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APPENDICES

- A. APPLICATION FOR PRELIMINARY SUBDIVISION REVIEW
- B. APPLICATION FOR LOT LINE ADJUSTMENT APPROVAL
- C. APPLICATION FOR MINOR SUBDIVISION APPROVAL
- D. APPLICATION FOR MAJOR SUBDIVISION APPROVAL

**TOWN OF LYME
NEW HAMPSHIRE
SUBDIVISION REGULATIONS**

SECTION I: ADOPTION AND PURPOSES

1.01 Authority

Authority given to the Lyme Planning Board by the voters of the Town of Lyme on March 10, 1970, and in accordance with RSA 674:35 of the New Hampshire Revised Statutes Annotated, as amended, the Lyme Planning Board adopts the following regulations governing the subdivision of real property in the Town of Lyme, New Hampshire.

1.02 Title

These regulations shall be known as the Town of Lyme Subdivision Regulations, and hereinafter referred to as "these regulations."

1.03 Purposes

The purpose of these regulations is to foster the development of an economically and environmentally sound and stable community and to safeguard and protect the people of the Town of Lyme, the taxpayer and the public from the consequences of improper subdivision, planless growth and haphazard development by:

- A. Protecting and preserving the rural character of the Town;
- B. Protecting neighboring and neighborhood land uses, interests, values and concerns through harmonious development of the Town and its environs;
- C. Preserving land values and avoiding increased real estate tax burdens;
- D. Promoting and protecting the amenities of the Town through provisions for parks, playgrounds and other recreation areas and the preservation of the environment, natural beauty, trees, wetlands, lakes, ponds, bogs, streams, and rivers, wildlife habitat (including deer yards), and other natural and historic resources, values and features;
- E. Preventing such scattered or premature subdivisions as would involve danger or injury to health, safety, or prosperity by reason of the lack of water supply, drainage, sewage disposal, transportation, schools or other public services; or necessitate excessive expenditure of public funds for the supply of such services;

- F. Assuring the adequate provision of safe and convenient traffic access and circulation, both vehicular and pedestrian, through the proper design, construction, arrangement and coordination of roads and ways within a subdivision and in relation to existing or planned roads;
- G. Providing uniform standards and procedures for observance by both the subdivider and the Planning Board thus encouraging the equitable handling of all subdivision plans.

1.04 Waivers

The Board reserves the right to waive requirements of these regulations in the course of reviewing any proposed subdivision when such requirements are manifestly not applicable and when such waiver will not demean the purpose of the regulations. Surveys of lots which are 30 acres or less will not be waived except as determined in Appendix B.

SECTION 2: DEFINITIONS

2.01 Abutter

Shall mean any person whose property is located in New Hampshire and adjoins or is directly across the road or stream from the real estate under consideration, and any person who holds a conservation, preservation, or agricultural preservation restrictions as defined in RSA 477:45 on property located in New Hampshire and adjoins or is directly across the road or stream from the real estate under consideration. For purposes of receiving testimony only, and not for purposes of notification, the term abutter shall include any person who is able to demonstrate that his/her real estate will be directly affected by the proposal under consideration. 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.

2.02 Accessory Building

Shall mean a building subordinate and customarily incidental to the principal building on the same lot.

2.03 Application

Shall mean the Application for Preliminary Subdivision Review, Lot Line Adjustment, or Final Minor or Final Major Subdivision Approval submitted on the forms attached hereto in the Appendices. It shall provide the information specified in the appropriate form and in the body of the Regulations, subject to such waivers as may be approved by the Board.

2.04 Approval

Shall mean recognition by the Board, certified by written endorsement on the plat, that the Final Plat submission meets the requirements of these Regulations and all other applicable ordinances and regulations.

2.05 Approval, Conditional

Shall mean recognition by the Planning Board, certified by written endorsement on a Notice of Decision, that the plat is not finally approved nor ready for filing with the Registry of Deeds until such time as certain conditions are met: 1.) administrative conditions; 2.) conditions which do not involve discretionary judgment on the part of the Board; and 3.) conditions which involve the applicant's possession of permits and approvals granted by other board or agencies, such as the Department of Transportation or the Department of Environmental Services if the plans do not substantially change during the approvals process.

2.06 Board

Shall mean the Planning Board of the Town of Lyme.

2.07 Building

Shall mean any combination of any materials whether portable, moveable or fixed, having a roof and built for the shelter of persons, animals or property.

2.08 Building Development

Shall mean changing the character of land from its existing state by the construction or placement of one or more buildings thereon, and/or the character of an existing structure for the purpose of rental, condominium conveyance or combined business and residential use. It does not include (a) construction of customary outbuildings, such as garages, sheds and barns; (b) building additions for residential purposes not involving rental units or condominiums; and (c) building additions for cottage industry.

2.09 Building Envelope

At the discretion of the Planning Board or the ZBA, an area of a lot designated as the only area for structures such as a residence, a non-residential structure, and accessory structures including the septic system and well. It includes the driveway unless specifically noted. This area shall be included on any final plans for recording. Only the board designating the building envelope may approve a change to that envelope.

2.10 Building Site

Shall mean that portion of a lot upon which building is proposed to occur.

2.11 Conservation Lot

A Conservation Lot is a lot which is protected permanently through the grant of a conservation easement to a governmental agency or a conservation organization approved by the Planning Board. The lot may have no road frontage, but must have adequate access as approved by the Planning Board. Such conservation easement shall restrict the uses of the lot to silviculture, agriculture and outdoor recreation conducted in accordance with sound conservation practice and shall otherwise be in form and substance satisfactory to the Planning Board.

2.12 Cottage Industry

Shall mean a profession, occupation or business use that is clearly incidental and secondary to the use of the single residence and does not change the residential character thereof. There shall be no more than the equivalent of three (3) full-time employees including the employer, on the residential premises of at least one of those employees or the employer. Such occupation or business must not change the existing character of the neighborhood.

2.13 Developed Lot

Shall mean a separately deeded lot with a structure, an established access, water supply and sewage disposal system.

2.14 Diversion

Shall mean a channel with or without a supporting ridge on the lower side constructed across or at the top or bottom of a slope.

2.15 Driveway

Shall mean an area located on a lot and built for direct access to a structure or off-road parking space. A driveway shall not serve more than two lots.

2.16 Dwelling

Shall mean a privately- or publicly-owned building containing a residential unit or units.

2.17 Dwelling Unit

Shall mean a room or rooms arranged for use as a separate, independent housekeeping unit established for owner or guest occupancy or rental, containing cooking, living, sleeping and sanitary facilities.

2.18 Easement

Is an interest in real property conveyed by a property owner for the benefit of another and evidenced by a legal document.

2.19 Erosion

The wearing away of the land surface by the action of wind, water or gravity.

2.20 Flood Limit

Shall mean the land-water boundary of a watercourse flowing at its 1% frequency (the so-called "100 year flood") as defined by a responsible public agency such as the U.S. Army Corps of Engineers or the U.S. Department of Agriculture Natural Resources Conservation Service or by a private engineering firm qualified in hydraulics.

2.21 Flood Prone Area

Shall mean (1) areas of land lower in elevation than the land-water boundary at the high water mark along a watercourse flowing at its 1% frequency (100 year flood); (2) areas of land lower in elevation than the land-water boundary of other surface water at the high water mark of such surface water at its 1% frequency (100 year flood); and (3) those soils classified by the National Cooperative Soil Survey as "soils subject to flooding."

2.22 Land

Shall include lands, tenements and hereditaments including buildings and real property of all kinds.

2.23 Lot

Shall mean a parcel of land occupied or to be occupied by only one principal building and the accessory buildings or uses customarily incidental to it. A lot shall be of sufficient size to meet the minimum zoning requirements for use, coverage and area, and to provide such setbacks and other open spaces as are herein required. A lot shall have boundaries identical with those recorded at the Registry of Deeds. Except in the case of two parcels developed with dwellings or other principal structures prior to common ownership, contiguous parcels of land held in one ownership (except for lots created by an approved subdivision, which shall remain separate) shall constitute a single lot for all purposes of this ordinance, even though the parcels comprising such lot may (1) have

been acquired by separate deeds, (2) have been described in the deed to the owner as separate parcels, or (3) be physically divided by a public highway even if title of highway held by the Town, the State of New Hampshire, or a third party.

2.24 Lot Line

Shall mean the property line dividing a lot from an adjacent property.

2.25 Lot Line Agreement

An agreement between two or more owners to clarify a title dispute or unclear boundary or boundaries between lots. This is not a subdivision.

2.26 Lot Line Adjustment

A type of minor subdivision which shall mean the sale, transfer or other conveyance which involves a transfer of land among two (2) or more adjacent owners and which does not increase the number of lots.

2.27 Lot of Record

A lot which is part of a subdivision approved by the Lyme Planning Board and recorded in the Grafton County Registry of Deeds, or a lot or parcel, the description of which was recorded prior to the effective date of this ordinance and is not contiguous to another lot in common ownership, as described in the definition of the term, "lot."

2.28 Lot Size

Shall mean the total horizontal land area within the boundaries of a lot, exclusive of:

- (a.) 100% of road rights- of- way, surface waters and wetlands.
- (b.) 80% of flood prone areas, areas within the Wetlands Conservation District buffer zone, areas within the Steep Slopes Conservation District, and areas within the Shoreland Conservation District as defined in Article III of the Lyme Zoning Ordinance.
- (c.) 60% of areas having agricultural soils of national or statewide importance as defined in Article III of the Lyme Zoning Ordinance.
- (d.) 40% of areas having agricultural soils of local importance as defined in Article III of the Lyme Zoning Ordinance.

Lot size in accordance with the foregoing definition shall be the basis for applying the requirements of Article V set forth in the Lyme Zoning Ordinance.

