



# **SUBDIVISION AND SITE PLAN REVIEW REGULATIONS**

**April 28, 2015Xxxx xx, 20xx**

**TOWN OF SUTTON, NEW HAMPSHIRE**



## DISCLAIMER

The contents of this booklet include information as of April 28, 2015. An applicant should check with the Selectman's Office or the appropriate town board for any changes after that date.

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**SUBDIVISION REGULATIONS TOWN OF SUTTON, NEW HAMPSHIRE**

Adopted August 7, 1970 and amended March 19, 1970; January 17, 1979; June 26, 1984; October 13, 1987; November 22, 1988; December 12, 1989; September 30, 1991  
May 24, 2005-, **April 28, 2015**, and ~~April Xxx 28xx, 2015~~**20xx**.

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## **SECTION I AUTHORITY**

~~Pursuant to the authority vested in the Sutton Planning Board by the voters of the Town of Sutton, and in accordance with the provisions of N.H. Revised Statutes Annotated, the Sutton Planning Board adopts the following regulations governing the subdivision of land in the Town of Sutton, New Hampshire.~~

### **ARTICLE I AUTHORITY**

**Pursuant to the authority vested in the Sutton Planning Board by the voters of the Town of Sutton, and in accordance with the provisions of RSAs 674:35, 674:43, 674:44, 675:1, 675:6, 675:7, 675:8, and 675:9 of the New Hampshire Revised Statutes Annotated, and as amended; the Sutton Planning Board adopts the following regulations governing the subdivision of land and review of site plans in the Town of Sutton, New Hampshire, hereinafter known as the Sutton Subdivision and Site Plan Regulations.**

### **ARTICLE II PURPOSE and APPLICABILITY**

- A. Any lot, tract, or existing parcel that is proposed to be divided into two or more lots requires application to the Planning Board for Subdivision approval.**
- B. The purpose of these regulations is to provide for the orderly present and future development of the Town by promoting the public health, safety, convenience and welfare of its residents.**
- C. These regulations apply to the Planning Board review and Approval; Approval with Conditions; or Disapproval of all subdivisions as defined by New Hampshire Revised Statutes Annotated 672:14 and to Minor Lot Line Adjustments or Boundary Agreements. They do not apply to Voluntary Mergers as defined by New Hampshire Revised Statutes Annotated 674:39-aa.**

### ARTICLE III DEFINITIONS

**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 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. The owner of record, or his agent duly authorized in writing at the time of Application.

**Approval:** Recognition by the Planning Board certified by written endorsement on the plat, that the final plat submission meets the requirements of these regulations and satisfies, in the judgment of the Planning Board, all criteria of good planning and design.

**Applicant:** The owner of record of the land to be subdivided including any subsequent owner of record making any subdivision of such land or any part thereof.

**Board:** The Planning Board of the Town of Sutton.

***Condition, Precedent:*** *A condition to an application approval which must be performed before the Subdivision or Site Plan Review Approval becomes effective.*

***Condition, Subsequent:*** *A condition which calls for a specific act or event, which when/if it occurs discharges a duty of performance which has already arisen and which completes a Subdivision or Site Plan Review Approval requirement.*

**Dead-End Street or Road:** Shall mean a street configuration where one must exit from the same place where one entered.

**Developer:** The individual, partnership, or corporation which will be responsible for the construction of all improvements and subsequent sale of lots and/or dwelling units.

**Lot:** One (1) of two (2) or more parcels of land which comprise the subdivision.

**Master Plan:** The adopted comprehensive plan for the Town of Sutton, as prepared and adopted pursuant to NH RSA.

**Map:** The Official Zoning Map of the Town of Sutton.

**Plat, Final:** The final map(s), drawing(s), or chart(s) on which the Applicant's plan of subdivision is indicated, prepared as required by the Planning Board, and which, if approved by the Board, will be submitted to the Registry of Deeds of Merrimack County for recording.

**Road:** Class II, IV or V highway, or a private road built to Subdivision Regulations specifications and maintained by a developer and/or abutting property owners. The word "road" shall include the entire right-of-way.

**Street:** See "Road."

**Subdivision:** The division of the lot, tract, or parcel of land into two (2) 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 the several owners shall be deemed a subdivision under this Section. All abutting or contiguous land in a single ownership shall be deemed to be a single lot, tract or parcel of land unless either of the following conditions existexists:

1. The land was conveyed to the owner by more than one (1) deed or conveyance and is so currently recorded; or
2. One (1) or more of the parcels is described separately in the presently recorded deed. For either of the preceding exceptions to apply, the parcel(s) must meet all the requirements of the Zoning Ordinance for buildable lots, and, further, if such parcel(s) were removed from the deed, the remaining lot would also meet the requirements of the Zoning Ordinance for buildable lots. The grant of an easement in gross to a public utility for the purposes of placing and maintaining overhead and underground facilities necessary for its transmission or distribution network such as poles, wires, cable, conduit, manholes, repeaters and supporting apparatus, including any unmanned structure which is less than two-hundred (200) square feet, shall not be construed as a subdivision and shall not be deemed to create any new division of land for any other purpose.

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**Subdivision, Major:** All subdivisions not classified as minor subdivisions, including but not

limited to four (4) or more lots, or any size subdivision requiring any new road or the extension of or creation of any public improvements.

**Subdivision, Minor:** Any subdivision containing not more than three (3) lots fronting on a publicly maintained road, not involving any new road or public utilities or improvements, and not adversely affecting abutting property.

**Subdivision, Natural:** The division of an existing road of property conveyed by a single deed.

## ~~SECTION II - GENERAL~~ ARTICLE IV GENERAL

### **~~B.A.~~ Compliance with Regulations**

1. No subdivision of land shall be made, and no land in any subdivision shall be sold or leased, and no street or utility construction shall be started, until a final plat, prepared in accordance with the requirements of these regulations, has been approved by the Board and other required permits have been issued.
2. The ~~subdivider~~**Applicant** shall familiarize himself with the Master Plan and the Zoning and Building Ordinances of the Town of Sutton, and with all State and Town regulations relative to health, building, roads and other pertinent data, so that he is aware of the obligations and standards expected.
3. The ~~subdivider~~**Applicant** may avail himself of the assistance of the Board before preparation of application or plans.
4. The Planning Board shall not approve any plan of a subdivision of land unless all new buildings, structures and lots shown on said plan comply with Zoning Ordinance of the Town of Sutton or unless a variance from the terms thereof has been properly granted by the Zoning Board of Adjustment.

### **~~C.B.~~ Character of Land for Subdivision**

In general, all land to be subdivided shall be, in the judgment of the Board, of such a character that it can be used for building purposes without danger to public health or safety, or to the environment. Land subject to periodic flooding, poor draining, or other hazardous conditions shall not ordinarily be subdivided. Land with inadequate capacity for sanitary sewage disposal shall not be subdivided unless land is brought up to acceptability, connected to public sewers, or the plat to be recorded is clearly marked to show the lot or lots "Not approved for on-site sanitary sewage disposal."

**Land which has steep slopes, and/or wetlands, and/or problematic soil types must be identified on**

**all plats and the Applicant should be aware of the Sutton Zoning Ordinance requirements regarding use of land with these characteristics and address in the application how the plan complies or, if not, why the Subdivision should be approved despite non-conformance.**

Plats for the subdivision of land shall conform with all regulations of the Board, the Zoning Ordinance, the Sanitary Code and other applications by-laws, ordinances and regulations at both State and local levels. No floodway shall be obstructed.

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## **D.C. Scattered and Premature Subdivision**

1. The Planning Board may decline to approve a subdivision which it finds to be "scattered and/or premature" and which would, if approved, involve danger or injury to health, safety, or prosperity by reason of the lack of water supply, drainage, sewerage, transportation, schools or other public services and/or which would require excessive expenditure(s) of the public funds for the supply of such services.
2. It is intended that these regulations shall promote balanced, responsible and desirable growth and control the timing of development by avoiding haphazard, scattering and uncoordinated development. In evaluating whether a particular subdivision is "scattered and/or premature" the Planning Board shall consider the following:
  - a. Adequacy of existing community and school facilities to service the proposed subdivision and the reasonably anticipated demand for those facilities from other existing and anticipated developments;
  - b. Distance to the nearest elementary school and effect on school bus transportation;
  - c. Potential fire protection problems owing to location and/or other special conditions relating to the development; inadequacy of water supply for fire protection purposes;
  - d. Potential police protection problems owing to location and/or other special conditions;
  - e. Potential snowplowing and other road maintenance problems owing to location;
  - f. Potential problems relating to disposal of trash, solid waste, brush and stumps owing to location or other special conditions;
  - g. Inadequacy of access streets or roads and/or sidewalks;
  - h. Potential problems relating to on-site water supplies and/or sewerage disposal systems;
  - i. Potential drainage impact problems;
  - j. Conditions otherwise requiring excessive expenditure of public funds; and
  - k. Other potential problems within the meaning and purpose of this Section.

3. If it is determined by the Planning Board that the proposed subdivision is, using the above criteria, scattered or premature unless special off-site improvements are made, including the respect to adversely impacted services, the Planning Board may require the developer to make such improvements or to address such adverse impacts on facilities or services as conditions to the approval of the subdivision. These may consist of but not be limited to the following:
  - a. Improve any access street, existing or to be constructed to appropriate street and road standards, whether or not the Town does or will own these;
  - b. Build or reconstruct sidewalks if these be deemed necessary to the public safety;
  - c. Construct static water supplies (fire ponds) with dry hydrants for fire protection purposes; and
  - d. Provide such traffic control facilities as are deemed necessary for the public safety.
4. The Planning Board will consider all impacts of the proposed subdivision on facilities and services and may, if it deems necessary, apportion to the developer those costs which can be properly assessed against the development as are found to be associated with or influenced by the development.
5. If it is determined by the Planning Board that the proposed subdivision, using the above criteria, is scattered and/or premature and that the off-site improvements cannot be made to cure the adverse conditions, the Planning Board may decline to approve such subdivision until such time as these adverse conditions are determined by the Planning Board to be curable.

#### **E.D. Reserved Strips**

No privately owned reserved strip shall be permitted which controls access to any part of the subdivisions or to any other parcel of land from any street, or from any land dedicated to public use, or which may be so dedicated.

#### **F.E. Lot Layout**

Lots shall conform to the requirements of the Zoning Ordinance and shall be appropriate for the intended construction and topography.

## **G.F. Preservation of Existing Features**

The applicant must satisfy the Planning Board that due regard shall be given to the preservation and protection of existing features, **stone walls along property lines, historic buildings and sites**, trees, scenic points, brooks, streams, rock outcroppings, water bodies, other natural resources and historical landmarks.

### **SECTION III DEFINITIONS**

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~~**Approval:** Recognition by the Planning Board certified by written endorsement on the plat, that the final plat submission meets the requirements of these regulations and satisfies, in the judgment of the Planning Board, all criteria of good planning and design.~~

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~~a. ——— The land was conveyed to the owner by more than one (1) deed or conveyance and is so currently recorded; or~~

~~b. ——— One (1) or more of the parcels is described separately in the presently recorded deed. For either of the preceding exceptions to apply, the parcel(s) must meet all the requirements of the Zoning Ordinance for buildable lots, and, further, if such parcel(s) were removed from the deed, the remaining lot would also meet the requirements of the Zoning Ordinance for buildable lots. The grant of an easement in gross to a public utility for the purposes of placing and maintaining overhead and underground facilities necessary for its transmission or distribution network such as poles, wires, cable, conduit, manholes, repeaters and supporting apparatus, including any unmanned structure which is less than two hundred (200) square feet, shall not be construed as a subdivision and shall not be deemed to create any new division of land for any other purpose.~~

## **SECTIONARTICLE IV-V PROCEDURE**

### **A. Pre-Application Preliminary Consultation**

1. Preliminary Conceptual Consultation Phase: This shall be directed at review of the basic concept of the proposal and suggestions which might be of assistance in resolving problems with meeting requirements during final consideration. **The Preliminary Conceptual Consultation does not require Notices to abutters or newspaper notifications. It is done at a Planning Board meeting and is listed on the Agenda for that meeting. Agendas for Planning Board meetings are placed at Town Hall; at the Sutton Post Office(s); and on the Planning Board Department page of the Town of Sutton website.** Such consultation shall not bind either the applicant or the Board. Statements made by Planning Board members shall not be the basis for disqualifying said members or invalidating any action taken. The Board and the applicant may discuss proposals in conceptual form only and in general terms such as desirability of types of development and proposals under the master plan. Such discussion may occur without necessity of giving formal public notice, but such discussions may occur only at formal meetings of the Board.
2. Design Review Phase: The Board or its designee 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 and the general public. Statements made by Planning Board members shall not be the basis for disqualifying said members or invalidating any action taken.
3. The applicant may elect to forego or engage in pre-application review or either phase thereof as provided above in "1." or "2.". However, preliminary review is required for Major Subdivisions and Site Plans pursuant to RSA 674:43. Pre-application review shall be separate and apart from formal consideration of an application, and the time limits for acting on an application shall not apply until a formal application is submitted as described in Section IV, B. Application.

### **B. Application**

An application for approval of a subdivision shall be filed with the Secretary of the Planning Board by the ~~subdivider~~**Applicant**, or his agent designated in writing by the **Applicant**~~subdivider~~, on a form supplied by the Board.

At the time of filing, the application shall be considered to be complete when accompanied by the "Minimum Requirements" as specified in Section V, Form of Plans and Accompanying Papers and by a check made payable to the Town of Sutton for fees established by the Planning Board **and when the Planning Board, at a regular public meeting, has approved it as -complete.**

The application with accompanying papers and fee shall be filed with the ~~Secretary of the Board~~ **Land Use Coordinator** ~~not less than twenty (20) days prior~~ **by the 15<sup>th</sup> of the month for consideration at the first Planning Board meeting of the next month.** ~~to the meeting of the Board at which the application is formally submitted for acceptance.~~

Documents submitted after formal acceptance of the application shall be submitted at least ~~ten~~ **(10)10** days prior to the meeting at which the information is to be considered.

Notice to the applicant, abutters and the public shall be given as follows: The Planning Board shall notify the abutters and the applicant 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)~~ **10** days prior to the submission not counting the day of mailing nor counting the actual day of submission to the Board at a regularly scheduled meeting. Notice to the general public shall also be given at the same time by posting in ~~three (3)~~ **3** public locations in town. The notice shall include a general description of the proposal which is the subject of the application and shall identify the applicant and the location of the proposal.

For any public hearing on the application, the same notice is required for notice of submission of the application shall be given. However, if notice of public hearing has been included in the notice of submission or any prior notice, additional notice of that public hearing is not required, nor shall additional notice be required to an adjourned session of a hearing with proper notice if the date, time and place of the adjourned session was made known at the prior hearing.

