
TOWN OF HOPKINTON, NH

SUBDIVISION REGULATIONS



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Amended: 1991 2002 2014
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TABLE OF CONTENTS

SECTION I	GENERAL PROVISIONS	<u>Page</u>
	1.1 Authority	SD-1
	1.2 Title	SD-1
	1.3 Jurisdiction	SD-1
	1.4 Purpose	SD-5
	1.5 Definitions	SD-6
SECTION II	PROCEDURES FOR SUBDIVISION APPROVAL	
	2.1 General Requirements	SD-10
	2.2 Optional Consultation	SD-10
	2.3 Required Preliminary Review	SD-11
	2.4 Formal Application Review Process	SD-15
	2.5 Minor Subdivision Approval	SD-22
	2.6 Plats for Recording Purposes Only	SD-22
	2.7 Off-Site Capital Improvements	SD-23
	2.8 As-Built Plans	SD-23
SECTION III	DATA REQUIRED FOR SUBMISSION OF A SUBDIVISION	
	3.1 General	SD-24
	3.2 Professional Standards	SD-24
	3.3 Required Exhibits	SD-24
	3.4 Performance Guarantees	SD-28
SECTION IV	GENERAL PRINCIPLES AND DESIGN AND CONSTRUCTION STANDARDS FOR SUBDIVISION	
	4.1 Overview	SD-30
	4.2 General Principles	SD-30
	4.3 Lot Sizes	SD-30
	4.4 Design Standards	SD-31
	4.5 Construction Standards	SD-41
SECTION V	DEVELOPMENTS OF REGIONAL IMPACT	
	5.1 Developments of Regional Impact	SD-54
SECTION VI	WAIVER PROCEDURE	
	6.1 Waiver Procedure	SD-55
SECTION VII	AMENDMENTS	
	7.1 Amendments	SD-55
SECTION VIII	INTERPRETATION, CONFLICT, SEPARABILITY	
	8.1 Interpretation	SD-55
	8.2 Conflict	SD-55
	8.3 Separability	SD-55
SECTION IX	PENALTIES	
	9.1 Penalties	SD-56

TABLE OF CONTENTS

SECTION X	EFFECTIVE DATE	<u>Page</u>
	10.1 Effective Date	SD-56
APPENDIX A	AMENDMENTS BY YEAR	SD-57

SECTION II
PROCEDURES FOR SUBDIVISION APPROVAL

1.1 AUTHORITY These Regulations are adopted in accordance with the applicable provisions of RSA 672 through 677 inclusive of the Revised Statutes Annotated and originally authorized by the March 1969 Town Meeting.

1.2 TITLE The Regulations shall be known and may be cited as the “Subdivision Regulations, Town of Hopkinton, New Hampshire.”

1.3 JURISDICTION The provisions of these Regulations shall apply to all land within the boundaries of the Town of Hopkinton.

1.3.1 Rules of Procedure These Rules of Procedure are adopted under the authority of New Hampshire RSA 676:1.

- (a) These Rules govern the procedures by which the Planning Board receives and acts upon communications or applications.
- (b) Generally, these Rules have the same definitions as contained in the Subdivision Regulations of the Town of Hopkinton.

1.3.1.1 Members and Alternates

- (a) The Hopkinton Planning Board shall consist of no more than ten (10) members, including alternate members. The Selectmen shall designate one selectman as an ex-officio member with power to vote.
- (b) Selection, qualification, term, removal of members, and filling of vacancies shall conform to RSA 673.
- (c) Up to three (3) alternate members shall be appointed by the Board of Selectmen as authorized by RSA 673:6. Alternate members should attend all meetings to familiarize themselves with the workings of the board to stand ready to serve whenever a regular member of the board is unable to fulfill his/her responsibilities.
- (d) At Planning Board meetings, alternates who are not activated to fill the seat of an absent or recused member or who have not been appointed by the chair to temporarily fill the unexpired term of a vacancy may participate with the board in a limited capacity. During a public hearing, alternates may sit at the table with the regular members and may view documents, listen to testimony, and actively participate and interact with other board members, the applicant, abutters and the public. However, they shall not be allowed to make or second motions. During work sessions alternates may fully participate, exclusive of any motions or votes that may be made. At all times, the Chair shall fully inform the public of the status of any alternate present and identify the members who shall be voting on the application.
- (e) Members shall reside in the community and are expected to attend each meeting of the board to exercise their duties and responsibilities. Members,

SECTION I
GENERAL PROVISIONS

including the Chair and all officers, shall participate in the decision-making process and vote to approve, disapprove or abstain on all motions under consideration.

- (f) Each newly elected or appointed (including re-elected or re-appointed) member shall be sworn in and take an oath of office as required by RSA 42:1.

1.3.1.2 Officers Annually, the Planning Board will elect officers at a duly noticed regular meeting after the Annual Town Meeting but no later than April 30th. The officers of the Board shall include a Chair and a Vice Chair. The officers serve until they resign, they are no longer members of the Board, or until their successors have been duly elected. The officers of the Board are as follows:

- (a) The Chair presides over all meetings and hearings of the Board. The Chair shall be the spokesman for the Board and shall be responsible for receiving and sending communications relative to the Board's business and shall perform other duties customary to the office.
- (b) The Vice Chair presides in the absence of the Chair and shall have the full powers of the Chair on matters that come before the Board in the absence of the Chair or when the Chair specifically requests.
- (c) In absence of the Chair and Vice Chair the Board may appoint another member to temporarily assume these duties.

The Planning Department shall keep a full and accurate record of the proceedings of each meeting; issue notices of all meetings; record the names of the members present; notify applicants and abutters of hearings; and prepare such correspondence and fulfill such duties as the Chair may specify. In the absence of the Planning Director, the Chair shall appoint a pro tem to keep records of the meeting.

1.3.1.3 Communications

- (a) All written communications to the Board shall be directed to:

Chairman of the Hopkinton Planning Board
330 Main Street
Hopkinton, New Hampshire 03229

- (b) Between meetings, parties may contact the Planning/Zoning Director at the Town Hall for information and assistance.

1.3.1.4 Meetings

- (a) All meetings and work sessions of the Board are open to the public except when the Board shall vote pursuant to RSA 91-A:3 to adjourn to a nonpublic

SECTION I
GENERAL PROVISIONS

Session. The Board may hold all or a portion of a meeting in a nonvoting non-public session upon a majority roll-call vote in favor of a motion to that effect. Minutes of the nonpublic session shall be kept in conformance with RSA 91-A.

- (b) All full-time and alternate members of the Board are expected to attend all meetings. Whenever a regular member is absent or whenever a regular member disqualifies himself, the Chair shall designate an alternate, if one is present, to act in the absent member's place.
- (c) A quorum of the Board is a total of four (4) full-time members and/or alternates designated to vote by the Chair. Any action of the Board may be adopted by a majority vote of those present and voting. In the case of a tie vote the Applicant shall prevail. The maximum number of members allowed to vote on an application shall be seven (7).
- (d) If any member finds it necessary to be disqualified from sitting on a particular case, as provided in RSA 673:14, s/he shall notify the Chair as soon as possible so that an alternate may be requested to fill the place. The disqualification shall be announced by either the Chair or the member before the discussion or the public hearing on the application begins. The member disqualified shall leave the Board table during all deliberations and the public hearing on the matter.

If a Board member or a member of the public believes that another Board member should disqualify him/herself, the Board shall vote on the question of whether that member should be disqualified. Such request and vote shall be made prior to or at the commencement of any required public hearing.

- (e) Unless otherwise designated in the public notices, all meetings of the Board will be held at the Hopkinton Town Hall.
- (f) Representatives of the media and general public will be allowed to observe, record, file and/or videotape Board meetings so long as they are not disruptive and do not interfere with the conduct of the Board's business.

1.3.1.5 Public Hearings The conduct of a public hearing shall be governed by the following:

- (a) The Chair will preside over all hearings, except as mentioned in Section 1.3.1.2 above.
- (b) Speakers shall address the Board, rather than each other. All speakers must state their names and addresses. Any party who desires to ask a question of another party must go through the Chair.
- (c) The applicant or his/her agent will be given the first opportunity to present the proposal and briefly explain it.

SECTION I
GENERAL PROVISIONS

- (d) The Board will then decide if the application shall be accepted for consideration.
- (e) Abutters, persons with a direct interest in the application, and Town Officials or their agents, may testify in person at the hearing, or in writing at or before the hearing. Town residents and others not described above will be permitted to testify at the discretion of the Chair.
- (f) The Chair shall have the discretion to set a time limit on each speaker in a uniform manner. The speaker will be selected at random and may be limited to two (2) opportunities to address the Board at one hearing. Those who wish to testify are encouraged to submit their comments in writing in advance of a hearing to assure that their comments will be conveyed to the Board even if time prevents them from fully expressing their views at the hearing. The Board may set a time limit on the hearing and/or continue the hearing if necessary.
- (g) The Chair shall close the public hearing after all parties have been heard and the Board shall proceed to consider action on the application.
- (h) The vote of each Board member shall be recorded as favoring, opposing, or abstaining.
- (i) All files, plans, records, and minutes shall be considered public information, unless voted otherwise by the Board. If so voted, the reasons therefore shall be a matter of public record.
- (j) The Board shall record all of the proceedings. Official tape recordings of the proceedings shall be retained until the Board approves the minutes of that proceeding and thereafter only so long as there is a specific reason to do so.

1.3.1.6 Joint Meetings and Hearings The Planning Board may hold joint meetings and hearings with other land use boards. Each board shall have discretion whether or not to hold such joint meeting or hearing (RSA 676:2).

- (a) Joint business meetings with another land use board may be held at any time when called jointly by the chairs of the two boards.
- (b) A joint public hearing must be a formal public hearing when the subject matter of the hearing is within the responsibilities of the boards convened.
- (c) The Planning Board Chair shall chair all joint meetings and public hearings when the subject matter involves the Planning Board.
- (d) The Rules of Procedure for joint meetings and hearings, the subject matter of which involves the Planning Board, shall be the same as these Rules of Procedure except that the order of business shall be as follows:

**SECTION I
GENERAL PROVISIONS**

- (1) Call to order by Chair;
- (2) Introduction of members of both boards by Chair;
- (3) Explanation of reason for joint meeting/hearing by Chair;
- (4) In the case of a public hearing relative to a requested permit or an application for a plat approval, or both, the applicant shall be called to present his/her proposal;
- (5) Public testimony;
- (6) Deliberation;
- (7) Each board involved in a joint public hearing makes its own decision, based on its criteria for the particular matter; and
- (8) Adjournment.

1.3.1.7 Amendment and Waiver

- (a) These Rules may be amended by a majority vote of its members. The Board shall hold a public hearing prior to adoption of new rules or amendments of existing rules. Notice of the time and place of the hearing shall be as provided in RSA 676:7.
- (b) For good cause and in order to prevent unnecessary hardship, the Board may grant waivers from strict compliance with these Rules upon the motion of any member of the Board.
- (c) Field inspections by members of the Board in whole or part may be required prior to making a decision. The Applicant and other interested parties may be given the opportunity to accompany the Board members on these inspections.

1.3.1.8 Subdivision No land shall be subdivided or lots conveyed or sold within the corporate limits of the municipality until:

- (a) The Planning Board has given final approval of the subdivision plan after a public hearing and after the Chair of the Board has affixed his/her signature on the approved plan.
- (b) The applicant has complied with all of these Regulations including the posting of appropriate performance guarantee.
- (c) The approved plan is filed with the Merrimack County Registry of Deeds.

1.3.1.9 Permits No building or other permit shall be issued for any parcel or plat until an approved subdivision plan is presented to the Building Inspector by the applicant.

