TOWN OF PLAISTOW
NEW HAMPSHIRE

2016

SUBDIVISION REGULATIONS

Chapter 235

SUBDIVISION OF LAND

[HISTORY: Adopted by the Planning Board of the Town of Plaistow, as revised 3-1-2000. Amendments noted where applicable.]

GENERAL REFERENCES

Building construction — See Ch. 31.
Numbering of buildings — See Ch. 34.
Zoning — See Ch. 220.
Planning Board rules of procedure — See Ch. 225.
Site plan review — See Ch. 230.

TABLE OF CONTENTS

Article Number	Article Title	Page Number
I	Authority; Administration; Definitions	2
II	General Provisions	7
III	Procedure for Subdivision Approval	12
IV	Reserved	25
V	Plats and Data for Final Approval	25
VI	Filing of Plans	31
VII	Design and Installation of Improvements	32
VIII	Manufactured Housing Park Subdivisions	43
IX	Interpretation and Amendments	48

ARTICLE I
Authority; Administration; Definitions

§ 235-1. Authority.

Pursuant to the authority vested in the Plaistow Planning Board by the voters of the Town of Plaistow, New Hampshire, and in accordance with the provisions of Chapters 674, 675, 676, and 677 of the New Hampshire Revised Statutes Annotated, 1983, as amended, the Plaistow Planning Board adopts the following regulations governing the subdivision of land in the Town of Plaistow, New Hampshire.

§ 235-2. Duties of the Planning Board.

A. The Planning Board shall approve or disapprove, in its discretion, plats proposed for the subdivision of land and shall approve or disapprove plans showing the extent to which and the manner in which streets within subdivisions shall be graded and improved and to which streets water, sewer and other utility mains, piping, connections or other facilities within subdivisions shall be installed.

B. The Planning Board shall ensure that subdivisions granted approval shall comply with the requirements set forth in all sections of these land subdivision control regulations whose expressed intent is to:

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

(2) Provide for the harmonious development of the Town of Plaistow and its environs;

(3) Require the proper arrangement and coordination of streets in relation to other existing or planned streets;

(4) Provide for open spaces of adequate proportions;

(5) Require suitably located streets of sufficient width to accommodate existing and prospective traffic and to afford adequate light, air, and access for fire-fighting apparatus and equipment to buildings and coordinated so as to compose a convenient system;

(6) Require, in proper cases, that plats showing new streets or narrowing or widening of such streets shall show a park or parks suitably located for recreational purposes;

(7) Require that proposed parks shall be of reasonable size for neighborhood playgrounds or other recreational uses;

(8) Require that the land indicated on plats be of such character that it can be used for building purposes without danger to health;

(9) Prescribe minimum areas of lots so as to assure conformance with local zoning ordinances and to assure such additional areas as may be needed for each lot for on-site sanitary facilities; and

(10) Include provisions which will tend to create conditions favorable to health, safety, convenience, and prosperity.

C. Staff review of plans. [Amended 11-20-2002; 3-2-2005, 4-1-2015]

(1) The Planning Staff and Code Enforcement Officer (herein referred to as "Staff") will assist the Planning Board and the applicant in expediting the review of submitted plans. Staff will review all plans to determine their conformance to the Zoning Ordinances, subdivision regulations, site plan review regulations and any other applicable regulations. All submitted applications shall be reviewed by the Planning Board at a public meeting within 30 days of submittal; at said meeting the Board shall make a determination if the application is complete per Article V, Section 235-18 Plan Requirements.

(2) Staff will solicit comments from all relevant Town departments and offices (for example, Town Manager, Police Department, Fire Department, and Highway Department), as needed.

(3) A separate review will be conducted by the Town Engineer to address engineering issues such as drainage, road construction, lot size requirements, bonding, and any other engineering-related calculations.

(4) The Planning Staff will provide the applicant and the Planning Board with a memorandum summarizing Staff's review of the site/subdivision plan and any other review comments. Any technical items which are listed as outstanding or inadequate should be addressed by the applicant prior to being scheduled for a public hearing.

(5) If at any time an applicant wishes to discuss an application with the Board, a preliminary hearing will be scheduled by the Planning Staff. Abutters shall be notified at the applicant's expense.

(6) Any outstanding Subdivision Regulations requirements will be listed in the Planning Staff's memorandum to the Board for final clarification and resolution by the Planning Board.

(7) The applicant shall be responsible for submitting a completed checklist to Staff at the time of the review, including for each checklist item the corresponding sheet of the plans which are contained within a cover sheet/index sheet.

(8) The applicant shall submit a list of all waiver requests by section with bases for waiver in writing.

§ 235-3. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ABUTTER – As defined in RSA 672:3.

BOARD — The Planning Board of the Town of Plaistow, New Hampshire.

CUL-DE-SAC — A local street open at one end only and with special provision for turning around.

DIRECT LIGHT — Light emitted directly from the lamp, off of the reflector or reflector diffuser, or through the refractor or diffuser lens, of a luminaire. [Added 2-6-2002]

DWELLING UNIT — One or more rooms, including cooking facilities and sanitary facilities in an attached or detached structure, designed as a unit for occupancy by not more than one family for living and sleeping purposes.

EASEMENT — A right acquired by the Town of Plaistow to use or control property for a designated purpose.

ENGINEER — The duly designated engineer of the Town of Plaistow or such other official, assigned by the Plaistow Planning Board, who shall be a duly registered engineer or surveyor.

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

FIXTURE — The assembly that houses the lamp or lamps and can include all or some of the following parts: a housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and/or a refractor or lens. [Added 2-6-2002]

FLOOD OR SPOTLIGHT — Any light fixture or lamp that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction. [Added 2-6-2002]

GLARE — Light emitting from a luminaire with an intensity great enough to reduce a viewer's ability to see, and in extreme cases causing momentary blindness. [Added 2-6-2002]

HEIGHT OF LUMINAIRE — The vertical distance from the ground directly below the center line of the luminaire to the lowest direct-light-emitting part of the luminaire. [Added 2-6-2002]

HIGHWAY DESIGN MANUAL — The Highway Design Manual of the State of New Hampshire, Volumes 1 and 2, including all addenda.

IESNA — Illuminating Engineering Society of North America. [Added 2-6-2002]

INDIRECT LIGHT — Direct light that has been reflected or has scattered off of other surfaces. [Added 2-6-2002]

LAMP — The component of a luminaire that produces the actual light. [Added 2-6-2002]

LIGHT TRESPASS — The shining of light produced by a luminaire beyond the boundaries of the property on which it is located. [Added 2-6-2002]

LUMEN — A unit of luminous flux. One foot candle is one lumen per square foot. For the purposes of this chapter, the lumen-output values shall be the initial lumen output ratings of a lamp. [Added 2-6-2002]

LUMINAIRE — A complete lighting system, and includes a lamp or lamps and a fixture. [Added 2-6-2002]

MEASURE — A specific procedure designed to control runoff, erosion, or sediment.

OUTDOOR LIGHTING — The nighttime illumination of an outside area or object by any man-made device located outdoors that produces light by any means. [Added 2-6-2002]

PLAT — A map, drawing, or chart on which the subdivider's plan of subdivision is presented to the Plaistow Planning Board for approval and which, if approved, shall be submitted to the Registry of Deeds of Rockingham County for recording. The drafting of such a plan consists of a diagram drawn to scale showing all essential data pertaining to the boundaries and subdivisions of a tract of land as determined by survey or protraction. All data required for a complete and accurate description of the land which it delineates are show, including the bearings or azimuths and lengths of the boundaries of each division. A plat may constitute a legal description of the land and may be used in lieu of a written description.

RUNOFF — The portion of precipitation that makes its way overland toward stream channels or lakes.

SEDIMENT — Solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, or gravity as a product of erosion.

SLOPE — The degree of deviation of land surface from horizontal. Slope is expressed in percent by dividing a horizontal distance into the change in elevation that occurs within the distance. For the purpose of determining lot size categories, slope shall be determined by the standards for High Cooperative Soil Survey soil classification, where B equals 0-8%, C equals 8-15%, D equals 15-25%, and E equals greater than 25%.

SOIL TYPE — The designation of an area of land according to its soil properties and as defined by the standards for High Intensity Soil Maps for New Hampshire on file with the Rockingham County Conservation District and the United States Soil Conservation Service.

STANDARD SPECIFICATIONS — The Standard Specifications for Road and Bridge Construction of the State of New Hampshire Department of Public Works approved for general application and repetitive use.

STREET — A public way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, park, avenue, boulevard, land, place, or other designation. The word shall include the entire right-of-way.

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

TEMPORARY OUTDOOR LIGHTING — The specific illumination of an outside area or object by any man-made device located outdoors that produces light by any means for a period of less than seven days, with at least 180 days passing before being used again. [Added 2-6-2002]

WETLAND — As defined in the Zoning Ordinance. (Amended 4-1-15- See also Chapter 220, Zoning, Article XII, § 220-83.)

ARTICLE II
General Provisions

§ 235-4. Compliance with regulations required.

Plats for the subdivision of land shall conform to all regulations of the Planning Board, the zoning regulations, the Health Ordinance, and other applicable bylaws, ordinances, and regulations at both state and local levels.

§ 235-5. Approval required. (Amended 4-1-15)

A. Approval of subdivision plats by the Planning Board is required before the land may be divided and sold, leased, or otherwise conveyed or offered for sale, lease, or conveyance, including condominium conveyance.

§ 235-6. (Reserved) [1]

§ 235-7. Scattered or premature development.

A. To provide against such scattered or premature subdivision of land as would involve danger or injury to health, safety, or prosperity by reason of the lack of water supply, drainage, transportation, schools, fire protection, or other public services or would necessitate an excessive expenditure of public funds for the supply of such services, the Planning Board shall not allow such scattered or premature subdivision of land to take place unless the subdivider has shown either that the subdivision development is neither premature nor scattered and/or that premature or scattered conditions can be overcome by remedial action by the subdivider as evidenced by:

(1) Studies approved by the Planning Board and conducted at the expense of the subdivider; and/or

(2) On- and off-site improvements made at the expense of the subdivider.

B. The following items shall be considered in determining whether a proposed subdivision is scattered or premature:

(1) Distance from nearest elementary school.

(2) Capacity of school system and effect on school bus transportation.

(3) Adequacy of access street(s) and/or sidewalk(s).

(4) Adequacy of water supply for domestic and fire-fighting purposes.

(5) Potential health problems due to on-site sewage systems and water supply.

(6) Potential fire protection problems due to location and/or special conditions.

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1. **Editor's Note: Former § 235-6, Building permit, as amended, was repealed 12-7-2005. See now §§ 235-16, Building permit, and 235-17, Certificate of occupancy.**

(7) Potential special policing problems.

(8) Potential drainage problems both on the site and downstream.