All application fees established by the Board and all costs of notice, whether mailed or posted, shall be paid in advance by the applicant. Failure to pay such costs shall constitute valid grounds for the Planning Board to terminate further consideration and to disapprove the plat without a public hearing.

Reasonable fees in addition to the processing fee and costs of notice, mentioned above, may be imposed by the Board to cover costs of special investigative studies, review of documents, and other matters which may be required by particular applications.

### **C. Public Hearings**

Except as provided below, no application will be denied or approved without a public hearing on the application. At the hearing, the applicant, any abutter, or any person with a direct interest in the matter may testify in person or in writing. Other persons may testify as permitted by the Board at each hearing.

Public hearings shall not be required when the Board is considering or acting upon:

1. Minor lot-line adjustments (see Section IV. F.) which do not create buildable lots, except that notice to abutters shall be given prior to approval of the application and any abutter may be heard on the application upon request; or
2. Disapprovals of applications based upon: failure of the applicant to supply information required by these regulations (including abutters' identification); or failure to meet reasonable deadlines established by the Board; or failure to pay costs of notice or other fees required by the Board.

#### **D. Planning Board Actions**

The Board shall act to accept or reject the application at the meeting at which the application is formally submitted in accordance with Section IV (B).

1. In order for the Board to proceed with consideration of the proposal, and make an informed judgment, at that meeting the applicant shall provide the Board at least twelve (12) copies for a minor subdivision or major subdivision of the appropriate plans and accompanying papers as specified in Section V. At its discretion, the Board may request further documentation of the applicant as appropriate to the particular subdivision.
2. The Board shall begin formal consideration of the application within thirty (30) days after formal submission and acceptance of the completed application. The Board shall act to approve or disapprove within ninety (90) days after formal submission, subject to extension or waiver as provided below.
3. Upon failure of the Board to approve or disapprove the application, the applicant may obtain from the Selectmen an order directing the Board to act within fifteen (15) days. Failure of the Planning Board to act upon such order of the Selectmen shall constitute grounds for the Superior Court, upon petition of the applicant, to issue an order approving the application, if the court determines that the proposal complies with existing Subdivision Regulations and Zoning or other ordinances.
4. The Planning Board may apply to the ~~selectmen~~ **Select Board** ~~or city council~~ for an extension not to exceed an additional ninety (90) days before acting to approve or disapprove an application. The ~~applicant~~ **Applicant** may waive the requirement for Planning Board action within the time periods specified in subparagraph ~~(e)~~ **1.** and consent to such extension as may be mutually agreeable.

5. If the Board approves the application, a majority of Board members shall endorse the reproducible copy of the final plat, and the same shall be filed with the Registry of Deeds of the County of Merrimack by the Board. The ~~subdivider~~ **Applicant** shall be liable for any necessary fees.
6. In the case of disapproval of any application, the grounds for such disapproval shall be stated in the records of the Board, and in written notice to the applicant.
7. Every plat approved by the Board shall, by virtue of such approval, is deemed to be an amendment of, an addition to, or a detail of the official tax map.
8. Approval of a plat shall not be deemed to constitute or effect an acceptance by the Town of Sutton of any road or other ground or open space shown upon the plat. Further, no road or other ground or open space shall be submitted for acceptance to the Town Meeting of Sutton until such time as all improvements have been carried out as shown on the final plat and its accompanying documentation, subject to any conditions established by the Board at the time of final plat approval, and the requirements of the subdivision regulations.
9. "As-Built" Plans: In subdivisions requiring construction of roads or other utilities, "as-built" plans shall be submitted to the Board after construction has been completed and before release of the bond or other security, as established in accordance with Section V.B.12. Such plans shall certify that roads and/or other utilities have been constructed as shown on the plans and in accordance with the conditional approval. These plans shall be drawn to scale and shall indicate by dimensions, angles, and distances, as applicable, the location of sewer and drain Y-branches, laterals, manholes, catch basins, culverts, hydrants, valves, shut-offs, roadways, road profiles, center-line elevations, final grading including swales and ditches, easements and open space.

"As-built" plans shall be submitted by the ~~subdivider~~ **Applicant** to the Board on reproducible linen or polyester film, plus two (2) paper prints.

#### **E. Minor Subdivisions**

1. In the case of subdivisions on existing roads and involving no more than three (3) lots, the Board, at its discretion, may provide for formal submission of the application and a public hearing at one (1) Board meeting. At that meeting, the Board, at its discretion, may act to approve or disapprove the application, or may defer such action to a subsequent meeting.
2. When a minor subdivision is granted, the land so involved in the minor subdivision may not be resubmitted for another minor subdivision for at least 4 years from the date of the last approval of a minor subdivision. However, the applicant may apply at any time for a major subdivision approval for land that was involved in a prior minor subdivision.
3. For such subdivision proposals, an application must be prepared and filed in accordance with Section IV. B."

## **F. Conveyances of Land between Abutting Owners**

Approval of minor lot-line adjustments which do not create buildable lots, or which do not make a buildable lot unbuildable, requires submission of an application in accordance with Section IV.B., including notification of abutters. No public hearing is required. In cases in which the parcel to be conveyed would abut land of the prospective grantee but for the separation of the parcels by a road, the parcel shall, following the conveyance, be deemed annexed to the property in the same ownership across the road so as to form a single lot of record, re-subdivision of which shall require approval of the Planning Board.

The final plat shall bear the notation, "Approved as an annexation to contiguous property of (name of grantee(s)). This tract shall not be deemed a separate lot of record."

## **G. Natural Subdivisions**

Natural subdivisions do not require subdivision approval. However, no single lot of record shall be divided as a natural subdivision if any of the resulting lots do not meet the requirements of the Zoning Ordinance for a buildable lot.

The final plat(s) to be recorded and which defines the lots in the natural subdivision shall be annotated "This plat does not require subdivision approval" and shall be signed by a majority of Board members after an affirmative vote of the Board at a regular meeting.

## **H. Five-Year Exemption**

1. Every subdivision plat approved by the planning board and properly recorded in the registry of deeds and every site plan approved by the planning board and properly recorded in the registry of deeds, if recording of site plans is required by the planning board or by local regulation, shall be exempt from all subsequent changes in subdivision regulations, site plan review regulations, impact fee ordinances, and zoning ordinances adopted by any city, town, or county in which there are located unincorporated towns or unorganized places, except those regulations and ordinances which expressly protect public health standards, such as water quality and sewage treatment requirements, for a period of 5 years after the date of approval; provided that:
  - a. Active and substantial development or building has begun on the site by the owner or the owner's successor in interest in accordance with the approved subdivision plat within 24 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 city, town, or county in which there are located unincorporated towns or unorganized places, at the time of commencement of such development;

- b. Development remains in full compliance with the public health regulations and ordinances specified in this section; and
  - c. At the time of approval and recording, the subdivision plat or site plan conforms to the subdivision regulations, site plan review regulations, and zoning ordinances then in effect at the location of such subdivision plat or site plan.
2. Once substantial completion of the improvements as shown on the subdivision plat or site plan has occurred in compliance with the approved subdivision plat or site plan 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 subdivision regulations, site plan regulations, or zoning ordinances, except impact fees adopted pursuant to RSA 674:21 and 675:2-4, shall operate to affect such improvements.
  3. The planning board may, as part of its subdivision and site plan regulations or as a condition of subdivision plat or site plan approval, specify the threshold levels of work that shall constitute the following terms, with due regard to the scope and details of a particular project:
    - a. "Substantial completion of the improvements as shown on the subdivision plat or site plan," for purposes of fulfilling paragraph II; and
    - b. "Active and substantial development or building" for the purposes of fulfilling paragraph I.
  4. Failure of a planning board to specify by regulation or as a condition of subdivision plat or site plan approval what shall constitute "active and substantial development or building" shall entitle the subdivision plat or site plan approved by the planning board to the 5-year exemption described in paragraph 1. The planning board may, for good cause, extend the 24-month period set forth in subparagraph 1.a.

## **I. Commencement of Work**

Until final approval has been received, the Applicant shall not commence the construction of roads or drainage structures within the parcel to be subdivided by clearing the land thereof of natural vegetation, placing any artificial fill thereon, or otherwise altering the land. Nor shall they alter the natural state of the land or environment except as may be needed for taking of test borings, digging of test pits, or any other preliminary testing and inspection necessary to comply with the requirements of the division of water supply and pollution control relative to information necessary for verification of the buildability of lots or as necessary for a high intensity soil survey.

**SECTIONARTICLE V**  
**FORM OF PLANS AND ACCOMPANYING PAPERS**

**A. Minimum Requirements**

1. All plats (maps) and other papers shall be identified clearly with the name of the subdivision and ~~subdivider~~**Applicant**.
  
- ~~2.~~**2.** The final plat (or plats) shall be in permanent black ink, on a permanent reproducible linen or polyester film suitable for filing with the Registry of Deeds (not greater than ~~twenty-two (22)~~**22** inches by ~~thirty-four (34)~~**34** inches), but not smaller than ~~seventeen (17)~~**17** inches by ~~twenty-two (22)~~**22** inches. Space shall be reserved on the plat for endorsement by the Planning Board. While not required to be submitted with the application, a final plat is required before Board approval.

If more than one ~~(1)~~ sheet is required, a key map at appropriate scale shall be submitted showing the entire parcel of land to be subdivided, the road system, the area covered by each subsidiary plat, and all abutting landowners.

For a major subdivision ~~twelve (12)~~**12** copies of all application documents shall be submitted. For a minor subdivision ~~twelve (12)~~**12** copies of all application documents shall be submitted. For all applications submitted there must be three ~~(3)~~ maps printed to full scale with the remaining nine ~~(9)~~ no smaller than 11x17 inches.

**3. Plats shall contain the following information as applicable:**

~~3. Plats shall contain the following information as applicable:~~

- a. Name of ~~municipality~~**(municipality** (ies).
  
- b. Name and address of the designer.
  
- c. Name, address, and seal of the land surveyor licensed by the State of New Hampshire who prepared the plat, and when required, the name, address, and seal of the registered professional engineer.
  
- d. Boundaries and area of the entire parcel and of each lot in the subdivision. In the case of minor lot-line adjustments or annexations or minor subdivisions, upon request by the applicant, the Board, at its discretion, may waive the requirement that the boundaries and area of the entire parcel be surveyed and shown, and require only that the **accurate, to scale** graphic description of the parcel to be annexed to the abutting property meet these requirements.

- e. A North point, bar scale, and date(s) of any revisions.
- f. Names of abutting property owners ~~in~~ **and** the general location of their abutting property. Abutters to have been verified at Merrimack County Registry of Deeds as owners of record within seven (7) days and names and addresses verified with town records within five (5) days prior to submission of an application to the Planning Board Secretary.
- g. Intersecting roads and driveways within two-hundred (200) feet of the subdivision frontage on existing roads.
- h. Locations of existing buildings within the boundaries of the entire parcel.
- i. Existing and proposed road right-of-way lines and widths of roads.
- j. Location of existing and proposed easements, parks and other open space, flood plains and watercourses, significant natural and man-made features, water mains, sanitary sewers or disposal sites, storm-water drainage lines, draining structures, and drainage ways.
- k. Existing (and proposed plans for) telephone, electricity, and gas utilities.
- l. Boundaries of zoning districts and municipalities lying within the subdivision.
- m. A general site-location map with sufficient information to locate readily the property to be subdivided.
- n. The location and type of all proposed and existing monuments.
- o. Identification of the lot(s) not approved for on-site sewage disposal.
- p. The plat shall state the type of survey and the precision of measurement.
- q. A topographic map showing ~~twenty (20)~~ **20** foot intervals. Contour lines shall extend a minimum of ~~one hundred (100)~~ **100** feet beyond the subdivision boundary.
- r. Major subdivisions (those of more than three ~~(3)~~ lots) shall be required to furnish a road and traffic study done by a qualified engineer. See Exhibit B Traffic Impact Analysis.
- s. Cost estimates of all recommended improvements.

- t. A copy of a letter to the Board of Selectmen confirming that the land is not in current use OR describing any proposed changes to current use.
- u. For all lots under five (5) acres an approval from NH Water Supply and Pollution Control or a signed and dated application form to NHWSPCC. Note: NHWSPCC approval will be required for any final approval.
- v. Where necessary, a high intensity soil survey.

4.2. All maps and related papers pertaining to design, engineering and construction shall be prepared and certified by a licensed land surveyor, in accordance with their respective ethics and standards, and shall include, but not be limited to the following:

- a. Traverse closure of minimum accuracy of 1/5000 for transit and tape surveys and 1/500 for tape and compass surveys. (For minor subdivisions, upon request of the applicant, the Board may permit a tape and compass survey).
- b. In the case of minor subdivisions, upon request of the applicant, the Board, at its discretion, may waive the requirement that the boundaries and area of the entire parcel be surveyed, and require only the survey of boundaries involving new boundary monuments and areas of new lots formed by the subdivision.
- c. Sufficient data acceptable to the Board to determine readily the location, bearing and the length of every street line, lot line, boundary line and to reproduce such lines upon the ground.
- d. All dimensions shown to tenths of a foot; all bearings to minutes; and all areas to tenths of an acre.
- e. Bearings and distances for each side of the property and each of its segments, resulting in a closed figure.

5.3. When the proposed subdivision, annexation, or lot line adjustment abuts land held by the State of New Hampshire Department of Resources and Economic Development - Division of Forests and Lands, a copy of the plat and plans for the proposal shall be forwarded to the Department of Resources and Economic Development, Attention: Land Agent. This shall be done by the Planning Board at the same time the other abutters are notified by certified, return receipt mail of the public hearing.

6.4. When the proposal includes land with steep slopes, wetlands, or other environmentally sensitive areas, a copy of the plat and plans for the proposal shall be forwarded by the Town of Sutton Planning Board to the Conservation Commission.

## **B. Additional Requirements**

Prior to final action by the Board on the application, the following shall be submitted where required by State Law or when deemed necessary by the Board in relation to the subdivision proposed:

1. Water and Sewage-Disposal Capability: Information to prove that the area and character of each lot is adequate to permit the installation and proper operation of an individual on-lot water and sewage-disposal system. Such information shall include a report showing the results of a series of soil tests made in the subdivision in accordance with applicable State and local laws and regulations. The Planning Board may require such tests regardless of State laws, regulations and standards, and may require that additional tests than those so prescribed be made.
2. Topographic Map: At the same scale as the final plat, showing contour lines at five (5) foot intervals for slopes averaging ten ~~(10)~~ percent or greater. Contour lines shall extend a minimum of one-hundred (100) feet beyond the subdivision boundary.
3. Road Profiles: Showing the center line of all proposed roads, and the existing grade of the land, at a horizontal scale of fifty (50) feet to the inch and a vertical scale of five (5) feet to the inch.
4. Road Cross-Sections: Showing, at one-hundred (100) foot stations, the cross-section of proposed roads and the areas to be disturbed for the construction of the road, to a convenient scale (both horizontal and vertical) of not more than one (1) inch to ten (10) feet.
5. Road Construction Details: Showing construction details of all proposed roads, curbing, sidewalks, drainage structures, sediment and erosion-control structures, and any other required improvements, at a convenient scale.
6. Deed Restrictions/Covenants: Full legal descriptions of easements, rights-of-way, covenants, reservations, and other restrictions.
7. Existing Roads: A statement of the work required on existing roads to meet the minimum standards of these regulations, including cost estimates.

