

# DANVILLE, NEW HAMPSHIRE



## SUBDIVISION REGULATIONS

Revised: May 14, 2015

# LAND SUBDIVISION CONTROL REGULATIONS

Adopted by the Danville Planning Board

July 7, 1970

Revised and replaced May 14, 2015, by vote of the Danville Planning Board after a duly noticed public hearing having been held May 14, 2015, at the Danville Town Hall.

Effective as of May 14, 2015, upon recording with the Town Clerk.

May 14, 2015 – DANVILLE PLANNING BOARD

---

---

---

---

---

---

---

Filed with Town Clerk

Received by

Date

Filed with Board of Selectmen

Received by

Date

Filed with Office of Energy and Planning

Date

**THE TOWN OF DANVILLE  
LAND SUBDIVISION CONTROL REGULATIONS**

**Table of Contents**

**SECTION I – AUTHORITY AND TITLE..... 1**

**SECTION II – DEFINITIONS ..... 2**

**SECTION III - PROCEDURES ON PLANS (PLATS)..... 4**

**SECTION IV - GENERAL STANDARDS .....21**

**SECTION V - DESIGN STANDARDS.....24**

**SECTION VI – CONSTRUCTION STANDARDS .....34**

**SECTION VII – PERFORMANCE AND MAINTENANCE SECURITY .....46**

**SECTION VIII – WAIVERS .....48**

**SECTION IX – AMENDMENTS .....50**

**SECTION X – PENALTIES AND FINES .....51**

**SECTION XI – ADMINISTRATION AND ENFORCEMENT .....52**

**SECTION XII – CERTIFICATE OF FAILURE TO TAKE ACTION .....53**

**SECTION XIII - VALIDITY .....54**

**APPENDIX A - SIGNATURE BLOCK.....55**

**APPENDIX B – DRIVEWAY ENTRANCE.....56**

**APPENDIX C - SAMPLE ROADWAY CROSS-SECTION .....57**

**APPENDIX D - STREET CONSTRUCTION CHECKLIST .....58**

## **SECTION I**

### **LAND SUBDIVISION CONTROL REGULATIONS**

#### **DANVILLE, NEW HAMPSHIRE**

### **SECTION I – AUTHORITY AND TITLE**

Pursuant to the authority vested in the Danville Planning Board by the voters of the Town of Danville at a Special Town Meeting held July 7, 1970, and duly recorded with the Registry of Deeds of Rockingham County, and in accordance with the provisions of Chapter 674:35-36, New Hampshire Revised Statutes Annotated, 1983, as amended, the Danville Planning Board adopts the following Regulations governing the subdivision of land in the Town of Danville, New Hampshire. These Regulations shall be known as and may be cited as “THE TOWN OF DANVILLE LAND SUBDIVISION CONTROL REGULATIONS” hereinafter referred to as “SUBDIVISION REGULATIONS”. These Subdivision Regulations revise and replace the 1970 Regulations Governing Subdivision of Land of the Town of Danville, and take effect upon adoption in accordance with RSA 675:6 III.

## SECTION II

### SECTION II – DEFINITIONS

- A. **Abutter** means any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration by the Planning Board. For purposes of receiving testimony only, and not for purposes of notification, the term “abutter” shall include any person who is able to demonstrate that his land will be directly affected by the proposal under consideration. For the purpose of notification, the term “abutter “ shall also include holders of conservation, preservation, or agricultural preservation restrictions as defined under RSA 477:45. *Amended 06/25/1998*
- B. **Board** means the Planning Board of the Town of Danville.
- C. **Master Plan** means any part or element of the overall plan or plans for municipal development developed by or under the supervision of the Planning Board.
- D. **Engineer** means the duly designated engineer or highway agent of the Town of Danville or, if there is no such official, the planning consultant or official assigned by the Danville Planning Board to such duties.
- E. **Lot** means a single parcel of land with ascertainable boundaries in single or joint ownership, undivided by a street and established by a recorded deed or by lot boundary lines on a land subdivision plan duly recorded, and having principal frontage on a street.
- F. **Plan** or **Plat** means the final plan, map or drawing on which the subdivider’s plan of subdivision is presented to the Planning Board for approval, and which, if approved, shall be submitted to the Register of Deeds of Rockingham County for recording.
- G. **Qualified Soil Scientist** means a person qualified in Soils Classification and who is recommended/approved by the Rockingham County Conservation District Board of Supervisors.
- H. **NHDOT 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. *Added 05/14/2015*
- I. **Street** Notwithstanding the Danville Zoning Ordinance definition of Right-of-Way, street shall means a public road or thoroughfare, a Class I-V highway, which constitutes a way of access to more than one lot and which has been legally dedicated and accepted for public use.
- J. **Subdivider** means an individual, firm, association, syndicate, partnership, corporation, trust, or any other legal entity (or agent therefore) that undertakes the activities governed by these regulations. Inasmuch as the subdivision plat is merely a necessary means to the end of assuring a satisfactory development, the

## SECTION II

term “subdivider” is intended to include the term “builder”, “developer”, “contractor”, or any other such person participating in developing the whole or any part of a subdivision, even though the persons involved in successive stages of the subdivision may vary.

- K. **Subdivision** means the division of a lot, tract or parcel of land into two or more lots, plats, sites or other divisions of land for the purpose, whether immediate or future, of sale, rent, lease, condominium conveyance, or building development. It includes re-subdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided. The division of a parcel of land held in common and subsequently divided into parts among several owners shall be deemed a subdivision under this Chapter.
- L. **Certified Soil Scientist.** A person qualified in soil classification and mapping who is certified by the State of New Hampshire Board of Natural Scientist. ***Amended 06/29/1998***

## SECTION III - PROCEDURES ON PLANS (PLATS)

### A. GENERAL INFORMATION

1. Any person proposing to subdivide land in the Town of Danville must apply to the Planning Board for approval of such subdivision.
2. The application shall conform to the specification contained in these Regulations, and to any other applicable regulations adopted by the Town.
3. The applicant shall be required to pay all reasonable costs or fees for special investigative studies and the review of documents, which are particular to the application, in addition to administrative and notification fees as required by the Board.
4. In accordance with *RSA 676:16*, as amended, transfer or sale of any lot in an unapproved subdivision will be null and void and subject to a penalty in accordance with *Section X, Penalties and Fines. Amended 11/18/1999*
5. To aid the applicant, Planning Board, and abutters or persons with a direct interest in the plan, the Town has developed a three-stage process. The applicant may elect to forgo or engage in pre-application review, which consists of the Preliminary Consultation and Design Review stage. Pre-application review shall be separate and apart from formal consideration, and the time limits for acting under these reviews shall not apply until formal application is submitted. It is suggested that applicants utilize all three stages. *Amended 11/18/1999*
6. The Board may make a visual on-site inspection of the land at any stage of the proposal. Inspection is to be at such time when the site is free of snow cover, unless the Board is otherwise satisfied that such inspection is not required. The Board may also have representatives from other Town boards as well as professional experts make a visual on-site inspection of the land at any stage of the proposal if it feels that such inspection will aid in the Board's review.
7. If a plan is withdrawn prior to hearing notification for the plan, no further action is required by the Board, and it will be considered terminated. One copy of any such plan(s) shall be retained for Board files.
8. Approval of the plan by the Board shall not constitute an acceptance by the Town of the dedication of any proposed street, highway, park or other public open space.
9. The Board may approve the plan with such conditions as may be necessary to ensure proper completion of required improvements, as detailed in *Section VII, Performance and Maintenance Security.*

### SECTION III – A, B

10. Once a subdivision hearing has been properly noticed, the Board may review and act upon the application at that noticed hearing even if the applicant or the applicant's representative is not present. Only the Board, not the applicant, can cancel a hearing once notice has been given.  
*Amended 11/18/1999*

#### B. PRE-APPLICATION REVIEW *Amended 11/18/1999*

##### 1. Preliminary Consultation (Stage 1)

In accordance with *RSA 674:4, II-(a)*, an individual who anticipates submitting a formal application for subdivision approval has the option of informally consulting with the Board prior to formal submission.

- a) **Purpose:** The purpose of a preliminary consultation is to familiarize the Board with the basic concept of the proposed subdivision. The consultation can also help to acquaint the potential applicant with the formal application process and particular information that the Board may request.

This stage is very informal for the purpose of facilitating the subsequent preparation of the plans. It may involve a rough sketch of the proposal, but not necessarily a professionally prepared plan. Only conceptual ideas may be discussed. No fees or formal public hearing notice are required for a preliminary consultation.

- b) **Limits of the Review:** The Board shall conduct the preliminary consultation at a regularly scheduled meeting of the Board. The applicant will make a presentation defining the general scope and concept of the subdivision and/or development and how the land will be divided and/or used. The consultation is intended for informational discussions only and no vote(s) will be taken.

Such consultation shall not bind either the applicant or the Board, and statements made by the 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 Town's Master Plan. Neither the applicant nor the board shall be bound by the discussions.

- c) **Requested Review Data:** In order to facilitate discussion, it is suggested that the potential applicant be prepared to present the following information for a preliminary consultation. The data may be tentative, but all information shall be sufficiently clear to illustrate conditions of the proposed subdivision and/or development of the property.



## SECTION III – B

Base maps drawn to scale, showing the proposed subdivision with approximate dimensions. Base maps may consist of general available mapping, including, but not limited to:

- ☐ local tax;
- ☐ zoning mapping; and/or
- ☐ property survey plans.

A general description of the existing property and proposed development which may be comprised of the following:

- ☐ written text;
- ☐ photos; and/or
- ☐ rough sketches;
- ☐ approximate number of lots proposed and approximate roadway lengths and locations, if any.

### 2. **Design Review (Stage 2)**

In accordance with *RSA 676:4, II-(b)*, the Board may engage in non-binding discussions with the applicant beyond conceptual and general discussions which involve more specific design and engineering details; provided, however, that 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 676:4, I-(d)*. Statements made by Board members shall not be the basis for disqualifying said members or invalidating any action taken.

- a) **Purpose:** The purpose of the design review stage is to encourage the Board and the applicant to work together to facilitate the final application process. Conformance of the proposed plans with these and other applicable regulations including, but not limited to: the Danville Town Zoning Ordinance, and as applicable, the Danville Town Master Plan, will be considered during this stage.

This stage involves professionally prepared and surveyed plans with approximate dimensions sufficient to show the intent of the proposal. With direction from the Planning Board, various permits, tests, and reports, which may be required for the specific proposal, shall be identified during this stage.

A Stage 2 Design Review Request form must be submitted at least fourteen (14) days prior to a regularly scheduled meeting. Notification fees of ten dollars (\$10.00) per abutter are required for this stage.

- b) **Limits of the Review:** The Board shall conduct the design review at a regularly scheduled meeting of the Board. The applicant will make

## SECTION III – B

a presentation describing the specific design and engineering details of the proposed subdivision and/or development, and how the project will proceed. This Review stage is intended to provide applicants with procedural guidance into Stage 3, Formal Application. In an effort to provide the applicant with appropriate direction needed to proceed to Stage 3, Formal Application, the Board may conduct non-binding votes with regard to waivers that may be required for the proposed design. Formal binding votes on all waiver requests shall be taken during Stage 3, Formal Application. No other vote(s) will be taken relative to any discussions held in the Design Review Stage.

Such consultation shall not bind either the applicant or the Board, and statements made by the Board members shall not be the basis for disqualifying said members or invalidating any action taken. The Board and the applicant may discuss the proposal in enough detail to determine the necessity of any additional permits, test, and/or reports, as may be required under formal application. Neither the applicant nor the Board shall be bound by the discussions.

