



# **TOWN OF BARRINGTON, NEW HAMPSHIRE SUBDIVISION REGULATIONS**

Prepared by the  
Barrington Planning Board  
Amended August 1, 2023

**Certification of Subdivision Regulation Adoption or Amendment**

By

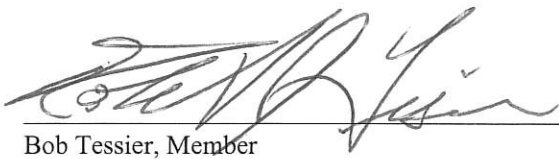

The Planning Board, Town of Barrington, NH

Pursuant to New Hampshire RSA 675:6, Method of Adoption, the New Hampshire RSA 675:7, Requirement for Public Notice, the Barrington Planning Board, having held a duly authorized public hearing on this Subdivision Regulation on July 11, 2023, and August 1, 2023, hereby certifies that this Subdivision Regulations Update was duly adopted by a majority of the Board's members on August 1, 2023.

  
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## **HISTORY: TOWN OF BARRINGTON SUBDIVISION REGULATIONS**

Adopted July 17, 1974:

Amended: March 9, 1983, March 13, 1984, February 5, 1987, November 1988, May 1991, January 30, 2000, July 2, 2002.

The July 17, 1974 Subdivision Regulations were repealed June 23, 2005, when the new Subdivision Regulations were adopted.

Adopted June 23, 2005:

Amended February 21, 2008, November 3, 2011, December 1, 2011, October 22, 2013, June 5, 2018, May 17, 2022, June 7, 2022, and August 1, 2023.

**EDITOR'S NOTE**

The provisions of the Zoning Ordinance and Land Use Regulations are given in hierarchical levels and numerically indexed within those levels. The numerical index is given at the left margin. The Title or Heading and the descriptive text for that numeric index is indented from the left margin by an amount that depends on the item's hierarchical level. The descriptive text (called here the Body Text) for each heading level is positioned under the Title or Heading. There is an exception to this rule; Paragraphs and Subparagraphs without emphasized lead words are presented as Body Text only. The provisions as presented in the Ordinance and Land Use Regulations are as illustrated below.

Level titles	Index (at left margin)	Tab Leader	Illustration: Index at left margin (not shown) then the Tab Leader, Heading (Title) and Body Text. Exception: Article which is as shown below.
Article	#	None	<b>Article #.....Article Title</b> (Generally no body text is given for the article's title.):
Section	##	.5 inch	<b>Section Heading</b> Body Text is directly under heading in block style.
Subsection	###	.75 inch	<b>Subsection Heading</b> Body Text is directly under heading in block style..
Paragraph- with lead word(s)	### (#)	1 inch	<b>Paragraph With Lead Word(s)</b> Body Text is directly under heading in block style.
Paragraph	### (#)	1 inch	Paragraph Without Lead Word(s) Body Text is presented using Hanging Indents as shown here.
Subparagraph - with lead word(s)	###(a)	1.25 inch	<b>Subparagraph With Lead Word(s)</b> Body Text is directly under heading in block style.
Subparagraph	###(a)	1.25 inch	Subparagraph Without Lead Word(s) is Presented using Hanging Indents as shown here.

**\*\* Numeric Index Conventions:**

The symbol # stands for a numeric identifier.

The small letter 'a' stands for any alphabetical identifier.

Numbers within parenthesis indicate paragraphs.

Small letters within parentheses indicate subparagraphs.

**Order of Presentation**

The Article and Article Number are separated from the Article Title by a .5 inch tab.

For all other indexing the numeric index is given at the left margin followed by a tab leader (....) of the specified length followed by the appropriate heading (see illustrations above.)

A subsection (###) will be preceded by a section (##);

A subparagraph [###(a)] will be preceded by a paragraph (##(a)).

An Article, Section or Subsection may be immediately succeeded by a paragraph.

When an element of a Regulation or the Ordinance is being referenced, the Numeric Identification is used. If the intention is to reference an Article in its entirety the Article Number would be the reference, for example, Article 6. If the reference is more specific, for instance Article 6, Section.2 the reference would be given as Section 6.2. The extreme example would be Article 6, Section 2, Subsection 3, Paragraph (2), Subparagraph (b) which would be referenced as Subparagraph 6.2.3 (

## **PART I..... THE SUBDIVISION PROCESS**

### **ARTICLE 1..... GENERAL PROVISIONS**

#### **1.1 .....AUTHORITY**

Under the authority vested in the Barrington Planning Board by Town Meeting vote, and in accordance with New Hampshire State Law, including, but not limited to, Chapters 672 through 677 (as amended), particularly Sections 674:35 and 674:36 of the Revised Statutes Annotated (RSA) of the State of New Hampshire, the Barrington Planning Board, herein after referred to as the "Board", adopts the following regulations governing the subdivision of land within the Town of Barrington, New Hampshire. These regulations repeal and replace all previously adopted subdivision regulations.

#### **1.2 ..... TITLE**

These Regulations shall be known as the Town of Barrington Subdivision Regulations and may be referred to herein as "these regulations."

#### **1.3 .....PURPOSE**

The general purpose of these regulations is to protect the public health, safety, convenience, prosperity, and general welfare of the town, consistent with the policies of the Master Plan, as lots are divided, new land use patterns are established, and new roads and other infrastructure are built. Throughout these regulations, the Board seeks to balance the process of growth, development, and change with the need to protect and enhance those qualities that make Barrington a safe and desirable place to live, work, and visit. In keeping with this general purpose, the following are specific objectives of these regulations.

##### **1.3.1 ..... PREVENT SCATTERED AND PREMATURE DEVELOPMENT**

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

##### **1.3.2 ..... HARMONY WITH TOWN**

Development of subdivisions shall be harmonious with the town and its environs. Developments must contribute to a rational and safe transportation system, provision of appropriate recreational opportunities, and must be consistent with the recommendations of the Barrington Master Plan.

##### **1.3.3 ..... PROVIDE ADEQUATE OPEN SPACE**

Provide adequate and coordinated open space, neighborhood parks, and other recreation areas with adequate public access.

##### **1.3.4 ..... PROPER SPACING AND PATTERNS**

Provide for proper spacing and patterns of properties and buildings to ensure adequate sunlight and air circulation, access for firefighting apparatus and equipment to buildings, and establishment of land use patterns compatible with traditional New England design, especially in new residential neighborhoods.

##### **1.3.5 ..... CHARACTER OF LAND**

Ensure that land is of sufficient character to be used for building purposes without danger to health, and additionally ensuring that development does not exceed the capability of the land to



safely provide on-site water supply and sewage disposal in areas not served by municipal water and sewer systems.

**1.3.6 ..... SAFETY AND CONVENIENCE OF IMPROVEMENTS**

Require proper arrangement, design, and construction of streets, sidewalks, pedestrian and bicycle paths, and other transportation improvements to compose a safe, convenient and environmentally compatible system of vehicular and pedestrian travel that integrates with the overall town and regional systems and provides access for fire-fighting apparatus and equipment to building sites.

**1.3.7 ..... PROPER ARRANGEMENT OF STREETS**

Ensure that proposed streets shall be properly arranged and coordinated in relation to other existing or planned streets.

**1.3.8 ..... ADEQUATE SERVICES AND UTILITIES**

Subdivided land shall be provided with adequate services and utilities.

**1.4 ..... JURISDICTION**

The Barrington Subdivision Regulations, hereafter referred to as “these regulations,” shall govern all subdivision of land within the Town of Barrington. The Board shall require the submission and approval of plans and applications: prior to the transfer, sale, lease or rental of lots or any other portion of a subdivision; before construction, land clearing, or building development is begun; and, prior to the recording of any plat or plan showing the subdivision of land at the Strafford County Registry of Deeds.

**1.5 ..... VALIDITY**

**1.5.1 ..... INTERPRETATION**

In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. The Board may seek information or requirements above these regulations in circumstances requiring greater protection for the health, safety, and welfare of Barrington citizens.

**1.5.2 ..... CONFLICTING PROVISIONS**

Where any section of these regulations’ conflicts with another or with any other local regulations or ordinance, the requirement imposing the greater restriction or higher standard shall apply. In addition, the fact that a requirement under these regulations is less restrictive than a federal or state regulation or statute does not relieve an applicant from compliance with the terms of such regulation or statute, unless specifically authorized by said regulation or statute.

**1.5.3 ..... SAVING CLAUSE**

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

## **PART II .... THE APPLICATION PROCESS**

### **ARTICLE 2..... OVERVIEW OF APPLICATION PROCESS**

#### **2.1 ..... GENERAL GUIDANCE**

The subdivision application and review process can be a complicated procedure that involves the consideration of large amounts of information and input from many participants. The information presented in this article is intended to serve as recommended actions for assisting the applicant through the review process while also helping the Board efficiently and thoroughly carry out its charge as provided for under state statute.

##### **2.1.1 ..... DESIGNATED REPRESENTATIVES**

To expedite the subdivision review process for the applicant and the town, both parties shall designate an agent that will have primary contact responsibility throughout the process.

##### **2.1.1(1) ..... Applicant's Representative**

The subdivision application form requires designation of one person to act as the "authorized representative." All communication to the applicant should be made through this person and this person should be present at all meetings with the Board. In the text of these regulations, references to the applicant shall also imply the authorized representative.

##### **2.1.1(2) ..... Town's Representative**

All communications to the town shall be directed to the Planning Board Secretary, who will act as the Board's agent, unless otherwise indicated by the Chairman of the Board. The Board's agent will be responsible for receiving preliminary plans and final plats, checking them to determine if they meet the requirements of these regulations and making recommendations to the Board. The appointed agent may also be charged with inspecting improvements for compliance with the Board's approval and the requirements of these regulations.

#### **2.2 ..... PROFESSIONAL ASSISTANCE**

Applicants will most likely need to hire professionals to prepare part or all of their application. In all cases where a plan is to be recorded, a New Hampshire Licensed Land Surveyor is required to prepare the subdivision plat. In some cases, other specialists will be needed, such as a licensed Professional Engineer, an attorney, or a soil scientist. The skills and abilities of these professionals are essential to ensure that the town and applicant have sound information on which to base their decisions.

#### **2.3 ..... SHARED RESPONSIBILITIES**

The Board will attempt to process all applications as fairly and quickly as possible. To accomplish this, the applicant must share certain responsibilities. The applicant must be properly prepared, which includes reading these regulations in order to understand the requirements that must be addressed and addressing all significant issues as early in the process as possible. Incomplete submittals or failure to properly address issues will result in unnecessary delays in obtaining a final decision from the Board.

#### **2.4 ..... REQUESTS FOR WAIVERS**

The applicant must submit all waiver requests in writing with the application at the time of filing. In general, the Board will rule on waivers at the initiation of the process. Some unforeseen issues;

however, may require a waiver to be addressed at a later time in the review process. All waivers must be granted prior to approval.

## **2.5..... GENERAL APPLICATION PROCESS**

The application process is similar for all applications, although the amount of work and time to obtain an approval can vary widely. All applications follow the basic process outlined below.

### **2.5.1 ..... APPLICATION PREPARATION**

The applicant prepares the application which is usually completed by hired professionals. This may involve some discussion with the Board through conceptual consultation or design review meetings.

### **2.5.2 ..... APPLICATION COMPLETENESS REVIEW**

Following filing at Town Hall the application will be reviewed for completeness by the Board at a regularly scheduled meeting. The Board cannot formally vote to accept the application at this time or have any formal discussions with the applicant regarding the proposed development. In accordance with RSA 676:4(I)(c)(1) the Board must make a determination within 30 days as to the completeness of the application.

### **2.5.3 ..... APPLICATION ACCEPTANCE**

Upon submittal of the application materials to the town, and favorable completeness review by the Board, the application is placed on the next available Planning Board agenda for consideration. By State law, there is a minimum lead-time of 15 days in order to allow for notification of abutters. The application may only be accepted as complete at a public hearing where notice has been given to the abutters.

### **2.5.4 ..... SCATTERED AND PREMATURE DEVELOPMENT/REGIONAL IMPACT**

The Board may make certain initial findings that a proposed development is scattered and premature or is a development of regional impact, which may lead to modification of the application, additional public hearings, or could result in denial.

### **2.5.5 ..... ROAD LAYOUT**

The Board may require extra meetings to discuss road layout and function before it will accept or review final road design plans. This permits transportation issues to be discussed conceptually before the exact details of specific designs are developed.

### **2.5.6 ..... PUBLIC HEARING**

All complete applications will have a public hearing. This is the official opportunity for the public to ask questions about the application, to raise issues, offer suggestions, or indicate their support or opposition. The hearing may be interspersed with periods of deliberation by the Board, and it may be continued to future dates.

### **2.5.7 ..... DECISION**

Ultimately, the Board must decide whether to approve or deny the application. Where approval is warranted, the Board may approve the application with conditions, which means that there are additional administrative or technical requirements that must be satisfied to obtain the full approval or that the plan must be revised in some other way to receive final approval.

### **2.5.8 ..... TIMING**

A commonly asked question about an application to a Planning Board is "how long will it take?" There is no standard answer. At a minimum, there must be a meeting with the Board, and this

alone requires at least 15-30 days lead-time. Boundary Line Adjustments can be approved at a single meeting. Subdivisions, require a minimum of two meetings and are likely to take a few months to complete; however, this general answer is all based on the assumptions that the applicant is properly prepared and that no unusual circumstances arise. Without the applicant's consent, it is unlikely that an application process can take longer than six months.

**2.5.9..... SUBMITTALS**

Additional information, updated plans, and any other material submitted by the applicant, or any other party with standing, shall provide materials to the Land Use office no later than 15 days prior to the meeting at which they will be discussed/considered.

## **ARTICLE 3..... PRELIMINARY APPLICATION REVIEW**

### **3.1..... PRELIMINARY REVIEWS**

The preliminary application process is enacted to give applicants the opportunity to receive general guidance from the Board prior to expending resources on the creation of formal plans. This process is intended to create a forum for the exchange of non-binding information and opinions to facilitate the subdivision process.

### **3.2..... PRELIMINARY CONCEPTUAL REVIEW**

The applicant may request a meeting with the Board to discuss a proposal in conceptual form and in general terms as described below.

**3.2(1) .....** This meeting is intended to review basic concepts of the proposal and to offer suggestions that might resolve problems with addressing regulatory requirements during formal consideration of the application. The Board and applicant may discuss proposals in conceptual form only and in general terms, such as the desirability of types of development under the Master Plan, as well as the development objectives of the community. Sketches may be provided to assist in the review. No engineered plans may be considered without prior abutter notification.

**3.2.(2) .....** Typically, maps from the Master Plan, tax maps, county soil survey maps and the like are acceptable levels of generality upon which to base these discussions. The presentation to the Board of new surveys, engineering plans or similar materials shall require the Design Review process to be followed and are not appropriate for a conceptual review meeting. Such consultation shall not bind either the applicant or the Board, and statements made by Board members shall not be the basis for disqualifying said members or invalidating any action taken.

**3.2(3) .....** Such discussion may occur without the necessity of giving formal public notice, but such discussions may occur only at regular meetings of the Board. Preliminary conceptual consultation meetings are strictly optional to the applicant. The Board may maintain an application form for conceptual review to guide in the submission of information.

**3.2(4) .....** Preliminary Conceptual Review is a process that is intended to be limited in nature. These limitations also apply to the length of the process. Preliminary Conceptual Review shall be limited to 2 meetings or 60 days. Additional requests for review meetings, or an extension of the 60-day limit, shall require resubmission of all information and payment of an administrative fee equal to the fee required for formal consideration of the proposed subdivision to cover the administrative expense associated with additional reviews.

### **3.3..... DESIGN REVIEW**

All applicants for major subdivisions within the Town of Barrington are strongly encouraged to provide a preliminary design assessment. This assessment shall consist of a graphic and narrative site feature inventory. All significant site features should be identified including, but not limited to: critical areas, vistas, ridge lines, wetlands, floodplains, slopes, tree lines, stone walls, significant rock outcrops and tree masses, rare and endangered species habitats, streams, and any additional features uniquely affecting a site.

The applicant may request a meeting with the Board to discuss a proposal in more specific form and terms. Although still considered a preliminary review, notice to abutters must be completed in accordance with Subsection 4.3.1 of these regulations.

- 3.3(1) ..... The Board and applicant may engage in non-binding discussions beyond conceptual and general discussions, addressing more specific design, planning and engineering details provided that the design review may proceed only after formal public notice is provided. Statements made by Board members shall not be the basis for disqualifying said members or invalidating any action taken. The applicant shall pay appropriate public notice fees as specified in Section 4.2, and they shall provide all required materials and information required for public notice per Section 4.3. Design Review meetings are strictly optional to the applicant but such meetings can be helpful in identifying and resolving problems in an application prior to major design investments by the applicant.
- 3.3(2) ..... The Design Review meeting is especially appropriate for receiving comments on the general road plan of a subdivision that creates new roadways, and for reviewing the concepts for an alternative design Conservation Subdivision (also referred to as a cluster subdivision). The Board may maintain an application form to guide in the submission of information for the design review phase.
- 3.3(3) ..... Design Review is a process that is intended to be limited in nature. These limitations also apply to the length of the process. Design Review shall be limited to two meetings or 60 days. Additional requests for Design Review meetings or an extension of the 60-day limit shall require resubmission and notification per Section 4.3. In addition, payment of an administrative fee equal to the fee required for formal consideration of the proposed subdivision shall be paid to cover the administrative expense associated with additional reviews.
- 3.3(4) ..... The Planning Board shall require notice for initiation of the formal process and submission of the plans to insure adequate public participation in the formal review process.

**3.4 ..... DEVELOPMENTS OF REGIONAL IMPACT**

In accordance with RSA 36:54-58, as a preliminary matter, the Board shall review all subdivision plans to determine if they have regional impact and shall follow the notification procedures required in RSA 36:57.

## **ARTICLE 4..... SUBMISSION OF APPLICATION, FEES, & FORMS**

### **4.1 ..... APPLICATION FORMS**

The Planning Board may create application forms and other forms as needed to assist in the submission, organization, and review of applications. These forms shall not be considered regulations. The forms shall be for advisory purposes unless adopted in accordance with the procedural requirements of RSA 675:6-7.

### **4.2 ..... APPLICATION FEES**

The Board may adopt fees to cover expenses associated with the application. Fees shall be adopted in accordance with RSA 675:6-7. All fees will be due before any application is placed upon an agenda. Certain fees may be subject to change based upon cost increases incurred by the Board. Fee amounts are assessed in accordance with the Schedule of Fees, on file at the Town Offices, and incorporated by reference as part of these regulations.

These fees are assessed by authority of RSA 676:4,I(g), as amended. Such fees may include, but are not limited to, the following expenses.

#### **4.2.1 ..... NOTICE FEE**

A fee to cover costs associated with sending notice to abutters in accordance with RSA 676:4 and these regulations. The fee shall include all costs for mailings and associated administrative and clerical expenses.

#### **4.2.2 ..... APPLICATION FEE**

A fee to cover costs associated with administration of the application. Such fee shall represent costs associated with clerical duties required by the filing and maintenance of application information, mailings, coordination of reviews, and other expenses.

#### **4.2.3 ..... PUBLIC NOTICE FEE**

A fee to cover costs associated with notifying the public via the requirement of these regulations, including but not limited to notice on Town's website, two postings in public places, and all related administrative and clerical expenses.

#### **4.2.4 ..... ADDITIONAL REVIEW COSTS**

Fees to cover the expense of additional outside review reasonably required by the Board in order to interpret conclusions and review documents as part of the application. Such fees shall be used to cover expenses associated with reviews by professionals such as, but not limited to, engineering consultants, soils and wetlands scientists, planners, attorneys, and traffic consultants.

#### **4.2.5 ..... OTHER COSTS**

A fee to cover other costs, not mentioned above, that are necessary to review the proposal. Such costs include, but are not limited to, recording costs, reproduction costs, and other administrative and clerical expenses.

**4.3 ..... APPLICATION FOR SUBDIVISION REVIEW**

- 4.3(1) .....** Pursuant to RSA 676:4, I(b), the applicant shall file the application with the Board or its agent at least 21 days prior to the meeting at which the application will be accepted. Determination of completeness is more fully covered in Section 5.2.
- 4.3(2) .....** Applications shall be disapproved by the Board without public hearing on the grounds of failure of the applicant to supply required information or to pay fees as required by these regulations.
- 4.3(3) .....** The date of filing for this section shall be the last date upon which information necessary to determine completeness was last received by the Board. It shall not be the date upon which the information was first filed or any date in between. The Board shall not find an application complete unless all required information is filed.
- 4.3(4) .....** The Board, upon agreement with the applicant, may continue the review for determination of completeness in order to receive additional information required by these regulations. This section is intended to provide limited flexibility and avoid undue burden and expense associated with reapplication required by rigid compliance with the requirements of RSA 676:4(I). This section requires the Board to act upon the application within 30 days whether the application is complete or not. Strict compliance with these requirements would require the Board to deny an application if it is not complete, thus forcing the applicant to pay all fees and notice costs associated with a re-application. An agreed upon extension, provided for in RSA 676:4(I)(f), avoids this situation.

**4.3.1 ..... PUBLIC HEARING AND NOTICE**

- 4.3.1(1) .....** When acting on a completed subdivision review application, the Board shall hold a public hearing to discuss the application. As required in RSA 676:4, I(e), a public hearing shall not be required when the Board disapproves an application based upon an applicant's failure to supply information required by these regulations, including abutter's identification, failure to meet reasonable deadlines established by the Board, or failure to pay costs of notice or other fees required by the Board.
- 4.3.1(2) .....** It shall be the responsibility of the applicant to supply the names and addresses of all the abutters upon filing the subdivision application with the Board. As required in RSA 676:4, I(d), as amended, notification shall also be given to the applicant and all professionals, including every engineer, architect, land surveyor, or soil scientist, whose seals are affixed to the plan, as well as any holder of a conservation or agricultural easement on the subject parcel. The Board will conduct no review of submitted names for determination of complete abutter notification. Furthermore, the Board takes no responsibility or liability for improperly noticed hearings resulting from applicant-generated abutter lists.
- 4.3.1(3) .....** Abutters and the applicant, as well as all professionals, including every engineer, architect, land surveyor, wetland and/or soil scientist, whose seals are affixed to the plan, as well as any holder of a conservation or agricultural easement on the subject parcel, shall be notified by the Board, in the form of a certified mailing, of the date upon which the application will be formally submitted for acceptance by the Board. Notice shall be mailed at least ten (10) days prior to submission of the application. Notice to the general public will be given at the same time by advertisement on the Town of Barrington's website, and it shall be posted in at least two (2) public places. All costs of notice, whether mailed, posted, or published, shall be paid in advance by the applicant (RSA 676:4, I(d)). Fees are described in Section 4.2.



**4.3.1(4)** .....Notice shall give the date, time, and place of the Planning Board meeting at which the application or other item(s) will be formally submitted to the Board, and it shall identify the applicant and the location of the proposal.

**4.3.1(5)** .....If the notice for the public hearing was included in the notice submission or any prior notice, additional notice of the public hearing is not required. Additional notice is not required of an adjourned session of a hearing provided that the date, time and place of the adjourned session were made known at the prior meeting, per RSA 676:4,I(d).

**4.4.....ADDITIONAL TOWN REVIEW**

The Board may send applications and copies of such plans to the Conservation Commission, building inspector, health officer, road agent, fire department, police department, and any other department or board for review and comments. Copies shall be available at the Select Board's office and Town Clerk's office for public review.

**4.5.....TOWN REGULATIONS**

In its review, the Planning Board may include other Town Regulations to ensure the application does not conflict with all town regulations and to minimize duplication of regulations. The other Town Regulations may be the Site Plan Review Regulations and Zoning Ordinance.

## **ARTICLE 5..... PLAN REQUIREMENTS**

### **5.1..... GENERAL PRINCIPLES AND STANDARDS**

#### **5.1.1 ..... SCOPE OF REVIEW**

Every application for subdivision review must incorporate the entire parcel within the review. Not to do so may cause approval of a lot or situation that is not in conformance with the Zoning Ordinance and/or other applicable ordinances and regulations.

#### **5.1.2 ..... PROFESSIONAL STANDARDS**

Subdivision plans shall be prepared, stamped, and signed by a registered Professional Engineer, Land Surveyor, Soil Scientist, and/or Wetlands Scientist licensed in New Hampshire. The requirement for a Professional Engineer shall apply to all plans showing roadways, utilities, bridges and culverts, plus drainage and other construction plans. In specific cases, the Board may waive the requirement for a Professional Engineer in accordance with Section 5.4, Waivers for Specific Plan Requirements.

#### **5.1.3 ..... MINIMUM REQUIREMENTS**

These submission requirements are minimum review standards. Where there is doubt regarding compliance, a particular impact, or the information that is submitted, the Board shall be authorized to request additional studies, information, or other submittals to assist in its determination. The Board must have sufficient information to make a reasonable decision relative to compliance with these regulations and to protect the health, safety, and welfare of current and future residents.

#### **5.1.4 ..... PLAT PLAN REQUIREMENTS**

All plans shall be drawn in ink on paper that is suitable for electronic scanning and archiving and be presented on sheet sizes that conform to the requirements of the Strafford County Registry of Deeds. The Board requests only one sheet plan size be used for preparing all plans in a set. The maximum plan size shall be 22 inches by 34 inches unless otherwise specified by the Registry of Deeds. The Board may require a modification in the submitted size where a submittal fails to describe the proposal adequately due to scale or complexity of the design. Plat preparation shall also conform to the following minimum standards unless otherwise specified for the Registry of Deeds.

**5.1.4(1) .....** All text and dimensions shall be legible for reproduction, and the text sizes shall be no smaller than .08 of an inch for mechanical drafting and 1/8 inch for hand drafting.

**5.1.4(2) .....** All plats shall have a minimum ½ inch margin on all sides.

**5.1.4(3) .....** All certifications, seals, and approval blocks shall have original dates and signatures in a legible, permanent black ink.

