectmen.

Reserve strips of land which in the opinion of the Planning Board, show an interest on the part of the subdivider to control access to abutting property or to land dedicated or to be dedicated to public use shall not be permitted.

RIGHT-OF-WAY: No street or road right-of-way shall be less than 50 feet in width with a minimum of a 20-foot-wide travel surface. Greater travel widths shall be required for heavier traveled roads as stated in Table 1. The apportioning of the street or road width among travel surface, sidewalks, and possible grass strips shall be subject to the approval of the Board.

GRADES: Grades of all roads shall conform in general to the terrain but shall not be less than 0.5 percent or more than 10 percent unless specifically approved by the Board.

ROAD LAYOUT: The arrangement of roads (or streets) in the subdivision shall provide for the continuation of the principal roads in adjoining subdivisions or for their proper projection when adjoining property is not subdivided. Roads shall be laid out so as to intersect at right angles, as nearly as possible, and no street shall intersect at less than 60 degrees.

ALIGNMENT: Intersecting property lines at road intersections shall be joined by a curve of at least a 20-foot radius. The Board may reject the location of a proposed road intersection if, in the opinion of the Board, the location creates a safety hazard due to poor line of sight or excessive grades of the street or road being entered.

DEAD-END ROADS: Except where near-future connections may be possible, dead-end or cul-de-sac roads shall be equipped with either a circular turnaround at the closed end with a minimum radius of 60 feet from the enter to the outside edge of the right-of-way or with a T-shaped end in which the cross bar is at least 80 feet in length. There shall be no house straight ahead at the end of the road and space must be left here for piling snow in the winter. If a cul-de-sac road

is extended, the land previously in the cul-de-sac shall be properly and equitably transferred to the adjoining landowners.

SUB-GRADE PREPARATION: The road base shall be prepared as follows: The entire area of each road shall be cleared of all stumps, roots, boulders, and like material and of all trees not intended for preservation. All boulders and ledge shall be removed to a uniform cross-sectional depth of not less than 24 inches and shall be replaced with sand or gravel. Where loam or improper road foundation material exceeds this depth, such material shall be excavated to solid base and replaced with bank-run gravel. All sub-grades and road-wear surfaces shall be crowned one-fourth inch per foot from the centerline, with the exception of banked curves.

ROAD BASE: The base course shall be constructed with a minimum of 24 inches of gravel per New Hampshire Standard Specifications, section 304.

ROAD SURFACE: The pavement surface shall be gravel, surface-treated gravel, or hot bituminous, as warranted by the traffic volume (see Table 1). The final gravel pavement shall consist of four (4) inches of crushed or six (6) inches of fine gravel, 100 percent of which must be capable of being passed through a 1½ inch mesh screen. An asphalt surface may be required on roads with steep grades. The asphalt surface, where required, may be a Bituminous Surface Treatment, per New Hampshire Standard Specifications, Section 410, or Hot Bituminous Pavement, per Section 403, to be determined by the Board of Selectmen.

ROAD SHOULDERS: Shoulders of road shall be paved if required by the Board of Selectmen. All shoulders shall slope away from traveled surface at a ratio of 4 to 1 (i.e., a drop of one foot to every 4 feet in distance). Where a roadway cuts through the side of a hill, all cuts shall be made so that adjacent slopes will not slide. The tops of all cuts shall be cleared of all trees, stumps, and boulders for an adequate distance so as to prevent such material from sliding into the road or into the ditches. Banks will be loamed, seeded and mulched.

DRAINAGE: Drainage ditches of at least two feet in width and eighteen inches in depth at their midpoint below centerline grade shall be constructed in the street right of way on both sides of the roadway. No ditch shall extend more than 300 feet in length without a culvert of proper size. Road construction shall meet all other drainage requirements listed in **Section VII, Part IV: DRAINAGE FOR MAJOR SUBDIVISIONS.**

PRIVATE ROADS: Private roads may be permitted within a subdivision provided that the subdivider specifically stipulates in each deed issued to a lot owner that the lot is served by a private road and the road will not be accepted as a Town Road unless it meets the road standards of the Town. This requirement does not constitute accepting a road as a Town Road. Official acceptance by the Town must follow all applicable State laws.