- c) **Requested Review Data:** In order to facilitate discussion, it is suggested that the potential applicant be prepared to present the following information for a design review. The data may be approximate, but all information shall be sufficiently clear to illustrate details of the proposed subdivision and/or development of the property. It is suggested that the applicant provide at least three (3) copies of each plan sheet for review by the Board.
- Base map and project description data as defined in *Stage 1: Preliminary Consultation*.
  - An existing conditions plan prepared by a licensed land surveyor.
  - Layout and engineering design plans, sufficient in detail to make appropriate recommendations. The following plan information is suggested:
    - Existing and proposed property lines;
    - Roadway layouts, profiles, and template sections;
    - Site topography;
    - Shoreline/Wetland delineation; and
    - Locus map.

To facilitate the final application process, and provide ample time and data for the Board to make adequate determinations, the application is encouraged to provide, in preliminary form, proposed development details compliant with *Section III.D, Plan Requirements*.

## SECTION III – C

### C. FORMAL APPLICATION (STAGE 3 and MINOR LOT LINE ADJUSTMENT) *Amended 11/18/1999*

1. Applications for subdivision approval shall be filed with the Planning Board and shall fulfill all the requirements of these regulations. An application shall be on forms available at the Town Offices. A completed application shall be submitted to and accepted by the Board only at a public hearing for which notice has been given to the applicant, abutters, and the general public.
2. The Board, at the next regular meeting or within thirty (30) days following the delivery of the application for which notice can be given, in accordance with *RSA 676:4 I-(d)*, shall determine if a submitted application is complete, according to the Board's regulations, and shall by majority vote, vote upon its acceptance.
3. Within sixty-five (65) days after acceptance of a completed application, the Board shall act to approve, approve with conditions, or disapprove the application. In cases where an application has been disapproved, the grounds for such disapproval shall be clearly stated in the Board's minutes and written notice provided to the applicant. The applicant may request an extension beyond the sixty-five (65) days. Extensions shall be granted solely at the discretion of the Board.
4. In order for an application to be complete, the Formal Application form must be properly filled out, all required fees paid, and all completed engineered plans, tests, permits, and reports filed with the Town at least fifteen (15) days prior to the meeting at which the application will be considered. One original, plus seven (7) copies of the following information must be included:
  - a) On a separate paper, the correct names, mailing addresses, and corresponding Danville Tax Map reference, sheet and parcel numbers, of the following:
    - ☐ Owner(s) of record;
    - ☐ Applicant; and
    - ☐ All abutter's (including those across the street or stream) as indicated in Town records, and obtained not more than five (5) days before the day of filing.
  - b) Required application fees. Failure to pay such fees will terminate further consideration of the proposal, and the Planning Board may disapprove the plan without a public hearing. Fees are as follows:
    - ☐ \$75.00 for the first lot (existing lot of record);
    - ☐ \$50.00 for each newly created lot; and
    - ☐ \$10.00 per abutter (including applicant), notification fee.

### SECTION III – C

Additional fees may be required for mapping, administrative expenses, courier fees of \$25.00, special investigative studies, review of documents and other matters that may be required by particular applications.

A retainer will be required for the Town Engineer's fees for appropriate plan review as determined by the Town Engineer. The Planning Board may require confirmation from the Town Engineer indicating services have been paid in full prior to Planning Board approval. ***Amended 07/13/2006***

- c) The final plan(s) shall be in permanent ink on mylar and include all the requirements in final form in *Section D, Plan Requirements*. Seven (7) copies of each plan sheet shall be provided, in addition to all other supporting documents, permits, deeds, test data and report necessary for each specific proposal.

The signature block shall appear on all recorded sheets as shown in Appendix A.

- d) All abutters must be indicated on any submitted plan, showing their location in relation to the proposed subdivision, per *Section D, Plan Requirements*.
- e) The final plan(s) shall include sufficient data acceptable to the Planning Board and the Town Engineer to readily determine the location, bearing and length of every street and lot line, and every proposed street and lot line, and boundary line sufficient to reproduce such line upon the ground. All dimensions shall be shown to hundredths of a foot and bearings to at least one (1) second. The error closure shall not exceed a ratio of 1 to 10,000. The final plan(s) shall show the boundaries of the property and the bounds of any public or private streets and easements abutting or pertaining to the proposed subdivision in any manner.
- f) All waiver requests must be noted and shall include specific article(s) and/or paragraph(s) for which a waiver is requested.

- 5. For subdivisions greater than two (2) lots, no mylar will be signed by the Board until an individual review has been conducted by the Town Engineer, and the Planning Board has received the letter of review. Updates to the plan during this stage shall require subsequent review by the Town Engineer. The Planning Board may further impose his condition on any application.

## SECTION III - D

### D. PLAN REQUIREMENTS *Amended 11/18/1999*

#### **1. All plan set/sheets shall comply with the following general requirements:**

- a) All sheet sizes shall conform to the filing requirements of the Registry of Deeds of Rockingham County. All sheets shall be of the same size.
- b) Plan scales shall be at sufficient scale to show all pertinent detail for the intent of each sheet. The Board reserves the right to request larger scaled plans as deemed necessary. Unless otherwise noted in these regulations, no plan shall have a scale of less than 1-inch to 100-feet.
- c) Date of original plan submission and successive dates of revision.
- d) All layout plans shall have a north arrow.
- e) The scale of all plans and detail shall comply with these regulations and must be clearly labeled.
- f) All plats to be recorded shall have adequate space for the required Board endorsement.
- g) All plan elevations shall be based on local USGS benchmark datum, shown and labeled on plan(s).
- h) All plans shall be consecutively labeled and numbered.
- i) All continued plans shall include accurate and labeled match lines.
- j) All new construction shall be detailed with dimensions, sections or other details required by the Planning Board so that all of the construction features are buildable from the plan.

#### **2. All plan sheets shall include the following identifying information:**

- a) Proposed subdivision name or identification.
- b) Town of Danville Tax Map reference and lot number(s), for the existing lot(s) of record to be subdivided.
- c) The correct names and mailing addresses of the owner(s) of record (and applicant, if different).

## SECTION III - D

- d) Name, mailing address, license number, and seal of the NH registered Land Surveyor, licensed Engineer or designer, wetlands and/or Soil Scientist, and septic designer, as applicable.
- e) A note as follows: *"The landowner is responsible for complying with all applicable State and Federal regulations, including any permitting required under these regulations."*

**3. All subdivision plan sets shall be developed by a qualified licensed engineer or designer and, at a minimum include, the following separate plan sheets and required information as listed:**

a) **Title Sheet**

- 1) Name of the subdivision
- 2) Locus map showing site and local access roads (minimum scale 1" = 1000');
- 3) Sheet index;
- 4) Legend; and
- 5) Required property/owner information.

b) **Existing Conditions Plan**

- 1) Existing lot(s) of record identified and acreage, show on plan layout;
- 2) Existing lot lines and pertinent boundary extensions with all bearing and distances;
- 3) All existing lots included in the proposal to subdivide shall include a current boundary survey and be shown and labeled on the plan(s) in their entirety;
- 4) All abutter tax map and lot numbers, names and mailing addresses, show on the plan layout relative to the proposed lot to be subdivided.
- 5) All existing bounds and monumentation within two hundred feet (200') of the proposed lot to be subdivided.
- 6) Location, names, centerlines, and widths of all existing connection and abutting roadways, easements, alley, rights-of-way, sidewalks, curbing and driveways within two hundred feet (200') of the site;
- 7) All street(s) on which lots have frontage, and rights-of-way;
- 8) Existing easements and other encumbrances;
- 9) Surveyed topography\* with a minimum two foot (2') contour interval and spot elevations at critical locations where relief is less than two feet (2');
- 10) Local benchmark from USGS datum;
- 11) All existing water courses, ponds or standing water, and wetlands within one hundred feet (100') of all property lines;\*\*
- 12) Class 5 and 6 soils delineations;

## SECTION III - D

- 13) Ledge outcroppings and other geological formations;
- 14) FEMA Flood Plan and, if any, Floodway boundaries per published FIS and FIRM;
- 15) All Danville Zoning boundaries;
- 16) All existing on-site buildings and structures;
- 17) The location, elevation, and layout of all existing public utilities including water mains, sewers, utility poles, transformers, underground facilities, culverts, and drainage structures;
- 18) Any private or public parks, open spaces, conservation lands, trails or paths;
- 19) All abutting subdivisions' names and similar facts regarding abutting property;
- 20) Any essential property features which may be of interest to the Board; and
- 21) Minimum scale: 1inch to 100feet.

### c) **Layout Plan(s)**

- 1) Existing lot lines boundaries, with lines to be altered or removed to be shown screened. Surveyed boundaries for the entire parcel must be shown;
- 2) Identification and acreage of proposed lots;
- 3) All proposed new lot lines with bearings and distances;
- 4) All lots to be subdivided shall be shown and labeled on the plan(s) in their entirety;
- 5) Required new monuments and bounds;
- 6) Location, names, centerlines, and width of all existing connection and abutting roadways, easements, alley, rights-of-way, sidewalks, curbing, and driveways within two hundred feet (200') of the site;
- 7) All street(s) on which lots have frontage, and rights-of-way;
- 8) All existing and proposed easements or other encumbrances;
- 9) Proposed roadways, rights-of-way, sidewalks and curbing;
- 10) Locations of access to existing town roads, as stated in *RSA 236-13, Section 5*, and copies of permits for such access;
- 11) Existing topography\* with a minimum two foot (2') contour interval, *shown screened\*\*\**;
- 12) All proposed grading typing back into existing grades;
- 13) Local benchmark from USGS datum;
- 14) All existing wetlands within one hundred feet (100') of all property lines\*\*;
- 15) Any proposed new, or changes to existing, water courses, ponds or standing water, and wetlands within one hundred feet (100') of all property lines;
- 16) Proposed areas to be or filled directly in water courses, ponds, standing water, or wetlands, or within NH and/or Danville defined wetlands setback, *shown with screened cross-hatching\*\*\**;

## SECTION III - D

- 17) Class 5 or 6 soils delineation, *shown screened\*\*\**;
- 18) FEMA Flood Plain and, if any, Floodway boundaries per published FIS and FIRM, including any proposed changes to flood boundaries as a result of the proposal;
- 19) Danville zoning boundaries;
- 20) All applicable setbacks including building, septic, wetlands, and NHDES jurisdictional Shoreline Protection Act boundaries;
- 21) All existing on-site building and structure, *shown screened\*\*\**;
- 22) The location, elevation, and layout of all existing public utilities including water mains, utility poles, transformers, underground facilities, culverts, and drainage structures, *shown screened\*\*\**;
- 23) All proposed water mains, sewers, utility poles, transformers, underground facilities, culverts, drainage structures, and connections or alternative means of providing water supply, and disposal of sewage or surface drainage\*\*\*\*;
- 24) The location of test pits and percolation tests and the 4,000 square foot septic reserve areas for each newly created lot;
- 25) Any existing private or public parks, open spaces, conservation lands, trails or paths, *shown screened\*\*\**;
- 26) Location of all parcels of land proposed to be dedicated to public use;
- 27) Any other essential property features which may be of interest to the Board; and
- 28) Minimum scale: 1inch to 50feet.
- 29) Indicate approximate location of proposed building footprint(s) and proposed driveway(s). ***Amended 07/13/2006***

d) **Site Details**

Show details, pertaining to, but not limited to, layout, roadway, drainage, and utility design, as necessary to provide for complete and proper review and construction.

e) **Roadway Plans, Profiles, Template and Cross-Sections**

If new roadways are proposed as part of the subdivision, the following are also required:

- 1) Site plan(s) showing all proposed streets, sidewalks and other improvements, and their connection and access to existing town roads;
- 2) Percent of grade of all streets, proposed and existing;
- 3) Centerlines and rights-of-way lines of all roadways;
- 4) Stationed length and width of all proposed roadways;



## SECTION III - D

- 5) Locations and sizes of all existing electric utilities and telephone lines, water mains, sewer lines, and similar connections, storm water pipes, drains, and culverts, and, where possible, pertinent rim and invert elevations, *shown screened*<sup>\*\*\*</sup>;
- 6) Location and sizes of proposed electric utilities and telephones lines, water mains, sewer lines and similar connections;
- 7) Locations, lengths, rim and invert elevations, and slopes of all proposed storm water pipes, drains and culverts;
- 8) Continuous and matched roadway profiles along with centerlines of all proposed roadways. All profiles shall accurately match all stationed plan(s) and their topography features;
- 9) Roadway cross-sections at fifty foot (50') increments, and at all roadway or drainage structures;
- 10) Type of pavement or surfacing of streets and sub-grade thickness;
- 11) Materials specifications per *Section VI, Construction Standards*;
- 12) Designs of all bridges and culverts; and
- 13) Minimum scales for roadway plans, profiles, and cross-sections are defined in *Section V.B.2, Streets* of these regulations.