**5.1.4(4) .....** All title blocks should be located in the lower right-hand corner, and shall indicate:

**5.1.4(4)(a).....** Type of survey

**5.1.4(4)(b) .....** Owner of record

**5.1.4(4)(c).....** Title of plan

**5.1.4(4)(d) .....** Name of the town(s)

**5.1.4(4)(e).....** Tax map and lot number

**5.1.4(4)(f) .....** Plat and revision dates;

**5.1.5 ..... COPIES**

A completed application shall contain 15 copies of the application with supporting documents, 15 plan sets [(3) 34-in x 22-in, (12) 11-in x 17-in, in color as applicable], and the electronic files in pdf/a format on a USB flash drive or by email. Additionally, three copies each are required of the following: Drainage, Erosion, & Sediment Control Plan; Stormwater Management Plan; Traffic Impact Analysis; Environmental Impact Assessment; and Hydrogeological Study; as applicable. The Planning Board may require additional copies when needed.

**5.2 ..... COMPLETED APPLICATION****5.2.1 ..... COMPLETE APPLICATION**

The Board shall determine whether an application is complete within 30 days of date of filing, subject to extension in accordance with RSA 676:4, I(f).

**5.2.1(1) .....** The date of filing referred to in paragraph 1) shall be the last date upon which information necessary to determine completeness was received by the Board. It shall not be the date upon which the information was first filed or any date in between. The Board shall not find an application complete without all required information.

**5.2.1(2) .....** Any application determined to be incomplete shall be denied in accordance with RSA 676:3, however, the Board, at its discretion, may continue the hearing for determination of completeness to receive further information.

**5.2.2 ..... FORMAL CONSIDERATION**

The Board shall begin Formal Consideration only upon determination that an application is complete. Acceptance of the completed application shall initiate jurisdiction over the plans and shall be made by a majority of the voting members present at a hearing noticed to abutters in accordance with RSA 676:4(I).

**5.2.3 ..... COMPLETE APPLICATION CRITERIA**

A completed application shall be comprised of enough information to allow the Board to make an informed decision. At a minimum, a completed application shall include all of the requirements of Section 5.3, and any waivers, voted upon favorably by the Board, as provided for under Section 5.5. Compliance with general design principles under Article 11 shall be determined during Formal Consideration.

**5.2.4 ..... FORMAL CONSIDERATION PHASE**

The Formal Consideration phase of the subdivision process is an intense fact-driven process that is intended to assess known impacts and discover additional unforeseen impacts that may relate to the proposal. As part of Formal Consideration, the Planning Board may determine that additional impacts or other factors require the need for further studies or information.

**5.2.5 ..... DETERMINATION OF COMPLETENESS**

A determination of completeness does not eliminate or reduce the burden on the applicant to produce additional information when requested in order for the Board to make an informed decision on the application. Where the applicant fails to provide such additional information, the Board shall deny the application. Additional studies, and the provision of additional information, are described in Article 7 of these regulations.

### 5.3.....SPECIFIC PLAN INFORMATION

#### 5.3.1 ..... EXISTING SITE CONDITIONS

In order for the Board to evaluate a subdivision plan proposal comprehensively, the applicant is required to show the following information as part of the subdivision plan, unless granted a waiver in accordance with Section 8.1, Waivers for Specific Plan Submission Requirements. Other information may be reasonably required by the Board and shall be submitted upon request. Such additional submittals may be required in cases where the submitted information fails to permit the Board to review the subdivision considering the requirements of Articles 5 and 6 and the purposes of these regulations.

- 5.3.1(1) .....** Location of site, names, and addresses of current owners of record and current abutting landowners. A separate list of current names and addresses of abutters must also be provided.
- 5.3.1(2) .....** Proposed subdivision name. Name and address of person(s) or firm preparing the plan. Said plan shall contain the date of preparation, title, north arrow, scale, legend, and zoning district(s). A legend shall be placed on the first sheet of the plans and show and describe each symbol used on the plan. A legend with applicable symbols shall also be placed on the sheet, or the first sheet of a subset, addressing specific systems/aspects of the plans (such as utilities, drainage, landscaping, lighting, etc.).
- 5.3.1(3) .....** Name and address of person(s) or firm preparing other data and information if different from the preparer of the plan.
- 5.3.1(4) .....** Plans shall also contain a signature block for Board approval and a revision block for noting dates of changes to the plan. The signature block shall be a rectangle approximately 3 inches high and 3½ inches wide with the words “Planning Board Approval Block” located at the top of the rectangle.

Planning Board Approval Block

Revision Block			
#	Date	Description	By

- 5.3.1(5) .....** Surveyed property lines including angles or bearings, distances, monument locations and size of the entire parcel. Said plan must be attested to and stamped by a New Hampshire licensed Land Surveyor. Signature, seal, and license number shall be legible and included on the plan.
- 5.3.1(6) .....** Existing grades and topographic contours at intervals not exceeding two feet with spot elevations where the grade is less than five percent.
- 5.3.1(7) .....** The location of existing drainage systems, structures, and drainage easements, if any.
- 5.3.1(8) .....** The estimated location and use of all existing structures, including wells and septic systems, on the site and within 100 feet of the site.
- 5.3.1(9) .....** Natural features such as streams, marshes, lakes, ponds, rock outcrops, wooded areas, significant trees, ledge, and other significant environmental features, including wetland areas as defined in the Zoning Ordinance.
- 5.3.1(10) .....** Man-made features such as, but not limited to, existing roads, stone walls, pedestrian ways, cemeteries, and other structures. The plan shall also indicate which structures are to be retained and which are to be removed or altered.

- 5.3.1(11) ..... The size and location of all existing public and private utilities, including off-site utilities to which connection is planned, and any underground storage tanks, abandoned or in use.
- 5.3.1(12) ..... A vicinity sketch showing the location of the site in relation to the surrounding public street system, to be shown within 1,000 feet of the site.
- 5.3.1(13) ..... Location and description of all existing easements and/or rights-of-way, parks, reservations, conservation land, and holders of conservation easements.
- 5.3.1(14) ..... Each existing building or manmade structure, including stone fences and cemeteries shall be shown on the plan and reviewed with the Board for historic significance.
- 5.3.1(15) ..... Summary of Barrington Zoning Ordinance requirements, including, but not limited to summary of lot size requirements, lot area, frontage, and related dimensional and use requirements.

**5.3.2 ..... PROPOSED SITE CONDITIONS**

In order for the Board to evaluate a subdivision plan proposal comprehensively, the applicant is required to show the following information as part of the subdivision plan, unless granted a waiver in accordance with Section 5.5, Waivers for Specific Plan Submission Requirements. Other information may be required by the Board and shall be included in the application. Such additional information may be required in cases where the submitted information fails to permit the Board to review the subdivision in light of the requirements of Articles 5 and 6 and the purposes of these regulations.

**5.3.2(1) ..... Proposed Features**

On all proposed plans, all proposed features shall be called out with a leader and descriptive text.

**5.3.2(2) ..... Scale**

All drawings, unless otherwise agreed to by the Board, shall be at a scale of one hundred feet to the inch or less.

**5.3.2(3) ..... Grades**

Proposed grades and topographic contours at intervals not exceeding two feet with spot elevations where grade is less than five percent.

**5.3.2(4) ..... Test Pits**

The location for, and pertinent data on, at least two (2) test pits, 50 feet apart, and of at least one percolation test to show that the regulations in Article 15 have been met on each lot created by the subdivision. Information shall include at least the following: the location of the test pits, percolation test data, and a hatched outline of the 4,000 contiguous sq. ft. area reserved for the location of the leach field.

**5.3.2(5) ..... Streets, Driveways, Sidewalks**

Construction drawings and location, name, width, curbing and paving of proposed streets, drainage ways, and profiles and the elevations of sufficient points on the property to indicate the general topography of the property, driveways, and sidewalks with indication of direction of travel for one-way streets. This information shall include the radii of streets, driveways, access ways, and sidewalks within the site and its relationship to the off-site street system.

**5.3.2(6) ..... Traffic Control Devices**

Location and timing patterns of proposed traffic control devices, including painted road indicators, and all signage.

**5.3.2(7) .....Bridges & Culverts**

Designs of any bridges or culverts that may be required.

**5.3.2(8) .....Street Systems**

Where the plat submitted covers only a portion of the subdivider's entire holding, a sketch of the prospective future street system of the remaining portion shall be furnished and the street system of the submitted part will be considered in the light of adjustments and connections with the street systems for the part not submitted.

**5.3.2(9) .....Parking**

The location, size, and layout of on- and off-street parking. The plan shall indicate the calculations used to determine the number of parking spaces required and provided.

**5.3.2(10) .....Drainage Systems**

The location and layout of proposed drainage systems and structures, including elevations for catch basins designed in accordance with these regulations.

**5.3.2(11) .....Road & Drainage Standards**

Note indicating that "all road and drainage work to conform to Article 12 – Road Design & Construction Standards.

**5.3.2(12) .....Utilities**

The size and location of all proposed public and private utilities, including but not limited to: water lines, sewage facilities, gas lines, power lines, telephone lines, fire hydrants and alarm connections, underground storage tanks, and other utilities. See Article 14 – Utility Design Standards for additional information.

**5.3.2(13) .....Lighting**

The location, type, design, and intensity of any street lighting, including the cone of illumination on the site, if proposed.

**5.3.2(14) .....Easements & Rights of Way**

Location and description of proposed easement(s) and/or rights-of-way.

**5.3.2(15) .....Open Space Areas**

The location and size of all proposed open space areas or parcels to be dedicated to public use and the conditions of such dedication and a copy of such private deed restrictions as are intended to cover part or all of the tract.

**5.3.2(16) .....Deeds & Documents of Conveyance**

Deeds or other proposed documents of conveyance of any land located within the subdivision, which is proposed for town use and/or town ownership, shall be part of the application. These proposed documents of conveyance shall be in a form satisfactory to Town Counsel. The fact that the subdivider makes such offers and Town Counsel approves the form of the documents does not bind the town or its agents to accepting the offer. The suitability of lands offered for recreational or conservation uses may be determined with the assistance and comment of the Conservation Commission.

**5.3.2(17) .....Monuments**

The location of all proposed monumentation shall be shown on the plans. If the monumentation is changed, updated monumentation shall be shown in the as-built drawings.

Any change in the actual layout of the lots shall require Planning Board approval in accordance with these regulations.

**5.3.2(18) ..... Building Envelope**

Plans shall delineate potential building envelopes for each class that represent regulatory and environmental restraints on the placement of dwelling units and other structures on the proposed lot.

**5.3.2(19) ..... Other Information**

Any other information the Board may require in order to properly evaluate the proposed development including, but not limited to, the following:

**5.3.2(19)(a).....** Calculations relating to stormwater runoff.

**5.3.2(19)(b) .....** Information on the composition and quantity of wastewater generated.

**5.3.2(19)(c) .....** Information on air, water, or land pollutants discharged.

**5.3.2(19)(d) .....** Estimates of traffic generation.

**5.3.2(19)(e).....** Grading, drainage, and erosion and sediment control plan. (See Section 7.2 for requirements).

**5.3.2(19)(f) .....** Any other plan required under Article 7, Additional Information and Studies.

**5.3.2(19)(g).....** All local, state, and federal approvals and/or permits required for the proposed construction.

**5.3.2(19)(h) .....** All waivers being requested.

**5.3.2(19)(i).....** Summary of the Zoning Ordinance including, but not limited to, summary of minimum lot size, lot area, frontage, and related dimensional and use requirements.

**5.3.2(19)(j) .....** All improvements shown on this Subdivision Plan shall be constructed and maintained in accordance with the Plan by the property owner and all future property owners. No changes shall be made to this Subdivision Plan without the express approval of the Planning Board.

**5.4.....RESERVED**

**5.5.....WAIVERS FOR SPECIFIC PLAN SUBMISSION REQUIREMENTS**

The Board is hereby authorized to waive, by majority vote of those present and voting, the submission requirements of Section 5.3 of these regulations. See Section 8.1 – General Waiver Provisions for information on the waiver process and requirements.

## **ARTICLE 6..... PROCEDURES FOR REVIEW AND ACTION ON APPLICATIONS**

### **6.1 ..... TIMEFRAME FOR DECISION**

Pursuant to RSA 676:4, I(c)(i), within sixty-five days after a completed subdivision application has been accepted for jurisdiction, the Board shall approve, approve with conditions, or disapprove said application. In cases where a subdivision review application has been disapproved, the grounds for such disapproval shall be clearly stated in the minutes of the Board's meeting and notice provided to the applicant.

### **6.2 ..... COMPLIANCE WITH ALL REQUIREMENTS**

Upon determination that the requirements of these, and any other, town regulations or ordinances have been met, the Board may accept the application as complete. The Board may also grant a waiver to provisions of these regulations (in accordance with the procedures in Section 8.1, General Waiver Provision) prior to making a determination on the completeness of an application. Where any of the provisions of these regulations have not been met the Board may determine that the application is incomplete and not suitable for formal review.

### **6.3 ..... ACTING ON A COMPLETE APPLICATION**

When acting on a completed subdivision review application, the Board shall hold a public hearing to discuss the application. Notice for a public hearing shall be in compliance with Subsection 4.3.1.

### **6.4 ..... SUBMITTED MATERIALS**

All materials to be submitted to the Board for consideration shall be submitted prior to the meeting so Board members, the public, and other Town Departments or consultants have sufficient opportunity to review the application without unnecessarily rushing the review and/or delaying the proceedings of the meeting. The following shall apply:

#### **6.4.1 ..... NEW MATERIALS**

New materials shall be submitted to the Board at least 15 days prior to a meeting when new materials will be considered.

#### **6.4.2 ..... CONTINUED MEETINGS**

When consideration of an application is continued, and new information is required, the Board shall specify the deadline for filing this new information. In no case shall it be less than 15 days prior to the meeting. Revised materials shall be filed no less than 7 days prior to the meeting. The deadline shall be stated in the motion to continue.

### **6.5 ..... OTHER PERMITS AND APPROVALS**

The Board shall not grant a final approval to an application until all other government permits and approvals are obtained. The only exception to this requirement shall be when State or Federal permits require prior local approval. Applicants are advised to apply early for these other approvals to avoid unnecessary delays in obtaining final approval of the Subdivision application, but applicants with large or complex subdivisions are advised to delay applications to the State until general design guidance has been provided by the Board.

### **6.6 ..... PUBLIC HEARING**

#### **6.6.1 ..... APPLICANT'S PRESENTATION**

The Board shall hold a public hearing on an application for the purpose of hearing the applicant's presentation as well as to solicit public input, comments, questions, and concerns.



- 6.6.1(1)** ..... The applicant, or the applicant's designated representative, shall attend the public hearing, including all continuations, to ensure that questions can be answered and issues clarified as needed.
- 6.6.1(2)** ..... The applicant shall make a brief, general presentation to the Board and audience that includes a description of the proposed project's major design features and to identify specific issues of concern that they would like the Board to discuss during deliberations.
- 6.6.1(2)(a)** ..... The Chairman shall have sole authority to limit the time taken for this presentation and applicants should plan on 10 minutes or less for most proposals.
- 6.6.1(3)** ..... For applications that are reviewed over a series of meetings, this presentation may be appropriate at the beginning of each session.

**6.6.2 ..... SUSPENSION OF PUBLIC COMMENT**

The Chairman may temporarily suspend public comment during the public hearing so that the Board may deliberate, vote on waivers, or take other required action.

**6.6.3 ..... CONTINUED HEARINGS**

The public hearing may be continued if additional meetings are necessary, provided that the Board follows the continuation procedures specified in Section 4.3.

**6.6.4 ..... CLOSING PUBLIC COMMENT**

When all pertinent public input is complete, the Chairman shall close the public hearing to allow the Board to take action on the application.

**6.7 ..... GENERAL DESIGN PRINCIPLES AND STANDARDS FOR APPLICATION REVIEW**

An applicant shall use the following general principles when designing a subdivision plan for land within the Town of Barrington.

- 6.7(1)** ..... These principles and standards shall be construed as the minimum requirements and subject to the specific requirements in PART III – DESIGN AND CONSTRUCTION STANDARDS.
- 6.7(2)** ..... The Board, at its discretion, may require higher standards in individual cases, or may waive certain requirements in accordance with the procedures outlined in these regulations.

**6.7.1 ..... GENERAL PRINCIPLES**

An applicant shall observe each of the following general principles when preparing a plan for subdivision.

- 6.7.1(1)** ..... The subdivision plan shall be in harmony and consistent with the Barrington Master Plan, Zoning Ordinance, and the Site Plan Review Regulations.
- 6.7.1(2)** ..... Subdivision plans shall conform to all regulations of the Board, and other applicable town ordinances, regulations, and statutes of the local, state, and federal governments.
- 6.7.1(3)** ..... Land unsuitable for development due to the presence of poorly drained soils, very poorly drained soils, flood hazards, steep slopes or other conditions constituting a danger to health, safety, or the environment, shall not be approved for development unless the applicant can present satisfactory evidence or data to the Board establishing the methods that will be used to overcome such conditions and their adequacy.
- 6.7.1(3)(a)** ..... Land with inadequate capacity for sanitary sewage disposal shall not be developed.
- 6.7.1(4)** ..... In accordance with RSA 674:36, the Board, at its discretion, will not approve scattered or premature development that would impose danger or injury to the general public health, safety and welfare due to the lack of water supply, drainage, sewage disposal, transportation,

schools, fire protection, or other public services; nor will the Board approve such development which will necessitate an excessive expenditure of public funds for the supply of such services. The Board shall apply the following minimum standards when making a determination as to whether a proposed development is considered scattered or premature.

- 6.7.1(4)(a)**..... A scattered and premature development is one that poses a danger to the public through insufficiency of services. The Board shall ascertain whether the amount or location of a proposed development, in relation to the available level of services, constitutes the type of hazard defined in these regulations and in state statutes. At the point where such a hazard is created, further development becomes premature. Although the available services may suffice to meet the needs of existing development, additional development may endanger the well-being of residents, both within and contiguous to the development. Based on such a finding, the Board may determine that the proposed development is premature.
- 6.7.1(4)(b)** ..... The focus of the Board's review with regard to scattered and premature development relates specifically to the effect of the proposed development on the community, not the effect of further development in general on the community. The creation of conditions that increase the risk that emergency vehicles would not be able to respond when services are required, or other similar unacceptable risks, may be the basis for a finding of premature and scattered.
- 6.7.1(4)(c)**..... The application of these regulations to prevent "scattered" or "premature" development shall include consideration of the highest and best use of a particular tract of land; the compatibility of a particular use with the remainder of the community; and the protection of the financial interests of the purchasers, subdividers, and the local government unit. A finding that a subdivision would be premature does not necessarily mean that the land cannot be developed. For instance, if the construction of certain off-site improvements is feasible, then the application may be conditionally approved upon the provision of off-site improvements, which would eliminate the hazards that would otherwise cause the development to be premature.
- 6.7.1(5)** ..... If the owner places restrictions on any portion of the site greater than those required by these regulations, the Site Plan Review Regulations, or the Zoning Ordinance, such restrictions or reference thereto may be required to be indicated on the subdivision plan, or the Board may require that restrictive covenants be recorded with the Strafford County Registry of Deeds in a form approved by Town Counsel.
- 6.7.1(6)** ..... All subdivision plans shall be reviewed to ensure the protection of environmental quality during and after construction including the following.
- 6.7.1(6)(a)**..... Dust and erosion shall be prevented through the planting of ground cover or installation of other surfaces (See Section 7.2).
- 6.7.1(6)(b)** ..... Each significant natural feature within the site including large or unusual trees, watercourses, wetlands, natural stone outcroppings, and other scenic features shall require Board review before impact to such features.
- 6.7.1(6)(c)**..... The significant natural attributes and major features of the site listed above, and scenic views (both from the site and onto or over the site), shall be retained to the maximum extent feasible taking economics and cost into account.
- 6.7.1(6)(d)** ..... Provisions shall be made for adequate storm and surface water drainage facilities in order to drain the site properly while minimizing downstream flooding.

**6.7.2 .....STREETS AND ROADS****6.7.2(1) ..... Design Objectives**

Road design for proposed subdivisions must recognize the Barrington roadway network as complex public spaces that accommodate and impact traffic, parking, pedestrians, bicyclists, and aesthetics, among other things. Road design objectives are further categorized and specified as follows.

**6.7.2(1)(a)..... Traffic Function**

Roads must accommodate safe access to properties, convenient and efficient pickups and deliveries, emergency access, maintenance services, and other such uses. The overall road system should provide for sufficient number and layout of collectors and arterials to handle through traffic flow as one means of protecting local residential streets from through traffic. Further, local residential streets shall be linked to traffic carrying streets in a way that simultaneously provides good access to other parts of the community and region and minimizes the use of residential streets by through traffic. Further, residential streets should be protected from vehicles moving at excessive speeds, typically greater than 25 to 30 MPH. Proper access management is essential in protecting the traffic capacity of arterial roads.

**6.7.2(1)(b) ..... Road Layout**

The layout of proposed roads shall provide for the continuation of the principal streets in adjoining areas, if applicable. The number of permanent cul-de-sacs shall be minimized. Suitable connections and reservation for future connections to remaining lands and adjacent lots shall be provided. Layout geometry shall be designed to take advantage of the topography and proposed future development patterns, creating vista terminations and improving the view of, and the view from buildings and other prominent vistas. Layout shall also be carefully designed to avoid creation of a situation where the local road is used for through traffic flow.

**6.7.2(1)(c) ..... Scale**

The scaling of the facility must facilitate the appropriate level of sharing of road use among cars, walkers, bicycles, emergency vehicles and others. The final product shall permit comfortable and safe pedestrian and bicycle movements as well as motorized vehicular movements, and shall protect vulnerable users such as children, the disabled, and the elderly.

**6.7.2(1)(d) ..... Aesthetics**

Road design should enhance the overall aesthetics of the neighborhood through well-designed street layout and landscaping. Additionally, commons, public squares, and open space should be used as focal points and vista terminations. Aesthetics must be achieved through the thoughtful integration of all aspects of design and cannot simply be "added on" to a design.

**6.7.2(1)(e)..... Quality Construction**

Regardless of the outcome of the more policy-oriented layout and function issues of the road system, the construction of roads shall be of high quality. Roads shall be constructed to standards suitable for the climate, the environment in which they are built, and for the proposed use. The resulting road should require a minimal amount of maintenance for many years.

**6.7.2(2) ..... Additional Construction Standards**

All proposed streets and roads shall be designed and constructed to minimize dust, erosion, and run-off conditions that would have a detrimental effect on abutting or neighboring properties. They must also comply with the following requirements.

- 6.7.2(2)(a).....** Grading, paving and storm drainage systems shall be constructed so that development will not result in erosion/sedimentation of streams, or damage to abutting properties and roads.
- 6.7.2(2)(b) .....** Residential abutters shall be protected against undue noise, glare, unsightliness, or other nuisances, which are detrimental to property values.
- 6.7.2(2)(c) .....** Adequate pedestrian and bicycle safety and access shall be provided.
- 6.7.2(2)(d) .....** Development shall provide for an appropriate opportunity for groundwater recharge. This shall be analyzed considering impervious lot coverage, drainage, and location within identified aquifer as per the Barrington Master Plan.
- 6.7.2(2)(e).....** Constructed travel ways shall be of sufficient width to accommodate existing and prospective traffic, and to afford adequate light, air, and access to buildings for firefighting apparatus and other emergency equipment as balanced against aesthetic concerns and neighborhood scale.
- 6.7.2(2)(f) .....** Developments shall be generally consistent with the Town's Master Plan.
- 6.7.2(2)(g).....** All development shall minimize encroachments of any kind of neighboring land uses.
- 6.7.2(2)(h) .....** The development of the site shall not change the topography of the land to be developed by the excessive removal of trees, shrubs, soils, and rocks, except that which is necessary for the building of the roadways, structures and accessory and incidental development as shown on the plan.

## **ARTICLE 7..... ADDITIONAL INFORMATION AND STUDIES**

### **7.1..... GENERAL REQUIREMENTS**

- 7.1(1)** ..... When the Board determines that the impact of the proposal is not adequately addressed by the minimum submission requirements of Sections 5.3 and 5.4, or when the proposal may impact a sensitive or critical area as defined in these regulations, the Board may require any of the plans, studies, or information exhibits described in this section. Concerns the Board may consider include, but are not limited to, neighborhood density, environmental sensitivity, etc. Any doubt as to a particular impact shall be resolved in the determination that the impact requires additional information.
- 7.1(2)** ..... These studies must assist the Board in making an informed decision that protects the health, safety, and general welfare of the citizens of Barrington and the region.
- 7.1(3)** ..... The submission requirements in this section merely list minimum standards for the most often requested information. This section in no way limits the type of plan, study or exhibit, or the depth of such plan, study, or exhibit which may be required by the Board.
- 7.1(4)** ..... All additional submissions shall be presented under the seal or attestation of a professional normally employed for the presentation of such information.
- 7.1(5)** ..... The Board shall have the authority to hire consultants to review such additional information and recoup expenses related to such review in accordance with RSA 676:4(I)(g).

### **7.2..... GRADING, EROSION AND SEDIMENT CONTROL PLAN**

The importance of natural drainage patterns is recognized in these regulations. Increases in off-site drainage may cause flood damage, and detrimental impact to environmentally sensitive areas, while decreases in off-site drainage may cause detrimental impacts to on- and off-site water dependent habitat, and destruction of wetlands. Sedimentation and erosion can also impact environmentally sensitive regions and habitats, and cause property damage for neighboring property owners.

#### **7.2.1 ..... DRAINAGE & EROSION**

Developments shall not increase, decrease, modify, or alter the normal patterns of off-site drainage, or increase the erosion or sedimentation caused during the development of the site and/or by the eventual development itself. The applicant shall provide for and maintain methods that eliminate any detrimental downstream effect to other property. Developments shall not increase the amount of erosion and sediment in surface waters. For significant or complex developments, the Board shall require a plan to address these issues.

#### **7.2.2 ..... LAND TRACTS**

The applicant shall submit such plans to the Board for any tract of land being developed where one or more of the following conditions are proposed or present. Standard agricultural and timber harvesting practices are exempt from this regulation.

- 7.2.2(1)** ..... A cumulative disturbed surface area exceeding 20,000 square feet;
- 7.2.2(2)** ..... Construction of a street, road, or driveway;
- 7.2.2(3)** ..... Disturbed environmentally sensitive areas; or
- 7.2.2(4)** ..... Disturbed critical areas.