8. Future Plans: A statement describing any planned or contemplated additional subdivision of the property.
9. Offers: Offers of cession of any land proposed to be dedicated to the Town for public use. Where applicable, prior to approval of the plat, the following are required in a form as approved by the Town Attorney: agreement to convey to the Town of Sutton land to be used for streets, open space or other public purposes and draft of proposed conveyance.
10. Utility Plan: At the same scale as the final plat, showing for each lot the location of sanitary disposal systems (including septic tanks and leaching fields), power and telephone lines, and wells and water lines, and all fire protection measures.
11. State Approvals: All information and certification of approval required by any State agency.
12. Drainage: A soils map shall be developed to show the type and drainage classification and also define the limits of wetland areas. The wetlands shall be identified by soil definition and vegetation definition. The Board may also require a watershed analysis to determine drainage pre-development and post-development. Incorporated into these studies shall be a slope analysis highlighting existing vegetation and significant features of the site. The impact of new roads on the existing terrain and drainage patterns shall be addressed.
13. A fiscal-economic impact study to include, but not necessarily be limited to, information on schools, fire protection services, recreation facilities, streets, and access, police protection service, and solid waste disposal services. See Section IIc for criteria.
14. An environmental impact study to include, but not necessarily be limited to, information pertaining to waste, flood plains, wetlands, public safety, cultural resources (including historic sites and properties, and conservation areas), wildlife habitat, prime agricultural land, and the growth and character of the community and neighborhood. Mitigation measures related to specific impacts shall be discussed in the documentation.
15. All studies - including but not limited to road-traffic, fiscal-economic, environmental, drainage, and high intensity soil survey - prepared by an outside consultant shall be provided either by the applicant or the consultant in the same number as all other application documents (twelve (12) for a minor subdivision or a major subdivision) and shall include an original signed by the person having prepared the information.
16. For all studies prepared by an outside consultant, the applicant shall pay the estimated cost of the work in advance to an escrow account with the Selectmen.

17. For a major subdivision a copy of the proposed plans shall be submitted to the Police Chief, Fire Chief, Road Agent, Solid Waste Committee and Conservation Commission.
18. The sub divider shall at the option of the Board either:
  - a. Provide an easement or deed land to the Town for public recreation use or to the Conservation Commission or provide privately maintained recreational facilities and/or open space land within the residential project according to the recommendation of the Planning Board and/or the Conservation Commission on a case-by-case basis. Generally, however, it is the intent of the Planning Board that up to ten (10) percent of the buildable land area within the proposed subdivision be set aside for passive and/or active recreation open space.
  - b. Pay the Town an equivalent sum of money in cases where the Board determines that due to the size, topography or location of the subdivision, land for recreational purposes or open space cannot be properly located therein. This cash payment shall be used by the Town for either land acquisition or development of public land for recreational purposes for the benefit of the residents of the subdivision.
  - c. The Board may approve a combination of the two (2) previous methods in making provision for open space and recreation.
19. For inspection services required by the Planning Board for a major subdivision, such as but not limited to road construction, the applicant shall make payment in advance to be held in an escrow account. The ~~subdivider~~ **Applicant** shall maintain a positive balance in the accounts at all times during construction to cover the reasonably anticipated expenses for inspection services or be subject to a “stop work” order by the Selectmen or such enforcement measures deemed appropriate. Any remaining balance in the account after completion of the work shall be refunded to the applicant.
20. **Fire Protection:** An adequate water supply for fire protection shall be available within the subdivision in the form of either fire protection cisterns or fire ponds or within a reasonable distance from the subdivision as determined by the Board after recommendation from the Fire Chief or the Board of Fire Engineers.
21. A plan for disposal of stumps and clearing debris according to accepted practices and including any necessary permits.
22. **Security for Performance:** Except in the case of a subdivision in which each lot is on an existing approved Town road and no improvements to facilitate the development are

required, no subdivision plat shall receive final approval until the ~~subdivider~~**Applicant** has provided security to the Town that all streets, public improvements, drainage structures, other utilities and any other improvements required by these Subdivision Regulations or the terms of the Board's approval will be constructed in accordance with Town specifications, the requirements of these Subdivision Regulations and the approval of the Board. The alternatives contained in this section constitute the only methods which will be accepted by the Board to secure performance:

- a. A surety bond, issued by a surety company authorized to do business in New Hampshire, to be filed with the Planning Board in an amount acceptable to the Planning Board and in a form approved by Town Counsel.
- b. Cash or savings bankbook properly endorsed to the Town, in an amount to be determined by the Planning Board and to be deposited with the Planning Board.
- c. An unconditional irrevocable letter of credit in an amount acceptable to the Planning Board and in a form approved by Town Counsel.

The following criteria will apply to all of the above alternatives:

1. The Planning Board shall determine the amount of any security which it requires based upon its independent judgment as to the cost to the Town to perform the improvements if the Town were to be required to make them.
2. The developer shall provide to the Planning Board an engineer's estimate of the cost of construction of all improvements. In addition thereto, the Planning Board will ordinarily obtain its own independent estimates from the Town Road Agent, Town Road Committee and other appropriate sources.
3. The Planning Board will establish from time to time reasonable fees to compensate the Town for the time spent by Town officials or Boards in reviewing cost estimates, inspecting construction of improvements and the like and to reimburse the Town for any out-of-pocket expenses such as review of documents by Town Counsel.
4. The Planning Board shall require the developer to notify the Planning Board when various stages of construction have been completed so that the Planning Board, or its agents, may inspect the construction to verify that it has been satisfactorily completed to standards. The Planning Board may withhold final plat approval or refuse to release its security if the developer fails to notify the Planning Board that various stages of construction have been completed so that they may inspect prior to the next stage.

5. In the case of electric lines or other utilities to be installed by a public utility corporation or a municipal department, a statement shall be received in writing from such public utility corporation or municipal department that the work shall be done within a reasonable time and without expense to the Town and that the utilities will be placed underground if that has been a condition of the approval.
6. All improvements shown on the plat and all improvements and requirements included as part of a subdivision approval shall be completed in accordance with RSA 674:39.
7. In the case of Alternatives 1., 2., and 3., the performance guarantee shall not be released until the Planning Board has certified completion of all improvements in accordance with Town specifications, these Regulations and the approval of the Board and the requirements of RSA 356A and 356B the Land Sales Full Disclosure Act where applicable.
8. As phases or portions of the secured improvements or installations are completed and approved by the Planning Board or its designee, the municipality shall partially release said security to the extent reasonably calculated to reflect the cost of completion of any remaining improvements or installations. Cost escalation factors that are applied by the Planning Board to any bond or other security required under this section shall not exceed ten (10) percent per year.
9. Unless otherwise specified, the date for the security to expire shall be ninety (90) days beyond the date set by the Board for completion of all improvements.

### **C. Effect of Non-Compliance**

1. The failure to provide information under any item specified herein, or the providing of improper or incorrect information, shall be cause for disapproval of the final plat.
2. Refusal to allow reasonable inspections of improvements shall be grounds for revocation of approval.

**SECTION ARTICLE VI**  
**REQUIRED IMPROVEMENTS**

The following improvements shall be installed and constructed by the applicant to the satisfaction of the Selectmen and under their supervision. As stated in Section V.B. *Additional Requirements*, the Planning Board may require a bond or other providing for and securing to the Town the actual installation and construction of such improvements, in an amount and with conditions satisfactory to the Board and approved as to form by legal counsel for the Town.

**A. Subdivision Lot-Line Monuments**

Bounds of suitable material of permanent nature shall be permanently set at each significant corner of each lot. Upon request by the applicant, the Board, at its discretion, may waive this requirement in the case of minor lot-line adjustments or annexations.

**B. Roads – General Requirements**

Right-of-Way: Roads shall have a minimum right-of-way of fifty (50) feet, except that when conditions warrant it, the Board, at its discretion, may approve a narrower right-of-way after consultation with the Town Road Agent. All rights-of-way shall be deeded to either the Town, where accepted by the Town, or in the case of private roads, to a homeowner's association with responsibility for the maintenance of such roads.

Highway bounds, of a type approved by the Selectmen, shall be installed at all intersection of roads and highways, at all points of change of direction, and at any other points the Board may deem necessary to designate the street lines.

Construction Standards: The roadway shall be constructed in accordance with the geometric and structural standards for Town roads as shown in Exhibit A in the Appendix of these regulations. Design standards are keyed to average daily traffic (vehicles per day) as determined by a traffic impact analysis of the proposed development.

General Layout: The layout of the subdivision shall conform to all applicable State and local requirements controlling land development. Roads shall be logically related to the topography so as to produce usable lots, reasonable grades and grade transitions, and safe intersections in appropriate relation to the proposed use of the land to be served by such roads. Adequate provision shall be made to control the drainage of each lot by an adequate storm water system subject to the approval of the Board (see Drainage below for specific requirements). Where practicable, lots should be graded toward the roads.

Phased Construction: Approval of a general development street plan for the entire subdivision will be required before allowing construction of phases of the plan. Each phase of construction must be completed to the satisfaction of the Town Road Agent and/or designated Engineer before another phase of road construction may begin.

Phased road construction will require construction of a hammerhead turn-around at the end of the constructed road, sufficient for single-unit truck turning movements and snow removal.

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**SECTION ARTICLE VII**  
**DESIGN REQUIREMENTS**

**A. Road and Circulation Plan**

1. Every proposed road in a subdivision shall be laid out and constructed by these regulations.
2. There shall be the proper arrangement and coordination of streets within subdivision in relation to other existing or planned streets or with features of the official map of the municipality. Streets shall also be coordinated to create a convenient and logic system of traffic flow in keeping with the character of the neighborhood. Where required by the Board, provision shall be made for the extension of the road pattern to abutting undeveloped property.
3. Road patterns shall give due consideration to contours and natural features such as steep slopes, wetlands, and ledge outcroppings or ledge close to the surface of the soil.
4. There shall be suitable located streets of sufficient width to accommodate existing and prospective traffic and to afford adequate access for school buses, town snow removal equipment, police vehicles and firefighting apparatus and equipment to buildings.
5. The plan of any proposed subdivision shall show all work required to connect and complete the improvements and utilities between the proposed road pattern and any connecting road in an existing subdivision.
6. The Board may require greater width of right-of-way where, in its judgment, the demands of present or future traffic make it desirable or where topographic conditions create a need for greater width for grading.
7. Where a subdivision abuts an existing road with an inadequate alignment, or right-of-way width, the subdivision plat shall include in the road dedication all land needed to meet the standards established by these regulations, and as approved by the Board, shall be provided.
8. The Board may require the ~~subdivider~~ **Applicant** to improve any existing access road to the subdivision to the appropriate road standard provided in these regulations if such access would otherwise be inadequate, provided that the Town has a deeded interest in and currently maintains the right-of-way.

9. Dead-end or cul-de-sac roads shall not exceed one-thousand (1000) feet in length and shall not provide entrance to other dead-end roads. A turn-around, of a suitable area and of a design approved by the Board, shall be provided. Hammerhead turn-arounds are preferred and shall be one-hundred (100) feet by seventy-five (75) feet in size. Driveways on hammerhead turnarounds are not encouraged. Circular cul-de-sacs shall be a minimum of four-hundred (400) feet in diameter with a central landscaped area and one-way traffic only.
10. Except where it is impractical, because of the character of the land, roads shall intersect so that road centerlines shall be nearly at right angle as possible within seventy-five (75) feet of the intersection, and no intersection shall be at an angle of less than sixty (60) degrees.
11. No site grading, structure or vegetation shall impair safe visibility at any street corner.
12. No more than two (2) lots of record in a subdivision will be allowed a shared driveway access.

## **B. Road Design Standards**

1. Intersecting property lines at road intersections shall be joined by a curve of at least twenty (20) feet in radius.
2. Horizontal and Vertical Curve. No horizontal curve shall have a center-line radius of less than one-hundred and fifty (150) feet. For changes in grade exceeding one (1) percent, a vertical curve shall be provided insuring a minimum sight distance of one-hundred and fifty (150) feet.
3. Tangents. A tangent of at least one-hundred (100) feet in length shall be introduced between reverse curves on all proposed roads.
4. Grades. The grade within fifty (50) feet of the intersection shall not exceed one (1) percent. The profile grade of all roads must be at least one (1) percent but less than nine (9) percent. Cross slopes of pavements are shown on Exhibit A in the Appendix.

Roads with slopes in excess of five (5) percent along a majority of the road profile must be paved regardless of vehicle per day design basis.

5. Road Names. Roads shall be identified by name on the plat and subject to approval of the Board. All roads shall be named to comply with the provisions of the Enhanced 911 System (RSA 106-H:10,1; RSA 106-H7, VII).

### C. Construction of Street or Road

1. Supervision: Construction of streets, drainage facilities, sidewalks, utilities and curbs must be done under the supervision or with the approval of the Road Agent of the Town of Sutton and the Board or its designated Engineer.
2. Pre-Construction Meeting: Before any construction begins the **subdividerApplicant**, or his designee, the Town Road Agent and the Board or its designated Engineer, will have a pre-construction meeting, the purpose of which is to clarify the design and construction standards contained herein.
3. Inspection Services: The Planning Board shall require inspection services for all major subdivisions which include road and/or utility construction. The cost of the inspection services shall be borne by the **subdividerApplicant**. The Planning Board may require the inspection services to be provided by either Town employees or by a designated Engineer of the Board's choice. If the Planning Board determines the need for outside inspection services and requires as such a condition of final plat approval, then prior to the start of construction, the **subdividerApplicant** shall establish an escrow account with the Town to pay for such services. The **subdividerApplicant** shall maintain a positive balance in the account at all times during construction to cover cost of such services, or be subject to a "stop work" order by the Board of Selectmen. Any remaining balance in the escrow account for inspection services shall be refunded to the **subdividerApplicant** upon completion of construction and approval of the Town Road Agent and/or the designated Engineer.
4. Inspection Sequence: Inspections by the Town of Sutton Road Agent and/or its designated Engineer with or for the Board are required when:
  - a. Right-of-way has been cleared and grubbed of stumps and rock, and subgrade has been prepared before the base has been laid.
  - b. Culverts and other drainage structures are installed.
  - c. Base course has been laid and compacted.
  - d. Finish course of 1 ½ inches of crushed gravel has been laid and compacted.
  - e. Surfacing with bituminous courses is in progress.
  - f. Such other operations as may be found necessary by the Road Agent or the Board or its designated Engineer.