The foregoing area adjustments (a. – d. above) shall not apply in determining lot size or the dimensional requirements of Article V of the zoning ordinance in the case of one

minor subdivision of a lot of record on March 14, 1989, the effective date of the Lyme Zoning Ordinance.

2.29 Major Subdivision

Shall mean the subdivision of land into three or more lots, or alteration or division of a building into three or more units for condominium conveyance or business use. If any of the land shown on the plat of a subdivision proposal has been part of any previous subdivision, approved, constructed, or created by conveyance no more than ten years prior to a new proposal, then any such previous subdivision (including lots created) will be treated as part of the new proposal for purpose of analyzing its effect and applying all review criteria.

2.30 Master Plan

Shall mean the comprehensive plan or plan of development for the Town as defined in RSA 674:1 and 2.

2.31 Merger

Shall mean two or more contiguous lots which are merged. A merger may occur for taxation purposes. A notice of merger signed by the Planning Board must be recorded in the Registry of Deeds. Except when such merger would create a violation of the current ordinances or regulations, all such requests shall be approved per NH RSA 674:39-a. The Town may require a merger if lots cannot legally be transferred separately under the provisions of the subdivision laws per NH RSA 75:9.

2.32 Minor Subdivision

Shall mean: 1.) the subdivision of land into no more than two lots or condominiums requiring no new roads, utilities, or other municipal improvements; or 2.) lot line adjustments (annexations) in which there is merely a sale, conveyance, or exchange of adjacent land among two or more owners and which does not increase the number of owners or lots. It shall not mean the division of a residential structure into two residential units only.

If any of the land shown on the plat of a subdivision proposal has been part of any previous subdivision, approved, constructed, or created by conveyance no more than ten years prior to a new proposal, then any such previous subdivision (including lots created) will be treated as part of the new proposal for purpose of analyzing its effect and applying all review criteria.

2.33 Parent Lot

Any of the land shown on the plat of a subdivision proposal which has been part of any previous subdivision, approved, constructed, or created by conveyance no more than ten years prior to a new proposal. Any such previous subdivision (including lots created) will be treated as part of the new proposal for purpose of analyzing its effect and applying all review criteria.

2.34 Parking Provisions

Shall be shown as required in Article IV and submitted to the Board prior to preparing the final plat.

2.35 Plat

Shall mean the map, drawing, or chart on which the plan of subdivision is presented to the Lyme Planning Board for approval, and which, if approved, will be submitted to the Grafton Registry of Deeds for recording.

2.36 Right-of-Way

Shall mean a strip of land for which legal right of passage has been granted by the landowner to provide access to a lot which lacks adequate frontage.

2.37 Road

Shall mean a Class V or better highway or a road shown on a subdivision plat approved by the Planning Board pursuant to its official duties and built to subdivision standards. The word road includes the entire right-of-way. For the purposes of this regulation, the end of the maintained portion of the road is the end of the road.

2.38 Road, Arterial

Shall mean a road used for heavy and/or through traffic.

2.39 Road, Collector

A road used to carry traffic from local roads to arterial roads and to public and other centers of traffic concentration.

2.40 Road, Frontage (Frontage Road)

Shall mean a roadway parallel to a thoroughfare which provides access to abutting properties in order to reduce the number of access points onto the thoroughfare.

2.41 Road, Local

A road used primarily to give access to abutting properties.

2.42 Road, Private

Shall mean a road that is built to town road specifications that remains under private use and ownership and is so recorded in deeds of all abutting lots.

2.43 Road, Service

Shall mean a road serving no more than four units.

2.44 Sale

Includes sale, conveyance, lease, mortgage or other transfer.

2.45 Sediment

Solid material, both mineral and organic, that is a product of erosion.

2.46 Subdivider

Shall mean the owner of record of the Real Property to be subdivided.

2.47 Subdivision

Shall mean the division of a lot, into two or more lots, or other divisions of real property for the purpose, whether immediate or future, of sale, rent, lease, condominium conveyance or building development. It shall also include lot line adjustments for the purposes of these regulations. It shall not apply to the division of a residential structure into two residential units.

Subdivision includes re-subdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided.

Subdivision includes: a.) building development resulting in two or more principal buildings on the same lot; and b.) building development resulting in the construction of a new building or the conversion of an existing building into condominiums or for mixed business and residential uses except where the business use constitutes a cottage industry pursued by the resident owner or tenant of the building in question.

Except in the case of two lots developed prior to common ownership, contiguous parcels of land held in one ownership (except for lots created by an approved subdivision, which shall remain separate) is a single lot for all purposes of these Regulations, even though it may a.) have been acquired by separate deeds, b.) have been described in the deed to the owner as separate parcels, or c.) be physically divided by a public highway.

Land divided by a highway shall be deemed to be contiguous even though title to the land over which the highway passes is held by the Town, the State of New Hampshire or a third party.

The grant of an easement in gross to a public utility for the purpose of placing and maintaining overhead and underground facilities necessary for its transmission or distribution network such as poles, wires, cable, conduit, manholes, repeaters and supporting apparatus, including any unmanned structure which is less than 200 square feet, shall not be construed as a subdivision under this title, and shall not be deemed to create any new division of land for any other purpose.

2.48 Surveyor

Shall mean a professional surveyor or engineer licensed by the State of New Hampshire to provide professional surveying services.

2.49 Town

Shall mean the Town of Lyme.

2.50 Wetlands

Shall mean any area that is inundated or saturated by surface or ground water at a frequency and duration to support, and that under normal conditions does support, a predominance of vegetation typically adapted for life in saturated soil conditions, together with a 100 foot buffer zone around such areas. Wetlands include but are not limited to swamps, marshes, bogs, and similar areas. Wetlands shall be delineated on the basis of hydrophytic vegetation, hydric soils, and wetlands hydrology in accordance with the current New Hampshire Department of Environmental Services Wetlands Bureau Code of Administrative Rules.

SECTION 3: APPLICATION PROCEDURE

3.01 General

Anyone wishing to: a) divide his/her property into two or more lots; or b) to alter or add to an existing structure or to construct an additional structure for rent, condominium conveyance or other business use (other than for "cottage industry"); or c) to make a lot line adjustment resulting in one or more lots; or d) otherwise to carry out a subdivision (see Article II) shall request the Board for a non-binding Informal Review (see Article III) or apply to the Board in writing for a Preliminary or a Final Subdivision Review (see Article III). Only the latter is obligatory.

3.02 Informal Review

In order to save expense and unnecessary changes later on, a person may appear at any formal meeting of the Board for a discussion of his/her proposed concept in *general terms* and for a review of applicable subdivision regulations, application forms, and

documents. There is no application fee or time limit for this nor is this consultation and review binding in any way on either the applicant or the Board.

3.03 Preliminary and Final Subdivision Review and Hearings

A. General

There are two types of formal subdivision reviews and hearings: preliminary and final. Only the latter is obligatory. Each requires the prospective subdivider to apply to the Board in writing on the appropriate application and to pay the necessary costs. Each requires the Board to notify and hold at least one public hearing.

B. Preliminary

If a person wishes a review of his/her project which goes beyond discussion of the proposed subdivision in conceptual form, he may apply to the Board in writing on the appropriate Application Form (see Appendix A), and pay the required fees. The Board shall then give formal public notice of the Preliminary Subdivision Review in accordance with Section 3.07 of these regulations. The Planning Board recommends Preliminary Applications for major subdivisions.

The Preliminary Review shall be conducted only at formal meetings of the Board. The Board may review the proposal in detail and receive testimony in person or in writing from any applicant, any abutter or any other person as permitted by the Board. The Board may, but is not required to, give a formal response to the applicant with respect to the proposal as a whole or any portion of the proposal. Such Preliminary Review shall bind neither the applicant nor the Board. A formal meeting on a particular Preliminary Review may be adjourned to continue on a specific date with no further notice of the re-convened meeting required. If a final subdivision review has not been scheduled within one year of the date of the close of the preliminary review hearing, then the application shall be considered abandoned.

C. Final

Any person desiring approval for lot line adjustment, subdivision of land or for building development, as defined in these regulations, *must* apply to the Board in writing on the designated Application Form (Appendix B, C, or D and pay the required fees – see Section 3.07).

The Board shall 1.) give public notice according to Section 3.10 of the formal meeting (hearing) at which the application will be considered for acceptance; and 2.) give the applicant a receipt certifying acceptance of the application *but only if* the application is complete and all costs of notice of the application have been paid. Only after such acceptance will the legal time limits be in effect (see

Section 3.09); and 3.) give a formal response to the applicant with respect to the decision of the Board on the proposal. A formal hearing on the particular Final Review may be adjourned to continue on a specific date with no further notice of the re-convened meeting required.

3.04 Application for Subdivision Approval

The completed application shall 1) be in a form attached to these Regulations as Appendix B for lot line adjustment, Appendix C for minor subdivisions, or Appendix D for major subdivisions; and 2) conform to the requirements and specifications outlined in these Regulations.

3.05 Filing of Application

The applicant shall file an application by delivering the application to the Planning Administrator. The Administrator shall review the application for completeness before scheduling a date for formal submission according to Section 3.08. The Administrator may request that additional information be submitted prior to scheduling a date for formal submission.

3.06 Submission of Completed Application

The completed application shall be submitted to the Planning and Zoning Administrator for initial completeness review. If there is a submission or waiver request for each required item or if there is any question about the completeness, the application shall be submitted for review by the Board at a public meeting of the Board specified in the notice provided for in Section 3.07. The Board shall give the applicant a receipt certifying acceptance of the application but only if the application is deemed complete by the Board and all costs of notice of the application have been paid.