#### **7.2.3 ..... WAIVERS**

The Board may waive the requirement for all or part of a grading, erosion, and sediment control plan if it determines that a plan is unnecessary because of the size, character, and/or natural

condition of a site. All requests for waivers and action thereon shall be made in writing, in accordance with Section 8.1.

#### **7.2.4 ..... DESIGN STANDARDS**

Description of the design standards, plan requirements, and other relevant criteria are in Article 13. The design standards shall apply to all development projects, regardless of size and/or scope.

#### **7.2.5 ..... INSPECTIONS**

Inspections shall be made by an agent of the Board during development to ensure compliance with the approved plan and that management measures are properly installed or performed and maintained. The costs of such review shall be borne by the applicant.

#### **7.3 ..... STORMWATER MANAGEMENT PLAN**

The purpose of this plan is to address the effects of the proposed development on the existing stormwater drainage system and capacity. These plans will often be required in conjunction with an erosion and sedimentation control plan. Developments shall not increase, decrease, modify, or alter the normal patterns of stormwater drainage. The applicant shall provide for and maintain methods that eliminate any detrimental downstream effect to other property.

##### **7.3.1 ..... THRESHOLDS FOR PLAN REQUIREMENT**

The applicant shall submit a Stormwater Management Plan to the Board for any tract of land being developed where one or more of the following conditions are proposed or present. Standard agricultural and timber harvesting practices are exempt from this regulation.

**7.3.1(1) ..... A cumulative disturbed area exceeding 20,000 square feet;**

**7.3.1(2) ..... Construction of a street, road, or driveway;**

**7.3.1(3) ..... Disturbed environmentally sensitive areas; or**

**7.3.1(4) ..... Disturbed critical areas.**

##### **7.3.2 ..... WAIVERS**

The Board may waive the requirement for all or part of a Stormwater Management Plan if it determines that a plan is unnecessary because of the size, character, and/or natural condition of a site. All requests for waivers and action thereon shall be made in writing, in accordance with Section 8.1, General Waiver Provision.

##### **7.3.3 ..... DESIGN STANDARDS**

See Section 13.3 for the Drainage and Stormwater Management design requirements.

##### **7.3.4 ..... PLAN APPROVAL AND REVIEW**

The Board shall indicate its approval of the stormwater management plan, as filed, if it complies with the requirements and objectives of this regulation. If disapproved, a list of plan deficiencies and the procedure for filing a revised plan will be given to the applicant. Technical review of any stormwater management plan prepared under this regulation shall be reviewed by the town's consulting engineer at the applicant's expense.

##### **7.3.5 ..... INSPECTION**

Inspection shall be made by an agent of the Board during development to ensure compliance with the approved plan and that management measures are properly installed or performed and maintained. The costs of such review shall be borne by the applicant.

**7.3.6 ..... REQUIRED IMPROVEMENTS**

Where it is determined that the additional runoff incidental to the development will overload or significantly increase an existing downstream drainage facility, the Board may require the provision of drainage easements or other improvements (i.e., retention/detention ponds and/or facilities) necessary to alleviate such problems. Any off-site improvement necessitated by the development will have to be secured and completed prior to the construction of the development.

**7.4 ..... FLOOD HAZARD AREAS**

In addition to the requirements specified in Floodplain Management District Overlay of the Zoning Ordinance, the following provisions shall also apply to all subdivision plans that involve land designated as "Special Flood Hazard Areas" (SFHA) by the National Flood Insurance Program (NFIP):

- 7.4(1) .....** The Planning Board shall review the proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
- 7.4(2) .....** The Planning Board shall require that all proposals for development greater than 50 lots or 5 acres, whichever is the lesser, include Base Flood Elevation (BFE) data within such proposals (i.e. floodplain boundary and 100-year flood elevation).
- 7.4(3) .....** The Planning Board shall require the applicant to submit sufficient evidence (construction drawings, grading and land treatment plans) to allow a determination that:
  - 7.4(3)(a).....** All such proposals are consistent with the need to minimize flood damage;
  - 7.4(3)(b) .....** all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage; and
  - 7.4(3)(c).....** adequate drainage is provided to reduce exposure to flood hazards.

**7.5 ..... TRAFFIC IMPACT ANALYSIS**

All proposed developments shall be reviewed by the Board to ascertain that adequate provisions have been made by the owner of his/her agent for traffic safety. To facilitate this review, the applicant may be required to provide a traffic impact analysis when deemed necessary by the Board due to the size, location, or any other traffic generating characteristics of the development.

A traffic impact analysis is not required on developments accessed off a State road, and when a NHDOT Driveway Permit is required. When the applicant receives the NHDOT Driveway Permit, a copy of the application, supporting documents, and the approved Driveway Permit shall be submitted to the Planning Board.

**7.5.1 ..... MINIMUM THRESHOLD**

A traffic impact analysis shall be required in the following circumstances:

- 7.5.1(1) .....** The subdivision involves the creation of 20 or more residential lots or residential units;
- 7.5.1(2) .....** The subdivision is intended to facilitate non-residential land uses; or
- 7.5.1(3) .....** Other considerations as deemed necessary by the Board.

**7.5.2 ..... INFORMATIONAL REQUIREMENTS**

The traffic impact analysis will contain sufficient information on the following characteristics and demonstrate sufficient mitigation of potential safety issues and concerns.

7.5.2(1) ..... Traffic interior and exterior circulation, access and egress, adequacy of adjacent streets and intersections, entrances and exits, traffic flow, sight distances, accident statistics, curb cuts, turning lanes, and existing or recommended signalization.

7.5.2(2) ..... Amount, nature, and impact of traffic generated by the proposed development.

7.5.2(3) ..... Pedestrian safety, interior and exterior circulation, access, and egress.

7.5.2(4) ..... Off-street parking and loading.

7.5.2(5) ..... Emergency vehicle access.

#### **7.5.3 ..... GUIDELINES FOR CONTENT OF A TRAFFIC IMPACT ANALYSIS**

##### **7.5.3(1) ..... Summary**

7.5.3(1)(a) ..... Description of project.

7.5.3(1)(b) ..... Location Map with Proposed Driveways.

##### **7.5.3(2) ..... Traffic Data**

7.5.3(2)(a) ..... Manual counts per peak hour data. This data must be gathered at or near time of analysis.

7.5.3(2)(b) ..... Twenty-four-hour machine counts (an average weekday). Machine counts on record may be used if taken less than two years prior to the analysis.

7.5.3(2)(c) ..... Traffic Studies shall consider weekday/weekend and seasonal traffic variations when completing the analysis.

##### **7.5.3(3) ..... Traffic Analysis**

7.5.3(3)(a) ..... Assumptions used (i.e. growth rates, committed improvements, and other proposed developments).

7.5.3(3)(b) ..... Trip generation volumes determined using the Institute of Transportation Engineers (ITE) "Trip Generation Manual" as amended. Refer to ITE code numbers. Trip generation volumes not obtainable using manual must be documented.

7.5.3(3)(c) ..... At the Planning Boards discretion, the traffic analysis shall be completed by a certified Professional Traffic Operations Engineer (PTOE), licensed in New Hampshire.

##### **7.5.3(4) Required Level of Analysis**

7.5.3(4)(a) ..... All analyses must be completed for existing conditions, existing conditions plus 10 years (no build), opening year, and opening year plus 10 years (build).

7.5.3(4)(b) ..... Analysis for each proposed driveway at its intersection with an existing street must conform to "Transportation Research Circular 212" Intersection Capacity Analysis.

7.5.3(4)(c) ..... Assignment of generated traffic to surrounding road network. Analysis of adjacent road network and intersection for roadway and intersection capacity. (Note: For roadway capacity analysis, techniques developed in the Highway Capacity Manual, as amended are recommended. For intersection capacity analysis techniques developed in "Transportation Research Circular 212" are recommended).

#### **7.5.4 ..... BOARD CONSULTANT**

The Board may retain the services of a consultant qualified in traffic planning to review the traffic impact analysis and to ensure that adequate provisions are made in the development plan to reduce or eliminate those impacts. The Board may further require, pursuant to RSA 676:4 I(g), that the developer reimburse the town for reasonable costs of this review. No plan shall be approved until such fees, if applicable, are paid in full.



**7.6.....ENVIRONMENTAL IMPACT ASSESSMENT**

In projects involving 20 or more lots, or where, in the determination of the Planning Board, a significant impact to critical areas or natural resources is proposed, an environmental impact assessment (EIA) may be required for submittal. The EIA shall be a written report that describes the impact of a proposed project on the site and abutting properties. It shall describe the features and limitations of the site and it may analyze the project's impact on the following:

**7.6.1 .....SOILS AND GEOLOGY**

Particular attention will be given to Hydric A and B soils and slopes classified as Class D or E.

**7.6.2 .....TOPOGRAPHY**

Including particularly those areas with slopes greater than 15%, low areas or depressions, and scenic vistas.

**7.6.3 .....VEGETATION**

Delineate the limits of the disturbance of all vegetation, especially rare, threatened, and endangered species and ecosystems. Proposed habitat protection measures will be addressed.

**7.6.4 .....FISH AND WILDLIFE**

A wildlife management plan shall be submitted. It shall include a study of the habitats supporting wildlife species with a particular emphasis on rare, threatened, and endangered species. This plan shall address measures taken to preserve and improve onsite wildlife habitat: such as, but not limited to, waterfowl/aviation nesting areas, vernal pools, fish spawning areas, and deer wintering areas.

**7.6.5 .....WETLANDS**

This study will include the effect on groundwater recharge/discharge, flood flow alteration fish/wildlife habitat, sediment/toxicant retention, nutrient removal/retention, production export, sediment/shoreline stabilization, recreation, education, uniqueness/heritage, and aesthetics.

**7.6.6 .....SURFACE WATER QUALITY AND QUANTITY**

A study that will include the impact on nearby wells and potential impact on aquifers and/or their recharge areas. The study will specify the location and distances from all public wells and their recharge areas, and it will further include the location of all abutters' wells.

**7.6.7 .....GROUNDWATER QUALITY AND QUANTITY**

A study that will include the impact on nearby wells and potential impact on aquifers and/or their recharge areas. The study will specify the location and distances from all public wells and their recharge areas, and it will further include estimated location of abutting wells.

**7.6.8 .....OTHER ENVIRONMENTAL FACTORS**

Any other environmental factors that are deemed necessary for study and analysis by the Planning Board.

The Planning Board may require an EIA for projects involving less than 20 lots when necessary to evaluate the effects of a proposed development on existing natural resources. The Board may modify the scope of any EIA and require more or less than the above requirements. The Board may seek consultation from the Conservation Commission in determining whether to require an EIA, any additional components, and/or any revisions to its components.

**7.7 .....HYDROGEOLOGICAL STUDY**

For projects that may impact groundwater levels, the Planning Board may require a hydrogeological study to be completed. A hydrogeological study shall provide, at a minimum, the following.

- 7.7(1) ..... A hydrologic mapping of local groundwater flow, aquifer characteristics, including but not limited to, elevation, transmissivity, and boundaries.
- 7.7(2) ..... Existing background water quality.
- 7.7(3) ..... The location of abutter water supply wells and septic systems.
- 7.7(4) ..... The location and capacity of the proposed septic system(s).
- 7.7(5) ..... Estimates of the transport of contaminants from any septic system(s) and of constituent concentrations (i.e. nitrates) at the property boundary and at the abutter's water supplies.
- 7.7.(6) ..... The hydrologic studies shall be performed by qualified hydrologists, hydro-geologists, or other qualified professionals. All water testing is to be performed at U.S. Environmental Protection Agency approved laboratories.

## **ARTICLE 8..... ACTION ON APPLICATIONS**

### **8.1..... GENERAL WAIVER PROVISION**

Where the Board finds that extraordinary hardships, practical difficulties, or unnecessary and unreasonable expense would result from strict compliance with these regulations, or if the purpose of these regulations may be served to a greater extent by an alternative proposal, it may approve waivers to these regulations. The purpose of granting waivers under the provisions of these regulations shall be to ensure that an applicant is not unduly burdened as opposed to merely inconvenienced by said regulations. In approving waivers, the Board may impose such conditions as it deems appropriate to substantially secure the objectives of the standards or requirements of these regulations.

A petition for any such waiver shall be submitted in writing by the applicant with the application for Board review. The petition shall state fully the grounds for the waiver and all of the facts relied upon by the applicant. The Board shall not approve any waiver(s) unless a majority of those present and voting shall find that all of the following apply:

- 8.1(1)** ..... The granting of the waiver will not be detrimental to the public safety, health, or welfare or injurious to other property and will promote the public interest.
- 8.1(2)** ..... The waiver will not, in any manner, vary the provisions of the Barrington Zoning Ordinance, Master Plan, Site Plan Review Regulations or Official Maps.
- 8.1(3)** ..... Such waiver(s) will substantially secure the objectives, standards, and requirements of these regulations.
- 8.1(4)** ..... A practical hardship, or unnecessary and unreasonable expense, would result from strict compliance with the regulation that clearly outweighs the regulation's benefit. Factors to be considered in determining the existence of a hardship shall include, but not be limited to, the following.
  - 8.1(4)(a)**..... Topography
  - 8.1(4)(b)** ..... Site features
  - 8.1(4)(c)**..... Geographic location of property
  - 8.1(4)(d)** ..... Size/magnitude of project being evaluated.
  - 8.1(4)(e)**..... Protection of environmental and natural resources is accomplished through the granting of the waiver.

### **8.2..... DECISIONS OF THE BOARD**

#### **8.2.1 ..... APPROVAL SUBJECT TO CONDITIONS PRECEDENT**

The Board may grant conditional approval of a subdivision application, but the plan will not be signed or recorded until all the conditions have been met. Conditions of this nature must be fulfilled before the Planning Board may give final approval to an application. Approval will become final only upon further public hearing, except as delineated in Section 8.2.2 below, upon certification to the Board by its designee, or based upon evidence submitted by the applicant of satisfactory compliance with the conditions imposed.

#### **8.2.2 ..... SATISFACTION OF THE CONDITIONS FOR APPROVAL**

Conditions will become Final Approval without a public hearing upon certification to the Board that the conditions have been satisfied and when the nature of the conditions involve one or more of the following.

- 8.2.2(1) ..... Minor changes whether or not imposed by the Board as a result of a public hearing, compliance with which is administrative in nature and which does not involve discretionary judgment.
- 8.2.2(2) ..... Conditions which are in themselves administrative and which involve no discretionary judgment on the part of the Board, such as, payment of additional fees, minor textual corrections to submitted documents, submission of additional copies of submitted documents, or other similar items.
- 8.2.2(3) ..... Involve the applicant's possession of permits and approvals granted by other Boards or governmental agencies, provided that the permits and approvals themselves have not required a change to the submitted plat or any other conditions imposed by the Board.

**8.2.3 ..... COMPLIANCE**

Unless otherwise specified within the approval, the applicant shall have twelve months to comply with the conditions of the approval and have the plan signed by the Board. If the conditions are not met within twelve months the conditional approval shall lapse, unless a mutually agreeable extension has been granted by the Board. Extensions shall be granted only if there have been no amendments to the Zoning Ordinance, Subdivision Regulations, Site Plan Review Regulations, or any other ordinances and regulations which would render the subdivision plan non-conforming, and if all other required permits are still valid.

**8.2.4 ..... FINAL APPROVAL OR APPROVAL SUBJECT TO CONDITIONS SUBSEQUENT**

Upon determination that the requirements of these, and any other, town regulations or ordinances have been met, the Board may approve the application. Where any of these regulations have not been met or are not applicable, the Board may grant a waiver in accordance with the procedures in Section 8.1, General Waiver Provision. The Board shall have the authority to grant approval subject to conditions that are subsequent. Such conditions may be necessary to secure the intent and purpose of these regulations or help to mitigate the impacts presented by the development itself. These are conditions that may appear on the plat and deal with restrictions on the use of property or safeguards that must be observed during development of the parcel or once the project is completed. Such issues may include, but shall not be limited to, the location of a road, preservation of vegetation and stone walls, hours of operation and construction, and specific changes to be made in the proposed subdivision plan necessary to secure the purposes of these regulations.

**8.2.5 ..... REVOCATION OF APPROVAL**

If an approval is revoked per RSA 676:4-a, which includes failure of the applicant to perform work in accordance with the conditions of approval or within the time limits stipulated in the approval, the revocation process in RSA 676:4-a shall be followed.

**8.3 ..... RESERVED**

**8.4 ..... OFF-SITE IMPROVEMENTS**

Pursuant to RSA 674:21, V(j), as amended, the Board may require special off-site improvements that it deems reasonably necessary or desirable for the conditions or circumstances relative to the particular subdivision plan, in accordance with the following provisions.

- 8.4(1) ..... For the purposes of this Section, the term “off-site improvements” means those improvements that are necessitated by a development but that are located outside the boundaries of the property being subdivided. Such off-site improvements shall be limited to

any necessary highway, drainage, and sewer and water upgrades pertinent to that development.

- 8.4(2)** ..... The amount of any such exaction shall be a proportional share of the municipal improvement costs, which is necessitated by the development, and which is reasonably related to the benefits accruing to the development from the improvements financed by the exaction.
- 8.4(3)** ..... As an alternative to paying an exaction, the developer may request to construct the necessary improvements, subject to bonding and timing conditions as required by the Planning Board.
- 8.4(4)** ..... Any exaction imposed under this Section shall be assessed at the time of the approval of the subdivision necessitating said improvements.
- 8.4(5)** ..... When the collection and use of off-site exactions is predicated upon some portion of the proposed improvements being paid for by the town, the town must appropriate its share within six (6) years of the date of collection or refund the exaction to the payer or payer's successor.
- 8.4(6)** ..... No provisions of this Section shall preclude the town from levying an impact fee, as specified in Article 14 of the Zoning Ordinance, provided that said impact fee does not coincide with other off-site exactions also being collected under this Section.

#### **8.5 ..... RECORDING PROCEDURES**

The Board shall require residential subdivision and lot line adjustment plans to be recorded with the Strafford County Registry of Deeds, once said plan is approved or approved with conditions. As provided for in RSA 676:4, I(g), the cost of said filing is considered an administrative expense and shall be borne by the applicant. The filing fee must be paid prior to recording.

#### **8.6 ..... ACTIVE AND SUBSTANTIAL DEVELOPMENT**

In accordance with RSA 674:39, active and substantial development shall mean the expenditure of at least twenty-five percent (25%) of the infrastructure costs required for a development proposal, as indicated by a subdivision approved by the Planning Board, within twenty-four (24) months of said approval, where the approved plans have been properly recorded at the Registry of Deeds. Infrastructure shall mean in this instance, the construction of roads, storm drains, water and sewer facilities, or parking lots. Compliance with this definition shall also necessitate that a bond or other security to cover the costs of said infrastructure requirements has been posted with the town prior to the beginning of construction, if required as a condition for subdivision or site plan approval.

In accordance with RSA 674:39, an approved subdivision is vested if the following conditions are met.

- 8.6(1)** ..... At least fifty percent (50%) of the total cost of all public and private improvements approved by the town must have been expended within four (4) years of the date of approval of said subdivision plan.
- 8.6(2)** ..... A bond or surety for completion of all required public improvements, if required as a condition of approval, shall have been posted with the town.

#### **8.7 ..... AS-BUILT PLANS**

The Applicant shall submit as-built plans to ensure that a site is developed in accordance with the approved plans and to document accurately the location of underground utilities and changes made during construction to the approved plans. See as-built plan requirements in Section 12.8.14.

**8.8.....MONUMENTATION**

Proper and complete survey monumentation shall be installed on the properties as a condition to final approval of the application. The applicant's surveyor shall certify in writing that the bounds and pins have been installed according to the submitted plan.

**8.9.....EXPIRATION OF APPROVED PLANS**

Where no active and substantial work has commenced upon a site, plans that are approved and signed by the Board shall expire two years from the date the plan is signed. An extension, not to exceed one year, may be granted by majority vote of the Board so long as it is applied for at least thirty days prior to the expiration date. The Board may grant only one such extension for any proposed subdivision. Expired plans must be submitted to the Board for review to ensure compliance with these and all other town ordinances and regulations via the normal application process.

## **ARTICLE 9..... CONCURRENT SUBDIVISION AND SITE PLAN CONSIDERATION**

### **9.1 ..... REQUEST FOR CONCURRENT CONSIDERATION**

Any applicant requiring both subdivision and site plan approval may request concurrent consideration of the proposed subdivision and development after a meeting with the Planning Board for preliminary consultation and review. This request shall be presented in written form to the Planning Board at a regular meeting. The Planning Board may, at its discretion, approve or deny this request, but shall inform the applicant of its decision, in writing, within thirty (30) days.

### **9.2 ..... SUBMISSION FOR DESIGN REVIEW**

An applicant may submit a preliminary subdivision layout for design review to the Planning Board for its review as described in Section 3.3.

### **9.3 ..... INFORMATION REQUIRED FOR CONCURRENT APPLICATION**

A completed concurrent application sufficient to invoke jurisdiction of the Board must include sufficient information to allow the Board to proceed with consideration and to make an informed decision.

The following shall be required for and constitute a completed concurrent application: a concurrent application for subdivision and site plan approval properly filled out and executed by the applicant and filed with the Board in accordance with Section 9.4, together with the following:

- 9.3(1) .....** The names and addresses of the applicant and all abutters as indicated in town records not more than five (5) days before the day of filing. In the case of an abutting property being under condominium or other collective form of ownership, the term abutter means the officers of the collective or association. It shall be the applicant's responsibility to ensure that the names and addresses regarding officers of a collective or association noticed under this article are current and complete at the time of application submission. In the case of an abutting property being in another municipality, it shall be the applicant's responsibility to ensure that the names and addresses regarding those properties are current and complete at the time of application submission.
- 9.3(2) .....** All fees as specified in Section 9.7.
- 9.3(3) .....** Four (4) paper print copies of the site plan layout in accordance with and accompanied by the information required in the Site Plan Review Regulations.
- 9.3(4) .....** Four (4) paper print copies of the preliminary subdivision layout in accordance with and accompanied by the information required in Article 5.

### **9.4 ..... FILING AND SUBMISSION OF CONCURRENT APPLICATION**

- 9.4(1) .....** Pursuant to RSA 676:4, I (b) the completed concurrent application shall be filed with the Board or its agent at least fifteen (15) days prior to the public meeting of the Board at which the application will be heard.
- 9.4(2) .....** The completed concurrent application shall be formally submitted to and accepted by the Board only at a regularly scheduled public meeting after due notification to the applicant, abutters and the general public of the date the completed concurrent application will be submitted and received by the Board.
- 9.4(3) .....** An incomplete concurrent application filed by the applicant will not be formally accepted by the Board nor will notices of a public meeting be mailed, posted, or published as provided under Article 9.

9.4(4) ..... Concurrent applications may be disapproved by the Board without public hearing on the grounds of failure of the application to supply information required by these regulations, including:

9.4(4)(a)..... Abutters' identification;

9.4(4)(b) ..... Failure to pay costs of notices or other costs and fees required by these regulations;

9.4(4)(c)..... Failure to meet any reasonable deadline established by these regulations; or

9.4(4)(d) ..... Failure to provide the appropriate plans or information required.

9.4(5) ..... When a completed concurrent application is accepted by the Board, the Board shall provide a receipt to the applicant indicating the date of formal acceptance.

#### **9.5..... ACTION ON COMPLETED CONCURRENT APPLICATION**

9.5(1) ..... Pursuant to 676:4, I(c)(1) the Board shall, at the next regular meeting or within 30 days following delivery of the application, for which notice can be given consider the completed concurrent application. The Board shall evaluate the subdivision and site plan separately, each on its own merits. After review of the completed concurrent application, and after a duly noticed public hearing as provided in Article 9, the Board may grant a conditional approval of the subdivision layout and request the applicant to prepare a final plat as provided for in Article 8. The Board may grant a conditional approval or a final approval of the site plan. The Board shall act to approve or disapprove the completed concurrent application within sixty-five (65) days of acceptance of the completed concurrent application, subject to extension or waiver as provided in accordance with RSA 676:4-I(f).

9.5(2) ..... Approval of the final plat and site plan shall be certified by written endorsement on the final plat and site plan and signed by the Chairman of the Board. The Chairman, Secretary of the Board or its agent shall transmit a copy of the final plat and site plan, with such approval endorsed in writing therein, to the Register of Deeds of Strafford County. The applicant shall be responsible for the payment of all recording fees. In case of disapproval of any plat or plan submitted, the grounds for such disapproval shall be adequately stated in the records of the Planning Board and written notice given to the applicant.

9.5(3) ..... If the Planning Board has not obtained an extension as provided in Article 9, and it has not taken action to approve or disapprove the completed concurrent application within sixty-five (65) days of its acceptance, the applicant may obtain from the Select Board an order directing the Board to act within fifteen (15) days. Failure of the Board to act upon such order of the Select Board shall constitute grounds for the applicant to petition the Superior Court as provided in RSA 676:4.

9.5(4) ..... Conditional approval shall be valid for a period as determined by the Planning Board, but in no case shall it be valid for a period greater than ninety (90) days from the date conditional approval is granted, unless extended in writing by the Board.

#### **9.6..... PUBLIC HEARING**

A public hearing shall be held with notice given as described in Article 9.

#### **9.7..... FEES**

Applications for concurrent review shall be accompanied by the normally required fee for a both a subdivision and a site plan review application plus all other applicable fees for public notice, recording, special studies, and so forth as specified in these regulations. Fees to notify abutters shall only be charged once to the applicant for a concurrent review.



## ARTICLE 10.... CONSERVATION SUBDIVISIONS

### 10.1 .... AUTHORITY AND PURPOSE

In accordance with Article 6 of the town's Zoning Ordinance, the Planning Board may approve the creation of Conservation Subdivisions, which are also referred to as cluster subdivisions. To promote the implementation of strategic objectives contained in the town's Master Plan, the Board has adopted these regulations to encourage future land development activities to set aside more open space for the purposes of maintaining the town's character, protecting key natural resource features, preserving wildlife habitat, and creating recreational opportunities for residents. To achieve these and other related objectives of the Master Plan, the regulations contained in this Article are intended to encourage the preservation of open space by promoting greater flexibility in the design of residential subdivisions than would otherwise be possible following conventional subdivision practice. All proposals for development of a Conservation Subdivision in Barrington should be designed to achieve as many of the objectives listed below as possible given the specific characteristics of the site under consideration.