SECTION VII, Part IV: DRAINAGE FOR MAJOR SUBDIVISIONS

1. The subdivider shall provide for adequate disposal of surface water. Natural watercourses shall be cleaned and increased in size where necessary to take care of storm runoff.
2. Drainage facilities, such as storm drains, culverts, catch basins, and drop inlets, shall be installed within or outside of the subdivision, as required by the Board, in order to permit unimpeded flow of all natural watercourses, to insure adequate drainage of all low points along roads, and to intercept storm water runoff along roads at intervals reasonably related to the extent and grade of the area drained.
3. Underdrains shall be installed where the character and composition of the soil in the roadbed and other areas of the subdivision render such installation necessary in the opinion of the Board of Selectmen. These underdrains shall consist of perforated metal pipe or perforated fiber pipe of a minimum six (6) inches in diameter and laid in the bottom of a trench at such depth and width as may be necessary. The trench shall be filled with clean bank-run gravel, or equivalent material, approved by the Board of Selectmen.
4. Catch basins shall be built where required and culverts of proper capacity (at least 15 inches) installed at all watercourses with necessary headers of an approved construction.
5. Drainage improvements shall meet the specifications of AASHO (American Association of State Highway Officials) in regard to material and strength requirements. Catch basins and drop inlets shall be equal to New Hampshire Standard Type A or acceptable to the Board of Selectmen. Storm sewer pipes and culverts shall have a minimum diameter of fifteen (15) inches and shall be of reinforced concrete, corrugated aluminum, bituminous coated corrugated steel, or equivalent and shall have a minimum two (2) foot covers over all pipes. Headwalls of concrete or rubble masonry shall be required at the inlet side of all culverts per specifications of the Town Selectmen.
6. Storm drainage shall be carried to existing watercourses, or connect to existing storm drains. If the storm water drainage system creates any additional flow over any adjacent property, the subdivider shall obtain an easement therefor from the adjacent owner and shall hold the Town harmless from any claims for damage resulting therefrom.

SECTION VII, Part V:

SEDIMENT & EROSION CONTROL FOR MAJOR SUBDIVISIONS

The purpose of this section is to control soil erosion and the resulting sedimentation from occurring in subdivision areas by requiring proper provisions for water disposal and the protection of soil surfaces during and after construction in order to promote the public health, safety, convenience, and general welfare of the community.

The following standards shall be observed by the subdivider in the design, layout, and engineering of the proposed subdivision in both the Preliminary Layout Phase (Section VII, Part I) and the Final Plat Phase (Section VII, Part VI):

1. Stripping of vegetation, regrading or other development shall be done in such a way that will minimize soil erosion.
2. Whenever practical, natural vegetation shall be retained, protected, and supplemented.
3. The disturbed area shall be kept to a minimum and the duration of exposure shall be under a maximum of six months.
4. Temporary seedings and/or mulching shall be used to protect exposed critical areas during development.
5. Provisions shall be made to accommodate the increased runoff caused by changed soil and surface conditions during and after development.
6. Sediment in the runoff water shall be trapped until the disturbed area is stabilized by the use of sediment basins or other acceptable methods.
7. Diversions, sediment basins, and so forth, shall be constructed prior to any on-site grading or disturbance of existing surface vegetation.

SECTION VII, Part VI: FINAL PLAT FOR MAJOR SUBDIVISIONS

A. The Final Plat submitted for approval and subsequent recording shall be submitted in triplicate at a scale of not more than 100 feet to the inch on sheets that are 17" x 22" in size. A margin of at least one inch shall be provided outside ruled borderlines on three sides and of at least two inches along the left side for binding. Adequate space shall be available on the map for the necessary endorsement by the proper authorities.

B. The Final Plat shall show:

1. Proposed subdivision name or identifying title, the name and address of owner of record, and the name, license number and seal of the surveyor, engineer or designer; date, scale and north point.

