

ARTICLE III SUBDIVISION REGULATIONS

SECTION 3.1 AUTHORITY

In pursuance of the authority vested in the Kensington Planning Board by the voters of the Town of Kensington and in accordance with the provisions of Chapter 674, Sections 35-42, N.H. Revised Statutes Annotated, the Kensington Planning Board adopts the following regulations governing the subdivision of land in the Town of Kensington, New Hampshire.

SECTION 3.2 PROCEDURES: SUBDIVISION APPROVAL

A. APPLICATION FOR SUBDIVISION APPROVAL

Whenever any subdivision is proposed to be made, and before any contract for the sale of such subdivision, or any lots or parts thereof shall have been negotiated, and before any application for a building permit for the erection of any structures thereon shall be made, the following is required:

B. Application

The owner or his agent shall apply in writing, addressed to the Chairman of the Board, through the Board's Secretary, for approval of such subdivision:

1. An application form, available through the Planning Board, shall be accompanied by the final plat and all information required by these regulations; or
2. If in any other form, the application shall be accompanied by all the information required by these regulations.

C. Submission

The application shall be filed with the Board at least twenty-one (21) days prior to a regularly scheduled Board meeting. Applications will be formally accepted only at such regularly scheduled meetings; and

1. shall be accompanied by a fee of \$75 for minor subdivisions of three lots or less or a fee of \$75 per lot for subdivision involving four or more lots and a construction inspection charge deposit if appropriate. Charges incurred because of technical review of documents or professional interpretation of data shall be paid by the applicant before final approval and signing of final plats; and **(Amended 09/07/1989)**
2. the meeting date on which the Board votes to accept the formal application shall become the date of Submission in accordance with Chapter

676:4, I (c) of the State of New Hampshire's Revised Statutes Annotated (RSA).

D. Notification -- Parties of Interest.

The Board shall, in accordance with the conditions of RSA 676:4, I (d):

1. notify the applicant and all abutters of record by certified mail as of not less than ten (10) days prior to the date of submission, that application is being made to the Planning Board; and
2. notify the general public of the same fact at the same time, by legal notice published in a newspaper of general circulation in Kensington and by posting at the Town Hall and one other public place.

E. Acceptance and Formal Consideration

If, at a Public Meeting for which parties of interest have been notified, the subdivision application be found complete and it is determined that all other requirements of these regulations have been met the Board shall:

1. vote on and subsequently note in its minutes whether the application for consideration by the Board has been accepted as a final plat and formal application;
2. begin formal consideration of the application within thirty (30) days after the submission date;
3. conduct a Public Hearing on the application in accordance with the procedures outlined in the Planning Board Rules of Procedure. Notices shall be given to parties of interest as required by Paragraph C of these regulations, stating the purpose, date and place of such Public Hearing; however, if the purpose, date and place of the Public Hearing has been made known at the meeting at which the application is submitted, no further notice will be required; and
4. act to approve or disapprove the application within sixty-five (65) days after the submission date unless an extension of time for action be granted in accordance with RSA 676:4, I (f); **(Amended 12/06/2004)**

F. Board Action

Following Public Hearing on a subdivision application, the Board shall:

1. act to approve or disapprove the application, and such action shall be final;
2. notify the applicant in writing of its action;

3. place a copy of the preceding notice in the office of selectmen within 72 hours;
4. in cases of approval, confirm any condition thereto; and
5. in cases of disapproval, state from the Board's Minutes the reasons therefore.
Any action to approve or disapprove an application must occur at a Public Meeting of the Board.

G. Modified Procedures

The above procedures shall be mandatory upon the Planning Board except when the Board is considering and acting upon:

1. Applications for minor lot line adjustments which do not create buildable lots. Such applications shall be subject to all the requirements and procedures stipulated above. **(Amended December 21, 2010)**
2. Disapprovals of applications based upon:
 - a. failure of the applicant to supply information or data required by these regulations, including this section; and
 - b. failure on the part of the applicant to meet reasonable deadlines as established by the Board; or
 - c. failure on the part of the applicant to pay all required fees and charges.

No action herein under may occur other than at a Public Meeting of the Board, and notification to the applicant with respect to any action shall be made in accordance with Paragraph E.

H. Preliminary Consultation

The foregoing in this section notwithstanding, the Board, at its discretion may meet with an applicant at any regular Public Meeting of the Board for the following purposes:

1. To allow an applicant to present general statements of his intent, and location of his property;
2. To allow the Board an opportunity to briefly outline the necessary steps that a request for subdivision may take for Board approval;
3. To allow the Board an opportunity to discuss ways in which master plan recommendations and objectives may affect the proposal;

4. To allow the applicant an opportunity to understand the terms and conditions required by the Town's Land Use Ordinances; and
5. To allow the Board an opportunity to alert an applicant to specific concerns which should be addressed in final applications; and what additional studies may be required.

Parties of interest need no formal notification to conduct preliminary consultation, nor need the Board give any indication as to whether a presentation will be approved or disapproved. The preliminary consultation shall not be binding on the applicant or the Board, and shall not be considered as a submission of application as required by Paragraph B of these regulations.

I. Expedited Review - Minor Subdivisions (Amended 8/21/2007)

A Public Hearing, with notice to abutters, will be required when the Board is acting on:

1. An application involving a proposal which creates not more than three (3) lots for residential building development; or
2. A proposal which does not involve creation of lots for building development purposes, such as a lot line adjustment.

In such cases, the Board may conduct an expedited review; however, no action to approve or disapprove an application may occur other than at a regularly scheduled Planning Board meeting and the abutters and all parties of interest must be given notice and the opportunity to be heard at the public hearing.

J. General Requirements

In no case will any action under these regulations, intermediate or final, be taken with respect to an application until all requirements precedent thereto, including payment of all fees and applicable charges have been met. No subdivision plan will be approved unless all provisions of applicable land use regulations and zoning restrictions are satisfied.

K. Construction Inspection Charges

Whenever a proposed subdivision involves street construction, the installation of structures for stormwater drainage, or other required construction improvements, the costs incurred by the Town in having required improvements inspected professionally shall be borne by the applicant. Prior to submitting final application for approval of a subdivision involving required improvements the applicant shall deposit with the Treasurer, Town of Kensington, a sum of two (2) percent of the estimated cost of construction of said required improvements, as determined to the satisfaction of the Board's Engineer. The amount deposited by

this provision shall be used by the Treasurer for the purpose of paying the Board's Engineer to make required or necessary inspections. Refunds of unused money will be made to the applicant, however, overdrafts must be paid prior to final application approval or release of Performance Bonds filled with the Town.

L. Preliminary Plat

With the exception of minor subdivisions, subdivision applications shall begin with the presentation of three copies of preliminary layout, as described in Article 5. This preliminary plat and presentation shall not be considered as a formal application for subdivision approval. However, all parties of interest shall be notified of such presentation. The Planning Board and any necessary experts will study the preliminary layout and proposed street profiles in relation to the topography and site characteristics, the existing zoning restriction, and shall consult the Town's Master Plan to determine the applicability of stated goals and objectives.

M. Revision of Preliminary Layout

Before presentation of a final plat and application for subdivision approval by the applicant, the Board shall hold discussion with the subdivider or his agent, and may hear and confer with other parties whose advice or counsel may be appropriate. After such discussions, the Board shall, within thirty (30) days communicate in writing to the applicant the specific changes, if any, which will be required in the preliminary plan, and to the necessity of posting a deposit for construction inspection charges.

N. Final Plat

An applicant for subdivision approval (after official notification by the Board with respect to the preliminary layout and the changes, if any, to be made therein) shall file with the Board the application for final approval and drawings of the final plat, and a completed street, utility and storm drainage systems as required to meet the construction standards state in Article 4. The applicant shall tender all offers of cession in a form certified as satisfactory to Planning Board Counsel of all land included in streets, roads, or parks not specifically reserved by him. Approval of an application by the Board shall not constitute an acceptance by the Town of the dedication of any street, road or park, or other public open space. All requirements of Article 3 of this regulation shall be met prior to action on a final plat for subdivision approval.