Since the primary purpose of a Conservation Subdivision is the protection and preservation of the town's natural resources (as itemized below), the initial and most important step in determining the feasibility of a site for a Conservation Subdivision is to identify the natural features and resources of the property that most merit protection. The housing lots that are proposed for the subdivision should be situated with the aim of protecting these features as best possible.

- 10.1(1) ..... To maintain and protect Barrington's rural character by preserving important landscape elements, including those areas containing such unique and environmentally sensitive natural features as unfragmented woodlands, stream corridors, wetlands, floodplains, shorelands, steep slopes, ridgetops, and critical species habitat by setting them aside from development.
- 10.1(2) ..... To preserve scenic views and to minimize views of new development from existing streets.
- 10.1(3) ..... To provide for comprehensive site planning of larger tracts of land in order to facilitate better site design concepts that are compatible with the existing natural features and terrain in order to minimize disturbance of landscape elements.
- 10.1(4) ..... To increase flexibility and efficiency in the siting of services and infrastructure by reducing street length, utility requirements, drainage requirements, and the amount of paved surfaces, where possible.
- 10.1(5) ..... To permit active and passive recreational use of open space by residents of the proposed development and/or by the general public.
- 10.1(6) ..... To promote the preservation of large blocks or corridors of protected open space by "linking" together smaller individual open space areas on adjoining parcels.
- 10.1(7) ..... To reduce erosion and sedimentation by the retention of existing vegetation and the minimization of development on steep slopes.
- 10.1(8) ..... To permit various means of owning open space and for protecting it from development in perpetuity.
- 10.1(9) ..... To implement the objectives of the Barrington Master Plan.

### 10.2 ..... COMPLIANCE WITH REGULATIONS

The primary requirements for Conservation Subdivisions, with regard to density and dimensional standards, are contained in Article 6 of the Barrington Zoning Ordinance. All proposals for Conservation Subdivisions must comply with the requirements therein. In addition to those

zoning requirements, all developments must also comply with the supplemental design standards prescribed in this Article as well as other applicable provisions contained elsewhere in the town's Subdivision and Site Plan Review Regulations that would otherwise be applied to a conventional (non-clustered) subdivision.

### **10.3 ....APPLICATION PROCEDURES**

Notwithstanding any specific requirements of Article 6 of the Zoning Ordinance, all proposals for development of a Conservation Subdivision shall comply with the application procedures specified in Part II (The Application Process) of these regulations.

### **10.4 .....LOT LAYOUT**

As specified in the Zoning Ordinance, Conservation Subdivisions allow for the placement of dwelling units on lots of reduced dimensions, or in groups without lot lines, in exchange for the preservation of larger tracts of open space and the protection of key natural features. An example of the difference in site design between a conventional and a cluster subdivision is illustrated in Figure 1. This diagram is not intended to present the only approach to site design for Conservation Subdivisions but to highlight some of the key objectives for these types of developments.

Figures 2B, 2C and 2D present a sample tract of land that is laid out based on preferred Conservation Subdivision concepts using the three alternatives listed below. Figure 2A shows this same tract of land with a lot layout that would be considered less desirable.

All lots included in the conservation subdivision must be accessed by the development's proposed roadway, and not separate, standalone lots accessed on a different road. Also, the lots within the conservation subdivision are the only lots to be included in yield calculations.

#### **10.4.1 .....LOT LAYOUT PERMITTED**

As prescribed in the Zoning Ordinance, a Conservation Subdivision may incorporate one of the following three approaches for the placement of residential structures on the proposed site.

**10.4.1(1) ..... Individual house lots for detached, single-family dwellings;**

**10.4.1(2) ..... As cluster group lots for attached single-family dwellings; or**

**10.4.1(3) ..... As land without lots (for either detached or attached dwellings) that is held in common interest by all homeowners residing in the subdivision.**

### **10.5 ....ROAD AND UTILITY CONSTRUCTION STANDARDS**

The construction of roads and utility systems within a Conservation Subdivision shall comply with the standards specified in Part III – Design and Construction Standards. The Planning Board may apply the most suitable road dimension and construction standards contained therein that are considered appropriate for the overall size and layout of the proposed Conservation Subdivision.

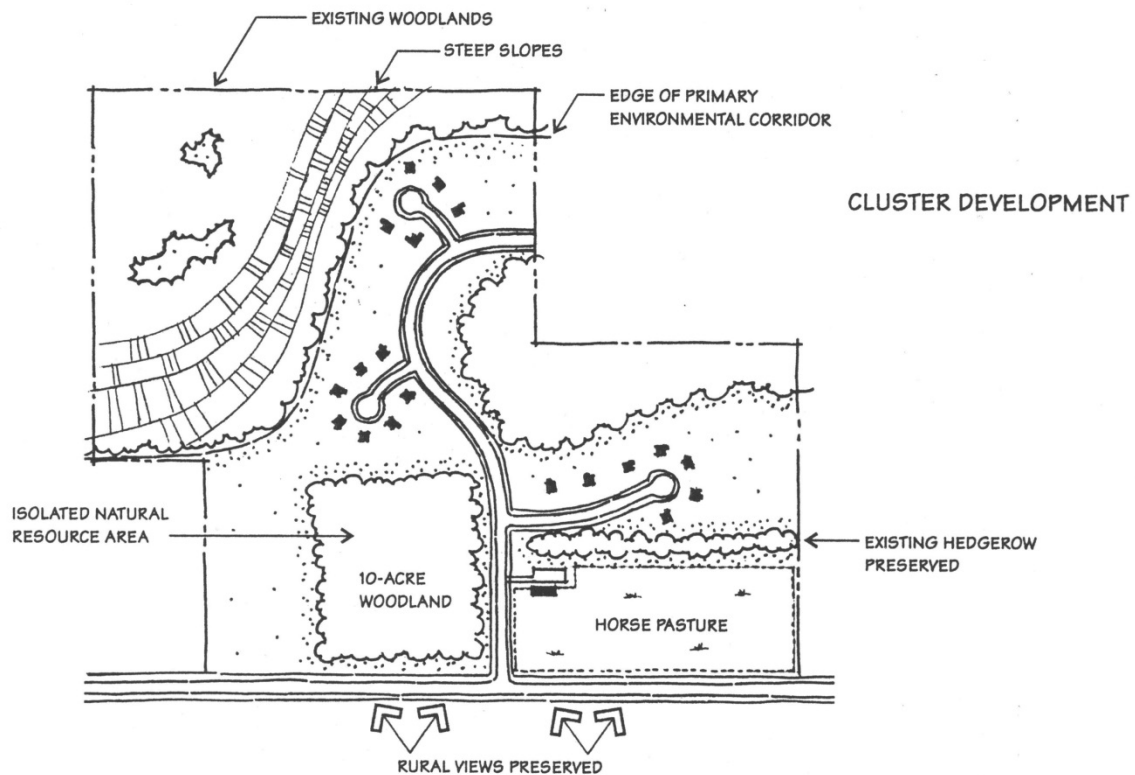
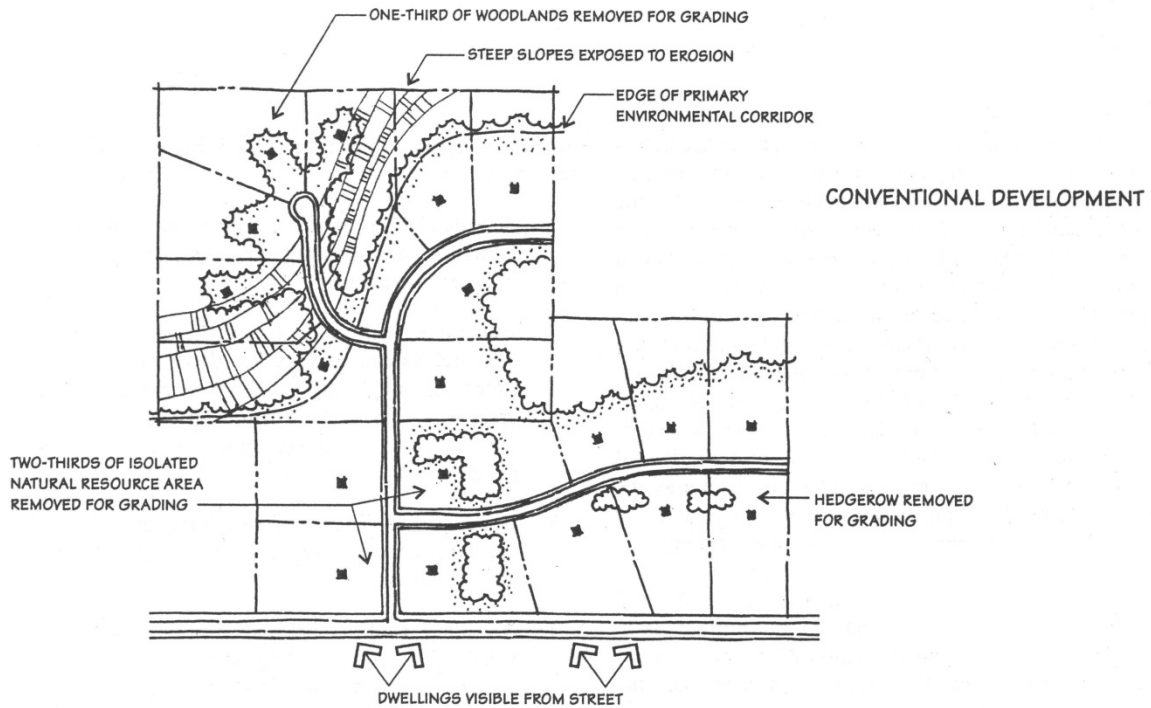
**FIGURE 1 – SAMPLE COMPARISON OF CONVENTIONAL VS. CLUSTER SUBDIVISION DESIGN**

FIGURE 2A. POOR CLUSTER DESIGN – SINGLE FAMILY LOTS

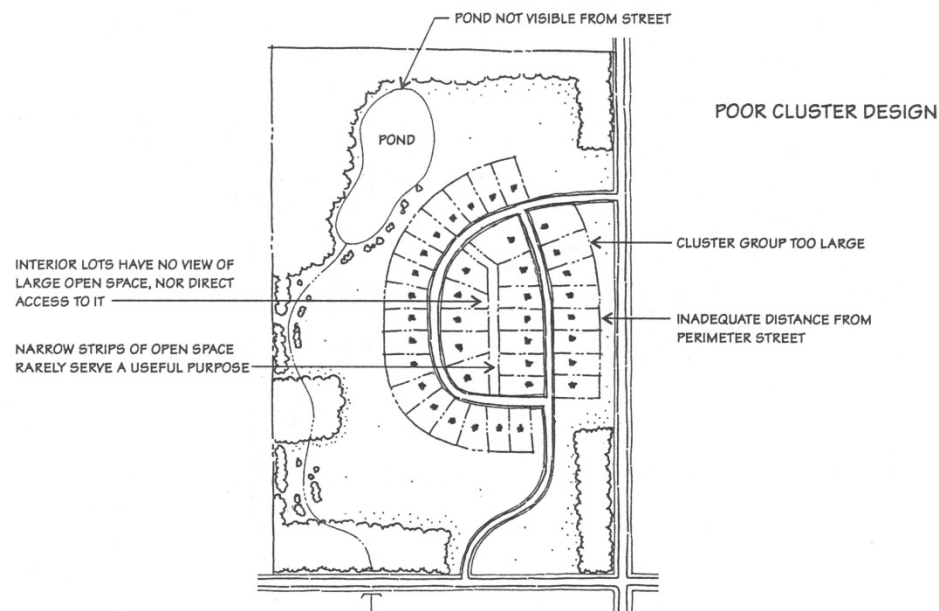


FIGURE 2B. GOOD CLUSTER DESIGN – SINGLE FAMILY LOTS OPTION

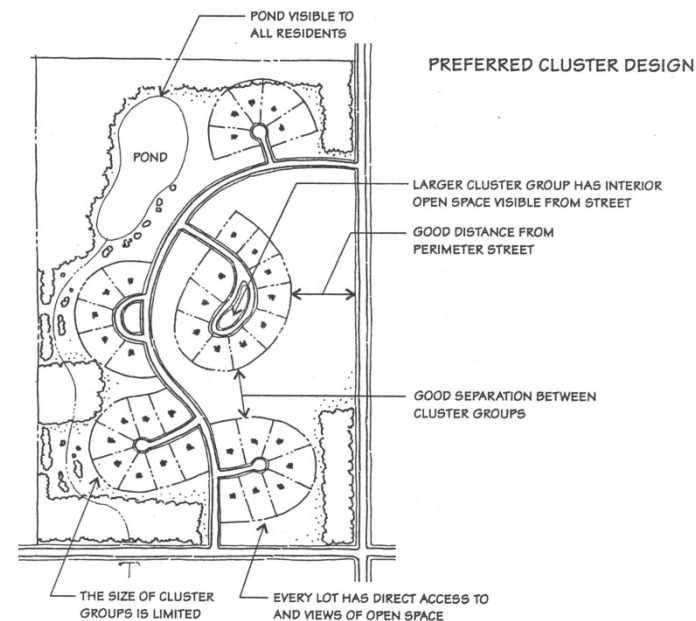


FIGURE 2C. GOOD CLUSTER DESIGN – CLUSTER GROUP OPTION

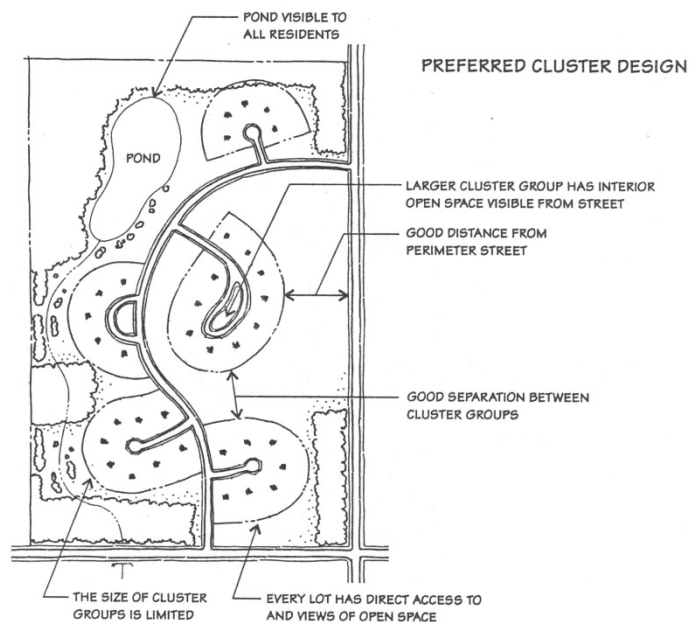
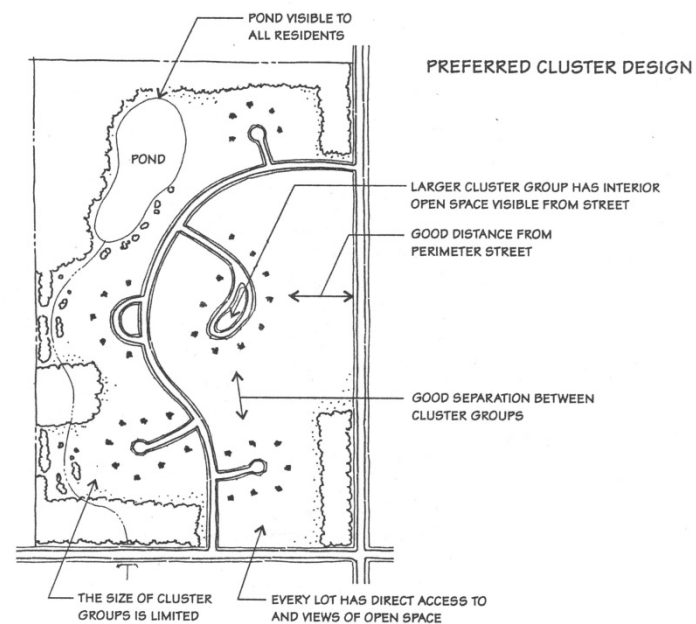


FIGURE 2D. GOOD CLUSTER DESIGN – NO LOT LINES OPTION



**10.6.... OWNERSHIP AND MAINTENANCE OF COMMON FACILITIES AND OPEN SPACE**

To ensure adequate planning for ownership, operation, and maintenance of common open space, recreation facilities, stormwater management facilities, common parking areas and driveways, private streets, and other common or community facilities (hereinafter referred to as common facilities), the following regulations shall apply.

**10.6.1 ..... OWNERSHIP**

The following methods may be used, either singly or in combination, to own common facilities. Common facilities shall not be transferred to another entity except for transfer to another method of ownership permitted under this section, and then only when there is no change in the common facilities. Ownership methods shall conform to the following:

**10.6.1(1) ..... Homeowners Association**

Common facilities shall be held in common ownership as undivided proportionate interests by the members of a homeowners association, subject to the provisions set forth herein. The homeowners association shall be governed according to the following:

- 10.6.1(1)(a).....** The applicant shall provide to the town a description of the organization, including its bylaws, and all documents governing maintenance requirements and use restrictions for common facilities.
- 10.6.1(1)(b) .....** The organization shall be established by the owner or applicant and shall be operating (with financial subsidy by the applicant, if necessary) prior to the sale of any dwelling units in the development.
- 10.6.1(1)(c).....** Membership in the organization shall be mandatory for all purchasers of dwelling units therein and their successors and assigns.
- 10.6.1(1)(d) .....** The organization shall be responsible for maintenance and insurance of common facilities.
- 10.6.1(1)(e).....** The members of the organization shall share equitably the costs of maintaining, insuring, and operating common facilities.
- 10.6.1(1)(f) .....** The organization shall have or hire adequate staff to administer, maintain, and operate common facilities.
- 10.6.1(1)(g).....** The applicant for any tract proposed to contain common facilities shall arrange with the Town Assessor a method of assessment of the common facilities, which will allocate to each tax parcel (and/or dwelling unit) in the development a share of the total assessment for such common facilities.
- 10.6.1(1)(h) .....** Written notice of any proposed transfer of common facilities by the homeowners association or the assumption of maintenance of common facilities must be given to all members of the organization and to town at least 30 days prior to such event.

**10.6.1(2) ..... Condominium**

Common facilities shall be controlled through the use of condominium agreements. The requirements of such agreements shall be approved by the Town attorney and shall be in conformance with the laws of the State of New Hampshire that govern condominium entities. All common open space and other common facilities shall be held as “common element” by the unit owners in the form of undivided percentage interests in accordance with the condominium documents. An association of unit owners shall be formed to govern the affairs of the condominium and membership shall be mandatory.

**10.6.1(3) ..... Fee simple dedication to the town or to other public agency**

The town or other public agency acceptable to the town may, but shall not be required to, accept any portion of the common facilities, provided that:

**10.6.1(3)(a).....** There shall be no cost of acquisition to the town (other than costs incidental to the transfer of ownership, such as title insurance);

**10.6.1(3)(b) .....** Any facilities so dedicated shall be accessible to the residents of the town, if the town so chooses;

**10.6.1(3)(c) .....** The town or other public agency shall maintain such facilities; and

**10.6.1(3)(d) .....** The residents of the development shall hold a conservation easement on the land and facilities so dedicated, protecting the common open space from development in perpetuity.

**10.6.1(4) ..... Dedication of conservation easements to the town or other public agency**

The town or other public agency acceptable to the town may, but shall not be required to, accept easements for public use of any portion of the common facilities, title of which is to remain in private ownership, provided that:

**10.6.1(4)(a).....** There is no cost of easement acquisition to the town (other than costs incidental to the transfer of ownership, such as title insurance);

**10.6.1(4)(b) .....** A satisfactory maintenance agreement shall be reached between the owner and the town; and

**10.6.1(4)(c).....** Lands under a town easement may or may not be accessible to the residents of the town.

**10.6.1(5) ..... Fee simple dedication to a private conservation organization**

With approval of the town, an owner may dedicate any portion of the common facilities to a private, nonprofit conservation organization, provided that:

**10.6.1(5)(a).....** The organization is acceptable to the town and is a bona fide conservation organization;

**10.6.1(5)(b) .....** The conveyance contains appropriate provisions for proper reverter or retransfer in the event that the organization becomes unwilling or unable to continue carrying out its functions; and

**10.6.1(5)(c).....** A maintenance plan and program acceptable to the town is established in accordance with Subsection 10.6.2.

**10.6.1(6) ..... Transfer of easements to a private conservation organization**

With approval of the town, an owner may transfer conservation easements on common facilities to a private, nonprofit conservation organization, provided that:

**10.6.1(6)(a).....** The organization is acceptable to the town and is a bona fide conservation organization;

**10.6.1(6)(b) .....** The conveyance contains appropriate provisions for proper reverter or retransfer in the event that the organization becomes unwilling or unable to continue carrying out its functions; and

**10.6.1(6)(c).....** A maintenance agreement acceptable to the town is established between the owner and the organization, in accordance with Subsection 10.6.2.

**10.6.1(7) ..... Ownership retained by the original landowner**

Ownership of common open space and facilities may be retained by the original landowner provided that:

**10.6.1(7)(a).....** The town and residents of the development shall hold conservation easements on the land, protecting it from any further development; and

**10.6.1(7)(b)** .....Resident access to the land is limited only by agreement of the residents of the development, as indicated by documents signed at the time of purchase of individual dwelling units.

**10.6.1(8)** ..... **Other methods acceptable to the Board.**

**10.6.2** ..... **MAINTENANCE AND OPERATION OF COMMON FACILITIES**

A plan and narrative for the use, maintenance, and insurance of all common facilities, including provisions for funding, shall be provided to, and approved by, the Board prior to preliminary plan approval. Such plan shall:

**10.6.2(1)** ..... Define ownership.

**10.6.2(2)** ..... Establish necessary regular and periodic operation and maintenance responsibilities.

**10.6.2(3)** ..... Estimate staffing needs, insurance requirements, and other associated costs and define the means for funding the same on an on-going basis.

**10.6.2(4)** ..... Include a Land Stewardship Plan, if deemed appropriated by the Planning Board, specifically focusing on the long-term management of common open space lands. A draft land Stewardship Plan shall be submitted at the time of preliminary plan review, and a final Land Stewardship Plan at the time of final plan approval. The Land Stewardship Plan shall include a narrative, based on the site analysis required in Article 6 of the Zoning Ordinance, describing:

**10.6.2(4)(a)** ..... Existing conditions including all natural, cultural, historic, and scenic elements in the landscape;

**10.6.2(4)(b)** ..... Objectives for each common open space area, including: the proposed end state for the area; and the measures proposed for achieving the end state. The objectives shall also address the proposed restoration measures, including: measures for correcting increasingly destructive conditions, such as erosion; and measures for restoring historic features.

**10.6.2(4)(c)** ..... A maintenance and operations plan identifying operations needed for maintaining the stability of the resources, including: Mowing schedules, Weed control, Planting schedules, Clearing and cleanup

**10.6.2(4)(d)** ..... At the town's discretion, the applicant may be required to place in escrow sufficient funds for the maintenance and operation costs of common facilities for a maximum of one year.

**10.6.2(5)** ..... In the event that the organization established to own and maintain common facilities, or any successor organization thereto, fails to maintain all or any portion of the aforesaid common facilities in reasonable order and condition in accordance with the development plan and all applicable laws, rules, and regulations, the town may serve written notice upon such organization and upon the residents and owners of the uses relating thereto, setting forth the manner in which the organization has failed to maintain the aforesaid common facilities in reasonable condition. Such notice shall set forth the nature of corrections required and the time within which the corrections shall be made. Upon failure to comply within the time specified, the organization, or any successor organization, shall be considered in violation of these regulations, in which case the bond, if any, may be forfeited, and any permits may be revoked or suspended. The town may enter the premises and take corrective action.

**10.6.2(6)** ..... The costs of corrective action by the town shall be assessed ratably, in accordance with tax assessments, against the properties that have the right of enjoyment of the common facilities and shall become a lien on said properties. The town, at the time of entering upon such

common facilities for the purpose of maintenance, shall file a notice of such lien in the Strafford County Registry of Deeds upon the properties affected by such lien.

**10.6.3 ..... LEASING OF COMMON OPEN SPACE LANDS**

Common open space lands may be leased to another person or other entity for use, operation, and maintenance, provided that:

- 10.6.3(1) .....** The residents of the development shall at all times have access to such leased lands, except in the case of lease for agricultural purposes, in which case the residents, with their agreement, may be restricted from accessing the lands.
- 10.6.3(2) .....** The common open space lands to be leased shall be maintained for the purposes set forth in the zoning ordinance.
- 10.6.3(3) .....** The operation of such leased open space lands may be for the benefit of the residents of the development only or may be open to the public, if so determined by the residents.
- 10.6.3(4) .....** The lease, and any transfer or assignment thereof, shall be subject to the approval of the Board.
- 10.6.3(5) .....** Lease agreements so entered upon shall be recorded in the Strafford County Registry of Deeds within 30 days of their execution and a copy of the recorded lease shall be filed with the town.

**10.6.4 ..... DEVELOPMENT RESTRICTIONS**

Common open space shall be restricted in perpetuity from further subdivision or land development by deed restriction, conservation easement, or other agreement in a form acceptable to the Board and duly recorded in the Strafford County Registry of Deeds.



## **PART III... DESIGN AND CONSTRUCTION STANDARDS**

This section includes design and construction standards for proposed developments within the Town of Barrington. Each article addresses concerns regarding development on an issue-by-issue basis. Each issue is addressed in an integrated fashion. The discussions include: the considerations the Board will take under advisement when reviewing a proposal; design criteria; and the need for any additional information that shall be submitted. These standards are considered the minimum standards and may be more stringent if needed to secure the protection of health, safety, and general welfare of the citizens of the proposed development, the surrounding neighborhood, the Town of Barrington and the region.

### **ARTICLE 11.... GENERAL DESIGN STANDARDS**

#### **11.1 .... CHARACTER OF THE LAND**

The Board shall consider the physical character of the land involved, including soil types, slopes, drainage characteristics, exposure to sunlight and wind, wildlife habitat, potential views, and other such characteristics, in determining what action to take with respect to the application.

