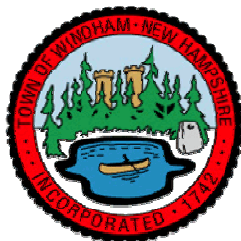


# Town of Windham New Hampshire



## SUBDIVISION CONTROL REGULATIONS

Amended December 7, 1988

Amended July 26, 1989

Amended December 1, 1993

Amended August 13, 1997

Amended May 13, 1998

Amended October 7, 1998

Amended October 17, 2001

Amended April 23, 2003

Amended October 1, 2003

Amended April 21, 2004

Amended July 18, 2007

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## **SECTION 100: PURPOSE**

**101.** These rules and regulations governing the subdivision of land in the Town of Windham have been adopted and amended in accordance with the provisions of RSA 674:35-42 and under the authority vested in the Planning Board by the voters of the Town of Windham in March, 1969 for the purpose stated in said law and more particularly:

**101.1** To lessen congestion in the street;

**101.2** To secure safety from fires, panic, and other dangers;

**101.3** To promote health and the general welfare;

**101.4** To provide adequate light and air;

**101.5** To prevent the overcrowding of land;

**101.6** To avoid undue concentration of population;

**101.7** To facilitate the adequate provision of transportation, solid waste facilities, water, sewerage, schools, parks, and playgrounds;

**101.8** To assure proper use of natural resources and other public requirements.

## **SECTION 200: AUTHORITY, VALIDITY, CONFLICTING PROVISIONS, AND APPROVAL**

**201. AUTHORITY:** Pursuant to the authority vested in the Windham Planning Board by the voters of the Town of Windham and in accordance with the provisions of RSA 674:35-42, the Windham Planning Board adopts the following regulations governing the subdivision of land in the Town of Windham, New Hampshire. Before the Planning Board exercises its powers under RSA 674:35, the Planning Board shall adopt subdivision regulations according to the procedures required by RSA 675:6.

**202. VALIDITY:** If any section, clause, provision, portion, or phrase of these regulations shall be held to be invalid or unconstitutional by any court or competent authority, such holding shall not affect, impair, or invalidate any other section, clause, provision, portion or phrase of these regulations.

**203. CONFLICTING PROVISIONS:** Whenever the regulations made under the authority hereof differ from those prescribed by any statute, ordinance, or other regulation, that provision which imposes the greater restriction or the higher standard shall govern.

**204. NO SUBDIVISION WITHOUT APPROVAL:** No subdivider shall make a subdivision within the meaning that the Subdivision Control Regulations, of any land within the Town of Windham or proceed with the improvement or sale of lots in a subdivision or the construction of streets, and ways, or the installation of utility service therein, unless and until a Final Plan of such a subdivision has been properly submitted to and approved by the Planning Board.

**205. WAIVERS:** The requirements of these regulations may be waived or modified by the Planning Board, when in the opinion of the Board, specific circumstances surrounding subdivision or the condition of the land in such subdivision indicate that such modifications will properly carry out the purpose and intent of the Master Plan and these regulations. The justification for such waivers shall be stated and noted in the minutes. A vote of the Board is required on the proposed waiver.

## **SECTION 300: DEFINITIONS**

**301. INCLUSIONS:** As used in these regulations, the word "person" includes corporation, incorporated association, or partnership, as well as an individual. The word "may" is permissive; the words "shall" and "will" are mandatory, subject to the provisions hereof.

**302. DEFINITIONS OF TERMS:** As used in these regulations, the following terms and/or phrases shall be defined as follows:

**302.1 ABUTTER:** Any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration by the local land use board. For purposes of receiving testimony only, and for purpose of notification, the term "abutter" shall include any person who is able to demonstrate that his land will be directly affected by the proposal under consideration. For purposes of receipt of notification by a municipality of a local land use board hearing, in the case of an abutting property owner being a condominium or other collective form of ownership, the term abutter means the officers of the collective or association as defined in RSA 356-B:3.

**302.2 APPLICANT:** The owner or his agent or representative, or his assigns.

**302.3 BLOCK:** An area enclosed by streets.

**302.4 BOARD:** The Planning Board of the Town of Windham.

**302.5 BOARD'S AGENT:** The Town Engineer, Zoning Administrator (ZA) or other designee of the Planning Board.

**302.6 BUFFER ZONES:** Land set aside to provide an adequate transitional area between abutting land uses. Whenever possible the natural vegetation shall be retained and no construction, with the exception of primary access roads shall be permitted in the buffer.

**302.7 BUILDING LOT:** A measured parcel of land having fixed boundaries and conforming to Town Zoning and Subdivision Regulations.

**302.8 CONDITIONAL APPROVAL:** Approval of a Plan subject to certain conditions. The Conditional Approval shall become final approval without further public hearing when the conditions are met; provided the conditions do not require judgment by the Planning Board.

**302.9 CONDITIONS PRECEDENT:** Must be fulfilled before approval is final.

**302.10 CONDITIONS SUBSEQUENT:** Deal with issues in effect after development has occurred such as hours of operation, control of traffic, noise levels, and emissions.

**302.11 CONSERVATION LAND:** Land deemed as conservation land may include; aquifers and aquifer recharge areas, forested watersheds, passive recreation lands, areas of special scenic beauty, plant and wildlife habitats, prime farm lands, undeveloped shoreline, wetlands, flood storage areas, and other important natural resource lands.

**302.12 CUL-DE-SAC:** A secondary dead end street intersecting another street at one end and terminated at the other end by a vehicular turnaround.

**302.13 DOUBLE FRONTAGE LOT:** A lot having street frontage on two opposite sides of the parcel which frontage are within 30 degrees of being parallel to each other.

**302.14 ENGINEER:** "Engineer" means a person who by reason of his advanced knowledge of mathematics and the physical sciences, acquired by professional education and practical experience, is technically and legally qualified to practice professional engineering, and who is licensed by the New Hampshire Joint Board of Engineers, Architects, Land Surveyors and Natural Scientists.

**302.15 FINAL PLAN:** A Plan that is submitted for a public hearing.

**302.16 LAND SURVEYOR:** "Land Surveyor" means a professional specialist in the technique of measuring land, educated in the basic principles of mathematics, the related physical and applied sciences, and the relevant requirements of law for adequate evidence all requisite to the surveying of realty property and engaged in the practice of land surveying, and is licensed by the New Hampshire Joint Board of Engineers, Architects, Land Surveyors, and Natural Scientists.

**302.17 LOT:** A measured parcel of land having fixed boundaries.

**302.18 MASTER PLAN:** Overall guide for the development of the Town of Windham as adopted by the Windham Planning Board as required by RSA 674:1.

**302.19. MONUMENT:** Granite bounds meeting Town specifications.

**302.20 N.O.I. E.P.A.:** Notice of Intent Environmental Protection Agency

**302.21 N.O.T. E.P.A.:** Notice of Termination Environmental Protection Agency

**302.22 OPEN SPACE:** Land that is not currently developed for residential tract development which is to be maintained in an open, non-built condition, and shall be protected by covenants recorded with the plans and deed restrictions.

**302.23 PERMANENT CUL-DE-SAC:** A cul-de-sac where there will be no planned continuation of the road or street.

**302.24 PLAN:** A plan for the subdivision of a parcel of land.

**302.25 RECORDING FEES:** The cost of recording plans in the Rockingham County Registry of Deeds.

**302.26 RECREATIONAL LOTS:** Land which has been deeded or conveyed to the Town and restricted to recreational uses such as parks, swimming pools, tennis courts, playgrounds, playing fields, nature trails, or like use.

**302.27 RIGHT-OF-WAY:** All present and proposed town, state, and federal highways and the land on either side of same as covered by the statutes to determine the widths of rights-of-way.

**302.28 ROADWAY:** That portion of a way which is designated and prepared for vehicular travel.

**302.29 SPECIAL FLOOD HAZARD AREA (SFHA):** A high-risk area as defined by the Federal Emergency Management Agency (FEMA) as any land that would be inundated by a flood having a 1-percent chance of occurring in any given year (also referred to as the base flood).

**302.30 STREET:** "Street" means, relates to, and includes street, avenue, boulevard, road, lane, alley, viaduct, highway, freeway and other way.

1. **MAJOR STREET:** One that is used primarily for through traffic, local, and regional.
2. **COLLECTORS:** One connecting secondary and other service streets to through traffic facilities.
3. **SECONDARY:** One that is used exclusively for access to abutting properties.

**302.31 SUBDIVISION:** "Subdivision means the division of the lot, tract, or parcel of land into two (2) or more lots, plans, sites, or other division of land for the purpose, whether immediate or future, for 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 land held in common and subsequently divided into parts among several owners shall be deemed a subdivision under this title.