O. Security (Amended 7/21/09)

1. in lieu of an applicant completing street construction and storm water and utility construction and other required improvements in conformance with the preceding provision and Article 4 and 5 of this regulation, The Planning Board may accept one of the following forms of security:

- a. Certified Check or cash check properly endorsed to the Town of Kensington.
 - b. Irrevocable letter of credit submitted on the standard form approved by the Town (if other than the Town's approved form, the performance agreement shall be reviewed and approved by the Planning Board and Planning Board Counsel as to proper legal form and enforceability. The cost of this review shall be borne by the applicant).
2. The amount of the security shall:
 - a. Be based on an estimate, prepared by appropriate experts of probable construction costs and cost of materials to conform with the town's general standards for any construction improvements.
 - b. Be based on an amount estimated by the Planning Board as sufficient to secure to the Town of Kensington the satisfactory construction, installation and dedication of required improvements to meet the construction standards of this regulation.
3. When security has been posted and required improvements have not been completed within two (2) years from the date of final plat approval, the Board of Selectmen may declare the developer in default, and require that all improvements be installed regardless of the extent of construction.

P. Long Range Plan

In the event that the proposed subdivision of a tract of land involves only a portion of the tract, a map showing the relation of the portion being subdivided to the whole tract shall be submitted. At the Board's request, this map shall also show a logical method of subdividing the remainder, even though subdivision be distant in time. Said map shall not be signed by any Board member, nor achieve any official status but shall remain in the application file.

Q. Final Approval

The Board shall, within ninety (90) days from the date of submission of a complete application and final plat, approve or disapprove the application, and a majority of the Board shall sign final maps if approved. The applicant shall file an approved final plat, along with all approved covenants, deed restrictions, etc., with the Register of Deeds, Rockingham County.

R. Failure to Act

Upon Failure of the Planning Board to act on a subdivision application within ninety (90) days of its formal submission, or longer if extensions of time are requested from and granted by the Selectmen, the applicant may obtain from the Selectmen an order directing the Board to act within fifteen (15) days of the date upon which failures occurred. Failure of the Planning Board to act upon such order of the Selectmen shall constitute grounds for the Superior Court, upon petition of the applicant, to issue an order approving the application if the court determines that the proposal complies with existing subdivision regulations and land use restrictions. If the court determines that failure to act within the specified time was the fault of the Planning Board and was not justified, the court may order the Board to pay the applicant's reasonable costs, including attorneys fees, incurred in securing such order.

S. Separability

If any court of law holds any part or provision of these regulations or application thereof to be invalid, such judgment shall be confirmed to the part, provision or application directly involved in controversy and shall not affect nor impair the validity of the remainder of these regulations, or the application thereof, to other subdivision applications or circumstances.

T. Modifications

When a subdivision applicant can demonstrate to the Board's satisfaction that strict adherence to the condition and terms of these regulations would cause unnecessary hardship and where, because of physical conditions peculiar to the site, in the Board's opinion a departure from these regulations may be made without destroying the intent of these provisions, the Board may authorize a modification to the extent that said modification does not constitute a variance from the minimum requirements of the land use ordinance. Likewise, because of peculiar conditions or circumstances relating to a particular subdivision application, the Board may require additional improvements. Any modifications thus authorized or additional improvements thus required shall be entered into the Board's minutes with the rationale on which the modification or addition was justified stated clearly.

SECTION 3.3 GENERAL REQUIREMENTS FOR LAND SUBDIVISIONS

An applicant for subdivision approval shall observe and adhere to the following general requirements and principles of land subdivision:

A. STREETS

1. The arrangement of streets within a subdivision shall provide for the continuation of principal streets in adjoining subdivisions or for their proper projection when adjoining property is not subdivided, and shall be of a width at least as great as that of such existing connecting streets.

2. A street or highway right-of-way shall be sixty six (66) feet in width, and may be required to be more if a greater street width is warranted in the opinion of the Board.
3. To encourage the development of interconnecting road networks that increase accessibility for emergency vehicles, residents, school buses and municipal vehicles, cul-de-sacs are strongly discouraged.

Where the construction of a cul-de-sac is absolutely necessary, a cul-de-sac shall be equipped with a turn around roadway at the closed end with a minimum radius of 100 feet from the center to the outside edge of the right-of-way, and with a minimum radius of 80 feet from the center to the outside edge of pavement. A cul-de-sac with a radius greater than 100 feet is permissible; however, the center shall be established using the 100 foot dimension stated herein. Dead end or cul-de-sac streets shall have a curvilinear alignment.

Where deemed appropriate by the Board, the dedication of an easement of adequate width to accommodate future roads and/or utilities shall be provided from the cul-de-sac to the nearest road or property line. Slope easements, for fill areas may be required. For cul-de-sacs requiring fill, the slope beyond the required shoulder shall be graded to 5:1. **(Amended 12/18/2001 and 03/21/2006)**

4. **Definition** – A Cul-de-sac is a street, whether public or private, with a single common ingress and egress and with a turnaround at the end. The beginning of the cul-de-sac shall be defined and measured from the point of access to the first street with continuous travel in opposite directions to an existing road network. The length of the cul-de-sac shall be measured from this beginning point to the end of the cul-de-sac, including the full radial path of travel around the cul-de-sac's turnaround. **(Adopted 03/21/2006)**
5. **Purpose** – To improve the street network and promote connectivity, no cul-de-sac shall begin at any point off of another cul-de-sac, and no cul-de-sac shall begin off of a loop road. Cul-de-sacs longer than 1,000 feet are prohibited. **(Adopted 03/21/2006)**
6. **Loop Road** – A street which is intended to serve as direct or indirect access to residential lots, which begins and terminates in the same street or road, but not at the same location. Loop roads may not be proposed to accomplish what would not be permissible as a cul-de-sac. **(Adopted 03/21/2006)**

7. Reserve strips of land, which, in the opinion of the Board, show an intent on the part of an applicant to control access to land dedicated or to be dedicated to public use shall not be permitted.
8. Intersecting property lines at street intersections shall be joined by a curve of at least a twenty-five (25) foot radius and an edge of pavement radius of fifty (50) feet.
9. Grades of all streets shall conform in general to surrounding terrain, and shall, so far as practical, not exceed five (5) percent. The Board may receive advice and counsel from the Town's road agent, its fire chief and its engineer as to special conditions required due to maintenance, erosion, storm water and emergency vehicle access considerations prior to allowing grades in excess of five percent. No street shall have a grade of less than one percent.
10. Land to be subdivided must be of such character that its development will not create conditions which endanger public health.

B. Lot Shape Regulation (Adopted 03/11/08)

1. Intent and Purposes

The intent of this regulation is to embrace and ensure consistency with the Kensington Zoning Ordinance. The purposes of this regulation are as follows:

- a. To ensure that lots are shaped in a manner that promoted clarity of ownership, access across fee-title land rather than easement interests which may promote destructive property disputes, and to promote the convenient and harmonious development of the land;
- b. To prevent close proximity of narrow portions of lots that will create a situation that reduces privacy and increases congestion and overcrowding of the land;
- c. To prevent the close proximity of house sites, which tends to create conflicts among the use of the land, including maintenance disputes, use disputes and property ownership disputes between landowners; and
- d. To prevent lot shapes that cannot reasonably be interpreted to be an orderly layout of the land or ensure that proper description of ownership or ease of identification will carry forward in time.

2. Lot Shape

- a. Lots shall be shaped in a manner that promotes clarity of

ownership.

- b. To maximum extent possible all new lots shall be rectangular or square in shape;
- c. Side lot lines in general shall be perpendicular to the street;
- d. Lots shall have a minimum width of 100 feet as determined by any line drawn parallel to the two frontage corners. Corner lots may maintain the minimum 100 foot width based on either adjacent road. **(Amended June 21, 2011)**
- e. Subdivision plans may be reviewed by the Kensington Conservation Commission and Recreation Commission to determine whether:
 - i. Open space and scenic areas need be provided, based on the Master Plan or other published guidelines; and
 - ii. Plans for new streets or modifications of existing streets allow for and show areas allocated for a park or parks suitably located and sized for neighborhood playgrounds or other recreational purposes.
 - iii. Such land, if determined necessary, shall be deeded to the Town of Kensington and shall be made available for public use.
- f. Streets which join or are in alignment with streets of abutting or neighboring properties shall bear the same name. Names of new streets shall not duplicate the name of existing streets in Kensington.

3. Street Layout and Construction Standards

All streets shall be graded and improved to conform to the following standards and specifications. After review by the Board's engineer, the streets shall be approved as to design and specifications by the Board, whereupon construction may begin.