1.4 PURPOSES These Regulations are adopted for the following purposes:

SECTION I
GENERAL PROVISIONS

- (a) To protect and provide for the public health, safety, and general welfare of the municipality.
- (b) To guide the future growth and development of the municipality, in accordance with the Master Plan.
- (c) To provide for adequate light, air, and privacy; to secure safety from fire, flood, and other danger; and to prevent overcrowding of the land and undue congestion of population.
- (d) To protect and conserve the value of land throughout the municipality and the value of buildings and improvements upon the land.
- (e) To provide adequate and efficient transportation, water, sewerage, schools, parks, playgrounds, recreation, and other public requirements and facilities.
- (f) To provide for suitably located streets and/or access ways of sufficient width to accommodate existing and prospective traffic; to afford access for firefighting equipment to buildings; and to be coordinated so as to compose a convenient and safe circulation system.
- (g) To establish reasonable standards of design and procedures for subdivisions in order to further the orderly layout and use of land; and to insure proper legal descriptions and monumenting of subdivided land.
- (h) To insure that public facilities are available and will have a sufficient capacity to serve proposed subdivisions.
- (i) To prevent the pollution of the environment of Hopkinton; to assure the adequacy of drainage facilities; to safeguard the water table; and to encourage the wise use and management of natural resources throughout the municipality in order to preserve the integrity, stability, and beauty of the community and the value of the land.
- (j) To provide for open spaces through the efficient design and layout of the land, while preserving the density of land as established in the Zoning Ordinance of the municipality.

1.5 DEFINITIONS In general, words and terms used in these Regulations shall have their customary dictionary or statutory meanings or the same meanings as corresponding words and terms as defined in the Zoning Ordinance of the Town of Hopkinton. Certain words and terms are defined as follows:

1.5.1 Abutter Any person whose property adjoins or is directly across the street or stream from the land under consideration by the local land use board. For purposes of receiving testimony only, and 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 receipt of notification by a municipality of a local land use board hearing, in the case of an abutting property being

SECTION I GENERAL PROVISIONS

under a condominium or other collective form of ownership, the term abutter means the officers of the collective or association, as defined in RSA 356-B:3 XXIII.

1.5.2 Applicant The person seeking approval of a subdivision whose name appears on the application form. Consent shall be required from the legal owner of the premises, if the owner is not the applicant.

1.5.3 Board The Planning Board of the Town of Hopkinton.

1.5.4 Community Wastewater System A non-municipal wastewater collection, treatment, and disposal system that serves an average of at least twenty-five (25) individuals daily year-round or that has at least fifteen (15) service connections.

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

1.5.6 Cul-de-sac A local street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

1.5.7 Dwelling Unit One (1) or more rooms, including cooking facilities and sanitary facilities in a dwelling structure, designed as a unit for occupancy by not more than one (1) family for living and sleeping purposes.

1.5.8 Easement The legal right of use for various purposes over land of others as defined in an appropriate legal instrument on file in the Registry of Deeds.

1.5.9 Engineer, Town The duly designated engineer of the Town of Hopkinton. If there is no such official, the consultant or official assigned by the Hopkinton Board of Selectmen or the Hopkinton Planning Board.

1.5.10 Frontage The horizontal distance measured along a lot line dividing a lot from a street. Driveways to rear lots shall not be construed as frontage.

1.5.11 Lot A single parcel of land in the same ownership throughout as shown or defined on a recorded instrument or defined by metes and bounds and having its principal frontage on a street in accordance with the provisions of law to be adequate as a condition of the issuance of a building permit for building on such land.

1.5.12 Lot Line Adjustment The changing of the location of a lot line between two abutting properties where there is no change to the number of lots in the process.

1.5.13 Master Plan Any part or element of the overall plan for development of the Town adopted by the Planning Board, according to State law.

1.5.14 Minor Subdivision A division of a lot, tract, or parcel of land which would create not more than three lots and which does not require the installation of any new public streets.

SECTION I
GENERAL PROVISIONS

1.5.15 Municipal Wastewater System A wastewater collection, treatment, and disposal system that serves an average of at least twenty-five (25) individuals daily year-round or that has at least fifteen (15) service connections and that is owned and operated by a municipal or regional government.

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

1.5.17 Performance Guarantee Cash, irrevocable letter of credit, or passbook (in the name of the Town) issued by a Banking Institution doing business in New Hampshire, in an amount approved by the Planning Board and form satisfactory to the Board of Selectmen.

1.5.18 Person Includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual.

1.5.19 Plan A plat on which required information is drawn for the purpose of review and approval by the Planning Board.

1.5.20 Plat The final map, drawing, or chart on which the subdivider's plan of subdivision is presented to the Hopkinton Planning Board for approval and which, if approved, shall be submitted to the Register of Deeds of Merrimack County for recording. The plat shall cite all restrictions or covenants that may apply to the subdivision. Restrictions or covenants shall be incorporated on the plat or attached thereto.

1.5.21 Qualified Soil Scientist A person qualified in soils classification who is recommended or approved by the Merrimack County Conservation District.

1.5.22 Reserve Strip Any area of land which is intended for future public use for street construction or pedestrian ways. Reserve strips shall only be allowed when control of them is given to the Planning Board.

1.5.23 Re-subdivision The division of any existing subdivision or change of lot size or configuration therein or the relocation of any street or lot in a subdivision.

1.5.24 Right-of-Way A strip of land used for or intended to be used for a street, cross-walk, water main, sanitary or storm sewer main, or for other special use including public use. The usage of the term "right-of-way" for land platting purposes in these regulations shall mean that every right-of-way hereafter established and shown on a recorded plat is to be separate and distinct from the lots and parcels adjoining such right-of-way, and not be included within the dimensions or areas of such other lots or parcels.

1.5.25 Slope The average grade of land surface under consideration. Slope shall be determined by the categories used by the U.S. Soil Conservation Service Soil Survey

SECTION I
GENERAL PROVISIONS

(National Cooperative Soil Survey) for soils classification where A = 0-3%; B = 3-8%; C = 8-15%; D = 15-25%; and E = 25% or greater.

1.5.26 Soil Type The composition of soil as defined by the U.S. Soil Conservation Service, United States Department of Agriculture. For the purpose of this Regulation, soil type shall be determined by a soil scientist designated as qualified by the Merrimack County Conservation District.

1.5.27 Street A public or private way for vehicular traffic whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place, or however else designated.

1.5.28 Subdivider A subdivider is an individual or any legal entity or agent therefore that undertakes the activities governed by these Regulations. The term shall also include the terms “builder” and “developer” even though the persons so designated may be involved in successive stages of the subdivision.

1.5.29 Subdivision The division of a lot, tract, or parcel of land into two or more lots, plats, sites, or other divisions of land for the purpose whether immediate or future of sale, rent, lease, condominium conveyance, or building development. It includes re-subdivision, and when appropriate to the context, relates to the process of subdivision.

1.5.30 Wetlands Means the same as the definition for freshwater wetlands as applicable, as defined in RSA 483-A:1-2 and/or New Hampshire Code of Administrative Rules WT101.01.

SECTION II
PROCEDURES FOR SUBDIVISION APPROVAL

2.1 GENERAL REQUIREMENTS

2.1.1 Subdivision Plats Approval by the Planning Board is required before the land may be divided and sold, leased or otherwise conveyed or offered for sale, lease, or conveyance, including condominium conveyance.

2.1.2 Subdivision Approval for Permits

- (a) In all cases where any amendment of any subdivision plat is proposed, the applicant must also secure the approval of the amendment from the Planning Board.
- (b) No building permit may be issued for the construction or alteration of any building or structure within the purview of these Regulations until an approved subdivision plat or amendments thereto have been secured by the applicant and presented to the Building Inspector. The Planning Board shall certify on each subdivision plat or amendments thereto whether or not the plat meets the requirements of these Regulations and other regulations and ordinances of the Town of Hopkinton.
- (c) Where a subdivision borders an existing street that is below the standards set forth herein, the applicant may be required to set aside and show areas for widening or realigning such street. Any land set aside for this purpose shall be deeded to the Town and shall not be counted for lot size, setbacks, or frontage. Said areas shall be marked "Road Right-of Way" on the final plat.
- (d) In addition to the information otherwise required to be filed pursuant to these Regulations, an applicant who is seeking approval of a condominium shall also file at the time of an application copies of:
 - (1) Condominium Declaration
 - (2) Condominium Bylaws
 - (3) Condominium Site Plan
 - (4) Condominium Floor Plan
 - (5) Where applicable, evidence of filing of an Application for Registration of the condominium with the New Hampshire Attorney General.

2.2 OPTIONAL CONSULTATION An individual who anticipates submitting a formal application for a subdivision approval may consult with the Planning Board prior to submission of the formal application and supporting documentation.

2.2.1 Purposes of the Consultation The purpose of the consultation is to familiarize the Planning Board with the basic concept of the proposed subdivision.

The consultation is further designed to acquaint the potential applicant with the formal application process and particular information that the Planning Board may request, to

SECTION II
PROCEDURES FOR SUBDIVISION APPROVAL

suggest methods for resolving possible problems in the development, design and layout, and to make the potential applicant aware of any pertinent recommendations in the Master Plan to the property in question.

2.2.2 Documents In order to facilitate discussion, the potential applicant is requested to prepare a sketch map of the property to be subdivided. It should be drawn to scale, and may be drawn in pencil. The proposed subdivision should be drawn on the sketch. Dimensions may be approximate. The data may be tentative, but all information shall be sufficiently clear to illustrate all conditions and the proposed subdivision and/or development of the property.

2.3 REQUIRED PRELIMINARY REVIEW All applicants for a major subdivision review are required to participate in a preliminary review process with the planning board. The purpose of this process is to discuss the characteristics of the site and proposed plan for development in conceptual terms. The preliminary review process is further designed to acquaint the potential applicants with the formal application process and particular information that the Planning Board may request, to suggest methods for resolving possible problems in the development, design and layout, and to make the potential applicant aware of any pertinent recommendations in the Master Plan, Zoning, or Regulations to the property in question.

2.3.1 Limits of the Preliminary Review

- (a) The preliminary review shall be conducted at a posted meeting of the planning board after identification of and notice to the abutters, holders of conservation, preservation or other restrictions on the site or abutting parcels, and the general public under RSA 676:4 I(d).
- (b) The preliminary review shall not cause the proposed plan to be a pending application or proceeding, and as such, no processing time limits, as defined in RSA 676:4 shall apply.
- (c) The preliminary review shall be informational and shall not bind the applicant or the planning board. However, the Planning Board shall be entitled to make recommendations with respect to the material presented during the preliminary review to assist the potential applicant in preparing a formal application. No decisions relative to the plan shall be made at the preliminary review.
- (d) Public input will be accepted.
- (e) Any documents provided to the Planning Board will be made part of the record for future reference purposes.
- (f) The Planning Board shall enter into the minutes any suggestions, recommendations, or other factors discussed.

2.3.2 Preliminary Review Documents Applicants shall submit the following materials at least 30 days in advance of the preliminary review meeting with the

SECTION II
PROCEDURES FOR SUBDIVISION APPROVAL

Planning Board to the Town Office, c/o Chairperson of the Planning Board, according to the filing schedule established by the planning administrator. All materials must be submitted before a preliminary review meeting can be scheduled.