3.07 Notice of Application; Costs

The Board shall notify the abutters (including holders of conservation, preservation, or agricultural preservation restrictions on the property and abutting properties); any engineer, architect, land surveyor, or other professional whose seal appears on any submitted document; and the applicant by certified mail, of the date upon which the completed application will be formally submitted to the Board. Such notice shall be mailed at least 10 days prior to such formal submission. If the development has regional impact, such notice shall be mailed to all affected municipalities and the regional planning commission at least 14 days prior to such formal submission. Such notice shall also be given to the general public by posting a copy of the notice in two public places in the Town at the same time that notice is mailed to the applicant and the abutters. The notice shall include a general description of the proposal which is the subject of the application and shall identify the applicant and the location of the property which is the subject of the application. The Board may also give notice by regular mail to other landowners in the vicinity of the subdivision. The Board may also give notice to the

general public by publication in a newspaper of general circulation in the Town with notice to be in such form and published as often as the Board shall determine. All costs of such notice, including administrative time and disbursements, shall be paid in advance by the applicant. Failure to pay such costs shall constitute valid grounds for the Board to terminate further consideration and to disapprove the plat without a public hearing.

3.08 Developments of Regional Impact

Upon receipt of an application for subdivision, the Planning Board shall review it and determine whether or not the development, if approved, reasonably could be construed as having the potential for regional impact per RSA 36:57. Regional impact could result from a number of factors, such as, but not limited to, the following:

- a. Relative size or number of lots or units compared with existing stock.
- b. Transportation networks.
- c. Proximity to the borders of a neighboring community.
- d. Anticipated emissions such as light, noise, smoke, odors or particles.
- e. Proximity to aquifers or surface waters which transcend municipal boundaries.
- f. Shared facilities such as schools and solid waste disposal facilities.

Doubt concerning regional impact shall be resolved in a determination that the development has a potential regional impact.

Upon determination that a proposed development has a potential regional impact, the Planning Board shall afford the Regional Planning Commission and the affected municipalities the status of abutters for the limited purpose of providing notice and giving testimony. Within 72 hours of reaching a decision regarding a development of regional impact, the Planning Board shall, by certified mail, furnish the Regional Planning Commission and the affected municipalities with copies of the minutes of the meeting at which the decision was made.

At least 14 days prior to the public hearing, the Planning Board shall notify, by certified mail, all affected municipalities and the Regional Planning Commission of the date, time, and place of the hearing and the right to testify concerning the development.

3.09 Formal Consideration; Time Limits

The Board shall begin formal consideration of the final application within 30 days after the date of the regular public meeting at which the completed application is submitted to and deemed complete by the Board pursuant to Section 3.08. The Board shall act to approve or disapprove the application within 65 days after acceptance provided, however, that the Board may apply to the Selectboard of the Town for an extension not to exceed an additional 65 days before acting to approve or disapprove the application and, provided further, that the applicant may waive the requirement for Planning Board action within the foregoing time periods and consent to such extension as may be mutually agreeable. Upon failure of the Board to approve, conditionally approve or disapprove the application, the Selectboard shall upon request by the applicant, immediately issue an order directing the Board to act on the application within 30 days. If the Planning Board does not act on the application within that 30 day time period, then within 40 days of the issuance of the order, the Selectboard shall certify on the applicant's application that the plat is approved pursuant to RSA 676: 4- I(c)(1), unless within those 40 days the Selectboard have identified in writing some specific Subdivision Regulation or zoning or other ordinance provision with which the application does not comply. Such a certification, citing RSA 676: 4- I(c)(1), shall constitute final approval for all purposes including filing and recording under RSA 674:37 and 676:18, and court review under RSA 677:15.

Failure of the Selectboard to issue an order to the Planning Board, or to certify approval of the plat upon the Planning Board's failure to comply with the order, shall constitute grounds for the superior court, upon petition of the applicant to issue an order approving the application if the court determines that the proposal complies with existing subdivision regulations and zoning or other ordinances. If the court determines that the failure of the Selectboard to act was not justified, the court may order the municipality to pay the applicant's reasonable costs, including attorney's fees, incurred in securing such order.

3.10 Public Hearings; Notice of Public Hearing

Except as provided in this Section, no application may be denied or approved without a public hearing on the application. Notice of the hearing shall be given in the same way and with the same time limits as notice of submission of the application under Section 3.07 of these Regulations. The Board may give notice of submission and notice of the public hearing in the same notice except in the case of a development of regional impact. Additional notice of an adjourned session of a public hearing is not required if the date, time and place of the adjourned session is made known at the prior hearing. At the hearing, the applicant, any abutter or any person with a demonstrable interest in the matter may testify in person or in writing. Other persons may testify as permitted by the Board at each hearing. Public hearings shall not be required when the Board is considering or acting upon 1.) a merger; 2.) boundary line agreements which do not create buildable lots, except that notice to abutters (including easement holders) shall be given prior to approval of the application in accordance with Section 3.07 and any

abutters may be heard on the application upon request to the Board; or 3.) disapproval of applications based upon: failure of the applicant to supply information required by the Regulations, or failure to meet reasonable deadlines established by the Board; or failure to pay cost of notice or other fees required by the Board. See NH RSA 674:39-a and 676:4 I. (e.)(1) & (2).

3.11 Decision of the Board

The Planning Board may decide to give an approval of an application, a conditional approval of the application, or the Board may disapprove the application. The Planning Board shall also specify how much work must be done within one year to constitute active and substantial development in order to qualify for the four year exemption (see section 5.09). Approval may become final without further public hearing when conditions are:

- a. Minor plan changes whether or not imposed by the Board as a result of a public hearing, compliance with which is administrative and which does not involve discretionary judgment;
- b. Conditions which are in themselves administrative and which involve no discretionary judgment on the part of the Board; or
- c. Conditions with regard to the applicant's possession of permits and approval granted by other boards or agencies or approvals granted by other boards or agencies if the approved plans do not substantially change during these approval processes.

All other conditions shall require a hearing and notice.

In case of disapproval of any application, the grounds for such disapproval shall be adequately stated upon the records of the Board within 144 hours after the decision is made and a copy thereof shall be mailed to the applicant.

3.12 Review Fees

In addition to the fees for notice of submission of a subdivision application and of the public hearing on such application as provided for in Section 3.07, the Board may impose reasonable fees to cover its administrative expenses and costs of special investigative studies, review of documents and other matters which may be required by particular applications. Such fees may be imposed by the Board to cover fees and disbursements of consultants to the Board, including, but not limited to, engineers, surveyors, lawyers, and community planners. Such fees shall be paid or provided for in advance to the satisfaction of the Board.

3.13 Inspection Fees

The Planning Board may require inspection services for subdivisions, the cost of which shall be borne by the subdivider. The Planning Board may require the inspection services to be provided by either Town employees or agents or by an outside consulting, civil engineering firm of the Planning Board's choice. If the Planning Board determines the need for outside inspection services and requires such as a condition of final plat approval, then prior to the start of construction, the subdivider shall establish an account for the inspection services. The subdivider shall maintain a positive balance in the account at all times during construction to cover the expenses for inspection services or be subject to a "cease and desist" order by the Selectboard or such other enforcement measures as deemed appropriate. Any remaining balance in the account after approved completion of improvements shall be refunded to the subdivider.

3.14 Signing of the Plat

For major subdivisions, three methods are available to the subdivider: A., B., or C.:

A. Construction of Required Improvements and the Signing of the Plat

The subdivider shall construct and install all improvements required by the Planning Board within 36 months from the receipt of the notice of decision by the subdivider from the Planning Board. Within that same time period, the subdivider shall present the plat to be signed by the Board after the improvements have been installed and approved. The plat will then be recorded in the Grafton County Registry of Deeds by the Board and the subdivider may then sell and convey lots in the subdivision.

B. Security and the Signing of the Plat

Before the subdivider starts installation or construction of improvements such as roads or roads, water or sewer service facilities, drainage structures or other utilities, the subdivider shall furnish security in an amount and form acceptable to the Board. The Planning Board shall accept a performance bond, irrevocable letter of credit or other type or types of security. The purpose of this security will be to provide the funds necessary to install the improvements in the subdivision required by the Board in the event the subdivider fails to do so for any reason, including but not limited to insolvency, and/or bankruptcy.

Where security has been furnished as required by the Board, the subdivider shall then present the plat for signature and recording. Upon the recording of the signed plat, the subdivider may then sell lots even though the improvements have not yet been constructed.

Where security is furnished, the subdivider must construct and install the improvements within 36 months from the receipt of the notice of approval by the subdivider. The subdivider may request a time extension beyond the 36 months for completion of the improvements and the Planning Board may for good cause

shown approve such a request. Alternatively the subdivider could apply for a lot line adjustment to combine the subdivided lots and void the subdivision providing for release of the security for the improvements. If the improvements have not been completed within 36 months and no time extension has been approved by the Planning Board, then the Selectboard shall use the security to complete the improvements.

As phases or portions of the secured improvements or installations are completed and approved by the Board, the Town shall partially release said security to the extent reasonably calculated to reflect the value of such completed improvements or installations. Cost escalation factors that are applied by the Board to any bond or other security required under this section shall not exceed 10 percent per year.

C. Covenant Restricting Lot Sales and Signing of the Plat

The subdivider shall file with the Planning Board for recording in the Grafton County Registry of Deeds a covenant restricting the sale of interior lots which use a proposed road for access until either a Certificate of Performance of Improvements has been approved by the Planning Board or security in an amount and form acceptable to the Planning Board has been furnished. The covenant shall include a statement that a breach of the covenant may result in the refusal of a building permit for construction by the Selectboard. The covenant shall reference the Four Year Exemption clause outlined in NH RSA 674:39 (see section 5.09). The covenant shall indicate that in order to nullify the covenant, the Planning Board must approve and record an instrument that indicates that either:

1. Security in the amount and form acceptable to the Planning Board for the required subdivision improvements has been furnished to and accepted by the Planning Board; or
2. The required subdivision improvements have been constructed and a Certificate of Performance and one year guarantee security required by Section 3.17(g) has been approved by the Planning Board.