**302.32 S.W.P.P.P.:** Storm Water Pollution Prevention Plan

**302.33 TEMPORARY CUL-DE-SAC:** A cul-de-sac where there is a planned continuation of the road or street

**302.34 TOWN ENGINEER:** Person employed in such position by the Town, or a person designated by the Board to perform inspections and give approvals.

**302.35 WETLAND AND WATERSHED PROTECTION DISTRICT (W.W.P.D.):** Land areas designated as a W.W.P.D. shall include all areas in Section 601.4 (Zoning Ordinance) and include wetlands one (1) acre in size or larger, as well as brooks, streams and ponds. For wetlands less than one (1) acre in size, Section 601.4.3 and Section 601.4.7 of the Zoning Ordinance shall apply.

**302.36 ZONING ADMINISTRATOR:** Official responsible for enforcement functions associated with zoning, subdivision, and site plan regulations, as well as pertinent State and Federal laws and regulations.

## **SECTION 400: PROCEDURE**

### **401. PLANS NOT REQUIRING APPROVAL**

**401.1** Any person may record a Plan located in the Town of Windham provided no new lines or streets are created, and which meet all of the requirements of RSA 676:18. Prior to recording the plan in the Registry of Deeds, the surveyor shall file, for information purposes only, a copy of the survey with the Planning Board.

## **402. PRE-APPLICATION PROCEDURE**

**402.1** Previous to filing an application for approval of a Final Plan, the subdivider may submit to the Planning Board discussion plans and data as specified herein. This step does not require formal application or filing of the plan with the Planning Board.

**402.1.1** General subdivision information shall describe or outline the existing conditions of the site and proposed development as necessary to supplement the drawings required below. This information may include data on existing covenants and utilities; and information describing the subdivision proposal, such as number of lots, typical lot width and depth, business areas, playgrounds, park area, and other public areas, proposed utilities and street improvements.

**402.1.2** Location Map shall show the relationship of the proposed subdivision to existing community facilities which serve or influence it. Include development name and location, main traffic arteries, public transportation lines, shopping centers, elementary and high schools, parks and playgrounds, principal places of employment, other community features such as railroads, airports, hospitals, churches, and other public buildings. Show title, scale, north arrow, and date.

**402.1.3** Sketch Plan on topographic survey shall show in simple sketch form the proposed layout of streets, lots, and other features in relation to existing conditions. The sketch plan may be freehand pencil sketch made directly on a print of the topographic survey.

**402.1.4** The Planning Board or its agent shall discuss and review with the sub-divider or his/her agent the proposed plan of subdivision or lot line adjustment and shall indicate to the sub-divider the procedure for submitting the application, checklist and plan to the Planning Board for their formal review. The checklist will indicate the items which will be necessary for the submittal of the Final Plan. No plan will be placed on the agenda without this completed checklist and copies of all items required by the checklist.

**402.1.5** Design Review Conceptual Phase: The Board or its designee may engage in non-binding discussions with the applicant which are beyond general discussions which may involve more specific design and engineering details, provided, however, that the design review phase may proceed only after identification of and notification to abutters and the general public. Statements made by the Planning Board members shall not be the basis for disqualifying said members or invalidating any action taken. The time limits for acting on a plan shall not apply until formal application is submitted and accepted by the Planning Board.

**402.1.6 DESIGN REVIEW STAGE:** Once the Planning Board is satisfied with the preliminary subdivision design and/or conceptual design, the Planning Board shall vote to formally end the preliminary and conceptual review process. After satisfying preliminary and conceptual design review, the Applicant will have 12-months within which to submit the Final Plan application.

## **403. PROCEDURE FOR FILING OF FINAL PLAN**

**403.1** On reaching conclusions, informally, as recommended in 402 above, the subdivider shall prepare a Final Plan, together with improvement plans and other supplementary material as specified in Sections 500 and 600.

**403.2** Eight (8) copies of the Final Plan and supplementary material shall be filed with the Planning Board or its agent at least fifteen (15) days prior to the meeting at which the application will be formally submitted. The application shall include the names and addresses of the applicant and all abutters, as indicated in Town records, not more than five (5) days before the day of filing. Abutters shall also be identified on any plan submitted to the Planning Board. The Planning Board shall begin formal consideration of the application within thirty (30) days after formal submission of the completed application and checklist. The Planning Board shall act to approve, conditionally approve, or disapprove within sixty-five (65) days after formal acceptance for public hearing. The sixty-five (65) day period is

subject to extensions. The following fee schedule will be used to defray the costs of advertising, notification, review and recording:

**403.2.1** Fee per plan = \$200.00

**403.2.2** Abutter fee = Number of abutters X \$5.00 for each notification of hearing.

**403.2.3** Administration subdivision review fees = \$200.00 per lot per review, plus consultant review fees. An estimated cost shall be collected when the plan is submitted for review. Unexpended funds shall be returned to the applicant.

**403.2.4** Recording fees as required by the Registry of Deeds.

**403.2.5** Legal Advertisement fee \$25.00. Special advertisements in out of town papers shall be \$100.00.

**403.2.6** Fees for required Special Permits to allow WWPD disturbances shall be \$25.00 per disturbed area.

**403.3** No plan shall be acted upon by the Planning Board without affording a public hearing thereon. Notice to the applicant and abutters, and engineer, architect, land surveyor or soil scientist whose professional seal appears on any submitted plan shall be given by certified mail, of the date, time, and place at which the application shall be formally submitted to the board. Notice shall be mailed at least ten (10) days prior to the hearing. Notice to the general public shall be given at the same time by posting and publication. For any public hearing on the application, the same notice as required for the notice of submission shall be required. If the notice of public hearing has been included in the notice of submission, additional notice of the hearing is not required, nor shall additional notice be required of an adjourned session of a hearing with proper notice, if the date, time, and place of the adjourned session was made known at the time of the hearing. All costs of notification shall be paid in advance by the applicant. Reasonable fees in addition to the fees required in Section 403.2 may be imposed by the Board to cover administrative expenses and costs of special investigative studies, review of documents, and other materials which may be required by particular applications.

**403.4** Following review of the submitted plan and other material submitted in conformity with these regulations, the Board shall vote to accept as complete or reject as incomplete the submittal of the Final Plan. If disapproved, the Board shall state its reasons for disapproval in writing. If the final plan is accepted, a public hearing can take place at the Boards earliest convenience.

**403.5 EXPEDITED REVIEW:** For subdivisions creating three (3) lots or fewer; acceptance of the submittal and public hearing shall be combined into one (1) meeting, unless the standard procedure is requested by an abutter or the applicant. No more than two (2) requests shall be allowed on the same parcel.

#### **404. PROCEDURE FOR APPROVAL OF FINAL PLAN**

**404.1** The Planning Board shall hold a public hearing at a time, date, and place as specified in the notification, or at the submittal hearing. The Planning Board will approve, conditionally approve or disapprove within sixty-five (65) days after formal acceptance for public hearing, in accordance with RSA 676:4. Conditional approval shall become final without further public hearing upon certification to the Planning Board of compliance with the conditions imposed, provided however, that the conditions meet the requirements of RSA 676:4. All other conditions require a public hearing.

**404.2** One copy of the Final Plan for recording with the Registry of Deeds shall be on mylar with all markings on the material to be permanent ink. One copy of the Final Plan for recording with the Town shall be on mylar.

**404.3** The size of all plans is limited to 22" x 34", or such specifications and sizes as may be required by the Rockingham County Registry of Deeds in order to insure suitable, permanent records.

### **SECTION 500: GENERAL PROVISIONS**

## **501. SUBDIVISION PLANS TO BE APPROVED BY THE PLANNING BOARD**

**501.1** No plan of a subdivision of land within the municipal boundaries which would constitute a subdivision, as herein defined, shall hereafter be filed or recorded in the Registry of Deeds until a final plan thereof shall have been approved by the Planning Board in accordance with the requirements, design standards, and construction specifications set forth elsewhere in these regulations, nor until such approval shall have been entered on such final plan by the Planning Board.

## **502. APPLICATION FOR SUBDIVISION APPROVAL**

**502.1** As to any subdivision of land within the municipal boundaries, which would constitute a subdivision as above defined, there shall be submitted to the board by the sub-divider, a completed application for Final Plan approval, to be made on a form provided by the board, accompanied by all appropriate fees.