(9) Excessive expenditure of public funds.

(10) Other potential problems within the meaning or purpose stated in § 235-38.

C. The subdivider may be required to have studies made under guidelines established by the Board to determine the effect that the proposed subdivision may have on the items enumerated in Subsection B above.

§ 235-8. Rights-of-way; reserve strips.

A. (Reserved)[2]

B. (Reserved)[3]

C. (Reserved)[4]

D. Rights-of-way for pedestrian travel and access shall be required between subdivisions or their parts or between a subdivision and public property.

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

§ 235-9. Adequacy of land.

A. Principles of land subdivision.

(1) All land to be subdivided shall be, in the judgment of the Board, of such character that it can be used for building purposes without danger to public health or safety or to the environment.

(2) Land subject to periodic flooding, poor drainage, or other hazardous conditions shall not ordinarily be subdivided.

(3) Land with inadequate capacity for sanitary sewage disposal shall not be subdivided unless connected to public sewers.

B. Lot size requirements/soil type.

(1) Determination of required lot size. Lot size must satisfy the requirements of the Zoning Ordinance of the Town of Plaistow[5] for the district within which the subdivision is located. Additionally, each lot shall conform to the

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2. **Editor's Note: Former Subsection A, Screening and buffering dimensions, was repealed 1-7-2004. For current provisions, see Ch. 230, Site Plan Review, Art. III, Landscaping.**

3. **Editor's Note: Former Subsection B, General landscape provisions, was repealed 1-7-2004. For current provisions, see Ch. 230, Site Plan Review, Art. III, Landscaping.**

4. **Editor's Note: Former Subsection C, which required park or playground areas or a monetary donation, was repealed 4-21-2004.**

5. **Editor's Note: See Ch. 220, Zoning.**

minimum lot size requirements for specific soil types and slopes as stipulated in Table 1,[6] attached herein, as follows:

(a) Residential: four or fewer bedrooms per dwelling unit. Minimum lot sizes for dwelling units with four or fewer bedrooms are detailed in Table 1.

(b) Residential: five or more bedrooms per dwelling unit. Minimum lot size for dwelling units with five or more bedrooms shall be proportionately larger than the minimum requirements stipulated in Table 1 according to the following: Required Minimum Lot Size = Bedrooms Per Dwelling Unit.

(c) Commercial and industrial establishments. Minimum lot sizes for commercial and industrial establishments shall in no case be less than the minimum stipulated in Table 1. Commercial and industrial subdivision approval shall not be construed to mean that a site development approval is granted. Minimum lot sizes for commercial and industrial establishments shall be determined by application of the following formula:

Required Minimum Lot Size = 0/2000 x (Minimum Lot Size From Table 1) + Land Area Needed For Protective Radius For Well. Q = gallons of wastewater discharged per day. Q shall be determined either from Table 2,[7] attached herein, and/or from metered flow figures for a similar establishment.

(2) Land use limitations.

(a) Wetland areas in which soils are classified as very poorly drained, freshwater marsh, or alluvial soils shall not be utilized to fulfill any portion of the minimum lot size requirements. (See also Chapter 220, Zoning, Article IV, § 220-25.)

(b) Areas in which the slope of the land exceeds 25% shall not be utilized to fulfill any portion of the minimum lot size requirement. Determination of the slope to be used in the calculation of minimum lot size requirements shall be assigned by a qualified soil scientist according to standards for High Intensity Soil Maps for New Hampshire, supplemented by the National Cooperative Soils Survey.

C. Water supply/sewage disposal systems.

(1) In areas not currently served by public sewer systems, it shall be the responsibility of the subdivider or his agent to provide adequate evidence showing that the area of each lot or parcel can accommodate the installation and operation of a sewage disposal system (septic tank and drain field) within

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6. **Editor's Note: Table 1 is included at the end of this chapter.**

7. **Editor's Note: Table 2 is included at the end of this chapter.**

its boundaries. The subdivider shall be required to provide the necessary percolation tests and submit such tests, together with the proposed plan, to the State of New Hampshire Water Supply and Pollution Control Commission for its consideration and approval.

(2) Adequate design information shall be submitted to the Board assuring that new or replacement water supply and/or sewerage systems are designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters and that on-site waste disposal systems are located so as to avoid impairment of them or contamination from them during flooding.

(3) Each lot created by a subdivision shall contain an area of contiguous land which shall contain at least twice the minimum number of square feet of leaching bed area as required by the New Hampshire Water Supply and Pollution Control Commission. Said area shall be located in close proximity to the logical placement of a dwelling. Such land shall not be built upon but shall be reserved for subsurface disposal systems. Not more than 1/2 of the designated area shall be used for the initial system.

D. Soil test pits, boring and percolation test pits. (Amended 4-1-2015)

All soil test pits or borings or percolation test pits shall be conducted with the Chief Building Official or Health Officer who shall witness all proposed tests.

E. Safety from flooding.

(1) All subdivisions and site plans shall be reviewed to determine whether such proposals will be reasonably safe from flooding.

(2) The proposal shall be consistent with the need to minimize flood damage within the flood-prone area. All public utilities and facilities, such as sewer, gas, electrical, and water systems, shall be located and constructed to minimize or eliminate flood damage. Adequate drainage shall be provided to reduce exposure to flood hazards.

(3) Proposed development plans shall include base flood elevation data. (See Article XII, Floodplain Development, of Chapter 220, Zoning).

(4) Compensatory storage shall be provided for all flood storage volume that will be lost as a result of fill placed within the floodplain when in the judgment of the Planning Board said loss will cause an increase or will contribute incrementally to an increase in the horizontal extent and level of floodwaters during peak flows. "Compensatory storage" shall mean a volume not previously used for flood storage and shall be incrementally equal to the theoretical volume of floodwater at each elevation, up to and including the one-hundred-year flood elevation, which would be displaced by the proposed project. Such compensatory volume shall have an unrestricted hydraulic connection to the same waterway or water body. Further, with respect to waterways, such compensatory volume shall be provided within the same

reach of the river, stream or creek.

(5) Work within the floodplain, including that work required to provide the above-specified compensatory storage, shall not restrict flows so as to cause an increase in flood stage or velocity.

§ 235-10. Phasing of subdivisions.

As an alternative to making the studies and/or improvements required by these regulations, the subdivider may propose to develop his subdivision in stages. Each stage shall be considered by the Board as a separate but related proposal and shall be subject to the regulations currently in effect at the time in which each particular stage is formally submitted. Circumstances which favor such treatment include, but are not limited to, the following hypothetical situations:

A. The Town and/or school district has plans to make public improvements and a schedule to implement these improvements in an area directly related to the land proposed for subdivision.

B. The land being subdivided can reasonably be separated into viable segments without violating the intent of these regulations as expressed in § 235-2B.

§ 235-11. Waivers.

A. When a proposed subdivision plat is submitted for approval, the applicant may request the Planning Board to waive specific requirements of these regulations as they pertain to the plat. All requested waivers shall be in writing. The basis for any waiver granted by the planning board shall be recorded in the minutes of the board. The planning board may only grant a waiver if the board finds, by majority vote, that:

(1) Strict conformity would pose an unnecessary hardship to the applicant and waiver would not be contrary to the spirit and intent of the regulations; or
(2) Specific circumstances relative to the subdivision, or conditions of the land in such subdivision, indicate that the waiver will properly carry out the spirit and intent of the regulations. (Amended 4-1-2015)

B. The Planning Board may consider waiving the requirements regarding design and construction standards only after consulting with the Town's Review Engineer.

ARTICLE III
Procedure for Subdivision Approval

§ 235-12. Board's procedures on plats. [8] [Added 4-5-2006]

Before any building permit for the erection of a structure, condominium conversion, subdivision of land, or lot line adjustment shall be granted, the owner or his agent shall make application for approval of such condominium conversion, lot line adjustment, subdivision, or site plan to the Planning Board of the Town of Plaistow, New Hampshire. In addition to the regulations set forth by the Town of Plaistow, applications filed with the Planning Board shall be subject to the requirements set forth in RSA 676:4. Preliminary review as spelled out under Subsection A shall be separate and apart from formal consideration under Subsection B, Formal consideration of application, and the time limits for acting spelled out under Subsection B(1).

A. Preliminary review. The Plaistow Planning Board regulations provide for preliminary review of applications and plats subject to the following:

(1) Conceptual consultation phase. This phase allows for review by the Board of the basic concept of the proposal and to make suggestions that might be of assistance in resolving problems with meeting requirements during final consideration. Such consultation shall not bind either the applicant or the Board, and statements made by Planning Board members shall not be the basis for disqualifying said members or invalidating any action taken. The Board and the applicant may discuss proposals in conceptual form only and in general terms such as desirability of types of development and proposals under the master plan. This hearing is considered an informal discussion and no plans or specific details may be presented. Such discussion may occur without the necessity of giving formal public notice as required under RSA 676:4I(d), but such discussions may occur only at formal meetings of the Board.

(2) Design review phase. This phase gives the applicant and the Planning Board an opportunity to discuss a proposal in much greater detail than is allowed in the conceptual consultation phase. The objective of design review is to provide the Board an opportunity to understand what is being proposed, and for the applicant to understand the concerns of all Town departments, boards, and commissions, the abutters, and the general public. Design review is intended to assure that the essential characteristics of the site and specific requirements of Plaistow's regulations are thoroughly reviewed and understood before the final design is prepared. The design review phase may proceed only after identification of and notice to abutters, holders of conservation, preservation or agricultural preservation restrictions, and the general public as required by RSA 676:4I(d). Statements made by the

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8. **Editor's Note: The provisions of former § 235-12, Application for approval, as amended, can now be foiund in § 235-18, Plan requirements.**

Planning Board shall not be the basis for disqualifying said members or invalidating any action taken.

(a) Information necessary for the design review phase includes:

[1] A site location map placing the parcel in the larger context of the community;

[2] A site survey showing pertinent features (including but not limited to boundaries, roads, driveways, structures, parking areas, and traffic flow) of the site;

[3] An indication of any future subdivisions contemplated in or adjacent to the proposal;

[4] A topographic map of the area;

[5] Any soils information such as permeability or boring data that has been gathered; and

[6] A sketch showing the proposed layout of lots, streets, recreation areas, watercourses, natural features, and easements.

(b) During the design review phase, the applicant may be alerted to site problems that can be resolved or mitigated before final plans are prepared. An abutter, for example, may point out an off-site drainage problem that may be affected by the proposal. The Planning Board can inform the applicant of any known site or subdivision projects of an adjoining parcel. The status of roads in the area of the proposal should be identified and may affect the Board's approach and the applicant's responsibilities.

(c) Also during this phase, the Board should inform the applicant of any variances or special exceptions that will need to be approved by the Board of Adjustment, and any special studies required by the regulations that must be provided as part of the completed application.