- (a) **Request for Preliminary Review.** Applicants shall submit the appropriate form, available from the Town Office, including a list of the names and addresses of abutters obtained from Town Records not more than five (5) days before the date of filing of the application, and application fee.
- (b) **Site Context Map.** The site context map shall be drawn at a size adequate to show the relationship of the proposed subdivision to the adjacent properties and to locate the subdivision within the municipality. The site context map shall, at a minimum, include the following:
- (1) Existing subdivisions in the proximity of the proposed subdivision, including building locations.
 - (2) Locations and names of existing streets within 1000 feet of the boundary of the proposed subdivision.
 - (3) Boundaries and designations of zoning districts.
 - (4) Watershed and sub-watershed boundaries.
 - (5) An outline of the applicant's property and the location of the proposed subdivision.
- (c) **Site Inventory and Map(s).** The Site Inventory Map(s) shall be at a scale of one inch equals 100 feet or a scale of greater detail (unless another scale is mutually agreed upon for larger projects) and shall involve an individual or team with the necessary training in natural resources and who shall certify the information submitted. The Inventory and Map(s) shall include, at a minimum, the following:
- (1) The proposed name of the subdivision, north arrow (True Meridian), date, and scale.
 - (2) The boundaries of the parcel based upon a standard boundary survey prepared by a registered land surveyor and giving the bearings and distances of all property lines.
 - (3) Existing structures or easements on the site (if none, so state).
 - (4) The topography of the site at an appropriate contour interval depending on the nature of the use and the character of the site.
 - (5) The major natural features of the site and within five hundred (500) feet of the site, including wetlands, vernal pools, streams, ponds, rivers, riparian areas, floodplains, stratified drift aquifers, areas of significant wildlife habitat (i.e.,

SECTION II
PROCEDURES FOR SUBDIVISION APPROVAL

areas identified by the NH Wildlife Action Plan as the highest condition habitat in the state or region; habitats of endangered or threatened wildlife, other habitats of local significance as identified by the conservation commission or other conservation organization), mast stands, boundary trees, noteworthy tree specimens, scenic views or areas, significant geologic features, ridgelines, slopes in excess of twenty-five (25) percent, agricultural soils of local and statewide significance, high quality forest soils, meadows, and any other important natural features. Wetlands on the site shall be identified and delineated by a New Hampshire Certified Wetlands Scientist and shall be certified by the person performing the delineation. Information on adjacent properties may be from published sources.

- (6) Visible or known human-made features of the site and within five hundred (500) feet of the site, including historic or cultural features, stone walls, roads, driveways, fences, trails, historic structures or remnants including cellar holes and wells, archeological resources, graveyards, cemeteries, historic or current waste disposal sites, and any other important features (if none, so state).
 - (7) Soils on the site based on published data or a site survey. The planning board may require the submission of a high intensity soil survey as part of the formal application to evaluate the appropriate use of the property.
 - (8) Vegetative cover conditions on the property.
 - (9) Views onto and off of the property, with accompanying photographs.
 - (10) Watershed and sub-watershed boundaries.
 - (11) All areas subject to covenant, easement or other restriction limiting the potential development and/or use of such areas, including resource boundaries and buffer areas subject to local, state, and/or Federal regulation. The nature of the restriction shall also be noted.
 - (12) Location and size of existing utilities (if none, so state).
 - (13) If not served by public water, any potential sources of fire protection water supply within one half mile of the site, including public water mains, existing fire ponds, or other possible sources.
 - (14) Preliminary identification of those areas of the site with the most significant conservation value based on the applicant's assessment of the site.
- (d) **Conceptual Plan of Proposed Development.** Applicants shall submit a conceptual plan for the development of the subject parcel that reflects the characteristics of the site as detailed in the Site Inventory and Map(s) and its location within the community as indicated in the Site Context Map. A conceptual plan shall be prepared at the same scale as the Site Inventory Map and be

SECTION II
PROCEDURES FOR SUBDIVISION APPROVAL

provided as both a translucent sheet (that can be overlaid onto the Site Inventory Map(s) and solid plan.

- (1) A conceptual plan shall be a draft plan that does not include engineering details. Conceptual plans shall be drawn to scale and indicate the following:
- 1.1 Proposed location of any new roadway.
 - 1.2 Proposed residential lots, building envelopes (including the possible location of a well and septic system, when applicable), and potential house sites for each lot.
 - 1.3 Existing and proposed features and amenities, including common areas, trails, or community buildings, etc.
 - 1.4 Proposed boundaries of the Designated Open Space.
 - 1.5 A narrative description of the proposed approach for providing for drinking water supply, waste water treatment, stormwater management, and landscaping.

(2) Applicants shall demonstrate that their conceptual plan is consistent with the following approach for designing a subdivision:

2.1 Step One: Identify Conservation Areas. Identify those areas of the parcel containing or supporting important natural resource features and functions (listed in 2.2.2(c) or otherwise identified by the Planning Board) for priority consideration for inclusion within the Designated Open Space within the subdivision. If not included in the Designated Open Space, other protective mechanisms, such as a substantial setback of development or maintenance of an undisturbed buffer around the feature, shall be identified.

2.2 Step Two: Locate House Sites and Building Envelopes. To the maximum extent feasible, house sites and building envelopes shall be located outside of those areas delineated in Step One. The location of the house sites and building envelopes shall also reflect the design objectives identified elsewhere.

2.3 Step Three: Align Streets and Trails. The minimum length and network of streets necessary to access each house lot shall be identified, subject to the road standards of the Town and with consideration given to conforming the street to the natural landscape. Proposed trails shall be identified where access to the Designated Open Space is appropriate and/or to provide for pedestrian circulation within the development as well as pedestrian access to areas outside the development.

2.4 Step Four: Identify Lot Lines. Lot lines for each house site (or group of homes on a common lot) shall be identified. The placement of the lot

SECTION II PROCEDURES FOR SUBDIVISION APPROVAL

lines shall give consideration to those areas identified in Step One as well as conform to the natural features of the landscape to the greatest extent possible (e.g., follow stone walls, lines of boundary trees, streams). The delineation of lots shall also consider the privacy provided for individual homeowners and opportunity for future owners to reasonably expand the structures on the lot.

- (e) **Conceptual Long Range Development Plan**. When a subdivision will not utilize the entire parcel and there is potential for future subdivision or development of the parcel or any of the lots being created, the application for preliminary review shall include a Conceptual Long Range Development Plan showing the potential utilization of the lots and the balance of the parcel not being subdivided. The Conceptual Long Range Development Plan is intended to be conceptual in nature, to rely on published data about natural resources relevant to the parcel, and to demonstrate that the current subdivision proposal will not compromise important conservation values or the long term development of the parcel as a Conservation Design Subdivision. This plan shall show the relationship of the proposed subdivision area to the balance of the parcel and to adjacent land. This plan shall analyze the conservation and development potential of the remaining area of the parcel and shall show, in general terms, the potential street network, open space areas, and development areas in a manner that demonstrates that both the proposed development and the future development can occur so that it conforms to the requirements for Conservation Design Subdivisions and preserves the significant natural resource and conservation values of the entire parcel.

2.3.3 Technical Review At the discretion of the planning board, the board may request that the applicant pay a reasonable fee to provide for third-party technical review of the information on the site or the conceptual plan of the proposed development submitted for the preliminary review. The fee shall be due at the time of submission of a formal application. A formal application for subdivision review shall not be deemed complete until the technical review of the preliminary review materials is conducted, or 30 days after the preliminary review materials and the fee for the technical review are received (provided all other formal application requirements are met), whichever is earlier. The applicant may elect to submit the fee for technical review in advance of their formal application to expedite the review process.

2.3.4 Site Inspection The planning board may conduct a site inspection of the subject property to review existing conditions, field verify the information submitted, and investigate the preliminary development proposal. The board may schedule this inspection before or after the preliminary review meeting or decide not to hold a site inspection at this time.

2.4 FORMAL APPLICATION REVIEW PROCESS Whether or not a Preliminary Review has been conducted, an applicant shall prepare and submit an application for subdivision approval in accordance with and to the standards set forth in these Regulations.

This formal review process is designed to afford the Planning Board, the applicant, abutters, and parties in interest a clearly delineated method for examining the proposed subdivision

SECTION II
PROCEDURES FOR SUBDIVISION APPROVAL

plan thus allowing the Planning Board to make a timely and informed decision on the proposal.

2.4.1 Submission Period An application for subdivision approval shall be submitted to the Town Office, c/o Chairperson of the Planning Board, at least fifteen (15) days in advance of a regularly scheduled Planning Board meeting. (Check with the Planning/Zoning Coordinator for meeting dates.) The application form and the supporting exhibits required are set forth in Section 2.3.2 of these Regulations.

2.4.2 Exhibits Required at Time of Submission The applicant shall submit the following information when a formal application is made for subdivision approval. The Planning Board shall not determine whether or not the application is complete until it reviews all of the documents at a regularly scheduled meeting. The following shall be required unless otherwise indicated:

- (a) A completely filled out form entitled: "Application for Subdivision Approval." Forms may be obtained from the Town Office.
- (b) A list of the names and addresses of all abutters obtained from the Town Records not more than five (5) days before the date of filing of the application.
- (c) Four complete sets of black line or blue line prints of all subdivision plat plans drawn to scale usually of not more than 100 feet to the inch unless another scale is mutually agreed upon for large projects, prepared under the supervision of and stamped by a land surveyor licensed to practice in New Hampshire; roadway, drainage and all utility plans prepared and stamped by a professional engineer licensed to practice in New Hampshire.

The information to be obtained in and standards to be followed for the preparation of these plans are set forth in Section 3 of these regulations.

- (d) High intensity soils information with lot size calculations and cover letter from a soil scientist, if deemed necessary by the Planning Board.
- (e) Data on test pits and percolation tests including: location of test pits, percolation test data and rate, identification of the test witness, and outline of area reserved for leach fields.
- (f) Any supporting documentation necessary to explain the proposal to the Planning Board, abutters, and the general public.
- (g) Application fee.

2.4.3 Planning Board Responsibilities in Initial Processing The Planning Board will consider the exhibit materials submitted as per Section 2.3.2 and determine its completeness at its next regular scheduled meeting.

SECTION II
PROCEDURES FOR SUBDIVISION APPROVAL

- (a) The Board, at least ten days in advance of the meeting, shall mail notice to the applicant and abutters stating that an application for subdivision approval has been filed. The notice will contain the following:
 - (1) Name and address of the applicant.
 - (2) The location of the proposed subdivision proposal.
 - (3) A general description of the proposed project.
- (b) The Planning Board will also post the information contained in Section 2.3.3 (a) in the Town Office.
- (c) At a regularly scheduled meeting the Planning Board will:
 - (1) Review the application for completeness and determine its acceptability for further processing.
 - (2) Determine the need for special investigative studies and advise the applicant of the time and the need for financial support from the applicant.
- (d) The Planning Board will begin formal consideration of the application provided that the application is determined to be complete and in full compliance with these Regulations.

If the application package is not complete, the Planning Board will advise the applicant of what information is needed to complete the application package and when it will next be considered by the Board.
- (e) The Planning Board will arrange with the applicant at the meeting for an inspection of the site, if determined necessary or desirable, by the Board, a committee or a member of the Board, or a Town employee appointed for said purpose by the Chairperson.

2.4.4 Public Hearing and Notice The Planning Board, before taking action on a subdivision plat, shall hold at least one public hearing thereon. The Planning Board shall take testimony from the applicant, abutters, and parties in interest to the proposal either in person or in writing.

The applicant and abutters shall be notified of the public hearing and the time and place of such hearing by certified mail, not less than ten (10) days before the date fixed for the hearing.

In addition, notice to the general public of the public hearing shall be posted in the Town Offices at least ten (10) days before the date fixed for the hearing.

The notice to the applicant, abutters, and general public shall contain the information as specified in Section 2.3.3 (a) 1, 2, and 3.