## **503. NO WORK WITHIN SUBDIVISION WITHOUT FINAL APPROVAL**

**503.1** No utility installations, no grading or construction of roads, no grading of land or lots, no placing of artificial fill nor doing any other act or acts which will alter the natural state of the land or environment, and no construction of buildings shall be done on any part of the land or lots within a subdivision, until a final plan of such subdivision shall have been duly prepared, submitted, reviewed, approved by the Planning Board as provided in these regulations, nor until such appropriate permits and approvals as may be required by these regulations, other Town ordinances, and State agencies having jurisdiction shall have been duly issued. The Planning Board endorsement on the final plan is not required to begin site work but a road construction permit is required.

## **504. SPECIAL FLOOD HAZARD AREAS**

**504.1** All subdivision proposals and proposals for other developments governed by these regulations having lands identified as Special Flood Hazard Areas in the "Flood Insurance Study for the County of Rockingham, NH" together with the associated Flood Insurance Rate Maps of the Town of Windham shall meet the following requirements.

**504.1.1** The subdivision, including utilities and drainage shall be designed to be consistent with the need to minimize flood damage and provide adequate drainage.

**504.1.2** Subdivisions or other proposed development shall include base flood elevation data.

**504.2** Elevating a structure on posts or pilings does not remove a structure from the Special Flood Hazard Area. If the ground around the supporting post or pilings is within the floodplain, the structure is still at risk. The structure is considered to be within the floodplain, and flood insurance will be required as a condition of receipt of federal or federally regulated financing for the structure.

## **505. CONFORMITY WITH THE WINDHAM MASTER PLAN**

**505.1** Subdivision plans shall conform to the substance and intent of the Master Plan and the Zoning Ordinance.

**506. OFF-SITE IMPROVEMENTS.** Improvements: If it is determined by the Planning Board that the proposed subdivision is scattered or premature, the subdivision may be disapproved or special improvements, on or off site, may be required to address any items of concern. Changes to the plan may be required to mitigate those impacts that caused the subdivision to be declared scattered or premature. The Planning Board may require the sub-divider to make said improvements prior to, or as a condition of, approval of the subdivision.

Scattered or premature subdivision of land would involve danger or injury to health, safety, or prosperity by reason of the lack of water supply, drainage, transportation, schools, fire protection, or other public services, or necessitate the excessive expenditure of public funds for the supply of such services.

Upon determination, by the Planning Board, of excessive impact on a town road caused by a subdivision, the sub-divider shall be required to provide compensation to the town or perform upgrades to the road impacted

by the subdivision. Said compensation shall be determined commensurate with the impact of the subdivision and may be computed as follows:

**(ESTIMATED COST TO UPGRADE) X (PROJECTED TRIPS)**  
**(PROJECTED TRIPS and PRESENT TRAFFIC COUNT)**

The estimated costs to upgrade shall be determined by the Planning Board Agent and approved by the Planning Board. To perform this estimate, engineering studies and test borings may be required. The cost for these studies and data is to be borne by the sub-divider. To accurately determine the present traffic count as well as the projected traffic flow, a traffic study may be requested by the Planning Board. The engineering firm performing this study shall be chosen by the Planning Board and these costs shall be borne by the sub-divider. If fees are collected, the monies can only be used for the road impacted by the subdivision within 6 years.

**SECTION 600: REQUIREMENTS FOR LAYOUT OF FINAL PLAN**

**601. INFORMATION REQUIRED ON PRELIMINARY PLAN**

All of the following information must appear on the Plan before the Planning Board can give full consideration to the plan.

**601.1** The minimum requirements for storm drainage capacity will be based on the rational formula using a 50-year storm frequency for culverts and a 10-year storm frequency for underground storm drains, catch basins, and related installations. Pre and post development calculations shall be required. Minimum design velocity of flow shall be 2.5 feet per second and maximum design velocity of flow shall be 7.5 feet per second.

Catch basins shall be located on both sides of the street such that the maximum flow of storm water along the street shall be:

Maximum Grade	Maximum Spacing
<b>Between Basins</b>	
0.5 - 2%	250 feet
2.1 - 6%	300 feet
6.1 - 8%	250 feet

The Planning Board may require a double grate catch basin for roads with greater than six (6) percent slopes. The Planning Board may also require off-site improvements to downstream drainage to handle changed or increased drainage flows caused by the new subdivision.

**601.2** Proposed subdivision name, name and address of owner of record, owner's signature, sub-divider and designer, date, north arrow, and scale.

**601.3** Names of owners of record of abutting properties, abutting subdivision names, streets, easements, building lines, alleys, parks and public open spaces and similar facts regarding abutting property.

**601.4** Location of property lines and accurate bearings and dimensions, as stated in Section 701.2.3. existing easements, buildings, water courses, ponds or standing water.

**601.5** Existing water mains, sewers, culverts, drains, and proposed connections or alternative means of providing water supply and disposal of sewage and surface drainage.

**601.6** Location, name and widths of existing and proposed streets and highways, drainage courses showing their grades, profiles, section and elevations at 50 foot intervals, and a topographic plan showing contours at two-foot intervals.

**601.7** Where the topography is such as to make difficult the inclusion of any facilities mentioned above, within the public area so laid out, the plan shall show permanent easements over private property, not less than thirty (30) feet in width, and shall have access to existing public ways.

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

**601.9** Designs of any bridges, culverts or walls which may be required with elevations, grades, and size.

**601.10** Designs for sanitary sewers if required.

**601.11** Where the plan covers only a part of the tract, a sketch of the future street layout of the unsubmitted part shall be furnished, and the street system of the submitted part will be considered in light of connections with the proposed roads in the unsubmitted part.

**601.12** House numbers for each lot shall be indicated as assigned by the Town of Windham.

**601.13** Location of percolation tests made by a competent surveyor or engineer as required by the Board of Health. Results shall be submitted in a report.

**601.14** Location of highway bounds as approved by the Planning Board.

**601.15** Report from the Town Engineer and/or Code Enforcement Administrator as to the conformity of the plan to the subdivision regulations and Zoning Ordinance of the Town of Windham.

**601.16** Location of slope easements and drainage easements.

**601.17** Soil types and requirements based on soil types subject to review by a Soil Scientist approved by the Planning Board, with costs to be paid by the subdivider.

**601.18** Building permits for new construction will not be issued until the requirements for emergency water supply have been met per NFPA 1, as amended, and NFPA 1231, Standard on Water Supplies for Suburban and Rural Fire Fighting. These requirements will be implemented by the Town of Windham Fire Chief or his designee.

**601.19** The Planning Board shall receive comments and/or reports from the Police Chief, Fire Chief, and Conservation Commission after their review of the plan. The Planning Board may ask for and receive comments and/or reports from other town departments, boards, commissions, committees, and town personnel as they deem necessary.

**601.20** WSPCD Statement, AS FOLLOWS, must be entered on the plan.

**NOTE: No structure may be erected nor shall any alteration of the surface configuration of the land be permitted in the Wetland and Watershed Protection District.**

**601.21** The Wetland and Watershed Protection District line must be shown on the Plan.

**601.21.1** Where any activity requiring Planning Board approval is proposed within the WWPD, the plan shall also indicate: the location and limits of the proposed activity; the construction techniques and sequence to be used in constructing the proposed improvements; and the protective measures to be employed to minimize disturbance and/or degradation of the WWPD.

**601.21.2** Where any activity requiring Planning Board approval is proposed within the WWPD, the applicant shall also submit evidence that: the WWPD disturbance is the minimum necessary to affect the proposed improvements; the proposed activity will not contribute to the degradation of surface or groundwater quality; the proposed activity is appropriate and safe to locate in the WWPD; and, the proposal is consistent with the intent and purpose of Section 601 of the Windham Zoning Ordinance. At a minimum, the Applicant shall submit:

**a)** Plans showing profiles, cross-sections, and elevations, at 50-foot maximum intervals for any proposed streets, drives, access ways, or other disturbance of the WWPD:

**b)** Two (2) sets of color photographs (of minimum 4" x 6" size) taken in both directions along the center line of any proposed street or access way at 50-foot maximum intervals corresponding with the intervals delineated on the plans submitted in accordance with 601.21.2.a.

**601.22** The 100-year Flood Plain Line must be shown on the plan.

**601.23** The edge of the Wetlands must be shown on the plan.

**601.24** The Zoning District must be shown on the plan.

**601.25** Copies of the completed and submitted non-municipal permit applications including but not limited to State of NH, WSPC, Wetlands permit, NH DOT Driveway Permits, and drafts of N.O.I. E.P.A., S.W.P.P.P., and N.O.T. E.P.A. Final copies to be submitted prior to Town's acceptance of road.