(d) Special arrangements can be made through the Planning Board staff for engineering, legal, or other types of review of the information submitted as part of the design review. All costs for such reviews shall be borne by the applicant.

(e) It shall be the policy of the Board to not continue design review hearings unless the Board determines that a missing piece of information is required in order for the Board to properly alert the applicant to problems that can be resolved or mitigated before final plans are prepared. The continued hearing will be limited to the topics specified by the Board at the time the hearing was continued.

B. Formal consideration of application.

(1) Completeness review.

(a) Before an application is formally submitted to the Planning Board for acceptance and approval, a completeness review is conducted by Planning Board staff that is intended to assure the Board that the application contains all of the items required by the regulations; it does not involve an evaluation of the material.

(b) Following the completeness review by Planning Board staff, the applicant is provided with written notification that specifies what items are needed in order to meet the requirements of the regulations.

(c) The notification specified in Subsection B(1)(b) shall also include the number of paper copies of the plan that need to be submitted with the application. A minimum of six are required for the public hearing; however, extra copies may be required for review by other Town departments, boards, and commissions.

(2) Submission.

(a) All applications shall be submitted to the Planning Office at least 21 days prior to a regular Planning Board meeting. Within 30 days of application submittal the Planning Board shall, at a public meeting, make a determination as to the completeness of the application per Article V, 235-18. (Amended 4-1-15)

(b) Once the application has been submitted the Planning Staff shall review all submitted materials as to their compliance with the Regulations and report all comments to the Board. In addition, the Planning Staff shall refer, as appropriate, all submitted materials to the Planning Board's Review Engineer for review and comment. [Added 12-6-2006[9]](Amended 4-1-15)

(c) A public hearing on completeness may be held 30 days after submission, however the Planning Board will not open the Public Hearing to act on approval until all plans and studies have been reviewed and comments returned to the Planning Board and its staff. [Added 12-6-2006, amended 4-1-15]

(d) The following fees and charges must be paid at the time of formal application submission. The total fee is the sum of all applicable fees described in the Plaistow Fee Schedule.[10] [Amended 12-3-2008, 4-1-15]

(e) Escrow monies. Every applicant is required to establish an escrow account to be held in a special, non-interest-bearing, escrow checking account held by the Treasurer of the Town of Plaistow. All escrow monies must be paid at the time of formal submission of the application.

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9. Editor's Note: This amendment also provided for the redesignation of former Subsection B(2)(b) and (c) as Subsection B(2)(d) and (e).

[10]. Editor's Note: All fee descriptions and their amounts moved from Subdivision regulations to the Plaistow Fee Schedule.

[1] This money will be used to pay the Planning Board Engineer, the Planning Board Attorney, or any other consultant as necessary to review and/or inspect the proposed subdivision, lot line adjustment or site plan. These reviews/inspections shall:

[a] (Reserved)

[b] Determine conformance with the applicable regulations, ordinances, statutes and other rules of law.

[c] Determine the overall feasibility of the proposed subdivision/site development.

[d] Verify the estimated cost of construction of all improvements.

[e] Verify all work is completed per the plan.

[2] Any escrow monies deposited and not used for the purposes stated herein shall be returned to the applicant upon a finding by the Board that the application is not complete or, for a completed application, that a final inspection of the site/subdivision by the Planning Board Engineer has occurred and a letter has been submitted to the Board from the Planning Board Engineer and from each applicable consultant stating that all proposed work has been completed satisfactorily. If the actual amount required to review or inspect proposed plans exceeds the amount deposited under this section, such amount in excess of said deposited amounts shall be paid to the Treasurer prior to the taking of any further action by the Board, its Engineer, Attorney, or any other consultant.

[3] Escrow amount.

[a] The initial escrow amount is listed in the Plaistow Fee Schedule. [Amended 12-3-2008]

[b] The determination of the required escrow fee shall be based on an estimated number of reviews and/or inspections required for the submitted plan.

(3) Notification. The Planning Board shall provide notification of the public hearing by certified mail at least 10 days prior to the date on which a public hearing on the application will take place. An applicant must submit the names and mailing addresses of the applicant and all abutters to the property under consideration. The names of the abutters must be taken from the municipal records not more than five days before the date on which the application is filed. The application shall also include the names and addresses of all holders of conservation, preservation, or agricultural preservation restrictions, and the name and business address of every engineer, architect,

land surveyor or soil scientist whose professional seal appears on any plat submitted to the Board. All such names included on the application shall receive a notification. A notice to the general public shall be given at the same time by posting and by publication, and it shall describe the proposal and identify the applicant and the location.

(4) Acceptance of the completed application. The Board shall vote to accept an application as complete within 30 days after the application has been formally submitted. The vote must occur at a regular meeting of the Planning Board and although it does not require a public hearing on the matter, it does require notification as per Subsection B(4). An application will not be accepted as complete by the Board unless it meets all of the applicable requirements outlined on the application forms, approved checklist and requirements contained in §§ 235-12 and 235-18 and Chapter 230, § 230-14.1. An application must be accepted as complete before the start of the public hearing on the application. The public hearing may or may not take place at the same meeting as the vote on completeness.

(5) Public hearing.

(a) The Planning Board Chairman will open the public hearing and then allow the applicant or the applicant's designee to make a presentation to the Board about the application. When the presentation is complete, all letters or e-mails sent to the Board about the application will be read into the record. The applicant or applicant's designee may then respond to any issues addressed in the letters or e-mails. When this is complete, the Planning Board members may then ask questions or raise concerns they have with the application. Again the applicant or applicant's designee may respond to the Board members' questions and concerns. When this is complete, the Chairman will ask any abutters, easement holders, or members of the general public for their questions and concerns.

(b) The Board reserves the right to request the applicant to submit additional data and/or studies that may be necessary for the Board to make its approval/disapproval decision. Such data and studies may extend beyond those required by the application checklist. The cost of obtaining the additional data and performing the additional studies shall be borne by the applicant and may require additional escrow monies as well to cover the cost of review by the Planning Board Engineer, Planning Board Attorney, or other consultant.

(c) After all questions or concerns have been addressed, the Chairman will either continue the hearing to a specific date and time or address any applicant-requested waivers by asking for a motion to grant or deny each waiver request. All waiver requests must be submitted to the Board in writing and must appear on the plan if the waiver is granted. No waiver of requirements regarding the design and construction standards shall be granted unless both the Board and the Planning Board Engineer agree that such a waiver is in the best interest of the Town and provides an

enhancement to the plan.

(d) After the waivers have been addressed, the impact fee assessment will take place. The Planning Board staff will provide a list of all applicable impact fees and their respective dollar amounts. Although impact fees cannot be waived, credits may be granted when the development proposed by the plan includes improvements that would otherwise be paid for through the collection of impact fees. Like waivers, the applicant must submit a written request for consideration of any impact fee credits. The Chairman will ask the Board for a motion to approve or deny the requested impact fee credit.

(e) After the impact fees and credits have been addressed, the Planning Board shall address vesting requirements necessary to meet the one-year and four-year exemptions as specified in RSA 674:39. The applicant may request an extension of the one-year requirement. The items listed in Subsection B(5)(e)[1] through [4] below should be considered minimum requirements. The Board may, on a case-by-case basis, require additional work to be completed for vesting. This may only be done by a majority vote of the Board.

[1] For subdivision plans "active and substantial development" shall mean all street layouts are complete and the concrete or asphalt binder course has been applied and all drainage work is complete. Where applicable, this would also include sidewalks or bike/pedestrian paths.

[2] For subdivision plans, "substantial completion" shall mean 60% of the buildings have been completed. This applies to primary and ancillary buildings in residential, commercial, and industrial subdivisions. All slopes must be stabilized with loam and seed.

[3] For site review plans, "active and substantial development" shall mean all foundations, septic systems, and wells are in place and all rough grading is complete.

[4] For site review plans, "substantial completion" shall mean all buildings are erected and all paved areas have the concrete or asphalt binder course applied.

(f) After all vesting requirements have been addressed, the Chairman will ask the Board for a motion to approve, conditionally approve, or disapprove the application. The public hearing will be closed after a vote has been taken on a motion.

(g) Decisions to conditionally approve must state all conditions that must be met before final approval is granted. A letter of such decision will be sent to the applicant; the letter will include all the conditions stated in the motion. The letter will also include all waivers granted, impact fees assessed, impact fee credits approved, and vesting requirements.

(h) Any condition set forth in any state permit approval, except those pertaining to construction details or schedules, shall automatically become a condition of approval that must be met before final approval by the Board is granted. Such conditions for approval may occur after the Board has conditionally approved an application and hence they would not be in the letter of decision described in Subsection B(5)(g).

(i) Decisions to disapprove must state all reasons (specific zoning, subdivision, site plan review, or state RSAs) for the disapproval. A letter of such decision will be sent to the applicant; the letter will include all the reasons for disapproval stated in the motion. A motion to disapprove may be made before any discussion of waivers, impact fees, or vesting takes place.

(j) Decisions to approve will also be followed by a letter to the applicant stating the application has been approved. The letter will also include all waivers granted, impact fees assessed, impact fee credits approved, and vesting requirements.

(k) Decisions to approve, conditionally approve, or disapprove must be made in a public hearing and must occur within 65 days of the date the application was accepted as complete. If it is not possible for the Board to make such a decision within the 65 days, then an extension may be granted by either of the following means:

[1] The Planning Board may petition the Board of Selectmen for an extension up to an additional 90 days and the Board of Selectmen grant the extension.

[2] The applicant waives the sixty-five-day requirement and establishes a mutually agreeable date, by the applicant and Board, at which time the Board must make the decision to approve, conditionally approve, or disapprove the application.

(6) Conditional approval.

(a) The Board may grant conditional approval of a plat or application, for which approval shall become final without further public hearing, upon certification to the Board by its designee or based upon evidence submitted by the applicant of satisfactory compliance with the conditions imposed. Final approval of a plat or application may occur in the foregoing manner only when the conditions are met:

[1] 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; or

[2] Conditions which are in themselves administrative and which involve no discretionary judgment on the part of the Board; or

[3] Conditions with regard to the applicant's possession of permits and

approvals granted by other boards or agencies or approvals granted by other boards or agencies.

(b) All other conditions shall require a hearing, and notice as provided in Subsection B(3), except that additional notice shall not be required of an adjourned session of a hearing with proper notice if the date, time and place of the adjourned session were made known at the prior hearing.

(7) Concurrent and joint hearings.

(a) The Planning Board may hold a hearing on site plan review in conjunction with a subdivision hearing if both are required for a project. Hearings on lot line adjustments or condominium conversions may also be held concurrently with hearings for site plan review or subdivision review.