2. Final road lines, lot lines, building lines, pedestrian ways, reservations, easements and areas to be dedicated to public use, and areas the title to which is reserved by the subdivider.
3. Sufficient data acceptable to the Town Board of Selectmen to determine readily the location, bearing and length of every road line, lot line, and boundary line and to reproduce such lines upon the ground. All dimensions shall be shown to hundredths of a foot and bearing to at least half minutes. The error closure shall not exceed 1 to 2500. The final plan shall show the boundaries of the property.
4. Permanent monuments shall be set as required by the Board of Selectmen.
5. Final acreage and frontage of each lot.
6. Final road or highway profiles and final designs and locations of any bridges, culverts, or drainage system alterations.
7. N. H. Water Supply Pollution Control Commission subdivision approval, if required.
8. The subdivider shall tender offers of cession (in the form of a full, partial, or conditional deed) certified as satisfactory by Town counsel of all land to be included in roads, highways, or parks not specifically reserved by the subdivider. The approval of the Final Plat shall not constitute official acceptance of any such property by the Town of Dummer.
9. A copy of any restrictive covenants to be attached to deeds of the property being subdivided and a copy of any easement acquired across other property.
10. If required, the subdivider shall submit a bond for subdivision improvements as described in Section IX D. (4).

SECTION VIII: VOLUNTARY MERGERS OF EXISTING LOTS

The Dummer Planning Board has the authority to provide a service to the property owners of Dummer who wish to legally merge their adjoining properties. A change in the state law now permits the Planning Board to review, approve, and record a voluntary merger with Coos County Registry of Deeds in accordance with the following:

NH RSA 674:39-a Voluntary Merger

- I. Any owner of 2 or more contiguous pre-existing approved or subdivided lots or parcels who wish to merge them for municipal regulation and taxation purposes may do so by applying to the planning board or its designee. Except as set forth in paragraphs II and III, all such requests shall be approved, and no public hearing or notice shall be required. No new survey plat need be recorded, but a notice of the merger, sufficient to identify the relevant parcels and endorsed in writing by the planning board or its designee, shall be filed for recording in the

registry of deeds, and a copy mailed to the municipality's assessing officials. No such merged parcel shall thereafter be separately transferred **without subdivision approval**. No city, town, county, or village district may merge preexisting subdivided lots or parcels except upon the consent of the owner.

- II. If there is any mortgage on any of the lots, the applicant shall give written notice to each mortgage holder at the time of the submission of the application. The written consent of each mortgage holder shall be required as a condition of approval of the merger, and shall be recorded with the notice of the merger pursuant to paragraph I. Upon recordation of the notice and each consent, the mortgage or mortgages shall be deemed by operation of law to apply to all lots involved in the merger. The municipality shall not be liable for any deficiency in the notice to mortgage holders.
- III. **No merger shall be approved that would create a violation of then-current ordinances or regulations.**

Procedure:

The property owner provides the following to the town's Administrative Assistant:

- Application and Notice of Voluntary Merger form
- A check payable to Town of Dummer to cover application fee (Appendix A)
- Copies of recorded deed(s) identifying the subject properties
- An excerpt of the town's tax map showing the property line(s) to be removed
- Mortgage Holder Consent Form (s), if applicable
- Check made payable to "Coos County Registry of Deeds" (amount to be determined at the time of application submission)

Applications are submitted to the Planning Board during a regularly scheduled business meeting. An application for a voluntary merger shall not require notice to the general public or a public hearing. Approval of the application may take place at the same meeting the application is submitted to the Planning Board.

Voluntary merger approval must be signed by the Planning Board by April 1st to take effect during that tax year.

Once the recorded merger is received from the registry of deeds, it will be copied for the town records and a copy forwarded to the property owner.

SECTION IX: APPLICATION PROCEDURES

A. Application Requirements

1. An Application sufficient to invoke jurisdiction of the Planning Board must include sufficient information to allow the Board to proceed with formal consideration and to make an informed decision.
2. The Application shall consist of the following items:
 - a. An Application For Subdivisions and Lot Line Adjustments form, properly filled out by the subdivider,

b. The names and mailing addresses of the subdivider and all abutters to the property under consideration as indicated in town records not more than five (5) days before the date of filing, including the name and business address of every engineer, architect, land surveyor or soil scientist whose professional seal appears on any plat submitted to the board,

c. A check payable to Town of Dummer to cover application fees, mailing, advertising, and other costs as provided in Appendix A "Land Use Application Fees Sheet," and

d. One (1) paper copy of the preliminary layout of the proposal to be considered by the Planning Board.