- a. Streets shall be related to the topography, with curvilinear alignment whenever practical.
- b. Centerlines of streets shall coincide with the centerline of the right-of-way and shall be designed using the following minimum standards:

| Criteria | Standard |
|---|------------------------|
| Right of way width | 66 feet |
| Pavement width | 20 feet |
| Crushed gravel shoulder | 4 feet |
| Minimum road grade | 1% |
| Maximum road grade | 5% |
| Maximum road grade within 100 feet of intersection | 2% |
| Minimum centerline radius | 300 feet |
| Minimum intersection angle | 75% |
| Depth of granular base -- bank run gravel and crushed gravel | 18 inches 6 inches |
| Depth of bituminous concrete -- binder course surface course | 2½ inches 1½ inches |
| Slope of pavement (minimum) | 3/8" per foot |
| Slope of shoulder (minimum) | 5/8" per foot |
| Intersection sight distance | 200 feet |
| Minimum stopping sight distance | 275 feet |

- c. All roadway intersections shall be designed to have the specified cornersight distance measured from a point forty (40) feet from the edge of the intersected street.
- d. Intersecting roadway pavements shall have a paved transition area at all corners to accommodate turning movements.
- e. All **bridges** shall be as wide as the required pavement width, and shall conform to standard specifications for road and bridge construction as defined by the New Hampshire Department of Public Works and Highways.
- f. Staking shall be located as follows:
 - i. Before any clearing along the road right-of-way, the centerline of the new road shall be staked and sidestaked at fifty (50) foot intervals. Sidestakes shall be set to the exterior of the R.O.W. at right angles from the centerline, indicating stationing and distances to the centerline of the road;
 - ii. Limits of clearing shall be marked by stakes or flagging; and
 - iii. After clearing is done and before commencing excavation, elevation shall be taken on the tops of the sidestakes. Cuts and fill shall be computed to finish grade of roadway and said cuts or fill shall be marked on sidestakes.

- g. All topsoil, stumps, brush, roots, boulders and like materials shall be removed from the proposed subgrade area. All muck or peat soils shall be excavated to stabilize the foundation of the road and refilled solidly with sub-base material. Fill for sub-base material shall be tested by an independent Geotechnical testing firm to certify compliance with section 4.10 - 11. Sub-base materials shall be installed and tested in 12" lifts during construction. Minimum testing frequency shall be 250' dependent on the Planning Board approved engineering firm recommendations. **(Amended 01/1999)**
- h. **Embankments** shall be formed of suitable material placed in successive layers not exceeding twelve (12) inches in depth for the full width of the roadway cross-section and shall be compacted uniformly and sufficiently to prevent settlement. Stumps, trees, rubbish or other unsuitable material shall not be used as fill. Filled material shall be allowed to thoroughly settle before applying gravel subbase.
- i. The **base course** shall not be laid until the subgrade has been inspected and approved by the Board's engineer. An independent Geotechnical testing firm shall perform compaction testing for each 6" lift of fill material at 250 foot intervals along a proposed road. The base course shall consist of eighteen (18) inches of bank run gravel laid in three six inch courses and a six (6) inch course of crushed gravel. Each layer shall be thoroughly compacted by a method acceptable to the Board's engineer. The completed base shall conform to the lines and grades submitted in profiles and cross section construction plans. **(Amended 01/1999)**
- j. On-site sampling of base course materials shall be performed at the discretion of the town engineer. At a minimum, one sample each of bank run and processed gravel shall be collected at 250' intervals. More testing may be required if requested by the town engineer. The samples shall be collected and tested by an independent laboratory. The cost of the collection and testing shall be borne by the applicant. If the material does not meet the specifications referenced in the Construction Checklist notes of the Town's subdivision regulations, it shall be replaced. **(Amended 05/02/1996)**
- k. Fill and base course materials shall obtain 95% density, and shall conform to Divisions 203.3.8.1, 203.3.8.2, 508.3.4.2, and 304 of the 1983 published "Standard Specifications for Bridges and Highways," New Hampshire Department of Public Works and Highways. An independent Geotechnical testing firm shall provide materials certification for all common borrow and

granular base materials utilized in the construction process. **(Amended 01/1999)**

- I. The roadway shall be paved with hot bituminous pavement in accordance with the following specifications.

- i. 2½ inch depth (after compaction) -- binder course
 - ii. 1½ inch depth (after compaction) -- surface course

Pavement shall conform to the standards contained in Division 400 of the "Standard Specifications for Road and Bridge Construction".

- m. Untreated **shoulders** and slopes shall have a minimum of four (4) inches of topsoil cover which shall be seeded or treated as noted on approved construction plans. Seeding shall meet the guidelines of the Rockingham County Conservation District erosion and sediment control recommendations.
 - n. **Underdrains** shall be installed where the character and composition of the soil in the roadbed, upon the advice of the Rockingham County Conservation District, warrant such structures. Underdrains, when necessary, shall be comprised of perforated metal pipes which have a minimum six (6) inch diameter, and backfill materials as specified under "Construction Checklist Notes" herein. The trench shall be inspected and approved by the Board's Engineer prior to subgrade preparation.
 - o. Topsoil moved during the course of construction shall be re-distributed to provide at least four (4) inches of cover to all areas of the subdivision including and in particular those areas disturbed between the right-of-way limits and the shoulders of the roadway. These areas shall be finished by seeding and mulching or planting. **No topsoil may be removed or sold from the site unless approved by the Board of Selectmen.**
 - p. Inspection Standards
 - a. An engineering firm, approved by the Planning Board, shall review all plans for roadway construction and perform inspections thereon during construction to certify compliance with the requirements herein prior to any release of any performance bond.
 - b. Cost estimates for roadway material and construction shall

be based on the latest available 'R. S. Means Cost Data' and bond estimates shall be determined by these estimates. When bonds require renewal, a re-assessment shall be conducted to account for inflation.

c. Inspections by the Board approved engineering firm shall be scheduled as follows:

- i. After staking specified in Section 4.10-6;
- ii. After clearing and grubbing specified in Section 4.10-7;
- iii. During sub-base installation specified in Section 4.10-7;
- iv. During base course installation specified in Sections 4.10-9, 10;
- v. Prior to binder course installation;
- vi. Prior to wear course installation;
- vii. During shoulder, slop stabilization specified in Section 4.10-14; and
- viii. Discretionary inspections shall be performed when deemed necessary and appropriate by the Planning Board approved engineer.

q. As built survey

The subdivider shall create and maintain a set of as-built records certified as accurate by the Planning Board approved engineering firm during the progress of work. On completion of the work, one final set of plans, stamped by a professional engineer and attested to by the Planning Board approved engineering firm shall be submitted to the Planning Board.

r. Schedule of Construction

- a. The contractor shall provide a time line schedule identifying the anticipated completion of events listed in Section 4.10- 16c.
- b. The contractor shall provide a 48 hour notice to the engineer to facilitate inspections.

s. Written Reports

The Planning Board shall be provided with a written report, and supporting engineering firm approval, that all work has been completed in compliance with town imposed requirements.

t. Signs

- a. A sign, approved by the Road Agent, shall be erected by the subdivider on a metal post bearing the road name.
- b. Stop signs, speed limit, and other appropriate signs shall be installed by the subdivider where appropriate, in the judgment of the Police Chief.