### f) **Subdivision Grading and Erosion Plan**

If new roadways are proposed as part of the subdivision, or if the subdivision results in more than two (2) lots, a separate plan (with all applicable details) shall be prepared to show all required environmental management measures proposed to minimize area disturbance.

\* The general topography of the proposed subdivision shall be provided by means of surveyed elevations with sufficient points within the property bounds to establish and show contour lines at vertical increments of not more than two (2') foot intervals for the entire area proposed to be subdivided, including establishment of the lowest and highest points therein.

\*\* All wetlands boundaries shall be established by a Certified Wetlands Scientist certified by the State of New Hampshire. All Class 5 and 6 (P and VP) soils shall be delineated using high intensity soils mapping. ***Amended 07/13/2006***

\*\*\* Cross-hatch screened or otherwise appropriately designated.

\*\*\*\* Where the topography is such as to make difficult the inclusion of any facilities mentioned above, within the public areas so laid out, the preliminary plan shall show the boundaries of proposed permanent easements over or under private property. Such easements shall not be less than ten feet (10') in width and shall have satisfactory access to existing or proposed public way(s).

## SECTION III - D

The Subdivision Grading and Erosion Plan (Plan) shall include, at a minimum, the following information:

- 1) Basic street and lot layout numbered;
- 2) Delineation of the wetlands areas potentially affecting proposed grading or dredge-and-fill activities shall be identified;
- 3) Existing and proposed topography as outlined in *Section III.B and III.C*;
- 4) Detailed description and relative location of proposed soil erosion and sediment control measures and structures;
- 5) Identification of the developer inspection schedule and inspection procedures for the proposed soil erosion and sediment control measures;
- 6) Drawings and specifications for each proposed soil erosion and sediment control measure in accordance with guidelines of the town and the Rockingham County Conservation District;
- 7) Drawings, details and specifications for proposed flood hazard prevention measures and structures, and for proposed storm water retention and/or detention basins. Drainage calculations and flood prevention measure/storm water retention and/or detention basin designs must be consistent with each other;
- 8) Slope stabilization description, specifications and detailed drawings; and
- 9) A timing schedule indicating the anticipated starting and completion dates of the subdivision development and the time of exposure of each are prior to the completion of effective soil erosion and sediment control measures.

For commercial and industrial development, the plan shall include the technical determination (through field measurements) of aquifer characteristics of groundwater table contours, depth measurements to groundwater, direction of groundwater flow, and soil types.

### **4. The following additional non-plan information is required for Stage 3 Application:**

- a) Drainage report and calculation, sealed by a New Hampshire licensed engineer, completed in accordance with *Section V.C, Surface Water Drainage Management Plan* of these regulations.

### SECTION III - D

- b) The location of and pertinent data on sufficient test pits and percolation tests to show that the regulations in *Section VI.F, Sewage Disposal Systems*, can be met on each lot created by the subdivision. Information shall include at least the following: the location of test pits, percolation test data, the certification of the Health Officer or their agent witnessing the tests, an outline of the area reserved for leach fields to correspond with test location. The leach field is to be twice the minimum size required to allow a reserve area should the first system fail. This area need not be next to the leach field. Local septic system requirements must be met prior to obtaining approval from NH Water Supply and Pollution Control Commission.
- c) Approval from NH Water Supply and Pollution Control Commission.
- d) Letter acknowledging review by the Danville Conservation Commission. Any cover letters or pertinent explanatory data provided by the certified wetlands and/or soil scientist shall also be submitted.
- e) The description and conditions of all lands proposed to be dedicated to the Town, and a copy of such private deed restrictions as are intended to cover part or all of the tract.
- f) Indication of the use of all lots (e.g., single family, two family, multi-family, townhouse, commercial or industrial). Indication of all parcels of land proposed to be dedicated to public use and conditions of such dedications and a copy of such private deed restrictions as are intended to cover part, or all, of the entire tract.
- g) Newly created lots shall be consecutively numbered or lettered in alphabetical order.
- h) The following shall also be submitted:
  - 1) Explanation of proposed drainage easements, if any;
  - 2) Explanation of proposed utility easements, if any;
  - 3) Explanation of proposed site easements, if any; and
  - 4) Explanation of proposed reservations, if any.
- i) Traffic impact studies shall be required if any of the following apply:
  - 1) Subdivision creates twenty (20) or more lots;
  - 2) Proposed roadways connect to neighboring towns;
  - 3) Proposed subdivision is greater than ten (10) lots, has only one means of exit and that exit is through an existing residential development;

### SECTION III - D, E, F

- 4) Proposed subdivision shall include non-residential property and the Board determines that a traffic impact analysis is necessary due to size, location, or traffic generating characteristics of the development; and
- 5) The Board determines that a health or safety issue with respect to traffic may exist.

#### E. TIMING FOR FORMAL CONSIDERATION *Amended 11/18/1999*

1. Within thirty (30) days after submission of the application in accordance with *Section III.C.2*, of these regulations, the Board will begin formal consideration of the application.
2. The Board shall act to approve, approve with conditions, or disapprove the application within sixty-five (65) days after formal acceptance of the application, in accordance with *Section III.C.2*, of these regulations, subject to extension or waiver as provided in the following paragraph.
3. The Planning Board may apply to the Selectmen for an extension not to exceed an additional ninety (90) days before acting to approve, approve with conditions, or disapprove the application. The applicant may waive the requirement for Planning Board action within the time periods specified in the above, and consent to such extensions as may be mutually agreeable. Should the applicant waive the requirements as described, such waiver and consent must be presented in writing.

The decision to grant or reject any such extension request shall be made solely at the direction of the Planning Board.

#### F. NOTIFICATION

The Planning Board shall notify the applicant and abutters by certified mail, return receipt requested, of the date upon which the application will be formally submitted to the Board. Notice shall be mailed at least ten (10) days prior to formal submission.

Notice to the general public shall also be given at the same time by posting in two (2) public places and/or publication in a newspaper of general circulation in the Town. The notice shall include a general description of the proposal, the applicant's name, and location of the proposal. For any public hearing on the application, the same notice is required for notice of submission of the application shall be given. If notice of public hearing has been included in any prior notice, additional notice is not required, nor shall additional notice be required of any adjourned session of a hearing properly noticed, if the date, time and place of the adjourned session was made known at the prior hearing.

## SECTION III - G, H, I

### G. PUBLIC HEARINGS

1. The applicant, any abutter, or any person with a direct interest in the matter may testify in person or in writing at the public hearing. Other persons may testify as permitted by the Board.
2. No application may be denied or approved without a public hearing on the application unless the following situations occur:
  - a) The subdivision consists of a minor lot line adjustment or boundary agreement which does not create a buildable lot. However, notice to the abutters is required prior to approval of the application. Any abutter may request to be heard on the application.
  - b) The Board has disapproved the application for the following reasons:
    - 1) Failure of the applicant to supply information required by the Regulations, including abutters' identification;
    - 2) Failure to meet reasonable deadlines established by the Board.
    - 3) Failure to pay costs of notice or other fees required by the Board.
3. In case of disapproval of any application submitted to the Board, the ground(s) for such disapproval shall be adequately stated upon the records of the Board.

### H. RECORDING AND FILING OF PLATS

No subdivision plat shall be filed or recorded with the Rockingham County Registry of Deeds until it has been approved by the Planning Board and such approval has been endorsed in writing on the plat by the signatures of a majority of the board. Seven (7) prints of the plat shall be given for the Planning Board, Board of Selectmen, and Building Inspector.

### I. FIVE YEAR EXEMPTION

Every plat approved by the Planning Board and properly recorded in the Registry of Deeds shall be exempt from all subsequent changes in subdivision regulations and zoning ordinances adopted by the Town of Danville, except those regulations and ordinances which expressly protect public health standards such as water quality and sewage treatment requirements, for a period of five (5) years after the date of recording; provided, however, that once substantial completion of the improvements as shown on the plat have occurred in compliance with the approved plat, or the terms of said approval, the rights of the owner or his successor in interest shall vest and no subsequent changes in subdivision

## SECTION III - I, J

regulations or zoning ordinances shall operate to affect such improvements; and further, provided that: (1) Active and substantial development or building has begun on the site by the owner or his successor in interest in accordance with the approved plat within twelve (12) months after the date of approval, or in accordance with the terms of said approval, and, if a bond or other security to cover the costs of roads, drains, or sewers is required in connection with such approval, such bond or other security is posted with the Town at the time of commencement of such development; (2) Development remains in full compliance with the public health regulations and ordinances specified in this Section; and (3) At the time of approval and recording, the plat conforms to the subdivision regulations and zoning ordinances then in effect at the site of such plat.

Unless alternate threshold levels of work are specified by the Planning Board at the time of Final and/or Conditional Approval, and noted on the approved plat, Active and Substantial Development or Building shall be specified to have begun, per RSA 674:39 paragraph I.(a), when all of the following conditions have been met. ***Amended 04/24/2008 & Amended 05/14/2015***

- All proposed roads/streets and all site work associated with the roads/streets, including all site work within road easements, shall have been certified by the Town Engineer as being at least sixty-five percent (65%) completed (exclusive of top coat) and as conforming to Town standards and the approved plan. ***Amended 04/24/2008***
- At least sixty-five percent (65%) of all required utilities have been installed, completed, and approved by the Town Engineer as conforming to Federal, State and town standards and are in conformance with the approved Plan. Final connection to the utilities from the street to the residence/business need not be included in the calculations. Utilities shall consist of electrical, telephone, cable and any other public or private utility shown on the approved Plan. ***Amended 04/24/2008***
- The owner, or their agent(s) or successor(s), is consistently engaged in activity of considerable worth or value toward completion of the essential plan elements, as determined by the Planning Board. ***Amended 04/24/2008***

### J. ISSUANCE OF DECISION

The Planning Board shall issue a final written decision of their action to approve or disapprove the completed application. If the application is not approved, the Board shall provide the applicant with written reasons for disapproval. The decision shall be placed on file in the Board's office and shall be made available for public inspection within seventy-two (72) hours after the decision is made and shall file a copy of the decision with the Town Clerk.

## SECTION III - K

### K. CONDITIONAL SUBDIVISION APPROVAL

Where conditional approval of a subdivision is given subject to receipt of road bonding or other performance or maintenance security, the Board will provide a written decision of their action to the subdivider but will not sign the mylar until the bond is accepted by the Town. Conditional approval will be in effect for one (1) year from the date the approval was given. Failure of the subdivider or his representative to provide the required security in this time period will require that the application for a formal Stage III hearing will be resubmitted and the process repeated.