Each phase of construction must be approved in writing by the Town of Sutton Road Agent and/or the designated Engineer for the Town before moving ahead with subsequent phases of construction.

5. Notice before Inspection: For required inspections during construction, the contractor, owner or developer shall give at least ~~forty-eight (48)~~**48** hours (~~2-two~~ working days) notice to the Road Agent, the Planning Board, or its designated Engineer in order to coordinate schedules. The Road Agent, the Planning Board, or its designated Engineer may make such additional inspections as he deems necessary.
6. Wetlands and Shorelands: Any work that requires impacts (fill, dredge, excavation, etc.) on wetlands or other jurisdictional area (stream banks, lake or pond shore, etc.) requires coordination with the Dept. of Environmental Services Water Division and the Wetlands Bureau to ensure that all applicable rules and regulations are met. Copies of approved dredge and fill permits shall be provided to the Town Road Agent for reference.
7. Erosion Control: A Site Specific permit is required from the NHDES whenever a project proposes to disturb more than 100,000 square feet of terrain (50,000 square feet if within the protected shoreland), and as of March 10, 2003, construction activity that disturbs one (~~+~~) or more acres of land needs a Federal storm-water permit from the U.S. Environmental Protection Agency. Copies of approved terrain alteration and storm-water permits shall be provided to the Town Road Agent for reference.
8. Subgrade Preparation: Sub grade shall be prepared to accommodate a roadway pavement width of ~~twenty-two (22)~~**22** feet with ~~four (4)~~**4** foot shoulders on both sides, regardless of pavement width determined by vehicles per day in the table in Exhibit A. This is to allow for the orderly and practical expansion or upgrading of roads and streets in the Town, as needed in the future.

All topsoil or loam and unsuitable material such as stumps, roots, vegetation, demolition debris, and manmade structures must be removed from the limits of the roadbed to a depth of at least ~~twelve (12)~~**12** inches. Topsoil shall be removed from areas that will be filled. Where loam or other improper road foundation material exceeds ~~twelve (12)~~**12** inches in depth, such material must be excavated and replaced with bank-run gravel or broken rock not more than ~~four (4)~~**4** inches in diameter. The presence of large boulders in the subgrade may require removal as directed by the Town Road Agent or designated Engineer.

Blasting of road sub grade and utility trenches may be required by the Town Road Agent and/or the designated Engineer, as needed to ensure proper road construction and utility installation.

9. Drainage: All proposed drainage facilities and culverts shall be installed as shown on the approved plans. Surface water shall be disposed of by means of culverts of sufficient capacity at water courses and natural swales as determined by standard hydraulic design methods, and by the construction of storm drainage structures in the ditch cross section wherever required to relieve water and promote drainage.

Drainage ditches shall be provided on both sides of the road with all rock and ledge removed

sufficient to achieve the minimum cross section shown in Exhibit A. Where ditching is not practical, subsurface storm drainage shall be designed and installed using catch basins and piping.

All drainage construction shall be done in accordance with the New Hampshire Dept. of Transportation Standard Specifications, 2002, Sections 603, 604 and 605.

Where required for safe and practical disposal of storm-water, drainage and maintenance easements shall be deeded by the ~~subdivider~~**Applicant** or owner to the Town for each lot affected.

10. Utilities: Utility poles shall be kept close to the right-of-way line, in no case closer than the ditch line from the edge of pavement.

Underground utilities within the road right-of-way shall be installed in Sch 80 conduit buried four ~~(4)~~ feet deep with appropriate marking tape located ~~twelve (12)~~**12** inches above the conduit. Underground utilities should be constructed outside the road surface area, and preferably outside the ditch line. As-built plans for each road shall show the location of all buried utilities and a copy shall be filed with the Town Road Agent for reference.

11. Gravel Base: Gravel sub-base shall be a minimum of ~~twenty-four (24)~~**24** inches of bank run gravel with no cobbles larger than ~~four (4)~~ inches in diameter, ~~ninety five (95)~~**95** percent compaction. Gravel base course shall be a minimum of ~~twelve (12)~~**12** inches depth of one and half (1 ½) inch crushed gravel, ~~ninety five (95)~~**95** percent compaction. At the discretion of the Town Road Agent or the designated Engineer.
12. Surface Course: Surface course material shall be as specified in Exhibit A, according to the vehicles per day average traffic expected on the road to be constructed.

Asphalt surface shall be either Bituminous Surface Treatment, NHDOT Section 410 or Hot Bituminous Pavement, NHDOT Section 403, or an approved alternative pavement (see Exhibit A). The minimum traveled way width is ~~twenty (20)~~**20** feet for ~~fifty (50) to seven hundred fifty (750)~~**50-750** vehicles per day, ~~twenty two (22)~~**22** feet for ~~seven hundred fifty (750) to one thousand five hundred (1500)~~**750-1500** vehicles per day, and ~~twenty four (24)~~**24** feet for more than ~~one thousand five hundred (1500)~~**1500** vehicles per day. Additional paved width will be required where on-street parking is expected.

Hot bituminous pavement shall be constructed with ~~two and a half (2 1/2)~~**2 1/2** inches of ~~three fourths (3/4)~~**3/4** of an inch base course and ~~one and a half (1 1/2)~~**1 1/2** inches of ~~half (1/2)~~**1/2** inch wear course ~~ninety five (95)~~**95** percent compaction.

- ~~13.~~ Gravel Shoulders: Gravel shoulders, equal to the gravel base course depth, shall be constructed adjacent to all traveled way surfaces, as follows: less than ~~fifty (50)~~**50** vehicles per day (vpd) ~~two (2.0)~~ feet; ~~fifty (50)~~**50** to ~~two hundred (200)~~**200** vpd ~~two (2.0)~~ feet; ~~two hundred (200)~~**200** to ~~one thousand five hundred (1500)~~**1500** vpd ~~four (4.0)~~ feet; more than ~~one thousand five hundred (1500)~~**1500** vpd ~~eight (8) to ten (10)~~ feet.
14. Curbing: All curbing shall be vertical face granite approved by the Town Road Agent and/or the designated Engineer.
15. Bridges: Bridges, as defined by State Law (RSA 234:2) are all structure of ~~ten (10)~~ feet or greater clear span, and shall be designed to MS-18 (HS-20) loading per ASSHTO specifications. The minimum roadway width shall be ~~twenty four (24)~~**24** feet.
16. Safety: Development roads shall provide obstacle-free roadsides to the extent practicable and reasonable. Every effort should be made to provide clear areas within the maintenance limits. The use of flatter side slopes, guardrail where necessary, and warning signs are other safety factors to be considered.
17. Maintenance of Way: When existing town roads and drainage within town rights-of-way must be upgraded as part of an approved subdivision plan, ordinary travel to and from property along the town road shall be accommodated as part of the construction plan. In no case is any town roadway under construction to be blocked to the passage of emergency vehicles.
18. Indemnification: In event of damage to Town property or facilities, incurred by or from work performed by or for the developer, the developer shall indemnify, defend and hold harmless the Town of Sutton Highway Department for subsequent maintenance of pavement, shoulders, catch basins, culverts, storm sewers and any additional costs.

19. Maintenance until Acceptance: The sub divider shall provide the Board a written acknowledgement of the **subdividerApplicant**'s responsibilities for maintenance of easement areas and the assumption of the **subdividerApplicant**'s of liability for injuries and damages that may occur on any land to be dedicated for public use until such land has been legally accepted by the Town of Sutton or property owners association.
20. Street Acceptance: Final approval by the Planning Board does not constitute acceptance of the street or streets by the Town of Sutton.
21. Existing private roads constructed as part of an approved subdivision shall be upgraded or re- built to these current Town road specifications, as needed and at the direction of the Town Road Agent, prior to such road being acceptable by the Town per RSA 229:1 and RSA 674:40.
22. Driveways: Each lot in a proposed subdivision shall be served by a driveway which conforms to the standards specified in these regulations. Location of driveways is intended to prove that there is at least one location for each lot that can meet the requirements, especially for traffic safety, before all opportunity for lot line change is foreclosed by the Boards approval of the Plat. These driveway regulations apply on both private and public streets.
23. Lot Design: Lot size, width, depth, shape and orientation shall be appropriate for the location and character of land in the subdivision to create conditions favorable to health, safety and convenience of the area and shall conform to the requirements of the Zoning Ordinance. All lots shall comply with the frontage and yard requirements of the Zoning Ordinance. The following shall not be included in land used in the calculations for a minimum lot size according to the regulations for high intensity soil survey: drainage easements, public utility easements, slopes in excess of ~~twenty five (25)~~25 percent and very poorly drained soils.

#### **D. Driveway Standards**

***PURPOSE: As driveways and entrances are, in effect, intersections, and as they can have a detrimental effect on roads, traffic and on the ability of the town to provide such essential services as fire, police, ambulance and rescue, they require certain controls. These regulations address issues of size, location and construction in order to provide safe and efficient access to property which fronts on the public way, as well as surface drainage in and around said driveway, and for the purpose of such control this regulation is enacted.***

***AUTHORITY: Pursuant to the authority vested in the Sutton Planning Board by the voters of the Town of Sutton, and in accordance with the provisions of New Hampshire Revised Statutes Annotated Chapter 236:13 and 674:35&36, and 674:43&44, and the Town of Sutton Zoning Ordinance, Article III,J Driveways.***

1. Number: No more than two ~~(2)~~ driveway entrances shall be constructed from any one ~~(1)~~ street to any one ~~(1)~~ property, unless frontage along that street exceeds ~~five-~~  
~~hundred (500)–~~**500** feet. When frontage exceeds ~~500~~~~five hundred (500)~~ feet, no more than three ~~(3)~~ driveway entrances shall be constructed.
2. Location: The location shall be selected to protect the most adequate degree of safety of the traveling public. The driveway shall be at least ~~twenty five (25)~~**25** feet from the nearest intersection.

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3. Sight Distance: The location shall be selected to provide safe sight distances which shall be ten ~~(10)~~ times the posted speed limit but not less than ~~three hundred (300)~~ **300** feet.
4. Intersection: The driveway shall be laid out so as to intersect the street as nearly as possible at right angles, but in no case at an angle less than ~~sixty (60)~~ **60** degrees at the right-of-way line.
5. Width: The driveway shall have a minimum width of ~~twelve (12)~~ **12** feet.
6. Grade: To insure proper drainage, the grade of the driveway shall be constructed to slope away from the street road surface for a distance equivalent to the ditch centerline or the right-of-way line, as applicable. For paved driveways, the minimum rate of slope shall be -3% to the ditch line; for gravel driveways, the slope shall be a minimum of -4%. Positive grades rising away from the ditch line into the lot shall not exceed +4% within the right-of-way.
7. Paved Apron: Driveways which abut paved streets shall be constructed with paved aprons that shall be as wide as the driveway and at least five ~~(5)~~ feet in depth or deeper if deemed necessary by the Board. The paved apron shall be constructed to protect the edge of the road from deterioration.
8. Drainage: The driveway shall not interfere with drainage. Where necessary, culverts, water bars, ditches and other drainage structures shall be installed to insure adequate drainage of the street, and to prevent excessive drainage from the driveway on the roadway. Culverts shall be at least twelve (12) inches in the diameter and larger if considered necessary by the Town Road Agent or reviewing Engineer. A minimum of ~~twelve (12)~~ **12** inches of fill shall be placed over the culvert.
9. Drawings: Driveway locations shall be shown on the final plat plan and shall be keyed by station on road profiles when required. Intended grading and drainage improvements shall also be shown.

## **E. Landscaping and Planting**

Landscaping and the preservation of natural, scenic and historic features will be encouraged wherever possible.

**SECTION VIII  
SITE-SPECIFIC SOIL MAPPING**

**A. PURPOSE**

*The Planning Board of the Town of Sutton, New Hampshire, hereby adopts these regulations in accordance with the provisions of RSA 674:36 (II) (I) in order to protect the town against the danger to health, safety and prosperity occasioned by the lack of municipal water and sewer and to prevent the excessive expenditure of public funds for the supply of such services. The purpose of a site-specific soils study is to ensure that soil conditions are properly identified on individual lots.*

**B. BACKGROUND**

*Site-specific soil mapping is conducted for very intensive land uses requiring detailed information about soils, generally in relatively small land areas. Site-specific soil mapping is synonymous with Order 1 soil surveys completed by the National Cooperative Soil Survey. The information can be used in planning individual building sites, agricultural land uses, and other uses requiring detailed and very precise knowledge of the soils and their variability. Field procedures permit observation of soils boundaries throughout their length. The soils in each delineation are identified by transecting or traversing the site. Map units are mostly consociation with some soils complexes, and are phases of a soil series or are miscellaneous area. Base map scale is generally 1:12,000 (1" = 1,000'), or a larger map scale.*

*More information on site-specific (Order 1) soil surveys can be found at the Society of Soil Scientists of Northern New England website here:*

*<http://www.sssnne.org/nh-vt.pdf>*

**C. DEFINITIONS**

*As used in this regulation, the following terms shall have the following meaning unless the context clearly indicates otherwise:*

~~*Commercial: As defined by the Town of Sutton Zoning Ordinance.*~~

*Community Waste System: A non-municipal waste supply system that serves an average of at least twenty-five (25) individuals daily year-round or that has at least fifteen (15) service connections.*

*Community Water Supply: A non-municipal water supply system that serves an average of at least twenty-five (25) individuals daily year-round or that has at least (15) service connections.*

*Designated Agent: A licensed or certified professional who acts as a consultant to the town. This person works at the direction of the Planning Board under contract to the Town when questions arise*

*on matters of soils and wetlands. Costs of such professional consultation shall be born by the applicant, as determined by the Board.*

~~*—Industrial: As defined by the Town of Sutton Zoning Ordinance.*~~

*Lot: For the purposes of this ordinance, the term lot refers to a residential lot in a proposed subdivision of land which is subject to both minimum lot-size allowable in a zoning district in the Town and the minimum buildable area required to meet the Site-Specific Soil Mapping section of the Town subdivision regulations.*

*Minimum Buildable Area: The contiguous land area on a residential lot (see Lot definition above) in a proposed subdivision that is suitable for building after calculating the minimum buildable area using soils-and slope-based criteria in this regulation.*

*Municipal Waste System: A waste collection treatment and disposal system that serves an average of at least twenty-five (25) individuals daily year-round or that has at least (15) service connections and is owned and operated by the municipal or regional government.*

*Municipal Water Supply: A water supply system that serves an average of at least twenty-five (25) individuals daily year-round or that has at least (15) service connections and is owned and operated by the municipal or regional government.*

*Non-Residential: All other permitted uses. Examples include commercial, industrial, and institutional.*

*Qualified Soil Scientist: A person qualified in soil classification and mapping who is recommended or approved by the New Hampshire State Conservation Committee and is certified by the State of New Hampshire.*

*Residential: Any dwelling or dwelling unit, as defined by the Town of Sutton Zoning Ordinance.*

*Slope: The steepness of the land surface under consideration. For the purpose of determining lot size categories, slope shall be determined by slope factors used by the National Cooperative Soil Survey soil classification (where in Sutton A = 0-3% B = 3-8%; C = 8-15%; D = 15-25%; and E = >25%), or as otherwise mapped by the NCSS, or by other survey methods including on-site instrument topographic survey, LIDAR-derived topography, or other technology acceptable to the planning board*

*Soil Type: As defined and classified by the National Cooperative Soil Survey. Soil types and their locations in Sutton shall be determined initially by reference to the current Soil Survey of Merrimack and Belknap Counties New Hampshire, (see Source Data below) and subsequently by scientific analysis by a qualified soil scientist as described in these regulations.*

*Subdivision: As defined by the Town of Sutton Subdivision Regulations.*

**Wetlands:** Lands containing soils classified by the National Cooperative Soil Survey as "poorly drained" or "very poorly drained" including wooded swamps, freshwater marshes, bogs, or alluvial soils. Identification of any particular land as wetlands in any present or future publicly-funded mapping of Sutton wetlands shall be conclusive proof of wetlands status.