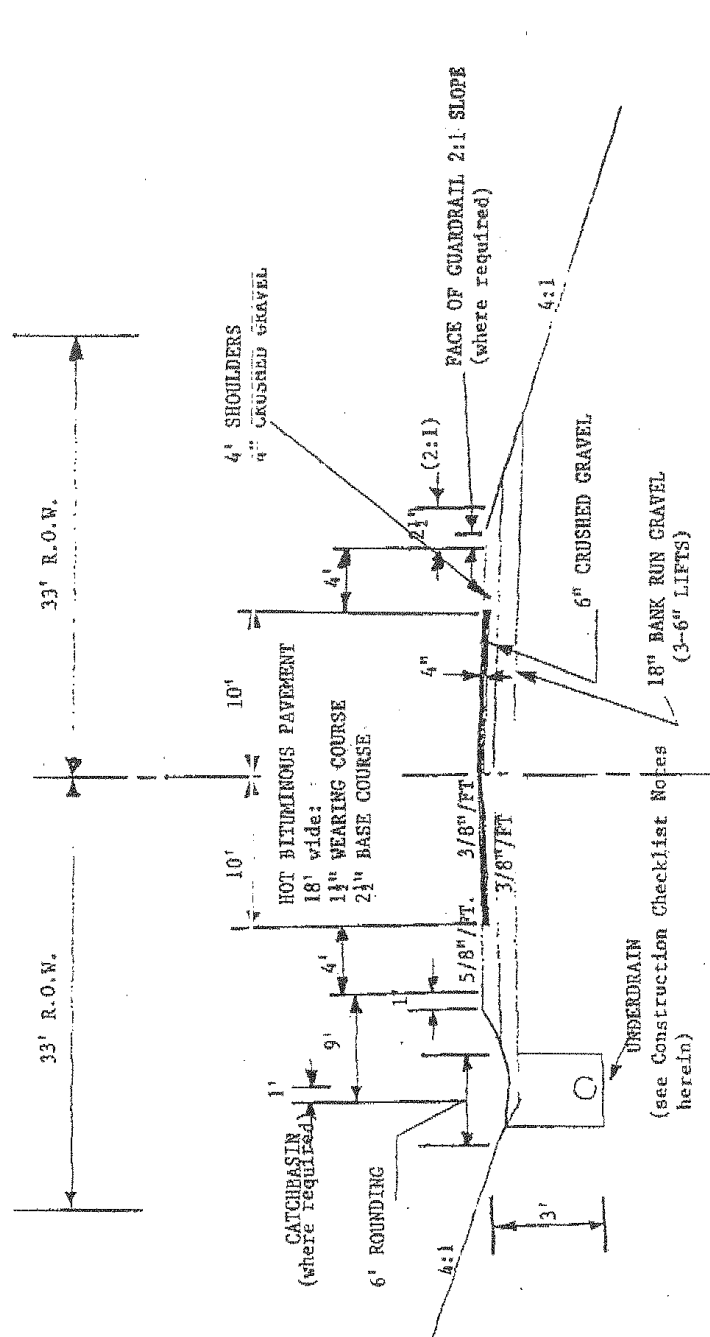
- u. General Information

Decisions and recommendations made by the Planning Board's approved engineering firm relative to any technical requirements and conditions shall be official and binding.

- v. Driveway Construction **(Added 03/10/2009)**

Regulations governing driveways are found in Chapter V, Public Safety and Welfare, Article 2, Driveways and Other Accesses to the Public Way.

CLASS C LOCAL ROAD CHART



NOTE - The elevation of the ditch shall be two (2) feet below the elevation of the outside edge of the gravel shoulder. Driveway culverts within the roadway layout shall be reinforced concrete with a minimum cover of eighteen (18) inches and be provided with flared end sections of reinforced concrete.

TYPICAL SECTION
CLASS "C" LOCAL ROAD

C. Storm Drainage and Layout Improvements

1. Storm drainage systems shall be designed to permit unimpeded flow of all natural watercourses and to insure adequate drainage of storm water away from and off of streets and lots. Off site surface water shall be conducted safely through the project area.
 - a. The design of storm water management and measures shall be by the use of the Rational Method Formula or other approved method. The rainfall frequency to be used with the design of measures shall be as follows:
 - Street drainage 25 year frequency
 - Culverts and Retention ponds 100 year frequency
 - b. Storm drains, culverts, ditches, and related installations, including catch basins and any drop inlets shall be installed within and without the subdivision as necessary. All storm drainage structures and materials shall meet the standards set forth in Standard Specifications for Road and Bridge Construction, State of New Hampshire, New Hampshire Department of Public Works and Highways.
 - c. The proposed development will not cause any off-site increases either during construction or once construction is completed in the rate of rainfall runoff for all storm events up to and including the 100 year event.
 - d. Measures will be taken to minimize impermeable areas and provide for adequate infiltration.
 - e. All pipes, except underdrains, shall be reinforced concrete, shall have a minimum diameter of twelve (12) inches and shall have a minimum of two (2) feet of cover below subgrade over all pipes.
 - f. Sod, paving or stone shall be provided in ditches where soil or velocity conditions warrants protection from erosion.
 - g. All driveways must conform to the Town of Kensington Driveway Regulations, reference Chapter V, Public Safety and Welfare, Article 2. (Adopted 06/1993)

D. Erosion and Sediment Control

1. No subdivision plan or site plan shall be granted approval unless it includes plans for erosion and sediment control. The developer shall bear the final responsibility for the installation and construction of all required

soil erosion and sediment control measures according to the provisions of this section.

- a. The developer shall submit a soil erosion and sediment control plan for the entire tract of land unless there is a determination by the Planning Board or its duly authorized agent that such a plan is not necessary. This plan shall consist of a drawing identifying the various measures proposed for control of erosion and sediment and their relative locations approved by the Rockingham County Conservation District.
- b. All erosion and sediment control measures shall meet the design standards and specifications set forth in the current "Erosion and Sediment Control Design Handbook" as adopted by the Rockingham County Conservation District.
- c. The following standards shall be used in planning for erosion and sediment control:
 - i. Whenever practical, natural vegetation will be retained, protected or supplemented. The stripping of vegetation will be done in a manner that minimizes soil erosion;
 - ii. The distributed area shall be kept to a minimum and be protected from erosion during the winter months;
 - iii. Measures will be taken to control sediment and retain it within the project area;
 - iv. The permanent final vegetation and structures should be installed as soon as possible in the subdivision;
 - v. Increased runoff water caused by changed soil and surface conditions during development shall be retained in such a way as to not increase the peak discharge of runoff water occurring on the site before any development begins;
 - vi. Sediment in runoff water shall be trapped and retained on the project area; and
 - vii. Off-site surface water shall either be diverted around or conducted safely through the project area.

E. Electric and Telephone Lines

- 1. All electric and telephone lines shall be according to specifications set forth by the appropriate utility company. The approval of the utility plans by the utility company shall accompany the final plat.

F. Lighting

1. Lighting shall be installed where it is deemed appropriate by the Planning Board, subject to approval of the Board of Selectmen.

G. Monuments (Amended 06/2003)

1. All monuments adjacent to and in the subdivision shall be shown on the plan(s).
2. Granite monuments at least four feet in length and four inches in diameter with suitable drill hole at the center point, shall be installed at the beginning and end of each curve at each street intersection on the right-of-way line, and at all front lot corners in the subdivision to establish the boundary lines of lots upon the ground with reasonable permanence. Iron pipes at least four feet in length shall be set at all other lot corners, at each end of all curves, at the point where a curve changes its radius, and at all angle points in any line. Each monument shall be set two to six inches above the finished grade of the surrounding property. Where appropriate, one inch deep drill holes may be set in an existing stone wall or in ledge, in lieu of a required monument.
3. Where the distance between monuments is greater than four hundred (400) feet, iron pipes shall be set at intervals not to exceed two hundred (200) feet.
4. To guarantee the installation of monuments required by the subdivision plan, the following requirements shall be met:
 - a. If the subdivision does not involve the construction of a roadway; all monumentation shall be in place prior to the signing of the subdivision plan by the Board Chairman;
 - b. If the subdivision involves the construction of a roadway, all monumentation shall be in place before fifty percent (50%) of the surety held for the road construction is released; and
 - c. Upon installation, a Certificate of Monumentation certifying that the monumentation has been accurately installed shall be filed with the Board. The form shall contain the signature and seal of the licensed land surveyor that certified the placement of the monumentation.

H. Soils-Based Lot Size Determination (Amended 07/2002)

The lot sizes for subdivisions in the Town of Kensington shall be based on the following specified criteria:

1. Minimum Lot Sizes

Minimum lot sizes within all subdivisions shall, in addition to meeting the requirements of the Zoning Ordinance of the district wherein the subdivision is proposed, also meet the lot size requirements specified in Section 4.16, Table

2. Minimum Lot Size by Soil Classification

This requirement is subject to the following qualifications:

- a. Where more than one soil type is found on a lot, a soil carrying capacity of those soils occurring on the lot shall be used to determine the minimum lot size; and
- b. Hydric soils may be used as part of the computed lot size according to the following:
 - i. Areas designated as poorly drained soils (type B hydric) may be utilized to fulfill the Town's minimum lot size requirement provided that a contiguous non-wetland area at least 30,000 square feet is provided for each building lot. This contiguous non-wetland area must be sufficient in size and configuration to adequately accommodate all housing and required utilities such as sewage disposal, water supply, and all applicable setbacks;
 - ii. Areas designated as very poorly drained, freshwater marsh or alluvial soils may not be utilized to fulfill the minimum lot size; and
 - iii. There shall be no filling of hydric soils for the purpose of providing the minimum distance between the hydric soils and sewage disposal systems.
- c. Minimum lot sizes for residential developments with greater than four (4) bedrooms per unit and for commercial and industrial developments shall be determined as follows:
 - i. For multi-family residential use, the minimum lot size shall be proportionately smaller than the lot size indicated in Table 1 in Section 4.16, as determined by the following formulas:
 - ii. Number of 1 and/or 2 bedroom multi-family units = Area of each soil type on the lot divided by (lot size from Table 1 in Section 4.16, $1A/B \times .65$).
 - iii. Number of 3 bedroom multi-family units = Area of each soil type on the lot divided by (lot size from Table 1 in Section 4.16, $1A/B \times .85$).