Nothing herein shall obligate the Planning Board to approve either the Certificate of Performance of Improvements or the proposed security. In the event that at the time said certificate is requested or security is proposed the Planning Board determines and finds that circumstances in the Town have so changed so as to require either off-site improvements, the assessment of impact fees, restrictions on the issuance of building, sewer or water permits or other material and substantial changes have occurred since the subdivision was approved in which event the Planning Board shall consider the request for said certificate or security as a new subdivision application.

In either case, allowances may be made at the discretion of the Board for phased subdivisions.

3.15 Recording of Plat

No sale or transfer of land within a subdivision may be entered into until an approved subdivision Plat has been recorded with the Register of Deeds of Grafton County by the Planning Administrator. The subdivider shall submit to the Board a mylar copy of the approved Final Plat and the Board will record the Plat at the expense of the subdivider with the Register of Deeds of Grafton County. The act of recording an approved subdivision Plat shall not in itself constitute acceptance by the Town of any road or easement shown thereon. It shall be the responsibility of the Board to notify the subdivider of the book, page and date of recording. Failure to submit the mylar within sixty (60) days after the Board's approval shall void the approval and no subdivision may be carried out. There is no time requirement concerning the sale of the subdivided land.

3.16 Acceptance of Roads and Open Space

No road or open space shall be submitted to the Town for acceptance until such time as all improvements have been carried out as shown on the Final Plat, in accordance with the requirements of these Regulations, and subject to any conditions established by the Board at the time of Final Plat approval. Acceptance of a road shall require the vote of the Selectboard. Construction of such improvements in accordance with these Regulations and any conditions imposed by the Board shall *not* impose on the Town any moral or legal obligation whatsoever to accept any road or improvement as public property.

When the subdivider has completed all the improvements required for the subdivision as specified in the approved plans and as stipulated in the Planning Board's vote of subdivision approval and has met all other requirements of these Regulations including obtaining a Certificate of Performance from the Planning Board. The subdivider may file with the Selectboard for acceptance of the completed road(s) as public way(s) under the following requirements:

A. As-Built Plans

The subdivider shall file with the Selectboard a copy of the approved subdivision as-built plans required under Section 3.17 F.

B. Road Layout Plans

The subdivider shall file with the Selectboard, road layout plans (2 original type mylars and 4 paper prints) of the roadway that clearly shows all details, measurements, distances, drainage easements, rights-of-way, and bounds to the same scale and under the same conditions and requirements as for the subdivision plan for the plat.

C. Deeds and Easements

The subdivider shall file with the Selectboard completed deeds and easements for all property within the subdivision to become public. Such deeds shall be warranted to transfer complete and absolute title to the Town of Lyme. Such easements shall grant the specified usage and rights in perpetuity. The deeds and/or easements shall include such other reasonable conditions as required by the Selectboard.

D. Other Requirements

The subdivider shall provide all other materials or documents as required by law or the Selectboard to facilitate the maintenance or layout of roads or properties.

3.17 Developer's Responsibilities

In addition to other requirements specified in these Subdivision Regulations, the applicant is responsible for the following:

A. Permit To Construct A Subdivision Road Or Utility

Following approval of the Board for a subdivision which includes the construction of a subdivision road or utility, the Board shall issue a permit under such terms and conditions as it shall determine are appropriate. The developer shall obtain all other federal, state, and Town permits required prior to commencing construction.

B. Access Way Inspection

Inspections by the Planning Administrator and/or the Town Road Agent, with or for the Board, are required when:

1. Right-of-way has been cleared and before base has been laid.
2. Culverts and other drainage improvements are installed.
3. Fine grading of the subgrade, side and back slopes.

4. Base course(s) of sand and/or gravel have been laid and compacted.
5. Finish course of crushed gravel and shoulders have been laid, compacted and fine graded.
6. Surfacing with bituminous courses is in progress.
7. Such other improvements as may be found necessary by the Road Agent or the Board or the Planning Administrator.
8. All inspection costs will be borne by the applicant.

C. Notice Before Inspection

For required inspections during construction, the Contractor, Owner or Developer shall give at least 48 hours (2 working days) notice to the Board or Road Agent in order to coordinate schedules. The Board or Road Agent may make such additional inspections as they deem necessary.

D. Testing

All testing requested by the Board or Road Agent will be done by a laboratory approved by the Board and shall be paid for by the subdivider.

E. Subdivision As-Built Plans

Following completion of all improvements, the subdivider shall submit As-Built Plan(s) to the Board. This plan shall be drawn to scale and shall indicate by angles and dimensions, all underground utilities, road profiles and centerline elevations and final grading plan showing swales and ditches. The plan shall show easements, dedicated roadways and road beds.

F. Certificate of Performance Of Improvements And One Year Guarantee Bond

A certificate of performance shall be issued by the Board as evidence of completion of improvements specified therein as of the date of the certificate. Acceptance of the roads and/or the utilities by the Town or other municipalities requires specific action by the respective bodies. Upon acceptance of the roads or utilities by the Town, surety bonds or other acceptable surety covering corrections of defects, omission or failure of installation to comply with those standards for construction of those roads or roads for a period of one (1) year will be required from the subdivider in an amount to be determined by the Planning Board not to exceed 25% of the construction value of those improvements.

3.18 Revocation of Planning Board Approval

A subdivision plat which has been filed with the Registry of Deeds under RSA 674:37 may not be revoked in whole or in part, by the Planning Board, except pursuant to RSA 676:4-a, and only under one or more of the following circumstances:

- a. At the request of, or by agreement with, the applicant or the applicant's successor in interest.
- b. When the applicant or successor in interest to the applicant has performed work, erected a structure or structures, or established a use of land, which fails to conform to the statements, plans or specifications upon which the approval was based, or has materially violated any requirement or condition of such approval.
- c. When the applicant or successor in interest to the applicant has failed to perform any condition of the approval within a reasonable time specified in the approval, or if no such time is specified, within the time periods specified in RSA 674:39.
- d. When the time periods specified in RSA 674:39 have elapsed without any vesting of rights as set forth therein, and the plat, plan or other approval no longer conforms to applicable ordinances and regulations.
- e. When the applicant or successor in interest to the applicant has failed to provide for the continuation of adequate security as provided by RSA 674:36, III(b) and 674:44, III(d) until such time as the work secured thereby has been completed.

The Board shall follow the procedure set forth in RSA 676:4-a with regard to notice, hearing, and the declaration of revocation. A revocation may be appealed pursuant to RSA 677:15.

SECTION 4 PLAN REQUIREMENTS

4.01 General: Compliance with Regulations, Master Plan, Other Ordinances and Regulations

All subdivisions shall conform with and give effect to the purposes of these Regulations and any pertinent Federal, State or local laws, ordinances, by-laws or regulations and with the Master Plan for the Town. Building and zoning permits are issued by the Selectboard, but no building or zoning permit shall be granted with respect to property involving a subdivision prior to review and approval of said subdivision by the Planning Board and the recording in the Grafton County Registry of Deeds of the approved plat.

4.02 Character of Property Proposed for Subdivision

The Board may not approve a proposed subdivision if it finds that the proposed subdivision would create, or risk the creation of, conditions unfavorable to health, safety, convenience, prosperity or the general welfare because of excessive slope, poor soil conditions, rock formations, poor drainage, flood or fire hazard, inadequate water supply, inadequate access, damage to or negative effect on air quality; ground or surface water resources; wildlife habitat and trails; significant natural features or sites; significant historic buildings or sites; or agricultural lands mapped by the Natural Resources Conservation Service as prime agricultural land or agricultural land of statewide or local significance. Unless a lot has a substantial area which may be used for dwelling, septic system, driveway, and appurtenant structures with a slope of 15% or less and meets all other requirements of the zoning ordinance, the Board shall not approve it as a building lot. Flood prone areas, seasonally wet, marsh, muck or peat areas and wetlands may be included as part of a lot but may not be altered, dredged, drained, filled, or relocated and may not be used for building sites, sewage disposal areas, driveways or otherwise. Natural water courses, ponds or lakes may not be altered, dredged, drained, filled or relocated. The foregoing notwithstanding, minor alterations may be permitted in such areas or water bodies at the discretion of the Board if 1.) such alterations are authorized by all Federal and State agencies having jurisdiction with respect thereto; and 2.) the Board finds that the alterations will not have significant negative environmental impact when analyzed in the context of the subdivision as a whole.

4.03 Premature Subdivision Development

Scattered or premature or inappropriate subdivision of land that 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 including adequate public roads, or necessitate an excessive expenditure of public funds for the supply of such services shall not be approved by the Board. See NH RSA 674:36 II (a).

The following items shall be considered in determining whether the proposed subdivision is scattered or premature. The subdivider may be required to have studies made as specified by the Planning Board to determine the effect that the proposed subdivision may have:

- a) capacity of the school system and effect on school bus transportation;
- b) adequacy of the access road(s);
- c) adequacy of water supply for domestic and fire-fighting purposes, including available water holes suitable for pumping;
- d) potential health problems due to on-site sewage systems or inadequate water supply;
- e) potential special policing problems;
- f) potential drainage problems either on the site or downstream;
- g) necessitating excessive expenditure of public funds; and

- h) other potential problems related to a development which may be scattered or premature.

If a hazard is created by the present level of development given the present condition of access roads, the Planning Board may find that proposed development is premature.

4.04 Subdivision Design, General

Subdivision design and lot sizes within a subdivision shall be established by giving due regard to all of the factors outlined in these Regulations, especially section 1.03. The “parent lot” of any subdivision will be reviewed for the protection of agricultural soils when determining the area to be developed on the proposed lots.