(b) When an applicant is seeking approval from an additional land use board that also has jurisdiction over the project, the applicant may request a joint meeting or hearing over which the Planning Board shall preside. However, each land use board (Planning Board, Board of Adjustment) shall have discretion as to whether to hold such a meeting or hearing as requested.

(c) The notification as specified in Subsection B(3) must include notice of all concurrent hearings to be held and must also state if the public hearing is to be held during a joint meeting and if so the notice must state all boards participating in the joint meeting.

(8) Filing of plans/Mylar recording.

(a) Upon final approval of a lot line adjustment, condominium conversion plan, reclamation plan, subdivision plan, easement plan, or a site plan, including any conditions of approval the Planning Board Chairman shall sign the Mylar and six paper copies. The signed Mylar shall be recorded by the Planning Coordinator at the Rockingham County Registry of Deeds. All mylars must meet the requirements of the Rockingham County Registry of Deeds and should be "prechecked" by the responsible party to ensure they meet such requirements.

(b) The filing or recording of any plan without the approval and signature of the Planning Board as required hereby shall be void.

(c) Construction prior to plan approval. No person shall commence the construction of roads within the lot, tract, or parcel proposed to be subdivided, by clearing the land thereof of natural vegetation, placing any artificial fill thereon, or otherwise altering the land, nor shall he do any other act or acts which will alter the natural state of the land or environment, unless the subdivision plan relating thereto has been submitted and approved in accordance with the regulations of the Town of Plaistow. No person shall commence site work on property that is

intended to come before or is before the Planning Board for site plan review. Nothing in this section shall be construed to prevent the taking of test borings, the digging of test pits, or any other preliminary testing and inspection necessary to comply with the requirements of the Division of Water Supply and Pollution Control relative to information necessary for review and approval of the subdivision plan. [Added 12-6-2006]

(9) Preconstruction meeting.

(a) Upon final approval of a subdivision and/or site plan, following signature of the mylar(s) by the Planning Board Chairman, and recording of the mylar(s) by the Planning Board staff at the Rockingham County Registry of Deeds (RCRD), the applicant shall make arrangements with the Planning Board staff to hold a preconstruction meeting. The purpose of this meeting will be to review construction sequences and inspection schedules. Typically the applicant, Planning Board staff, Building Inspector, and the Planning Board Review Engineer would attend the preconstruction meeting.

(b) At the preconstruction meeting, the applicant shall submit a completed bond estimate worksheet that must be reviewed by the Planning Board Review Engineer and approved by the Planning Board. The Board's approval must take place at a regular Board meeting but does not require a public hearing or notification.

(10) Construction bonds(amended 4-1-15)

(a) **For Site Plans**: Construction bonding of sites includes on-site roads, drainage systems and individual public parking areas, erosion control systems, landscaping (or plantings) in buffer areas, loam and seed for the entire project area, fencing, construction survey, preparation of record drawings and other site improvements.

The security for site plans shall cover a minimum of 10% of the total site improvement cost estimate.

(b) **For Subdivisions**: Construction bonding for streets and roadways shall cover all work to be performed within the proposed right(s)-of-way and all work associated with the storm drain system(s). It shall also cover any required off-site improvements.

(c) In the case of electric lines or other utilities to be installed by a public corporation or a municipal department, a written statement shall accompany the bond from such public utility, corporation, or municipal department indicating that the installation will be placed underground, within the right-of-way, and that work will be done within a reasonable time and will be completed without expense to the Town.

(d) All bonds shall take the form either of a surety bond, issued by a surety company authorized to do business in the State of New Hampshire, a letter of credit, cash, or a savings book properly endorsed to the Town of Plaistow. All surety bonds or letters of credit shall be approved as to form by legal counsel of the Town of Plaistow and said security shall only be released upon approval by the Planning Board.

(11) Release of construction bonds (amended 4-1-15)

As work is completed, inspected, and found to be installed per approved plan, the applicant may request a corresponding portion of the construction bond to be released to the applicant. The requested release amount will be reviewed by the Planning Board Engineer and approved by the Board. In no case will the amount released reduce the amount remaining below 10% of the original total amount plus the anticipated cost of recording record (as-built) plans. It is expected that the ten-percent amount will roll over to a performance bond.

(12) Start of construction.

No construction can take place on the site or subdivision until the construction bond has been received by the Planning Board staff. The Town Treasurer will hold all bonds.

(13) Performance bonds

(a) Upon completion of improvements and approval by the Town, surety (performance bond) covering maintenance of roads and improvements for a period of two years from completion shall be required in an amount based on the cost of such improvements, as approved by the governing body. The amount of the performance bond shall be 10% of the construction bond. (Amended 4-1-15)

(b) The amount of the performance bond shall reflect 10% of construction costs and winter maintenance of streets, public improvements, drainage structures, other utilities. This amount shall not be released from the construction bond until the performance bond has been received by the Board of Selectmen. (Amended 4-1-15)

(c) The performance bond shall not be released until the following conditions have been met:

[1] The Board of Selectmen has received certification by the Town Engineer or authorized agent that:

[a] The road(s) have been in service for two years from the date of the submittal of the performance bond.

[b] The road(s), associated drainage infrastructure, and utility installation remain in good shape and continue to meet all

regulations and requirements in place at the time of the Planning Board approval of the plan.

[c] All other applicable improvements are in substantial accordance with the requirements.

[2] Deeds covering land to be used for public purposes, easements, rights-of-way over property to remain in probate ownership, and rights to drain onto or across private property are submitted in a form satisfactory to the Town Attorney. All recording fees shall be borne by the subdivider/developer.

(d) Until such time as the roads and associated improvements have been accepted by the Town, all road maintenance shall be provided by the developer and or project owner. (Amended 4-1-15)

§ 235-13. (Reserved) [11]

§ 235-14. Record drawings. [12] [Added 4-5-2006]

Record drawings shall be submitted with certification by a licensed engineer and/or licensed land surveyor printed thereon that all installations are as shown. Record drawings are to include as-built location and depths of all underground utilities, location of paved and/or gravel surfaces within the right-of-way, pavement center-line elevation, as-built location of guardrails, fencing, utility poles, lighting and all storm water systems, including drainage ditches, detention areas, watercourses and ponds, that were conditional to the Planning Board approval. All record drawings must be recorded by the Planning Staff at the Rockingham County Registry of Deeds and must meet all the same requirements of the Registry of Deeds.

§ 235-15. Changes in approved plans.

A. Minor changes. A minor change shall be one which respects the approved plan's basic land allocations in terms of use and intensity, the type and variety of facilities and buildings being approved, and/or the timing for providing these facilities, but shall not include any increase in the overall density of the development. The Board shall give proper notification of the proposed change to the public and to all abutters. If requested by the applicant or by an abutter, the Board shall hold a public hearing on the proposed change. The Board shall act to approve or disapprove the change with written notification to the owner of its action. Any approved changes involving changes in any lot boundaries shall be recorded in the Registry of Deeds.

B. Major changes. Any requested change which the Board determines does not qualify as a minor change shall be required to be submitted as a separate plan in accordance with these regulations and procedures.

§ 235-15.1. Conversion to condominiums. [Added 4-21-2004; amended 9-21-2005]

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11. **Editor's Note: Former § 235-13, Preliminary consultations and preapplication review, was repealed 4-5-2006. See now § 235-12A.**

12. **Editor's Note: Former § 235-14, Formal consideration of application, was repealed 4-5-2006. See now § 235-12B.**

A. Whenever any existing developed property is proposed for conversion to condominium ownership and before any building permit is issued for the alteration of such building, the owner or owner's agent shall apply for and secure subdivision approval for such proposed plan.

B. The project shall be submitted using the Town of Plaistow Planning Board application form and condominium conversion checklist. All applications, plans and legal documents submitted by the applicant must meet the requirements of the Town of Plaistow's zoning and regulations.[13]

C. All condominium documents will be reviewed by the Planning Board's attorney, and such costs will be borne by the applicant.

D. The responsibility for maintenance, operation, replacement, and protection of the water supply and sewage disposal systems shall be clearly established as that of the subdivider or association of owners or, in default of such obligation by the subdivider or association, by the individual owners, and a statement to this effect shall appear in the condominium agreement. The deed to each condominium unit shall contain these restrictions, which shall run with the land. In the case of the subdivider, such statement must specify the responsibility in the event of sale of the development, bankruptcy, or other default by it. In the case of an association of landowners, a copy of the articles of association shall be submitted to the Planning Board. Such statement of responsibility, including articles of association, shall specify that in no event shall the Town have any obligation for maintenance, operation, replacement, or protection of the water supply and sewage disposal systems.

§ 235-15.2. Lot line adjustments. [Added 12-7-2005]

For lot line adjustments that involve no improvements to a site and which do not create new lots, the project shall be submitted using the Town of Plaistow Planning Board application form and checklist. All applications, plans and legal documents submitted by the applicant must meet the requirements of the Town of Plaistow's zoning and regulations.[14]

§ 235-16. Building permit. [Added 4-5-2006]

A. No building permit will be issued for any building within the purview of these regulations until an approved subdivision plat, site review plan, or amendments thereof have been secured by the applicant and presented to the Building Inspector.

B. No building permit will be issued for any building within the purview of these regulations until a preconstruction meeting is held, a construction bond amount established and approved by the Board, and a bond for the approved amount is received by the Planning Board staff.

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13. **Editor's Note: See Ch. 220, Zoning.**

14. **Editor's Note: See Ch. 220, Zoning.**

§ 235-17. Certificate of occupancy. [Added 4-5-2006]

A. No certificate of occupancy permit shall be issued for any building until all improvements related to the construction of roads, up to and including the binder course, as well as the installation of storm drainage, runoff/erosion/sediment controls, fire cistern, and utilities, shall be certified by the design engineer as properly placed according to the approved subdivision plat.

B. If during the site construction activities, town owned property is damaged in any way, no certificate of occupancy will be granted until such damage has be repaired in full to the satisfaction of the Town or alternatively proper security is obtain to cover the cost to repair damage. (Amended 4-1-15)

C. No occupancy permit shall be issued for any building until all improvements related to the construction of roads, up to and including the binder course, as well as the installation of storm drainage, runoff/erosion/sediment controls, fire cistern, and utilities, shall be certified by the design engineer as properly placed according to the approved subdivision plat.

ARTICLE IV

(Reserved) [15]

ARTICLE V

Plats and Data for Final Approval

§ 235-18. Plan requirements. [Amended 3-2-2005; 12-7-2005; 4-6-2016]

Before any application for a building permit, the owner thereof or his agent shall make application for approval of such subdivision to the Planning Board of the Town of Plaistow, New Hampshire. The following information shall be provided and/or shown on a plat before the application shall be considered as complete. In addition the Town of Plaistow checklist may contain additional requirements that are not mandated for acceptance of the application.