SECTION II
PROCEDURES FOR SUBDIVISION APPROVAL

2.4.5 Concurrent and/or Joint Hearings The Planning Board may hold a hearing on a subdivision plat and for a related site plan in conjunction with each other if both are required for a project. A hearing by the Planning Board may be held at the same time and place that a hearing for a special exception or variance is held for the same project by the Board of Adjustment, provided that such a hearing is mutually agreed to in advance by the Boards. The Planning Board Chairperson shall preside at the joint hearing.

- (a) The applicant shall petition the Planning Board Chairperson if such a joint meeting is requested. However, either Board may initiate a request for a joint meeting.
- (b) The Planning Board shall establish its own rules for the conduct of such meetings.

2.4.6 Fees and Charges The applicant shall pay the following fees and charges as are applicable:

- (a) Administrative and Notice Costs

The applicant shall pay as per schedule adopted by the Planning Board which is available from the Planning/Zoning Coordinator.

- (b) Special Investigative Costs

The Planning Board may require the applicant to pay reasonable costs of special investigative studies which may be necessary for the Planning Board to evaluate properly the impact of a proposed subdivision. The Planning Board shall determine the methods for the conduct of the study and shall determine who is to conduct the study(ies) and under what condition(s).

2.4.7 Time For Approval/Disapproval The Planning Board shall act to approve or disapprove a subdivision plan within ninety (90) days of the formal acceptance as determined in Section 2.3.3 (c).

In the event that defects found in the subdivision can be remedied, the disapproval shall be “without prejudice” and a revised application may be submitted at any time. If a revised application is submitted after a vote of disapproval, it shall be treated as a new application and shall follow the same procedures spelled out in these Regulations.

The Planning Board may apply to the Board of Selectmen for an extension not to exceed ninety (90) days before acting to approve or disapprove an application. The applicant may waive the requirement for Planning Board action within the time periods specified and consent to such extension as may be mutually agreeable.

Upon failure of the Planning Board to approve or disapprove within ninety (65) days (or within additional days, if granted by the Selectmen), the applicant may obtain from the Selectmen an order directing the Planning Board to act within fifteen (15) days.

SECTION II
PROCEDURES FOR SUBDIVISION APPROVAL

Failure of the Planning Board to act upon such order shall constitute grounds for action in the Superior Court in accordance with RSA 676:4.

2.4.8 Decision of the Board After the public hearing(s) at which testimony is presented by the applicant, abutters, and parties in interest, the Planning Board shall issue a decision on the application. The decision may be any one of the following:

- (a) **Approval with or without conditions** If the Board finds that the proposal meets the standards of these Regulations and other applicable State and local laws, then the Board may approve the application.

The Board may attach reasonable conditions to ensure that the public interest is upheld. Such conditions which are administrative in nature and do not involve discretionary judgment may include, but are not limited to the following:

- (1) The posting of a performance guarantee in an amount and under conditions satisfactory to the Planning Board.
- (2) The execution of a written agreement stating the nature, conditions, and time for performance of the approved application.
- (3) The phasing of the subdivision approval providing that the portion approved and portions to be approved subsequently are clearly delineated on the documents to be filed with the Merrimack County Registry of Deeds.
- (4) The filing of permits required by other local, State, and/or federal agencies.
- (5) Any other administrative conditions that the Planning Board finds necessary to secure the public interest.
- (6) The payment of off-site improvements to roads and/or utilities to the extent that the subdivision creates a burden on such facilities in accordance with Section 2.6 of these regulations.

If conditions requiring discretionary judgment are imposed, the Planning Board shall hold another public hearing with notice to determine if the conditions have been met.

- (b) **Disapproval without Prejudice** If the Planning Board finds that certain administrative/procedural requirements have not been met, but could be met with additional time, the Planning Board may disapprove the application without prejudice.

If such a finding is made, the Planning Board shall advise the applicant in writing what is necessary to correct the administrative/procedural defect(s).

- (c) **Disapproval** If the Planning Board finds that the application does not meet the standards of these Regulations, or fails to comply with other local or State laws, or

SECTION II
PROCEDURES FOR SUBDIVISION APPROVAL

will have an adverse impact on surrounding areas or the community, the Planning Board may disapprove the application.

In the event of disapproval, the grounds for disapproval shall be specified in the records of the Board and communicated to the applicant in writing.

2.4.9 Phased Development Regulations

- I. **Purpose** To insure that the rate of growth of the Town does not unreasonably interfere with the Town's capacity for planned, orderly, and sensible expansion of its services to accommodate such growth, the Planning Board may require phasing of projects, as provided in RSA 674:21.

- II. **Objectives** Phasing is intended to meet the following objectives:
 - (a) Provide for the current and future housing needs of residents and their families, while accommodating Hopkinton's fair share of the population growth in the region.

 - (b) Assure fairness in the development of residential projects.

 - (c) Protect the health, safety, welfare, and environment of the Town.

 - (d) Further enable the Town to successfully meet the objectives of the Master Plan and the Capital Improvement Program.

- III. **Applicability** These Phased Development Regulations shall apply to all applications for four or more residential dwelling units or subdivision dwelling units.

- IV. **Phasing Standards** A standard of apply the maximum number of Dwelling Units/Lots per phase shall be determined in accordance with the "Phased Development Table" below:

Dwelling Units/Lots	Schedule (Years)	Max. Dwelling Units/Lots in One Year
2-3	N/A	N/A
4-6	2	50%
7-9	3	33.3%
10-20	4	25%
21-50	5	20%

In the event the number of Dwelling Units/Lots permitted per phase mathematically results in a fraction, the number of Dwelling Units/Lots for that year will be rounded to the next highest number and an appropriate downward adjustment in Dwelling Units/Lots shall be made for each subsequent year of phasing.

SECTION II
PROCEDURES FOR SUBDIVISION APPROVAL

The Planning Board may require a plan with longer phasing if it determines longer phasing to be necessary to achieve the objectives of these phasing regulations.

The Planning Board will review the Phased Development Table each year for appropriateness and applicability relative to the Town's capacity for growth.

- V. **Procedures** The Applicant shall submit a proposed phasing schedule consisting of a phasing plan and a written development agreement with its subdivision application. The phasing plan and development agreement must be approved by the Planning Board as a condition of subdivision approval and once approved shall be binding upon the Applicant and its successors and assigns (collectively, the "Developer").
- (a) The proposed phasing plan and written development agreement shall specify the timetable for the development of each phase of the subdivision. In particular, the phasing plan shall set forth approximate dates with respect to each phase of the project (1) the completion of construction with respect to roads and other public improvements, (2) the commencement of Dwelling Units/Lot sales, and (3) completion of Dwelling Units. The Planning Board may alter the proposed phasing plan and written development agreement as it determines to be necessary to achieve the objectives of these phasing regulations.
 - (b) All financial guarantees required by the Planning Board with respect to a project shall be allocated among the phases of the project and the financial guarantee for each such phase shall be paid in full or in place prior to the commencement of any site improvements for that phase.
 - (c) Prior to the commencement of a phase, the Developer shall pay all fees and submit all required bonds for that phase. In the event that the Developer fails to satisfy the requirements of this Section with respect to any phase of the project, the Planning Board's approval with respect to the then remaining phases of the project shall automatically expire.
 - (d) The final approved phasing plan shall be (1) noted on the final approved subdivision plan, and (2) incorporated into the final written development agreement applicable to the project, which development agreement shall be signed by the Applicant and the Board of Selectmen, and filed at the Registry of Deeds concomitantly with the approved subdivision plan.
- VI. **Effect of Phasing** Once the Planning Board has approved a phasing plan, development of the project must occur in accordance with the phasing sequence contemplated by such plan. Once approved, a project shall not be subject to any permit limitations subsequently enacted under the provisions of Section XIII, Growth Management and Innovative Land Use Control, of the Zoning Ordinance, provided that (1) the Developer proceeds in accordance with the phasing sequence contemplated by the phasing plan, and (2) the Developer secures permits for and begins substantial construction with respect to each phase of the

SECTION II
PROCEDURES FOR SUBDIVISION APPROVAL

project within the time limits applicable to that phase. In the event that the Developer fails to achieve substantial construction with respect to a phase, then the vesting of the then remaining phases of the project shall be forfeited and the Developer shall be subject to any limitations imposed under the provisions of said Section XIII. For the purpose of this Section, substantial construction shall mean either (1) all dwelling units in that phase are constructed to a weather tight condition or (2) fifty percent (50%) of all dwelling units in that phase are completed and a Certificate of Occupancy has been given.

- VII. **Modifications** In the event of any change in an approved subdivision plan and/or phasing plan, the Developer shall be required to submit a revised subdivision plan and a revised phasing plan to the Planning Board for its approval. The Board shall take action with respect to such revised plans to approve, deny, or approve with conditions in accordance with the procedures set forth in Section, above.
- VIII. **Prohibited** No landowner shall circumvent the purposes of phasing by dividing a parcel of land into separate subdivisions or by creating separate forms or names of ownership. "Piecemeal" development of a Lot of Record to avoid phasing is prohibited. Any subdivision application submitted on a Lot of Record or portion of a Lot of Record which has been approved or conditionally approved within the preceding twelve (12) months will be considered part of the application for purposes of evaluating the demand on Town services and phasing.

2.5 MINOR SUBDIVISION APPROVAL Proposals involving minor subdivisions which create not more than three lots and which do not require the installation of any new public streets may be submitted, reviewed and approved at one or more Board meetings subject to the following conditions.

2.5.1 Submission and Notice An application for minor subdivision approval shall be submitted in the same manner as prescribed in Section 2.3.1 of these Regulations.

Notice of such minor subdivision request will be given in the manner prescribed in Section 2.3.3 (a) and (b) of these Regulations.

2.5.2 Public Hearing A public hearing, with notice as provided in Section 2.3.4, shall be held.

2.5.3 Decision of the Board The Board shall follow the same decision-making procedures specified for a regular subdivision and the applicant shall supply the same information (if applicable) prescribed therein.

2.5.4 Previous Minor Subdivision Land which has been previously subdivided as a minor subdivision shall not be subsequently subdivided as a minor subdivision.

2.6 PLATS FOR RECORDING PURPOSES ONLY An owner of a lot of record, established before the granting of platting jurisdiction to the Planning Board, may present a surveyed plat of such lot at any regularly scheduled meeting of the Planning Board for signature by the Board.

SECTION II
PROCEDURES FOR SUBDIVISION APPROVAL

The owner shall present a deed to the Board showing ownership and a description of the lot. The plat shall have the phrase "No Jurisdiction Taken" affixed thereon, together with a line for the signature of the Planning Board Chairperson immediately there under.

The Planning Board may, in their discretion, sign the plat at the meeting or at a time certain after any needed investigative studies are completed.

2.7 OFF-SITE CAPITAL IMPROVEMENTS The Planning Board, as a condition of final approval, may require the subdivider to pay proportionally for necessary off-site capital improvements to roads and/or utilities impacted by the development. The subdivider may be required to pay that portion of the costs which bears a reasonable relationship to the needs created by and the special benefits conferred upon the subdivision. The Planning Board may require the subdivider to pay for specialized consulting services to ascertain the proportional costs attributable to the subdivider.

2.7.1 Conditions If off-site improvement costs are required, the following conditions shall apply:

- (a) The Board must make findings, supported by evidence in the records, that the existing roads or utilities are inadequate to service the development; the Board must determine the extent of the needed improvements; the Board must determine the anticipated costs of the improvements (including engineering and administration); and the Board must determine the proportionate share to be paid by the subdivider;
- (b) The Board shall establish with the Town Treasurer a dedicated fund into which the off-site improvement funds will be paid by the subdivider. The funds collected will be used only for the purpose collected.
- (c) The funds shall be spent or encumbered for the designated purposes within six years of being collected or they shall be returned to the subdivider with interest paid at prevailing rates.