No privately owned reserve strip, except open space proposed to be deeded to the Town or to a homeowners association within the subdivision, shall be permitted which controls access to any part of the subdivision or to any other parcel of land from any road, or from any land dedicated to public use, or which may be so dedicated.

Notwithstanding section 4.01, the actual proposed lots in a Lot Size Averaged Subdivision which require a special exception in order to site a well, septic system, driveway, or structure must obtain Zoning Board of Adjustment approval for special exception prior to Planning Board approval.

4.05 Lot and Building Site Layout

When laying out or planning a subdivision, the following regulations shall govern the layout of lots and building sites:

- A. The lot size, width, depth, shape and orientation shall be appropriate for the lot being subdivided, for the location of the subdivision, for the type of development and use contemplated, and in conformance with these regulations, especially section 1.03, the Lyme Zoning Ordinance, and the objectives of the Master Plan.
- B. All lots shall abut on (1) a Class V or better highway, or (2) a road shown on an approved subdivision plan, or (3) in the case of a lot size averaging subdivision, a driveway providing direct access to a Class V or better highway.
- C. Where extra right-of-way width has been indicated for widening of existing roads, lots shall begin at such extra width line.
- D. Block length and width or acreage within bounding roads shall be such as to provide for convenient access, circulation control and safety of road traffic.
- E. Access to lots abutting existing Town or State roads shall be by common driveways, or frontage roads, where appropriate in the judgment of the Board to

minimize the number of driveways and/or new roads entering onto these existing roads.

- F. Driveways shall be designed to provide safe and convenient access and to control surface water runoff so that it does not damage the road to which the driveway leads.

4.06 On-Site Sewage Disposal Design Standards

- A. Except for a conservation lot, the Board will only approve a lot that has been shown to meet the minimum standards and design requirements for on-site sewage disposal and water supply imposed by the State of New Hampshire Water Supply and Pollution Control Division, Town regulations, and the requirements listed below, regardless of the sewage disposal technology or water supply proposed.
- B. The Board requires that all soil tests (test pits and percolation tests) be performed by a certified sewage disposal system designer and, if required by the Board, in the presence of and certified by an official representative of the Board designated to inspect soil tests for the purpose of these regulations. All test pits shall be carefully analyzed to determine seasonal high water table. Seasonal high water table shall be established by 1.) clear indications of mottling and other color changes, 2.) a soil scientist from the Natural Resources Conservation Service, or 3.) digging a test pit in the wet season.
- C. The Board reserves the right to determine the number and location of percolation tests and test pits. **Caution:** *The test pits shall be located in areas where septic systems will be allowed under the Zoning Ordinance.*
- D. Soils data shall consist of available soil survey information and soil test results. The subdivider shall furnish a soil survey report and plan as specified in the Application for Subdivision Approval.
- E. All test pits shall be dug to a minimum depth of six feet or refusal if ledge. Depth to ledge, clay, hardpan layers, and existing and expected seasonal high water table shall be recorded on the soil survey plan.
- F. Sufficient test pits shall be dug to insure that an area of twice the design leach field area, but not less than 4,000 square feet is present on each proposed lot with a natural soil depth of at least four feet to bedrock.
- G. The sewage disposal system design must meet the requirements of the Zoning Ordinance.
- H. Any soil with a seasonal high water table at or within two feet of the natural ground surface shall not be used for the disposal of septic tank effluent. Drainage

where feasible and acceptable to the Board, may be utilized to overcome this situation.

- I. Percolation rates faster than two minutes/inch shall not be approved.
- J. Any soil with a percolation rate slower than 30 minutes per inch shall not be used for the disposal of septic tank effluent.
- K. Fill may be added to meet the standards imposed by G, I, and J above, but may not be added to correct for any of the other above listed conditions. Fill material must be approved by the Board's engineer. Percolation tests will be required in undisturbed natural ground to determine design of the leaching bed or trench.
- L. No septic system shall be allowed within the Flood Prone Area (see Section II).
- M. No septic system shall be allowed which poses a threat of pollution to groundwater supplies.
- N. In aquifer recharge areas, areas of significant groundwater resources and areas where the predominant soil type has a percolation rate which is faster than five minutes per inch, sanitary waste water discharge to on-site septic systems shall not average more than 350 gallons per acre per day.

4.07 National Flood Insurance Requirements (Applicable if in flood prone areas)

- A. All necessary permits shall 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.
- B. All subdivision proposals and other proposed new developments greater than 50 lots or 5 acres, whichever is the lesser, shall include within such proposals base flood elevation data.
- C. Sufficient evidence (construction drawings, grading and land treatment plans) shall be submitted so as to allow determination that:
 - 1. all such proposals are consistent with the need to minimize flood damage;
 - 2. all public utilities and facilities, such as sewer, gas, electrical and water systems are located, and constructed to minimize or eliminate flood damage; and
 - 3. adequate drainage is provided so as to reduce exposure to flood hazards.
- D. All new construction and substantial improvements shall:
 - 1. be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

2. be constructed with materials resistant to flood damage;
3. be constructed by methods and practices that minimize flood damage; and
4. be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment, and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

4.08 Road Design

Proposed roads shall be in harmony and conformance with existing and proposed roads and the Town Master Plan. Road patterns shall give due consideration to contours and natural features. Where required by the Board, provision shall be made for the extension of the road pattern to abutting undeveloped property. Every proposed road in a subdivision shall be laid out and constructed as required by the following standards:

- A. All roads shall be constructed, and all bridges, culverts, drainage structures, storm sewers, gutters, drainage ditches, and other improvements required by the subdivision plat and accompanying documents, shall be installed in conformance with the standards and specifications set forth in Section 4.11 Design and Construction Criteria.
- B. The plan of any proposed subdivision shall show all work required to connect and complete the improvements and utilities between the proposed road pattern and any connecting road in an existing subdivision.
- C. Where a proposed subdivision abuts an existing road with an inadequate alignment, or right-of-way width, the subdivision plat shall include a road dedication of all land needed to meet the standards established by these regulations, and as approved by the Board.
- D. Where a proposed subdivision abuts an existing subdivision, the subdivider shall make every attempt to design the road system of the proposed subdivision to connect with dead-end or "stub" roads of the existing subdivisions in order to permit safe and reasonable inter-subdivision traffic.
- E. The layout of the road pattern shall be based upon a local road system connected to a collector road system connected to an arterial system.
- F. Local residential roads shall be designed so as to discourage non-local through traffic.
- G. No road intersection shall be less than 800 feet apart from another road intersection, measured from center line to center line.
- H. Roads shall intersect so that within 75 feet of the intersection (measured at the right-of-way lines) the road lines are at right angles. In no case shall the angle of

intersection be less than 75 degrees. The grade within 100 feet of an intersection shall not exceed five percent. The grades of local roads at intersections with collector roads shall drop at the rate of one foot in 50 feet for a distance of 50 feet from the edge of the traveled way of the existing road. No structure, planting, or embankment shall impair corner visibility.

- I. Multiple intersections involving a junction of more than two roads shall be prohibited.
- J. The minimum distance between center line offsets at road jogs shall be 150 feet.
- K. Permanent cul-de-sac roads shall not exceed 1200 feet in length and shall terminate in a suitable turnaround.
- L. Temporary cul-de-sac roads, where future extension to another outlet is approved by the Board may exceed 1200 feet in length. In such cases, the full width of the right-of-way to the subdivision property line shall be reserved as a road right-of-way.
- M. If a cul-de-sac road is of a temporary nature, a turnaround shall be provided and provisions made for future extension of the road through to adjacent property and reversion of the excess right-of-way to the adjoining properties.
- N. The following standards shall apply to cul-de-sac roads:
 - 1. The turnaround at the end of a cul-de-sac road shall be located so that it drains toward its entrance and to the side of the road.
 - 2. Unless there is the expectation of extending the road through to the adjoining property, a cul-de-sac road shall not be brought to the property boundary line, and shall be placed so that the lots can back on the property line of the subdivision.
 - 3. A cul-de-sac may only be built off a Class V or better highway.
- O. Roads shall be named in accordance with Town policy as adopted by the Selectboard. No road shall have a name which will duplicate or closely resemble the name of an existing road. The continuation of an existing road shall have the same name.

4.09 Classification of Roads

The classification of existing roads shall be as defined in the Town Master Plan. The classification of new roads shall be as determined by the Board in accordance with the following table. The following standards of design shall apply to new roads.

Standards for Road Design

	<u>Service</u>	<u>Local</u> ¹		<u>Collector</u>		<u>Arteria</u> ¹
		Minor	Major	Minor	Major	
Average Daily Traffic ²	0-32	33-48	49-96	97-248	249-400	401-up
Minimum Right-of-Way ⁴	50'	50'	60'	70'	80'	100'
Minimum Travel Surface Width ⁴	12'	18'	20'	20'	24'	Varies ⁵
Minimum Shoulder Width Each Side ⁴	2'	2'	2'	4'	4'	Varies ⁵
Minimum Distance From Center of Road to Center of Ditch ⁴	(See ⁵)	14'	16'	18'	Varies ⁵	Varies ⁵
Minimum Horizontal Curve Radii	(See ⁵)	100'	100'	150'	300'	500'
Minimum Vertical Curve Length	(See ⁵)	100'	100'	100'	200'	Varies ⁵
		In no case less than 20' for each 1% difference in grade.		In no case less than 30' for each 1% difference in grade.		
Minimum Length of Tangents Between Curves	(See ⁵)	100'	100'	100'	200'	Varies ⁵
Maximum Grade	(See ⁵)	10%	10%	8%	8%	5%
Min. Vertical Sight Distance ³	(See ⁵)	200'	200'	250'	250'	300'

¹ Local roads cover not only lightly developed through roads, but also cul-de-sac and marginal access roads.

² Shall be future anticipated traffic. (Assuming 8 trips per day per dwelling unit.)