**601.26** Corps of Engineers Permit if required.

**601.27** At least one benchmark shall be shown on all plans except final plan.

**602. DESIGN STANDARDS: STREETS**

**602.1** The arrangement, character, extent, width, grade and location of all streets shall conform to the Master Plan and shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety and in their appropriate relation to the proposed uses of the land to be served by the streets.

**602.2** Where such is not shown in the Master Plan, the arrangement of streets in a subdivision shall either:

**602.2.1** Provide for the continuation or appropriate projection of planned streets in surrounding areas;  
or

**602.2.2** Conform to a plan for the neighborhood approved or adopted by the Planning Board to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impracticable.

**602.3** Secondary streets shall be laid out so their uses by through traffic will be discouraged.

**602.4** Street jogs with centerline offsets of less than 125 feet shall be prohibited except where specifically allowed by the Planning Board.

**602.5** A tangent at least 150 feet long shall be introduced between all curves on all streets except where at least one (1) radius is 500 feet or more.

**602.6** Property lines at street intersections shall be rounded with a radius of 25 feet, or of a greater radius where the Planning Board may deem it necessary.

**602.7** Street rights-of-way shall be as shown in the Master Plan and where not shown therein, shall be not less than as follows:

<b>STREET TYPE</b>	<b>RIGHT OF WAY</b>
Major	100 feet
Collector	50 feet*
Secondary	50 feet

\* Unless otherwise determined

**602.8** Cul-de-sac street length shall be determined by the Planning Board. In determining the length, the Board will consider but not be limited to considering the following:

**602.8.1** Need for access to adjoining land;

**602.8.2** Health and Safety of future residents of the proposed cul-de-sac;

**602.8.3** Ease of maintenance and service by the Town;

**602.8.4** Need for traffic circulation;

**602.8.5** Permanent cul-de-sacs with lengths over 1200 feet shall be discouraged and will be considered only if hardship can be shown to exist in the land, but in no case shall length exceed 2400 feet.

The length of the cul-de-sac shall be measured from the nearest non-dead-end street.

A cul-de-sac shall be provided with a turnaround at the closed end, with a minimum right-of-way diameter of 160 feet and be constructed to Town Subdivision Road Specifications. A hammerhead may be used in place of a cul-de-sac when no more than one (1) lot is served.

Temporary cul-de-sacs shall include such easements as required to build the turnaround. Such easements shall not have any effects on the lot size, other than the area within this easement that other parts of this or other town ordinances govern. The easements shall be discontinued when the turnaround is no longer required. All underlying easements shall remain in effect.

Temporary cul-de-sacs shall be built in the same manner of construction as required of the permanent cul-de-sac.

**602.9** No street names shall be used which will duplicate or be confused with the names of existing streets. Street names shall be subject to the suggestion of the Planning Board and the approval of the Board of Selectman, and shall be designated as streets or roads. The Selectman are required to notify both the Town Clerk and the Commissioner of the Transportation of any new road name or road change.

**602.10** Street grades, whenever feasible, shall not exceed 5% on major streets and shall not exceed 8% on collector and secondary streets. Where changes in rates of grade exceed 1%, vertical curves shall be required to provide a smooth transition between tangents and provide a minimum sight distance of 350 feet on major streets and a minimum sight distance of 275 feet on collector and secondary streets. No street grade shall be less than 0.50 percent. Streets shall intersect at right angles for at least 75 feet from the edge of the right of way, and the grade at the intersection should be not more than two (2) percent for a distance of 100 feet from the edge of right-of-way. Any variation from two (2) percent shall require engineering proof to verify the need for such change. However, in no case shall the grade exceed four (4) percent.

**602.11** Highway bounds and monuments shall be made of granite (4" sq. x 36" long) and shall be installed level with the final grade at all intersections of streets, at all lot boundary lines that abut Town property, streets, easements, right-of-ways, or at any other points the Town Engineer may deem necessary to control the line of Town property, streets, easements, or right-of-ways. All other lot corners or changes in direction shall be marked with permanent boundary markers; i.e., stone, or iron.

**602.12** Where a subdivision abuts an existing town road, the lot line along the existing road should be located 25 feet from the centerline of the traveled way. The land between the lot line and the existing right-of-way should be deeded to the Town, and slope easements shall be shown before the subdivision receives final approval.

**602.13** A change of street direction must be designed with a curve of not less than 150 feet centerline radius.

**602.14** A subdivision must be connected with a paved public way in the Town of Windham.

**602.15** Any network of streets shall conform to the block length as stated in Section 604.2. A street ending in a turnaround should not be longer than 2400 feet. Any extension of this maximum length can only be approved when a connection is made to an existing paved non-dead-end street.

**602.16** Driveway access and site distance shall be shown on plans and minimum site distance shall be 150 feet on secondary streets, 250' on collector streets and 400 feet on major streets or as required.

**602.17** Pavement widths shall be specified on typical cross section for each type of road.

**602.18** Curbs: Granite curbing shall be installed on all major and collector streets. Granite curbing or bituminous concrete cape cod berm shall be installed on all secondary streets. Curbing on secondary streets having a slope of 3% or less may be waved by the Planning Board upon recommendation of the Boards Agent.

**602.18.1** MATERIALS: Material of granite curbs shall be as specified in Standard Specifications for Road and Bridge Construction of NHDOT.

**602.18.2 FINISHED SURFACES AND TOLERANCES:** Finished surfaces and tolerances for granite curbs shall be as specified in Standard Specifications for Road and Bridge Construction State of NHDOT.

**602.18.3 MATERIALS:** Material of Bituminous concrete or cape cod berm shall be as specified by the Asphalt Institute.

**602.18.4 FINISHED SURFACES AND TOLERANCES:** Finished surface of Cape Cod berm shall be as shown on Cape Cod berm detail and as specified by the Asphalt Institute.

### **603. EASEMENTS**

**603.1** Easements across lots or centered on rear or side lot lines shall be provided for utilities where necessary and shall be at least thirty (30) feet wide.

**603.2** Where a subdivision is traversed by a water course, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way substantially with the lines of such water course, and such further width as may be required for proper maintenance and adequate access.

**603.3** All trail right-of-ways and pedestrian easements that intersect with a roadway shall be clearly marked by a granite marker no smaller than four (4) inches by four (4) inches and three (3) feet in height above ground level. The granite marker shall be placed at the center of the trail where it intersects the roadway.

### **604. BLOCKS**

**604.1** The lengths, widths, and shapes of blocks shall be determined with due regard to:

**604.1.1** Provision of adequate building sites suitable to the special needs of the type of use contemplated.

**604.1.2** Zoning requirements as to lot sizes and dimensions.

**604.1.3** Needs for convenient access, circulation, control, and safety of street traffic.

**604.1.4** Impact of wetlands and water courses.

**604.2** Block lengths should be 1200 feet, or as otherwise approved by the Planning Board. However, in no case shall block length be greater than 2400 feet or less than 600 feet.

### **605. LOTS**

**605.1** Lot area and dimensions shall conform to the requirements of the Zoning Ordinance. Lots that abut town lines shall have lot lines substantially the same as town lines and have the required area within the Town of Windham.

**605.2** Corner lots for residential use shall have sufficient width to permit appropriate setback from and orientation to both streets.

**605.3** The subdividing of the land shall be such as to provide each lot with the required frontage on an accepted Windham Town road. No road shall be accepted by the Town of Windham unless access to said road is from an existing approved paved road in the Town of Windham.

**605.4** Double frontage and reverse frontage lots shall be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. A planting screen of a minimum of five (5) feet height, and across which there shall be no right of access, shall be provided along the line of lots abutting such a traffic artery, or other disadvantageous use.

**605.5** Side lot lines for the first 100 feet shall be at right angles to straight streets or radial to curved streets.

**605.6** When subdividing tracts which contain areas that are zoned differently, every attempt should be made to run lot lines along the zoning boundary line.

### **606. PUBLIC SITES AND OPEN SPACES**

**606.1** Where a proposed park, playground, school, or other public use shown in the Master Plan is located in whole or in part in a subdivision, the Planning Board may require the dedication or reservation of such area with the subdivision in those cases in which the Planning Board deems such requirements to be reasonable.

**606.2** Where deemed essential by the Planning Board, upon consideration of the particular type of development proposed in the subdivision, and especially in large scale neighborhood unit development not anticipated in the Master Plan, the Board may require the dedication or reservation of such other areas or sites of a character, extent, and location suitable to the needs created by the development for schools, parks, and other neighborhood purposes.