A. Completed application form.

B. Payment of all application fees.

C. Owner authorization and signature (including condominium owners, if applicable).

D. Copy of deed and any deed restrictions and if in condominium ownership.

E. Current abutters' list and three sets of labels with abutters' name and legal mailing address.

F. Escrow account established.

G. Drainage calculations for existing and proposed conditions completed and submitted.

H. Location of existing and/or proposed easements or rights-of-way.

I. Waivers in writing and listed on plan, including regulation numbers.

J. Name and address of firm preparing plan.

K. Title block with description of project.

L. Title block with address and map and lot number.

M. Lot size(s) in square feet and acreage.

N. Signature block.

O. North arrow.

P. List of ZBA requirements for Planning Board to review and refer to ZBA.

Q. All information submitted to NHDES for site-specific application.

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15. **Editor's Note: Former Art. IV, Preliminary Layout/Preapplication Review, consisting of §§ 235-16, Layout, as amended, and 235-17, Data, was repealed 3-2-2005.**

R. Frontage (dimensions in feet).

S. Building setbacks shown.

T. Scale of plans; no specific scale is required. However, plans must be generated at a scale which is easily readable and understandable.

U. Vicinity sketch or locus showing the location of the site in relation to the surrounding street system, scale not to exceed one inch equals 1,000 feet.

V. Identify all zoning districts and boundaries.

W. Note indicating if in the Aquifer Protection District.

X. Location of flood zones or note indicating if in the flood zone.

Y. All information submitted to NHDOT for driveway permit and copies of all correspondence and permits.

Z. NHDES wetlands dredge and fill approval (if applicable).

AA. Identify the one-hundred-year flood elevation line.

BB. Boundary lines, including angles or bearings of the lines and dimensions.

CC. Existing and proposed water mains, sewers, bridges, culverts, drains, watercourses and ponds.

DD. Where the topography is such as to make difficult the inclusion of any items mentioned above, the preliminary layout shall show the boundaries of proposed easements over and under private property. Such easements shall be not less than 20 feet in width and shall have satisfactory access to existing public ways.

EE. A topography plan showing two-foot contour intervals. Slope will be indicated for each lot as described in the definition of a "slope" in § 235-3. Datum for all elevations shall be North American Vertical Datum of 1988 (NAVD88).

FF. Benchmark or benchmarks establishing the boundaries of the subdivision with bearing to at least half minutes and distances to hundredths of a foot.

GG. Benchmarks will be properly located on a fixed object with a direct sight to proposed leach fields and septic tanks.

HH. Location of soil test pots and logs of all soil explorations in accordance with the standards of the High Intensity Soil Maps for New Hampshire supplemented by the National Cooperative Soil Survey. Seasonal high water table, depth to bedrock and depth to firm sublayers (hardpan) should be specified.

II. Soil boundaries, soil symbols and slopes using standards of High Intensity Soil Maps for New Hampshire, supplemented by the National Cooperative Soil Survey, and determined by the on-site inspection of a certified soils scientist.

JJ. An estimate of the rate of runoff before and after development using the Soil Conservation Science Method for a twenty-five-year, twenty-four-hour rainfall (for

subdivisions larger than five acres).

KK. Approximate location and plan for each proposed soil erosion and sediment control measure as outlined by the Rockingham County Conservation District.

LL. Preliminary designs of any structures which may be required to control runoff.

MM. An estimate of storm water drainage capacity and location of all storm sewers, culverts and similar measures. The capacity of the storm water facilities shall be based on the estimated rate of runoff after construction for a ten-year, twenty-four-hour rainfall, using the Soil Conservation Service method.

NN. Location of all parcels of land proposed to be dedicated to public use, the conditions of such dedication, and a copy of such private deed restrictions as are intended to cover part or all of the tract.

OO. Location of any land proposed to be reserved as permanent recreation space, open space, and/or green space.

PP. Topographical contours at intervals not exceeding two feet, with spot elevations where grade is less than 5%. Datum shall be North American Vertical Datum of 1988 (NAVD88).

QQ. Existing and proposed grades, drainage systems, structures and/or features.

RR. Existing and proposed structures located on the site and for abutting properties.

SS. Existing and proposed septic systems (and proposed replacement area), wells (with protective radius for proposed) located on the site, and septic and wells located on abutting properties that are within 100 linear feet of the subject property.

<u>Exceptions</u>:

a) Wells located on abutting properties do not need to be located on subdivision plans if septic systems and replacement areas on the subject site are at least 100 linear feet from all lot-lines.

b) Septic systems and replacement areas on abutting properties do not need to be located on subdivision plans if said septic systems and replacement areas are at least 100 linear feet from all lot-lines.

TT. Existing and proposed roads, driveways, pavement, sidewalks, steps, or curbing, including the inside radii of all curves.

UU. Existing natural and man-made features and indication of which will be retained and which are to be removed or altered.

VV. Proposed fire protection features (cisterns, etc.).

WW. Wetlands boundaries/buffers.

XX. All information submitted to NHDOT for driveway permit and copies of all correspondence and permits.

YY. NHDES wetlands approval (if applicable).

ZZ. Cross section of proposed driveways/streets.

{{. Location, names and widths of existing streets abutting site.

||. Note stating: "Change of use requires review and/or approval of the Planning Board."

}}. All licensed professionals on the project team must place their contact information and respective NH certified professional stamps on the plan. Said professionals include, but are not limited to, surveyors, engineers, soil and wetland scientists.

§ 235-19. Other requirements.

A. State and/or federal permits. Prior to signature of the Mylars, all conditions specified in any required state and/or federal permit(s) must be met, including copies of all required documentation for meeting those conditions. [Added 12-7-2005[16]]

B. Dredge and fill operations. Whenever a dredge and/or fill operation is inherent in the development of a subdivision, and before the final plat shall be approved or disapproved, the subdivider shall submit to the Planning Board a copy of a dredge and fill permit for such operation officially approved by the New Hampshire Wetlands Board and local authorities.

C. Alteration of land (site specific) permit. Whenever an earth disturbance significantly alters more than 100,000 square feet of contiguous terrain, the subdivider shall submit to the Planning Board a copy of an alteration of land (site specific) permit for such operation officially approved by the Water Supply and Pollution Control Commission.

D. Special flood hazard areas. Sufficient evidence in the form of construction drawings, grading, and/or land treatment plans shall be provided regarding areas designated by the Zoning Ordinance of Plaistow (Article XII)[17] and by the Federal Insurance Administration (HUD) as areas of special flood hazard in order to determine that:

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

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

(3) Adequate drainage is provided so as to reduce exposure to flood hazards; same form as required in § 235-19B above.

§ 235-20. Time limits for improvements. [Amended 12-7-2005]

Each approval of a plat shall contain a time limit within which streets and public

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16. **Editor's Note: This enactment also redesignated former Subsections A through C as B through D, respectively.**

17. **Editor's Note: See Ch. 220, Zoning, Art. XII, Floodplain Development.**

improvements shall be completed. The time limit shall not exceed three years unless extended by the Planning Board with the consent of the subdivider/developer.

§ 235-21. On-site designation of property lines.

A. Before approval of the subdivision plan, actual wetlands boundaries shall be flagged in the field by a state-certified soils scientist. Flags shall be numbered and shall correspond with numbers and locations shown on the topographic plans.

B. Each change in direction of all lot lines shall be marked by a one-inch pipe three feet long, or other suitable permanent marker approved by the Board.

§ 235-22. Fees and charges.

A. The applicant shall pay the cost of any required publication or postings of notice.

B. The applicant shall pay the cost of mailing of any required notices.

C. All expense incurred by the Town in having the town's consultant engineer(s) and Planning Board Attorney review proposed subdivision plans shall be borne by the applicant. At the time of filing of an application for consideration by the Board, the applicant shall establish an escrow account with a minimum amount listed in the Plaistow Fee Schedule; escrow account to be held by the Town of Plaistow. Upon review of the plans by the Town Engineer, additional monies may be requested based on the projected cost of review services for individual projects. Whenever the actual amount required to review a proposed plan exceeds the amounts deposited under this section, such amount in excess of said deposited amount shall be paid to the Town of Plaistow prior to the Planning Board taking any final action or approval. Upon completion of the project, the balance of the monies in the escrow account shall be refunded upon request of the authorized person(s) and approval by the Planning Board. [Amended 4-21-2004; 12-3-2008]

D. [18]Amounts deposited under Subsection C above shall be held in a special escrow checking account by the Town of Plaistow for the purpose of paying any and all consulting engineer(s) and attorney fees for all technical or legal reviews of the plans, any site inspections during and after construction, and all other review services as called for by the Planning Board. Such reviews may include the determination of their conformance with the applicable regulations, ordinances, statutes, engineering practices, other rules of local, state, and federal law, as well as the review of construction and performance bonds amount(s) of all site improvements. [Amended 4-21-2004]

E. Any amount deposited under Subsection C above and not used for the purposes stated in Subsection D above shall be returned to the applicant upon the approval or disapproval of the final plat by the Board.

F. Application fees. [Amended 2-19-2003; 4-21-2004; 2-21-2007]

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18. **Editor's Note: Former Subsection D, which required payment of the cost of the Board's employment of a registered engineer to inspect improvements in a subdivision, was repealed 4-21-2004. This amendment also redesignated former Subsections E and H as D through G, respectively.**

(1) All site plan fees must be paid as called out in the Plaistow Fee Schedule. [Amended 12-3-2008]

(2) All subdivision fees must be paid as called out in the Plaistow Fee Schedule. [Amended 2-19-2003; 4-21-2004; 12-3-2008]

(3) All recording fees must be paid as called out in the Plaistow Fee Schedule. [Amended 2-19-2003; 4-21-2004; 12-3-2008]

(4) All minor site plan review application fees must be paid as called out in the Plaistow Fee Schedule. [Amended 12-3-2008]

(5) All change of use fees must be paid as called out in the Plaistow Fee Schedule. [Amended 12-3-2008]

(6) All conditional use permit fees must be paid as called out in the Plaistow Fee Schedule (when not included as part of a site plan). [Amended 12-3-2008]

(7) All hazardous materials storage permit fees must be paid as called out in the Plaistow Fee Schedule. [Amended 12-3-2008]

(8) All excavation permit application fees (for the public hearing) must be paid as called out in the Plaistow Fee Schedule. [Amended 12-3-2008]

(9) All revocation hearing fees (cost of legal notice, abutters and staff time) must be paid as called out in the Plaistow Fee Schedule. [Amended 12-3-2008]

(10) Note: Upon the denial of a plat, the tax update and recording fees will be refunded to the applicant.

(11) Payment in full must be received before making any appointment for presentation to the Planning Board.

(12) No permits/certificates will be issued until all fees are paid in full.

G. Publication fees.

(1) Master Plan: $25.

(2) Subdivision/Site Review Regulations: $20.