³ Sight distance shall be measured between two points along the centerline of the road on a straight line entirely within the road right-of-way and clear of obstructions, one of the points to be at the surface and the other thirty-nine (39) inches above the surface.

⁴ All cross-section horizontal distances shall be measured perpendicular to straight-line sections and radial to curved sections.

⁵ Subject to design review and approval by an engineer designated by the Board.

The Board may modify the maximum and minimum gradient for short lengths of roads where, in its judgment, existing topographic conditions or the preservation of natural features indicate that such modification will result in the best subdivision of land. The Board may require greater width of right-of-way where, in its judgment, the demands of present or future traffic make it desirable or where topographic conditions create a need for greater width for grading.

4.10 Road Improvements

In rural areas, roads shall have a minimum travel surface width as prescribed in Section 4.08 with shoulders not less than two (2) feet wide. The Board may require a greater travel surface width and shoulders for Arterial or Collector roads. In urban or village areas, the Board may require a greater width of right-of-way and paving, together with curbs and sidewalks.

In the case of a subdivision involving the construction of one or more new roads, any existing road which provides frontage to new lots or is part of a network of roads providing a direct route from the subdivision to Lyme Common, shall meet the minimum standards established in Section 4.08 for such road except that a new subdivision road may be built so long as it does not permit the creation of more lots than could otherwise be created in accordance with all applicable ordinances and regulations utilizing the frontage on the existing road. Where a subdivision requires undue expenditures by the Town to improve existing roads to conform to minimum requirements, the Board shall disapprove such subdivision until the Selectboard or the New Hampshire Public Works and Highway Department shall certify that funds for the improvements have been assured to upgrade such roads to meet such standards.

For the purposes of the preceding paragraph, the roads listed below shall be deemed to meet the minimum standards of Section 4.08.

Route 10

High Street

Market Street from the Common to Grant Brook

The Board shall impose reasonable limitations on the subdivision of areas served by existing roads which do not meet the minimum standards established in Section 4.08. Factors to be considered in establishing such limitations may include, but are not limited to the following: The standard to which such roads are presently maintained, the frontage and size of the proposed subdivision, the potential traffic increase from the proposed subdivision, the character and potential for development of the area served by such roads, the present and potential traffic on such roads and compliance with the Town's Master Plan. Such limitations shall be removed at such time as the Selectboard or the New Hampshire Public Works and Highway Department shall certify to the Board that funds have been assured to upgrade such roads to meet such standards.

4.11 Design and Construction Criteria

Before any construction begins, the developer and/or owner, road contractor, Selectmen, Highway Agent, Town Inspector or other designated persons will have a pre-construction meeting. The purpose of this meeting will be to clarify the following required construction standards.

Compliance with these construction standards, and the approval of the Highway Agent and Selectmen or Town Inspector, is required as a condition of acceptance of newly developed roads for public ownership.

Design standards describing width, surface, horizontal and vertical profiles and drainage are specified by Sections 4.09 and 4.10 of these Subdivision Regulations.

A. Construction of Roads, Streets, Drainage Facilities and Fire Protection Facilities:
Materials-General

All materials will be of a suitable nature with no stumps, roots, sod or frozen lumps allowed. All materials to be used shall meet the requirements as specified, unless the same are altered by specific requirements under any itemized specification or by modifying notes shown on the approved plans. In the absence of specific reference to specifications, the material(s) to be incorporated into any project and the work performed are intended to conform to the New Hampshire Department of Transportation Standard Specifications for road and bridge construction, and determined by the Town Inspector.

B. Basis of Construction

In order to assure the structural integrity of the subgrade and base course, the following rules shall apply:

1. Underground utilities shall be constructed within the shoulder areas, not within the traveled way or ditches of the roadway. Bury depth (cover) shall be a minimum of thirty inches below finished grade, unless agreed upon otherwise. Utilities shall be staked by a foreman or land surveyor to ensure accurate location and depth. Prior to construction, utility companies shall provide drawings of proposed lines, terminals, etc. to permit layout and to avoid conflicts and shall acknowledge the requirements of this specification.
2. Where utilities and/or culverts cross the roadway, the trenches shall be backfilled with on-site materials, identical or similar to the adjoining soils; if such material cannot be placed and compacted satisfactorily, then or select earth backfill (approved by the Town Inspector) shall be used. All backfill shall be compacted in six (6) inch layers with vibrating

compaction equipment. NOTE: The developer will be responsible for assuring compaction of all trenches crossing the roadway including utility trenches.

3. After properly shaping and obtaining approval from Town Inspector, the base course may be placed. The entire base course ditch to ditch (full width), shall be thoroughly compacted with vibratory compaction equipment.
4. Where embankments (fills) are constructed under the roadway section, the entire height of the embankment shall be constructed with the use of standard and appropriate compaction equipment. This equipment shall consist of sheepsfoot rollers, vibratory rollers or similar equipment. The embankment area shall be compacted to 95% standard AASHO density. If required by the Town Inspector, the developer shall provide certified computation test results from a competent soils testing laboratory, at the developer's expense.

C. Roadway Excavation

1. Clearing and Grubbing: The limits of the clearing and grubbing will be laid out before any work commences and shall include an area encompassing the entire roadway five feet beyond the top of cut slopes and five feet beyond the toe of fills. The entire roadway section shall be cleared and grubbed. All sod and topsoil is also to be removed from the roadway section and stockpiled on the site for later use. All stumps, brush, trees, and other rubbish shall be disposed of in a manner satisfactory to Town Inspector.
2. Inspection: When all clearing and grubbing will be completed in the areas where the earth work is to be done, the Highway Agent and Selectmen or Town Inspector shall be notified so that inspection of the clearing and grubbing can be made. Work on the road shall not proceed until approval is given.

D. Subgrade Preparation

1. Work: All topsoil, other unsuitable soil and organic material shall be removed from the area under the "Typical Road Sections" (five feet beyond the top of cuts and beyond the toe of fills) prior to construction or shaping the subgrade.

All solid rock shall be removed to the required subgrade. Blasting of solid rock subgrade shall consist of drilling and blasting of solid rock to a depth below subgrade elevation. Excavated material may be used to flatten slopes.

2. Method: The subgrade shall be excavated and shaped following the depth and alignment of the stakes established from surveyed horizontal and vertical controls by the Town Inspector for this purpose. The stakes shall be at intervals of no more than fifty (50) feet. The Contractor may stake further detail as deemed necessary from control by the Town Inspector.

Embankments are to be made to a depth not more than five feet below subgrade. Earth embankments, consisting of all suitable materials other than rock, shall be created by placing layers of soil not more than 12 inches thick, then achieving NH DOT 95% compaction, before successive layers are placed. Rock embankments, consisting of solid rock in not more than four foot layers, shall be placed so as to be used to the best advantage in constructing the roadway.

Fine grading of the subgrade will be within one-half inch of the true grade. After excavation to the proper depth, the subgrade shall be graded as shown on the "Typical Road Section", or cross sections for curves. The subgrade shall then be rolled with a ten (10) ton or vibratory roller. Any unsuitable material found below the subgrade shall be removed and replaced with bank run gravel or select earth backfill approved by the Town Inspector. Should the subgrade become rutted, it shall be regraded and rolled prior to the placement of the base.

No base material shall be placed over unstable trenches or soft spots in the subgrade. Muck and other organic matter is not suitable for foundation material. Should such a complication exist, the soil is to be removed and replaced with bank run gravel or select earth fill approved by the Town Inspector and thoroughly reshaped and compacted.

E. Road Base (Foundation Base Course)

1. Work: The contractor shall furnish and place a foundation course in two (2) lifts as shown on the "Typical Road Sections".
2. Material: Sub-base shall consist of a minimum of six inches of sand, including material up to 3/8 inch with less than 10% passing a No. 200 sieve, compacted to 90%.

If crushed stone is to be used, it shall conform to the standards established by N.H. DOT specifications.

Gravel base material used should not be approved until in place and tested. The source shall be approved in advance of placement by the Town Inspector. A recommended base is a minimum of 18 inches crusher-run gravel or approved substitute which conforms to N.H. DOT

specifications. In no case shall the material passing the No. 200 sieve be greater than twelve percent (12%) by weight.

3. Method: The base shall be placed on a graded, crowned and compacted subgrade free of ruts and disturbed earth as follows:

After proper shaping and compaction of the subgrade, the first layer of sand (six inches) and/or approved gravel base shall be placed and graded, maintaining the specified crown of 3/8 inch per foot of width or cross sections for curves and thoroughly compacted with a vibratory compactor producing a minimum dynamic vibration force of 27,000 lbs, or as otherwise approved in writing by the Town Engineer.

Gravel shall be thoroughly compacted with a five ton roller in layers not exceeding 12 inches. The top course shall be fine graded to within one-half inch of the required grade.

F. Asphaltic Concrete Pavement

1. Work: When required by the Board for Collector or Arterial Roads, the contractor shall furnish and construct a two-course asphaltic concrete pavement placed to conform to the required thickness and cross section as shown on the plans and on the "Typical Road Section" and further described in the following specifications, except that the crown on asphalt pavement shall be 1/4" per foot for tangent sections, or the scope of pavement for curves.
2. Material: All material shall conform to Division 400, Section 401, Plant Mix Pavements of the N.H. DOT. Upon request, the contractor shall furnish the Town Inspector with written certification of the materials compliance with these specifications.
3. Method: Prior to the placement of the material, the base material will be cleared of any foreign material, e.g. soil, and graded and compacted as noted in 1.05 above.