**D. SOURCE DATA**

It is recommended for the purposes of preliminary conceptual consultation with the Planning Board and/or preparation of an application for subdivision or site plan review that the applicant refer to the Merrimack-Belknap Soil Survey Update, SSURGO certified September 2007. The official data is available through the following NRCS websites:

- Soil Data Mart: <http://soildatamart.nrcs.usda.gov/>
- Web Soil Survey: <http://websoilsurvey.nrcs.usda.gov>

A reference map depicting hydric soils (very poorly drained and poorly drained soils) can be found at the end of this section.

**E. MINIMUM BUILDABLE AREA**

In the absence of municipal water supply and sewerage facilities, residential lots within all proposed subdivisions shall, in addition to meeting the minimum lot size requirements of the Zoning Ordinance for the district wherein the subdivision is proposed<sup>1</sup>, also meet the lot-size minimum building area requirements specified in Table A. A soil type identified and not found in the table shall be classed with the most similar soil included in that table. If a soil type not specified falls between two other soil types in the table, then the larger minimum building area listed in that table shall apply.

This requirement is subject to the following qualifications:

1. Contiguous slopes rising twenty feet (20') or more within a horizontal distance of eighty feet (80') shall not be utilized to fulfill minimum lot size.
2. Where more than one (1) soil type is found on a proposed residential lot, the weighted average of those soils occurring on the lot shall be used to determine the minimum buildable area using Table A below.

**Table A: Calculation of Minimum Buildable Area**

Soil Category	Category 1	Category 2	Category 3	Category 4	Category 5	Category 6
Slope						
0 – 8%	31,750	40,000	54,500	77,000	106,000	NA
8 – 15%	35,250	46,000	60,500	89,000	132,000	NA

<sup>1</sup> Current zoning minimum lot size is two (2) acres.

15 – 25%	40,000	54,500	67,500	106,000	NA	NA
25 – 35%	46,000	67,500	77,000	132,000	NA	NA

*In the case of cluster subdivisions, the overall density of the development within the parcel shall be determined by using Table A and computing the weighted average of all soils (except excluded wetlands and slopes over twenty-five (25) percent) found in the parcel proposed for subdivision.*

*3. Wetlands may be used as part of the computed ~~lot-size~~ minimum buildable area according to the following:*

*a. Areas designated as poorly drained soils may be utilized to fulfill twenty-five (25) percent of the minimum ~~lot-size~~ minimum buildable area ~~required by the town ordinances and subdivision regulations~~ provided that the non-wetland area is sufficient in size and configuration to adequately accommodate all required utilities such as sewage disposal and water supply, including primary and auxiliary leach field locations.*

*b. Areas designated as very poorly drained, marsh or alluvial soils may not be used to fulfill minimum ~~lot-size~~ minimum buildable area.*

*c. No subsurface waste disposal system shall be constructed within seventy-five (75) feet of any designated wetlands area. Setbacks shall be increased to one hundred (100) feet if soil adjacent to the wetlands is classified as excessively well-drained as defined by the NRCS Merrimack Country Soil Survey noted in Source Data above.*

*4. The area of a drainage easement crossing a lot will not be included as part of the minimum ~~lot-size~~ minimum buildable area calculations for that lot.*

*5. In subdivisions where a community water supply and waste system is provided, minimum ~~lot-sizes~~ minimum buildable area may be reduced by twenty (20) percent of the minimum requirements as stated in Table A, but not less than the Zoning Ordinance requires for minimum lot size.*

*6. Minimum ~~lot-sizes~~ minimum buildable area for residential developments with greater than four (4) bedrooms per unit and for commercial and industrial developments shall be determined as follows:*

*a. For residential use with five (5) or more bedrooms per unit. The minimum ~~lot-size~~ minimum buildable area shall be proportionately larger than the ~~lot-size~~ area indicated in Table A as determined by the formula: Minimum buildable area (sq. ft) = Number of bedrooms/4 x Minimum buildable area from Table A].*

*b. For non-residential uses, the ~~lot-sizes~~ minimum buildable area will be determined by the formula: Minimum buildable area (sq. ft) = [Gallons Waste per Day/1873 (gpd/40,000 ft<sup>2</sup>) x Minimum buildable area from Table A] + Land required for well radius.*

c. Gallons of waste per day shall be determined from Table 5-1. "Unit design flow figures" of the New Hampshire Water Supply and Pollution Control Commission publication "Guide of the Systems", January, 1978, as amended.

~~c. Final site plan approval for industrial development which is of the nature or character as to require state or federal permits for pre-treatment and discharge or subsurface disposal shall not be granted until all such permits are secured. The conditions on which such permits are issued shall comply with state and local regulations and be made part of the record before the Planning Board.~~

#### F. SOIL SURVEY REQUIREMENTS

Based on a review of Merrimack and Belknap Counties Soil Survey mapping noted in Source Data above, a Site-Specific Soil Survey shall be required as part of the formal subdivision application for all applications for major subdivisions (four lots or greater, including any "remainder lot" of the original tract of land. For minor subdivision of two or three lots in size, the applicant may apply to the Planning Board for a waiver of the Site-specific Soil Survey requirement to be replaced with a wetlands delineation and steep slope analysis.

The following table lists the soils mapped in Sutton on the Merrimack and Belknap County Soil Survey. Soils are grouped by drainage class for informational purposes, starting with hydric (wetland) soils, and proceeding to better-drained soils.

Map Unit Name	Category (Table A)	Drainage Class
Chocorua mucky peat	6	Very Poorly Drained
Meadowsedge and Ossipee soils, ponded	6	Very Poorly Drained
Meadowsedge mucky peat	6	Very Poorly Drained
Ossipee mucky peat	6	Very Poorly Drained
Peacham muck, very stony	6	Very Poorly Drained
Searsport muck	6	Very Poorly Drained
Lyme and Moosilauke soils, 0 to 3 percent slopes, very stony	5	Poorly Drained
Lyme and Moosilauke soils, 3 to 8 percent slopes, very stony	5	Poorly Drained
Naumburg sand, 0 to 5 percent slopes	5	Poorly Drained
Pillsbury fine sandy loam, 0 to 3 percent slopes, very stony	5	Poorly Drained
Pillsbury fine sandy loam, 3 to 8 percent slopes, very stony	5	Poorly Drained
Rumney fine sandy loam, frequently flooded	5	Poorly Drained
Lyman-Tunbridge-Rock outcrop complex, 15 to 35	4	Somewhat Poorly

<i>percent slopes Lyman-Tunbridge-Rock outcrop complex, 35 to 60 percent slopes</i>	4	<i>Drained Somewhat Poorly Drained</i>
<i>Lyman-Tunbridge-Rock outcrop complex, 8 to 15 percent slopes</i>	4	<i>Somewhat Poorly Drained</i>
<i>Becket fine sandy loam, 15 to 25 percent slopes, very stony</i>	3	<i>Moderately Well Drained</i>
<i>Becket fine sandy loam, 3 to 8 percent slopes</i>	3	<i>Moderately Well Drained</i>
<i>Becket fine sandy loam, 3 to 8 percent slopes, very stony</i>	3	<i>Moderately Well Drained</i>
<i>Becket fine sandy loam, 8 to 15 percent slopes</i>	3	<i>Moderately Well Drained</i>
<i>Becket fine sandy loam, 8 to 15 percent slopes, very stony</i>	3	<i>Moderately Well Drained</i>
<i>Croghan fine sandy loam, 0 to 5 percent slopes</i>	3	<i>Moderately Well Drained</i>
<i>Dixfield fine sandy loam, 3 to 8 percent slopes</i>	3	<i>Moderately Well Drained</i>
<i>Dixfield fine sandy loam, 3 to 8 percent slopes, very stony</i>	3	<i>Moderately Well Drained</i>
<i>Dixfield fine sandy loam, 8 to 15 percent slopes</i>	3	<i>Moderately Well Drained</i>
<i>Dixfield fine sandy loam, 8 to 15 percent slopes, very stony</i>	3	<i>Moderately Well Drained</i>
<i>Marlow fine sandy loam, 15 to 25 percent slopes, very stony</i>	3	<i>Moderately Well Drained</i>
<i>Marlow fine sandy loam, 25 to 35 percent slopes, very stony</i>	3	<i>Moderately Well Drained</i>
<i>Marlow fine sandy loam, 3 to 8 percent slopes</i>	3	<i>Moderately Well Drained</i>
<i>Marlow fine sandy loam, 3 to 8 percent slopes, very stony</i>	3	<i>Moderately Well Drained</i>
<i>Marlow fine sandy loam, 8 to 15 percent slopes</i>	3	<i>Moderately Well Drained</i>
<i>Marlow fine sandy loam, 8 to 15 percent slopes, very stony</i>	3	<i>Moderately Well Drained</i>
<i>Podunk fine sandy loam, frequently flooded</i>	3	<i>Moderately Well Drained</i>
<i>Skerry fine sandy loam, 3 to 8 percent slopes</i>	3	<i>Moderately Well Drained</i>
<i>Skerry fine sandy loam, 3 to 8 percent slopes, very stony</i>	3	<i>Moderately Well Drained</i>
<i>Skerry fine sandy loam, 8 to 15 percent slopes, very stony</i>	3	<i>Moderately Well</i>

<i>Tunbridge-Lyman-Becket complex, 15 to 25 percent slopes, very stony</i>	3	Drained Moderately Well Drained
<i>Tunbridge-Lyman-Becket complex, 25 to 60 percent slopes, very stony</i>	3	Moderately Well Drained
<i>Tunbridge-Lyman-Becket complex, 3 to 8 percent slopes, very stony</i>	3	Moderately Well Drained
<i>Tunbridge-Lyman-Becket complex, 8 to 15 percent slopes, very stony</i>	3	Moderately Well Drained
<i>Monadnock gravelly fine sandy loam, 15 to 25 percent slopes, very sto</i>	2	Well Drained
<i>Monadnock gravelly fine sandy loam, 3 to 8 percent slopes, very stony</i>	2	Well Drained
<i>Monadnock gravelly fine sandy loam, 8 to 15 percent slopes, very ston</i>	2	Well Drained
<i>Adams loamy sand, 3 to 8 percent slopes</i>	1	Excessively Drained
<i>Adams loamy sand, 8 to 15 percent slopes</i>	1	Excessively Drained
<i>Adams-Lyman complex, 8 to 15 percent slopes</i>	1	Excessively Drained
<i>Colton loamy fine sand, 3 to 8 percent slopes</i>	1	Excessively Drained
<i>Colton loamy fine sand, 8 to 15 percent slopes</i>	1	Excessively Drained
<i>Hermon fine sandy loam, 3 to 8 percent slopes, very stony</i>	1	Excessively Drained
<i>Hermon fine sandy loam, 8 to 15 percent slopes, very stony</i>	1	Excessively Drained

*For all other soil types not listed above, an on-site inspection and/or Site-Specific Soil Survey may be required at the discretion of the Planning Board pending a review of the proposed subdivision or site plan, and/or the discovery of site features indicating wetlands conditions, presence of vernal pools, or unusual ledge conditions. Examples of soil type not listed include filled areas or disturbed areas such as gravel excavations.*

**G. DETERMINATION OF SOIL TYPE**

- 1. Tests for verification soil information for use in this section shall be performed by a soil scientist certified in New Hampshire using the most current published soil data, with on-site inspections as required.*
- 2. Soil data using the standards of Site-Specific Soil Mapping Standards for New Hampshire and Vermont (SSSNE Special Publication No. 4) shall be provided with the initial application as part of the submission requirements, at the scale and dimensions required. Any cover letters and explanatory data provided by the certified soil scientist shall also be submitted.*
- 3. Such tests shall be performed with the advice and under the direction of the Planning Board or its designated agent at the required preliminary review stage of the subdivision application process, prior to submitting the subdivision application.*

**4. All costs of performing such investigations shall be borne by the Applicant.**

#### **H. RELATIONSHIP BETWEEN STATE AND LOCAL REGULATIONS**

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

**Prior to the filling of any wetland areas, the applicant will receive a dredge and fill permit from the New Hampshire Wetlands Board.**