Normally only a single one (1) year extension will be considered for a Conditional Approval. The Planning Board will consider granting two (2) extensions to a Conditional Approval when: (1) the only outstanding issue is State approval and the applicant shows good faith in obtaining that approval (i.e., submittal to the State at least sixty (60) days prior to Conditional Approval expiration); (2) the application would not be affected by changes in zoning which have been passed during the Conditional Approval period or initial application period; and (3) the application would not be affected by known proposed changes in zoning. ***Amended 11/18/1999***

## SECTION IV - GENERAL STANDARDS

*Amended 11/18/1999*

### A. OVERVIEW

An applicant shall adhere to the following general principles when designing and laying out a proposed subdivision development within the Town of Danville.

### B. GENERAL PRINCIPLES

An applicant shall observe the following general principles of land subdivision and development activity:

1. **Conformity with Master Plan, Zoning Ordinance and Official Zoning Map:** The subdivision plan shall be in general harmony with the Master Plan goals and objectives consistent with the Zoning Ordinance and Official Zoning Map of the Town.
2. **Conformity to Other Laws:**  
Subdivision plans shall conform to all regulations of the Board, and other applicable Town by-laws, ordinances, regulations, and statutes of the local, State and federal governments. During construction any required changes to design must be reviewed and approved by the Planning Board. *Added 05/14/2015*  
  
All streets, roadways, utilities, sewerage and drainage facilities, curbs, and sidewalks, when required, shall be installed and constructed in accordance with the specifications of the Town of Danville.
3. **Potentially Unusable Land:**  
Land of such character that cannot be safely used for building purposes because of exceptional danger to health or peril from fire, flood, impermeable soil or other menace shall not be platted for residential occupancy, nor for such other uses as may increase danger to health, life or property or aggravate the floor or sewage hazard, until appropriate measures have been taken by the owner or his agent to eliminate such hazards.
4. **Preservation of Natural Features:**  
Insofar as possible, the subdivision plan shall preserve such natural features as wetlands, watercourses, waterbodies, floodplains, steep slopes, aquifer recharge areas, large or unique trees, wildlife habitats and scenic views. The street and lot layout shall bear a logical relationship and be adapted to the topography of the site. Extensive grading and filling is discouraged and should be avoided to the greatest extent possible.
5. **Landscaping and Tree Planting:**



## SECTION IV – B

Removal and planting of trees shall be in conformance to Section V.J., Protection of Natural Resources and Historic Features of these regulations.

6. **Self-Imposed Restrictions and/or Covenants:**

If the owner places restrictions and/or covenants on any portion of the land within the subdivision greater than those required or the Zoning Ordinance, such restrictions and/or covenants shall be referenced on the plan. The Board reserves the right to review, or have its attorney review, the proposed restrictions and/or covenants to ensure that they are designed to protect the public health, safety and general welfare and that such restrictions and/or covenants do not violate any local regulations or ordinances. All costs of legal review shall be borne by the applicant with *RSA 676:4 l(g)*.

7. **Scattered or Premature Development:**

As per RSA 674:36, II(a), the Board, in its discretion, will not approve such scattered or premature development as would create danger or injury to the general public health, safety and welfare due to the lack of water supply, drainage, sewage disposal, transportation, schools, or other public services; nor will the Board approve such development which will necessitate as excessive expenditure of public funds for the supply of such services.

- a) These regulations are designed to guide the Town's future growth in a balanced and responsible manner. Towards this end, the Board shall consider the following items when determining whether a proposed subdivision is scattered or premature:
  - 1) Adequacy of existing access streets and/or sidewalks;
  - 2) Adequacy of water for domestic needs;
  - 3) Potential health problems regarding the relationship between on-site sewage disposal systems and the soil conditions of the parcel, as well as the potential impact on surrounding water quality;
  - 4) Potential problems with the delivery of municipal services (such as fire protection, ambulance, schools and police services);
  - 5) Potential drainage problems both on-site and downstream; and
  - 6) Other health and safety issues.
- b) The Board may determine that a proposed subdivision is scattered or premature unless special improvements are made off-site or to the site itself. In such cases, the Board may require the applicant to make said improvements prior to, or as a condition of subdivision approval. Required improvements may consist of, but shall not be limited to the following:

## SECTION IV – B

- 1) Improvement of access streets leading to the proposed subdivision if, in the view of the Board, the existing access streets are deemed to be inadequate;
  - 2) Construction or improvement of sidewalks along any access streets where a potential increase in pedestrian traffic is expected;
  - 3) Improvement of nearby intersections (including the installation of traffic signals and/or signage) if, in the view of the Board, the existing intersections are deemed to be inadequate;
  - 4) Provision and/or enhancement of recreational facilities;
  - 5) Provision and/or extension of drainage facilities.
- c) The Board will consider only the impact of the proposed subdivision in relation to the provision of municipal services and, if necessary and appropriate, apportion the costs of any such improvements required of the applicant.

### 8. **Additional Requirements of the Board:**

- a) As specified elsewhere in this Ordinance, the Board may, due to the character, size, and location or other factors specific to the proposed subdivision, require that one or more sites within the subdivision be dedicated for use as recreational (neighborhood park or playground) or undisturbed open space. Such sites shall be of suitable character and size for the intended use. Such areas, whether privately or publicly owned shall have a sufficient restrictive covenant, which shall run with the land, recorded in the deed to assure permanent use as a recreation or open space land. Privately owned recreation or open space land shall be deeded in such a way that will assure the maintenance of the land and facilities in an orderly manner suitable for the intended use.
- b) The Board may require the installation of other special improvements inasmuch as deemed necessary or desirable for the health and safety conditions or circumstances relative to the proposed subdivision. Any such special requirements shall be stated in writing in the minutes of the Board with the reasons therefore.

## SECTION V - DESIGN STANDARDS

*Amended 11/18/1999*

### A. OVERVIEW

An applicant shall use the following design standards when designing and laying out a subdivision development within the Town of Danville. These principles and requirements shall be construed as the **minimum** requirements. The Board, at its discretion, where the proposed subdivision has potential health and safety issues not foreseen by these regulations, may waive certain requirements for good cause in accordance with the procedures outlined in these regulations.

### B. STREETS

#### 1. Minimum Requirements

The subdivider shall design and construct any new streets in or to the subdivision in accordance with the standards set forth in *Section VI. B.*, of these Regulations, and shall, at a minimum include the following components:

- a) Storm Water Drainage. The subdivider shall design and install an adequate storm water drainage system for the subdivision and its streets, in accordance with the standards set forth in *Section VI. C.*, of these Regulations.
- b) Sidewalks are restricted only to Main Street from Route 111 to Pine Street. The subdivider shall design and construct sidewalks from property line to property line in accordance with the standards set forth in *Section VI.E*, of these regulations. ***Amended 5/8/2003***

#### 2. Design of Local Roadways

Grades of all proposed streets shall conform in general to the existing terrain, but shall not be less than 1.0% (one percent) nor exceed 5% (five percent). The Board may, for good cause, allow a greater grade, but in no case shall any grade in excess of 8% (eight percent) be allowed, and may allow greater horizontal and vertical curves. ***Amended 05/14/2015***

- a) All streets shall have a crown at the center with cross slopes of not less than one quarter inch (1/4") to the horizontal foot from crown to sideline of surfaced roadway.
- b) The minimum centerline radius for horizontal curves shall be two hundred fifty feet (250'). There shall be a minimum fifty feet (50') long tangent length between adjacent horizontal curves. ***Amended 05/14/2015***

## SECTION V - B

- c) Changes in vertical grades shall have a vertical curve designed to provide a minimum length of fifty feet (50'),
- d) All horizontal and vertical curves shall be designed to provide adequate sight distance using a design speed of 30 MPH and the criteria as set forth in the AASHTO "A Policy of Geometric Design for Highways and Streets", latest edition. *Amended 05/14/2015*
- e) The roadway plan shall include:
  - 1) Plan at a scale of not less than 1" = 40'
  - 2) Profile with a scale ratio of 1 horizontal to 10 vertical
  - 3) Roadway cross sections to be provided for fifty feet (50') intervals with additional sections at points of interest and/or structures (such as culverts). A minimum scale of 1" = 10', both horizontal and vertical shall be used. *Amended 05/08/2003*
  - 4) Additional data as required in other provisions of the local, State and Federal regulations.

### 3. **Platting of Streets**

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

No proposed street or highway right-of-way shall be less than feet sixty feet (60') in width and may be required to be more if a greater street width is warranted in the opinion of the Board. The apportioning of the street widths among, and the requirements for, surfaced roadway, curbs, sidewalks, and possible grass strips shall be subject to the requirements and approval of the Board. *Amended 05/14/2015*

### 4. **Layout of Streets and Lots**

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 shall not be permitted.

Intersecting property lines at proposed street intersections shall be joined by a curve of at least twenty feet (20') radius. *Amended 05/14/2015*

### 5. **Dead-end Streets and Cul-de-sacs**

Except where near-future connections are planned, approved, and bonded, proposed dead-end or cul-de-sac streets shall not exceed one thousand five hundred feet (1,500') in length, and shall be equipped with a paved turn-around roadway at the closed end having a minimum radius of

## SECTION V - B

seventy-four feet (74') from the center to the outside edge of the right-of-way deeded to the Town. *Amended 05/14/2015*

Turn-arounds are also required at town boundaries for snow plows and school buses. Provisions shall be made for reversion of the excess right-of-way in the cul-de-sac to adjacent property owners upon extensions of the street.

### 6. **Future Subdivision**

Where the plan submitted covers only part of the subdivider's entire tract or contiguous landholdings, a sketch of the prospective future street system of the un-submitted part shall be furnished to the Board, and the street system of the part submitted shall be considered in light of the adjustments and connections with the street system of the part not yet submitted.

### 7. **Parking**

There shall be adequate width and area on every proposed lot after the erection of a residence to permit the parking within the lot and within the lot clearances required by the Zoning Ordinance and Building Code of at least two (2) cars for each family dwelling unit, upon a gravel or surfaced parking area, or in lieu thereof, within a garage or carport stall.

### 8. **Street Names**

Streets that join or are in alignment with existing and/or approved and bonded streets of abutting or neighboring properties shall bear the same name. The developer may suggest streets names by designation upon preliminary layout, but shall not be inserted until submittal of the final plat with Planning Board approval. No proposed street name shall duplicate or have phonetic resemblance to existing street names within the Town. A letter from the Fire Chief approving the proposed street name(s) shall be submitted to the Board.

### 9. **Street Signs**

The developer shall be responsible for the erection of all street names, traffic control, and safety signs at all street intersections.