The asphalt will be placed in two (2) courses consisting of a two (2) inch binder course and a one (1) inch wearing surface. The material will be placed with a self-propelled, crawler mounted, asphalt spreader operated by competent operators. Further, placement will comply with the specifications noted in 1.07B below. It should be noted that all thicknesses noted above are final compacted thicknesses and not placement thicknesses. Placement of the asphalt shall take place only when the air and ground temperature, in the shade, at the paving site is 40 degrees or above when adding 1.25 inches or more of depth, or 50 degrees when adding 1.25 inches or less of depth. Weather conditions shall

otherwise be satisfactory for proper handling and finishing the asphalt. At no time will "cold patch", "winter mix" or "farmers mix" be used.

Protection of new pavement shall be provided until properly set. This protection is necessary on subdivision roads where the traffic is primarily by cars starting and stopping or by trucks. Asphalt base courses may be so placed after completion of gravel or stone base and all ditching and utility work. Asphalt finished surface courses shall not be placed until all heavy construction and trucking on subdivision roads, drainage and utilities have been completed.

G. Drainage Structures

Culverts shall be constructed of concrete, PVC asphalt, corrugated galvanized metal pipe or aluminized Type II or bituminous coated corrugated metal pipe. Other pipe materials will be accepted only after approval by the Town Inspector. All materials supplied for the project shall be certified by the vendor. Before any placement of the material it shall be inspected by the Highway Agent and Selectmen or Town Inspector. The Highway Agent and Selectmen or Town Inspector shall be notified as to when the installation will occur. No backfilling will be done until the installation has been inspected. All backfilling will be inspected by a representative from the Town.

1. All culverts shall be designed for proper strength classification by the Developers' Registered Professional Engineer with the calculations being submitted with the plans or as published in handbooks and manufacturer's literature. When specifying the pipe to be used, the depth of cover, nature of foundation soil, type of bedding and trench width shall be considered. When design conditions cannot be met in the field, the developer shall be responsible for providing extra strength pipe, extra strength bedding, cradle or encasement so that design conditions are met. All pipe which falls under the roadway shall be designed so that it is capable of carrying H-20 loading at the pipe depth. Minimum size for roadway culverts shall be 15 inches in diameter.
2. All culverts shall have both the inlet and outlet ends of the pipe protected by means of headwalls, rip-rap or manufactured end sections. Catch basins and headwalls are to be constructed of either concrete or stone as shown in the accompanying diagram or as directed by the Highway Agent, and shall be protected from any possible frost action. In no case will frozen concrete or mortar be accepted. When rip-rap is to be used, conforming to the roadway slopes, it shall comply with N.H. DOT Specification for Road and Bridge Construction Section 583, Rip-Rap. When approved by the Town Inspector, five (5) inch crushed stone may be considered. In the case of headwall construction, the following specifications from the above noted source shall apply:

Concrete:

- a. Section 520, Concrete Masonry - Class B Concrete
- b. Section 544, Reinforcing Steel

Stone:

- a. Section 570, Stone Masonry

- 3. Any special structures, construction or culverts 36 inches and larger shall be properly designed in accordance with and approved by the Town Inspector prior to the commencement of the work. Sufficient time must be allowed for the review of plans and specifications. Drainage inlets, headwalls, etc. shall be designed in accordance with these specifications and the typical details that follow.
- 4. All pipe, fittings, etc. shall be handled carefully so as to prevent damage. All joint surfaces and fittings shall be clean and shall fit in such a manner that all joints will be tight and free of leaks.

Proper workmanship and tools shall be used when handling and installing the pipe so that the quality and strength is not impaired. Where, in the judgment of the Town Inspector, the quality or strength of the pipe has been impaired, the materials will be rejected.

- 5. Necessary precautions shall be taken at all times to prevent the flooding of adjacent property. Drainage ditches, necessary stream channel location or other positive means of diverting/controlling the water shall be employed. Water shall not be allowed to drain into a pipe or trench under construction. Water shall not be allowed to accumulate in the trenches but shall be drained or pumped away from the work area to established drainage channels. Underdrain may be required where necessary.
- 6. In no case shall pipe be installed without grade stakes being set to the line and grade shown on the approved plans.
- 7. Prior to the installation of the pipe, the trench bottom shall be shaped flat to the designed line and grade. Low areas shall be filled to grade with suitable material and thoroughly compacted prior to installing the pipe. Where solid rock or boulders are encountered, the material shall be removed to a depth of at least eight (8) inches, and backfilled with suitable material and thoroughly compacted. When the trench bottom becomes soft, spongy or otherwise unsuitable, and special conditions are not specified on the approved plans, all such material under the pipe and for a width equal to three (3) diameters of the pipe shall be removed and replaced with gravel or other suitable material and thoroughly compacted.

8. Care must be taken when backfilling around and over the pipe. The backfill around the pipe and for a minimum height of twelve (12) inches above the pipe will be free of stone in excess of four (4) inches in its greatest dimension. This material will also be compacted in accordance with manufacturer's specifications so that the pipe will be properly protected against deformation.
9. Where open drainage courses are constructed, all disturbed areas are to be seeded and/or rip-rapped as soon as possible after construction. When an area is not completed prior to October 1st, temporary seeding and mulching shall be applied to reduce erosion during the winter and spring.

H. Bituminous Concrete Sidewalk

Where required, bituminous concrete sidewalk shall be laid in two courses and meet the requirements for the New Hampshire Highway Standards for Bituminous Concrete.

I. Guardrails, Markers, Finish Work

1. Guardrails: Guardrail will be required where slopes extend more than ten feet on a 2:1 slope or in other hazardous areas which are determined by the Highway Agent and/or Town Inspector.
2. Markers: Markers will be placed where required by the Highway Agent and/or Town Inspector.
3. Topsoil: Topsoil shall be placed where poor growing conditions exist. The materials shall be approved by the Highway Agent and/or Town Inspector before being placed.
4. Seeding: All graded areas shall be seeded with conservation mix (USDA Approved) at the rate of sixty pounds per acre.
5. Fertilizer: All seeded areas shall be fertilized. The fertilizer shall have an analysis of 5-10-10 and be applied at the rate of three pounds per one hundred square feet.
6. Mulch: All seeded areas shall be mulched within 24 hours after seeding. A good quality of mulch hay shall be used and applied at the rate of two tons per acre.

J. Fire Protection Facilities

The criteria established in Section 4.20, Fire Protection in the Subdivision Regulations for the Town will be complied with. Materials shall comply with those specified on the "Typical Details" unless otherwise approved in writing by

the Fire Chief for the Town and/or the Town Inspector in concurrence with the Fire Chief.

1. Total Water Supply Required: This shall be the total minimum water supply available under all conditions. This further means the water available when the supply is covered with ice, at its seasonal low water level, silted in or similar phenomenon that can be technically or reasonably predicted.
2. Access: At no time shall any form of legal constraint(s) be placed on access to the water supply limiting access for fire fighting purposes. Access to the water supply will be provided so that fire equipment will be able to reach the supply at all times. Should the water supply be on private property, the Town shall be supplied with the necessary easements for access. An access road a minimum of twelve (12) feet in width and complying with the construction criteria for a "Local Minor Road" shall be provided with a sufficient turnaround. In no case shall the turning radii be less than fifty (50) feet or grades steeper than eight percent (8%).
3. Drainage: Care shall be taken to accommodate drainage along the access road and eliminate siltation of the water supply. All exposed areas shall be seeded and/or rip-rapped as soon as possible to reduce erosion and subsequent siltation. All rip-rap shall comply with Section 1.07B Drainage Structures above.

4.12 Parking

All subdivision development shall make provision for adequate, safe and convenient off-road parking in order to provide for the most efficient road maintenance, snow plowing and access by emergency, police and fire vehicles. In the case of commercial subdivision, including commercial building development, and multi-unit residential building development, parking areas shall include appropriate and adequate landscaping and screening.

4.13 Pedestrian Walks

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

4.14 Utilities and Drainage

All subdivisions shall make adequate provisions for water supply, storm water and sanitary sewage disposal, and required utilities and improvements. The Board may require the extension of public water and sewers to and within a proposed subdivision, without cost to the Town, where existing lines are, in the judgment of the Board, within a reasonable distance of the proposed subdivision.

The subdivider shall install laterals from all utilities in the road right-of-way to ten (10) feet beyond the road property line of each building lot.

All public utilities and facilities, such as sewer, gas, electrical, telephone and water systems shall be located, elevated, and constructed to eliminate flood damage. All new or replacement water supply systems and/or sanitary sewage systems shall be designed to eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters. On-site waste disposal systems shall be located so as to avoid impairment of the water supply system and/or sanitary sewage system or contamination from them during flooding.

All such utility system installations shall be at the expense of the subdivider and shall be installed under the supervision of the appropriate Town agency.

An adequate surface storm water drainage system for the entire subdivision area shall be provided. Adequate drainage shall be provided so as to reduce exposure to flood hazards. 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 therefore from the adjacent owner and shall hold the Town harmless from any claims for damage resulting therefrom.

For the purposes of preparing drainage plans, the following basic design criteria shall be utilized: Storm sewers and subdivision drainage facilities shall be based upon a design flow with a minimum return interval of ten (10) years. The design of natural watercourse channels shall depend upon the drainage area according to the following table:

Design Return Intervals for Natural Watercourses

<u>Drainage Area</u>	<u>Recurrence Interval</u>
Above 20 square miles	100 years
Between 4 and 20 square miles	50 years
Less than 4 square miles	25 years

Where it deems necessary or appropriate, the Board may require the installation of road lighting and the underground installation of electrical and telephone lines. Appropriate plans shall be submitted to the Town prior to final approval being granted by the Board.

Where underground utilities are to be furnished from a public source, all necessary mains, branch offsets 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.

4.15 Sediment and Erosion Control

A. General

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. Land shall be subdivided and improved in reasonable conformity to existing topography in order to minimize grading, cut and fill, and to retain, insofar as possible, the natural contours, limit storm water runoff and conserve the natural cover and soil.