- d. For two-family dwelling use, where the total number of bedrooms in the building exceeds 4, the lot size shall be increased by 50% of the minimum lot size as determined by the Table 1 in Section 4.16.
- e. For commercial and industrial uses with residential-type waste, the lot sizes will be determined by the formula:

$$\text{Lot Size (sq. ft.)} = \frac{Q \text{ (gpd)}}{600 \text{ gpd}} \times \text{Lot Size from the Table 1 in Section 4.16}$$

where: Q = gallons of wastewater to be discharged per day. The amount of flow will be determined by use of Env-Ws 1008.02 Average Daily Flow Volume.

- f. Final site plan approval for commercial/industrial developments which generate wastes of such nature and character as to require state or federal permits for pre-treatment and discharge or sub-surface disposal shall not be granted until all such permits are secured provided, however that conditional approval may be granted per NH RSA §676:4, I (i). The conditions upon which such permits are issued shall comply with state and local regulations and be made part of the record before the Planning Board.

3. Determination of Soil Type

- a. Tests for determining soils information for use in this Section shall be performed by a New Hampshire certified Soil Scientist using on-site inspections.
- b. Soil map using the standards of "High Intensity Soil Maps of New Hampshire" shall be provided as part of the subdivision plan at the scale and dimensions required.
- c. All costs of performing such investigations shall be borne by the subdivider.

4. Relationship Between State and Local Regulations

- a. Where both State and local regulations are applicable, the more stringent regulation shall apply. 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.

Table 1: Minimum Lot Size by Soil Classification

| Soil Type | Slope | | | |
|--------------|-------|-------|-------|--------|
| | B | C | D | E |
| 111-H | 35500 | 42000 | 51500 | 68000 |
| 112-H | 35500 | 42000 | 51500 | 68000 |
| 11X-H | 68000 | 76000 | 86000 | 100000 |
| 121-H | 35500 | 42000 | 51500 | 68000 |
| 122-H | 35500 | 42000 | 51500 | 68000 |
| 12X-H | 68000 | 76000 | 86000 | 100000 |
| 161-H | 35500 | 42000 | 51500 | 68000 |
| 16X-H | 68000 | 76000 | 86000 | 100000 |
| 211-H | 35500 | 42000 | 51500 | 68000 |
| 212-H | 35500 | 42000 | 51500 | 68000 |
| 213-H | 68000 | 76000 | 86000 | 100000 |
| 21X-H | 68000 | 76000 | 86000 | 100000 |
| 221-H | 44500 | 56000 | 68000 | 86000 |
| 222-H | 44500 | 56000 | 68000 | 86000 |
| 223-H | 68000 | 76000 | 86000 | 100000 |
| 22X-H | 68000 | 76000 | 86000 | 100000 |
| 231-H | 44500 | 56000 | 68000 | 86000 |
| 233-H | 68000 | 76000 | 86000 | 100000 |
| 23X-H | 68000 | 76000 | 86000 | 100000 |
| 241-H | 68000 | 76000 | 86000 | 100000 |
| 243-H | 68000 | 76000 | 86000 | 100000 |
| 24X-H | 68000 | 76000 | 86000 | 100000 |
| 251-H | 68000 | 76000 | 86000 | 100000 |
| 253-H | 68000 | 76000 | 86000 | 100000 |
| 25X-H | 68000 | 76000 | 86000 | 100000 |
| 261-H | 44500 | 56000 | 68000 | 86000 |
| 263-H | 68000 | 76000 | 86000 | 100000 |
| 26X-H | 68000 | 76000 | 86000 | 100000 |
| 275-H | 44500 | 56000 | | |
| 311-H | 44500 | 56000 | 68000 | 86000 |
| 312-H | 44500 | 56000 | 68000 | 86000 |
| 313-H | 68000 | 76000 | 86000 | 100000 |
| 31X-H | 68000 | 76000 | 86000 | 100000 |
| 321-H | 44500 | 56000 | 68000 | 86000 |
| 322-H | 44500 | 56000 | 68000 | 86000 |
| 323-H | 68000 | 76000 | 86000 | 100000 |
| 325-H | 68000 | 76000 | | |
| 32X-H | 68000 | 76000 | 86000 | 100000 |
| 331-H | 44500 | 56000 | 68000 | 86000 |
| 333-H | 68000 | 76000 | 86000 | 100000 |
| 33X-H | 68000 | 76000 | 86000 | 100000 |
| 341-H | 68000 | 76000 | 86000 | 100000 |
| 343-H | 68000 | 76000 | 86000 | 100000 |
| 34X-H | 68000 | 76000 | 86000 | 100000 |
| 351-H | 68000 | 76000 | 86000 | 100000 |
| 353-H | 68000 | 76000 | 86000 | 100000 |
| 35X-H | 68000 | 76000 | 86000 | 100000 |

Table 1: Minimum Lot Size by Soil Classification

| Soil Type | Slope | | | |
|--------------|-------|-------|-------|--------|
| | B | C | D | E |
| 361-H | 44500 | 56000 | 68000 | 86000 |
| 363-X | 68000 | 76000 | 86000 | 100000 |
| 36X-H | 68000 | 76000 | 86000 | 100000 |
| 375-H | 44500 | 56000 | | |
| 411-H | 44500 | 56000 | 68000 | |
| 412-H | 44500 | 56000 | | |
| 413-H | 68000 | 76000 | | |
| 41X-H | 68000 | 76000 | | |
| 421-H | 68000 | 76000 | 86000 | |
| 422-H | 68000 | 76000 | 86000 | |
| 423-H | 68000 | 76000 | 86000 | |
| 42X-H | 68000 | 76000 | 86000 | |
| 431-H | 68000 | 76000 | | |
| 433-H | 68000 | 76000 | | |
| 43X-H | 68000 | 76000 | | |
| 441-H | 68000 | 76000 | | |
| 443-H | 68000 | 76000 | | |
| 44X-H | 68000 | 76000 | | |
| 451-H | 68000 | 76000 | | |
| 453-H | 68000 | 76000 | | |
| 45X-H | 68000 | 76000 | | |
| 461-H | 68000 | 76000 | | |
| 463-H | 68000 | 76000 | | |
| 46X-H | 68000 | 76000 | | |
| 475-H | 68000 | | | |
| 511-H | 44500 | 56000 | 68000 | |
| 512-H | 44500 | 56000 | | |
| 513-H | 68000 | 76000 | | |
| 51X-H | 68000 | 76000 | | |
| 521-H | 68000 | 76000 | 86000 | |
| 522-H | 68000 | 76000 | 86000 | |
| 523-H | 68000 | 76000 | 86000 | |
| 52X-H | 68000 | 76000 | 86000 | |
| 531-H | 68000 | 76000 | | |
| 533-H | 68000 | 76000 | | |
| 53X-H | 68000 | 76000 | | |
| 541-H | 68000 | 76000 | | |
| 543-H | 68000 | 76000 | | |
| 54X-H | 68000 | 76000 | | |
| 551-H | 68000 | 76000 | | |
| 553-H | 68000 | 76000 | | |
| 55X-H | 68000 | 76000 | | |
| 561-H | 68000 | 76000 | | |
| 563-H | 68000 | 76000 | | |
| 56X-H | 68000 | 76000 | | |

575-H 68000

The soil types listed below have one or more limiting characteristics that make the soil type "NA" or require on-site investigation, no matter what other characteristics of the soil may be present.

| <u>Soil Type</u> | <u>Minimum Lot Size</u> |
|------------------|---|
| 6***H | NA, very poorly drained soil, Type A hydric |
| *66*H | NA, fill does not meet the Standards for Fill Material (see Key to Soil Types) |
| 76**H | On-site evaluation needed |

The Soil Type symbols are explained in "High Intensity Soils Maps for New Hampshire, Standards and Origins. SSSNNE Special Publication No. 1.