### 10. **Other Design Standards**

All streets and improvements shall be constructed in conformance to *Section VI, Construction Standards* of these regulations. Refer for *Section VI*, for the following design requirements:

## SECTION V – B, C

- Street Construction
- Curb Construction
- Sidewalk Construction
- Storm water Systems
- Bridges
- Driveways and Other Accesses to Public Ways

### C. SURFACE WATER DRAINAGE MANAGEMENT PLAN *Amended 01/27/2011*

1. Adequate surface storm water drainage for the entire subdivision area shall be provided. Storm drainage shall be carried to existing water courses or connect to existing storm drains. No new drainage ways shall be created unless necessary easements are obtained. Such easements shall be duly recorded on the plan and the property deeds involved. No increase in the rate of surface runoff shall be permitted beyond the property lines of the parcel upon which such development occurs. Design shall be calculated consistent with the methods and standards contained in NHDES Stormwater Management Manual (December, 2008, as amended); and the Manual on Drainage Design for Highways, NHDOT, as amended. All watercourses shall be designed so as not to create erosive velocities as defined by the State (NHDES, 2008).
2. Storm sewers and subdivision drainage facilities (closed conduit systems) shall be designed by the Rational Method Formula (NHDOT, as amended) with a 25-year rainfall frequency. Cross road culverts carrying runoff from only the subdivision shall be designed with the Soil Conservation Service's (SCS) Handbook, Urban Hydrology for Small Watersheds Technical Release #55 (TR55), as amended, with a 25-year/24-hour rainfall frequency or Technical Release #20: Project Formulation – Hydrology (TR20), as amended, except where NHDOT requires the use of an alternative method. Open channels shall be designed with either the Rational Method Formula, TR20 or TR55 with 25-year and 100-year rainfall frequencies. Potential hazard structures, such as holding ponds, retention and detention facilities, sedimentation ponds, etc., shall be designed to 100-year/24-hour storm standards in accordance with TR20, as amended. Sizing of facilities to meet water quality objectives shall be consistent with the sizing methodology stipulated in the NHDES Alteration of Terrain regulations at New Hampshire Code of Administrative Rules Env-Wq 1500, as amended.
3. Provisions shall be made to accommodate the increased runoff caused by changed soil and surface conditions during and after development. Sediment in the runoff water shall be trapped by the use of sediment basins or other acceptable methods until the disturbed area is stabilized. Diversions, sediment retention basins, and so forth, shall be constructed prior to any on-site grading or disturbance of existing surface materials.

## SECTION V – C, D

4. Standards for Surface Water Drainage Management Plan.
  - a) Total topography of entire piece of land. Pre- and post- development watersheds and sub-watersheds.
  - b) Depicted location of any streams and watercourses that exist any time during the year. Location of the runoff path used to determine time concentration. Runoff coefficients for each watershed and/or sub-watershed.
  - c) Any planned or proposed alternations to (b) above cause by development.
  - d) Design standards shall be based on standards mentioned in 1 and 2 above. (This will necessitate a hydrologist or a qualified civil engineer reviewing the plan on a fee basis).
5. Regardless of total project size, subdivisions that result in site disturbance greater than one acre (including roadway and other infrastructure, and also the buildable areas of all lots), shall provide permanent measures for the protection of water quality, meeting the minimum standards for these measures as provided by the NHDES Alteration of Terrain regulations as stipulated in NH Code of Administrative Rules, CHAPTER Env-Wq 1500, PARTS Env-Wq 1507 and 1508, as amended.

### D. SUBDIVISION GRADING AND EROSION PLAN

The subdivider shall bear the final responsibility for the installation and construction of all required drainage, slope, stabilization, soil erosion and sediment control measures and structures according to the provisions of these Regulations. After completion of the subdivision and release of the performance security, the maintenance of such structures shall revert to the Homeowners Association of that subdivision where one exists, or to the Town in the absence of such an association.

Regardless of total project size, subdivisions that result in site disturbance greater than one acre (including roadway and other infrastructure, and also the buildable areas of all lots), shall provide erosion and sediment controls during construction activities, meeting the minimum standards of the NHDES Alteration of Terrain regulations as stipulated in NH Code of Administrative Rules, CHAPTER Env-Wq 1500, PARTS Env-Wq 1505 and 1506, as amended. **Amended 01/27/2011**

Silt Socks shall be used as the primary erosion control methodology. Other methods may be used in addition to silt socks. **Added 05/14/2015**

## SECTION V – E, F

### E. WATER SERVICE

#### 1. **Public Water**

When a public water service is proposed, the system shall be designed to handle all expected flows (domestic and fire) for present and future development within the subdivision. The Board shall reserve the right to have its designated agent inspect the installation of all public water systems in accordance with the State's installation standards (Env-Ws1000).

#### 2. **On-Site Water Supply**

All subdivisions, except those proposing public water supply, shall include provisions for on-site water supply which shall conform to all criteria of the Water Supply and Pollution Control Division of the New Hampshire Department of Environmental Services. It shall be the responsibility of the developer to provide adequate information to prove that the area of each lot is adequate to permit the installation and operations of both individual on-site water supply and sewage disposal systems.

### F. SEWAGE DISPOSAL

#### 1. **Public Sewer**

When a public sewage disposal service is proposed, the system shall be designed by a NH licensed septic designer. Each system shall be designed to handle all expected wastewater flow for present and future development within the subdivision. The Board shall reserve the right to have its designated agent inspect the installation of all public sewage disposal systems in accordance with the State's installation standards (Env-Ws 1000).

#### 2. **On-Site Sewage Disposal Systems**

In areas not served by public sewage disposal systems at the time of subdivision, it shall be incumbent upon the subdivider or his agent to adequately demonstrate that all proposed lots will meet all current state and local septic system disposal standards. No subdivision of land will be approved where it creates a building lot that will not meet these standards.

The subdivider or his agent shall be required to submit all site information, including but not limited to, percolation tests, soil types, slope, and minimum distance data as may be required by the Planning Board to determine the suitability of each proposed lot for on-site sewage disposal.

In no case shall the Planning Board approve a proposed subdivision until subdivision approval from the New Hampshire Water Supply and Pollution Control Commission has been received by the developer.

All sub-surface sewage disposal systems must be designed and constructed to meet the minimum standards set forth in the New Hampshire Water Supply and Pollution Control Commission regulations *Section WS*



## SECTION V – F, G, H, I

*1007, "Design Standards for All Systems", as well as the design standards established by the Danville Board of Health pursuant to RSA 147:1.*

### G. INSTALLATION OF UTILITIES

1. In all subdivision developments, the developer shall install all electric, telephone and other utility distribution lines per specifications of the local public utility company involved. For subdivisions greater than two (2) lots, all utilities will be underground.

Underground street crossing shall be minimized. The developer shall provide such easements as are necessary for installation of such utilities, including those required for transformer pads.

2. All utilities going underground shall be installed in the grass strip of shoulder area of the road, and services to all lots where road crossings are needed shall be in place before final road surface is placed. It is the intent of this Section that no such utilities shall be installed under street pavement, except for necessary connections which must cross under such pavement.

### H. EASEMENTS

All easements shall be laid out on the subdivision plan and referenced in each affected deed, granting to the Town rights of access and maintenance. The following additional provisions shall also apply:

#### 1. Utilities

Where the topography is such as to make difficult the inclusion of utilities or other facilities within the road rights-of-way, the subdivision shall show the boundaries of the proposed permanent easements over or under private property. Such easements shall not be less than twenty-five feet (25') in width and shall have satisfactory access to existing or proposed public rights-of-way.

#### 2. Drainage

Where a proposed subdivision is traversed by a watercourse or drainage way, the Board shall require a storm water easement or drainage right-of-way of at least twenty-five feet (25') in width.

### I. NFIP SPECIAL FLOOD HAZARD AREA

#### 1. Permits

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

**2. Minimization of Flood Damage**

Where a subdivision affects designated FEMA/NFIP floodplains, sufficient evidence (construction drawings, grading and land treatment plans) shall be submitted so as to allow the Board to determine that:

- a) All such proposals are consistent with the need to minimize potential flood damage;
- b) All public utilities and facilities, such as sewer, electrical and water systems are located and constructed to minimize or eliminate potential flood damage;
- c) Adequate drainage is provided so as to reduce exposure to flood hazards; and
- d) New and replacement sewer and water systems (including on-site systems) are located, designed and constructed to minimize infiltrations and avoid impairment.

**3. Elevation Certificates and Flood-proofing Record**

The applicant shall provide and maintain current records of elevation and flood-proofing levels for all new or substantially improved structures, whether or not such structure contain a basement, until after final subdivision approval.

**4. Alteration of Water Courses**

The State Wetlands Board shall be notified prior to any alteration or relocation of a watercourse and copies of such notifications shall be submitted to the National Flood Insurance Program. The flood carrying capacity shall be maintained with the altered or relocated portion of any watercourse.

**5. Floodplain/Floodway Delineation**

For all subdivision proposals and other proposed new developments greater than five (5) lots or five (5) acres, whichever is the lesser, the developer shall include base flood elevation data and delineation on all subdivision plans.

All floodplain information delineations shall be of the 100-year flood based upon the most current Flood Insurance Study (FIS) for the Town of Danville as prepared for the National Flood Insurance Program (NFIP) by the Federal Emergency Management Agency (FEMA).

6. Information submitted shall include documentation that the placement of fills, proposed site grading, placement of structures, building floor elevations, and other elements of the site design conform to applicable provisions of the Town of Danville Zoning Ordinance Article V., Section H. Floodplain Development Ordinance, as amended. ***Amended 01/27/2011***

J. PROTECTION OF NATURAL AND HISTORIC FEATURES

1. **Natural Features**

The subdivision and development shall, whenever possible, preserve natural features. The Board may request an advisory opinion from the Conservation Commission in the determination of the value of natural features and the boundaries of such natural systems. Such areas include watercourses, waterbodies, floodplains, wetland areas, steep slopes, aquifer recharge areas, wildlife habitats, large or unique trees and scenic views. Natural features that provide buffers between lots, or sections, of a subdivision should be preserved to enhance privacy and aesthetic value.

At a minimum the following shall apply:

- a) Each significant natural feature within the subdivision including large or unusual trees, watercourses, natural stone outcroppings, and other scenic features shall be shown on the subdivision plan. Planning Board approval shall be obtained before removal of such features.
- b) No tree shall be removed by the subdivider within the proposed Town right-of-way without the approval of the Planning Board. The Planning Board will direct the Town Engineer to mark each tree to be retained.
- c) Any town tree, removed in accordance with the previous paragraph, shall be replaced by the subdivider at a location specified by the Planning Board at the applicant's expense.

2. **Historic Features**

Each existing building or man-made structure, including stone fences, shall be shown on the subdivision plan and reviewed with the Planning Board for historic significance. Such features will not be destroyed or removed without Planning Board approval.

3. **Buffer Zone**

The Board shall require the designation of natural buffer zones of at least fifty feet (50') width around surface water, wetlands or other natural features which may be adversely affected by erosion or storm water runoff. The Board shall also require a fifty foot (50') vegetative buffer zone to provide screening where non-residential developments abut a residential zone. The interior line of all buffer zones shall be marked with markers specified by the Planning Board. The markers shall be placed on trees spaced every 25' (twenty-five feet). Height shall be six feet (6') above ground level. Where trees are not suitable, six foot (6') metal posts shall be used, driven two feet (2') into the ground and markers mounted four feet (4') above ground level. *Amended 07/13/2006*

**4. Tree Planting**

- a) Along both sides of each street, the subdivider shall plant new trees so that, with existing trees, the tree-to-tree spacing shall lie between thirty (30') and sixty (60') feet and twenty (20') feet above the finished roadway.
- b) The locations for trees placed other than along the sides of streets shall be designated by the Planning Board.
- c) Each tree planted shall be two and one-half (2 ½) to three (3) inches in caliper measured two feet (2') above the ground.
- d) Each tree planted shall be of a species acceptable to the Planning Board.
- e) Each tree planted shall be guaranteed by the subdivider for a period of one (1) year from the date of planting. Each tree replaced shall also be guaranteed by the subdivider for a period of one (1) year from the date of planting.

**K. MAILBOX POST INSTALLATION**

The mailbox post shall be installed by the developer as described:

There shall be a four foot (4') wide by ten foot (10') long paved apron installed on the right front of driveway as a continuation of the driveway skirt. The mailbox post shall be placed so that when the mailbox is installed on the post the face of the mailbox is flush with the inside edge of the paved apron. See Appendix "B" below. *Amended 05/14/2015*

## SECTION VI – CONSTRUCTION STANDARDS

*Amended 11/18/1999 & 05/14/2015*

### A. OVERVIEW

An applicant shall use the following standards when constructing a subdivision development within the Town of Danville. These regulations shall be construed as the minimum requirements. The Board, at its discretion, may require higher standards in individual cases, or may waive certain requirements for good cause in accordance with the procedures outlined in these regulations.