#### **I. SAVING CLAUSE**

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

#### **J. RECORD OF ADOPTION**

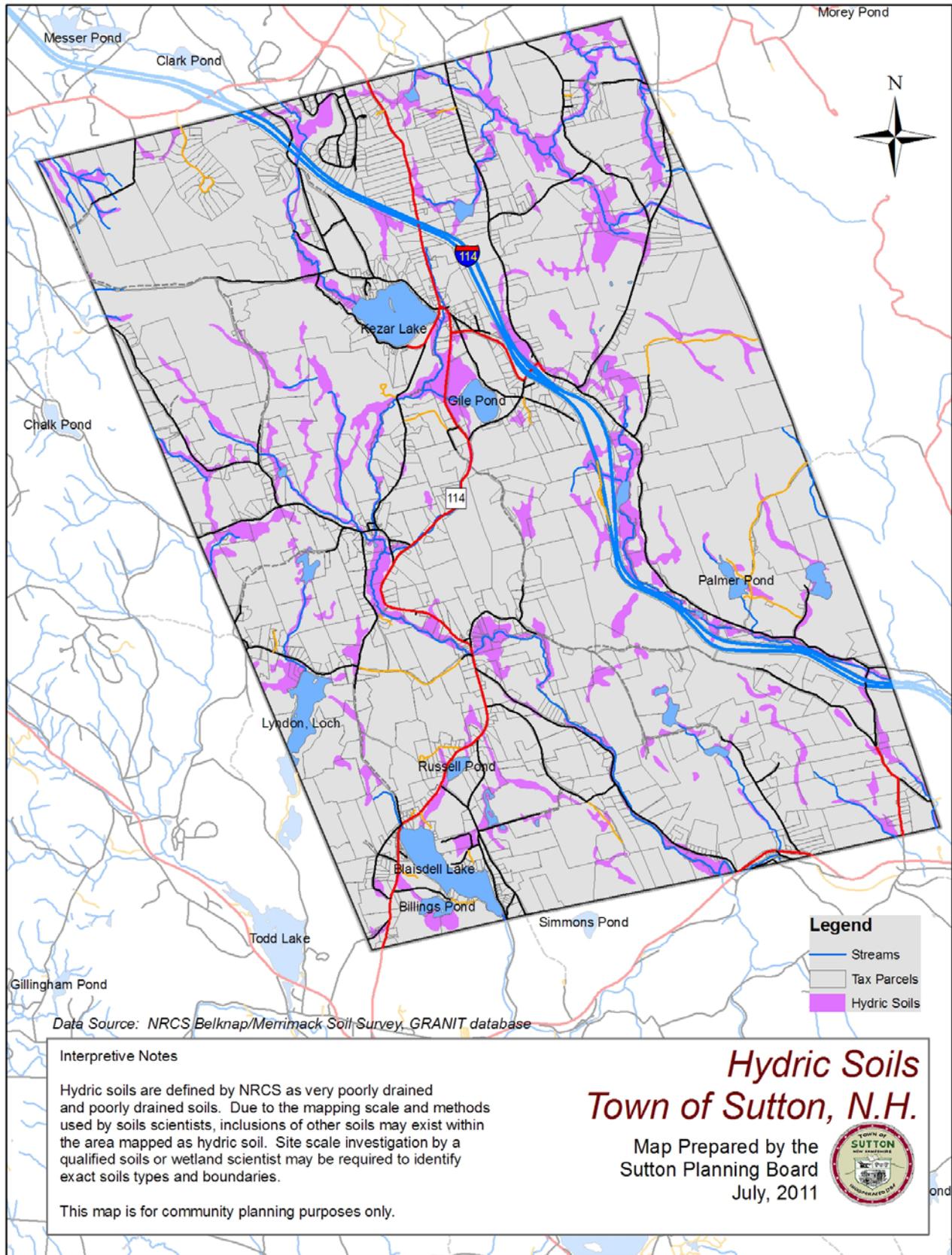
**The Subdivision Regulations Supplement incorporating High Intensity Soils Survey requirements and determination was been adopted by majority vote of the Town of Sutton Planning Board on July 26, 1988, following a duly notified public hearing held on July 26, 1988.**

**[Add new date of updated adoption for Site-Specific Soils requirements and mapping]**

#### **K. EFFECTIVE DATE**

**These regulations are effective as of August 1, 1999 [update to date of adoption], on which day they have been filed with the Town of Sutton Town Clerk and Board of Selectmen.**

**[end draft]**



## **A. RELATIONSHIP BETWEEN STATE AND LOCAL REGULATIONS**

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

## **B. SAVING CLAUSE**

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

## **C. RECORD OF ADOPTION**

*The Subdivision Regulations Supplement incorporating soils based lot size determination has been adopted by majority vote of the Town of Sutton Planning Board on July 26, 1988, following a duly notified public hearing held on July 26, 1988.*

## **D. EFFECTIVE DATE**

*These regulations are effective as of August 1, 1988, on which day they have been filed with the Town of Sutton Town Clerk and Board of Selectmen.*

## **SECTION VIII** **HIGH INTENSITY SOIL SURVEY** **LOTS SIZE DETERMINATION BY SOIL TYPE**

### **~~A. PURPOSE~~**

~~The Planning Board of the Town of Sutton, New Hampshire, hereby adopts these regulations in accordance with the provisions of RSA 674:36 (II) (Ij) in order to protect the town against the danger to health safety and prosperity occasioned by the lack of municipal water and sewer and to prevent the excessive expenditure of public funds for the supply of such services. The purpose of a high intensity soils study is to ensure that soil conditions are properly identified on individual lots.~~

### **~~B. DEFINITIONS~~**

~~1) As used in this regulation, the following terms shall have the following meaning unless the context clearly indicates otherwise:~~

~~•Commercial: As defined by the Town of Sutton Zoning Ordinance.~~

~~•Community Waste System: A non-municipal waste supply system that serves and average of at least twenty-five (25) individuals daily year-round or that has at least fifteen (15) service connections.~~

~~•Community Water Supply: A non-municipal water supply system that serves an average of at least twenty-five (25) individuals daily year-round or that has at least fifteen (15) service connections.~~

~~•Industrial: As defined by the Town of Sutton Zoning Ordinance.~~

~~•Municipal Waste System: A waste collection treatment and disposal system that serves an average of at least twenty-five service connections and is owned and operated by the municipal or regional government.~~

~~•Municipal Water Supply: A water supply system that serves an average of at least twenty-five (25) individuals daily year-round or that has at least (15) service connections and is owned and operated by the municipal or regional government.~~

~~•Qualified Soil Scientist: A person qualified in soil classification and mapping who is recommended or approved by the New Hampshire State Conservation Committee and is certified by the State of New Hampshire.~~

~~•Residential: Any dwelling or dwelling unit, as defined by the Town of Sutton Zoning Ordinance.~~

~~•Slope: The steepness of the land surface under consideration. For the purpose of determining lot size categories, slope shall be determined by the slope factors used by the National Cooperative Soil Survey soil classification where B = 0-8%; C=8-15%; D=15-25%; and E=>25%.~~

~~•Soil Type: As defined and classified by the National Cooperative Soil Survey. Soil types and their locations in Sutton shall be determined initially by reference to the current Soil Survey of Merrimack County, New Hampshire, (Currently dated June 1965, U.S. Department of Agriculture and NH Agriculture Experiment Station) and subsequently by scientific analysis by a qualified soil scientist as described in these regulations.~~

~~•Subdivision: As defined by the Town of Sutton Subdivision Regulations.~~

~~•Wetlands: Lands containing soils classified by the National Cooperative Soil Survey as “poorly drained,” or “very poorly drained” including wooded swamps, freshwater marshes, bogs, or alluvial soils. Identification of any particular land as wetlands in any present or future publicly funded mapping of Sutton wetlands shall be conclusive proof of wetlands status.~~

~~2) Soil types are defined as soils having the same soil characteristics of drainage class, parent material, restrictive features, and slope. Each soil type will be identified by a five part symbol, the parts being A, B, C, D, and E. (See Appendix A.)~~

## ~~C. MINIMUM LOT SIZES~~

~~In the absence of municipal water supply and sewerage facilities, minimum lot sizes within all subdivisions, shall, in addition to meeting the requirements of the Zoning Ordinance for the district wherein the subdivision is proposed, also meet the lot size requirements specified in Table A. An alternate determination of lot size may be obtained by using Table B. If Table B. is used, a High~~

~~Intensity Soil Survey is required for all soil types. A soil type identified and not found in the appropriate table shall be classed with the most similar soil included in that table. If a soil type not specified falls between two other soil types in the table, than the larger minimum lot size listed in that table shall apply.~~

~~This requirement is subject to the following qualifications:~~

- ~~1) Slopes over twenty five percent shall not be utilized to fulfill minimum lot size.~~
- ~~2) Where more than one soil type is found on a lot, the weighted average of those soils occurring on the lot shall be used to determine the minimum lot size.~~

~~In the case of cluster subdivisions, the overall density of the development within the parcel shall be determined by using the appropriate Table and computing the weighted average of all soils (except exeluded wetlands and slopes over 25%) found in the parcel proposed for subdivision.~~

- ~~3) Wetlands may be used as part of the computed lot size according to the following:
  - ~~a) Areas designated as poorly drained soils may be utilized to fulfill 25% of the minimum lot size required by town ordinances and subdivision regulations provided that the non-wetland area is sufficient in size and configuration to adequately accommodate all required utilities such as sewage disposal and water supply, including primary and auxiliary leach field locations.~~
  - ~~b) Areas designated as very poorly drained, marsh or alluvial soils may not be used to fulfill minimum lot size.~~
  - ~~c) No subsurface waste disposal system shall be constructed within 75 feet of any designated wetlands area. Setbacks shall be increased to 100 feet if soil adjacent to the wetlands is classified as excessively well drained as defined by the New Hampshire Department of Environmental Services.~~~~
- ~~4) The area of a drainage easement crossing a lot will not be included as part of the minimum lot size calculations for that lot.~~

~~5) In subdivisions where a community water supply and waste system is provided, minimum lot sizes may be reduced by 20% of the minimum requirements as stated in Table A, but not less than the Zoning Ordinance requires.~~

~~6) Minimum lot sizes for residential developments with greater than four (4) bedrooms per unit and for commercial and industrial developments shall be determined as follows:~~

~~1. For residential use with five (5) or more bedrooms per unit. The minimum lot size shall be proportionately larger than the lot size indicated in Table A as determined by the formula:~~

~~Lot size =  $\frac{\text{No. of Bedrooms} \times (\text{lot size from appropriate table (Sq. ft.)})}{4}$~~

2. ~~For commercial and industrial uses, the lot sizes will be determined by the formula:~~

$$\text{Lot size (Sq. ft.)} = \frac{\text{Gal. Waste/Day} \times \text{lot size from appropriate Table}}{1873 \left( \frac{\text{GPD}}{40,000} \text{ft}^2 \right)} + \text{Land required for well radius}$$

~~Gallons of waste per day shall be determined from Table 5-1. "Unit design flow figures" of the New Hampshire Water Supply and Pollution Control Commission publication "Guide of the Systems," January 1978, as amended.~~

3. ~~Final site plan approval for industrial development which is of the nature or character as to require state or federal permits for pre-treatment and discharge or subsurface disposal shall not be granted until all such permits are secured. The conditions on which such permits are issued shall comply with state and local regulations and be made part of the record before the Planning Board.~~

#### **~~D. SOIL SURVEY REQUIREMENTS~~**

~~It is recommended for the purposes of preliminary conceptual consultation with the Planning Board that the applicant initially refer to the Soil Survey of Merrimack County, June 1965 (or more current published SCS data), to determine soil type and location.~~

~~The following Soil Survey requirements and data obtained shall be required as part of the formal application:~~

1) ~~Regardless of the table used for lot size determination, a High Intensity Soil Survey will be required for the following problematic soils:~~

- ~~Ag — Ag Gres fine loamy sand Au~~
- ~~—Au Gres loamy sand~~
- ~~Gv — Gravel pits~~
- ~~Lm — Limerick silt loam, high bottom Ma~~
- ~~—Made land Mh Marsh~~
- ~~Mn — Mixed alluvial land Mp~~
- ~~—Muck and peat~~
- ~~Of — Ondawa fine sandy loam Po — Podunk~~
- ~~fine sandy loam Rb — Ridgebury loam~~
- ~~Rd — Ridgebury and Whitman very stony loams Rh~~
- ~~—Riverwash~~
- ~~Ro — Rock outcrop~~
- ~~Ru — Rumney fine sandy loam Sa~~
- ~~—Sao Silt Loam~~
- ~~Sc — Scarboro fine sandy loam Sy~~
- ~~—Suncook loamy sand~~

~~2) After an on-site inspection by the Planning Board or its designate, and contingent on the density and layout of the proposed development, a High Intensity Soil Survey may be required for the following soil types.~~

~~Ac Acton fine sandy loam~~

~~Ad Acton very stony fine sandy loam~~

~~Ca Canaan Hermon very rocky sandy loam~~

~~Ch Canaan Hermon extremely rocky sandy loam Hm  
Hermon sandy loam~~

~~Hn Hermon very stony sandy loam~~

~~Ho Hermon extremely stony sandy loam Sg~~

~~Shapleigh Gloucester sandy loams~~

~~Sh Shapleigh Gloucester very rocky sandy loams~~

~~So Shapleigh Gloucester extremely rocky sandy loams Wo~~

~~Woodbridge loam~~

~~Wv Woodbridge very stony loam~~

~~3) For all other soil types not listed above, an on-site inspection and/or High Intensity Soil Survey may be required at the discretion of the Planning Board or its designate.~~

#### **~~E. DETERMINATION OF SOIL TYPE~~**

~~1) Tests for determining soil information for use in this section shall be performed by a certified soil scientist using the most current published soil data, with on-site inspections as required.~~

~~2) Soil data using the standards of High Intensity Soil Maps of New Hampshire shall be provided with the initial application, at the scale and dimensions required. Any cover letters and explanatory data provided by the certified soil scientist shall also be submitted.~~

~~3) Such tests shall be performed with the advice and under the direction of the Planning Board or its designated agent.~~

~~4) All costs of performing such investigations shall be borne by the subdivider.~~

#### **~~F. STANDARDS FOR FILL MATERIAL~~**

~~Fill materials consisting of organic soils or other organic materials such as tree stumps, sawdust, wood chips, and bark, even with a soil matrix shall not be used. The in-place fill shall have less than 15% organic soil by volume.~~

~~The in-place fill shall not contain more than 25% by volume of cobbles (6 inch diameter) and boulders (larger than 12 inches in diameter). The in-place fill shall not have more than 27% by weight of clay size (0.002 mm and smaller) particles.~~

~~The fill shall be essentially homogeneous. If bedding plans and other discontinuities are present,~~

~~detailed analysis is necessary.~~

~~Prior to the filling of any wetland areas, the applicant will receive a dredge and fill permit from the New Hampshire Wetlands Board.~~

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## **~~G. RELATIONSHIP BETWEEN STATE AND LOCAL REGULATIONS~~**

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

## **~~H. SAVING CLAUSE~~**

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

## **~~I. RECORD OF ADOPTION~~**

~~The Subdivision Regulations Supplement incorporating soils based lot size determination has been adopted by majority vote of the Town of Sutton Planning Board on July 26, 1988, following a duly notified public hearing held on July 26, 1988.~~

## **~~J. EFFECTIVE DATE~~**

~~These regulations are effective as of August 1, 1988, on which day they have been filed with the Town of Sutton Town Clerk and Board of Selectmen.~~

## APPENDIX A

### Symbol A—Drainage Class

- (1) ————— excessively well drained
- (2) ————— well drained
- (3) ————— moderately well drained
- (4) ————— somewhat poorly drained
- (5) ————— poorly drained
- (6) ————— very poorly drained
- (7) ————— not determinable (to be used only with symbol B-6)

### Symbol B—Parent Material

- (1) ————— Glaciofluvial Deposits (outwash/terraces)
- (2) ————— Glacial Till Material
- (3) ————— Marine or Glaciolacustrine Deposits
- (4) ————— Very fine sand and silt deposits
- (5) ————— Loamy/sandy over silt/clay deposits
- (6) ————— Silt and clay deposits
- (7) ————— Excavated, regarded or filled
- (8) ————— Alluvial deposits
- (9) ————— Organic materials—fresh water

### Symbol C—Restrictive features

(If more than one, the more restrictive type applies):

- (1) ————— None
- (2) ————— Bouldery, with more than 15% of the surface covered with boulders.
- (3) ————— Mineral restrictive layers(s) are present in the soil profile less than forty (40) inches below the soil surface—such as hard pan, platy structure, clay texture. For the soil characteristics that qualify for restrictive layer, see Soil Manual for Site Evaluations in New Hampshire, pages 2-22, figure 2-8.
- (4) ————— Bedrock present in soil profile 0-40 inches below the soil surface (bedrock is either lithic or paralithic contact—see Soil Taxonomy, page 48-49).
- (5) ————— Subject to flooding.
- (6) ————— Does not meet fill standards (see paragraph 3—Standards for fill materials) (only to be used with symbol B-6).
- (7) ————— Areas where depth of bedrock is so variable that a single soil type cannot be applied will be mapped as a complex of soil types and will have a symbol C of X.