## **607. EROSION AND SEDIMENTATION CONTROL**

**607.1** Plans and other information indicating how increased runoff, sedimentation, and erosion shall be controlled during and after construction of required improvements shall be submitted. All Plans should conform to the recommendation of the STORMWATER AND EROSION AND SEDIMENT CONTROL HANDBOOK FOR URBAN AND DEVELOPING AREAS IN NEW HAMPSHIRE and to N.P.D.E.S. II.

### **607.2 EROSION CONTROL MEASURES**

**607.2.1** The smallest practical area of land shall be disturbed at any one time. Stripping of vegetation, silt removal and regrading shall be accomplished so as to minimize erosion.

**607.2.2** Hay-bale barriers, stump grinding barriers and sediment traps shall be installed as required. Barriers, grindings and traps are to be maintained and cleaned until all slopes have a healthy stand of grass or other approved vegetation.

**607.2.3** Baled hay, mulch, and/or erosion control matting shall be used to stabilize disturbed areas. Baled hay and mulch shall be mowings of acceptable herbaceous growth, free from noxious weeds or woody stems, and shall be dry. No salt hay shall be used.

**607.2.4** Stockpiles of loam shall be protected by siltation fence and temporarily seeded to prevent erosion. These measures shall remain until all material has been placed or disposed off site.

**607.2.5** All disturbed areas shall be loamed and seeded with grass or other approved vegetation. A minimum of six (6) inches of loam shall be installed with not less than one (1) pound of seed per fifty (50) square yards of area.

**607.2.6** After all disturbed areas have been stabilized, the temporary erosion control measures are to be removed. Disturbed areas resulting from removal of the temporary erosion control measures shall be repaired and seeded.

**607.2.7** All slopes not stabilized by grown vegetation by October 31 shall be stabilized by non-vegetative methods.

## **608. CREATION OF NONBUILDABLE LOTS**

**608.1** The Planning Board may, if it finds good and sufficient reason, create a lot which would not otherwise comply with other provisions of these regulations (e.g., lot line configurations, area, soil composition, frontage). Any lot so created may be done so only for the following listed purposes, and subject to the provisions of this subsection which follow. Unbuildable lots may be created for the purposes of 1: recreation, 2: open space, buffer zone, or 3: conservation land.

**608.2** Lots created under this subsection for recreational use shall be approved only after the Board is in receipt of certification by the Recreation Committee that the lot would be appropriate for recreational uses, and that a need exists for such facilities in the adjoining areas, or town-wide. The Board shall condition creation of such lots on the conveyance to the Town of the land, or an easement therein, or the execution of such restrictive covenants as may be necessary to assure that the premises are used for recreational purposes. Subsequent development of said lots for recreational use shall:

**608.2.1** require site plan approval by the Board;

**608.2.2** be limited to improvements incidental to recreational use.

**608.3** Lots created under this subsection as open space or buffer zone land shall normally be allowed only to divide or set apart differing land uses. Lots adjoining streams or waterways may also be established for preservations of watershed areas. No development or improvement shall be permitted and the land shall remain undisturbed. The Board shall condition the creation of such lots on the conveyance to the Town of the land, or a conservation easement therein which would prevent use of activity on such land.

**608.4** Lots created under this subsection as conservation land shall be approved only after the Board is in receipt from the Conservation Commission that the lot is appropriate for such use, that a need exists for the conservation area, and that the Commission is prepared to assume management or oversight of the area. The Board shall condition the creation of such lots on the conveyance to the Town of the land or an easement therein restricting the use of the lot to conservation uses under the jurisdiction of the Conservation Commission.

**608.5** Any lots created under this subsection are to be noted on the final plan as "NOT BUILDABLE" and a note to the plan shall reference the provisions of this subsection of the Subdivision Regulations.

## **609. OTHER STUDIES TO BE MADE WHEN REQUIRED**

**609.1** When required by the Planning Board, the final plan shall be accompanied by any other studies deemed necessary or desirable to protect and assure health and safety of the citizens of Windham, including the future occupants of such subdivision, whether residential, commercial, or industrial in nature.

## **SECTION 700: PLANS AND DATA FOR FINAL APPROVAL**

### **701. SUBMITTAL OF THE FINAL PLAN**

**701.1** Final Plans and applications, and all supporting data shall be submitted in *paper* and *CD format* as an Adobe .pdf file.

**701.1.1** Final Plan for recording which shall conform to the requirements of the Registry of Deeds.

**701.1.2** A drainage and utility plan showing location of all drainage structures, and pipes, electrical, telephone, TV cable, and water and sewer structures and pipes.

**701.1.3** A plan and profile or sheets showing profiles, cross sections and elevations at 50 foot intervals of proposed streets and highways, drainage courses, drains, sewers and open waterways.

**701.1.4** A copy of drainage design calculations.

**701.1.5** Intensive Soils Map signed by a Soil Scientist.

**701.1.6** An overall plan showing lots and roads shall be submitted on 11"x17" paper.

**701.2** In addition to 701.1 above, the final plan for recording shall show the following:

**701.2.1** Tract boundary lines.

**701.2.2** All right-of-way lines of streets, easements (drainage, slopes, telephone, electric and television cables), and rights-of-way showing widths, purpose for which reserved, or name if it is a street.

**701.2.3** Accurate dimensions to the nearest .01 foot together with a bearing to the nearest minute for each line and radii, arc lengths, and central angles for each curve.

**701.2.4** A lot number to identify each lot to be assigned by the Town. The house numbers shall also be shown.

**701.2.5** Name and address of the property owner. Names and addresses of the abutters as shown in the Town records not more than five (5) days before the day of the filing of the application.

**701.2.6** Purpose for which sites other than building lots are to be used.

**701.2.7** Location and description of monuments.

**701.2.8** Name and seal of registered land surveyor certifying to the accuracy of the survey and the plan and the name and seal of a registered professional engineer to certify the accuracy of road design features, structural and drainage calculations, and drainage system design, and name and seal of the Soil Scientist certifying the accuracy of the Soil Map.

**701.2.9** Deed reference.

**701.2.10** Town of Windham title and approval block, scale 1" = 50' and north arrow.

## **702. THE DRAINAGE AND UTILITIES SHALL MEET THE FOLLOWING REQUIREMENTS**

**702.1** It shall be blue or white print sheets with all information thereon showing as printed information; not as notes added after printing. A copy of the drainage study shall be submitted on a CD as an Adobe .pdf file.

**702.2** Location of all manholes, catch basins, hydrants, structures, and utility poles or underground lines and pipes.

**702.3** Sizes and type or class of all pipe, including storm sewer, sanitary sewer, water, and gas. Storm sewer pipe in the road right-of-way shall be reinforced concrete pipe with a minimum diameter of fifteen (15) inches, or as deemed necessary by the Town Engineer.

**702.4** Slope of all storm sewers, sanitary sewers, and water courses.

**702.5** Location and type of special structures required such as guardrail, curb board, sluiceway, etc.

**702.6** A lot number for each lot corresponding to the lot numbers on the plan for recording.

**702.7** Road cross sections shall be drawn at a vertical and horizontal scale of one (1) inch equals ten (10) feet.

**702.8** Road profiles shall be drawn at a vertical scale of one (1) inch equals ten (10) feet and a horizontal scale of one (1) inch equals fifty (50) feet, and shall show the following:

**702.8.1** Old ground and proposed street elevations on 50 foot stations or wherever required.

**702.8.2** Slope of tangents, length of vertical curves, and elevation of points of intersection of vertical tangents.

**702.9** Responsibility for downstream drainage: The sub-divider's engineer shall provide such information as the Board deems necessary to determine the effect of the subdivision on downstream drainage facilities outside the area of the subdivision, and shall so certify by signing the drainage plan. Where the Board anticipates that the additional runoff incident to the development will overload an existing downstream drainage facility, causing damage to private property or an increase in the expenditure of public funds, the Board shall not approve the subdivision until adequate provisions are made for the downstream drainage at the expense of the sub-divider.

## **703. FAILURE TO TAKE ACTION**

**703.1** The Planning Board shall begin formal consideration of the application within 30 days after submission of the completed application. The Planning Board shall act to approve, conditionally approve, or disapprove as provided in Section 404.1, within sixty-five (65) days after formal acceptance for public hearing, subject to extension. Upon failure of the Planning Board to approve, conditionally approve, or disapprove the application, the Board of Selectmen shall, upon request of the applicant, immediately issue an order directing the Planning Board to act on the application within 30 days. If the Planning Board does not act on the application within that 30 day time period, then within 40 days of the issuance of the order, the Board of Selectmen shall certify on the applicant's application that the plan is approved pursuant to this paragraph, unless within those 40 days the Board of Selectmen has identified in writing some specific subdivision regulation or zoning or other ordinance provision with which the application does not comply. Such a certification, citing this paragraph, shall constitute final approval for all purposes including filing and recording under RSA 674:37 and 676:18, and court review under RSA 677:15.