- 11.1(1) .....**An application to subdivide land of such character that it cannot, in the judgment of the Board, be safely used for the proposed purposes because of danger to public health or safety shall not be approved.
- 11.1(2) .....**Where the character of the land is not adequately considered, the Board may require modification of the application to enhance the function and quality of the development, or to reduce adverse impacts resulting from the development.
- 11.1(3) .....**Lots shall contain contiguous areas of developable land such that the driveway, building, water supply and sewage disposal, and other improvements can be constructed without filling of wetlands or other such adverse impacts that could be eliminated by different subdivision design. The number of lots may be reduced by the Board to reduce adverse impacts. The Board shall have the authority to require design changes to minimize impacts regardless of the actions of other local or State permitting actions, such as the issuance of a permit to fill wetlands for a driveway crossing.

#### **11.2 .... LOT SHAPE AND SITE LAYOUT**

These regulations are intended to assure conformance with the requirements, intent, and purpose of the Zoning Ordinance. These regulations pertain to lot shape and size within a proposed subdivision and are intended to: secure safe, convenient, and, prosperous developments for the current owner and all subsequent residents; provide adequate access for safety vehicles; provide additional areas on each lot necessary to accommodate on-site septic facilities; provide for clarity of ownership; and, to prevent the occurrence of zoning violations caused by poorly designed lot shapes.

These regulations are intended to support implementation of the Zoning Ordinance and provide clarity and flexibility in the administration of the Zoning Ordinance where questions are left unresolved. They are not meant to supplant the Zoning Ordinance and may be waived in accordance with Section 8.1 General Waiver Provision.

##### **11.2.1 ..... INTENT AND PURPOSES FOR LOT SHAPE AND SIZE REGULATIONS**

The intent of these regulations is to enhance and insure consistency with the Barrington Zoning Ordinance and the following purposes.

- 11.2.1(1) .....**To promote lots that are shaped in a manner that promotes clarity of ownership, access across fee-title land rather than easements, and to promote the convenient and harmonious development of the land.

- 11.2.1(2) ..... To prevent close proximity of narrow portions of lots that will create a situation that reduces privacy and increases congestion and overcrowding of the land.
- 11.2.1(3) ..... To prevent the close proximity of house sites that may create conflicts in the use of the land, including maintenance disputes and property ownership disputes between landowners.
- 11.2.1(4) ..... To prevent lot shapes that cannot reasonably be interpreted as an orderly layout of the land and to insure that the proper description of ownership will carry forward in time.

**11.2.2 ..... LOT SHAPE**

- 11.2.2(1) ..... Lots shall be shaped in a manner that promotes clarity of ownership
- 11.2.2(2) ..... To the maximum extent possible, all new lots shall be rectangular in nature.
- 11.2.2(3) ..... No portion of a lot created under these regulations shall be less than 75 feet in width except as provided for in Subsection 11.2.4, creation of backlots.
- 11.2.2(4) ..... The lot length-to-width ratio should generally not exceed three-to-one (3:1).
- 11.2.2(5) ..... Corner lots should have extra width sufficient to permit a setback on each street.
- 11.2.2(6) ..... Where extra width is dedicated for widening of existing streets, lots shall begin at such extra width line, and all setbacks shall be measured from such line.
- 11.2.2(7) ..... Sidelines of lots shall generally be at right angles to straight streets and radial to curved streets.

**11.2.3 ..... LOT LAYOUT STANDARDS**

- 11.2.3(1) ..... Where lots abut existing roads with a high traffic volume, at the discretion of the Planning Board, marginal access roads or reversed frontage approach may be required to minimize the number of driveways and/or streets that have access to the high volume roads.
- 11.2.3(2) ..... Land used for nonresidential development or multifamily dwellings shall not be subdivided into a shape or size that will not enable the existing (and assumed to be continued) use to conform to the standards of the Site Plan Review Regulations.

**11.2.4 ..... BACKLOTS PERMITTED**

As provided for in the town's Zoning Ordinance, a lot of record shall be permitted to be subdivided as backlots as part of a conventional subdivision, subject to the following provisions.

- 11.2.4(1) ..... Two backlot maximum per subdivision.
- 11.2.4(2) ..... Minimum frontage of 50 feet on a Class V, or better road.
- 11.2.4(3) ..... 50% of the neck shall be part of each backlot (i.e. 25 feet per backlot.)
- 11.2.4(4) ..... The neck area cannot be used in the minimum lot size calculation and is exempt from other lot shape requirements.
- 11.2.4(5) ..... The backlots shall be deeded as un-subdividable unless additional lots conform to town zoning and subdivision standards.
- 11.2.4(6) ..... Only one backlot subdivision shall be permitted regardless of the number of separate but contiguous lots under the same ownership.

**11.3 .... MONUMENTATION**

Each lot shall have boundary monumentation consisting of the following:

- 11.3(1) ..... Granite bounds set at the intersection of existing or proposed lot sidelines with existing or proposed streets. Other methods can be proposed as an alternative to granite bounds in cases where site conditions make their use unfeasible (e.g., a granite wall exists at the boundary location).
- 11.3(2) ..... Iron pins (pipe or rod) are to be placed at all property line corners and angles, and at all points of curvature and points of tangency.

11.3(3) .....Monuments shall be placed not more than 300 feet apart in any straight line.

11.3(4) .....All monumentation shall be installed by a New Hampshire Licensed Land Surveyor.

#### 11.4....**BUILDING ENVELOPE**

The following criteria should be considered as design standards. It is recognized that not all of these standards may be achievable in every case. For this reason, each application shall be carefully considered, and waivers may be granted where appropriate.

11.4(1) .....Building envelopes should be selected, so they do not intrude on the tops of ridge lines.

11.4(2) .....Building envelopes should be located to minimize the visual impact of the development unless such placement is part of an integrated plan to protect viewsheds or minimize the visual intrusion of the improved portion of the subdivision.

11.4(3) .....Building envelopes shall not include wetlands or floodplains.

11.4(4) .....Building envelopes should not include areas with slopes more than 35%.

11.4(5) .....Building envelopes shall meet the requirements stated in the Zoning Ordinance, Section 4.2 – Minimum Lot Size.

11.4(7) .....Building envelopes shall be of adequate width and/or depth so as not to create an hourglass effect of less than 50 feet at the narrowest point.

11.4(8) .....The building envelope shall not include areas unfit for building, including their appropriate setbacks, or building setbacks.

#### 11.5....**PROTECTION OF EXISTING NATURAL AND HISTORIC FEATURES**

11.5(1) .....Each significant natural feature within the site including large or unusual trees, watercourses, wetlands, natural stone outcroppings, and other scenic features shall be shown on the plan.

11.5(2) .....The subdivider shall give due regard to the preservation and protection of existing features, trees, scenic points, brooks, streams, rock outcroppings, water bodies, other natural resources, and historic landmarks. It is recommended that such significant features be preserved in the development of the site.

11.5(3) .....Due regard shall be given to preservation of existing trees, shrubbery, and other vegetation within the subdivision. The Board may require additional tree planting and other landscaping appropriate to the area being subdivided. The subdivider shall comply with the following requirements:

11.5(3)(a).....To the fullest extent possible, all existing trees and shrubbery shall be preserved by the subdivider. Special consideration shall be given to the arrangement and ultimate improvement or development of the lots to this end. Precautions shall also be taken to protect existing trees, shrubbery, and vegetation during construction of roads and utilities.

11.5(3)(b) .....Where any land other than that included in public rights-of-way is to be dedicated to the public use, the subdivider shall not remove any trees from the site without written permission from the Planning Board.

11.5(3)(c).....All disturbed areas that are not covered by structures or paving shall be properly seeded or replanted by the subdivider.

11.5(4) .....Each existing building or man-made structure, including stone fences, shall be shown on the plan and reviewed with the Planning Board for historic significance. Such features will not be destroyed or removed without Planning Board review.

11.5(5) .....Where subdivisions impact or are accessed via designated Scenic Roads (as defined in RSA 231:157), mitigating measures shall be taken to preserve the scenic quality of such roads. These measures may balance the needs and requirements for safety and health, but the measures should only minimally consider economic expediency.

**11.6....FIRE PROTECTION**

- 11.6(1) .....** Fire hydrants, fire ponds, cisterns, and other improvements reasonably required for fire safety shall be installed to Barrington Fire Department specifications and approved by the Planning Board. These items shall be shown on the subdivision plan and installed by the applicant. Fire protection infrastructure shall be bonded prior to the issuance of any building permits.
- 11.6(2) .....** The applicant shall consult with the Barrington Fire Department to determine what, if any, appropriate fire protection measures are reasonably necessary. The applicant shall provide the Planning Board with the results of such consultation in the form of a letter or representations of facilities on the plan. The Planning Board may require additional fire protection measures in addition to the Barrington Fire Department's recommendation if reasonably necessary.

**11.7....LANDS DIVIDED BY PUBLIC RIGHTS-OF-WAY**

Any transfer, conveyance or sale of land held in one ownership but already divided into lots or parcels of land by an existing public right-of-way shall not be considered a subdivision for the purposes of these regulations and shall not be required to conform to the procedures set forth herein.

**11.8....PLATS AND ACCESS CROSSING MUNICIPAL BOUNDARIES**

Whenever access to a subdivision or site plan within the town is provided over a public road in another town, or when a portion of the land in a subdivision or site plan is located in another town, the provisions of RSA 674:53 shall apply.

**11.9....RESERVE STRIPS CONTROLLING ACCESS TO SUBDIVISION OR OTHER PARCELS**

Privately owned reserve strips shall not be permitted that control access to any part of the subdivision or to any other parcel of land from any street, or from any land dedicated to public use, or which may so be dedicated, unless such reserve strip is an open space area.

**11.10..RIGHTS-OF-WAY**

Rights-of-way shall be kept clear of buildings, parking lots or similar obstructions. A right-of-way shall not be used as a method to connect two (2) nonadjacent lots to make a single lot, nor shall a right-of-way be considered as part of an adjacent lot when determining minimum lot size.

**11.11..NAMES OF SUBDIVISION AND STREETS**

- 11.11.1 .....** The name of the subdivision or roads shall not duplicate or too closely approximate the name of any other subdivision or road within the town. Streets obviously in alignment with existing streets shall be given the name of the existing street.
- 11.11.2 .....** Street names must be approved by the Select Board, or they can selected from the preapproved list.
- 11.11.3 .....** Acceptance of formal offers of name dedication of streets, public areas, easements, and parks shall be by the Select Board. The approval by the Planning Board of a plan shall not be deemed to constitute or imply the acceptance by the Select Board or the town of any street, right-of-way, easement, or park shown on said plan. The Planning Board shall require said plan to be endorsed with appropriate notes to this effect.

**11.12..TOPSOIL**

Topsoil moved during construction shall be redistributed to provide at least four inches of cover to all disturbed areas of the subdivision.

**11.13.. MIXED USE (COMMERCIAL AND MULTIPLE-DWELLING UNITS)**

Each building used for commercial purposes without dwelling units shall be considered a single unit. In a building containing both commercial and dwelling units, each dwelling unit shall be counted as one unit, and all of the commercial occupants shall be counted as one unit. In a proposed development of mixed commercial and residential uses, there shall be adequate lot size to accommodate any existing structures and uses, required parking areas, septic areas, and required green space prior to calculating the available acreage balance for additional units.

**11.14.. SANITARY FACILITIES REQUIRED**

It shall be the responsibility of the developer and/or property owner of a proposed subdivision to insure that temporary sanitary bathroom facilities are available on the site of the proposed development prior to the initiation of any site work. Site work shall include tree cutting/removal, clearing, grading, or construction of any type. The developer and/or property owner are responsible for insuring that said bathroom facilities are maintained on a regular schedule to prevent any threats to public health and safety.

## **ARTICLE 12.... ROAD DESIGN & CONSTRUCTION STANDARDS**

### **12.1 .... GENERAL REQUIREMENTS**

#### **12.1.1 ..... CONSISTENCY**

- 12.1.1(1) .....** All subdivisions shall have adequate provision for safe and suitable access to a Class V or better road or shall make provisions for the construction and dedication of a Class V or better road in order to obtain safe and suitable access to the subdivision.
- 12.1.1(2) .....** Where an adjacent existing street from which access is gained is deemed to be substandard, the upgrading of said street shall be provided for, as may be required by the Town of Barrington Highway Department.
- 12.1.1(3) .....** Where traffic from a proposed subdivision will adversely impact a nearby street or intersection, provisions shall be made for the mitigation of said impacts.
- 12.1.1(4) .....** Proposed streets, whether to be dedicated as public streets or retained as private streets, shall be of suitable location, width, grade, and improvement to accommodate prospective traffic and afford satisfactory access to police, fire fighting, emergency equipment, snow removal, sanitation, and road maintenance equipment.
- 12.1.1(5) .....** The arrangement and character of all streets in a subdivision shall conform to the Barrington Master Plan, and the arrangement shall compose a safe and convenient system in relation to other existing and planned streets, to topographical conditions, and to the proposed uses of land to be served.
- 12.1.1(6) .....** Existing stonewalls shall be retained where possible or relocated and restored as required by the Board.

#### **12.1.2 ..... RIGHT-OF-WAY**

The right-of-way requirements shall comply with Table 1, Road Design Standards. Greater width may be required if, in the opinion of the Planning Board, it is needed to provide adequate room for the proposed street, sidewalks if required, street utilities, drainage, grading and snow storage, or the extra width is warranted due to present or future demands.

#### **12.1.3 ..... ARRANGEMENT**

All streets shall be integrated with the existing and proposed street system. The applicant shall provide for a safe terminus at the end of all proposed roads for all project phases and situations where through streets are not provided in the design. (See Figure 4A – Road Design Standards & Guidelines). Where extension of existing roadways is proposed, the existing turnaround should be removed in its entirety by the applicant upon road acceptance by the Select Board

#### **12.1.4 ..... SAFETY**

All subdivision roads must be bonded, or security approved, before a building permit is issued. No building shall be used or occupied before the completion of required streets and utilities.

#### **12.1.5 ..... HIGHWAY BOUNDS AND SIGNS**

- 12.1.5(1) .....** Highway bounds of granite at least 36 inches in length and four inches square shall be installed at all intersections of streets, at all points of change in direction and at any other points the Planning Board may deem necessary to designate the street lines.
- 12.1.5(2) .....** Signs shall conform to the Manual of Uniform Traffic Control Devices.

#### **12.1.6 ..... ACCESS**

No subdivision shall be approved unless the property to be subdivided shall have frontage on and access from an existing Class V or better road. Each lot shall have a safe, independent and

direct access from a Class V or better road. Where warranted, the Board may require that a driveway be shared by up to three lots. All portions of such a drive that are commonly shared shall be improved to facilitate two-way traffic flow beyond town right-of-way. Rights of passage over and across such a driveway shall be established by easement for each of the lots so served.

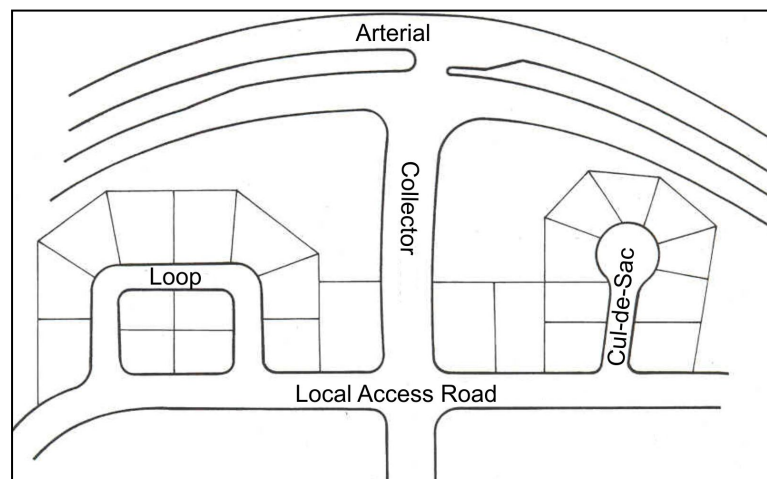
#### 12.1.7 ..... CONSULTANTS

The Planning Board may hire consultants to review plans, perform inspections, and/or perform other duties related to the project as they deem appropriate. All costs of said consultants shall be paid by the applicant.

#### 12.2 .... ROAD CLASSIFICATION & DESIGN

Public and private roadways in the Town of Barrington are classified as follows. A list of existing roads in town and their functional classification is included in Appendix 1.

**FIGURE 3 – HIERARCHY OF ROADWAY CLASSIFICATION SYSTEM**



##### 12.2(1) ..... Arterial Road or Street

Street intended to carry traffic from collector streets to the system of highways, and that generally move through traffic to and from major attractors. The average daily traffic volume of arterial roads and streets exceeds 5,000 vehicles per day.

##### 12.2(2) ..... Collector Road or Street

Streets intended to carry traffic from local streets to the system of arterial streets and highways and that generally collect and distribute traffic in minor traffic generating areas. The average daily traffic volume on a collector road or street is 1,000 to 5,000 vehicles per day.

##### 12.2(3) ..... Local Access Road or Street

Streets intended to access abutting properties and carry through traffic to collector and arterial streets. The average daily traffic volume on local access roads and streets is 1,000 vehicles per day or less.

##### 12.2(4) ..... Cul-de-sacs and Dead-Ends

Streets, including loop streets, with only one point of access from a Local Access Road or higher.

##### 12.2(5) ..... Private Road or Street

All streets on property held under private ownership and not maintained by the Town.

**12.2.1 ..... ROAD DESIGN STANDARDS**

Public and private roadways in the Town of Barrington shall be designed according to the requirements in Table 1 and Figures 4A, 4B and 4C: Road Design Standards and Guidelines. The minimum pavement width for a Local Access Road is 20 feet. This width may be reduced to 18 feet only for dead end roads with an ADT below 100 that do not have any truck traffic. When curbing is required on rural roads such at intersections or steeper grades, then the pavement width shall be increased by two feet. Road width in areas zoned Commercial or Village District shall vary based on accepted methods of design, number of lanes, the need for bike lanes, on-street parking, and other special conditions and needs.

**TABLE 1 - ROAD DESIGN STANDARDS**

Description	Arterial	Collector	Major Access	Minor Access/ Private	Village Center
Vehicles Per Day (VPD) - General Standard	> 5,000	1,000 to 5,000	< 1,000 to 200	< 200	NA
Maximum dwelling units served if dead-end	NA	NA	35	4	NA
Right-Of-Way (feet)	80	60	50	30	60
Pavement Width (feet)	40	24	22	20	40
Shoulder Width/Curb Plateau	8	6 (Cut) 3 (fill)	6 (Cut) 3 (fill)	6 (Cut) 3 (fill)	8 (Parking Lane)
Sidewalk/Walkway Width	6	6	4-5	4-5	10 (including tree pits)
Minimum Grade	1%	1%	1%	1%	1%
Maximum Grade	4%	7%	7%	9%	7%
Cross-slope	2%	2%	2%	2%	2%
Maximum Length (1)	NA	NA	1,000	1,000	NA
Minimum tangent length between reverse curves (feet)	800	200	100	100	200
Minimum center line radius	8650	1050	200	150	150
Cul-de-sac terminus center line radius	NA	NA	See (2)	See (2)	NA
Design speed	55	45	25	20	20
Alternative Dead-End Treatments	See Figure 4A				
Driveways	See Section 12.3 and Figure 4A				
Type of Curb	See Subsection 12.8.9				

(1) Roadway with one point of access measured along the centerline from the centerline of the existing street to the center of the cul-de-sac.