2.8 AS BUILT PLANS The applicant may be required to submit three sets of final plans to the Planning Board of the project as built for the Board to review at a regular meeting.

The Planning Board, after review and a determination that there are no substantial defects to the subdivision requiring further investigation, shall sign each set. One set shall be given to the applicant, one set shall remain in Planning Board records, and one set shall remain in the Board of Selectmen's records.

SECTION III
DATA REQUIRED FOR SUBMISSION OF A SUBDIVISION

3.1 GENERAL An applicant for subdivision approval shall submit the data, plans, exhibits, and/or documents, if applicable, as required by these Regulations.

3.1.1 Application The applicant shall submit a completed form entitled, "Application for Subdivision Approval."

3.1.2 Identifying Information All plans shall contain the following information:

- (a) Names, addresses, and telephone numbers of: the owner, applicant, agent and/or engineer, architect, and/or land surveyor involved in the project.
- (b) Name of the project.
- (c) Location of the land/site together with the names and addresses of all owners of record of abutting properties.
- (d) Title, date, North arrow, and bar scale.
- (e) Tax map references.

3.1.3 Sheet Size Plans shall be presented on sheets sized 22" x 34". The Planning Board requests that only one sheet size be used for the preparation of all plans.

3.2 PROFESSIONAL STANDARDS Subdivision Plat Plans shall be prepared and stamped by a New Hampshire Licensed Land Surveyor. Plans of roadways, utilities, bridges and culverts, drainage and other construction plans shall be prepared and stamped by a Professional Engineer registered in the State of New Hampshire.

3.3 REQUIRED EXHIBITS The applicant or his/her agent shall submit the following exhibits:

3.3.1 Design and Sketch Plan The purpose of this plan is to provide general information on the site, its existing conditions, and to provide the base data from which the subdivision will be designed. It may be prepared in ink or pencil and drawn to a convenient scale of not less than one inch equals one hundred feet (1" = 100') or at a greater detail as directed by the Planning Board and shall show the following:

- (a) A vicinity sketch showing the location of the land/site in relation to the surrounding public street system and other pertinent locational features.
- (b) A sketch of the site showing existing natural features including watercourses and waterbodies, tree lines, and other significant vegetative cover, topographic features, and any other features which are significant to the site design process.
- (c) Existing contours at intervals not exceeding five feet with spot elevations provided when the grade is less than five percent.

SECTION III
DATA REQUIRED FOR SUBMISSION OF A SUBDIVISION

- (d) Surveyed exterior property lines showing their bearings and distances and showing monument locations. The area of the site in square feet and acres shall also be shown.
- (e) The lines and right-of-way of existing abutting streets.
- (f) The location, elevation, and layout of existing catch basins and other surface drainage features.
- (g) The location and size of all utilities serving the land or site.
- (h) Soils location and types.
- (i) All other features which would fully explain the concept of the proposal, existing conditions, and future development of the land.

3.3.2 Subdivision Plan The purpose of this plan is to illustrate the layout of the subdivision lots, rights-of-way, and other uses of land within the subdivision. It shall be prepared in ink on reproducible mylar, be suitable for filing with the Registry of Deeds, be prepared at a scale acceptable to the Planning Board and shall show the following:

- (a) The location and dimensions of all boundary lines of the property to be expressed in feet and decimals of a foot.
- (b) The location and width of all existing and proposed streets and easements, alleys, and other public ways, and easement and proposed street rights-of-ways and building setback lines.
- (c) The location, dimensions, and areas of all proposed or existing lots, and the location and setback dimension of existing structures within 50' of the parcel to be subdivided.
- (d) The location and dimensions of all property proposed to be set aside for park or playground use, or other public or private reservation, with designation of the purpose thereof, and conditions, if any, of the dedication or reservation.
- (e) Sufficient data acceptable to the Planning Board to determine readily the location, bearing, and length of all lines; and sufficient data to be able to reproduce such lines upon the ground; and the location of all proposed monuments.
- (f) Indication of the proposed use of all lots, sites, or other realty (whether single family, two family, multi-family, etc.) and all other uses proposed by the subdivider. Indication of the location of all parcels of land proposed to be dedicated to public or common use and the covenants, conditions of such dedications, and a copy of such private deed declarations or restrictions as are intended to cover part or all of the tract.

SECTION III
DATA REQUIRED FOR SUBMISSION OF A SUBDIVISION

- (g) Lots shall be consecutively numbered or lettered in alphabetical order. The blocks in numbered additions to subdivisions bearing the same name shall be numbered or lettered consecutively throughout the several additions.
- (h) The Subdivision Plan shall also depict or provide reference to:
 - 1. Explanation of drainage easements, if any.
 - 2. Explanation of site easements, if any.
 - 3. Explanation of deed restrictions or covenants, if any.
- (i) Form of approval by the Planning Board as follows:

Approved or No Jurisdiction Taken (use as appropriate)
Town of Hopkinton, Planning Board

Chairperson

Date

3.3.3 Construction Plan The purpose of these plans are to provide detailed information and layout of the improvements that will be constructed as part of the subdivision. Plans shall be drawn in ink or pencil at a scale acceptable to the Planning Board and shall contain:

- (a) Profiles plotted with the same horizontal scale as the plans and a horizontal to vertical scale ratio of 5 to 1 respectively showing existing and proposed elevations along center lines of all roads. Where a proposed road intersects an existing road or roads, the elevation along the center line of the existing road or roads within one hundred (100) feet of the intersection, shall be shown. Curve data of all horizontal curves, lengths of tangents, central angles and stationing of all streets shall be shown. Vertical curve data, percent grade and elevation shall be shown on the profiles.
- (b) Plans and profiles showing the locations and typical cross-section of street pavements including curbs and gutters, sidewalks, drainage easements, rights-of-way, manholes, and catch basins; the locations of street trees, street lighting standards, and street signs; the location, size and invert elevations of existing and proposed sanitary sewers, stormwater drains, and fire hydrants, showing connection to any existing or proposed utility systems; and exact location and size of all water, gas, or other underground utilities or structures.
- (c) Location, size, elevation, and other appropriate description of any existing facilities or utilities, including, but not limited to, existing streets, septic disposal facilities, sewers, drains, water mains, wells, easements, water bodies, streams, and other pertinent features, such as surface drainage areas, swamps, railroads, buildings, at the point of connection to proposed facilities and utilities within the subdivision. The water elevations of adjoining lakes or streams at the date of the survey, and the approximate high and low water elevations of such lakes or streams.

SECTION III
DATA REQUIRED FOR SUBMISSION OF A SUBDIVISION

- (d) Topography at the same scale as the sketch plat with a contour interval of two (2) feet, in the area of new roadway construction, referred to sea-level datum. All datum provided shall be referenced to U.S. Coast and Geodetic Survey datum, where practical, and should be so noted on the plat.
- (e) All specifications and references required by the local government's construction standards and specifications, including site-grading plan for the entire subdivision.
- (f) Cross sections at a minimum of one hundred (100) foot intervals, all cross pipes and at other critical locations drawn on grid paper at a scale of 1" = 10 feet.

3.3.4 Other Required Exhibits In order for the Planning Board to evaluate the subdivision proposal, the applicant is expected to supply or the Planning Board may specifically require the following information, as appropriate:

- (a) Draft of any protective covenants or easements.
- (b) Warranty deeds conveying to the Town streets, rights-of-way, and any sites for public use in fee simple, free from all encumbrances, unless waived by the Planning Board.
- (c) Calculations specifying the quantity of stormwater run-off and a statement from the applicant's engineer certifying the adequacy of the proposed drainage facilities to handle such run-off.
- (d) Calculations on the type and quantity of sanitary waste generated and a statement from the engineer or licensed designer certifying that the proposed facilities will adequately handle the projected effluent.
- (e) Traffic Impact Analysis: All proposed subdivisions shall be reviewed by the Planning Board to ascertain that adequate provisions have been made by the owner or his/her authorized agent for traffic safety. To facilitate this review, the Planning Board may require the developer to provide the Planning Board with a traffic impact analysis when deemed necessary by the Board due to the size, location or traffic generating characteristics of the development. Traffic impact analysis shall address each of the following:
 - (1) Traffic circulation and access, including adequacy of adjacent streets and intersections, entrances and exits, traffic flow, sight distances, accident statistics, curb cuts, turning lanes, and existing or recommended traffic signalization.
 - (2) Pedestrian safety and access.
 - (3) Off-street parking and loading, where appropriate.
 - (4) Emergency vehicle access.

SECTION III
DATA REQUIRED FOR SUBMISSION OF A SUBDIVISION

- (5) Off-site improvements necessitated by and to be constructed by the developer.
- (f) Any other specific studies, requested by the Planning Board, reasonably required to evaluate the applicant's proposal including fiscal impact analysis, school impact analysis, environmental impact analysis, and community services impact assessment.

The Planning Board may retain the services of a qualified consultant(s) to prepare and review any of the above specific studies, including the traffic analysis, and to ensure that adequate provisions are made in the development plan to reduce or eliminate any adverse impacts. The Board may further require, pursuant to RSA 676:4(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.

- (g) Restoration Plan: The Planning Board shall require that a restoration plan be included whenever an application for a major subdivision requires an Alteration of Terrain Permit, or for a proposed new street. The purpose of the plan is to ensure that disturbed areas are permanently stabilized if one or more of the following occurs:
 - (1) Construction, excavation, alteration, or development ceases for more than one (1) year,
 - (2) Erosion and sedimentation controls are not maintained in accordance with the approved plan,
 - (3) An area outside of the area or phase approved has been disturbed, or
 - (4) The Town determines that the site has been abandoned.

The plan shall specify the methods and standards proposed to permanently reclaim disturbed areas. The plan shall be accompanied by an independent cost estimate to implement the restoration plan. The cost estimate shall be subject to Planning Board approval. An approved performance security sufficient to implement the restoration plan shall be submitted prior to the Chair of the Planning Board signing the final subdivision plat.

- (h) Necessary State and local permits.

3.4 PERFORMANCE GUARANTEES Except in the case of a subdivision in which each lot is on an existing Town road, before the plat is signed by the Chairperson of the Planning Board, all applicants shall be required to complete, in accordance with the Planning Board's decision and to the satisfaction of the Town Engineer, all the street, sanitary, and other improvements including lot improvements on the individual lots of the subdivision as required in these regulations, specified in the final subdivision plat, and as approved by the Planning Board.

SECTION III
DATA REQUIRED FOR SUBMISSION OF A SUBDIVISION

In lieu of construction, the Planning Board in its discretion may waive the requirement that the applicant complete all public improvements prior to the signing of the subdivision plat providing that one of the performance guarantees described in Section 3.4.1 are submitted to the Planning Board.

3.4.1 Guarantees Cash, irrevocable letter of credit or passbook (in the name of the Town) issued by a Banking Institution doing business in New Hampshire, in the amount approved by the Planning Board and deposited with the Board of Selectmen.

3.4.2 Conditions The performance guarantees allowed in Section 3.4.1 shall be subject to the following conditions.

- (a) The performance guarantee shall comply with all statutory requirements and be satisfactory to the Board of Selectmen as to form, sufficiency, and manner of execution.
- (b) The amount of the performance guarantee shall be in an amount representing one hundred percent (100%) of the cost for completion of the streets, the installation of utilities, and other proposed facilities. Upon partial completion of the subdivision improvements and inspection by the Town Engineer, the Board of Selectmen may authorize in writing a prorated reduction in the performance guarantee relating to the remaining cost to complete.

**SECTION IV
GENERAL PRINCIPLES AND DESIGN
AND CONSTRUCTION STANDARDS FOR SUBDIVISION**

4.1 OVERVIEW An applicant shall use the following general principles and design and construction standards when designing and laying out a subdivision development within the Town of Hopkinton. These principles and requirements shall be construed as the minimum requirements. The Planning Board may require higher standards in individual cases or may waive certain requirements for good cause in accordance with the procedure established in Section 5.1 of these Regulations.