### Symbol D—Slope Class

- (B) ————— 0-8%
- (C) ————— 8 to 15%
- (D) ————— 15 to 25%
- (E) ————— 25% +

### Symbol E—High Intensity Soil Map Identifier—(H)

Ad	Acton fine sandy loam	0-8%	9-15%	16-25%	
Ad	Acton very stony fine sandy loam	87120	90000	--#--	.I.
Af	Agawam very fine sandy loam	87120	87210	87120	
Ag	Au Gres fine sandy loam	--N--	--N--	--N--	.R.
Au	Au Gres loamy sinad	--N--	--N--	--N--	.R.
Be	Belgrade silt loam	--N--	--N--	--N--	.:
Ca	Canaan Hermon very rocky sandy loams	87120	90000	120000	.I.
Ch	Canaan Hermon extremely rocky sandy loams	87120	100000	160000	.I.
Co	Colton loamy sand	87120	87120	87120	.:
Ct	Colton gravelly loamy sand	87120	87120	87120	.:
Du	Duane fine sandy loam	87120	--I*--	--*--	.:
Go	Gloucester sandy loam	87120	87120	87120	.:
Gr	Gloucester very stony sandy loam	87120	87120	87120	.:
Gs	Gloucester extremely stony sandy loam	87120	87120	87120	.:
Gv	Gravel pits	--N--	--N--	--N--	.R.
Hm	Hermon sandy loam	87120	87120	87120	.I.
Hn	Hermon very stony sandy loam	87120	87120	87120	.I.
Ho	Hermon extremely stony sandy loam	87120	87120	87120	.I.
Hr	Hineckley gravelly loamy sand	87120	87120	87120	.:
Hs	Hineckley loamy sand	87120	87120	--*--	.:
Lm	Limerick silt loam, high bottom	--N--	--N--	--N--	.R.
Ma	Made Land	--N--	--N--	--N--	.R.
Mh	Marsh	--N--	--N--	--N--	.R.
Mm	Merrimaack sandy loam	87120	87120	--*--	.:
Mn	Mixed alluvial land	--N--	--N--	--N--	.R.
Mp	Muck and peat	--N--	--N--	--N--	.R.
Nn	Ninigret very fine sandy loam	87120	--*--	--*--	.:
Oh	Ondawa fine sandy loam, high bottom	--N--	--N--	--N--	.:
Pa	Paxton loam	87120	87120	100000	.:
Pn	Paxton very sandy loam	87120	87120	100000	.:
Po	Podunk fine sandy loam	--N--	--N--	--N--	.R.
Rb	Ridgebury loam	--N--	--N--	--N--	.R.
Rd	Ridgebury and Whiteman very stony loams	--N--	--N--	--N--	.R.
Rh	Riverwash	--N--	--N--	--N--	.R.
Ro	Rock outcrop	--N--	--N--	--N--	.R.
Ru	Rumney fine sandy loam	--N--	--N--	--N--	.R.
Sa	Saco silt loam	--N--	--N--	--N--	.R.
Sc	Scarboro fine sandy loam	--N--	--N--	--N--	.R.
Sg	Shapleigh Gloucester sandy loams	87120	87120	120000	.I.
Sh	Shapleigh Gloucester	87120	100000	160000	.I.
So	Shapleigh Gloucester	87120	100000	160000	.I.
Su	Sudbury fine sandy loam	87120	--*--	--*--	.:
Sy	Suncook loamy sand	--N--	--N--	--N--	.R.
Wd	Windsor loamy sand	87120	87120	87120	.:

Wo	Woodbridge loam	87120	90000	120000	.I.
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Key: .R- Required. High Intensity Soil Map required.  
 -- Subject to inspection and/or High Intensity Soil Map requirement  
 N Not Permitted  
 \* Not normally found on these slopes. Onsite determination required

Table B

Soil Type	Lot Size	Soil Type	Lot Size	Soil Type	Lot Size
11BH	87120	221DH	87120	261CH	87120
11CH	87120	221EH	-N-	261DH	87120
11DH	87120	222BH	87120	261EH	-N-
11EH	-N-	222CH	87120	263BH	87120
112BH	87120	222DH	95000	263CH	87120
112CH	87120	222EH	-N-	263DH	150000
112DH	95000	223BH	87120	263EH	-N-
112EH	-N-	223CH	87120	254*H	-N-
114*H	-N-	223DH	100000	266*H	-N-
11XBH	76120	223EH	-N-	26XBH	90000
11XCH	100000	224*H	-N-	26XCH	110000
11XDH	187120	22XBH	87120	26XDH	150000
11XEH	-N-	22XCH	100000	26XEH	-N-
121BH	87120	22XDH	187120	275*H	-N-
121CH	87120	22XEH	-N-	311BH	87120
121DH	100000	231BH	87120	311CH	90000
121EH	-N-	231CH	87120	311DH	120000
122BH	87120	231DH	87120	311EH	-N-
122CH	87120	231EH	-N-	312BH	95000
122DH	95000	233BH	87120	312CH	125000
122EH	-N-	233CH	87120	312DH	155000
124*H	-N-	233DH	100000	312EH	-N-
12XBH	87120	233EH	-N-	313BH	87120
12XCH	100000	234*H	-N-	313CH	90000
12XDH	187120	23XBH	87120	313DH	120000
12XEH	-N-	23XCH	100000	313EH	-N-
161BH	87120	23XDH	187120	314*H	-N-
161CH	87120	23XEH	-N-	31XBH	100000
161DH	87120	241BH	87120	31XCH	120000
161EH	-N-	241CH	87120	31XDH	160000
164*H	-N-	241DH	10000	31XEH	-N-
166*H	-N-	241EH	-N-	321BH	87120
16XBH	90000	243BH	87120	321CH	87120
16XCH	110000	243CH	87120	321DH	100000
16XDH	150000	243DH	100000	321EH	-N-
16XEH	-N-	243EH	-N-	322BH	87120
211BH	87120	244*H	-N-	322CH	100000
211CH	87120	24XBH	90000	322DH	135000
211DH	87120	24XCH	13000	322EH	-N-
211EH	-N-	24XDH	180000	323BH	87120
212BH	87120	24XEH	-N-	323CH	90000
212CH	87120	251BH	90000	323DH	120000
212DH	95000	251CH	135000	323EH	-N-
212EH	-N-	251DH	180000	324*H	-N-

Soil Type	Lot Size	Soil Type	Lot Size	Soil Type	Lot Size
213BH	87120	251EH	-N-	32XBH	100000
213CH	87120	253BH	90000	32XCH	120000
213DH	100000	253CH	135000	32XDH	160000
213EH	-N-	253DH	160000	32XEH	-N-
214*H	-N-	253EH	-N-	331BH	87120
21XBH	87120	254*H	-N-	331CH	100000
21XCH	100000	25XBH	130000	331DH	125000
21XDH	187120	25XCH	190000	331EH	-N-
21XEH	-N-	25XDH	240000	333BH	87120
221BH	87120	25XEH	-N-	333CH	100000
221CH	87120	261BH	87120	333DH	125000
333EH	-N-	35XEH	-N-	424*H	-N-
334*H	-N-	361BH	87120	42XBH	150000
33XBH	115000	361CH	100000	42XCH	180000
33XCH	155000	361DH	130000	431BH	115000
33XDH	205000	361EH	-N-	431CH	150000
33XEH	-N-	363BH	87120	433BH	150000
341BH	87120	363CH	100000	433CH	150000
341CH	100000	363DH	130000	434*H	-N-
341DH	125000	363EH	-N-	43XBH	175000
341EH	-N-	364*H	-N-	43XCH	235000
343BH	87120	366*H	-N-	441BH	115000
343CH	100000	36XBH	110000	441CH	150000
343DH	125000	36XCH	130000	443BH	115000
343EH	-N-	36CDH	170000	443CH	150000
344*H	-N-	36XEH	-N-	444*H	-N-
34XBH	115000	375*H	-N-	44XBH	175000
34XCH	155000	411BH	90000	44XCH	235000
34XDH	205000	411CH	135000	451BH	135000
34XEH	-N-	412BH	145000	451CH	205000
351BH	90000	412CH	190000	453BH	135000
351CH	135000	413BH	90000	453CH	205000
351DH	160000	413CH	135000	454*H	-N-
351EH	-N-	414*H	-N-	45XBH	195000
353BH	90000	41XBH	150000	45XCH	285000
353CH	135000	41XCH	180000	461BH	105000
353DH	160000	421BH	87120	461CH	150000
353EH	-N-	421CH	115000	463BH	105000
354*H	-N-	422BH	130000	463CH	150000
35XBH	130000	422CH	165000	464*H	-N-
35XCH	190000	423BH	90000	466*H	-N-
35XDH	240000	423CH	135000	46XBH	165000
				46XCH	195000

The soil types listed below have one or more limiting characteristics that make the soil type 'Not Allowed' or require on-site investigation, no matter what other characteristics of the soil may be present.

SOIL TYPES	MINIMUM LOT SIZE
5***H	Not Allowed, poorly draining soil
6***H	Not Allowed, very poorly draining soil
*75*H	Not Allowed, floodplain soil
*66*H	Not Allowed, fill does not meet the standards for fill material (See Section F)
76**H	On-site evaluation required

The soil type symbols are explained in DEFINITIONS section B 2. “

N “ Means not allowed

“\*?” Means at any slope

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**SECTION ARTICLE IX**  
**ADMINISTRATION AND ENFORCEMENT**

**A. Modifications**

The requirements of the foregoing regulations may be modified when, in the opinion of the Board, specific circumstances surrounding a subdivision, or condition of the land in such subdivision, indicate that such modification will properly carry out the purpose and intent of the master plan and of these regulations.

**B. Acceptance of Roads**

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

**C. Other Regulations**

Where these regulations are in conflict with other local ordinances, the more stringent shall apply.

**D. Enforcement**

1. These regulations shall be enforced by the Board of Selectmen or its duly authorized representative as provided in RSA 676:17.
2. Failure of the ~~subdivider~~ **Applicant** to obtain the Board's approval of changes on the approved plat shall cause the Board of Selectmen to issue a "stop work" order on their own motion or at the request of the Planning Board detailing the reasons therefore and such other enforcement measures as deemed appropriate and necessary to ensure compliance with these regulations.
3. A stop work order shall include a provision giving the ~~subdivider~~ **Applicant** ten ~~(10)~~ days to request in writing a hearing before the Board of Selectmen and the terms and conditions of said stop work order. Said hearing shall occur within ten ~~(10)~~ days of receipt of said request. Dates of notice and/or hearing shall not be counted in the above time period. This provision does not alter or amend either party's rights of enforcement or appeal pursuant to RSA 676:15-19.
4. Minor changes may be approved by the Chairman of the Planning Board without a public hearing provided that there will be no adverse impact on adjacent properties.

## **E. Penalties**

1. Fines and Penalties and Injunctive Relief - Enforcement of these regulations shall follow the provisions of RSA 676:15 Injunctive Relief, RSA 676:16 Penalties for Transferring Lots in Unapproved Subdivisions, and RSA 676:17 Fines and Penalties.
2. Any owner, or agent of the owner, of any land located within a subdivision who transfers or sells any land before a plat of the said subdivision has been approved by the Board and recorded or filed in the office of the Registry of Deeds shall forfeit and pay a penalty of ~~five hundred~~ ~~(\$500)~~ **500** dollars for each lot or parcel 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.

## **F. Appeals**

Any person, aggrieved by an official action of the Board, may appeal therefrom to the Superior Court.

## **G. Amendments**

These regulations may be amended, added to, or rescinded in whole or in part by the Board from time to time, but only following a public hearing on the proposed change.

## **H. Effective Date**

These regulations shall become effective on the date of their adoption.

**TOWN OF SUTTON  
SITE PLAN REVIEW REGULATIONS  
- Adopted July 22, 1986**

**ARTICLE I  
AUTHORITY**

Pursuant to the authority vested in the Town of Sutton Planning Board voted on at the March 5, 1974 Town Meeting and voted on at the March 11, 1987 Town Meeting in accordance with the provisions of RSA 674:43, the Town of Sutton Planning Board adopts the following site plan review regulations- **and amended Xxx XX, 20XX.**

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**ARTICLE II  
GENERAL**

These regulations shall be entitled "Site Plan Review Regulations, Town of Sutton, New Hampshire." Furthermore, these regulations and procedures shall be consistent with RSA 674:43, 674:44, 675:1, 675:6, 675:7, 675:8 and 675:9.

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**III**  
**SEPARABILITY**

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

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#### IV

### APPLICATION OF MOST RESTRICTIVE REGULATIONS

Whenever the regulations made under the authority hereof differ from those prescribed by any statute, ordinance or other regulations, that provision which imposes the greater restriction or the higher standard shall govern, to the extent not contrary to state law.

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**V**  
**PURPOSE**

- A. Non-residential and Multi-family: The purpose of these regulations is to provide for Planning Board review and approval or disapproval of all proposed site plans for development of land for all non-residential uses, including public and semi-public buildings, and for multi-family residential units in excess of two (2) units, whether or not such development or use includes subdivision or re-subdivision of the site. The construction of a residential, single or two-family dwelling shall not be covered by these regulations. The purpose is also to provide for the safe and attractive development of the site and guard against such conditions as would involve danger or injury to health, safety and prosperity in accordance with RSA 674:44.
- B. Change in Use: Site plan approval is also required where a change in use of property falling within the above categories involves traffic flow, parking, drainage, water, sewer or other utilities.