(2) See Figure 4A for required cul-de-sac and other dead-end terminus layouts

Source: AASHTO A Policy on Geometric Design of Roads and Streets



Figure 4A – Road Design Standards and Guidelines

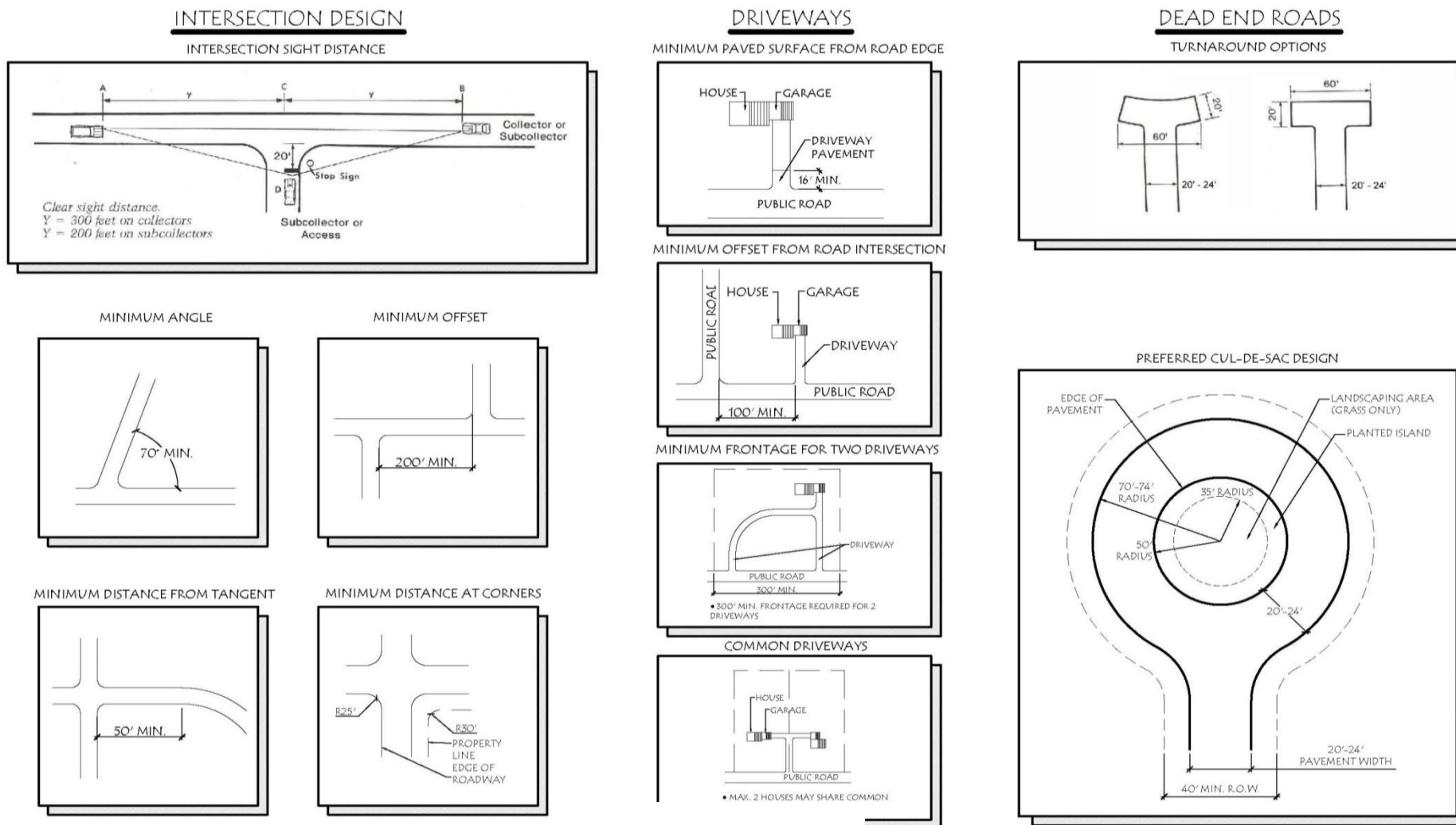


Figure 4B – Road Design Standards and Guidelines

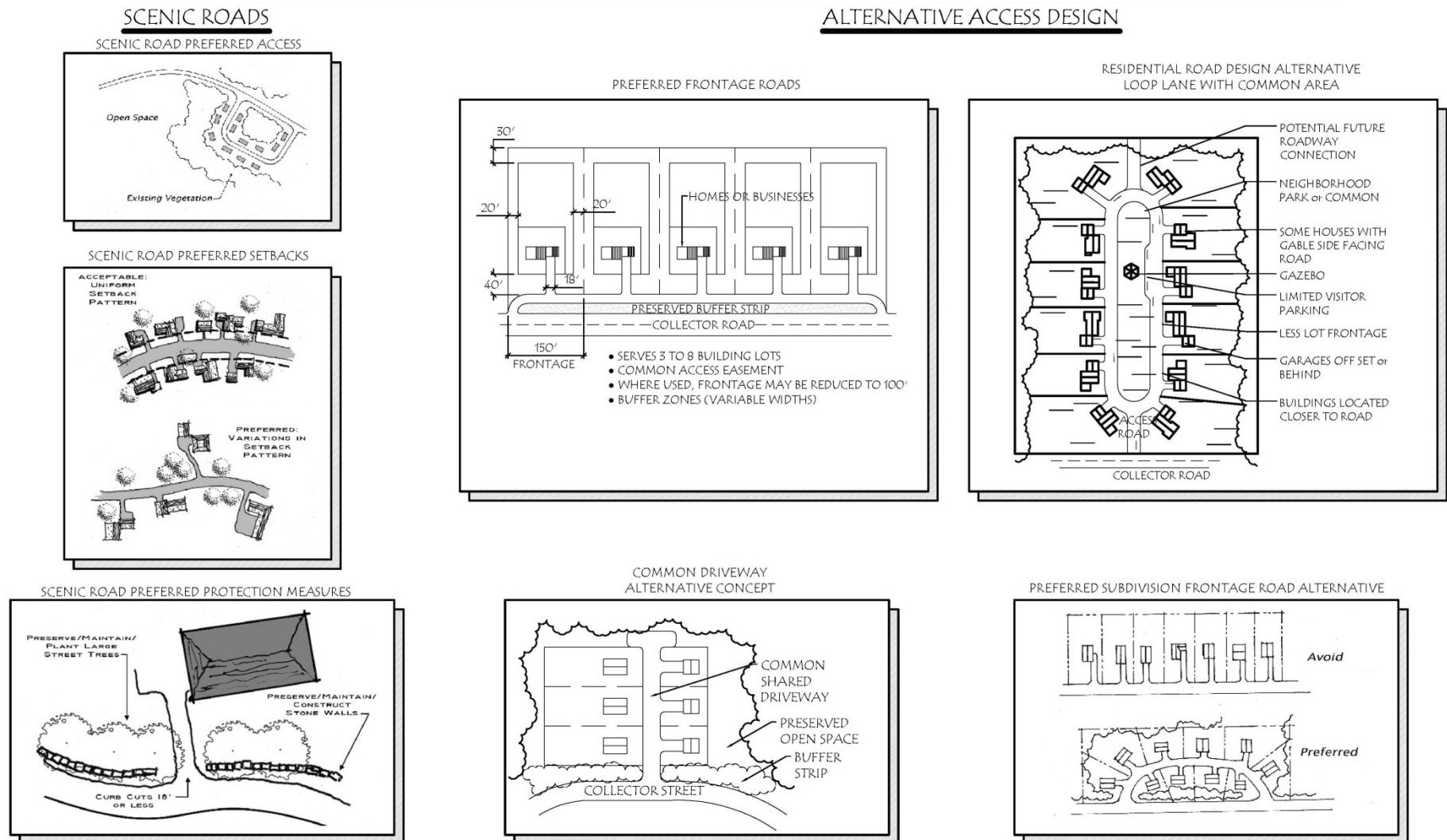
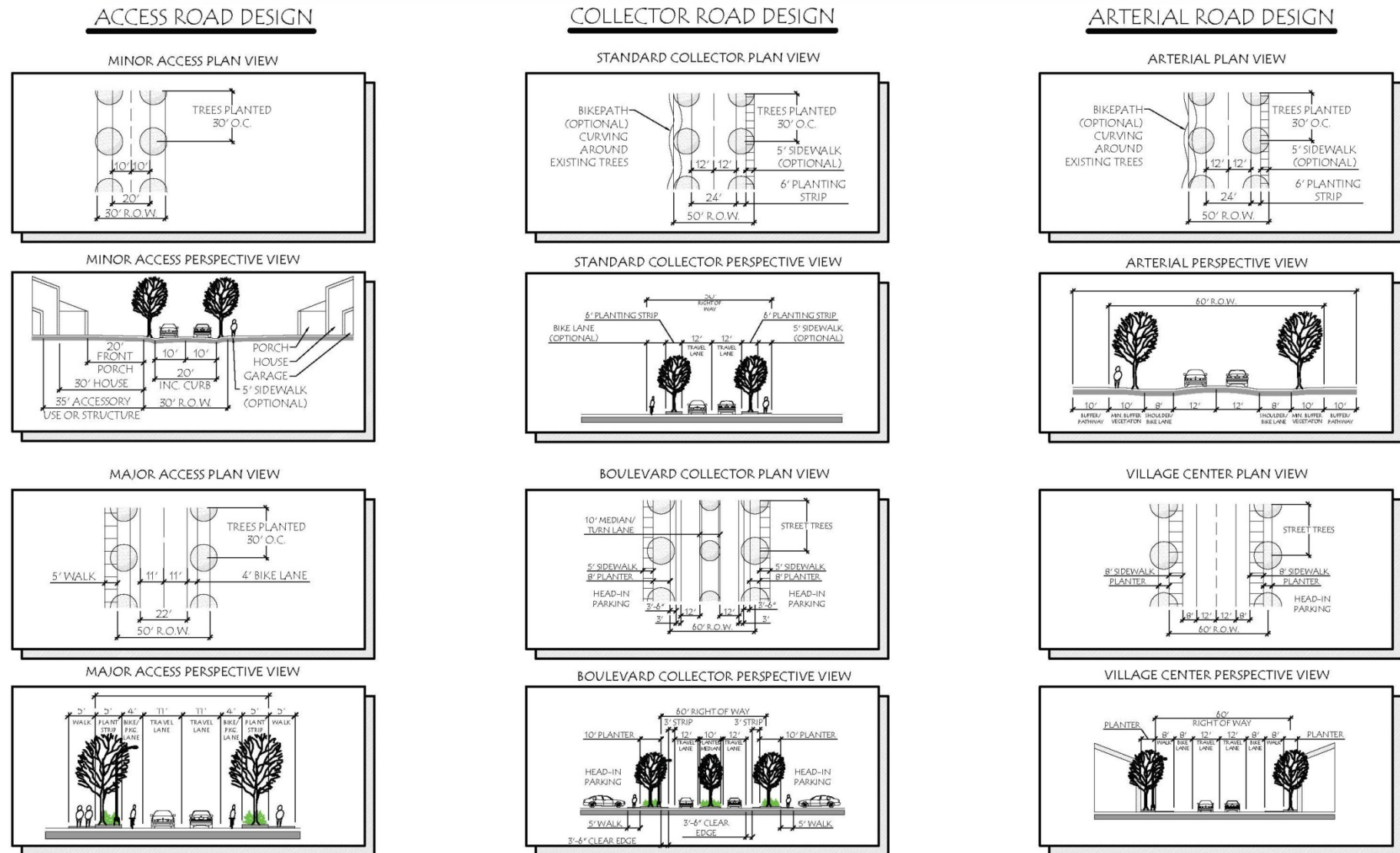


Figure 4C – Road Design Standards and Guidelines



**12.3 .... DRIVEWAY AND ACCESS DESIGN STANDARDS**

Traffic access to the site from town streets shall ensure the safety of vehicles and pedestrians. These regulations are adopted in accordance with RSA 236:13, having received authorization to review subdivisions under RSA 674:35. Furthermore, these regulations are adopted in accordance with RSA 674:36 as they relate to not only safety of driveway and access, but also to the harmonious development of the municipality and its environs specifically with respect to access onto Town designated scenic roads. The Board, or its designee, shall approve the design for a proposed access/egress point onto the public way. Said point shall provide adequate sight distance, grade, width, and curb. Sight distance and other specifications shall be determined in accordance with the provisions of this article and Figure 4A - Road Design Standards & Guidelines. The design and construction standards for driveways and points of access are as follows.

**12.3.1 ..... NUMBER OF ACCESS POINTS TO ROADS**

In all cases, the number of access points to a given street shall be held to a minimum, preferably one point of access in order to reduce traffic hazards from turning movements and to ease the installation of traffic control devices.

- 12.3.1(1) .....** Two driveways or accesses for one lot shall be allowed only when a lot has a frontage of 300 feet or more.
- 12.3.1(2) .....** Driveways or accesses shall be located at least 100 feet from street intersections and major driveway entrances, where possible.
- 12.3.1(3) .....** Common driveways may be utilized; however, no more than three lots may share a common drive. If three lots are served by a common driveway, the driveway shall have a street name approved by the Town. To the maximum extent possible, the shared portion of the drive shall follow the shared lot lines.
- 12.3.1(4) .....** Where a common drive serves four lots, the roadway shall be built to Town specifications for a private road.
- 12.3.1(5) .....** Driveways longer than 1,000 feet shall have a 50-ft long by 10-ft wide turnout/pull-off at least every 500 feet to facilitate vehicle movement during an emergency response. The Planning Board may approve a different number and locations for turnouts/pull-offs that result from this requirement if recommended by the Fire Chief.

**12.3.2 ..... DRIVEWAY DESIGN**

New and existing driveways shall meet current Driveway Permit Application Standards. In developing a subdivision plan, the applicant is responsible for confirming that driveways to proposed lots meet the Town's driveway permit requirements.

**12.3.2(1) ..... Width**

Residential driveways shall be 10 to 18 feet wide. Non-residential driveways shall be 20 to 36 feet wide.

**12.3.2(2) ..... Intersection Angle**

90 degree +/- 15 degrees intersection with street.

**12.3.2(3) ..... Intersection flares**

Single family driveways shall provide a 15-foot minimum radius flare, or as recommended by the Road Agent.

**12.3.2(4) ..... Grade**

Driveway grade shall not exceed a ten percent (10%) grade and shall maintain a negative grade of not less than two percent (2%) until it is beyond the ditch line. Additional negative grade may be required by the Road Agent because of on-site conditions where there is ditch line drainage by swale only, with no culverts, depending on the length of the ditch line, and how much flow the ditch line will have to carry. Developer shall establish grades that adequately protect and promote roadway drainage and permit a safe and controlled approach to the roadway in all seasons of the year.

**12.3.2(5) ..... Aprons**

All driveways shall have paved aprons with a minimum distance of 16 feet from the edge of roadway pavement. The paved portion shall be constructed to prevent all drainage from entering onto the traveled way.

**12.3.2(6) ..... Drainage**

**12.3.2(6)(a).....** To transmit roadway runoff through a driveway crossing, a minimum 15-inch diameter culvert shall be installed along the roadside swale line. The Road Agent may require a larger culvert to be installed if higher capacity is warranted. The Road Agent may consider a 12-inch diameter culvert if necessary due to site constraints.

**12.3.2(6)(b) .....** Driveway culverts shall be installed within the right-of-way of the connecting street and/or along the drainage swale line.

**12.3.2(6)(c) .....** Driveway culverts shall be installed per the manufacturer's recommendations and with a minimum of 12-inches of cover.

**12.3.2(6)(d) .....** Driveway culverts shall extend eight feet beyond the edge of driveway surface, or to the toe of slope, whichever is greater. Any deviations from these driveway culvert requirements shall be requested through a waiver submitted to the Road Agent.

**12.3.3 ..... OFF-SITE IMPROVEMENTS**

**12.3.3(1) .....** If the proposed development increases traffic onto abutting streets, the Board may require improvement of existing access/egress point(s) in order to provide safe traffic flow.

**12.3.3(2) .....** Off-site improvements may be required, such as, but not limited to, increasing pavement width or adding deceleration lanes, curbing, and signaling devices in order to mitigate hazardous impacts that are generated by the particular needs and impacts of the site.

**12.3.4 ..... SAFETY REQUIREMENTS**

**12.3.4(1) .....** Traffic circulation, pedestrian access, parking and any loading facilities, and emergency access shall be designed and located in a manner that ensures maximum safety in the subdivision.

**12.3.4(2) .....** Driveways shall be located in such a manner as to promote all season safe access and to prevent unreasonable negative impacts to the owners or occupants of neighboring parcels.

**12.3.5 ..... ACCESS TO STATE HIGHWAYS**

Driveways and access onto State highways shall be designed in accordance with the New Hampshire Department of Transportation's Administrative Procedures Act RSA 541-A, Part 302 Declaratory Ruling No. 2000-01 as amended, and shall receive NHDOT approval prior to final Town approval of the subdivision application.

**12.3.6 ..... SCENIC ROAD ACCESS**

No driveway shall be permitted on a scenic road, as designated in accordance with RSA 231:157, unless permitted in accordance with these regulations and Figure 4B – Road Design

Standards and Recommendations. A full list of Designated Scenic Roads in Barrington is available at the Highway Department or the Highway Department page of the Town of Barrington website.

- 12.3.6(1)** ..... To the maximum extent possible, significant trees and stonewalls in the town right-of-way must be maintained. Where the driveway crosses any existing stone wall, the stones must be used to upgrade the existing wall where possible, under the direction and approval of the Planning Board.
- 12.3.6(2)** ..... Nothing in this section shall limit or affect the rights of any landowner with respect to work on a landowner's property.

#### **12.4....PRIVATE ROADS**

Private roads and streets serving developments shall remain in private ownership and the developer shall provide legal instruments to insure their continued maintenance and ownership by the individual lot owners or through a homeowner's association. If a homeowner's, or similar type of, association is created for this purpose, all property owners within the subdivision must be members of the association. All private roads shall comply with these and other Town regulations relating to construction and maintenance.

- 12.4(1)** ..... The subdivider shall supply to the Planning Board acceptable evidence of legally imposed requirements designating a reasonable and enforceable manner and procedure in perpetuity for the collection of contributions to ensure proper maintenance of all private roads and common facilities of the subdivision by owners of lots having rights thereto. The subdivider shall also supply acceptable evidence to the Planning Board determining legal responsibility and time schedules for completion of construction of all roads and common facilities of the subdivision, provided that phasing of the same concurrently with the phasing of the subdivision may be permitted.
- 12.4(2)** ..... Residents on private roads, as taxpayers, are entitled to the same quality as a Town accepted road, and, at some future date, the residents may petition the Town for acceptance of the road.
- 12.4(3)** ..... For private roads servicing two or three lots, the road construction standards may be waived by the Planning Board, in whole or in part, provided that such roads comply geometrically with the road standards. Any private road that had construction standards waived, may not be used as access for any additional residential units until such road is reconstructed to comply with the current Town standards. A notation regarding the stipulation above, as well as a notation stating what was waived, shall be placed on the final plat to be registered.
- 12.4(4)** ..... For private roads servicing four or more lots, the road shall conform to the standards of Article 12. Paving may be waived by the Planning Board for private roads with low traffic volumes and moderate grades.
- 12.4(5)** ..... Any private road constructed within the Town will be inspected as described in Article 12. This evaluation will apprise the Planning Board and owner(s) of deviation(s) from the minimum standards of road design and construction as adopted by the Town. Also, should the road ever be considered for acceptance as a Town road, this evaluation will provide the Planning Board and owner(s) with the information necessary to bring the road to minimum design and construction standards.
- 12.4(6)** ..... It is Town policy that no private road will be accepted as a Town road unless its design and construction meet the standards set forth in Article 12. Additionally, before the road is considered for acceptance, it shall be brought up to current Town standards and paved.

## **12.5....SIDEWALKS, BIKEWAYS AND TRAILS**

### **12.5.1 ..... DETERMINATION OF APPROPRIATENESS**

Sidewalks/walkways, and/or trails and bikeways, where appropriate, shall be provided for pedestrian traffic to provide connection between the subdivision and nearby destinations. Pedestrian walkways are generally intended to mean a widening of the paved road surface (e.g. a paved shoulder) that allows for some separation between vehicular and pedestrian travel within the street right-of-way. The dimensions for this type of pedestrian walkway are shown in Table 1 – Road Design Standards.

For development in certain areas, such as within the Village District, the Board may require that raised sidewalks be installed. Raised sidewalks shall be at least six (6) inches above grade and shall be protected by curbing. Sidewalk designs shall include means for handicapped access. All raised sidewalks shall be privately maintained.

**12.5.1(1) .....** The Board shall consider the following when determining the appropriateness of sidewalks, walkways and/or trails and bikeways:

**12.5.1(1)(a).....** Proximity to schools.

**12.5.1(1)(b) .....** Whether recreational facilities and land are available within the subdivision.

**12.5.1(1)(c).....** Proximity to commercial destinations, including but not limited to, restaurants, stores, shops, etc.

**12.5.1(1)(d) .....** Proximity to other pedestrian or bikeways, including “abandoned” ways or sidewalks.

### **12.5.2 ..... RAISED SIDEWALK PLACEMENT AND DESIGN STANDARDS**

In commercial districts, raised sidewalks may be required on both sides of the street. Sidewalks shall be designed and constructed in accordance with Figure 4C.

#### **12.5.2(1) ..... Width and Placement**

As a matter of pedestrian safety, sidewalks shall be a minimum of five (5) feet wide and set back a minimum of five (5) feet back from the curb face, and ten (10) feet in the vicinity of schools. On new roads in the Village District, sidewalks may abut the curb face if the road layout also includes on-street parking.

#### **12.5.2(2) ..... Material**

Sidewalks shall be 4-in thick, NHDOT Class A concrete and reinforced with poly-fiber reinforcing dosed at the rate of 7 lb/cy. Joints shall be installed in accordance with NHDOT Standard Specification Section 608-3.2.6-Joints. Sidewalks shall have a broom finish and be treated with Silane-Siloxane or equal.

#### **12.5.2(3) ..... Base**

The sidewalk base shall be comprised of 12-in of NHDOT Item 304.3-Crushed Gravel, installed seven feet wide, and compacted in accordance with Section 12.8.

#### **12.5.2(4) ..... Driveway Crossings**

Where sidewalks cross driveways, they shall ramp down to the level of the driveway. The sidewalk shall be 6-in thick concrete for the width of the driveway and ramps. Sidewalks greater than five feet in width may be required in these areas.

### **12.5.3 ..... BIKEWAYS AND TRAILS PLACEMENT AND DESIGN STANDARDS**

Public bikeways, pedestrian walkways, or bridle trails may be required by the Planning Board if it determines the construction of trails will connect to existing or planned trail systems and be desirable to the character and nature of the neighborhood. These may or may not be part of

the normal sidewalk provisions, but they shall be part of any lot in the subdivision. Bikeways and trails shall conform to the following standards unless an alternative design is mutually agreeable to both the Town and Applicant:

- 12.5.3(1) ..... Minimum right-of-way width: 15 feet  
 12.5.3(2) ..... Minimum pavement width: 10 feet  
 12.5.3(3) ..... Maximum grade: 5% for segments less than 100 feet in length, 3% elsewhere.  
 12.5.3(4) ..... Maximum centerline radius: 25 feet

#### 12.6.... CULVERTS AND BRIDGES

Culverts (spans less than 10-ft) and bridges (spans 10-ft or greater) shall be designed, and built, in accordance with the NHDOT Bridge Design Manual and Standard Specifications for Road and Bridge Construction, latest editions.

- 12.6.1 ..... For bridges, a NHDOT Form 4 load rating shall be completed and submitted to NHDOT.  
 12.6.2 ..... All designs shall be completed and stamped by a N.H. Licensed Professional Engineer.  
 12.6.3 ..... The minimum roadway width shall be twenty-six (26) feet. Depending on the volume of traffic anticipated, greater roadway widths may be required at the discretion of the Planning Board.

#### 12.7.... INTERSECTION DESIGN STANDARDS

- 12.7.1 ..... Intersections shall be designed to meet the requirements stated in AASHTO's A Policy on Geometric Design of Highways and Streets, Section 9.5 Intersection Sight Distance and in Table 2 – Intersection Design Standards.  
 12.7.2 ..... All sight distances shall be computed for horizontal and vertical curves.  
 12.7.3 ..... Applicant shall obtain visibility easements if required to maintain sight distances.

TABLE 2 - INTERSECTION DESIGN STANDARDS	
Minimum Tangent Length Approaching Intersection (feet)	50
Vertical Alignment	
Maximum Grade (1)	2%
Distance (feet)	100
Minimum Angle of Intersection	90 degrees +/-10 degrees
Minimum Curb Radius (feet)	
Private/Minor Access	36
Major Access	42
Collector	54
Minimum Centerline Offset from Adjacent Intersection (feet)	
Private/Minor Access	125
Major Access	150
Collector	150

(1) Grade may exceed 2% for intersections with State roads when specified by NHDOT.



**12.8....ROAD CONSTRUCTION STANDARDS**

The construction of public roads in the Town of Barrington shall comply with Figures 4A through C: Road Design Standards & Guidelines, Tables 3 and 4, as well as the provisions of this section.

**12.8.1 ..... CLEARING AND GRUBBING**

The right-of-way shall be cleared of all trees, stumps, roots, boulders and like materials. Certain specimen trees or trees 18 inches in diameter or greater may be required to be preserved by the Planning Board if it is determined that they are not a safety hazard to travelers. All topsoil and unsuitable materials must be removed from the limits of the roadbed. The roadbed shall extend one foot beyond the shoulder, ditches, or toe of fill slope.

**12.8.2 ..... ROAD MATERIALS****12.8.2(1) ..... Subbase Material**

In areas of extreme fill, unsuitable material, or in the presence of water, the construction of a subbase will be required to bring the road up base material elevation. Subbase fill material shall meet the requirement of NHDOT Item 203.6 Embankment-in-Place. Gradation and material testing shall be completed at the applicant's expense.

**12.8.2(2) ..... Base Material**

Base materials shall meet the material and construction requirements as stated in New Hampshire Department of Transportation Specifications for Road and Bridge Construction, latest edition.

**TABLE 3 - ROAD CONSTRUCTION STANDARDS (1,2,3)**

Detail	Arterial	Collector	Major Access	Minor Access/ Private Road	Sidewalk/ Bikeway/ Trail
NHDOT Item 304.5: Crushed Stone (Coarse)	12 inches	12 inches	12 inches	12 inches	NA
NHDOT Item 304.4: Crushed Stone (Fine)	12 inches	12 inches	6 inches	6 inches	8 inches
Binder Course (19mm)	3.5 inches	3.5 inches	2.5 inches	2.5 inches	NA
Wearing Course (12.5 mm)	1.5 inches	1.5 inches	1.5 inches	1.5 inches	2 inches

(1) On State roads, NHDOT construction/material requirements supersede Town Standards.

(2) Pavement mix designs shall meet the requirements stated in Section 12.8.2-Pavement.

(3) Pavement thicknesses are compacted values.

**12.8.2(3) ..... Compaction**

Subbase and base materials shall be installed in lifts of no greater than twelve (12) inches and compacted using vibrating rollers. Compaction shall be performed until the required density is achieved. Density shall be determined per NHDOT Specification Section 3.6-Compaction.

**12.8.3 ..... PAVEMENT****12.8.3(1) ..... Binder Course**

Bituminous pavement shall conform to Division-400, Section 401-Plant Mix Pavements – General of the NHDOT Standard Specifications, latest edition, as modified in these specifications.

**12.8.3(2) ..... Wearing Course**

Materials shall conform to Division 700-Materials; Section 702 Bituminous Materials and Section 703-Aggregates, of the NHDOT Standard Specifications, latest edition.

**12.8.3(3) ..... Methods of construction shall be in accordance with Division 400-Pavements, Section 403-Hot Bituminous Pavement of the NHDOT Standard Specifications, latest edition.****12.8.3(4) ..... 12.5mm and 19mm nominal aggregate Hot Bituminous Pavement Job Mixes shall conform to 50 Gyratation Superpave mix design criteria. All 9.5mm nominal aggregate Hot Bituminous Pavement Job Mixes shall conform to 75 Gyratation Superpave mix design criteria.****12.8.3(5) ..... The Minimum Binder Content shall be 6.0% for 9.5mm mix designs; 5.9% for 12.5mm mix designs; and 5.1% for 19mm mix designs. All pavement mixes shall have a maximum Total Reused Binder (TRB) content of 0.5% and meet all the volumetric mix design criteria.****12.8.3(6) ..... Liquid asphalt cement binder shall have a Performance Grade (PG) of PG 64-28 for all standard bituminous pavements and PG 76-28 for all high strength bituminous pavements.****12.8.3(7) ..... All base/binder pavement that is installed and left without a wearing course through the winter season shall be NHDOT's 19.0mm "Winter Binder" pavement mix design. The mix shall have a minimum liquid asphalt content of 5.3% and at least 50% dry aggregate passing the #4 sieve.****12.8.3(8) ..... Pavement Joint Adhesive (Item 403.16) shall be applied to longitudinal joints in accordance with NHDOT Section 401.****12.8.3(9) ..... Asphalt Emulsion for Tack Coat (Item 410.22) shall be applied between all pavement lifts, including existing and new pavement in accordance with NHDOT Section 410.****12.8.3(10) ..... Temperature****12.8.3(10)(a) ..... Pavement shall not be installed when the outside air temperature is below 40 degrees Fahrenheit, nor when the road base temperature is below 40 degrees Fahrenheit.****12.8.3(10)(b) ..... Temperature of pavement mix relative to road base temperature shall be in accordance with Table 4 – Recommended Minimum Placement Temperatures.****12.8.3(10)(c) ..... Pavement shall not fall below 185 degrees Fahrenheit prior to the completion of rolling.****12.8.3(10)(d) ..... Pavement shall not be installed when the subgrade is frozen or the grades are incorrect.****12.8.3(10)(e) ..... On newly constructed roads, the base course and the wearing course shall not be installed in the same season.**

<b>TABLE 4 - RECOMMENDED MINIMUM PLACEMENT TEMPERATURES</b>							
Base Temperature <sup>1</sup> (Degrees F)	Mat Thickness in Inches (cm)						
	1/2 (1)	3/4 (2)	1 (2.5)	1 1/2 (4)	2 (5)	2.5 (6.4)	3 (7.5)
+40 - 50			310	300	285	280	275
+50 - 60		310	300	295	280	275	270
+60 - 70	310	300	290	285	275	270	265
+70 - 80	300	290	285	280	270	270	265
+80 - 90	290	280	275	270	265	265	260
+90	280	275	270	265	260	260	255
Rolling Time (minutes)	4	6	8	12	15	15	15

(1) Base on which mix is placed [C = 0.556 (F-32)]

**12.8.4 ..... SHOULDERS**

Shoulders shall be installed on both sides of the street and shall consist of NHDOT Item 304.33-Crushed Aggregate for Shoulders. When curbs are installed, this section shall not apply.

**12.8.5 ..... LOAMING AND SEEDING**

**12.8.5(1) .....** All remaining disturbed areas within the right-of-way shall have four inches of loam installed that meets the requirement of NHDOT Item 641-Loam.

**12.8.5(2) .....** All remaining disturbed areas within the right of way shall be fertilized and seeded in accordance with NHDOT Specification Section 646 – Turf Establishment.

**12.8.5(3) .....** The seeding of slopes and ditches shall require the use of erosion control matting.

**12.8.6 ..... ROAD IN CUT/FILL**

**12.8.6(1) .....** Roadway slopes in fills shall be no steeper than 2 horizontal to 1 vertical (2H:1V) and cut slopes shall be no steeper than 3 horizontal to 1 vertical (3H:1V).

**12.8.6(2) .....** Roadway slopes in ledge cuts shall be no steeper than 1H:1V and provide for a fall zone (max slope at 4H:1V) with a width equal to fifty percent (50%) of the height of the cut. A chain link fence shall be provided at the top of the ledge cut. The fall zone shall not be in the roadway R.O.W.

**12.8.6(3) .....** Slopes shall be graded, loamed, and seeded as required to match to original ground with appropriate slope easements outside of the roadway right-of-way (R.O.W.). Typical section shall match Exhibit D5.

**12.8.6(4) .....** The Applicant shall provide proper construction details to show the required information.

**12.8.6(5) .....** Underdrain shall be provided in all roadway cut sections, where needed, and as proposed by the design engineer.

**12.8.6(6) .....** Roads constructed in a ledge cut shall include a 2-ft layer of sand or gravel to form a subbase for the road base materials.

**12.8.7 ..... STREET LIGHTS**

Street lights shall be provided if required by the Board.