4.2 GENERAL PRINCIPLES An applicant shall observe the following general principles of land subdivision and development:

4.2.1 Conformity to Master Plan and Official Map The subdivision plan shall be in harmony and consistent with the Master Plan and/or Official Map of the Town.

4.2.2 Character of Land All land to be subdivided shall be, in the judgment of the Board, of such a character that it can be used for building purposes without danger to public health, safety, or the environment. Land subject to periodic flooding, poor drainage or other hazardous conditions, may be part of the subdivision but may be restricted from development. Land with inadequate capacity for sanitary sewage disposal on-site shall not be built upon less connected to a publicly approved private sewerage disposal system.

4.2.3 Conformity to Other Laws Plans for the subdivision of land shall conform with all regulations of the Board, the Zoning Ordinance, and other applicable bylaws, ordinances, regulations, and statutes of the local, State and federal governments.

4.2.4 Preservation of Natural Features Insofar as possible, the subdivision plan shall preserve such natural features as wetlands, watercourses, steep slopes, large or unique trees and/or habitats, and scenic views. The street and lot layout shall bear a logical relationship and be adapted to the topography of the property. Extensive grading and filling shall be avoided as far as possible.

4.2.5 Scattered or Premature Subdivisions The Board may disapprove any plat where it finds that it would result in the scattered or premature subdivision of land such as would involve danger or injury to the public health, safety or prosperity by reason of the lack of water supply, drainage, transportation, schools, fire protection or other public services and facilities, or necessitate an excessive expenditure of public funds for the supply of such services and facilities.

4.2.6 Self-Imposed Restrictions If the owner places restrictions on any land in the subdivision and/or development greater than those required by these Regulations or the Zoning Ordinance, such restrictions or reference thereto may be required to be indicated on the subdivision plat, or the Planning Board may require that restrictive covenants be recorded with the Registry of Deeds in form approved by the Town Attorney.

4.3 LOT SIZES In the absence of municipal water or sewerage facilities, minimum lot sizes within all subdivisions shall, in addition to meeting the requirements of the Zoning

**SECTION IV
GENERAL PRINCIPLES AND DESIGN
AND CONSTRUCTION STANDARDS FOR SUBDIVISION**

Ordinance for the district wherein the subdivision is proposed, also meet any additional requirements imposed by the New Hampshire Department of Environmental Services in its review and approval process.

4.4 DESIGN STANDARDS The following design standards shall be observed in the layout of a subdivision and/or development of a site:

4.4.1 Lot Configuration and Design The following design standards are intended to improve the character and aesthetic qualities of development and to minimize impacts on natural and cultural features on the site. The Planning Board may require development plans to be certified by an individual with professional training in neighborhood design.

- (a) **Minimum Impact to Natural and Cultural Features** Individual lot lines and building envelopes shall, to the extent possible, conform to the natural contours of the site and be delineated to minimize negative impacts on the natural and cultural resources of the site as identified by the Planning Board and/or Site Inventory.
- (1) The location and orientation of individual building envelopes (and building sites) shall be designed to maintain the natural topography and drainage patterns, to preserve important natural features in their natural condition, to maximize the potential for use of passive solar energy for light and heat, to minimize disturbance of natural vegetated cover, and to minimize grading (cut and fill) and soil removal.
 - (2) The removal or disruption of historic, traditional, or significant uses, structures, or architectural elements shall be minimized.
 - (3) Significant trees, boundary trees, stone walls, wetlands and streams and other important natural features not included within the Designated Open Space should be incorporated along the edges of individual lots or along a path or roadway, rather than transected by lot lines or a roadway.
 - (4) The Planning Board may require the designation of undisturbed, naturally vegetated buffer strips of at least seventy-five (75) feet width around water resource features (e.g., lakes, ponds, streams, wetlands) or other natural features that may be adversely affected by erosion or stormwater runoff. Such areas may be required to be re-vegetated if they were recently cleared prior to subdivision approval or cleared during construction.
 - (5) Stream and wetland crossings shall be eliminated whenever possible. When necessary, stream and wetland crossings shall fully comply with state recommended design standards to minimize impacts to flow and animal passage.
 - (6) Building envelopes (and/or areas of contiguous clearing) shall generally be limited to a maximum area of 21,780 square feet (1/2 acre) for an individual

**SECTION IV
GENERAL PRINCIPLES AND DESIGN
AND CONSTRUCTION STANDARDS FOR SUBDIVISION**

building or up to 87,120 sq feet (2 acres) when multiple buildings are located on a common lot.

- (b) **Minimum Visual Impact** Individual lots and building envelopes shall be delineated so as to mitigate the visual impact of new development on views from existing roadways, adjacent properties, and offsite vantage points.
- (1) At their discretion, the Planning Board may prohibit the placement of building envelopes in visually prominent areas that cannot be adequately.
 - (2) Development within open fields shall be discouraged. If development must be located within open fields due to constraints elsewhere on the site, building envelopes should not be located on prime agricultural soils and/or should be located at the edges of the field to the maximum extent possible. Additional landscaping may be required to provide a sufficient visual buffer for new development.
 - (3) To the extent practical, building envelopes shall be delineated to maximize the privacy afforded to each dwelling unit, by, for example, positioning homes to eliminate direct sight lines to neighboring homes and to prevent a building from being positioned directly above (or “perched” above) another building on a vertical slope (unless an adequate separation distance and vegetated buffer exists or is provided).
 - (4) The Planning Board may require a vegetated buffer to provide screening between developments and/or between development and public roadways.
 - (5) For development within the R-2, R-3, and R-4 zoning districts variations in the front-line setbacks of building envelopes from the street are encouraged (consistent with variations in setbacks of surrounding properties).
- (c) **Landscaping and Tree Preservation** At the request of the Planning Board, an applicant shall prepare a detailed landscaping plan and/or tree preservation plan.
- (1) The landscaping plan shall identify the areas of existing natural cover to be retained as well as new landscaping to be provided on the site, including specific types and sizing of plantings (with a preference for native species). The landscaping plan should provide reasonable privacy for individual homes, provide a visual buffer of the development, and improve the overall aesthetics of the development.
 - i. The Planning Board may require re-vegetation of any setback or buffer area that was substantially cleared prior to or during the subdivision development to ensure adequate visual screening of the new development, particularly for setbacks to existing roadways and neighboring structures, or within the development itself.

**SECTION IV
GENERAL PRINCIPLES AND DESIGN
AND CONSTRUCTION STANDARDS FOR SUBDIVISION**

- ii. The Planning Board may require the planting of shade trees within all subdivision layouts where residential, commercial or industrial development is to take place.

- (2) When requested by the Planning Board, the Landscaping Plan shall include a tree preservation plan, which shall identify all trees greater than 15 inches in diameter at 4 feet above the ground, indicate which trees will be retained, and detail a plan to protect those trees, including the root zone, during construction.

- (3) Landscaping plans may be submitted to the Conservation Commission for its review.

- (d) **Additional Design Guidelines for Conservation Subdivisions**
 - (1) Building envelopes on individual or common lots should be set back as far as possible from the boundary of the adjoining Designated Open Space, consistent with other design parameters of this section, to augment and protect the integrity of the open space area.

 - (2) Consideration should be given in the layout of the subdivision to provide each dwelling unit with access and/or views onto the Designated Open Space.

 - (3) At the discretion of the Planning Board, groupings of buildings in the R-2, R-3 and R-4 zones may be limited to no more than four (4) buildings (containing single or multiple dwelling units) together in a “pod” formation (on individual lots or on a common lot) with a vegetated buffer of 100-300 feet separating the groupings. Larger buffers (200-300 feet) may be required depending on the size of the proposed structures, the nature of the existing vegetation, and the elevation change in the area of concern.

4.4.2 Streets The construction of a new street shall only be permitted for a subdivision creating a minimum of four (4) lots total. The total lots may include any lot containing an existing residence.

- (a) **Relation to Adjoining Street System** Insofar as the Master Plan or Official Map does not indicate the size, location, direction and extent of a street, and subject to the regulations hereinafter specified regarding definite minimum widths, the arrangements of streets in a subdivision shall provide for the continuation of the principal street existing in the adjoining subdivisions, or of their proper projection when adjoining property is not subdivided, and shall be of a width at least as great as that of such existing streets but no less than fifty (50) foot right-of-way. Where, in the opinion of the Board, topographical conditions make such continuance or conformity impractical, the Board may approve the subdivider’s plat, without the provision of a right-of-way to an adjoining property.

**SECTION IV
GENERAL PRINCIPLES AND DESIGN
AND CONSTRUCTION STANDARDS FOR SUBDIVISION**

In the interest of providing comprehensive transportation within the community, especially when in the interest of providing comprehensive transportation within the community, especially when new sub-division roads do not provide direct access to adjacent or nearby neighborhoods, the Board may require the construction of walking or biking trails to interconnect new streets with existing neighborhoods or existing streets.

Where the plat submitted covers only a part of the subdivider's tract, a sketch of the prospective future street system of the unsubmitted part shall be furnished and the street system of the part submitted shall be considered in the light of the adjustments and connections with the street system of the part not submitted.

Where a tract is subdivided into lots of an acre or more, the Board may require an arrangement of lots and streets such as to permit a later resubdivision in conformity with the street requirements specified in these Regulations.

- (b) **Street Rights-of-Way** The minimum right-of-way for streets shall be as shown on the typical cross sections, Section 4.5.4.
- (c) **Street Width** The width of the street shall be as shown on the typical cross sections, Section 4.5.4.
- (d) **Access** There shall be no reserve strips controlling access to streets, except where the control of such strips is definitely placed with the Town under conditions approved by the Board. The subdividing of the land shall be such as to provide each lot, by means of either public street or way or permanent easement, with satisfactory access to an existing public street or highway.
- (e) **Street Intersection Angles** Except where it is impracticable, a street shall intersect another so that within seventy-five (75) feet of the intersection the street lines are at right angles. In no case shall the angle be less than seventy-five (75) degrees.
- (f) **Street Intersections and Vertical Alignment** The vertical grade within one hundred (100) feet of any intersecting street shall have a grade not exceeding two (2) percent.
- (g) **Cul-de-Sacs** In accordance with Section 4.4.2 (a), and in lieu of constructing a cul-de-sac, the Planning Board may require that a new street connect to an existing street on adjoining property. If (i) the adjoining land is not developed, and (ii) the Planning Board permits a cul-de-sac terminal, the Planning Board shall require the dedication of an easement of sufficient width for future connection of the new street to an existing or future street. When use of a cul-de-sac is approved, appropriate terminals, as determined by the Planning Board in its discretion, shall be provided at the closed end of a cul-de-sac, as follows:

**SECTION IV
GENERAL PRINCIPLES AND DESIGN
AND CONSTRUCTION STANDARDS FOR SUBDIVISION**

- (1) **Hammerheads** If a hammerhead terminal (T-street) is used, rather than a drive-around end, the minimum pavement size shall be twenty (20) x sixty (60) feet, with an additional ROW of at least 15' beyond the edge of pavement in each direction.
- (2) **Turning Loops** A turning loop is a paved turn-around with a center island of vegetation. Turning loops may be required for streets with more than 10 homes. If a turning loop terminal is used, the shape of the loop shall not be perfectly circular. The pavement width shall be determined in accordance with the standards generally applicable to the new road, as set forth in Section 4.5.4 or 4.5.1(f). The minimum centerline turning radius used shall be 60'. In addition, the interior (island section) of the loop shall be undisturbed or replanted with native vegetation. The Right-of-Way shall be set 25' from the centerline of the traveled way.
- (3) **Through Roads** A through road has more than one outlet and provides for vehicular access to distinct areas within the Town or community.
- (4) **Road Length** The traveling distance to any point on the new street, including the hammerhead or turning loop or other turnaround approved by the Planning Board shall be no more than 1000' from the connection to the existing through road.
- (5) **Utility Easements** The Planning Board may require the dedication of an easement of sufficient width from the road to the next adjoining street or property to provide for utilities.
- (h) **Tree Planting** Where tree cutting exceeds the Minimum Clear Zone Distances indicated in Section 4.5.1(g), or where new road construction is located in previously cleared areas, the Planning Board may require the planting of trees along both sides of each street. Trees shall be planted at intervals not to exceed 40 feet. Such trees shall be 2 to 2.5 inches dbh (diameter at breast height).