**VI**  
**GENERAL STANDARDS**

**A.** -In the review of any site plan conducted under these regulations, the Planning Board shall ascertain that adequate provisions have been made by the owner or his authorized agent for the following:

1. Traffic circulation and access including adequacy of streets, entrances and exits, traffic flow, sight distances, curb cuts, turning lanes and existing or recommended traffic signalization.
2. Pedestrian and bicycle safety access.
3. Off-street parking and loading.
4. Emergency vehicle access, including review by the Fire, Police and Highway Departments.
5. Storm water drainage, based upon a ten (10) year storm intensity occurrence, utilizing on site absorption wherever practical and taking into account the contour of the land.
6. Water supply, wastewater disposal and solid waste disposal.
7. Environmental factors such as pollution, noise, odor and protection of natural land features.
8. A landscaping plan in keeping with the general character of the surrounding area.
9. Signing and exterior lighting.
10. Conformance with all existing codes.
11. Compliance with provisions of the Zoning Ordinance Building Code, and any other applicable state or local ordinances.

**ARTICLE VII**  
**SUBMISSION PROCEDURE**

**A.** All applications for site plan review shall be made in writing by the owner of the property or his agent and shall be accompanied by the payment of an application for site plan review, together with the documentation required in these regulations shall be submitted to the Planning Board and placed on the Board's agenda for consideration within ~~thirty (30)~~**30** days of its receipt. Within

~~ninety (90)~~90 days of acceptance by the Board of a completed application, the Planning Board shall

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act to approve or disapprove the site plan as submitted or amended, provided that the Planning Board may apply to the Selectmen for an extension not to exceed an additional ~~ninety (90)~~90 days before acting to approve or disapprove.

- B.** No site plan shall be approved or disapproved by the Planning Board without a public hearing thereon. All abutters and the applicant shall be notified of said hearing by certified mail, stating the time and place of such hearing, not less than ~~ten (10)~~ days before the date of the hearing. One ~~(1)~~ copy of any approved site plan (signed by the applicant and the chairman or secretary of the Planning Board) shall be included in any application for a building permit or in any application for a variance or special exception.
- C.** If the Board votes to disapprove, the owner or his authorized agent shall be notified in writing and specific cause of disapproval shall be noted. Prior to formal application, an owner or his authorized agent may request an informal review of the site plan by the Planning Board to determine its compliance with Town regulations.

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**ARTICLE VIII**  
**SUBMISSION REQUIREMENTS**

**A.** When the owner of the property or his authorized agent makes formal application for site plan review, his application shall contain at least the following exhibits and information:

1. A fully executed and signed copy of the application for site plan review and fee payment.
2. Three ~~(3)~~ full scale and nine ~~(9)~~ 11x17 copies of site plan drawn to scale sufficient to allow review of the items listed under the preceding general standards, but at not more than ~~fifty~~**50** ~~(50)~~ feet to the inch for that portion of the total tract of land being proposed for development and showing the following:
  - a. Owner's name, address, and signature.
  - b. Names and addresses of all abutting property owners according to the Town tax records.
  - c. Sketch map showing general location of the site within the Town.
  - d. Boundary of the entire parcel held in single ownership regardless of whether all or part is being developed at this time.
  - e. The bearing and distances of all property lines and the source of this information.
  - f. Zoning classification(s) of the property and the location of zoning boundaries if the property is located in two (2) zones.
  - g. Soil types and location of soil boundaries.
  - h. The location of all building set backs required by the Zoning Ordinance.
  - i. The location, size and character of all signs and exterior lighting.
  - j. The lot area of the parcel, street frontage and the zoning requirements for minimum lot sizes and frontage.
  - k. The location of all existing and proposed buildings, (including size and height), driveways, sidewalks, parking spaces, loading areas, open spaces, large trees, open drainage courses, service areas, easements and landscaping.

- l. The location of all buildings within fifty (50) feet of the parcel to be developed and the location of intersecting roads or driveways within two-hundred (200) feet of the parcel.
- m. A storm water drainage plan showing:
  - ~~(1)~~ **i.** The existing and proposed methods of handling storm water run-off.
  - ~~(2)~~ **ii.** The direction of flow of the run-off through the use of arrows.
  - ~~(3)~~ **iii.** The location, elevation and size of all catch basins, dry wells, drainage ditches, swales, retention basins and storm sewers.
  - ~~(4)~~ **iv.** Engineering calculations used to determine drainage requirements based upon a ten (10) year storm frequency if the project will significantly alter the existing drainage pattern due to such factors as the amount of new impervious surfaces (such as pavement and building areas) being proposed.
- n. Existing and proposed topography of the site at two (2) foot contour intervals.
- o. A utility plan showing provisions for all existing and planned utilities on the site.
- p. A buffer zone of dense planting where the site abuts a zone boundary.
3. Copies of all applicable state approvals and permits including but not limited to:
  - a. Approval of the New Hampshire Water Supply and Pollution Control Commission of any proposed septic system(s), or additions to septic systems as may be required.
  - b. Approval of the New Hampshire Dept. of Public Works and Highways or Board of Public Works for any required driveway permits or curb cuts.
  - c. State approval of underground fuel tanks.
4. Drawings and Plans: The Planning Board does not require plot plans, elevations and any other drawings to bear the stamp of an architect, surveyor or engineer. However, the Planning Board does require that these drawings be done to professional standards and accuracy. It remains the sole discretion of the Board as to whether the submitted drawings meet these requirements.

**ARTICLE IX**  
**GUARANTEE AND PERFORMANCE**

A. Security: The Planning Board may require the posting of a form of security as called for in the Subdivision Regulations in such amount as is approved by the Board as being reasonably necessary to ensure completion of all improvements required as conditions of approval. Such security must have the prior approval of Town Counsel.

B. Non-compliance: Any owner failing to submit site plan for review as required by these regulations before installing facilities or starting construction for such facilities or installation may be enjoined from use of the facilities by the Board of Selectmen.

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## **ARTICLE X**

### **FEEES**

The applicant shall pay all costs for notification of abutters. The Planning Board shall provide for the assessment of reasonable fees to cover the Board's administrative expenses and costs of special investigation and the review of documents and other matters which may be required by particular applications.

## **ARTICLE XI**

### **WAIVER**

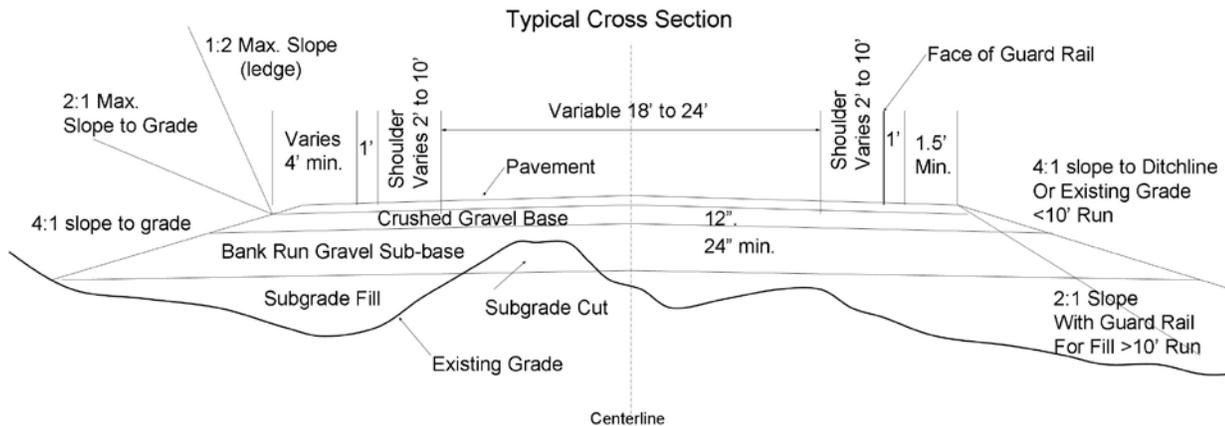
**When in the opinion of the Board strict conformity with any portion of the Site Plan Review Regulations poses an unnecessary hardship to the applicant, upon written request of the applicant, the Board may grant a waiver, provided that such waiver is not contrary to the spirit and intent of these regulations.**

## WAIVER

When in the opinion of the Board strict conformity with any portion of the Site Plan Review Regulations poses an unnecessary hardship to the applicant, upon written request of the applicant, the Board may grant a waiver, provided that such waiver is not contrary to the spirit and intent of these regulations.

### Exhibit A: Minimum Geometric & Structural Standards for Road Construction

Average Daily Traffic (Vehicles/day)	1 - 50	50 - 200	200 - 750	750 - 1500	>1500
Min. Pavement Width (Feet)	18	20	20	22	24
Shoulder Width (Feet)	2	2	4	4	8 - 10
Center of Road to Ditch Line	15	16	18	18 - 21	Varies
Pavement Type	Gravel	Bit. Surface Treatment	Hot Bit. Pavement	Hot Bit. Pavement	Hot Bit. Pavement
Cross Slope of Roadway	4%	3%	2%	2%	2%
Sub-base Course Depth – Bank Run	24"	24"	24"	24"	24"
Base Course Depth – Cr. Gravel	12"	12"	12"	12"	12"



\*Alternative pavements may be considered as part of the subdivision review process.

## **Exhibit B: Traffic Impact Analysis**

### 1. Introduction

- A. Purpose and Intent of Analysis.
- B. Description of Existing Conditions.

- 1) Local road network description
- 2) Description of road to be directly impacted
- 3) Current traffic volumes estimated
- 4) Description of Zoning and Land Use within the area
- 5) Analysis of area developments and potential for near term developments

### 2. Internal Circulation

- A. Examine and evaluate internal road systems and pedestrian circulation patterns (if applicable)

- 1) Compare proposed roads to Town Standards
- 2) Safety of traffic and pedestrians
- 3) Use by public safety vehicles and maintenance equipment

### 3. External Access Points

- A. Examine and evaluate external access points

### 4. Impact Analysis

- A. Examine existing traffic conditions
- B. Develop Trip Generation and Distribution for development
- C. Examine and evaluate development impacts to access road(s)

- 1) Determine road(s) level of service

- D. Examine and evaluate development impacts to local road system

### 5. Recommendations

- A. Outline potential modifications to Site Plan/Access Road(s)
- B. Outline potential modifications/improvements to External Road System
- C. Outline potential cost allocation methodology for External Road Improvements

## Traffic Impact Analysis Preparer Checklist

### From Developer

1. Two (2) copies of site plan(s)
2. One (1) copy of Engineers Plan and Profile of all proposed roads
3. Complete description of proposed project to include but not limited to:
  - A. Estimate of housing types and costs.
    - (1) Average family size
  - B. Roadway modifications and improvements
    - (1) On-site grading which could affect drainage or site-distances
    - (2) Any modifications/changes to or in the existing road right-of-way
  - C. Estimate of local property tax generation
4. Any traffic study related material completed to date

### From Town

1. One (1) copy of Engineers plan & profile of access road(s)
2. Any Capital Improvement Program from the Town, the highways or other planning tool to forecast road improvements
3. Tax map(s) of area
4. One (1) copy of Subdivision Regulations
5. One (1) copy of Zoning Ordinance and map

**Exhibit C: CHANGES IN ZONING ORDINANCES**

**Changes to Zoning Ordinances Setbacks, Lot Size, Frontage, etc.**

	3/8/66	3/6/73	3/11/87	3/14/90	3/12/13
<b>FRONTAGE:</b>					
<b>Residential:</b>	100'	150'	250'	*	<i>no change</i>

*\* See note regarding use of construction trailers & travel trailers*

<b>Rural/ Agricultural:</b>	150'	200'	<i>no change</i>	<i>no change</i>	<i>no change</i>
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*Note: Lake Shore parcels also require 150' on the water*

**SETBACK, SIDE:**

<b>Residential:</b>	<i>Note: Buildings shall be setback 75' from normal high water mark, wetlands...</i>				
<b>Abutter's</b>	15'	<i>no change</i>	<i>no change</i>	<i>no change</i>	<i>no change</i>
<b>Right of Way</b>	30'	<i>no change</i>	<i>no change</i>	<i>no change</i>	<i>no change</i>

<b>Rural Agricultural:</b>	<i>Note: Buildings shall be setback 75' from normal high water mark, wetlands...</i>				
<b>Abutter's</b>	15'	25'	<i>no change</i>	<i>no change</i>	<i>no change</i>
<b>Right of Way</b>	30'	50'	<i>no change</i>	<i>no change</i>	<i>no change</i>

<b>LOT SIZE:</b>					
<b>Residential:</b>	20,000 <i>change</i>	1 acre	2 acres	<i>no change</i>	<i>no</i>
<b>Rural-agricultural:</b>	40,000 <i>change</i>	2 acres	<i>no change</i>	<i>no change</i>	<i>no</i>

**SET BACK, ROAD BUILDING LINES**

**Residential:** 46.5' from Center Line of any street or right-of-way 2 rods wide  
55' from Center Line of any Town or State road 3 rods wide  
63' from Center Line of any Town or State road 4 rods wide

**Rural-Agricultural:** 66 ½' from Center Line of any street or right-of-way 2 rods wide  
75' from Center Line of any State or Town road (3) rods wide  
83' from Center Line of any State or Town road (4) rods wide

**Residential and Rural Agricultural:**  
For Wetlands setbacks refer to Wetlands Overlay District – Article X

*\*Temporary use of construction trailers & travel trailers: subject to set-back building lines of Rural-Agricultural District (Article III.I of the Zoning Ordinance) and required to be at least 50' from water. Refer to Wetlands Overlay District for Wetlands Setbacks.*

**FRONTAGE:** ~~March 8, 1966~~ ~~March 6, 1973~~ ~~March 11, 1987~~ ~~March 14, 1990~~ Residential  
~~100'~~ ~~150'~~ ~~250'~~ ~~\*\* see note regarding Rural/Agricultural~~  
~~150'~~ ~~200'~~ ~~No change~~ ~~use of construction~~  
**NOTE:** ~~Lake Shore Parcels also require 100' on the water trailers/travel trailers.~~

**SET BACK:**  
 Residential

Abutter's	15'	15'
*Right of Way	30'	30'
<b>Rural/Agricultural</b>		
Abutter's	15'	25'
*Right of Way	30'	50'

**LOT SIZE:**

Residential	20,000 sq. ft.	1-acre	2-acres
Rural/Agricultural	40,000 sq. ft.	2-acres	No-Change

\*Also changes in set back building lines in that the current ordinances specify the following:

**Residential:** ~~30' from any street or ROW~~  
~~55' from center line of any Town or State road (3) rods wide~~ ~~63' from center line of any~~  
~~Town or State road (4) rods wide~~

**Rural/Agricultural:** ~~50' from any street or ROW~~  
~~75' from center line of any State or Town road (3) rods wide~~ ~~83' from center line of any State~~  
~~or Town road (4) rods wide~~

\*\* **TEMPORARY** use of construction trailers & travel trailers: ~~subject to set back building~~  
~~lines of Rural/Agricultural District (see Article V.C. 4. of Zoning Ordinance) and required to~~  
~~be at least 50' from water or wetland.~~