**12.8.8 ..... GUARDRAIL**

Guardrail shall be metal beam on wood posts, meeting the New Hampshire Department of Transportation Standards and Specifications. All guardrail installation must end safely using a MELT-type terminal unit. FLEAT or ELT-type units may be permitted by the Department of Public Works. Guardrail shall be used in locations where the New Hampshire Department of Transportation's typical warrant for guardrail is met and/or as required by the Board.

**12.8.9 ..... ROADSIDE DRAINAGE**

Roadside drainage shall be maintained by roadside swales, as required to control runoff and directed by the Town of Barrington Highway Department. Street drainage shall be maintained by a drainage system as follows.

**12.8.9(1) ..... Drainage Design**

Adequate disposal of surface water shall be provided and provisions must be made for natural watercourses. Drainage design shall meet the requirements stated in Section 7.3-Stormwater Management Plan

**12.8.9(2) ..... Culverts**

All culverts shall be at least fifteen (15) inches in diameter and shall be reinforced concrete pipe (RCP) or HDPE plastic pipe (Hancor or ADS).

**12.8.9(3) ..... Ditches**

Ditches shall not be permitted at grades above eight percent or at grades above six percent when the developed length exceeds 250 feet, which require curbing, culverts, and basins.

**12.8.9(4) ..... Crown**

The street crown, center to shoulder, shall be 1/4 inch per foot. When designing a superelevated street, the banking shall not exceed 3/4 inches per foot, and it must be accompanied by engineering calculations.

**12.8.9(5) ..... Headwalls**

Headwalls of proper design shall be required at the inlet/outlet ends of all culverts.

**12.8.9(6) ..... Underdrain**

Underdrain shall be used in cut sections as determined by the design engineer or where the seasonal high-water table is within four feet of the subbase elevation. Along the proposed roadway, test pits are required at 200-foot intervals to verify water table elevation.

**12.8.9(7) ..... Closed Drainage Systems**

When a closed drainage system is included in a road design, plan/profile sheets shall be required for the systems detailing structure size, rim, and inverts and pipe size and length.

**12.8.10 ..... CURBING**

**12.8.10(1) .....** Curbing may be required in the following locations if the Board determines their application is appropriate: in the Village District; major access roads for residential subdivisions; intersections with arterial or collector roads; and, on any road that exceeds 8% grade or 6% when the developed length exceeds 250 feet.

**12.8.10(2) .....** All roadways where curbing is required shall be curbed on both sides.

**12.8.10(3) .....** The use of curbing requires a closed drainage system.

**12.8.10(4) .....** Roads without sidewalks shall be curbed with sloped granite curb. Roads with sidewalks shall be curbed with vertical granite curbing on both sides of the roadway.

**12.8.10(5) .....** Curbing shall meet the requirements of NHDOT Specification Section 609-Curbs

**12.8.11 ..... RESERVED**

**12.8.12 ..... MORE STRINGENT PROVISIONS**

In all cases of conflict between this and other Town or State regulations, the stricter regulations shall apply.

**12.8.13 ..... MINIMUM DATA REQUIRED ON ROAD DESIGN PLANS**

**12.8.13(1) .....** The applicant shall submit two complete sets of subdivision design plans for Planning Board review. The applicant shall also submit two copies of any revisions made to the plans for approval. The plans shall be submitted on 22-in by 34-in paper and shall be at a horizontal scale of 1-in = 40-ft and a vertical scale of 1-in = 10-ft.

**12.8.13(2) .....** Data Requirements

**12.8.13(2)(a).....** Title showing the name of the subdivision, name of the street and name of the owner, date (day, month, year), revision history, scale and name and seal of New Hampshire licensed Professional Engineer.

**12.8.13(2)(b) .....** Right-of-way lines

**12.8.13(2)(c).....** Slope and drainage easements

**12.8.13(2)(d) .....** All horizontal centerline data (tangent lengths and bearings, curve data and stationing)

**12.8.13(2)(e).....** Edge of pavement lines

**12.8.13(2)(f) .....** Cross sections at each half station

**12.8.13(2)(g).....** Existing grade at each half station (on profile and cross section)

- 12.8.13(2)(h) ..... Proposed grade at each half station (on profile and cross section)
- 12.8.13(2)(i) ..... Tangent and vertical curve data (on profile)
- 12.8.13(2)(j) ..... Intersection sight distance
- 12.8.13(2)(k) ..... Design speed
- 12.8.13(2)(l) ..... Type of terrain considered to control design
- 12.8.13(2)(m) ..... Average daily traffic (ADT) based on ITE Trip Generation Manual, latest edition
- 12.8.13(2)(n) ..... Design Year based on tenth year after opening year
- 12.8.13(2)(o) ..... Drainage structure location and inverts, station, skew, length, slope, and end treatment
- 12.8.13(2)(p) ..... Benchmarks not more than five hundred feet apart
- 12.8.13(2)(q) ..... Utility locations and details
- 12.8.13(2)(r) ..... Specific material specification or reference
- 12.8.13(2)(s) ..... A detailed engineer's estimate of construction cost
- 12.8.13(2)(t) ..... A notarized letter fixing the legal responsibility for maintenance of the streets
- 12.8.13(2)(u) ..... Grading plan showing existing and proposed contours at a minimum of two-foot frequency within the right of way
- 12.8.13(2)(v) ..... General notes for Inspections (see Subsection 12.8.10 for inspection requirements).

#### **12.8.14 ..... AS-BUILT PLANS**

- 12.8.14(1) ..... In order to ensure the proper construction of development roads, As-Built Plans shall be presented to the Board or their designee for their review prior to final draw down of the surety for the project. These drawings must be maintained on a daily basis and will be inspected weekly.
- 12.8.14(2) ..... As-built plans are required to document the development as it was constructed. Such plans shall:
  - 12.8.14(2)(a) ..... Be certified to be correct and stamped by a New Hampshire Licensed Land Surveyor and/or Professional Engineer;
  - 12.8.14(2)(b) ..... Be accompanied by Certificates of Occupancy, if applicable;
  - 12.8.14(2)(c) ..... Clearly identify in the title block exactly what the as-built plan is documenting; and
  - 12.8.14(2)(d) ..... Have the following plat note printed on each sheet, "These as-built plans are pursuant to, and without modification of, the original Planning Board approval.

## **ARTICLE 13.... DRAINAGE, EROSION & SEDIMENTATION CONTROL STANDARDS**

### **13.1 .... GENERAL**

The purpose of this regulation is to control soil erosion and sedimentation resulting from site construction and development. Subdivision and site plans shall include plans for controlling erosion and sedimentation as provided below.

### **13.2 .... DESIGN STANDARDS FOR EROSION AND SEDIMENTATION CONTROL**

The following standards shall be applied in planning for erosion and sedimentation control:

- 13.2(1) ..... Temporary erosion and sediment control measures shall meet the design standards and specifications established in NHDES Env-Wq 1506 Methods for Erosion and Sediment Control During Terrain Alteration Activities.
- 13.2(2) ..... The Drainage, Erosion, and Sediment Control design shall be stamped by a NH licensed Professional Engineer.
- 13.2(3) ..... Whenever practical, natural vegetation shall be retained, protected, or supplemented. The stripping of vegetation will be done in a manner that minimizes soil erosion.
- 13.2(4) ..... Appropriate control measures shall be installed prior to removal of vegetation.
- 13.2(5) ..... The area of disturbance shall be kept to a minimum. Disturbed areas remaining idle for more than 30 days shall be stabilized by appropriate measures.
- 13.2(6) ..... Measures shall be taken to control sediment and retain it within the project area. Sediment in runoff water shall be trapped and retained within the project area using approved measures. Very poorly drained soils and water bodies shall be protected from sediment.
- 13.2(7) ..... Off-site surface water and runoff from undisturbed areas shall be carried non-erosively through the project area or diverted away from disturbed areas where feasible.
- 13.2(8) ..... Naturally occurring streams, channels and wetlands shall be used for conveyance of runoff leaving the project area after appropriate treatment.
- 13.2(9) ..... All temporary erosion and sediment control measures shall be removed after final site stabilization. Trapped sediment and other disturbed soil areas resulting from the removal of temporary measures shall be permanently stabilized within 30 days.

### **13.3 .... DESIGN STANDARDS FOR DRAINAGE AND STORMWATER MANAGEMENT SYSTEMS**

For all development projects, the following design standards shall be applied in planning for drainage and stormwater management:

- 13.3(1) ..... The USDA NRCS method TR- 55 Urban Hydrology for Small Watersheds shall be used for estimating stormwater runoff.
- 13.3(2) ..... Depth of Precipitation shall be determined using “Extreme Precipitation in a Changing Climate for New York and the New England States”, current version, published by the USDA, NRCS and Cornell University’s Northeast Regional Climate Center.
- 13.3(3) ..... Stormwater runoff analysis shall include modeling of 2-year, 10-year, 25-year, 50-year, and 100-year 24-hour rainfall events. Stormwater systems shall be designed to accommodate developed conditions, including any roads and potential lot coverage of structures, driveways, etc.
- 13.3(4) ..... Stormwater treatment systems shall be designed for the following frequency events:
  - 13.3(4)(a)..... Residential Street Drainage: 10-year
  - 13.3(4)(b) ..... Commercial/Industrial Streets and Sites: 25-year
  - 13.3(4)(c)..... Road Bridges/Culverts: 50-year with 1-ft freeboard; 100-year without surcharge

- 13.3(5) ..... Stormwater treatment systems shall be designed as per NHDES Env-Wq 1500 Alteration of Terrain and/or the New Hampshire Stormwater Manual.
- 13.3(6) ..... Address the effects of stormwater drainage on downstream drainage facilities.
- 13.3(7) ..... The Stormwater management Plan shall be stamped by a NH licensed Professional Engineer.
- 13.3(8) ..... Methods and provisions to eliminate any overload or significant increase in downstream facilities.
- 13.3(8)(a) ..... Drainage easements
- 13.3(8)(b) ..... Retention/detention ponds/pretreatment
- 13.3(8)(c) ..... Any other facilities
- 13.3(9) ..... Appropriate methods to extend and/or connect the proposed drainage system to adjacent land whether or not such land is developed.
- 13.3(10) ..... Appropriate accommodation of potential upstream development.
- 13.3(11) ..... Preservation of natural watercourses within the existing watershed drainage basin.
- 13.3(12) ..... Post-development surface runoff shall be equal to pre-development runoff rates.
- 13.3(11) ..... No surface flow shall be allowed across roads.
- 13.3(12) ..... Drainage structures (catch basins, manholes, drop inlets, etc.) shall be no more than 300 feet apart.
- 13.3(13) ..... Where curbing is proposed, drainage structure spacing shall be based on inlet grate capacity but shall not exceed 300 feet.
- 13.3(14) ..... The width of gutter flow shall not exceed one-half of the proposed roadway travel lane width for the 10-year storm event.
- 13.3(15) ..... Unless specifically required by NHDES, catch basins shall have a 3-foot deep sump.

#### 13.4 ..... PLAN REQUIREMENTS

##### 13.4.1 ..... PRELIMINARY PLAN REQUIREMENTS

A preliminary plan is optional. If submitted, it shall include the following:

- 13.4.1(1) ..... Site drawing of existing and proposed conditions:
- 13.4.1(1)(a) ..... Locus map showing property boundaries
- 13.4.1(1)(b) ..... North arrow, scale, and date
- 13.4.1(1)(c) ..... Property lines
- 13.4.1(1)(d) ..... Easements
- 13.4.1(1)(e) ..... Structures, utilities, roads and other paved areas
- 13.4.1(1)(f) ..... Topographic contours
- 13.4.1(1)(g) ..... Critical areas
- 13.4.1(1)(h) ..... Waterways, bodies of water, drainage patterns, and watershed boundaries
- 13.4.1(1)(i) ..... Vegetation
- 13.4.1(1)(j) ..... Soils information from Soil Conservation Service published data or, where High Intensity Soil Maps are used, a conversion to a soil series map done by a Certified Soil Scientist
- 13.4.1(1)(k) ..... Erosion and sediment control measures
- 13.4.1(1)(l) ..... Areas of soil disturbance
- 13.4.1(2) ..... Narrative section including discussion of each measure, its purpose, construction sequence, and installation timing as they apply to the site.

**13.4.2 ..... FINAL PLAN REQUIREMENTS**

The Board shall require each of the following in the final plan unless specifically waived:

- 13.4.2(1) ..... Site drawing of existing and proposed conditions:**
  - 13.4.2(1)(a)..... Locus map showing property boundaries**
  - 13.4.2(1)(b) ..... North arrow, scale and date**
  - 13.4.2(1)(c) ..... Property lines**
  - 13.4.2(1)(e) ..... Structures, roads, utilities, earth stockpiles, equipment storage, and stump disposal**
  - 13.4.2(1)(e) ..... Topographic contours at two-foot intervals**
  - 13.4.2(1)(f) ..... Extent of 100-year flood plain boundaries if published or determined**
  - 13.4.2(1)(g)..... Soils information from Soil Conservation Service published data or, where High Intensity Soil Maps are used, a conversion to a soil series map done by a Certified Soil Scientist**
  - 13.4.2(1)(h) ..... Easements**
  - 13.4.2(1)(i)..... Areas of soil disturbance**
  - 13.4.2(1)(j) ..... Areas of cut and fill**
  - 13.4.2(1)(k) ..... Areas of poorly and/or very poorly drained soils including any portion to be disturbed or filled**
  - 13.4.2(1)(l)..... Location of all structural and vegetative erosion and sedimentation control measures**
  - 13.4.2(1)(m) ..... Identification of all permanent control measures**
- 13.4.2(2) ..... Narrative section including:**
  - 13.4.2(2)(a)..... Construction schedule**
  - 13.4.2(2)(b) ..... Earth movement schedule**
  - 13.4.2(2)(c) ..... Description of temporary and permanent vegetative measures including seeding specifications**
  - 13.4.2(2)(d) ..... Description of all structural erosion and sedimentation control measures, with detailed drawings of each**
  - 13.4.2(2)(e) ..... Design calculations for all temporary and permanent structural control measures**
  - 13.4.2(2)(f) ..... Proposed schedule for the inspection and maintenance of all measures**
  - 13.4.2(2)(g)..... Identification of all permanent control measures and responsibility for continued maintenance**
  - 13.4.2(2)(h) ..... Calculations showing volume, peak discharge, and velocity of, present and future runoff**

**13.5.... RESPONSIBILITY FOR INSTALLATION/CONSTRUCTION**

The applicant shall bear final responsibility for the installation, construction and disposition of all erosion and sediment control measures required by the provisions of this regulation. The Board may require a bond or other security as described in Subsection 12.8.10. Site development shall not begin before the erosion and sediment control plan is approved and the control measures are installed as scheduled in the approved plan.

**13.6.... PLAN APPROVAL AND REVIEW**

The Board shall indicate its approval of the erosion and sediment control plan, as filed, if it complies with the requirements and objectives of this regulation. If disapproved, a list of plan deficiencies and the procedure for filing a revised plan will be given to the applicant. Technical review of any erosion and sediment control plan prepared under this regulation shall be reviewed by the consulting engineer at the applicant's expense.



**13.7....INSPECTION**

Inspections shall be made by an agent of the Board during development to ensure compliance with the approved plan and that control measures are properly installed or performed and maintained. The costs of such review shall be borne by the applicant.

**13.8....OTHER REQUIRED PERMITS**

In addition to local approval, the following may be required. RSA 485-A:17 requires a permit from the New Hampshire Department of Environmental Services for any person proposing to significantly alter the characteristic of the terrain, in such a manner as to impede natural runoff or create an unnatural runoff. Regulations require this permit for any project involving more than 100,000 contiguous square feet of disturbance or if such activity occurs in or on the border of the surface waters of the State.

**13.9.... OPERATION AND MAINTENANCE PLAN**

A Stormwater Management Operation and Maintenance Plan (O&M Plan) that ensures adequate long-term operation and maintenance of stormwater Best Management Practices (BMPs) shall be prepared for the stormwater management system. The plan shall establish the functional, financial, and organizational mechanisms for ongoing operation and maintenance of the stormwater management system to ensure that it continues to function as designed. The plan shall address the following:

- 13.9.1 .....** All components within land deeded to the Town for ROW shall be the responsibility of the Town once accepted by the Town, to include but not limited to: pipes, ditches, catch basins, shoulders, etc.
- 13.9.2 .....** Closed pipes extending out from the Town ROW may be the responsibility of the Town once accepted by Town and located within an easement to the Town for that purpose. As-built drawings must be provided to the Town before acceptance.
- 13.9.3 .....** Subsurface infiltration systems and open systems, to include but not limited to: swales, ditches, level spreaders, filter strips, dry ponds and wet ponds, outside of the ROW shall be the sole responsibility of and shall be maintained by the owner of the lot on which they are located. If a system extends over more than one lot, or is on a lot owned in common, then the applicant shall demonstrate which lot owner(s) or what association shall be responsible for maintenance.
- 13.9.4 .....** Stormwater management BMPs shall, at a minimum, follow the recommendations of the New Hampshire Stormwater Manual, as amended. The Town reserves the right to correct deficiencies in such drainage systems resulting from improper or inadequate maintenance if, in the opinion of the Town, there is a threat to the safety or property of the general public from such deficiencies. Costs of corrective action shall be borne by the development.
- 13.9.5 .....** The O&M Plan shall include details of the inspection and maintenance requirements of the stormwater Best Management Practices. The plan shall identify the party(ies) responsible for implementing the O&M Plan once construction is complete.
- 13.9.6 .....** Annual O&M Report and Certification – The property owner or association identified as responsible for the operation and maintenance of the stormwater management system shall provide a report on activities performed throughout the year and a certification that the system continues to function as designed. The annual report and certification shall be submitted to the Town Planner by December 31<sup>st</sup> of each year.

## **ARTICLE 14.... UTILITY DESIGN STANDARDS**

### **14.1 .... UTILITY STRUCTURES**

The applicant proposing a subdivision shall insure the installation of all electric, telephone, and other utility distribution lines per specifications of the public utility companies involved, and easements required for transformer units shall be provided by the developer.

#### **14.1.1 ..... UNDERGROUND UTILITIES**

All utilities shall be installed underground. The subdivider shall install all necessary mains, branch offsets to each lot, and fire hydrants or other fire protection measures required in accordance with Section 11.5.

#### **14.1.2 ..... UTILITY COORDINATION**

The applicant shall coordinate the location of all utilities with the utility companies. On the plans, the Applicant shall show the location and size of all underground and overhead nonmunicipal utilities, including utility lines, manholes, transformers, poles, and other appurtenant facilities or structures. With the application, the applicant shall include a Utility Clearance Letter from the utility company(ies) stating approval of the proposed utility layout and design.

#### **14.1.3 ..... WAIVERS**

Where a waiver is requested to the above, an alternate plan shall be approved that minimizes the visual impact of the utility structures and provides for tree growth in accordance with Article 17.

### **14.2 .... UTILITY EASEMENTS**

**14.2(1) .....** Appropriate easements, if any, required for existing/proposed utilities construction and maintenance shall be included in the application.

**14.2(2) .....** All easements dedicating rights to the Town of Barrington are subject to review and approval by the Board and Town Counsel, and any other Town agent or body that the Board and/or Counsel deem necessary.

**14.2(3) .....** Where the topography is such as to make difficult the inclusion of any utilities or other facilities within the road rights-of-way, the subdivision plan shall show the boundaries of the proposed permanent easements over or under private property. Such easements shall not be less than 25 feet wide and shall have satisfactory access to existing or proposed rights-of-way.

**14.2(4) .....** Where a proposed residential development is traversed by a watercourse or drainage way, the Board may require a stormwater easement or drainage right-of-way of at least 25 feet in width.

**ARTICLE 15.... SUBSURFACE SEWAGE SYSTEM DESIGN STANDARDS****15.1 .... MINIMUM STANDARDS**

No subdivision plan shall be approved where the site does not meet the minimum standards imposed by the New Hampshire Department of Environmental Services (NHDES) and the design standards for sewage systems in this Article.

**15.2 .... TEST PITS**

Each site or lot proposed for development shall have at least two test pits, separated by at least 50 feet. The test pits shall establish the existence of a contiguous area of 4,000 square feet, or larger per Env-Ws 1014.01, as amended, suitable as a receiving layer for a leaching system. Both test pits and percolation test area must be located within this area. This area shall be shown on the plan. The entire 4,000 square foot area must meet or exceed all applicable regulations, local, state or federal, for the installation of a septic system. That is, no portion of the contiguous area must be unavailable for the installation of a septic system for any reason.

**15.3 .... HYDROGEOLOGIC STUDY**

A hydrogeologic study, as described in Section 7.7, shall be required for a development where a septic system is being designed to accommodate 2,500 gallons per day, or more.

**15.4 .... DESIGN REQUIREMENTS**

Regarding the installation of on-site sewage disposal systems, the following design standards shall apply.

**15.4(1) .....** Subsurface sewage disposal systems under 2,500 gallons/day must be designed by a septic system designer, licensed in the State of New Hampshire, or a Professional Engineer licensed in the State of New Hampshire. All systems must be designed and constructed in accordance with the most recent edition of Subdivision and Individual Sewage Disposal System Design Rules as published by the NHDES.

**15.4(2) .....** Systems over 2,500 gallons/day shall be designed by a permitted designer who is also a civil or sanitary engineer licensed in the State of New Hampshire. All systems are to be constructed in accordance with the most recent edition of the Subdivision and Individual Sewage Disposal System Design Rules as published by the New Hampshire Water Supply and Pollution Control Division of the (NHDES). (Env-Ws 1003.01 (d)).

## **ARTICLE 16.... WATER SYSTEM DESIGN STANDARDS**

### **16.1 ....ON-SITE WATER SUPPLY**

The provision of an on-site water supply shall conform to criteria of the NHDES. It shall be the responsibility of the applicant to provide sufficient and complete information to prove that the site is able to permit the installation of both individual on-site water supply and sewage disposal systems.

### **16.2 ....HYDROGEOLOGICAL STUDY**

A Hydrogeologic Study, as described in Section 7.7, shall be required for any well with a withdrawal of over 20,000 gallons per day.

### **16.3 ....WELL RADIUS PLACEMENT**

Each newly created lot shall show the entire well radius protection area as required by the NHDES.

## **ARTICLE 17.... LANDSCAPING, RECREATION AND OPEN SPACE STANDARDS**

### **17.1 ..... LANDSCAPE OBJECTIVES**

The Town of Barrington requires attention to landscaping design in order to protect and preserve the appearance, character, and value of the surrounding neighborhoods by providing a better transition; by improving the compatibility between various land uses in the town; and by buffering neighboring properties and areas from any adverse effects of site development. These regulations shall mitigate the appearance and detrimental impact of non-residential uses. Any application of these regulations shall protect the value and provide for quiet enjoyment and nuisance-free use of neighboring properties.

#### **17.1.1 ..... BUFFER STRIPS**

**17.1.1(1) .....** To the extent feasible, naturally landscaped buffer strips of 25 feet shall be preserved where a proposed residential development abuts non-residential zones or uses. This buffer shall adequately shield the residential properties from the adverse effects of the non-residential use. No roads shall be located within any part of this buffer zone.

**17.1.1(2) .....** Where appropriate, existing trees and vegetation shall be incorporated into buffer strips or landscaping design. Buffer strips must contain vegetation that will screen the view from adjacent residential property during all seasons; this screening must exclude visual contact between uses and create a strong impression of the separation of spaces. Fencing alone may be considered an acceptable method of screening only if granted a waiver from the Planning Board.

**17.1.1(3) .....** Where appropriate or required, subdivisions shall be planned to provide that natural vegetation be retained as a buffer along environmentally sensitive areas such as watercourses, wetlands, and standing waters, in accordance with sound environmental practices, as described by the Department of Environmental Services. Appropriate landscaping along designated Scenic Roadways is strongly encouraged and any tree removal shall only be permitted in accordance with state and local Scenic Roadway provisions.

#### **17.1.2 ..... STREET TREES**

Where a road is proposed through an open field, or where the existing vegetation will be removed or is of a character such that the road will get no shade in the summer, street trees shall be planted at regular intervals, between 30 and 100 feet, along both sides of the right-of-way as determined to be appropriate by the Planning Board. Such trees shall have a caliper of at least three inches at a point six inches above the top of the root ball, and shall be of a suitable hardwood species to ensure that the road is not shaded in the winter. Further, the Board may require removal of coniferous trees along the road where it finds that shade from such trees could cause icing problems. A listing of Recommended Street Trees is included in the Appendix of the Barrington Site Plan Regulations.

### **17.2 .... RECREATION AND OPEN SPACE REQUIREMENTS**

To implement the objectives of the Town's Master Plan, the Board may require the dedication or reservation of park, playground, or other recreational or open space areas within a proposed subdivision. The Board may require up to 15% of the land proposed for development be set aside for such purposes. If agreed to by the applicant and the Board, the area reserved may be increased to an amount greater than 15%. In determining how much land should be reserved, the Board will

take into consideration the size and type of development, the number of housing units proposed, the proximity of existing recreation and open space areas, the characteristics of the land, and other general planning principles related to identifying the need for such facilities.

**17.2.1 ..... RECREATION AND OPEN SPACE FUNDING ALTERNATIVE**

As an alternative to the dedication of recreation or open space areas required in Section 17.2 above, a developer may, at the discretion of the Board, opt to contribute funds to a recreation fund maintained by the Town of Barrington for the purpose of developing recreation facilities or preserving open space. Said fund shall be part of the Town's Capital Improvement Program (CIP) and the amount of fee collected shall be established as part of the annual CIP preparation, based on appropriate cost allocation methods. If the Town has established a capital facilities impact fee for recreation facilities, as provided for in the Zoning Ordinance, then this alternative may not be appropriate.

**17.2.2 ..... PUBLIC ACCESS TO WATER BODIES**

A primary goal of the Town's recreation and open space planning efforts is to establish and maintain public access to the significant water resources in the community. To promote this goal, a developer may, at the discretion of the Board, opt to dedicate public access to a water body as an alternative to the dedication of recreation or open space areas authorized under Section 17.2 above. Such access may include provisions for direct water access, or it may be for other uses that are enhanced by close proximity to the waters such as walking paths, picnic areas, and scenic overlooks. To qualify, public accesses must be permanently available to the general public.