Species shall be selected according to the following criteria:

- (1) Long lived (over 60 years).
- (2) Mature height of at least 50 feet, if appropriate.
- (3) Require little maintenance, by being mechanically strong (not brittle) and insect-and disease-resistant.
- (4) Be of native origin.

The Planning Board shall retain a performance guarantee for the purpose of ensuring the maintenance of the plantings for a period of two (2) years.

- (i) **Street Name Signs** At all intersections street signs shall be provided and installed by the developer in conformity with the specifications of the Town's Superintendent of Public Works.

**SECTION IV
GENERAL PRINCIPLES AND DESIGN
AND CONSTRUCTION STANDARDS FOR SUBDIVISION**

Until such time as each street is accepted by the Town as a public way, the sign posts at the intersections of such street with any other street shall have affixed thereto a sign designating such street as private way.

- (j) **Street Names** Street names of all proposed streets shall be subject to approval by the Board of Selectmen. No proposed street name shall duplicate the names of existing streets irrespective of the use of the suffix “street”, “avenue”, “boulevard”, “drive”, or “court”. The continuation of an existing street shall have the same name.
- (k) **Street Numbers** All street numbers shall be assigned by the Board of Selectmen. Such assigned numbers must be posted on the lot and visible from the road.
- (l) **Grade of Streets** Street grades shall not exceed ten percent (10%) for all streets nor be less than one-half of one percent (0.5%). (See Section 4.5.4)
- (m) **Grass Strips** All disturbed areas between the outer roadway slope limits and shoulders shall be loamed (four inches in depth), mulched and seeded.

4.4.3 Curbing The Planning Board, in its discretion, may require the installation of vertical granite or other curbing on subdivision streets in order to channel surface water, to control vehicular traffic, to separate vehicular from pedestrian areas and/or to enhance the quality of the subdivision. Curbing shall meet standards of the New Hampshire Department of Transportation and have a seven inch reveal.

4.4.4 Sidewalks The Planning Board at its discretion may require the applicant to install an asphalt sidewalk of a minimum of four (4) feet in width on one side or both sides of each street/access drive in a subdivision if it is likely because of its location in the Town that a reasonable amount of pedestrian traffic will use such sidewalks.

The Planning Board may require construction of sidewalks of at least five feet (5') in width, separated from the roadway by grass strips when ADT is higher than 400. All new sidewalks must comply with the requirements of the Americans with Disabilities Act (ADA).

4.4.5 Driveways A permit is required for all driveways accessing public roads. For driveways accessing Town roads, the permit shall be obtained from the Town's Department of Public Works. For driveways accessing State roads, the permit shall be obtained from the New Hampshire Department of Transportation. All driveways accessing public roads shall conform to the New Hampshire Department of Transportation's latest edition of its “Policy and Procedure for Driveways and Other Accesses to the State Highway System.”

Driveways approaching a Town road on a down gradient shall have a platform of twenty (20) feet or more with a gradient not exceeding three (3) percent. The roadway

**SECTION IV
GENERAL PRINCIPLES AND DESIGN
AND CONSTRUCTION STANDARDS FOR SUBDIVISION**

cross slope shall extend a minimum of three (3) feet into the platform and provide a minimum drop of three (3) inches in order to provide a drainage gutter.

4.4.6 Drainage Improvements The Planning Board may require the subdivider to provide engineering studies on the effect of such subdivision on the existing downstream drainage facilities outside the subdivision boundaries. Where it is determined that the additional run-off incident to the development of the subdivision will overload an existing downstream drainage facility, the Planning Board may require the provision of water retarding facilities, flowage easement, or other improvements to alleviate such problems.

4.4.7 Municipal Water Service All subdivisions and developments shall provide municipal or community water service when available or required by the Planning Board. Installation of all water mains is subject to the approval of the Town Engineer and the appropriate Precinct. When a water system is proposed, the system shall be designed by a qualified engineer. Each system shall be designed to handle the expected domestic flows for present and future development within the subdivision.

4.4.8 On-Site Water Supply The provision of on-site water supply shall conform to Water Supply and Pollution Control Commission criteria and be subject to approval by the Planning Board.

4.4.9 Fire Protection The Planning Board in consultation with the Fire Department, may in its discretion, require the installation of fire ponds, cisterns and/or fire hydrants to provide fire protection for the subdivision. All major subdivisions shall be submitted to the Hopkinton Fire Department for review. Such review will include an assessment of the fire protection provisions of the subdivision. The Fire Department may recommend changes in the fire protection measures in the subdivision. Prior to the construction of any residential dwelling in a major subdivision, the fire protection measures for the subdivision must be in place and operable.

4.4.10 On-Site Sewage Disposal Systems No subdivision of land will be approved where it creates a lot that will not meet the minimum standards imposed by the State of New Hampshire Water Supply and Pollution Control Commission, unless the lot is specified as not for building on the plan.

It shall be the responsibility of the subdivider to provide adequate information to the Planning Board to prove that the area of each lot is adequate to permit the installation and operation of individual on-site sewage disposal system.

Subsurface on-site sewage disposal systems under 2000 gallons/day must be designed by a septic system designer, licensed in the State of New Hampshire. Systems over 2000 gallons/day must be designed by a professional engineer practicing in New Hampshire.

Systems are to be constructed in accordance with the most recent Administrative Rules and Statutory provisions of the N.H. Department of Environmental Services.

**SECTION IV
GENERAL PRINCIPLES AND DESIGN
AND CONSTRUCTION STANDARDS FOR SUBDIVISION**

4.4.11 Designated Open Space

- (a) The subdivision and development shall, whenever possible, preserve in their natural condition important natural features. The Planning Board may request an advisory opinion from the Conservation Commission in determination of the value of the natural features on a site, the boundaries of those natural systems, and the appropriateness of the proposed Designated Open Space to preserve the integrity and function of important natural features.
- (b) To the extent practical, the Designated Open Space shall be contiguous within the parcel and adjacent to existing undeveloped land on adjoining parcels to form a continuous, integrated open space system. Particular attention shall be paid to maintaining and expanding existing trail networks.
- (c) The Planning Board may require the dedication or reservation of some portion of the Designated Open Space within the subdivision for a park, playground, pathway(s), or other recreational or open space purposes, for the residents of the subdivision. The Planning Board may also require the developer to supply and plant such trees and shrubbery as 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 park is solely for subdivision use, the maintenance of said landscaped areas shall be the responsibility of the residents of the subdivision.
- (d) No topsoil or vegetation shall be removed from the Designated Open Space, except in conformance with an approved management plan for the area or consistent with approved uses.
- (e) The boundaries of the Designated Open Space shall be clearly marked and identified as "No Disturbance" areas (except in areas identified for permitted uses requiring some disturbance or construction) prior to commencing construction activities, including tree cutting, grading, or site clearing.
- (f) To the maximum extent practical, a minimum of a seventy-five (75) foot undisturbed, naturally vegetated buffer around water resource features (e.g., lakes, ponds, streams, wetlands) shall be included within the Designated Open Space when such water resource features are included. The buffer area may be required to be re-vegetated if they were recently cleared prior to subdivision approval or cleared during construction.
- (g) No more than five percent (5%) of the Designated Open Space shall be covered by impervious cover, except as approved by special permit by the Planning Board.

**SECTION IV
GENERAL PRINCIPLES AND DESIGN
AND CONSTRUCTION STANDARDS FOR SUBDIVISION**

- (h) To the maximum extent possible, the area of Designated Open Space shall include those areas identified as a priority for conservation in a local, town, regional or state conservation plan (e.g., high-ranking areas identified within Hopkinton's Natural Resource Inventory, areas of highest-condition habitat as identified by New Hampshire Fish and Game's *Wildlife Action Plan*). These areas shall be adequately buffered from development by including an additional (minimum) 300 foot distance within the Designated Open Space to the maximum extent feasible. A larger or smaller setback from the edge of the Designated Open Space to specific areas may be required or allowed depending on the type of habitat and/or sensitivity of the particular resource to human influence.
- (i) The design of the Designated Open Space and any permitted uses, such as trails, shall be sensitive to minimizing potential impacts to high-quality and/or rare plant communities and habitat areas, particularly those areas potentially supporting rare or endangered species.
- (j) Access points to the Designated Open Space shall be clearly identified on plans and posted with permanent signage approved by the Planning Board indicating the uses allowed in the area.

4.4.12 Flood Hazard Areas Subdivisions involving land designated as special flood hazard areas by the Federal Emergency Management Agency (FEMA) or its successor shall be reviewed to determine whether such proposals will be reasonably safe from flooding and shall meet the following requirements.

- (a) **Permits** The Planning Board shall review the proposed development to assure that all necessary permits have been received from those government 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.
- (b) **Subdivision and New Developments** The Planning Board shall require that all subdivision proposals and other proposed developments greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals base flood elevation data.
- (c) **Minimization of Flood Damage** Sufficient evidence (construction drawings, grading and land treatment plans) shall be submitted so as to allow the Planning Board to determine that:
 - (1) All such proposals are consistent with the need to minimize flood damage;
 - (2) All public utilities and facilities, such as sewer, gas, electrical, and water systems are located, and constructed to minimize or eliminate flood damage;
 - (3) Adequate drainage is provided so as to reduce exposure to flood hazards and,

**SECTION IV
GENERAL PRINCIPLES AND DESIGN
AND CONSTRUCTION STANDARDS FOR SUBDIVISION**

- (4) New and replacement water and sewer systems (including on-site systems) are located, designed, and constructed to minimize infiltration and avoid impairment.
- (c) **Elevation and Flood-Proofing Records** The applicant shall obtain and maintain records of elevations and flood-proofing levels for all new or substantially improved structures, whether or not such structures contain a basement.
- (d) **Alteration of Watercourses** The State Wetlands Board shall be notified prior to any alteration or relocation of watercourse and copies of such notifications shall be submitted to the National Flood Insurance Program. The flood carrying capacity shall be maintained within the altered or relocated portion of any watercourse.

4.4.13 Erosion and Sedimentation Control Stripping of vegetation, re-grading or other development shall be done in such a way that will minimize soil erosion. Whenever practical, natural vegetation shall be retained, protected, and supplemented. An erosion and/or sedimentation control plan, and/or temporary vegetation or mulching will be required by the Board where considered necessary.

Erosion control plans are required by State statutes for projects disturbing over 100,000 square feet of soil. These plans will be made available to the Planning Board.

4.4.14 Easements

- (a) **Utilities** Except where alleys of not less than twenty (20) feet are provided for the purpose, the Board may require easements, not exceeding twenty-five (25) feet, on each side of all rear lot lines, and on side lot lines where necessary or, in the opinion of the Board, advisable, for poles, wires, conduits, storm and sanitary sewers, gas, water and heat mains or other utility lines. Easement of the same or greater width may be required along the lines of or across lots where necessary for the extension of the existing or planned utilities, or for passage of Town equipment.