B. Filing and Submission of an Application

1. The Application shall be filed with the town's Administrative Assistant at least 21 days prior to a scheduled public meeting of the Board.

2. The Application shall be formally submitted to the Board only at a regularly scheduled public meeting after due notification to the subdivider, abutters, any professional whose seal appears on any plat and the general public of the date the Application will be submitted to the Board.

3. An Application will not be submitted to the Board, nor will notices of submission be mailed or posted, if any of the following:

a. failure of the subdivider to supply information required by these regulations, including abutters' identification and preliminary layout data;

b. failure to pay costs of notices or other required costs and fees; or

c. failure to meet any reasonable deadline established by these regulations.

C. Expedited Review

1. The Planning Board may allow for an expedited review of applications for lot line adjustments and subdivisions as defined in these regulations.

2. The application may be submitted, accepted as complete and voted on at the same meeting, provided the public notices so indicated.

3. The Board may waive certain plat requirements for lot line adjustments and minor subdivisions at written request of the subdivider.

D. Board Action on Submitted Application

1. Once an Application has been filed, the Board must determine if the Application is complete before moving on to the merits of the proposal. The completeness determination by the Board must be made within 30 days following submission of the application, or at the next regular meeting for which legal notice can be given. When an Application has been accepted as complete, the Planning Board must conduct a public hearing on the proposal and has 65 days to approve, conditionally approve, or disapprove the application, subject to extension or waiver as provided by RSA 676:4, I(f).

- a. Public Hearing - Prior to approval of a subdivision, a public hearing shall be held as required by RSA 676:4, I (d) and notice shall be given in accordance with subsection E below. The public hearing shall be held within 30 days after acceptance of the completed Application.

2. The Board will study the preliminary layout, the proposed road profiles in connection with the topography of the area, other information submitted, and the existing requirements of the Zoning Ordinance. The Board shall take into consideration the general requirements of the community, the best use of the land to be subdivided and that of adjoining areas, and the general requirements for land subdivision in Section IV.

3. After such review and the public hearing, the Board shall communicate to the subdivider the specific changes, if any, which it will require in the Preliminary Layout and request that the subdivider prepare a Final Plat mylar with the changes incorporated. The Board may disapprove of the Preliminary Layout in its entirety, but shall state its reasons for such disapproval.

4. Except in the case of a subdivision in which each lot is on an existing Town road, and no improvements to facilitate the development are required, no major subdivision plat filed with the Board shall be approved without the filing of a bond by the subdivider with the Town in an amount sufficient to cover the cost of the preparation of the streets and the installation of necessary improvements as required. The form, conditions, and cost estimates shall be satisfactory to the Board of Selectmen and Town Attorney, and conditioned on the completion of such improvement within five years of the date of the bond.

5. Approval of the Final Plat shall be certified by written endorsement on the Final Plat mylar and signed by the Planning Board members. The subdivider or the town's Administrative Assistant shall transmit a copy of the endorsed Final Plat mylar to the Register of Deeds of Coos County. The subdivider shall be responsible for the payment of all recording fees. In case of disapproval of any plat submitted, the grounds for such disapproval shall be adequately stated in the records of the Planning Board and written notice given to the subdivider.

6. If the Board has not taken action on the Completed Application within 65 days of its acceptance and has not obtained an extension or waiver, then the governing body (Select Board) is required to approve the Application.

E. Notices

1. Notice of the submission of a Preliminary Layout or an Application shall be given by the Board to the abutters, the subdivider and all professionals whose seal appears on any plat as defined in RSA 676:4, I(d) by certified mail, return receipt requested, mailed at least 10 days prior to the date of submission to the Planning Board, and to the general public at the same time by posting in at least 2 public places in the Town or publication in a newspaper of general circulation. The notice to the general public can also be posted on the town's website. The notice shall give the date, time, and place of the Board meeting at which the Application or other item(s) will be formally submitted to the Board, and shall include a general description of the proposal which is the subject of the Application or of the item(s) to be considered and shall identify the subdivider and location of the proposed subdivision.