B. Standards

The following standards shall be observed by the subdivider in the design, layout and engineering of the proposed subdivision. In addition, Low-Impact Development (LID) design shall be encouraged for any project to mimic the natural landscape with small and distributed infiltration, storage, and retention and detention measures. References for design and construction methods and practices can be found in U.S. Environmental Protection Agency documents and on EPA web sites. (See for example www.epa.gov).

1. Stripping of vegetation, re-grading 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/or supplemented.

3. The disturbed area shall be kept to a minimum and the duration of exposure shall be a maximum of six months. In no case shall completed areas be left after October 1 of the current year without being seeded and mulched.
4. Temporary seeding and/or mulching shall be used to protect exposed critical areas during development.
5. There shall be no net increase of drainage water off the lot. There shall be no channeled water which could damage other properties.
6. Necessary diversions, sediment detention and retention systems, and other erosion control structures shall be installed prior to any on-site grading or disturbance of existing surface vegetation.
7. Buildings, roads, drives and parking areas shall be located no closer than one hundred (100) feet from any surface water with the distance measured horizontally to the top of the bank above the surface water.

C. All required State and Federal approvals must be obtained.

4.16 Open Space Shown on Town Master Plan

Where a proposed park, playground, or other open space shown on 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 Plat, 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 (15) percent of the total area of the subdivision without reasonable compensation, and if the Town does not take steps within a period of one year from the date of approval of the subdivision plat to acquire the portion of the open space in excess of said fifteen (15) percent, the subdivider may submit to the Board a plan for subdivision of such portion, provided such additional subdivision meets the requirements of these regulations.

4.17 Other Open Space

When deemed necessary in the judgment of the Board, land for open space and recreation areas within a subdivision shall be reserved. All areas to be reserved for open space or recreation shall be of reasonable size, slope and character for neighborhood playground or other recreational uses.

4.18 Trees, Planting, and Top Soil

Due regard shall be given to preservation of existing trees, shrubbery, and other landscaping appropriate to the area being subdivided. The subdivider shall comply with the following requirements:

- A. To the fullest extent possible, all existing trees and shrubbery shall be preserved by the subdivider. Special consideration shall be given to the arrangement and ultimate improvement or development of the lots to this end. Precautions shall also be taken to protect existing trees, shrubbery and vegetation during the construction of roads and utilities.
- B. Where any land other than that included in public rights-of-way is to be dedicated to the public use, the subdivider shall not remove any trees from the land without written permission from the Board.
- C. Topsoil moved during the course of construction shall be redistributed so as to provide uniform cover to all disturbed areas of the subdivision. At no time shall topsoil be removed from the land without written permission from the Board.
- D. All disturbed areas which are not covered by structures or paving shall be properly seeded or replanted by the subdivider.

4.19 Screening of and Building Placement in Commercial Subdivisions

In order to protect neighboring properties and the Town in general from obtrusive commercial development, subdivision for commercial uses shall be screened by natural features, trees, shrubbery and other landscaping and the location of buildings within commercial subdivisions shall be subject to review and approval by the Board.

4.20 Fire Protection

The purpose of this standard is to specify minimum requirements for water supply for fire fighting that will provide a reasonable degree of protection to life and property in the area. The following standards shall be observed for all developments of three or more lots or principal buildings:

- A. All proposals shall be approved by the Lyme Planning Board after being reviewed by the Lyme Fire Chief or his/her designee. Issues to be considered in that approval shall include the following:
 - 1. Length and elevation of driveway(s) and the combination of those.
 - 2. Width and construction of the driveway(s). Is it safe and available for tanker shuttling of water or does water need to be pumped via large diameter hose?

3. The type of road providing access to the property. Is it dirt or paved, narrow or wide, etc.? Does it have the ability to allow the shuttling of water?
4. The size and use of the building, i.e. residential, commercial, educational, agricultural, etc.
5. The number of units.
6. The type of construction, i.e. non-combustible or fire resistive.
7. Current proximity to accessible water for firefighting use.
8. Is there a natural place with reliable water for pond construction?

B. Every residential lot will be served by one of the following:

1. Fire pond: The content of a pond shall be not less than 25,000 gallons of usable water with not less than 10,000 gallons per lot or principal building. This shall be the total minimum water supply available in the pond under all conditions: when the pond is covered with ice; at its seasonal low water level; silted in; or similar phenomenon that can be technically or reasonably predicted. The pond shall have a minimum depth of eight feet. A hydrant shall be installed with the location and connection to meet the approval of the Lyme Planning Board after conferring with the Lyme Fire Chief.

The Lyme Fire Department shall be allowed access to the pond for training, maintenance, and emergency. The access to the pond and hydrant must allow emergency equipment to pull off of any public way so as not to impede traffic flow. If an access road is necessary, it shall comply with the criteria of a "Service Road," allow for a sufficient turnaround and have no grades steeper than 8%. Care shall be taken to eliminate siltation of the water supply. Should the pond be on private property, the Town shall be supplied with the necessary easements for access.

2. Enclosed tank or cistern: Total content of an enclosed tank or cistern shall not be less than 14,000 gallons of water for each lot or principal building. Access shall be as described in B.1. above.
3. Sprinkler System: The principal building on each lot is served by the most current National Fire Protection Association approved residential sprinkler system.

C. All commercial applications will be considered on an individual basis and the National Fire Protection Association Standard 1231 or the most recent Town approved Standard will be used to determine the occupancy hazard and the fire protection required.

- D. A water supply sufficient as described above in section B. for fire-fighting at each residence created in the subdivision shall be installed prior to the development of the third lot of any major subdivision. In the case of a minor subdivision, water for fire protection will be required if re-subdivision occurs within ten years.

SECTION 5: ADMINISTRATION AND ENFORCEMENT

5.01 Interpretation

In the matters of interpretation of these regulations, the opinion of the Board shall prevail.

5.02 Acceptance of Roads and/or Utilities

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

5.03 Other Regulations

Where these regulations are in conflict with other Federal, State or local laws, ordinances, by-laws or regulations, the more stringent shall apply.

5.04 Enforcement

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

5.05 Penalties

Any owner, or applicant for 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 Board and recorded or filed in the office of the Register of Deeds, shall forfeit and pay a penalty of \$500 for each lot or parcel so transferred or sold. The Town may seek an appropriate order from a court of competent jurisdiction enjoining or rescinding any such sale or transfer and may recover the said penalty by civil action.

Upon determination of the Board that the Regulations are being violated, the Board shall immediately take informal steps to enforce the provisions of these Regulations. If informal efforts fail to achieve compliance, the Selectboard will normally issue a cease and desist order addressed to the violator stating the provision of the Regulations which is being violated, the facts constituting the violation, the corrective action required, including a reasonable time within which such action shall be taken but in no case longer than 20 days, and notice that failure either to take corrective action or file an answer will cause the Selectboard to issue a citation of land use violation or other appropriate legal action.

If the cease and desist order fails to achieve compliance, the Selectboard may elect to issue and serve upon the violator a local land use citation in accordance with the provisions of RSA 676:17- b which will impose a civil penalty not to exceed \$100 a day payable by the offender for each day the violation continued subsequent to the written notice up to a maximum of five days violation charged in one citation. The recipient may either plead guilty or *nolo contendere* to the District Court and pay the fine or answer and request a trial.

Alternatively, the Selectboard, after giving the offender notice of the violation and reasonable time to take corrective action, but in no case longer than 20 days, may elect to commence an action directly in Court charging a violation of the Regulations and requesting a fine not to exceed \$100 a day. If necessary, the Selectboard may seek an injunction in the Superior Court.

The superior court may, upon a petition filed by the Town and after notice and preliminary hearing as in the case of prejudgment attachments under RSA 511-A, require an alleged violator to post a bond with the court to secure payment of any penalty or remedy or the performance of any injunctive relief which may be ordered or both.

5.06 Appeals

Any person, aggrieved by an official action of the Board, may appeal therefrom in accordance with the provisions of RSA 677:15.

5.07 Validity

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

5.08 Amendments

These regulations may be amended, changed, altered, added to, or rescinded from time to time whenever this action is deemed necessary or advisable by the Board, but not until public hearing on the proposed amendment, change, alteration, or rescission.

No subdivision regulations or amendment or exception thereto shall be legal or have any force and effect until copies of such, certified by a majority of the Board members, are filed with the Town Clerk and Selectboard.

No purported authority granted by the Board pursuant to these subdivision regulations shall be legal or have any force and effect unless such regulations have been certified and filed pursuant hereto.

5.09 Exemptions

Every plat approved by the Board and properly recorded with the County Register of Deeds shall be exempt from all subsequent changes in subdivision regulations adopted by the Board, except those regulations and ordinances which expressly protect public health standards such as water quality and sewage treatment requirements for a period of four years after the date of recording subject to each of the following conditions:

- A. Active and substantial development or building shall have commenced on the land by the owner or his/her successor in interest in accordance with the approved plat within 12 months after the date of approval, or, in accordance with the terms of said approval and where a bond to cover the costs of roads, drains or sewers is required in connection with such approval, such bond is posted with the Town at the time of commencement of such development.
- B. Development remains in full compliance with the public health regulations and ordinances specified in this section.
- C. At the time of approval and recording, the plat conforms to the subdivision regulations and zoning ordinances then in effect.

5.10 Effective Date

The effective date of these regulations shall be August 31, 1984. These regulations supercede previously adopted subdivision regulations which were initially adopted in 1970.

5.11 Certification

Certified to be a true copy, attest:

_____	_____
_____	_____

ADOPTED: March 10, 1970
AMENDED: April 15, 1970
September 18, 1972
November 5, 1973
January 22, 1980
December 15, 1981
March 31, 1982
August 9, 1984
March 14, 1985

July 24, 1986
February 11, 1988
January 26, 1989
July 20, 1989
November 2, 1989
August 27, 1992
December 5, 1996
August 23, 2001
June 23, 2005