(3) Zoning Ordinance: $15.

(4) Capital Improvements Plan: $15.

(5) Zoning Map: $5.

§ 235-23. (Deleted 4-1-15)

§ 235-23.1. (Deleted 4-1-15)

§ 235-24. (Reserved) [19]

§ 235-25. Additional information and material. [Amended 4-5-2006]

In addition to the material and information specifically stipulated herein as requirements, the Planning Board may require the submission of other material and information deemed necessary to meeting the intent and requirements set forth in these regulations.

19. **Editor's Note: Former § 235-24, Inspection and assurances, was repealed 12-7-2005.**

ARTICLE VI
Filing of Plans

§ 235-26. Use of suitable material and ink.

All plans submitted for recording in the Registry of Deeds shall be on suitable reproducible tracing material other than paper with a thickness of not less than 002 of one inch, with all marking on the material to be with India or other permanent ink.

§ 235-27. Size of plans.

The size of all plans is limited to any of the following dimensions or such specifications and sizes of prints as may be required by the Register of Deeds in order to ensure suitable, permanent records: 81/2 x 11 inches; 11 x 17 inches; 17 x 22 inches; 22 x 34 inches.

§ 235-28. Approval and endorsement required.

No plat shall be filed or recorded in the offices of said Register of Deeds until it has been approved by the Planning Board and such approval has been endorsed in writing on the plat in such manner as the Planning Board may designate.

§ 235-29. Streets and parks to become part of Official Map.

After such plat is approved and filed, subject, however, to review by court as hereinafter provided, the streets and parks shown on such plat shall be and become a part of the Official Map of the municipality.

§ 235-30. Transmission to Registry of Deeds.

The Chairman or Secretary of the Planning Board or a designated agent for the Board shall transmit a record of the approved plat and/or the approved changes to a previously recorded plat to the Registry of Deeds of Rockingham County.

§ 235-31. Plat filed without approval void.

The filing or recording of a plat of a subdivision without the approval of the Planning Board as required hereby shall be void.

ARTICLE VII
Design and Installation of Improvements

§ 235-32. Construction of roads.

A. Street arrangement.

(1) The arrangement, character, extent, width, grade, and location of all streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to their appropriate relation to the proposed uses of the land to be served by such streets.

(2) Shrubberies, trees, or other obstructions at street corners shall be subject to such regulations as the Board may require.

(3) The arrangements of streets within a subdivision shall either:

(a) Provide for the continuation or appropriate projection of existing streets in surrounding areas or possible future streets; or

(b) Conform to a plan for the neighborhood, approved or adopted by the Planning Board, to meet a particular situation where topographical or other conditions make continuance or conformance impractical.

B. Roadway classes and typical cross section.

(1) Streets shall be classified according to their intended function as defined below:

(a) Major street. A street which is being used or will be used as a thoroughfare between different portions of the Town.

(b) Secondary street. A street intercepting several minor streets and which may carry traffic from such minor streets to a major street or community facility, including the principal access/circulation street of a residential subdivision and all streets of a business or industrial subdivision.

(c) Minor street. A street used to provide access to abutting lots and which is not intended for use by through traffic.

(2) All streets in a residential subdivision shall be assumed to be secondary streets unless the developer can prove by the design of the subdivision or deed restriction that the streets will not be extended to serve other adjacent properties in the future.

(3) An illustration of a typical roadway section is attached as Exhibit A to these regulations.[20]

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20. **Editor's Note: The Typical Road Cross Section as amended 3-11-2003 ATM by Art. P-23 and 12-6-2006 by the Planning**

C. Street design standards.

(1) Design standards specified below indicate the minimum requirements which shall be adhered to in the design and layout of subdivision roadways.

(2) All proposed streets shall be required to add a minimum four-foot paved shoulder to at least one side of all roadways determined by the Planning Board. (See design standards.)

Design Standards
[Amended 11-20-2002]

	Major Street	**Secondary Street**		**Minor Street**
		Non-Resi-dential	**Resi-dential**	
Right-of-way (ROW) width	60'	60'	50'	50'
Pavement width	40'	32'	24'	22'
Maximum grade	5%	7%	9%	9%
Sight distance	500'	350'	300'	200'
Horizontal alignment (minimum center-line radius)	600'	600'	300'	250'
Intersections of streets Minimum intersection angle	75°	75°	75°	75°
Minimum center-line offset	125'	125'	125'	125'
Minimum radius at edge of travel way	40'	30'	25'	25'
Sight distance at intersection	500'	500'	275'	200'
Dead-end streets Minimum length without cul-de-sac	Not permitted	Not permitted	Not permitted	200'
Maximum length with cul-de-sac	Not permitted	2,000'	2,000'	2,000'
Minimum edge of pavement radius of cul-de-sac	—	50'	50'	50'
Minimum radius of ROW line of cul-de-sac	—	60'	60'	60'

The Board may modify the maximum and minimum gradient of streets where, in its judgment, existing topographic conditions or the preservation of natural features

indicates that such modification will result in the best subdivision of land. Requirements may be waived or modified by the Board only if a determination is made that the general guidelines enumerated in § 235-32C above can be better implemented by a waiver or modification of a specific design requirement. Generally, roadway design shall be in accordance with the requirements of "A Policy on Geometric Design of Highways and Streets 1984," Chapter V, Local Roads and Streets, by the American Association of State Highway and Transportation Officials.

(3) The maximum grade of 9% shall not exceed 500 feet per grade.

(4) A grade no greater than 3% shall be allowed within 75 feet of the edge of the right-of-way of an intersecting street.

D. Site preparation.

(1) Preconstruction meeting. Before the start of construction of streets and roadways, a preconstruction meeting between the developer, developer's contractor, the Building Inspector, and the town's consultant engineer shall be required.

(2) Monuments. At all points of curvature, points of tangency, and all points along the right-of-way, granite stone bounds shall be set by a New Hampshire licensed surveyor. Stone bounds shall be granite bounds, four inches to eight inches by not less than four feet zero inches. The top of the bound shall be roughly perpendicular to the length of the stone and shall have a one-half-inch inch drill hole at least 1/2 inch deep near or at the center. The stone shall be in accordance with Section 622 of the Standard Specifications. (See § 235-3 for definition of "Standard Specifications.")

E. Excavation, embankment, subgrade surface.

(1) Subgrade embankments for all streets and roadways shall be constructed in accordance with the Standard Specifications and Subsection E(2) through (6) which appear below. If there is any conflict between the Standard Specifications and those specified in these regulations, the more stringent shall apply.

(2) The entire area of each street or way shall be cleared and cleaned of all stumps, brush, roots, boulders, and like material and shall not be used for fill. Ledge occurring anywhere in the full cross section of the roadway shall be cleared to a minimum depth of three feet below the finished surface. Ledge occurring in pipe trenches must be cleared so as to have a gravel cushion of at least one foot below and on both sides of the pipe.

(3) All loam, soft clay, and other yielding material shall be removed or stripped from the roadway area to a depth of no less than three feet below the finished grade and/or to a depth that may be required by the Town Engineer.

(4) All earthwork operations involving the embankment of three feet or more of

on-site or off-site materials shall be certified by an engineer or an Independent Soils Laboratory as conforming to Section 203, Excavation and Embankment, of the Standard Specifications. The Engineer or Independent Soils laboratory shall be approved by the Planning Board, and the cost of certification testing and inspection shall be paid for by the subdivider/developer. Compaction of all earth embankment shall be at least 95% of maximum density. The maximum density determination shall be made as specified in AASHTO T99 (standard proctor test).

(5) Prior to placing the gravel-based course, the surface of the subgrade shall be fine graded to conform to the typical section of the plans. All depressions or areas where unsuitable materials, organics and ledge that have been removed shall be filled with sand or gravel per NHDOT Item Nos. 304.1 and 304.2; such areas shall be compacted until the surface is smooth and satisfactorily compacted. A tolerance of 1/2 inch above or below the finished subgrade will be allowed provided that this 1/2 inch above or below grade is not maintained for a distance greater than 50 feet and that the required crown is maintained in the subgrade. The subgrade shall be compacted by mechanical means. Any portion of the subgrade which is not accessible to a roller shall be thoroughly compacted with mechanical tampers or by other adequate methods approved to be satisfactory by the Engineer.

(6) A letter of certification of all embankments and subgrades shall be furnished to the Planning Board by the soils laboratory or by the developer's engineer within five calendar days after the work is completed. The cost of all embankment testing and certification shall be paid by the developer.

F. Base courses.

(1) Base courses shall consist of a fifteen-inch gravel base over which a six-inch crushed gravel base shall be provided in accordance with the typical cross section included with these regulations.[21] A tolerance of 3/8 inch in 10 feet in any direction from the theoretical plane shall be allowed. The base course shall be compacted in accordance with the Standard Specifications and shall be inspected and approved in writing by an independent soils laboratory.

(2) A letter of certification that the base course meets the standard specification shall be furnished to the Planning Board by the soils laboratory or developer's engineer within five days after the work.

G. Paving of roads and streets.

(1) Bituminous concrete paving for all roads and streets shall conform to the Standard Specifications. Bituminous concrete paving shall be constructed in two courses: a two-inch binder course and a one-inch wearing course. Mixtures shall be placed only when the underlying surface is dry and frost free and when the surface temperature is above 40° F. for courses greater than

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21. **Editor's Note: The Typical Road Cross Section as amended 3-11-2003 ATM by Art. P-23 and 12-6-2006 by the Planning Board is on file in the Town offices.**

11/4 inches in compacted depth and above 50° F. for courses less than 11/4 inches in compacted depth. In case of sudden rain, the Engineer may permit the placing of mixtures then in transit from the plant if laid on a base free from pools of water, provided all other specifications are met. No load shall be sent out so late in the day that spreading and compaction cannot be completed during daylight. The wearing course shall not be placed after October 1 of any year.

(2) The bituminous surface course shall have a total compacted thickness of three inches. Bituminous concrete shall be placed and compacted in accordance with Section 401, Plant Mixed Pavements, of the Standard Specification. The contractor shall furnish and have available a ten-foot metal straight edge at all times during pavement operations. All courses shall be tested with a straight edge laid parallel to the center line, and any variations from a true profile exceeding 3/16 inch shall be satisfactorily eliminated. The finished surface of the pavement shall be uniform in appearance, free from irregularities in contour, and shall present a smooth riding surface.

(3) Sworn weight tickets for all bituminous concrete paving shall be submitted to the Planning Board for the purpose of calculating the thickness. The Board reserves the right to have an independent laboratory take a core sample from the roads and/or streets for the purpose of determining pavement thickness and mix design. Said tests shall be paid for by the subdivider/developer. Should tests prove the pavement to be substandard, the Board will order corrective measures to be taken.