**703.2** Failure of the Board of Selectmen to issue an order to the Planning Board under Section 703.1, or to certify approval of the plan upon the Planning Board's failure to comply with the order, shall constitute grounds for the superior court, upon petition of the applicant, to issue an order approving the application if the court determines that the proposal complies with existing subdivision regulations and zoning or other ordinances. If the court determines that the failure of the Board of Selectmen to act was not justified, the court may order the municipality to pay the applicant's reasonable costs, including attorney's fees, incurred in securing such order.

#### **704. ACTIVE AND SUBSTANTIAL DEVELOPMENT**

**704.1** Approved subdivisions shall be protected from future changes in regulations and ordinances in accordance with RSA § 674:39 as summarized by the following:

**704.2** Every subdivision approved by the Planning Board shall be exempt from all subsequent changes in subdivision regulations and zoning ordinances adopted by the Town of Windham, except those regulations and ordinances which expressly protect public health standards, such as water quality and sewage treatment requirements, for a period of four (4) years after the date of approval of the subdivision by the Planning Board; provided, however, that once active and substantial development of the improvements as shown on the plans have occurred in compliance with the approved plans, or the terms of said approval or unless otherwise stipulated by the Planning Board, the rights of the owner or the owner's successor in interest shall vest and no subsequent changes in site plan regulations or zoning ordinances shall operate to affect such improvements; and further provided that:

**704.3** Active and substantial development or buildings has begun on the site by the owner or the owner's successor in interest in accordance with the approved plans within 12 months after the date of approval or in accordance with the terms of the 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;

**704.3.1** The development remains in full compliance with the public health regulations and ordinances of the Town of Windham; and

**704.3.2** At the time of approval, the subdivision conforms to the subdivision regulations and zoning ordinance then in effect at the site of such plan.

**704.4** For purposes of these regulations, "active and substantial development" shall be defined as:

**704.4.1** Construction of and/or installation of basic infrastructure to support the development (including all of the following: roadways, access ways, parking lots, etc. to a minimum of the first coat of pavement; and installation of underground conduit ready for connection to proposed structures) in accordance with the approved plans; and

**704.4.2** Construction and completion of drainage improvements to service the development (including all of the following: detention/retention basins, treatment swales, pipes, under-drain, catch basins, etc.) in accordance with the approved plans; and

**704.4.3** All erosion control measures (as specified on the approved plans) must be in place and maintained on the site; and

**704.4.4** Items 704.4.1, 704.4.2 and 704.4.3 shall be reviewed and approved by the Town Planning and Development Department or designated agent.

**704.4.5** Movement of earth, excavation, or logging of a site without completion of items 704.4.1, 704.4.2, 704.4.3, 704.4.4 and 704.4.5 shall not be considered "active and substantial development." Plans approved in phases shall be subject to this definition for the phase currently being developed. The Planning Board may, for good cause shown, extend the 12-month period set forth in this section. Phased developments requiring over two (2) years to comply with the active and substantial development standards shall submit a detailed development agreement contract with their subdivision application for review and approval by the Planning Board. The purpose of this agreement is to

avoid unnecessary delays in the completing a development to extend the exemption from new regulations and ordinances under RSA 674:39.

**704.4.6** All conditional approvals are valid for a period of not more than 365 days or one (1) year, unless the Planning Board, for good cause shown, chooses to extend the number of days required to meet precedent conditions. All precedent conditions of approval must be met within this 365 day period (or time period established by the Planning Board at time of conditional approval) or the approval shall be considered null and void. In cases where extenuating circumstances prevent the meeting of precedent conditions within 365 days, the applicant may request an extension, to be filed (in writing and with justification) with the Board no later than 14 days prior to the expiration day of the conditions. The Planning Board shall then vote on whether or not to grant such extensions.

## **705. CERTIFICATE BY TOWN ENGINEER**

**704.1** A certificate by the Town Engineer is required certifying that the subdivider has complied with one of the following alternatives:

**704.1.1** All improvements have been installed in accordance with the requirements of these regulations and with the action of the Planning Board giving approval of the Final Plan.

**704.1.2** Before Planning Board endorsement of a plan for an approved subdivision there shall be filed, by the subdivider, a bond or other surety sufficient to cover the cost of the preparation and maintenance of: streets, street lights, street signs, drainage, traffic signals, the extension and installation of water and sewer lines, setting highway bounds, boundary monuments, parks and recreational areas, where applicable. The bond or other surety shall be approved by the Planning Board with the guidance of the Town Treasurer, and conditioned on the completion of such improvements within two (2) years from the issuance of the road construction permit, unless released or extended by a vote of the Planning Board after a written request of the subdivider. The bond shall be based on road length and shall be a minimum of \$130 per foot.

**704.1.3** In the event of the failure of the owner or his/her agent to complete the project within the two (2) year period from the issuance of the road construction permit or not having received an extension from the Planning Board, the Planning Board shall cause all the monies held in the Performance escrow to be taken and shall request the Board of Selectmen to proceed to complete the project in compliance with the approved plans. After all construction, engineering, maintenance, and administrative costs have been paid, all remaining money shall be returned to the Owner.

**704.1.4** No occupancy permit shall be issued before a base coat of paving has been applied and all drainage facilities are built and functioning as designed to conform with the approved subdivision plans and regulations and inspected and approved by the CEA or his designee.

**704.1.5** Before Planning Board endorsement of the approved final plan, the subdivider shall file with the Planning Board, a Warranty Deed conveying to the Town of Windham, all streets, rights-of-way, and any site for public use in fee simple, free from all encumbrances. Protective covenants, certificates, affidavits, endorsements, or deductions as may be required by the Planning Board in the enforcement of these regulations shall be filed if appropriate.

## **SECTION 800: FINAL ACCEPTANCE**

**801. RETURN OF ESCROW:** The amount of escrow held may be returned in the following manner upon written request from the owner or his/her authorized agent on a form approved by the Planning Board.

**801.1** Upon inspection and approval of the sub-base 90% of the sum allocated for that stage.

**801.2** Upon inspection and approval of storm drainage, electrical, telephone, TV cable, sewer, water and under drains, 90% of the sum allocated for that stage.

**801.3** Upon inspection and approval of base gravel compacted, graded to grade and rough grade of side slopes and ditch lines, 90% of the sum allocated for that stage.

**801.4** Upon inspection and approval of process gravel compacted graded to grade and the submitting of an as-built plan showing location of all structures, location of all utilities, underground pipes, conduits and the elevation and horizontal alignment, 90% of the sum allocated for that stage.

**801.5** Upon final inspection and approval of the entire project and after maintenance escrow has been accepted by the Planning Board, 100% of remaining money held in escrow.

## **SECTION 900: CONSTRUCTION REQUIREMENTS AND SPECIFICATIONS**

### **901. GENERAL RULES**

**901.1** Any item of work for which there are no specifications contained herein, shall conform to the current "Standard Specifications for Road and Bridge Construction of the State of New Hampshire, Department of Public Works and Highways", hereinafter referred to as the "Standard Specifications".

**901.2** All road and drainage construction shall be performed in accordance with the plans and profiles and typical details approved by the Board. Minor changes or revisions to the approved road plans, road profiles and drainage plans caused by unanticipated conditions encountered during construction shall be reviewed, approved or denied by the Board's Agent. The Board's Agent may confer with the Planning Board, the Road Agent or other Town agencies for input in the approval or denial decision. The owner/developer may appeal the Board's Agent decision to the Planning Board at a Public Meeting. Major changes or revisions and all lot line changes shall require the approval of the Planning Board at a public hearing. Minor changes include but are not limited to changes in catch basins (CB) locations, drainage swale and pipe locations, underdrains and road grade elevation changes affecting less than 400 feet in road length. Major changes are those revisions that eliminate drainage pipes, drainage catch basins and guardrails, increase side slope grades or involve road grade changes affecting more than 400 feet in road length. In all cases the revised plans shall be designed by the developer's engineer and as built plans shall indicate the changes and revisions approved by the Board's Agent which shall be submitted to the Planning Board for their review.

**901.3** Preparation of Rights-of-Way:

**901.3.1** All stumps, soft clay, mulch, loam, peat, and all other yielding material or material subject to organic decomposition, shall be removed from the entire areas within the slope limits in accordance with the "Standard Specifications".

**901.3.2** All excavating and filling required for construction of improvements shall be as specified herein and in accordance with Section 203 of the NHDPW&H "Standard Specifications". The entire area of work shall be brought to the required lines and grades by excavations or filling. Excavation material, if suitable, may be used in making embankments and filling low areas. All streets shall be graded to approved grade and cross section.