"NA" means not allowed.

"**" means any slope or any number.

I. Septic Reserve Areas

1. Every proposed lot in a new subdivision shall contain a 4,000 square foot area labeled on all plans as septic reserve area, and designated for use exclusively as a septic waste disposal area.
 - a. The following standards shall govern such areas:
 - i. The bounds of the septic reserve area shall be located no closer than 75 feet from any drainage group 5 or 6 soil as identified by high intensity or town wide soil survey maps;
 - ii. Septic reserve areas shall not be located on any land where naturally occurring seasonal water table levels are closer than 18" from the original ground surface;
 - iii. Septic reserve area location shall be noted on plans submitted to any other town official. The Planning Board shall have the option to require that this septic reserve area shall be the only area on the lot to be utilized for septic system placement, based on wetland, slope or other restricting natural resource considerations. Such requirements, if necessary, shall be labeled on approved subdivision plans, and shall be binding on the lots in question; and
 - iv. All test pits utilized to determine soil characteristics of the septic reserve area shall be performed by a Licensed Register Land Surveyor, a N.H. Licensed Septic Designer, or a N.H. Registered Professional Engineer, with the cooperation and concurrence of the Town of Kensington Test Pit Inspector.

In cases where conflicts of observation and test pit profile determination exist, a neutral third party opinion will be required. Such third party evaluation shall be performed by a qualified soil scientist, and shall be the binding information utilized.

J. Fire Protection

1. A subdivision plan of 10 or more house lots shall provide for a water supply capable of delivering not less than 1,000 gallons of water per minute for a period of not less than one hour the year around which, connected to a system of hydrants, will provide for such a water supply within 1,500 feet of each dwelling unit measured along a road. In the event that provision of such a supply is not physically possible on the land of the subdivider and an arrangement can be made by utilizing water resources off the property, the subdivider may do so. The subdivider shall bear all costs, legal and otherwise, of such arrangements. The Planning Board and Selectmen shall use their good offices to persuade others of the advantage of such arrangements, but in no case shall the power of eminent domain be utilized.
 - a. A subdivision plan of four (4) or more but less than ten (10) house lots shall provide for an underground water storage tank with hydrant and fill manifolds. Such a facility shall be located within one thousand (1000) feet of each dwelling, and within a permanent easement immediately adjacent to a paved road. The tank shall have a capacity of at least ten thousand (10,000) gallons and be protected from freezing.
2. Dry hydrants shall be installed as directed by the Chief of Kensington Fire Department. They shall be equipped with a steamer device and cap, and such hydrants shall be constructed in such a manner as to insure that the water level in the pipe is below the frost level. There shall be a paved roadway from the hydrant to the nearest right of way and a paved parking area adjacent to the hydrants which will allow the parking of at least one fire vehicle. Water holes shall be fenced where appropriate in the judgment of Selectmen.
3. It shall be the responsibility of the subdivider to bear the cost of any equipment, apparatus, or construction which may be incurred under this regulation. All land areas and equipment or apparatus may upon completion and installation of such equipment and apparatus be offered for transfer to the Town of Kensington, and the subdivider shall execute in manner and form prescribed by the Chairman of the Planning Board the instruments necessary to affect such a transfer.

4. In the event that the subdivider shall be obligated to comply with this regulation, the subdivider shall provide the Selectmen with a bond in such form as may be prescribed by the Selectmen, and approved by the Town Counsel in an amount not to exceed five thousand (\$5,000) dollars to ensure satisfactory compliance.

K. Driveway Reserve Area (Adopted 02/20/1997)

A subdivision plan will show a “driveway reserve area” for each proposed building lot. The driveway reserve area is a possible location for a driveway that meets the Town of Kensington Driveway Regulations (found in Chapter V, Article 2 of this document). Shared driveways may be required in order to meet the regulations.

L. Sequence of Construction (Adopted 03/09/2004)

1. A subdivision plan must include a construction sequence describing in order, the construction steps to be followed by the developer during construction of the subdivision.
2. The planning board, as part of the subdivision approval process, must agree to the construction sequence.
3. The Town’s engineer is responsible for verifying adherence to the construction sequence as part of the construction inspection process.
4. Each step in the construction sequence is to be individually numbered on the plan.
5. As-needed exceptions to the construction sequence must be agreed to in writing by at least 3 planning board representatives with consultation from the town’s engineer.
6. A sample construction sequence follows and should be used as a guide. This sample should be modified as appropriate.

“CONSTRUCTION SEQUENCE GUIDELINES”

- a. Contractor to notify Dig-Safe 72-Hours prior to commencement of construction.
- b. Prior to grubbing of cleared areas, all siltation barriers designed for use as temporary erosion control measures shall be installed as called for on project plans. Install stabilized construction entrance at location of construction access.
- c. Cut and clear trees and brush from construction areas to extent necessary. All branches, tops and brush to be properly disposed of by contractor according to state and local regulations.
- d. Complete grubbing operations. All stumps and similar debris shall

be properly disposed of by contractor according to state and local regulations. Organic material suitable for use as topsoil shall be stockpiled in upland areas. All stockpiles shall be seeded with winter rye and surrounded with hay bales.

- e. Commence construction of site. Perform excavation activities required to achieve subgrade elevation. All excavated embankments, ditches, swales and culverts shall be installed and stabilized. Construct temporary culverts to facilitate construction activities. All such crossings shall be protected with silt fence barriers to limit and control erosion.
- f. Construct loam & seed, all open drainage facilities (ditches, swales and detention ponds) prior to any other site construction.
- g. Stabilize all ditchlines and ponds prior to directing flow into them; construct closed drainage system, septic and other subsurface utilities. Slopes and embankments shall be stabilized by tracking and temporary seeding with winter rye prior to turf establishment. All ditches, pond, and swales shall be stabilized prior to having runoff directed to them.
- h. All swales and ditchlines shall be protected from erosion by implementation of silt fences as show on project plans.
- i. Apply topsoil to slopes and other areas disturbed by construction. Topsoil used may be native organic material screened so as to be free of roots, branches, stones, and other deleterious materials. Topsoil shall be applied so as to provide a minimum of a 4-inch compacted thickness. Upon completion of topsoiling, finished sections are to be limed, seeded and mulched. Construction personnel shall inspect completed sections of work on a regular basis and remedy any problem areas until a healthy stand of grass has become established.
- j. Install finish gravel of pavement base materials.
- k. Maintain, repair, and replace as necessary temporary erosion control measures until such time as the entire construction area has been stabilized (A minimum of one year shall have passed).
- l. After stabilization, remove and suitably dispose of temporary erosion control measurers.

M. Tree Clearing Regulations for New Development
(Adopted 06/02/2005)

- 1. **Purpose.** The purposes of this section are:
 - a. To protect and preserve the natural environment;
 - b. To provide for green spaces of adequate proportions;
 - c. To minimize soil erosion, lesson air pollution, conserve energy,

- protect the quality of groundwater, and provide a habitat for wildlife;
- d. To provide for the harmonious and aesthetically pleasing development of the municipality and its environs; and
 - e. To protect the public from hazards created by dead or diseased trees.
- 2. **Applicability.** These regulations apply only to applications for new commercial development and applications for the subdivision of land.
 - 3. **Findings.** Due to the many beneficial attributes of trees in providing environmental benefits, conserving energy by reducing home heating and cooling costs, minimizing soil erosion, lessening air pollution, and providing for the aesthetic and scenic attributes of the town, the Planning Board of the Town of Kensington find that this regulation is necessary to protect the health, safety, and welfare of the citizens of the Town of Kensington and to provide for the safe and attractive development of sites in the Town of Kensington per RSA 764:36, Subdivision Regulations, and RSA 674:44, Site Plan Review Regulations.
 - 4. **Authority.** These regulations are promulgated under the authority of RSA 674:36, Subdivision Regulations, and RSA 674:44, Site Plan Review Regulations.
 - 5. **Requirements.** Every applicant for site plan or subdivision review must submit, as part of his or her application, a plan of the site, prepared by a New Hampshire Licensed Forester, depicting the following: **(Amended 08/2006)**
 - a. The location and description of forested areas on the site, including a general description of the forested area including successional stage and representative species;
 - b. A Natural Heritage Bureau request for the review for sensitive and/or protected species within or around the project site.
 - 6. **Construction Phase Tree Protection Plan.** Every applicant shall also submit a tree protection plan, which must include:
 - a. A plan depicting areas of trees which will be lost due to proposed land alteration;
 - b. The location and number of trees to be replaced after the construction process is complete;
 - c. Methods for protection of trees before, during, and after the