**17.2.3 ..... OWNERSHIP OF RECREATION FACILITIES AND OPEN SPACE**

The ownership of proposed recreation or open space areas shall conform to the following provisions.

**17.2.3(1) .....** If owned and maintained privately, said recreation or open space areas may have access restricted to residents of the proposed subdivision. Provisions shall be made to ensure sufficient funding for ongoing maintenance of said facilities, payment of property taxes, and other such expenses, if deemed appropriate by the Board.

**17.2.3(2) .....** If such areas are offered to and are accepted by the Town, they shall be open to the general public, and there shall be sufficient nearby on-street parking.

**17.2.3(3) .....** The applicant shall place a permanent deed restriction on each recreation lot, deeming it a non-buildable lot. Further, the deed restriction shall specify permitted types of recreation development are permitted. The deed restriction shall be shown on the plat and shall be filed at the Strafford County Registry of Deeds.

**17.2.4 ..... PLANTINGS**

Where appropriate, the Board may also require the developer to install such trees and shrubbery within a recreation area that are deemed compatible to the environmental design of the neighborhood. It shall also be stipulated by covenant upon the plan that such open spaces shall not contain signs other than street directional or place-name signs. Upon approval of the final plans and plantings, if the park is dedicated for public use, the maintenance of said landscaped areas shall be the responsibility of the community. If the recreation facility is solely for subdivision use, the maintenance of said landscaped areas shall be the responsibility of the residents of the subdivision.

**17.2.5 ..... CONSERVATION OF NATURAL FEATURES**

The development of all subdivisions shall, to the greatest extent possible, preserve in their natural condition important natural features of the site. The Planning Board may request an advisory opinion from the Conservation Commission in the determination of the value of natural features and the boundaries of any natural systems in question. Examples of such areas include, but are not limited to, watercourses, wetland areas, steep slopes, large or unique trees and woodlands, or other unique habitat areas. Natural features that provide buffers between lots or sections of a subdivision should be preserved to enhance privacy and aesthetic value. The establishment of open space areas shall be created with the intent of preserving large unfragmented blocks of habitat that can be linked with other contiguous existing or planned conservation areas located both on- and off-site.

## **ARTICLE 18.... CONSTRUCTION ADMINISTRATION PROCEDURES**

### **18.1 .... GENERAL**

The purpose of this regulation is to incorporate all the construction phase requirements within a single article.

Prior to commencing any construction on a project, all the conditions of approval shall be met, the plan has been signed by the Planning Board, a preconstruction meeting held with the Town, the performance guarantee is accepted by the Town, and the inspection escrow account is funded.

### **18.2 .... PERFORMANCE AND MAINTENANCE GUARANTEE**

#### **18.2.1 ..... POSTING OF PERFORMANCE GUARANTEE**

**18.2.1(1) .....** Proper performance guarantee must be submitted to the Town to insure the completion of work. No work shall start on the property until the proper guarantee is in place.

**18.2.1(2) .....** Performance guarantees must be presented in a written agreement with, and acceptable to, the Planning Board and Town Counsel. This provision ensures proper and legally binding agreements and appropriate economic assurance for the protection of the Town of Barrington and its citizens. The following methods of posting a performance guarantee may be accepted:

**18.2.1(2)(a)....** Cash or a savings passbook held in the name of the town and deposited with the Town Treasurer.

**18.2.1(2)(b) ...** A bond issued by a guarantee company authorized to do business within the State of New Hampshire, in an amount and manner acceptable to the Planning Board's Agent, after consultation and approval by Town Counsel.

**18.2.1(2)(c)....** A letter of credit in an amount and manner acceptable to the Planning Board's Agent after consultation and approval by Town Counsel.

**18.2.1(3) .....** A construction cost estimate shall be submitted to the Planning Board for review and approval, and the approved cost estimate will determine the value of the surety. At a minimum, the construction cost estimate shall include construction of all the subdivisions infrastructure, including, but not limited to: road construction (both public and private roads); drainage facilities; erosion and sedimentation controls; other transportation related facilities; landscaping; fire protection; and other utilities.

**18.2.1(4) .....** The performance guarantee shall be for 115% of the costs of all required site improvements, plus any other funds necessary for the completion of ancillary work as conditioned by the Board's approval.

**18.2.1(5) .....** Time limitations shall be imposed upon completion of the site improvements in accordance with the approval and Subsection 8.6. Failure to commence work on the site improvements within the specified time limits may result in one of the following situations:

**18.2.1(5)(a).....** a forfeiture of the performance guarantee in favor of the town in order to complete the required improvements;

**18.2.1(5)(b) .....** the need to post a new guarantee prior to construction; or

**18.2.1(5)(c).....** revocation of the approved plan pursuant to RSA 676:4-a.

**18.2.1(6) .....** The surety may be used by the Town to repair work that has failed, was not performed in accordance with the approved plans and specifications, to restore the site should the project default, to cover the cost of testing and inspections, and to cover legal or other fees the Town may incur during the collection process.



**18.2.1(7) .....** If the Town has reason to suspect that a surety will not be renewed by the issuing agency, will be cancelled prior to the expiration of the guarantee, or that the issuing agency will not be in a position to continue the surety, the Town reserves the right to declare the surety to be in jeopardy and may call on the surety.

**18.2.1(8) .....** Should the developer fail to obtain or renew a surety of sufficient size to cover the cost of the improvements, this shall constitute grounds for the revocation of the approval. The surety shall be renewed, and a copy submitted to the Town, a minimum of 30 days prior to the expiration of that surety. The amount of the renewal guarantee shall be based upon a current project cost estimate to construct the remaining improvements. The applicant shall provide an updated cost estimate to the Planning Board for review and approval.

**18.2.2 ..... REDUCTION OF PERFORMANCE GUARANTEE**

**18.2.2(1) .....** Upon inspection of a partial completion of required improvements, the Planning Board may authorize in writing a reduction in the performance guarantee up to an amount equal to the work completed, less a 20 percent retainage on the value of work completed. The remaining balance of the performance guarantee shall remain in effect until the completion of all required improvements are inspected and approved by the Planning Board.

**18.2.2(2) .....** The performance guarantee may be drawn down no more often than monthly, and in no case shall the performance guarantee be drawn below 25 percent of the original project estimate until the project has reached substantial completion as determined by the Town.

**18.2.2(3) .....** Should progress toward the completion of all required improvements fall substantially behind the mutually agreed upon timetable, the Planning Board may obtain a completion cost estimate, at the applicant's expense, from the developer's contractor or a qualified contractor of the Planning Board choice.

**18.2.2(4) .....** If the estimated completion costs exceed the amount of the performance guarantee posted with the town, the developer shall post an additional performance guarantee as is necessary to complete the required improvements. The developer shall post such guarantee within 30 days of notice thereof.

**18.2.3 ..... RELEASE OF PERFORMANCE GUARANTEE**

**18.2.3(1) .....** The performance guarantee (or balance thereof) shall not be released until the Planning Board (or its agent) has certified completion of the required site improvements in accordance with the approved final plat, and Town Counsel has reviewed and approved all deeds governing land to be used for public purposes, as well as all easement agreements for the site.

**18.2.3(2) .....** Prior to the release of the performance guarantee, the Town's Building Inspector, Code Enforcement Officer, or designee, shall certify that all site improvements have been installed as per the approved subdivision plan. Furthermore, the developer shall meet the requirements of Sections 8.7 and 8.8.

**18.2.3(3) .....** After a project has reached substantial completion, a site walk will be held, and a punch list generated. After the items on the punch list are completed, the one-year warranty period commences, and the performance guarantee may be reduced to 10 percent of the original project estimate for the duration of the warranty period.

**18.2.3(4) .....** After the one-year warranty period, a final site walk will be completed, and a punch list generated. Depending on the items in the punch list, the warranty period may be extended an additional year from the date of the repair completion.

**18.2.4 ..... MAINTENANCE BOND**

For roads proposed to be accepted by the town, the Planning Board will not release the performance guarantee until a maintenance bond is in place. The town will require a maintenance guarantee, covering the maintenance of public roads and other public improvements for a period of two years from the date of completion, in an amount of between 10 percent of the original cost estimate. If repair or unusual maintenance is needed, or additional improvements are required, then such necessary costs shall be drawn against said guarantee.

**18.2.5 ..... CERTIFICATE OF SATISFACTORY COMPLETION**

**18.2.5(1) .....** The Select Board is under no obligation to accept ownership of a development's road and infrastructure.

**18.2.5(2) .....** The Select Board and Planning Board will not accept final dedication of required improvements, nor release a financial guarantee, until the Select Board, or their designated agent, has submitted a certificate stating that all required improvements have been satisfactorily completed and until the applicant's engineer or surveyor has certified to the Select Board, or their designated agent, through submission of detailed "as-built" plans of the development, indicating locations, dimensions, materials, lot monumentation, utilities, and other information required by the Planning Board, is in accordance with the approved plans for the improvements to a tract of land.

**18.3 .... PRE-CONSTRUCTION MEETING**

Prior to the start of the work, a pre-construction meeting will be held to review procedures, identify responsibilities, and discuss Town requirements. This shall occur after the Planning Board chair, or their designee, sign the construction plans approved by the Notice of Decision. It is the owner(s) responsibility to contact the Land Use Department to start the process of setting up a pre-construction meeting to include the Town Planner, Town Road Agent, Town Engineer, Owner, and Owner's Engineer.

**18.4 .... CONSTRUCTION INSPECTIONS**

The town shall provide for the inspection of required improvements during the construction of the development and certify their satisfactory completion. RSA 676:4-b II, III & IV allows for the Planning Board to require third-party construction inspection.

**18.4.1 ..... INSPECTION FEES**

**18.4.1(1) .....** Whenever a proposed subdivision includes roadway construction, installation of drainage structures or other public improvements, the costs incurred by the town to have the work inspected shall be borne by the applicant.

**18.4.1(2) .....** The Town Engineer will submit a proposal to the Town for review/acceptance to complete construction inspection services. The proposal will include the estimated office/field time necessary to ensure the project complies with the Notice of Decision and approved plans as described in Section 18.3 – Inspection Schedule. The Applicant will submit a deposit to fund a Town escrow account for the purpose of paying the Town Engineer's inspection fees. The unused portion shall be returned to the applicant upon final acceptance of the improvements. If the inspection cost exceeds the deposit, the applicant shall replenish the escrow account for the balance of the work remaining. All Town expenditures shall be paid prior to final acceptance of the improvements, and prior to the release of any bond, letter of credit, money or other financial security deposited under this chapter.

**18.4.2 ..... INSPECTION SCHEDULE**

During construction, the Town Engineer will be on-site periodically confirming progress and compliance with the Notice of Decision and approved plans. For the key inspection noted below, the applicant shall notify the Town two business days prior to the required inspections. Upon notification of applicant, Town Engineer or designee shall perform the following inspections within 48 hours.

**18.4.2(1) ..... Clearing and Grubbing**

Roadway is clear and grubbed down to native soil, free of loam or other unsuitable materials prior to the placement of any fill.

**18.4.2(2) ..... Drainage**

Installation of pipes and structures, culverts, stormwater treatment devices, etc.

**18.4.2(3) ..... Subbase materials**

All subbase material as it is installed and compacted. The Town, or their designated representative, must be present during compaction testing of all road subbase materials, and prior to placement of road base materials.

**18.4.2(4) ..... Road Base Materials**

All road base materials (crushed stone coarse and fine) as it is installed and compacted. The Town, or their designated representative, must be present during compaction testing of all road base materials.

**18.4.2(5) ..... Pavement**

Applicant must notify the Town of date(s) that pavement will be installed, and the Town must give approval prior to the placement of pavement. The Town, or their designated representative, must be present during the installation of pavement.

**18.4.2(6) ..... Utilities**

Installation of conduits, cables, pipe, and warning tape for electric, water, wastewater, etc. The Town, or their designated representative, must be present during the installation of utilities.

**18.4.2(7) ..... As-built drawings**

Contractor shall be maintained on a daily basis, weekly inspections will be conducted.

**18.4.2(8) ..... Final inspection**

After the submission of as-built drawings and prior to the release of the performance guarantee, the Town or their designated representative shall conduct a final inspection. All items from the Town's punch list shall be addressed prior to the acceptance of the work.

**18.4.2(9) ..... Failure to Provide Proper Notice**

Failure to notify the Town or their designated representative of said inspection points shall give the Town the right to reject the work and require reconstruction.

**18.4.2(10) ..... Access to the Site**

The Town and/or their designated representative shall at all times have access to the site for the purpose of performing inspections.

**18.5....ISSUANCE OF BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY**

The Town has the authority to issue Building Permits and Certificates of Occupancy as stated in the applicable State RSA's; however, the Applicant shall meet certain requirements before Building Permits and Certificates of Occupancy are issued.

In all cases, no building permit shall be issued by the building inspector for the construction of any building on land subject to these regulations, until final approval is granted by the Board, and no certificate of occupancy shall be issued until the terms and conditions of the Board's subdivision approval have been fulfilled.

**18.5.1 .....ISSUANCE OF BUILDING PERMITS**

The following conditions shall be met prior to the Town issuing a Building Permit:

- 18.5.1(1) .....**Final approval is granted by the Planning Board and all conditions precedent are met from the Notice of Decision.
- 18.5.1(2) .....**Approved development plan is filed with the Strafford County Registry of Deeds.
- 18.5.1(3) .....**The performance guarantee is in place as stated in Section 18.2 – Performance and Maintenance Guarantee.

**18.5.2 .....ISSUANCE OF CERTIFICATE OF OCCUPANCY**

In addition to the Building Permit requirements, the following conditions, and commitments from the developer, shall be met prior to the Town issuing a Certificate of Occupancy:

- 18.5.2(1) .....**The pavement base course is installed.
- 18.5.2(2) .....**All driveway aprons shall be constructed to the limit of the town right-of-way.
- 18.5.2(3) .....**All sidewalks shall be constructed as required and shall terminate in ADA compliant handicapped ramps.
- 18.5.2(4) .....**Curbing is installed
- 18.5.2(5) .....**All utility services shall be connected to the homes and be activated.
- 18.5.2(6) .....**The development's stormwater collection/treatment systems shall be constructed and functioning as designed. This includes such items as drainage swales, catch basins, drain manholes, drainage pipes, stormwater treatment devices (i.e. infiltration ponds), etc.
- 18.5.2(7) .....**Temporary and permanent erosion control measures for the affected area of the site must be constructed as specified on the approved construction plans or as ordered by the town's Engineer.
- 18.5.2(8) .....**The developer must provide a paved temporary turnaround for snowplow trucks and emergency services vehicles. The turnaround design and location must be approved by the Town Engineer.
- 18.5.2(9) .....**The right-of-way shall be clear of construction materials, debris, contractor's equipment, and storage trailers.
- 18.5.2(10) .....**Side slopes shall be rough graded to within one foot of finished grade.
- 18.5.2(11) .....**The required regulatory and warning signs shall be constructed by the developer.

**18.5.3 ..... CERTIFICATES OF OCCUPANCY WITH INCOMPLETE SUBDIVISION PLAN IMPROVEMENTS.**

- 18.5.3(1) .....**In the event that the applicant is entitled to a Certificate of Occupancy under the Barrington Building Code, except for work that cannot or will not be completed because of weather-related or other reasons (for example, landscaping and paving postponed due to cold weather or the applicant wishing to occupy a building without landscaping or signage), then the applicant shall post a financial guarantee that meets the requirements of Section 18.2 – Performance and Maintenance Guarantee.

**18.5.3(2)** ..... The duration of the guarantee shall be determined by the Town Planner. Appeals to the amount and duration of the financial guarantee shall be made to the Barrington Planning Board.

**18.5.3(3)** ..... The financial guarantee shall be released when the Town is satisfied that the applicant has complied with all requirements set forth.

## ARTICLE 19.... DEFINITIONS

**Abutter:** Shall mean any person whose property adjoins, or is directly across a street or stream from, the land under consideration by the 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/her land will be directly affected by the proposal under consideration, for purposes of these regulations anyone who owns land within 100 feet of the site is presumed to be directly affected. For purposes of receipt of notification by the Town of a Board hearing, in the case of an abutting property being under condominium or other collective ownership, the term abutter shall mean the officers of the collective or association, as defined in RSA 356-B:3, XXIII, and any amendments thereto.

**Acceptance:** An affirmative vote by a majority of the Planning Board at a public meeting that an application contains all of the items required by the subdivision regulations.

**Applicant:** Applicant shall mean the owner of record of the land that is proposed to be subdivided, including any subsequent owner of record who proposes such development, or the duly authorized, in writing, agent of any such owner.

**Approval:** Action by a majority of the Planning Board signifying that the proposal meets all applicable regulations and that there are no unresolved concerns requiring further Board consideration.

**Approval with Conditions Precedent:** Action by a majority of the Board that signifies that not all of the applicable regulations have been met but that only minor revisions or non-discretionary issues such as receiving state permits, bonds to be posted with the Town, or payment of fees are required to meet all applicable requirements. This action is not a final action of the Board and plats shall not be signed. Such approvals impose reasonable time limits for compliance.

**Approval with Conditions Subsequent:** Action by the Board that includes conditions that appear on the plat or within the minutes or decision that place restrictions on the use of the property or safeguards that must be observed during development of the parcel or once the project is in use. Such issues might include the location of a road, preservation of vegetation and stone walls, etc. Such action is a final action and can result in the signing of plats provided other issues are met.

**Arterial Roads:** Major roads carrying traffic from collector and local access roads and providing a means of travel from one part of town to another (See Section 12.2).

**Average Daily Traffic:** An estimate of the daily volume of traffic utilizing a road. The value shall be determined by ITE and will be no less than 8 trips per household in residential areas.

**Base:** The elevation that road base materials (i.e. gravel and crushed gravel) must be brought up to prior to installation of pavement

**Board:** Shall mean the Planning Board of the Town of Barrington, New Hampshire as established under the provisions of RSA 673:2, as amended.

**Build Out:** Is intended to mean that point in time when all approved lots and/or units along a road have been completed and occupied.

**Building Envelope:** Shall mean the area of a newly created subdivided lot eligible for the placement of dwelling units. Building envelopes are restricted by operation of local federal and state law and can be further restricted in their location by operation of a subdivision approval to enhance the purposes and further the requirements of these regulations.

**Collector Road:** Roads that service several local roads and/or convey traffic to/from arterial roads (See Section 12.2).

**Commercial Uses:** As defined by the Town of Barrington Zoning Ordinance.

**Common Fill:** Earth material from either on-site or off-site that is free from frozen material, foreign debris, clay pockets, peat, organic matter, perishable rubbish and other deleterious materials. Material shall

contain no rocks larger than half the compacted thickness of each lift, with a maximum rock of six inches. Remove rocks as required.

**Community Wastewater System:** A non-municipal wastewater disposal system that serves more than one lot. When this type of system is proposed, the design and specifications for the same shall be submitted and shall have been certified by a professional engineer qualified and registered under applicable New Hampshire statutes.

**Community Water Supply:** A non-municipal water supply system that serves more than one lot. When this type of system is proposed, the design and specifications for the same shall be submitted and shall have been certified by a professional engineer qualified and registered under applicable New Hampshire statutes.

**Completed Application:** This term refers to the application form with all information completed as requested on the form (except for requested waivers from applicable regulations), all attachments, drawings, approvals, additional studies, and other paperwork as requested in the form, or as specified elsewhere in these regulations, or required by the Planning Board, and all fees and administrative expenses as indicated in these regulations. The information provided shall provide sufficient information to allow the Board to proceed with consideration and to make an informed decision.

**Critical Areas:** Areas of any size within 100 feet of a stream, water body, or poorly or very poorly drained soils; areas containing slope lengths exceeding 25 feet on slopes greater than 15 percent.

**Crown:** The elevation of a road surface at its center above its elevation at its edges.

**Curb:** The granite edging of a sidewalk or paved street.

**Curb Radius:** The radius that pavement must obtain when a street flares into an intersection.

**Dead End Road or Street:** A street with an entrance and exit at the same end. Such streets have a cul-de-sac or alternative terminus treatment at the end of the street. Dead end streets are a type of local access road.

**Development:** This term shall mean the construction of improvements on a tract or tracts of land, including the enlargement of a structure or physical changes to the site to accommodate an intended use.

**Drainage:** All drainage systems, catch basins, drains, ditches, culverts, pipes, and other similar structures.

**Driveway:** An area located on a lot, tract or parcel of land and built for access from a street to a garage or off-street parking space, serving not more than three (3) single-family dwellings. Driveways may be allowed for access to parking lots to unit type developments to serve one multifamily building with a maximum of six units and may be a maximum of two hundred feet in length.

**Easement:** A right of use which one party may have on the land of another, often but not limited to, a strip of land used or intended to be used for the location of utilities, drainageways, or access to the property.

**Engineer or Surveyor:** These terms shall denote the duly designated, legally recognized, New Hampshire licensed engineer or surveyor employed by the applicant as may be pertinent to the actual services to be performed in accordance with the provisions set forth in RSA 310-A, as amended.

**Grade:** The slope of a road, channel, or natural ground.

**Hardpan:** This term refers to a compact soil layer high in silt and very fine sand, generally low in clay; its permeability is less than 0.6 inches per hour.

**Headwall:** A structure protecting the exposed ends of drainage structures from erosion and directing the flow of water into the structure. Headwalls are typically constructed of reinforced concrete, mortared stone, or granite slabs.

**Improvement:** This term shall refer to site grading, landscaping, and street or road construction, and the installation of utilities (including water, sewer, electric, gas, storm drainage, and their appurtenances) as are necessary for the general preparation of the site for the proposed use. Agricultural and silvicultural activities are not necessarily improvements under this definition and require a case-by-case analysis.

**Individual Waste Disposal System:** This term refers to any sewage disposal and/or treatment system other than a municipal system or community system.

**Individual Water Supply System:** This term refers to any water supply system other than a municipal system or a public water system that provides potable water.

**Intersection:** The location where two or more streets intersect. In no case shall more than two streets meet at an intersection.

**Invert:** - The elevation at which the bottom of a pipe is to be set.

**Limits of Roadbed:** Shall be defined as the area that the travel way, shoulders, sidewalks and slope grading encompass.

**Local Access Road:** Roads that provide access to dwellings and businesses (See Section 9.2).

**Lot:** An area or parcel of land, or any part thereof, which can be legally created under the terms of these regulations and the Barrington Zoning Ordinance.

**Lot Line Adjustment:** An adjustment in the location of an existing lot line separating existing lots of record that does not result in the creation of any additional lots. Such action requires notice and opportunity to be heard but does not require a public hearing for Board action.

**Pavement:** Pavement is hot bituminous pavement.

**Plat or Plan:** Refers to the complete set drawings, reports, and accompanying information that comprises a submittal in accordance with these regulations. Statements made by the applicant or applicant's agent at public hearings shall also be considered an integral part of the plat or plan upon which a decision was made.

**Public Meeting:** Is any meeting of the Planning Board that has been properly noticed in accordance with these regulations and/or RSA 91-A, as applicable.

**Regional Impact:** Refers to a proposal before the Planning Board that could reasonably be expected to impact on neighboring municipality, because of factors such as, but not limited to, size, proximity to border, transportation, emissions, water resource impact, and shared facilities.

**Right-of-Way:** An easement for the purpose of providing an area for travel across the property of another.

**Right-of-way, Public:** Refers to any area or interest in land that is intended for public traverse, whether accepted by the town or not.

**Seasonal High-Water Table (SHWT):** This term refers to the upper limit of the ground water in a soil that becomes seasonally saturated with water.

**Sensitive Areas:** This term refers to land and resources that possess environmental, cultural, or historic factors that warrant special consideration during Planning Board review. Such areas may include, but are not limited to, historic homes, stream banks, wetlands, wildlife habitat (plant and animal), trails, etc.

**Shoulder:** - That portion of a roadway between the edge of the wearing course and the top of the foreslope of a ditch or embankment.

**Sight Distance, Minimum:** The distance achieved for both vertical and horizontal curves at which a driver, whose eyes are at a height of 3.5 feet above the road surface, can see an object 3.5 feet in height on the road (See Figure 4A).

**Slope:** The steepness of land surface. Slope is expressed in percent by dividing the change in elevation by a given horizontal distance and multiplying by 100 percent.

**Soil Scientist:** A person qualified in soil classification and mapping who is certified by the State of New Hampshire.

**Stream:** A course of water that flows for sufficient time of the year to develop and maintain defined channels but may not flow during dry portions of the year. Includes, but is not limited to, all perennial and intermittent streams located on U. S. Geological Survey maps.



**Street:** As set forth in RSA 672:13, street means, relates to and includes: street, avenue, boulevard, road, land, alley viaduct, highway, freeway and other ways. The term "streets" shall also apply to areas on any plans designated as streets, roads, lanes, etc. The word "street" shall mean the entire right-of-way.

**Subbase:** The elevation that subbase materials must be brought up to prior to the installation of base materials and pavement.

**Subdivision:** Means the division of a lot, tract, or parcel (which may include one or more tracts, lots, or parcels) of land into two or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, for sale, rent, lease, condominium conveyance, or building development. The term includes re-subdivision, and when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided. The division of a parcel of land held in common and subsequently divided into parts among several owners shall be deemed a subdivision for the purpose of these regulations, in accordance with RSA 672:14, as amended.

**Submission:** This term refers to the process of applying to the Board for subdivision plan review. Formal submission is the presentation of a subdivision plan to the Board at a public hearing and is a prerequisite for acceptance of the plan as a "Completed Application."

**Terrain Classification:** As there is a wide variation of existing slopes in this region, streets must be designed to work with the existing topography. The terrain classification is representative of the existing topography of the area on which a street is to be constructed. When a question arises as to which classification a street should be, the Planning Board shall make the final determination. General classifications are:

Level - Existing grades of 0 - 8%

Rolling - Existing grades of 8.1 - 15%

Hilly - Existing grades of > 15%

**Unsuitable Materials:** Those materials that tend to deteriorate a street if left in place, such as loam, peat, vegetative or organic matter, roots, stumps, boulders, ledge, clay, muck, and other material deemed unsuitable by the town in the field.

**Valuation:** Shall be as per the assessment records of the Town of Barrington, factored up to 100 percent value.

**Wetlands:** Shall be as defined under wetland areas in the Barrington Zoning Ordinance.