2. For any public hearing on a Completed Application, the same notices as required for notice of submission of a Preliminary Layout or an Application shall be given. If the notice of public hearing has been included in the notice of submission or any prior notice, additional notice of the public hearing is not required, nor shall additional notice be required of an adjourned session of a hearing with proper notice if the date, time and place of the adjourned session was made known at the prior hearing.

F. Fees

1. An Application shall be accompanied by the appropriate filing fee (see attached Appendix A "Land Use Application Fees Sheet").

2. All costs of notices, whether mailed, posted or published, shall be paid in advance by the subdivider. Failure to pay costs shall constitute valid grounds for the Board to terminate further consideration and to disapprove the plat without a public hearing.

3. The Board may require special investigative studies, environmental assessments, a legal review of documents, administrative expenses, and other matters necessary to make an informed decision. The cost of such studies and investigations shall be paid by the subdivider prior to the approval or disapproval of the Final Plat.

SECTION X:

PENALTY FOR NON-COMPLIANCE (For Major & Minor Subdivisions)

No subdivision of land shall be made, and no land in any subdivision shall be transferred, sold, or offered for sale until Final Plat, prepared in accordance with the requirements of these regulations, has been approved by the Planning Board. 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 plan of the said subdivision has been approved by the Planning Board and recorded or filed in the office of the Register of Deeds, shall forfeit and pay a penalty of one thousand dollars (\$1,000) for each lot or parcel so transferred or sold; and the description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the transaction from such penalties. The Town of Dummer may enjoin such transfer or sale and may recover the said penalty by civil action. In any such action, the prevailing party may recover reasonable court costs and attorneys' fees as the same may be ordered by the court.

SECTION XI: AMENDMENTS (For Major & Minor Subdivisions)

These regulations may be amended or rescinded by the Planning Board but only following a public hearing on the proposed change(s). The Chairman or Secretary of the Planning Board shall transmit a signed copy of any changes so authorized to the Dummer Town Clerk and the Registry of Deeds of Coos County.

SECTION XII:

LEGAL STATUS PROVISIONS (For Major & Minor Subdivisions)

- A. Repeal of Conflicting Ordinances - All ordinances or part of ordinances, of other governing bodies in the Town, inconsistent with, or contrary to, the provisions of this ordinance, are hereby repealed to the extent necessary to give this ordinance full force and effect.
- B. Validity - Should any section or part of a section or any provision of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of these regulations.

SECTION XIII: ADOPTION (For Major & Minor Subdivisions)

Original adoption date: July 20, 1974 (recorded); Amended: July 7, 1980 (only to add planning board signatures) (unrecorded); Amended: August 10, 1982 (recorded); Amended: July 9, 1986 (recorded); Amended: April 26, 1988 (recorded); Amended: March 22, 1989 (recorded); Amended: April 14, 1993 (recorded); Amended: October 11, 2023 (recorded)

Signed by:

Gary Duke 11-8-2023 Chair

Jeffrey Dube 11-8-2023

Chun R. Han 11-9-23

Gloria R. Kiger 11-8-23

Bonnie Lowrey 11/8/2023

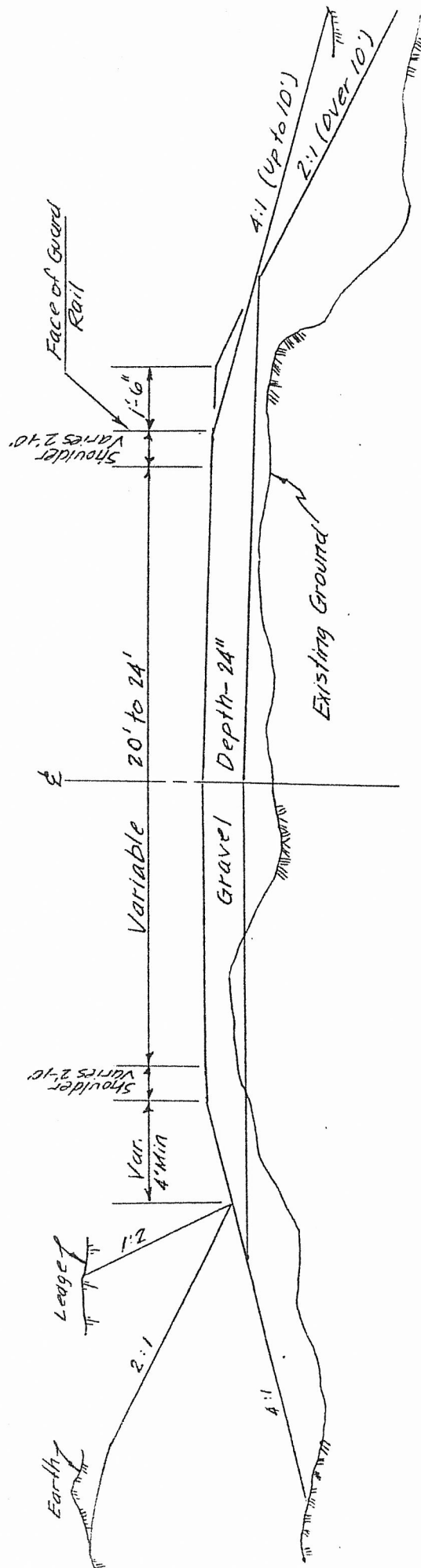
Members of the Dummer Planning Board

Table 1

GEOMETRIC & STRUCTURAL GUIDES FOR ROADS

Average Daily Traffic	0 - 50	50 - 200	200 - 750	750 - 1500	1500 & Over
Pavement Width (Feet)	20 min.	20	22	24	24
Shoulder Width (Feet)	2	2	4	4	8 - 10
Center of Road to Ditch Line	16	16	18	19 - 21	Varies
Pavement Type	Gravel	Surface-Treated Gravel	Hot Bituminous	Hot Bituminous	Hot Bituminous
Slope of Roadway	$\frac{1}{4}$ "/Ft.	$\frac{1}{4}$ "/Ft.	$\frac{1}{4}$ "/Ft.	$\frac{1}{4}$ "/Ft.	$\frac{1}{4}$ "/Ft.
Base Course Depth	24"	24"	24"	24"	24"

TYPICAL SECTION



FEES FOR PLANNING BOARD APPLICATIONS:

\$45 Application Fee for Minor or Major Subdivisions

\$45 Application Fee for Lot Line Adjustments

\$45 Application Fee for Voluntary Mergers

Recording Fees (per Coos County Registry of Deeds fee schedule)

\$10 Cost to prepare and mail **each** notice to applicants & abutters
Amount will increase if postal rates change.

\$50 Posting & publication of Public Notices
Cost for newspaper notice varies depending on size of ad.

FEES FOR ZONING BOARD OF ADJUSTMENT APPLICATIONS:

\$125 Application Fee for All Zoning Board Applications
(Variances, Special Exceptions, etc.)

\$10 Cost to prepare and mail **each** notice to applicants & abutters
Amount will increase if postal rates change.

\$50 Posting & publication of Public Notices
Published in newspaper and on the town's website

FEE FOR BUILDING PERMIT APPLICATION:

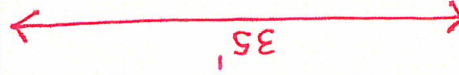
\$25 Fee for Building Permit Application
(includes new construction, alterations, electrical, plumbing & demolition)

garage is actually 60' from the center line of the road

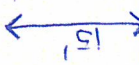


Lot A

owner wants to construct a garage
zoning ordinance = front setback of 35' from nearest public right-of-way

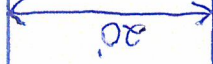


60'

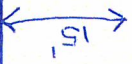


50' easement

Town Road



For this example we will say the width of this road is 20 feet and the town has a 50' easement



Lot B