H. Dead-end streets. Should a street be dead-end as of October 31 of any year, a turnaround shall be provided beyond the furthest bounds of the last approved lot, or the subdivider shall be responsible for snow removal cost incurred in plowing all unaccepted roads.

I. Driveway entrances.

(1) Driveway entrances shall be shown on the plans and designed in accordance with the Policy and Procedure for Driveways and their Access to the State Highway System.

(2) Driveway entrance permits shall be obtained from the Highway Supervisor for driveways extending to proposed roads as well as for driveways extending to existing (town accepted) roads and from the State Highway Department for state roads. Before any commercial/industrial or residential subdivision driveway can be constructed Planning Board approval of the site plan must be obtained.

(3) In all cases, the number of points of access to a given street shall be held to a minimum, preferably one, in order to reduce traffic hazards caused by turning movements and to ease the installation of traffic control devices when necessary.

(4) Driveways shall have no more than a three-percent grade within 25 feet of the

edge of the right-of-way of an intersecting street.

(5) All driveways which cross a drainage swale shall require culverts.

J. Road damage. Any time building takes place on any lot on any Town road, the developer and/or landowner shall be responsible for any damage to the road resulting from the development. No occupancy permit will be granted, and a lien may be placed against the property until such time as the road is repaired to the satisfaction of the Highway Department.

§ 235-33. Storm drainage.

A. Storm drain system.

(1) For the purpose of designing storm drain systems, the subdivider shall engage a licensed professional engineer, currently licensed to practice in the State of New Hampshire, to make a complete study of the proposed subdivision, including contiguous properties which may be contributing runoff water or natural watercourses.

(2) Design criteria shall be based on the twenty-five-year storm cycle as used by the State of New Hampshire for the construction of flood control measures and systems with specific reference to cross culverts. Closed drainage systems and roadside ditches, including driveway culverts, shall be designed for a minimum ten-year storm cycle.

(3) An estimate of the present rate of runoff and another estimate of the rate of runoff after construction is complete shall be required. Rates of runoff shall be calculated for a ten-year, twenty-five-year, and one-hundred-year, twenty-four-hour rainfall. The subdivider/developer shall use the Soil Conservation Service method Urban Hydrology for Small Watersheds Technical Release 55, June 1986, to determine the rate of runoff. Design shall provide for retention or detention basins to prevent increase to peak runoff for the design storms. In some cases, small sites may not feasibly lend themselves to runoff delay areas. If the developer can demonstrate the impracticability of such structures, the Board may waive this requirement. However, leaching basins and other such structures may be required to mitigate runoff increases, but leaching structures without outlet pipes shall be avoided wherever possible.

(4) Watershed areas before and after development shall be clearly demonstrated on the submitted plans.

(5) The rational method of runoff calculations may be used on small sites where the Soil Conservation Service method is not applicable.

(6) An erosion and sediment control plan and a drawing identifying the various measures proposed for the control of runoff erosion, approved by the New Hampshire Division of Water Supply and Pollution Control and in accordance with the requirements of Articles IV and V of these regulations shall be provided. All lots affected by drainage easements shall be required to have their individual deeds written with the requirement that property owners shall

own and maintain said easements and that no construction, alteration, or obstruction of drainage facilities within the said easement will be permitted.

B. Storm drainage specifications.

(1) All storm drainpipes shall be reinforced concrete (NHDOT, Class III) or high-density polyethylene (HDPE). HDPE pipe shall have a corrugated exterior and smooth interior and shall have a minimum diameter of 12 inches. All drainage pipe shall have a minimum cover of two feet below paved surfaces and shall support H-20 loading. Concrete or masonry headers (or flared end sections) shall be constructed at the end of all drainpipes. All structures, pipes and appurtenances shall conform to the design standards and methods specified in the current NHDOT Standard Specifications for Road and Bridge Construction.

(2) Drainpipes shall be bedded and blanketed in sand (NHDOT Item 304.1) to within a distance of six inches from the pipe exterior. There shall be continuous support along the bottom of the pipe. A letter of certification on pipe class and strength shall be submitted to the Planning Board from the pipe manufacturer. The subdivider/developer shall employ an independent registered engineer as approved by the Board to inspect the construction and compacted backfill operations of the pipelines, structures, and appurtenances. The developer's engineer shall certify that the construction is per State of New Hampshire specifications in writing to the Board.

(3) Backfill for storm drainpipes shall be placed in six-inch lifts and compacted to an in-place density not less than 95% of the maximum density as determined by AASHTO T99. Backfill shall be the natural material excavated during the course of construction, but shall exclude debris, pieces of pavement, organic matter, topsoil, wet or soft muck, peat or clay, all excavated ledge material and all rocks over six inches in diameter.

(4) Riprap aprons shall be constructed at all inlet and outlet approach channels. Riprap apron dimensions and stone sizes shall be in accordance with the latest edition of the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire, Chapter 7.

(5) The subdivider/developer shall pay for the cost of inspection and testing.

§ 235-34. Runoff, erosion and sediment control.

A. In order to promote the safety, public health, convenience, and general welfare of the community, proper measures for water disposal and the protection of soil surfaces during and after construction of a development shall be required.

B. No subdivision plan involving five or more acres shall be granted approval unless it includes plans for runoff, erosion, and sediment control. The developer shall bear the final responsibility for the design, installation, and construction of all required runoff, erosion, and sediment control measures according to the provisions of these regulations.

C. Silt socks shall be used as the primary erosion control methodology. Other methods may be used in addition to silt socks. The Planning Board may approve methods other than silt socks if the applicant can demonstrate to the Board that those methods will provide superior erosion control. [Added 12-3-2008]

§ 235-35. Fire protection. [Amended 4-21-2004]

See Ch. 230, Art. IV.

§ 235-36. Street signs.

The subdivider/developer shall provide and install street signs approved by the Board.

§ 235-36.1. Lighting requirements. [Added 2-6-2002]

A. These regulations are intended to reduce the problems created by improperly designed and installed outdoor lighting; eliminate problems of glare, minimize light trespass, and help reduce the energy and financial costs of outdoor lighting; limit the area that certain kinds of outdoor lighting fixtures can illuminate; require the use of high-efficiency lamps in public areas; and limit the total allowable illumination of lots located in the Town of Plaistow.

B. All public and private outdoor lighting installed in the Town of Plaistow shall be in conformance with the requirements as specified below:

(1) Luminaire design factors.

(a) Any luminaire with a lamp or lamps rated at a total of more than 1,800 lumens, and all flood or spot luminaires with a lamp or lamps rated at a total of more than 900 lumens, shall not emit any direct light above a horizontal plane through the lowest direct-light-emitting part of the luminaire.

(b) Any luminaire with a lamp or lamps rated at a total of more than 1,800 lumens, and all flood or spot luminaires with a lamp or lamps rated at a total of more than 900 lumens, shall be mounted at a height equal to or less than the value 3 + (D/3), where D is the distance in feet to the nearest property boundary. The maximum height of the luminaire may not exceed 25 feet.

(c) Any luminaire used to illuminate a public area such as a street or walkway will utilize an energy-efficient lamp such as a low-pressure sodium lamp, high-pressure sodium lamp or metal halide lamp. Mercury vapor lamps shall not be used due to their inefficiency and high operating costs. Luminaires used in public areas such as roadway lighting shall be designed to provide the minimum illumination recommended by IESNA in the most current edition of the "IESNA Lighting Handbook."

(2) Exceptions.

(a) Any luminaire with a lamp or lamps rated at a total of 1,800 lumens or

less, and all flood or spot luminaires with a lamp or lamps rated at 900 lumens or less, may be used without restriction to light distribution or mounting height, except that if any spot or flood luminaire rated 900 lumens or less is aimed, directed, or focused such as to cause direct light from the luminaire to be directed toward residential buildings on adjacent or nearby land, or to create glare perceptible to persons operating motor vehicles on public ways, the luminaire shall be redirected or its light output controlled as necessary to eliminate such conditions.

(b) Luminaires used for public roadway illumination may be installed at a maximum height of 25 feet and may be positioned at that height up to the edge of any bordering property.

(c) All temporary emergency lighting needed by the Police or Fire Departments or other emergency services, as well as all vehicular luminaires, shall be exempt from the requirements of this section.

(d) All hazard warning luminaires required by federal regulatory agencies are exempt from the requirements of this section, except that all luminaires used must be red and must be shown to be as close as possible to the federally required minimum lumen output requirement for the specific task.

(e) Luminaires used primarily for sign illumination may be mounted at any height to a maximum of 25 feet, regardless of lumen rating.

(3) Temporary outdoor lighting. Any temporary outdoor lighting that conforms to the requirements of these regulations shall be allowed. Nonconforming temporary outdoor lighting may be permitted by the Planning Board after considering: the public and/or private benefits that will result from the temporary lighting; any annoyance or safety problems that may result from the use of the temporary lighting; and the duration of the temporary nonconforming lighting. The applicant shall submit a detailed description of the proposed temporary nonconforming lighting to the Planning Board, which shall consider the request at a duly called meeting. Prior notice of the meeting of the Planning Board shall be given to the applicant and to the Plaistow Highway Safety Committee. The Planning Board shall render its decision on the temporary lighting request within two weeks of the date of the meeting. A failure by the Planning Board to act on a request within the time allowed shall constitute an approval of the request.

(4) Authorization for installation of public area and roadway lighting.

(a) Installation of any new public area and roadway lighting fixtures, other than for traffic control, shall be specifically approved by the Plaistow Planning Board and Highway Safety Committee.

(b) All requests for new public area and roadway lighting fixtures shall be made in writing to the Plaistow Planning Board.

(c) Before any proposal for new public roadway lighting luminaires shall be decided by the Planning Board, the Highway Safety Committee shall hold a public hearing to describe the proposal and to provide an opportunity for public comment. Notice of the hearing shall be printed in a newspaper of general circulation not less than one week prior to the date of the hearing and shall be posted for a period of at least one week before the meeting.

§ 235-37. Utilities.

A. Unless otherwise approved by the Board, electric, telephone, cable television distribution, and alarm systems shall be placed underground, including services to streetlights. The subdivider/developer shall coordinate subdivision design with the utility companies to ensure adequate and suitable area for underground installations.

B. The Planning Board may require the installation of street lighting where deemed necessary.

§ 235-38. Scattered or premature development.

If it is determined by the Planning Board that the proposed subdivision will be scattered or premature unless special on- and/or off-site improvements are made, the Board may require the subdivider/developer to make said improvements prior to or as a condition of approval of the subdivision. These improvements may consist of, but not be limited to, the following:

A. Improvement of any access street to the subdivision in accordance with appropriate street standards if such access would otherwise be inadequate and provided the Town owns or provides the right-of-way.

B. Extension of public water and/or sewer system(s) if either or both are within 3,000 feet of the subdivision and provided that the subdivision serves or can potentially serve 12 or more lots.