**901.4** No stumps, wood, roots, sod or other fibrous material shall be placed in any embankment. In those locations where the alignment crosses swamp or marshlands, or other similar soil that is incapable of withstanding expected loads, such inadequate soil shall be entirely removed and replaced with adequate material. The materials so removed shall not be placed in embankment, but may be used in flattening embankment slopes or for filling low spots outside the road section. The Board may require the developer to submit evidence of boring and/or other soil investigations to determine the depth, composition and stability of the subgrade within the road section.

**901.5** Embankments shall be formed of suitable and acceptable excavated materials and brought to the required lines and grades. The materials for embankments and subgrades shall be placed in successive compacted horizontal layers not exceeding twelve (12) inches in loose depth, extending across the entire fill area. They shall be spread by a bulldozer or other acceptable methods, and shall be thoroughly compacted. Successive layers shall not be placed until the layer under construction has been thoroughly compacted. Where embankments are made of rock, the rock shall be so deposited that all voids are filled with earth and in such a way that the compaction specified above may be secured.

**901.6** Upon completion of filling and excavating, the subgrade shall be formed to the required grade and contour, and the entire surface again rolled as specified above. High spots shall be removed and low spots filled with an acceptable material and the process of leveling and rolling continued until no further depression results.

**901.7** It shall be the responsibility of the developer to have grade stakes put in at 50-foot intervals. Each stake shall be driven firmly beyond the toe or top of the slope in a location where it will not be disturbed by construction operations and be clearly marked to give the following information:

**901.7.1** Station

**901.7.2** Offset from center-line

**901.7.3** Cut or fill to finished centerline grade.

The developer shall preserve the grade stakes until the completion of the streets and if stakes are removed or destroyed so that the Board's Agent cannot readily check the grade at any location, the stakes shall be replaced at the expense of the developer. A centerline stake at 50-foot intervals (station cut or fill).

**901.8** Side slopes shall be constructed to the line and grade specified on the approved cross-sections. Side slopes in embankment and on roadside drainage ditches shall normally descend one (1) foot vertically for at least each three (3) feet horizontally (3 on 1). Surplus material resulting from excavation of the road shall be used to flatten slopes of embankment so that they ascend one (1) foot vertically for at least three (3) feet horizontally (3 on 1). Side slopes in rock excavation shall ascend two (2) feet vertically for at least each one (1) foot horizontally (1 on 2). Where rock cuts have a face higher than ten (10) feet vertically, a three (3) foot berm shall be provided at each ten (10) foot level above the grade at the edge of the pavement. Refer to the Typical Roadway Sections for more information on side slope construction. All cuts into embankments shall require under-drains installed at edge of road to minimize road bed deterioration from water saturation.

**901.9** Ditches and culverts shall be installed as shown on the final plan (plan), profile, typical sections and cross-sections as approved by the Planning Board. If during construction it develops that additional drainage pipes or structures are needed, the Board's Agent shall require, with Planning Board approval, such additional installations before acceptance of the road(s).

All drain pipes shall be reinforced concrete pipe, except pipes for off road under-drain and driveway pipes. The material for these pipes must be approved by the Board's Agent.

No part of any culvert or drainage pipe shall be installed above subgrade level.

Driveway drains shall be installed if their omission will cause standing water in the normal ditch line.

Catch basins and other drainage structures shall be built to the standards of New Hampshire Department of Public Works and Highways. Attention shall be made to specify, on the construction plans, the proper type of grate for each basin installation.

All pipes shall be laid upon a firm bed of stone, true to line and grade, back-filled and tamped in layers not exceeding six (6) inches in a workman like manner. Any pipe not true in alignment and grade, or that shows undue settlement after placement, or that is damaged shall be removed and replaced. Reinforced concrete pipe shall be placed on a minimum six (6) inch bed of crushed stone up to one-half (1/2) the diameter of the pipe and backfilled with sand or gravel material free from stones greater than three (3) inches in diameter or other unsuitable material. Care shall be taken that the pipe shall be securely attached to the adjoining section by the approved methods for the type of joint being used prior to backfilling.

**901.10** The base of the road shall be composed of a minimum of fourteen (14) inches of bank-run gravel, including material up to six (6" x 6" x 6") inches diameter. The gravel shall meet the specifications for gravel set forth in Section 304 of the NHDOT "Standard Specifications". The base shall be laid in separate seven (7) inch compacted layers to the required width, centered within the right-of-way. All stones greater than six (6" x 6" x 6") inches in diameter shall be removed.

Prior to the placement of any gravel material, a sieve analysis shall be done and the results sent to the Board's Agent for review. Each gravel lift shall be properly crowned with a tolerance of one-half (1/2) an inch.

**901.11** On the base shall be laid a minimum of eight (8) inches of crushed gravel minus two (2" x 2" x 2"), spread to the required width (see the approved typical section for the exact crushed thickness). The crushed gravel shall meet the specifications for crushed gravel set forth in Section 304 of the NHDOT "Standard Specifications".

**901.12** Fine Grading Procedure: Prior to the start of fine grading the contractor shall stakeout the centerline of the road at 100 foot intervals. The stakes shall be flagged in blue showing crushed gravel grade, and corresponding slope grade on side stakes. These stakes and grades shall be kept throughout the fine grading operation in order to check alignment and crown in the road, and may not be removed until just prior to paving. Grades shall be checked and rechecked during final grade in order to get a uniform grade. Grades shall be maintained in front of the water trucks and rollers in order to get grade and essential compaction. This grade shall remain undisturbed until paving.

**901.13** The pavement shall be a two-course hot bituminous pavement constructed to the widths shown on the approved typical section and will include a two (2) inch base course and one (1) inch wearing surface. The average application rate shall be .057 tons per square yard per inch of thickness.

**901.14** The compaction requirements for materials placed as backfill, subgrade, base course and pavement shall be as specified for each separate item in the "Standard Specifications".

**901.15** A minimum of six (6) inches of rolled top soil shall be provided to cover over all finished slopes and it shall be spread uniformly over all finished slopes. Finished slopes shall be loamed, fertilized, limed, seeded and mulched in accordance with Sections 641 thru 647 of the "Standard Specifications for Road and Bridge Construction of the NH DOT". Alternate seed mixes selected for public improvement, except mentioned therein, shall be approved by the CEA.

**901.16** The owner, contractor, or subdivider is responsible for all engineering work and all references to measurement and payment therein are for the convenience of the owners and sub-dividers in dealing with their own contractors and shall not refer to the Town of Windham. These State specifications and the Town of Windham typical roadway cross section and details are for the specified roadway classifications and may be changed in the case of streets for commercial or industrial areas that would receive heavy truck traffic.

**901.17** All detention ponds, drainage swales, level spreaders, and drainage outflows shall be constructed and stabilized with vegetation or erosion control matting prior to the construction of approved roads. Inspections during and after the construction of these facilities by the Planning Board or its Agent shall take place to ensure conformance to Town regulations.

**901.18** Fill material shall be a granular material with no more than fifteen (15) percent passing the number 200 sieve (based on the fraction passing the number four (4) sieve). No stones greater than two-thirds (18 inches maximum) the lift thickness shall be allowed. Any segregation of larger stones shall be filled in with a sand material ensuring no voids within the subgrade. Loose lift thickness shall not exceed twenty-four (24) inches in depth.

**901.19** A temporary mud tracking bed (construction entrance) shall be put in place at each site entrance. This tracking bed shall consist of a four (4) inch minimum layer of 2 1/2"– 4" crushed stone and shall be thirty (30) feet in length and fifteen (15) feet wide. This bed shall be maintained during construction to prevent tracking or flowing of sediment onto the public right-of-way and shall be removed prior to placement of gravel base and pavement.

**901.20** No paving will be allowed between November 1 and April 15, except for roads that are completely ready for pavement prior to November 1. The ground temperature for base course paving shall be forty (40) degrees F and rising. The ground temperature for wearing course pavement shall be fifty (50) degrees F and rising. Base course pavement will not be accepted until it has been in place for a minimum of one (1) winter season at which time the wearing course can be placed.

**901.21** All building lots shall be clearly marked by a lot number at the driveway entrance.

**901.22** It shall be the responsibility of the contractor to control blowing dust and soil. A functional water truck or any other town accepted dust control measure must be available on site at all times.

**901.23** All transformer and utility pads and boxes shall be located a minimum of ten (10) feet from the edge of pavement. If any of these are beyond the right-of-way, they shall require, and be defined within a recordable easement.