- construction process;
- d. Agreement to periodic inspections by an agent certified as a state licensed forester, retained by the Planning Board, at the applicant's expense, to ensure that the tree preservation plan is being followed before, during, and after the construction process;
 - e. Designation of areas to be marked as "no cut areas" on site, by permanent markers or discs placed on trees that will be retained as landscaped areas, natural buffers, conservation areas, or open space areas;
 - f. Designation of areas to be planted with shade trees or street trees along private or public ways;
 - g. In formulating the tree preservation plan, the following standards shall be adhered to. The Planning Board will use these standards in its review of the tree preservation plan:
 - i. Locate roads, building footprints, parking areas, stormwater basins, and utilities so as to minimize their impact on forested areas.
 - ii. Preserve trees in groves or clusters and preserve contiguous areas of trees recognizing that survivability is greater for groups of trees than for individuals, and recognizing that wildlife require corridors of habitat and gradual edge habitat to persist.
 - iii. Control grading and the limits of disturbance by changing the location of building pads, parking lots, and street.
 - iv. Consider the travel pathways of heavy equipment and realize the impact of such equipment on the roots systems of trees.
 - v. Provide for fencing, mulching, and other methods to enhance tree protection during the construction process.
7. **Allowable Tree Removal.** For initial site development, up to twenty-five percent of the total pre-harvest basal area of the site may be cut and removed for site grading, utilities installation, construction of streets and sidewalks, and construction and grading of drainage ways and storm detention areas.
8. **For building development on individual lots occurring before a certificate of occupancy is issued,** up to twenty-five percent of the remaining pre-harvest basal area of the lot may be removed without replacement. Dead or diseased trees that constitute a hazard or danger must be included in the twenty-five percent. Stumps removed should be ground or hauled off-site. This section shall not affect tree removal by individual landowners after the certificate of occupancy is issued.

9. **Tree Replacement.** The developer shall use native species and avoid invasive species for tree replacement. The developer shall meet with the forester retained by the town (at the applicant's expense) to develop a plan for tree replacement. Consideration shall be given to aesthetic, environmental, and energy efficiency factors in developing the plan for tree replacement.
10. **Lot Clearance Values.** For forested lots, lot clearance values assumed by the applicant's engineer in the stormwater analysis calculations of any subdivision or site plan should be noted on the plan. These assumed areas of clearance shall become the limit of clearable area for each lot for that subdivision or the total clearance area of the site for other development, in accordance with the standards above for all allowable tree removal.
11. **Inspections.** The designated forester retained by the town shall inspect the site, before, during and after construction to ensure that the applicant is following the tree preservation plan. The inspections are to continue after construction for a period of three years, on an annual basis, to assess the need to replace damaged or diseased trees.
12. **Tree Bond.** The applicant shall post a bond in an amount sufficient to cover the costs of inspection and tree protection before, during, and after the construction process and to replace any damaged or diseased trees for a period not to exceed three years after the construction process is complete. The applicant may apply for a bond reduction periodically as warranted by completion of successive phases of the construction process.

N. Preliminary Plan (Amended 12/15/09)

An applicant for a minor subdivision approval may file three working copies of a preliminary layout. A subdivision applicant whose plan involves any construction improvements will be required to submit a preliminary plan, drawn on mylar in permanent ink, along with three working copies for Board Review. Preliminary plans shall show or be accompanied by the following information.

1. Proposed subdivision name, name and address of applicant and owner of record, name, license number and seal of surveyor/engineer preparing plans, locus map, date, north point, and scale;
2. Names of owners of record of abutting properties, abutting subdivision names, abutting streets, easements, or parks;
3. Location of property lines and their surveyed dimensions, surveyed lot

lines, existing easements, buildings, existing structures and setbacks, well heads and their seventy five (75) feet well radii, septic system reserve areas, cemeteries, water courses, and ponds, and other water and essential natural features;

4. Location and capacity of existing storm water drains and culverts, and proposed connections;
5. Report on test results and mapped information from a **qualified soil scientist** indicating **soil types** on each lot, and appropriately sized lots;
6. Report of **Town Test Pit Inspector** on wetland conditions and waste disposal system location suitability including mapped information and location of all test pits;
7. Location, name and widths of existing and proposed streets;
8. Existing topography of the land at the following intervals:

| Grade | Interval |
|-------|-----------------------------|
| 0-2% | 2 foot plus spot elevations |
| 2-5% | 2 foot |
| 5-25% | 5 foot |
| 25+% | 10 foot |

In addition, all low or high points and other areas needing spot elevations shall be shown.

9. Storm water management plans and erosion and sediment control plans including both roadway, right of way and lot considerations.
10. Location of all parcels of land proposed to be dedicated to recreational or other public use, and the conditions of such dedication, in addition a copy of such private deed restrictions as are intended to cover part or all of the tract.
11. Subdivision and individual wastewater disposal system approvals from the **N.H. Water Supply and Pollution Control Commission**.
12. Engineering appraisals of construction improvement costs for proposed or existing streets, storm water management systems, and other related improvements recommended by the Board's engineer.
13. Where topography is such as to make it difficult the inclusion of any structural facilities necessary, the preliminary layout shall show the boundaries of proposed permanent easements over or under private property. Such easements shall be not less than ten (10) feet in width and shall have satisfactory access to existing or proposed public ways.
14. Full legal descriptions of drainage easements, site easements, rights of

way, covenants, reservations or other restrictions with notations of each on any plat shall accompany the preliminary plat.

15. Driveway Reserve Area **(Adopted 02/20/1997)**
16. Lot numbers on subdivision plans on new roads shall be numbered in conformance with street numbering patterns. On existing roads, numbers shall be integrated into current addresses. **(Amended 01/1999)**
17. Sequence of Construction **(Adopted 03/09/2004)**
18. Note: The lack of information under any item specified herein, or improper information supplied by an applicant, shall be cause for disapproval of a preliminary plat. The Board may, when acting upon minor subdivision applications, waive those requirements as may be inapplicable, but must note such waivers. **(Amended 02/20/1997)**

O. Construction Plans

Construction plans shall be prepared for all required improvements. Map sheets shall conform in size to the preliminary plat sheets, and shall show the following:

1. Plans

Plans of all areas to be disturbed for construction of streets, drainage ways and structures, electric and utility lines, erosion and sediment control structures, and other areas to be disturbed for the construction of necessary improvements shall be drawn at a scale of not more than fifty (50) feet to the inch and show:

- a. Existing topography in dashed lines and proposed contours in solid lines at two (2) foot intervals, plus spot elevations;
- b. Soil types and boundaries in dotted lines;
- c. Existing tree lines and proposed trees and all other plantings;
- d. Edge of all paved areas;
- e. Location and size of all structures, piping and other materials;
- f. Center line stations of all proposed roads at fifty (50) foot intervals; and
- g. Location of all adjacent lot lines with lot numbers as assigned on the appropriate preliminary or final plan.

2. Profiles of all proposed roadways, showing existing and proposed eleva

tions along the center line of all proposed roads; and all structures, piping and other materials. Profiles shall be drawn at fifty feet to the inch horizontal and five (5) feet to the inch vertical scale.

3. Cross-sections of all proposed roadways at fifty (50) foot stations and at all catch basins or culverts showing:
 - a. The roadway and all areas to be disturbed for construction of proposed roadways;
 - b. Proposed subgrades;
 - c. Existing grades and proposed final grades; and
 - d. All utilities and other structures.

Cross sections shall be drawn at a scale of not more than ten (10) feet to the inch horizontal, and five (5) feet to the inch vertical.