### B. STREET CONSTRUCTION STANDARDS

1. Each newly dedicated roadway or street without curbing and sidewalks shall have a minimum right-of-way of sixty feet (60') property line to property line. The pavement (travel way) shall be not less than twenty four feet (24') with gravel strips not less than six feet (6') wide on each side of the pavement. See Appendix "C" Sample Roadway Cross-Section

Roadways and streets with curbing and sidewalks shall have a minimum right-of-way of sixty feet (60') property line to property line. The pavement (travel way) shall be not less than twenty four feet (24') with grass strips not less than six feet (6') wide on each side of pavement and sidewalks not less than four feet (4') wide on outer side of both grass strips. See Appendix "C" Sample Roadway Cross-Section

2. Finished road shall consist of a twenty four foot (24') paved (travel) surface of "I" type bituminous concrete not less than four inches (4") in thickness laid in two layers, and a gutter area capable of conducting water from one catch basin to another or being able to conduct water to any one or two catch basins.
3. All streets shall be inspected by the Town Engineer during construction at a minimum of five (5) stages, namely:
  - a) After clearing of the right-of-way before gravel sub base is put in place.
  - b) While installing gravel sub base.
  - c) While installing gravel base.
  - d) Gravel base final inspection prior to paving.
  - e) While paving is being done.

The subdivider shall notify the Town Engineer as to readiness for inspection of any such street at each stage of its construction. Approval or disapproval

## SECTION VI – B

to any inspection by the Town Engineer shall be in writing, with a copy to the Selectmen, and shall constitute only a recommendation relative to whether or not the Town shall accept the street concerned.

4. Subgrade embankments for all streets and roadways shall be constructed in accordance with the NHDOT Standard Specifications and Subsection B(5) through (12k) which appear below. If there is any conflict between the Standard Specifications and those specified in these regulations, the more stringent shall apply.
5. On all new streets, all impervious materials, loam, soft clay, and other yielding material shall be removed or stripped from the roadway area and shoulders, a width of thirty-six feet (36') to a depth of no less than four feet (4') below the finished grade and/or to a depth that may be required by the Town Engineer. No trees shall be replanted in the sixty foot (60') area without permission from the Planning Board.
6. 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 four feet (4') 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.
7. 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 NHDOT 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).
8. 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 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 (50') 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.

## SECTION VI – B

9. 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.
10. A cul-de-sac turn-around roadway shall have the following requirements. The cul-de-sac shall be designed in the shape of the number nine (9). The radius minimums shall be seventy-four feet (74'), divided thusly; thirty-four feet (34') center island left in its natural vegetative state, including a four foot (4') gravel strip on the outer edge of the center island; twenty-four feet (24') finished pavement (traveled way) and six foot (6') gravel strip outer edge of traveled way, and twelve feet (12') remainder to the edge of the right-of-way. The turn-around shall be joined to the street by a curve of at least twenty-five feet (25') radius to affect a flair from the street to the turn-around roadway. The Planning Board may require an alternative design for the center island, when desired, for health and/or safety reasons. **Amended 07/13/2006**
11. At all phases of roadway construction, a representative of the Town will require the following: **Amended 06/10/1999**
  - a) Additional engineering design which is deemed necessary due to the subsurface conditions encountered in the work.
  - b) A letter of certification by an independent soils laboratory or engineer stating that the sub-grade or gravel base is compacted to 95% (ninety-five percent) optimum density and the gravel meets or exceeds the minimum requirements.
  - c) Sworn weight tickets for all bituminous concrete paving placed within the roadway limits.
  - d) As-built survey and certification for all or any part of the proposed new construction. As-built surveys shall be performed by a New Hampshire Licensed Land Surveyor. Drainage and roadway certifications shall be performed by a New Hampshire Licensed Professional Engineer.
12. The sub-base or base course under each street and shoulder shall be developed as follows:
  - a) The sub-base course under each street and shoulder shall be composed of twenty six inches (26") of coarse sandy gravel meeting the requirements of NHDOT Item 304.1 compacted in two (2) thirteen inch (13") lifts. This shall be followed by a twelve inch (12") thick layer of crushed gravel meeting the requirements of NHDOT Item 304.2, Gravel. This shall be followed by a six inch (6") thick layer of crushed gravel meeting the requirements of NHDOT Item

## SECTION VI – B

304.3, Crushed Gravel. Gravel shall be carried out to inside slope of swale. See Appendix “C” Sample Roadway Cross-Section

- b) Base Course shall not be constructed during freezing weather or on a wet or frozen sub-grade.
- c) Blading and rolling shall be required to provide a smooth, even and uniformly compacted course true to cross-section and grade. Compaction shall continue until ninety-five percent (95%) of maximum density at optimum moisture content is obtained. Compaction testing shall be done every one hundred feet (100') of roadway and certification of same provided to the Town Engineer.
- d) A minimum slope from crown to curb of the finished base course shall be one quarter inch (1/4") per foot or as may be required on curbs or on super elevations.
- e) Any portion of the base course material that is not accessible by means of proper compaction with rolling equipment shall be compacted thoroughly by methods satisfactory to the Town Engineer.
- f) All yielding or unstable material shall be excavated as directed and brought up to grade with satisfactory material.
- g) At all time during construction, the sub-grade and all ditches shall be constructed and maintained so that the road will be effectively drained.
- h) The gravel source used for these materials shall be acceptable to the Town Engineer.
- i) In areas with excessive clay, water, or loam or clay based, the depth of the sub-base course shall be more than the twenty inches (26") minimum depth. The base depth and required base drainage shall then be properly designed by the subdivision engineer and approved by the Town Engineer (e.g., by increasing base depth to thirty-two inches [32"], on road or underdrains, or both).
- j) Design depth shall be based on current engineering practices using percolation results obtained during the wet season, soil bearing capacity and type.
- k) Should a dispute arise between the Town Engineer and subdivision engineer, the Town Engineer's decision shall govern unless the Planning Board rules otherwise upon appeal to it therefrom.



## SECTION VI – B

13. Proposed Street shall be paved in accordance with the following requirements.
  - a) By placing one course a minimum of two and one half inches (2.5") followed by a second or finish course of at least one and one half inch (1.5") of a hot bituminous concrete and which shall be placed with a mechanical spreader and compacted with a ten (10) ton tandem roller under the same specifications and conditions as stated in the State of New Hampshire, Department of Public Works and Highways Standard Specifications for Road and Bridge Construction, adopted and approved November 1, 1960, as later amended/revised.
  - b) This hot bituminous concrete shall consist of the following materials: The aggregate shall be a bank run crushed gravel with a maximum sieve size of one and one quarter inches (1 ¼"); the bituminous materials shall be an asphalt cement AX 85-100 unless otherwise designated on the plans or ordered; and the percentage of bituminous material shall be determined at the plant size to insure proper control. This is no way to relieve the contractor from designing a road pavement for a higher classification of traffic which would require a heavy pavement for strength or a different design mix as approved by the Planning Board.
14. Guardrails when required by design or by Planning Board shall meet the requirements of the current NHDOT "Standard Specifications for Road and Bridge Construction" Section 606. The Planning Board shall determine the type or rail and ends used. **Amended 05/08/2003**
15. A sample roadway cross-section is shown in Appendix C
16. A sample street construction checklist is shown in Appendix D

## SECTION VI – C

### C. STORM WATER SYSTEM *Amended 11/18/1999 & 05/14/2015*

#### 1. OVERVIEW

A storm water system shall be constructed in accordance with the following requirements:

- a) The storm water system shall include an adequate number and sizes of catch basins and/or drop inlets, and shall be fully designed to handle all computed or reasonably anticipated storm water drainage. The minimum size, slope and location of the pipe shall be determined by a qualified licensed professional engineer and installed under his supervision. *Amended 06/10/1999*
- b) No storm water pipe, catch basin, drainage inlet, or other pipe floor drain, draining surface water shall be connected to any sanitary sewer system, pipe or other part of said system. All storm water pipe shall be inspected and approved by the Town Engineer before covered. Inspection shall be completed on a normal workday within a 24-hour period after notification.
- c) The subdivider shall provide satisfactory information that his storm water drainage system will not cause flooding or unreasonable deposits of such waters upon or onto adjacent private or public lands or streets, unless deed easements for the same are obtained in the name of, or to be deeded to, the Town of Danville.
- d) Catch basins, positive outlets and other devices to facilities *Section V., Surface Water Drainage Management Plan* shall be installed. These devices must meet or exceed any standards set forth for the same in the publication *Standard Specifications for Road and Bridge Construction – State of New Hampshire Department of Transportation*.
- e) 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.
- f) 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. 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 storm, as well as a twenty-four-hour rainfall. The subdivider/developer shall design and calculate consistent with the methods and standards contained in *NHDES Storm Water Management Manual* (December, 2008, as amended); and the Manual on Drainage Design for Highways, NHDOT, as amended. All watercourses shall be designed so as not to create erosive velocities as defined by the State (NHDES, 2008) 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.

- g) Watershed areas before and after development shall be clearly demonstrated on the submitted plans.
- h) The rational method of runoff calculations may be used on small sites.
- i) 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 Section V- D of the sub division regulations of the Town of Danville. All lots affected by drainage easements shall be required to have their individual deeds written with the requirement granting the Town of Danville rights of access and maintenance, and said easements that no construction, alteration, or obstruction of drainage facilities within the said easement will be permitted.

## 2. STORM DRAINAGE SPECIFICATIONS

- a) 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 eighteen inches (18") and installed laid true to line and grade. A catch basin shall consist of pre-cast concrete construction and installed in accordance with the NHDOT Standard Details and "Specifications for Road and Bridge Construction", latest editions. The barrel section shall be at least four feet (4') in diameter and outlet pipe at least two and one-half feet (2 ½") above the bottom of the barrel section. All drainage pipe shall have a minimum cover of three feet (3') in paved areas and two feet (2') in areas not subject to vehicular loading and shall support H-20 loading. If the Planning Board determines that this requirement shall be waived, the

## SECTION VI – C, D

structural calculations of the strength of the pipe must be submitted, 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.

- b) Drainpipes shall be bedded and blanketed in sand (NHDOT Item 304.1) to within a distance of six inches (6") 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.
- c) 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.
- d) Riprap aprons shall be constructed at all inlet and outlet approach channels. Riprap apron dimensions and stone sizes shall be in accordance with NHDES Storm Water Management Manual (December, 2008, as amended); and the Manual on Drainage Design for Highways, NHDOT, as amended.
- e) The subdivider/developer shall pay for the cost of inspection and testing.

### D. CURB CONSTRUCTION STANDARDS

Curbing, if constructed, shall conform to the following specifications.

- 1. Granite curbs shall conform to the following nominal dimensions and shall not have rust stains; straight granite curb, 5" x 18" x 48" minimum length.
- 2. The curb reveal shall be six inches (6") above finished pavement grade. Each expansion joint shall be mortared front and back to a depth of eight inches (8") from top of curb. Curb shall be bedded on and surrounded by a minimum six inch (6") layer of gravel. Complete compaction shall occur in all areas and under the entire length of the curb.