C. Construction or reconstruction of sidewalks on any access street where potential increase in pedestrian traffic will occur and provided the Town owns or provides the right-of-way.

D. Construction of static water supplies (fire ponds) with dry hydrants for fire protection.

E. Provision of traffic signals at intersections and reconstruction of intersections in the immediate area of the proposed subdivision if such intersection would otherwise be inadequate and provided the Town owns or provides the right-of-way.

§ 235-39. Reserved street/open space.

A. On land to be used as active or passive recreation open space, the following practices shall be followed:

(1) Undesirable growth and debris shall be removed.

(2) Wooded and brook areas shall be left natural.

(3) Active recreation open spaces shall be graded properly to dispose of surface water and shall be seeded with lawn grass.

(4) There shall be no depositing, dumping, or storage of waste or other natural or man-made material, supplies, or equipment.

(5) No work, removal, or filling shall be done, nor shall the existing natural characteristics of open space land be altered from the original condition until and unless a professionally prepared site plan shall be approved by the Board.

B. No street or open space will be accepted by the Town until such time as all improvements have been carried out as shown on the final plat, in accordance with the requirements of these regulations, and subject to any condition established by the Planning Board at the time of final plat approval.

ARTICLE VIII
Manufactured Housing Park Subdivisions

§ 235-40. General provisions.

A. Manufactured housing parks shall meet all applicable requirements set forth in the planned residential development (PRD) chapter of the town's Zoning Ordinance,[22] these subdivision regulations, the town's site development plan regulations and building code,[23] as well as all other local regulations pertaining to the health, safety, and welfare of the inhabitants therein.

B. The owner or operator of a manufactured housing park shall comply with all regulations set forth in Chapter 205-A of the New Hampshire Revised Statutes Annotated, titled "Regulation of Manufactured Housing Parks," said regulations encompassing, but not limited to, the following topics: definitions; prohibitions; terminations of tenancy; permissible reasons for eviction; fees, charges, assessments; security deposits; purchase of equipment; unfair trade practices; health and safety conditions; and tenant rights to notification of a park sale.

C. Real estate transfer of manufactured housing shall be permitted in accordance with RSA 331-A:10 and RSA 477:44 as applicable.

D. The placement of manufactured housing on land within the Town of Plaistow shall be subject to property tax regulations set forth in RSA 72:7-a and b, RSA 73:16-a, RSA 78-B:4, IV, and RSA 80:2-a as applicable.

E. Manufactured housing parks shall be permitted in planned residential developments in all residential districts in the Town and shall comply with all regulations pertaining to the residential district in which they are located.

F. During the development of any manufactured housing park, that portion of said park which is used, occupied, and/or made available for the use and occupation of manufactured homes shall be subject to the applicable standards of the New Hampshire Division of Water Supply and Pollution Control and the Sanitary Laws and Regulations of the New Hampshire Division of Public Health Services.

§ 235-41. Construction.

A. The provisions of the Zoning Ordinance, the site development plan regulations, the building code, and these subdivision regulations shall apply to all construction, alteration, repair, and addition to manufactured homes and structures within a manufactured housing park unless otherwise modified herein.

B. Skirting and other attached structures.

(1) The skirting of manufactured homes is permitted in order to achieve better

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22. **Editor's Note: See Ch. 220, Zoning, Art. VI, Planned Residential Development.**

23. **Editor's Note: See Ch. 230, Site Plan Review, and Ch. 31, Building Construction.**

heating capability.

(2) Skirting, cabanas, awnings, porches, and other additions shall not be attached to a manufactured home unless approved by the Building Inspector.

C. Fuel service and storage.

(1) All piping from outside fuel storage tanks or liquefied petroleum gas cylinders to a manufactured home shall be copper or other acceptable metallic tubing mechanically connected and shall be permanently installed and securely fastened in place. All fuel storage tanks, including oil tanks or cylinders, shall be securely fastened in place and shall not be located inside or beneath a manufactured home or within five feet of any manufactured home exit. When a manufactured home is provided with a full basement, fuel storage tanks may be located within that basement. Racks to hold all fuel tanks or cylinders shall be of a design which will prevent tipping or accidental overturning. Oil tanks shall be screened by adequate shrubs or fencing.

(2) Liquefied petroleum gas for cooking purposes shall not be used on individual manufactured housing lots unless the containers are properly connected. Liquefied petroleum gas cylinders shall be securely fastened in place and shall be adequately protected from the weather.

(3) The storage of firewood, coal, coke, or other fuels and/or equipment shall be handled in a manner that does not constitute a fire hazard.

(4) Only one single-story storage building may be installed on any one manufactured housing lot. The maximum size shall not exceed 12 feet by 14 feet by 10 ten feet wall height. Plans for such storage building must be approved by the Building Inspector, and a building permit must be issued before erection on the lot takes place.

§ 235-42. Fire protection.

A. The manufactured housing park shall be subject to the rules and regulations of the Town of Plaistow Fire Department.

B. Fire hydrants or other means of sufficient water supply delivery for fire-fighting purposes shall be installed in accordance with a determination made by the Town of Plaistow Fire Department.

C. The Plaistow Fire Department may take whatever additional measures it deems necessary for adequate fire and safety conditions within the manufactured housing park.

§ 235-43. Refuse disposal.

A. The storage, collection, and disposal of refuse in manufactured housing parks shall be managed so as to create no health hazards.

B. All garbage and rubbish shall be collected at least once weekly from a location(s) designated by the Health Officer, with manufactured housing management being

held responsible for garbage and rubbish being deposited at the collection location(s).

§ 235-44. Management.

Management and operation of the manufactured housing park shall be conducted in accordance with local and state regulations as noted in § 235-40, General provisions, above.

§ 235-45. Design standards.

Design standards shall meet those standards set forth in applicable sections of the Zoning Ordinance, site development regulations, these regulations, and other local and state regulations.

§ 235-46. Water supply and sewage disposal.

A. A water supply servicing each manufactured home must meet the requirements of the New Hampshire Division of Water Supply and Pollution Control (DWSPC) and local regulations. The system shall provide a minimum of 20 pounds per square inch of pressure entering each manufactured home lot. The design and construction of the system, as well as the water piping, shall comply with DWSPC requirements and the regulations of this town. Water service connections to manufactured homes shall be so constructed as to prevent damage from the parking of such homes.

B. The sewage disposal system for all manufactured housing lots in the park shall be approved by the DWSPC and the Health Officer of the town. The design and construction of the sewage system, as well as the sewer connections, shall comply with all state and Town requirements and regulations.

§ 235-47. Utilities.

A. A secured, weatherproof electrical outlet supplying 220 volts shall be provided for each manufactured housing lot and shall comply with all applicable state and local electrical codes and ordinances.

B. All power lines, telephone lines, and television lines shall be located underground, each system installed in general conformance with one another and in a manner which prevents each system from incurring damage from vehicular traffic.

§ 235-48. Issuance of required license to operate.

A. It shall be unlawful for any person to operate or maintain a manufactured housing park without a valid license issued annually by the Building Inspector in the name of such person(s) responsible for the management of the park.

(1) Exemption. Upon written request and payment of the proper fee, the Building Inspector shall issue a license annually to every park in existence prior to March 1980 provided no addition or alteration to the park has been made and no violation regarding operation or maintenance of the park has taken place.

B. A license to operate a manufactured housing park shall not take place until all of the following requirements have been met:

(1) The subdivision plan and site development plan have been approved by the Planning Board.

(2) The text of all contracts and/or agreements between an owner or operator of a manufactured housing park and its tenants, which requires the signature of said tenants, has been approved by the Planning Board.

(3) The Town Engineer has certified that development of the park is complete and in compliance with the subdivision and site plan approved by the Planning Board.

(4) The requirements of all other local and state ordinances, statutes, and regulations pertaining to the development and maintenance of a manufactured housing park have been met.

§ 235-49. Applications.

A. Application for license.

(1) Applications for an initial license shall be made in writing and signed by the applicant. They shall include, but not be limited to, the following information: name and address of the applicant, location and legal description of the manufactured housing park, and plans approved by the Planning Board.

(2) Applications for a license renewal shall be made in writing and signed by the license holder. They shall include any change in the information submitted at the time of the initial issuance of the license or at the time of the latest renewal.

(3) Applications received by the Building Inspector containing all the information required by state and local requirements shall be approved or denied by the Building Inspector within 30 days of receipt of the application. Failure to issue a denial or approval shall constitute an automatic approval of the application.

B. Posting of license. The license certificate shall be conspicuously posted in the office of the management or on the premises of the park at all times.

C. Transfer of license. A license shall be transferable after the holder of a valid license gives notice in writing to the Building Inspector 15 days prior to any proposed sale, transfer, gift, or other disposition of interest or control of a manufactured housing park. Such notice shall include the name and address of the person succeeding to the ownership or control of such park.

D. License fee. The annual license fee for each park shall be $50 or $5 for each approved manufactured housing lot, whichever is greater. A check in the proper amount, payable to the Town of Plaistow, shall accompany each license application.

§ 235-50. Enforcement.

A. The Building Inspector, Police Chief, Health Officer, Fire Chief, and Code Enforcement Officer of the Town shall make periodic and reasonable inspections to

determine the condition of manufactured housing parks in the Town of Plaistow and to determine if the requirements of the Zoning Ordinance, site development regulations, and these subdivision regulations are being observed.

B. A violation of or variation in the terms, condition, or authorization of a license to operate or maintain a manufactured housing park shall result in a revocation of the license holder's license. Additional violations shall result in a fine not exceeding $1,000 in accordance with the provisions of RSA 47:17. This provision shall be in effect regardless of whether an appeal is taken from the Building Inspector's revocation order.

§ 235-51. Appeals.

A. Denial of a manufactured housing park plan by the Planning Board may be appealed to the Superior Court pursuant to RSA 677:15.

B. Denial of an application for a license or revocation of a license by the Building Inspector may be appealed to the Zoning Board of Adjustment pursuant to RSA 674:33.

ARTICLE IX
Interpretation and Amendments

§ 235-52. Relationship between state and local regulations.

Where both state and local regulations are applicable, the more stringent regulation shall take effect. If the state regulation addresses an issue not included in the local regulation or if the local regulation addresses an issue not included in the state regulation, that regulation shall automatically apply.

§ 235-53. Severability.

Where any provision included within these regulations is found to be unenforceable by law, it shall be considered severable from the remainder of the regulation and shall not be construed to invalidate any other provision in these regulations.

§ 235-54. Amendments.

These regulations may be amended or rescinded by the Planning Board, but only following public hearing on the proposed change. The Chairman or Secretary of the Planning Board shall transmit copies of any such regulations, revisions, or amendments, certified by a majority of the members of the Planning Board, to the Town Clerk.