4. Construction details for all roadways, curbing, drainage structures, erosion control structures, and any other required improvements shall be drawn and shown at a convenient scale.
5. Plans and other information indicating how increased runoff, sedimentation and erosion shall be managed and controlled during and after construction of required improvements.
6. Sequence of Construction **(Adopted 03/09/2004)**

P. The Final Plat THE FINAL PLAT

1. Final plans shall be drawn on mylar in permanent ink, and shall include all data and exhibits in final form, as submitted and, if necessary, revised after Board decisions relating to the preliminary plans. The final plat shall be submitted as an original with two copies in blue or black line print. Sheet size shall be so as to conform to the requirements of the Registry of Deeds, Rockingham County. A one inch margin shall surround all but the left side, which shall be two inches for binding. Space shall be allocated for necessary Planning Board endorsement, on the Lower Right hand corner of any and all sheets.
2. The Final Plat shall show sufficient data, acceptable to the Board's engineer, to determine readily the storm drainage network, and the location, bearing and length of every street line, lot line, boundary line, and to reproduce such line on the ground. All dimensions shall be shown to the hundredth of a foot and bearings to at least a half minute. The error of closure shall not exceed 1 in 1,000.

3. A cost estimate form for estimating road construction costs can be obtained from the Secretary of the Planning Board and must be reviewed by the Town Engineer.

Q. Amendments

These regulations may be expanded, amended or rescinded by the Planning Board, under the following procedures:

1. The Planning Board shall hold at least one Public Hearing on proposed amendments to these regulations;
2. Copies of the proposed amendment shall be posted at the Town Hall and one other public place, and a summary version shall be published as a legal notice in a newspaper of general circulation in Kensington;
3. The Public Hearing shall be held not less than ten (10) days after posting and publishing, not including the posting/publishing and hearing dates, but including weekends and holidays;
4. The Board will provide, at the Public Hearing, a sufficient number of copies of the proposed amendments for the use of those attending the Hearing;
5. The Board may, during the Public Hearing and after it is closed, make non-substantative changes of an editorial or textual nature only to the proposed amendments, but these may not be such that the intent is thereby altered;
6. At any time after the Public Hearing has been held and closed, the Board may act on the proposed amendments. Such action may take place only at a Regular Public Meeting of the Board;
7. All Board members present and voting on the amendments shall sign a dated, official copy of the proposed regulation with amendments; and
8. Attested, signed copies of the approved regulations with amendments shall be filed with the Selectmen, Town Clerk, and an attested copy transmitted to the Registry of Deeds, Rockingham County, and to the Office of State Planning.

R. Effective Date

These regulations shall be immediately effective upon adoption by the Board. Adopted on July 5, 1984, by unanimous vote.

S. Scattered and Premature Subdivision (Adopted 11/16/2004)

The Planning Board may decline to approve a subdivision which it finds to be “scattered and/or premature” and which would, if approved, involve danger or injury to health, safety, or prosperity by reason of the lack of water supply, drainage, sewage, transportation, schools or other public services and/or which would require excessive expenditure(s) of public funds for the supply of such services.

It is intended that this regulation shall promote balances, responsible and desirable growth and to control the timing of development by avoiding haphazard, scattered and uncoordinated development. The evaluation which follows recognizes that development may be deemed “scattered and/or premature” if it involves or could involve the lack of, or would require an excessive expenditure of public funds to provide services, or would result in a cumulative adverse impact upon Town facilities and/or the neighborhood environment with respect to any or all of the following:

1. Distance to the nearest elementary school and effect on school bus transportation;
2. Potential fire protection problems owing to location and/or other special conditions relating to the development;
3. Potential police protection problems owing to location and/or other special conditions;
4. Potential snow plowing and other road maintenance problems owing to location;
5. Potential problems relating to collection of trash owing to location or other special conditions;
6. Inadequacy of access streets or roads and/or sidewalks;
7. Potential problems relating to on-site water supplies and/or sewage;
8. Inadequacy of water supply for fire protection purposes;
9. Potential drainage impact problems;
10. Conditions otherwise requiring excessive expenditure of public funds; and
11. Other potential problems within the meaning and purpose of this Section.

If it is determined by the Planning Board that the proposed subdivision is scattered or premature, the Planning Board may require the developer to make improvements or to address adverse impacts on facilities or services, as conditions of subdivision approval.

These may consist of but not be limited to the following:

- a. Improve any access streets, existing or to be constructed, to appropriate Town road standards;
- b. Build or reconstruct sidewalks if these be deemed necessary to the public safety;
- c. Construct static water supplies (fire ponds) with dry hydrants for fire protection purposes;
- d. Provide such traffic control facilities as are deemed necessary for the public safety.

The Planning Board will consider all impacts of the proposed subdivision on facilities and services and may, if it deems necessary, apportion to the developer those costs which can be properly assessed against the development as are found to be required because of the development.

If it is determined by the Planning Board that the proposed subdivision, using the above criteria, is scattered and/or premature, and that the off-site improvements cannot be made to cure the adverse conditions, the Planning Board may decline to approve such subdivision until such time as these adverse conditions are determined by the Planning Board to be curable.

******CONSTRUCTION CHECKLIST******

NOTES

1. All construction materials and methods shall be as per NH DPW Specifications unless modified herein.
2. Material used for the construction of roadway fills shall have the physical characteristics of soils designated as group A-1-a, or A-3 under AASHTO M145.
3. Road base material (bank run and processed gravel) shall be sampled on-site and tested by an independent test laboratory. Samples must meet applicable NH DPW specifications or it shall be replaced. **(Amended 05/2/1996)**
4. Where under drains are required, they shall be installed in the ditch line. The pipe shall be a minimum diameter of 6 inches, and be made of corrugated perforated metal; the invert shall be a minimum of 3 feet below the finished grade of the ditch; the pipe shall be completely surrounded with 6 inches of peastone, and the remainder of the trench shall be backfilled with clean sand to within 6 inches of the finished grade of the ditch; the pipe, stone, and sand shall all be wrapped in a geotextile filter fabric. Under drains must be inspected prior to backfilling. **(Added 05/2/1996)**
5. A 1/4 inch tolerance is allowed for the fine grading of the crushed gravel and placement of the bituminous concrete. However, the finished pavement depth must be at least equal to or greater than the depth specified on the approved plan. **(Added 05/2/1996)**
6. Material specifications and/or construction methods may not be waived by any Agent of the Planning Board. **(Added 05/2/1996)**
7. Compaction testing, gradation tests, core samples, As Built inverts and Cross Section data must be obtained, certified, and submitted by the applicant's Engineer/Surveyor. **(Added 05/2/1996)**

CONSTRUCTION CHECKLIST

| <u>Construction Stage</u> | <u>Minimum Required Survey Control</u> | <u>Minimum Required Equipment</u> | <u>Minimum Requirements</u> | <u>Testing</u> |
|---------------------------|---|--|--|--|
| Earthwork (Cut/fill) | Grade stakes every 50 feet along center line of ditch; Benchmarks every 300 feet along roadway | As required; Vib Roller Required for Fills Greater than 3 feet | Fill not to be placed until foundation area approve; 6 inch lifts; see notes for fill material requirements | Gradation Compaction |
| Subgrade | Grade stakes every 50 feet along center line of ditch; Benchmarks every 300 feet along roadway | Bulldozer; Front End Loader; Roller | Shape and compact road bed with crown from ditch line to ditch lines; shape back slopes; Geotextile fabric may be required if subgrade is unstable | Compaction; As Built Cross Section |
| Drainage | As Needed | Excavator; Hand Compactors; Front End Loaders | As Per Plan | As Built Inverts; Compaction; Underdrains to be inspected prior to Backfilling |
| Bank Run Gravel | 1 st 12 inches Grade stakes every 50 feet along centerline of ditch; benchmarks as above | Road Grader; Vib Roller; Road Grader; Water Wagon | Place, shape and compact; in 6 inch lifts; 3 rd 6 inch list to be fine graded within ½ inch of required grade | Compaction; Gradation; As Built Cross Section on 3 rd 6 inch lift Sieve analysis per NH DPW Specifications (Amended 5/2/96) |
| Crushed Gravel | Grade stakes every 50 feet, two feet off back of shoulder; benchmarks as above | Road Grader; Vib Roller; Water Wagon | Place, shape and compact; to be fine graded within ¼ inch of required grade (See Notes) | Compaction; Gradation; As Built Cross Sections Sieve analysis per NH DPW Specifications (Amended 5/2/96) |
| Paving | Edge and radius points marked; As Built Cross Sections of the Crushed Gravel before paving | Self propelled Paver; Static Roller (Min 10 ton) | Place, shape and compact to within ¼ inch of required grade (See Notes) | Core Samples and As Built Cross Sections on Binder and Top |