**901.24** Drainage structures shall be cleaned at least twice annually, including once during the month of May and once during the month of October – and at such other times as the Board Agent shall direct. The Owner shall deliver to the CEA a paid invoice indicating the date and location of the cleaning and the number of drainage structures cleaned, and shall report any observed damage or deterioration to them.

## **902. INSPECTION AND ACCEPTANCE**

**902.1** The Board Agent or his designee shall make all the required inspections, or he may accept reports of inspection by authoritative and recognized services or individuals; and all reports of such inspections shall be in writing and certified by a responsible officer of such authoritative service or by the responsible individual; or he may engage such expert opinion as he may deem necessary to report upon unusual technical issues that may arise. The Board Agent or his designee shall require that sufficient technical data be submitted to substantiate the proposed use of any material or assembly, and if it is determined that the evidence submitted is satisfactory proof of performance for the use intended, he may approve its use subject to the requirements of this ordinance. The cost of all tests, reports and investigations required under these provisions shall be paid by the applicant.

**902.2** General rules for construction phase inspections. Each of the following operations shall be completed, inspected, and approved in writing before the next step is begun.

**902.2.1** After clearing, stumping, grubbing and mulch removal; all work prior to subgrade.

**902.2.2** After the subgrade has been completed.

**902.2.3** After the underground utilities and drainage have been completed; (No work to be covered until inspection is completed).

**902.2.4** After application of the gravel, prior to placing crushed gravel.

**902.2.5** After application of the crushed gravel, prior to paving.

**902.2.6** Final inspection after cleanup.

**902.3** It is required that the General Contractor at the subdivision contact the Board's Agent before construction to discuss inspection procedures, construction specifications, material testing program and any other details relating to the construction and inspection of the subdivision roads.

**902.3.1** Prior to construction, the applicant and his contractor shall attend a pre-construction meeting with the Board Agent and Town Engineer to discuss construction specifications and inspection procedures and any other details relating to construction and inspection. Upon agreement on the construction and inspection requirements as outlined in 902.1 and 902.2, the CEA shall upon written request and the payment of the required fees issue a road construction permit, said permit shall be issued for a term of one year.

**902.3.2** The Administration fee for a road construction permit shall be as follows:

New construction	\$1.00 per linear foot
Re-construction	\$.75 per linear foot

The cost of special inspections and investigations shall be at cost and shall be listed as special cost. All special cost shall be paid prior to final approval of the construction.

### **903. DETAIL OF REQUIRED INSPECTIONS**

**903. 1** Inspections 902.2.1, 902.2.2, and 902.2.4 shall be visual inspections by the Board's Agent and/or the Planning Board.

**903. 2** For inspection 902.2.3, the subdivider shall cause to have prepared, by a competent engineer or surveyor, as-built plans showing the location, invert, and top grade of all drainage structures and other underground public utilities, the centerline street grades on 100 foot stations, to the nearest 0.1 foot. This information shall be inked and ringed on the original drawings, and corrected as-built reproducible and two (2) prints submitted to the Board's Agent for inspection and approval. The as-built plans shall carry the signed certificate of the subdivider's engineer or land surveyor, attesting that the survey and results reported are in conformity with these regulations.

**903. 3** For inspection 902.2.5, the subdivider shall cause to have prepared plans, generally as under 903.2 above, but showing all street centerline and ditch grades to the nearest 0.01 foot on 50 foot stations.

**NOTE:** The Board's Agent may require that material testing be conducted to verify that the specified roadway materials have been furnished and constructed according to specifications. Material testing may proceed at the maximum rate of one test sample (for quality and compaction determinations) per item per 200 feet of roadway, one test per pipe culvert or pipe section between basins, and at other locations as required. These tests are to be performed by an approved, independent materials testing contractor. The test results shall be mailed directly to the Board's Agent and cost of such testing shall be borne by the subdivision applicant. Repeat testing for material that fails to meet specifications shall be required.

**903. 4** Cleanup: Before acceptance, a street shall be cleaned up, by hand if necessary, to make sure that it shall be left in a safe, neat and presentable condition. All catch basins, detention ponds, drainage swales, level spreaders, and drainage outflows shall be cleaned, stabilized against erosion, and functioning in compliance with local, state, and federal regulations no more than 30 days prior to the street's proposed Town acceptance.

**903. 5** Final Acceptance: Upon written request of the owner or his/her authorized agent to the Planning Board, the Planning Board will cause a final inspection to be made of the project to determine that the project has been constructed in conformance with the plans and specifications and that all the required inspections and approvals and documentation has been submitted and accepted by the Planning Board, including the acceptance of the maintenance escrow by the Planning Board.

**903. 6** Maintenance Escrow: The Owner or his/her authorized agent shall guarantee the quality and workmanship of the project for a period of one year from the date of designated completion by filing a maintenance escrow of \$10.00 per linear foot of roadway centerline.

**903. 7** Maintenance Escrow Release: After the one year period the owner or his/her authorized agent may request in writing to the Planning Board for the return of the maintenance escrow. Upon receipt of said request the Planning Board shall cause the project to be inspected. The Planning Board upon receipt of the inspection report shall approve the return of the maintenance escrow or shall order any necessary repairs to be made and shall set a date for the completion of the required repairs.

The failure of the owner to complete the required repairs by the specific date shall be cause for the Planning Board to take the monies in the maintenance escrow and cause the required repairs to be completed and unexpended monies shall be returned to the owner.

### **904. ADMINISTRATIVE PROVISIONS**

#### **904.1 PLANNING BOARD TO ADMINISTER SUBDIVISION REGULATIONS**

**904.1.1** The Planning Board of the Town of Windham, herein referred to as the "Board", shall administer the provisions of these Regulations.

#### **904.2 SALE OR TRANSFER OF LOTS**

**904.2.1** In accord with RSA Chapter 676:16, as amended, the owner or agent of the owner of any land located within a subdivision in the Town of Windham, who transfers or sells any land before a plan of said subdivision has been approved by the Planning Board and recorded or filed in the office

of the Registry of Deeds of Rockingham County shall forfeit and pay a penalty of five (5) hundred dollars for each lot or parcel so transferred or sold, and the description by metes and bounds in the instrument or transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties. The Town of Windham, through its Counsel or other official designated by the Board of Selectmen, may enjoin such transfer or sale and may recover said penalty by civil action.

### **904.3 BUILDING PERMITS**

**904.3.1** No building permit shall be issued and no building or other structure shall be erected on any lot within the Town of Windham unless the street giving access to said lot has been approved as a street by the Planning Board and recorded at the Rockingham County Registry of Deeds, or the street is listed by the Town of Windham as a public street maintained by the Town. Any building erected in violation of these provisions is an unlawful structure and the Board of Selectmen or appropriate agent of the governing authority shall enjoin any erection or cause the building to be vacated or removed.

### **904.4 ACCEPTANCE OF STREETS**

**904.4.1** No public authority shall accept, improve, or maintain any street not shown on an approved and recorded final plan unless such street has received the legal status of a public street.

## **905. LEGAL PROVISIONS**

### **905.1 EFFECTIVE DATE**

**905.1.1** These regulations shall become effective upon their official adoption by the Planning Board in accordance with the provisions of RSA Chapter 675:6 and shall apply thereafter to all subdivisions within the Town of Windham.

### **905.2 EXEMPTION**

**905.2.1** Every plan approved by the Planning Board and properly recorded in Rockingham County Registry of Deeds shall be exempt from all subsequent changes in these Regulations and the Windham Zoning Ordinance, except those regulations and ordinances which expressly protect public health standards such as water quality and sewage treatment requirements, for a period of four (4) years after the date of recording, provided however, that once substantial completion of the improvements as shown on the plan have occurred in compliance with the approved plan, or the terms of said approval, the rights of the owner or his successor in interest shall vest and no subsequent changes in these Regulations or the Zoning Ordinance shall operate to affect such improvements and further, provided that:

**905.2.1.1** Active and substantial development or building shall have commenced on the site by the owner or his successor in interest in accordance with the approved plan within 12 months after the date of approval, or in accordance with the terms of said approval, and where a bond to cover the costs of roads, drains or sewers is required in connection with such approval, such bond is posted with the Town at the time of commencement of such development; and

**905.2.1.2** Development remains in full compliance with the public health regulations and ordinances specified herein; and

**905.2.1.3** At the time of approval and recording, the plan conforms to these Subdivision Regulations and the Zoning Ordinance then in effect at the site of such plan.

Adopted and certified by the Windham Planning and Zoning Board following a public hearing held on July 18, 2007.

**Road Specifications and Design Standards are  
available in the Planning and Development office**