## SECTION VI – E, F

### E. SIDEWALK CONSTRUCTION STANDARDS *Amended 11/18/1999*

Sidewalks, if constructed, shall conform to the following specifications: *Amended 05/08/2003*

1. The sub-grade shall be at least twelve inches (12") of bank-run gravel thoroughly compacted. All stones larger than three inches (3") in diameter shall be removed. Bituminous concrete shall be laid in two (2) courses; namely base course and top course. Base course shall consist of one and one half inches (1½") of binder after rolling. In no case shall the surface be laid until the sub-base has been inspected and approved by the Town Engineer.
2. The sidewalk shall be constructed in such a manner as to provide a one quarter inch (¼") per one foot (1') slope downward toward the curb. There shall be a one foot (1') loam and seed buffer strip between the edge of the sidewalk and the curb.

### F. DRIVEWAYS AND OTHER ACCESS TO THE PUBLIC WAY/EXCAVATIONS *Amended 11/18/1999*

1. It shall be unlawful to excavate or disturb the shoulders, ditches, embankments or the surface improved for travel of any Town highway without written permission from the Selectmen (RSA 236:9). The excavation and restoration within the highway right-of-way shall require that a bond/surety satisfactory to the Selectmen be furnished to the Town providing for the satisfactory restoration of the highway (RSA 236:10 and 236:11).
2. It shall be unlawful to construct/alter in any way that substantially affects the size or grade of any driveway, entrance, exit, or approach within the limits of the right-of-way of any Town highway without a written construction permit or driveway permit which will describe the location, drainage and traffic control devices and will establish grades that adequately protect and promote highway drainage and permit a safe and controlled approach to the highway in all seasons of the year, and will include any other terms and specifications necessary for the safety of the traveling public (RSA 236:13).
3. Driveways shall be constructed in the following manner: The area adjacent to the highway shall be graded so the surface will slope from the edge of the pavement to a line five feet (5') distant from and parallel to the pavement, and be a minimum of three inches (3") below the edge of the pavement.
4. Driveway culverts within the right-of-way shall be a minimum of eight inches (8") in diameter, long enough to preclude blockage by erosion, and of a Town approved type. The driveway culverts must be installed so as to have a minimum of eighteen inches (18") of gravel on top and be at depth so as

## SECTION VI – F, G

5. not to dam runoff and must be at a minimum pitch of one quarter inch (1/4") per foot.
6. All driveways will be shown on subdivision plans.
7. In all new subdivisions, all driveways shall be graveled and culverted, if necessary, from the pavement a distance of eight feet (8') from and parallel to the pavement.
8. Driveways, service roads or private roads serving three (3) or more units will be subject to road specification regulations. If they are to remain private: ***Amended 05/08/2003***
  - a) The plan will state: "The ways shown on this plan are intended by the subdivider (name) and the Planning Board to remain as private ways. The recording of this plan shall not be construed as an offer of dedication of those ways as public highways under the New Hampshire Law of Dedication and Acceptance."
  - b) The ownership and responsibility of the owners as to maintenance, plowing, repairing and replacement, if necessary, are specifically stated in all ownership documents.
  - c) The owner and/or owners recognize in such documents that they assume all liability for said roads that are normally assumed by the Town on roads that have been approved and accepted by the Town.
  - d) The owner and/or owners recognize that the roadways shall be open and accessible at all times to emergency, police and Town officials and vehicles, in order to promote and maintain health and safety for all the occupants.

### G. SEWAGE DISPOSAL SYSTEMS ***Amended 11/18/1999***

All sub-surface sewage disposal systems must be designed and constructed to meet the minimum standards set forth in the New Hampshire Department of Environmental Services - Subsurface Division Regulations Chapter Env-Wq 1000, as well as the design standards established by the Danville Board of Health pursuant to 485-A:29.

1. The bottom of the proposed leaching bed or trench and the floor of a leaching cesspool or leaching pit shall be a minimum of eight feet (8') above the top of any impermeable substratum unless there is a municipal or state-approved community water supply. In this case, the distance to impermeable substratum may be reduced to six feet<sup>1</sup> (6').

---

<sup>1</sup> Fill may be added to meet the standards imposed by paragraphs 2 and 4 above, but may not be added to correct for any of the other listed conditions.

## SECTION VI – G, H

2. Any soil with a seasonal high water table at or within two feet (2') of the natural ground surface shall not be used for the disposal of septic tank effluent.
3. The bottom of the proposed leaching bed or trench and the floor of a leaching cesspool or leaching pit shall be a minimum of four feet (4') above any seasonal high water table.
4. All new on-site waste disposal systems are to be located so as to avoid impairment to them or contamination from them during flooding.
5. All on-site waste disposal systems must be located seventy-five feet (75') from the location of a private well, and two hundred feet (200') from a public well.
6. No soil with a percolation rate of greater than sixty (60) minutes per inch, or which is classified as very poorly drained by the Soil Conservation Service/National Cooperative Soil Survey, shall be used for the disposal of septic tank effluent. Soil which is classified as poorly drained by SCS/NCSS shall not be used unless the presence of a six inch (6") receiving layer is verified by a qualified soils scientist.
7. Any land area having a natural slope of fifteen percent (15%) or greater shall not be altered or used for the disposal of septic tank effluent.
8. Each proposed lot of a subdivision shall contain an area of land sufficient in size and site characteristics to be used as an auxiliary septic system absorption field. Said area shall be reserved for this use and must be capable of meeting the pertinent minimum standards as set forth above. The location of the auxiliary absorption field area shall be indicated on the subdivision plan.

## H. MONUMENTS AND BENCHMARKS *Amended 11/01/1999*

### 1. Monuments

The subdivider shall install granite monuments at all points of tangency and curvature along the right-of-way lines, at the edge of each road boundary, at the terminus of the subdivision, and every 2,500 feet along the roadway within the subdivision. Granite monuments shall be at least forty-eight inches (48") in length and four inches (4") square with suitable center point. The subdivider shall also install pre-cast reinforced concrete monuments at least thirty-six inches (36") in length and four square inches (4 in<sup>2</sup>) at all lot corners along the right-of-way. The developer shall install iron pin monuments not less than three-quarters of an inch (3/4") in diameter and thirty-six inches (36") long or drill holes at all other points on the boundary lines of lots where there is a change in direction. *Amended 06/10/1999*

### 2. Benchmarks

## SECTION VI – H

For all subdivisions involving more than twenty (20) acres, a minimum of two (2) permanent benchmarks are required and shall be tied to the NH State Plan Coordinate System.

### **3. Property Boundaries – Bearings and Distances**

For subdivisions that do not involve the construction of a roadway, and for lot line adjustments, all property bounds must be set and firmly established before the Board will give final approval to the plan.



**SECTION VII – PERFORMANCE AND MAINTENANCE SECURITY**

*Amended 11/18/1999*

- A. The Planning Board may recommend and the Selectmen accept performance security to guarantee the subdivider's completion of street work and other required improvements in conformance with Section V and VI prior to the final approval of the subdivision plat. The security shall be a form, amount, with surety, and other conditions all satisfactory to the Board to insure for the Town the construction and installation of such improvement within a period of time not to exceed two (2) years. The time limit of two years for completion from the date of final approval shall be expressed in the security. The security shall remain valid and available until drawn upon by the Town or released in accordance with sub-paragraph 5 below.
1. Further to the above, the security shall be one of the following:
    - a) certified check, bank check, or savings account passbook property endorsed to the Town of Danville; or
    - b) security bond issued by a surety company authorized to do business in New Hampshire and issued to the Town of Danville.
  2. The performance agreement shall be reviewed and approved by Town Counsel as to proper legal form and enforceability. The cost of this review shall be borne by the subdivider.
  3. The subdivider shall file with the Board a detailed estimate of all costs of required street improvements, drainage structures, utilities or other improvements. The Board shall, after considering this estimate, any other pertinent information received, and their own knowledge, determine the amount of the performance security required.
  4. The Board may further extend the time of two (2) years for completion when the reasons for delay were unforeseeable and beyond the reasonable control of the subdivider and if it is demonstrated and recorded to be in the best interest of the Town. Any such extension shall be in writing and signed by a majority of the Board signifying their concurrence and shall only be granted after ensuring the validity and availability of the security for such extension. Any such extension shall be solely at the discretion of the Planning Board and shall be in writing and signed by a majority of the Board.
  5. The performance security shall not be released until the Selectmen have certified after inspection that the required improvements have been completed in accordance with the approved plat. A fee, payable by the subdivider, shall be charged to cover the cost of professional consultation selected by the Board to assist in determining completion of all required

## SECTION VII – A, B, C

work to the construction standards of the Town and the highest professional standards. Based upon an estimate obtained by the Selectmen, the subdivider will pay at the time of inspection an amount sufficient to cover such fee. The subdivider shall be responsible for any additional fees in the event of rejection and consequent re-inspection.

- B. The board may require, prior to approval of the final plat, that a maintenance security be provided to ensure maintenance of the street(s) until such street(s) are laid out by the town as a public road pursuant to RSA 231 and two (2) years have passed from acceptance by the Town. Such security shall be in an amount, form, and with surety and conditions, all of which are acceptable to the Board. The provisions for review by the Town Counsel, additional requirements as to form, and principles as to the determination of amount shall be the same as for performance security.
- C. All security shall be held by the Selectmen of the Town. The Selectmen shall enforce such securities by all appropriate legal and equitable remedies.

**SECTION VIII – WAIVERS**

*Amended 11/18/1999*

The Board may waive, subject to appropriate conditions, such requirements to the foregoing regulations as in its judgment of the special circumstances and conditions relating to a particular subdivision are not requisite in the interest of public health, safety or general welfare. The Board shall take in consideration the prospective character of the development and of abutting properties.

**A. PROCEDURE**

1. Application desiring the waiver of any provisions of the foregoing regulations shall include a request therefore with a statement of reason(s) for such request with the Formal Application for approval of the plan.
2. Request for such a waiver shall require a public hearing. This hearing may be held as part of the standard Plan Review hearing or may be held separately. If held separately, the public hearing may be held within thirty (30) days with the same notice requirements as the application shall have. Costs for such a public hearing shall be paid by the applicant at the time of the filing and notification fee payment.

**B. GENERAL**

1. Where the Board finds that hardships, practical difficulties, health and safety issues, or unnecessary expense would result from strict compliance with the foregoing regulations or the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve waivers to these regulations.
2. The purpose of granting waivers under provisions of these regulations shall be to ensure that an applicant is not unduly burdened, as opposed to merely inconvenienced, by said regulations. The Board shall not approve any waiver(s) unless a majority of those present and voting first determine:
  - a) The granting of a waiver(s) will not be detrimental to the public safety, health or welfare or injurious to other property and will promote the public interest;
  - b) The waiver will not, in any manner, vary the provision of the Danville Zoning Ordinance;
  - c) Such waiver(s) will substantially secure the objectives, standards and requirements of these regulations;

## SECTION VIII – B

- d) A particular and identifiable hardship exists or a specific circumstance warrants the granting of a waiver. Factors to be considered in determining the existence of a hardship or special circumstances shall include, but not be limited to:
- Topography
  - Existing site features
  - Geographic location of the property
  - Size/magnitude of project being evaluated
  - Alternative proposals which are determined by the Board to provide greater overall benefit to the residents of Danville.

## **SECTION IX**

### **SECTION IX – AMENDMENTS**

Amendments to the Subdivision Regulations shall include the following steps:

- A. The Board shall hold at least one (1) public hearing on the proposed regulations and/or amendments.
- B. Notice for time, place and date of any hearing to amend shall be given at least ten (10) calendar days before hearing, not including day of posting or day of hearing. Notice of hearing shall be published in a paper of general circulation in town and posted in two (2) public places. Notice shall include an adequate statement describing the proposal and the place where a full text of proposal is on file for public inspection. Posting shall include a copy of the full text.
- C. The Planning Board may adopt the amendments upon completion of the public hearing by an affirmation vote of a majority of its members.
- D. Regulations and/or amendments adopted shall be legal and have full force and effect when copies are certified by a majority of the Planning Board members and filed with the Town Clerk and the Board of Selectmen. A copy of the regulations and/or amendments shall be forwarded to the Office of Energy and Planning.

## **SECTIONS X**

### **SECTION X – PENALTIES AND FINES**

Any owner, or agent of the owner, of any land located within Danville, who transfers or sells any land before a plat of said subdivision has been approved by the Planning Board and filed with the appropriate recording official under RSA 674:35 II, shall forfeit and pay a civil penalty of \$500.00 for each parcel or lot so transferred or sold; and the description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties. The town of Danville may enjoin a transfer or sale which violates the provisions of this Section and may recover the penalty imposed by civil action.

Any violation of this Section may be punishable by a fine of not more than \$100.00 for each day that such violation continued after this conviction date; provided, however, that the total fines imposed for any single violation shall not exceed \$500.00

**SECTION XI – ADMINISTRATION AND ENFORCEMENT**

These Regulations shall be administered by the Planning Board with the assistance of the Building Inspector, Town Engineer and such other persons as the Board shall designate. It shall be the duty of the Board of Selectmen and Board is hereby given power and authority to enforce the Subdivision Regulations. The Selectmen in enforcing these Regulations shall act upon compliant or information from the Planning Board, Building Inspector, Town Engineer, or otherwise, and shall, whenever practicable, take such action as the Planning Board or such other officer requests.

The Building Inspector and, where applicable, the Town Engineer shall be charged with the responsibility of inspecting improvements and development of subdivisions on site for compliance with the Subdivision Regulations and requirements of the Planning Board and Selectmen, except to the extent that these Regulations otherwise provided, or to the extent the Selectmen shall appoint any other officer or agent of the Town to assume such responsibility.

**SECTION XII – CERTIFICATE OF FAILURE TO TAKE ACTION**

Upon failure of the Board to approve or disapprove the application as in Section III, Paragraph E. 2 & 3, the applicant may obtain from the Selectmen an order directing the Board to act within fifteen (15) days. Failure of the Board to act on such order shall, upon petition of the applicant, constitute ground for the Superior Court to issue an order approving the application, if the Court determines that the proposal complies with existing subdivision regulations and zoning and other ordinances. If the Planning Board's failure to act was not justified, the Court may order the Board to pay the applicant's reasonable costs, including attorney's fees, incurred in securing such order.



## **SECTION XIII**

### **SECTION XIII - VALIDITY**

If any Section or part of Section or paragraph of these Regulations shall be declared invalid or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other Section or Sections of part of a Section or paragraph of these Regulations.

## APPENDIX A - SIGNATURE BLOCK

[illegible]

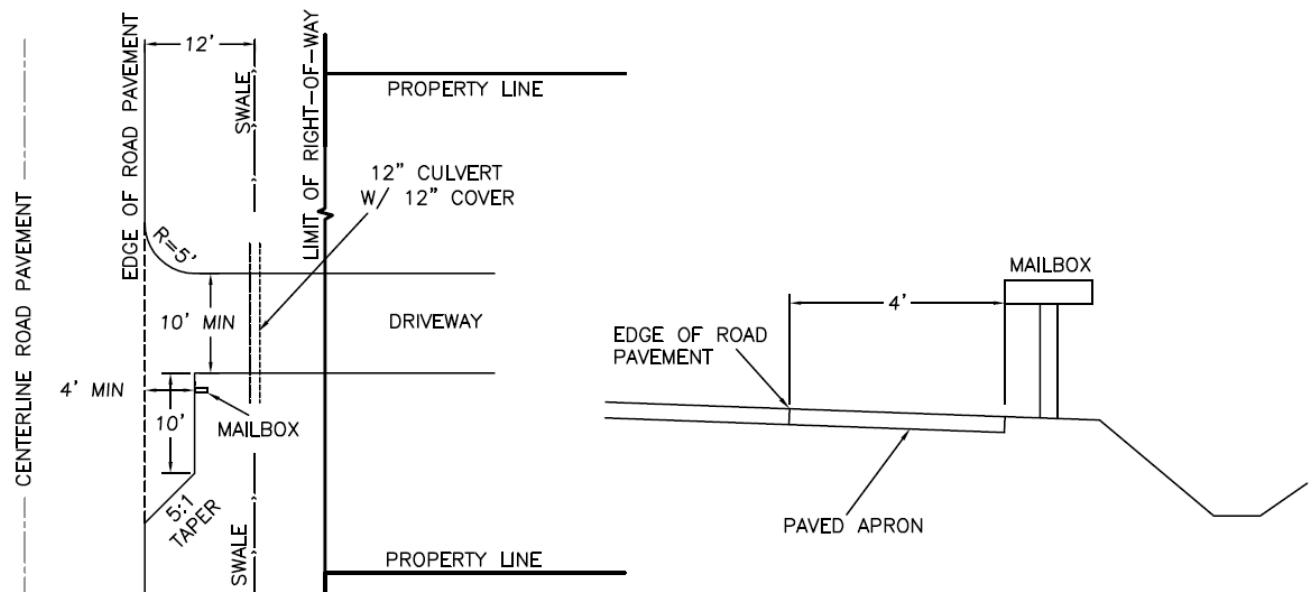
## APPENDIX B – DRIVEWAY ENTRANCE

### DRIVEWAY ENTRANCE & MAILBOX LOCATION DETAIL

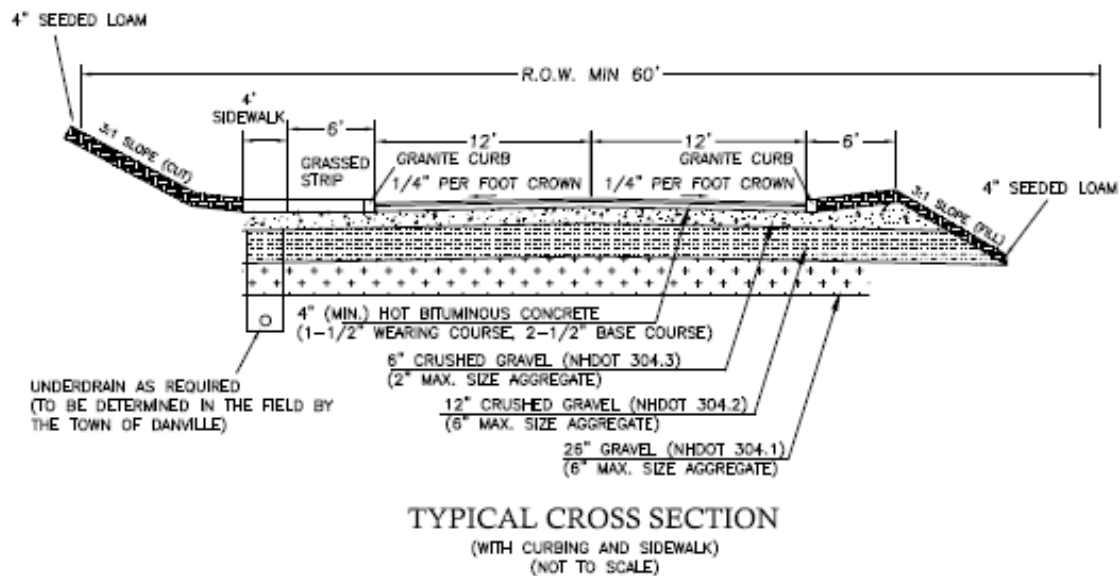
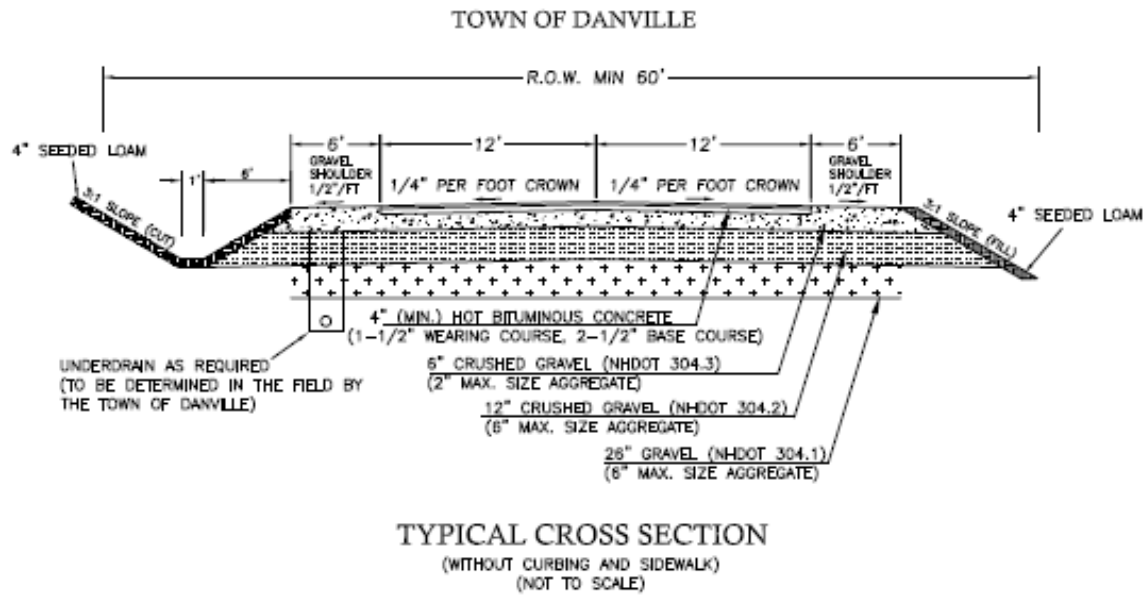
NOT TO SCALE

WITHIN THE TOWN RIGHT-OF-WAY THE DRIVEWAY SHALL BE CONSTRUCTED WITH MINIMUM OF:

- a. 12" CRUSHED GRAVEL OR 10" CRUSHED GRAVEL
- b. 2" WEARING COURSE MEETING NHDOT SECTION 401



## APPENDIX C - SAMPLE ROADWAY CROSS-SECTION



**NOTES:**

1. WIDTH AND DEPTH OF DRAINAGE SWALES SHALL DEPEND UPON DRAINAGE DESIGN AND CALCULATIONS.
2. EROSION CONTROL DEVICES SHALL BE INSTALLED IN ACCORDANCE WITH N.H.D.P.W. AND N.H.D.E.S. STANDARDS.

## APPENDIX D - STREET CONSTRUCTION CHECKLIST

The Subdivider/Road Contractor shall notify the Town Engineer as to the readiness for inspection of any such street at each stage of its construction. Approval or disapproval of any by the Engineer shall be in writing, with a copy to the Selectmen, and shall constitute only a recommendation relative to whether or not the Town shall accept the street.

Prior to the beginning of road constructions, the developer, developer's contractor, the building inspector, and town's consultant engineer shall meet to review the plans. The meeting shall be held on site, with stake out, but before trees are cut. ***Amended 05/14/2015***

The following inspections shall be required on all new roads during construction:

- a. The right-of-way after clearing and stumping
- b. Erosion control
- c. All drainage, culvert and underground utilities
- d. Subgrade (95% compaction test certification required)
- e. Gravel (95% compaction test certification required)
- f. Pavement – binder
- g. Pavement – wearing course
- h. All other improvements required by the Planning Board or Board of Selectmen

It shall be the responsibility of the developer to have the town's engineer notified of all required inspections at least 48 hours in advance, excluding Saturdays, Sundays and holidays, and to pay the town engineer for the cost of inspections, investigations or reports at the customary rates. Rate schedules will be available at the Town Hall.