If in the opinion of the Board, the most suitable and reasonable locations for any of the utilities (such as sewers, storm drains, water and gas pipes and electric pole lines and conduits, which are likely to be required within a subdivision, either for the service thereof or for service for areas in the surrounding territory) do not lie wholly in the streets, including alleys if any, shown on the plat, the Board may require, insofar as reasonable, provision to be made for the location of such utilities on routes elsewhere than within said streets, either by the dedication of public easements for the same as part of the plat or by the filing of supplementary instruments which will adequately protect the public interest in the proper location of said utilities.

- (b) **Drainage** Where a subdivision is traversed by a watercourse, drainage way, channel or stream, the Planning Board may require a storm water easement or drainage right-of-way of at least twenty-five (25) feet in width.

**SECTION IV
GENERAL PRINCIPLES AND DESIGN
AND CONSTRUCTION STANDARDS FOR SUBDIVISION**

4.4.15 Monuments Concrete or granite monuments approved by the Board shall be placed at all street intersections, points of curvature, and at external corners of the subdivision. Iron pipes and drill holes shall be used at lot property corners. Also, all side lot lines shall be adequately flagged so as to allow proper orientation of improvements and the side lines shall be cleared to a depth sufficient to allow verification of the location of all improvements, i.e. house, well, septic system, driveway, etc..

4.5 CONSTRUCTION STANDARDS

4.5.1 Streets The laying out and construction of all streets within subdivisions shall be in conformity with those ordinances of the Town pertaining to such development and in addition shall meet the following construction and material specifications. Where not specified in these regulations, street construction for roads with ADT (average daily traffic) of 400 or less shall comply with AASHTO Guidelines for Geometric Design of Very Low-Volume Local Roads, 2001. Streets with ADT greater than 400 shall follow the practices outlined in the latest edition of the State of New Hampshire's Standard Specifications for Road and Bridge Construction, the latest edition of the American Association of State Highway and Transportation Officials (AASHTO) "A Policy on Geometric Design on Highways and Streets," and the latest edition of the Town's Construction Inspection Procedures.

- (a) **Clearing** The entire area of each roadway shall be cleared and cleaned of all stumps, brush, roots, boulders, like material and all trees not intended for preservation, and will not be used for fill. All stumps must be trimmed to a height of not greater than six (6) inches from the existing grade. Any stumps located within three (3) feet of the sub-grade elevation shall be removed. Ledge occurring anywhere in the full cross-section of the roadway must be cleared to a minimum depth of twenty-four (24) inches below the finished surface. Ledge occurring in pipe trenches must be cleared so as to have a gravel cushion of at least one (1) foot below and on both sides of the pipe.
- (b) **Excavation** All loam, soft clay, and other yielding material shall be removed or stripped from the roadway area to a depth of no less than twenty-four (24) inches below the finished grade, and/or to a depth that may be required by the Town Engineer.
- (c) **Rough Grade and Preparation of Sub-Grade** The excavated area shall be backfilled to the subgrade and shoulder elevation with suitable backfill, rough graded and compacted to subgrade and shoulder elevations. The subgrade shall be shaped to a true surface conforming to the proposed cross-section of the road and thoroughly compacted before applying the gravel.
- (d) **Base Course** The base course area shall be deemed to include travel way and shoulder areas and shall consist of the courses shown in Section 4.5.4., unless the Town Engineer determines that ground conditions warrant greater depth for either course.

**SECTION IV
GENERAL PRINCIPLES AND DESIGN
AND CONSTRUCTION STANDARDS FOR SUBDIVISION**

The base course shall not be constructed during freezing weather or on a wet or frozen sub-grade. Blading and rolling shall be required to provide a smooth, even and uniformly compacted course true to cross-section and grade. A minimum slope of the finished base course shall be 0.02 feet per foot (2%) or as may be required on curves or on super elevations. At all times during construction, the sub-grade and all ditches shall be constructed and maintained so that the road bed will be effectively drained to prevent erosion. All compaction shall be at ninety-five percent (95%) density in accordance with A.A.S.H.T.O. T99.

- (e) **Street Paving** Street paving shall be accomplished by placing a minimum of two (2) courses of hot asphalt concrete which shall be placed with a self-propelled spreader and in accordance with the specifications and conditions stated in the State of New Hampshire Department of Transportation Standard Specifications for Road and Bridge Construction, adopted and approved, latest edition.

If a significant time interval occurs between the successive passes of the paving machine, the contractor must use a joint heater to insure a better bond. No wearing course will be done between October 1 and May 15. No binder course will be done between October 15 and April 15. The minimum surface temperature for placement of the base or binder course of pavement shall be forty (40) degrees Fahrenheit and the minimum surface temperature for the placement of the wearing course of pavement shall be fifty (50) degrees Fahrenheit.

- (f) **Gravel Roads** New gravel roads may be permitted, or required by the Planning Board, in residential subdivisions off existing gravel Designated Scenic Roads when ADT is 50 or less, if the road is less than 1000' in length., and a professional engineer licensed in New Hampshire has certified that the site specific design is sound, adequately addressing drainage, and that the roadway will not negatively impact the surrounding area due to excessive erosion.

- (1) All travel lanes on gravel roads will be graded with a cross-slope of ½"-per-foot of lane width from centerline to shoulder. Shoulders will be lower and graded at a slightly steeper cross-slope to provide positive drainage toward the ditch.
- (2) The depth of ditch should be at least 18" below the shoulder break, with a side slope from the shoulder to the bottom of ditch of 4:1. Care should be given to avoid excessively deep ditches which could create safety and liability concerns to motorists and/or pedestrians, especially with steep side slopes.
- (3) All ditches will be shaped with no hard transitions in slopes. The shape should be rounded (parabolic) to minimize erosion and water velocities. V-ditches should be avoided.
- (4) The grade of ditch flow lines shall never be less than 0.5%.

**SECTION IV
GENERAL PRINCIPLES AND DESIGN
AND CONSTRUCTION STANDARDS FOR SUBDIVISION**

- (5) A minimum of twelve (12) inches of gravel (NH DOT Item No. 304.2) for subgrade, plus a finish course of 6" of crushed gravel (NH DOT Item No. 304.3) shall be placed over the foundation material, and compacted in accordance with NH DOT Standard Specifications for Road and Bridge Construction, Division 300, 2002 Edition.
- (6) Samples of all gravel may be obtained by the Town at any time to ensure quality and for periodic testing.
- (7) All aspects of construction, including, but not limited to testing, placement and compaction, shall be in compliance with NH DOT Standards Specifications for Road and Bridge Construction, Division 300, 2002 Edition.
- (8) The Planning Board may require the submittal of grading analysis of materials to ensure compliance with these specifications.
- (g) **Road Curvature** The Planning Board may require, in its discretion, that new roads be designed to include curves as traffic calming devices and for aesthetic purposes. Curve design shall comply with the parameters set forth in Section 4.5.4. In appropriate circumstances, the Planning board may allow "reverse curves" to accommodate natural features and topography.
- (h) **Side Slopes** Cut section slopes shall not be steeper than 2:1 (horizontal: vertical) unless a licensed professional engineer designs special treatment for a steeper slope or a retaining wall system.

Use of guardrail shall be avoided, as it can be an obstacle to drivers in itself. However, when topography makes it difficult to design roadways with steep side slopes, guardrail shall be used when the slopes exceed the critical slope and height values in the table below. The Planning Board may require road relocation or other layout adjustments so that the use of guardrail is avoided.

Steel beam guard rail meeting current New Hampshire Department of Transportation standards shall be used when necessary. The Planning Board may approve the use of alternate barrier materials in special instances. The inside (roadside) face of guardrail shall be set 2' from the edge of the traveled way, with gravel shoulders between the edge of pavement and guardrail.

Fill slopes shall not exceed 2:1 under any circumstances.

Erosion control measures will be required until permanent growth is established.

Fill Slopes and Heights Necessitating Use of Guardrail

Embankment Fill Slope (Vertical to Horizontal)	Embankment Fill Height (From Edge of Shoulder to Natural Ground) Requiring Guardrail
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**SECTION IV
GENERAL PRINCIPLES AND DESIGN
AND CONSTRUCTION STANDARDS FOR SUBDIVISION**

Flatter than 3:1	Guardrail not required.
3:1	17'
2.5:1	9'
2:1	6'

- (i) **Clear Zone** The clear zone is the distance, measured horizontally from the edge of shoulder, which shall be free from obstacles in order to provide for motorist safety. Clear zone for new construction and reconstruction projects shall be based on the values shown below:

Design Speed (mph)	ADT (average daily traffic)	Fill Slopes flatter than 3:1*	Cut Slopes
45 or Less	Under 750	7'	7'
	751 to 1500	12'	10'
	1501 to 6000	14'	12'
	Over 6000	16'	14'
50	Under 750	12'	8'
	751 to 1500	16'	12'
	1501 to 6000	20'	14'
	Over 6000	24'	

* Since recovery is less likely on unshielded, traversable 3:1 slopes, fixed objects should not be present in the vicinity of the toe of these slopes. Determination of the width of the recovery area at the toe of the slope should take into consideration right-of-way availability, environmental concerns, and safety needs.

- (j) **Approval and Specifications** All material shall be secured from sources approved by the Town Engineer. Samples of all materials to be used in the project shall be submitted to the Town Engineer upon request.

All materials shall conform to the latest edition of the State of New Hampshire Department of Transportation Standard Specifications for Road and Bridge Construction or to Town requirements if more stringent.

- (k) **Curbing** Granite curbs, where required by the Planning Board, shall conform to the New Hampshire Department of Transportation standards. Curb shall be bedded on and surrounded by a minimum of six (6) inches layer of gravel. Complete compaction shall occur in all areas and under the entire length of curb.
- (l) **Sidewalks** The sub-base for a sidewalk, when required by the Planning Board, shall be at least six (6) inches of bank-run gravel, thoroughly compacted and three (3) inches of crushed bank-run gravel, thoroughly compacted. All stones larger than three (3) inches in diameter shall be removed. Bituminous concrete shall be laid in two (2) courses; namely binder course and top course. (Courses shall consist of two (2) inches of binder and one (1) inch of wearing course.) In no case shall the surface be laid until the sub-base has been inspected and approved. Concrete sidewalks shall not be less than four (4) inches in thickness reinforced by 6 x 6 - 6° wire mesh, placed on the same base.

**SECTION IV
GENERAL PRINCIPLES AND DESIGN
AND CONSTRUCTION STANDARDS FOR SUBDIVISION**

- (m) **Inspection and Methods** The Town Engineer shall regularly be notified to inspect all phases of road and utility construction and materials used.

4.5.2 Storm Water Sewers and Other Drainage Appurtenances All areas of a subdivision shall be graded to prevent flooding of structures and roads or eroding of property. Storm sewers and other drainage appurtenances shall be constructed throughout the entire development to carry off water from all inlets and catch basins and be connected to an adequate outfall. The storm water drainage system shall be separate and independent of the sanitary sewer system and shall be in accordance with drainage laws of the State of New Hampshire. Included in the overall design shall be any work necessary in order to provide adequate and satisfactory drainage along the side of any existing street which is adjacent to the subdivision. The construction for the disposing of storm water shall be approved by the Town Engineer. Manholes will be required upon request, to be located between catch basins, at all points where there is a change of grade, change of alignment, or an intersection, and shall not be spaced greater than three hundred (300) feet apart.

(a) **Design**

- (1) Proper sizing of culverts, pipes, etc. shall be by acceptable established engineering practice.
- (2) Design storm frequency:
 - (a) Major streams, rivers, bridges, culverts (50 year storm and flood of record)
 - (b) Minor brook culverts (25 year storm)
 - (c) Storm sewers (10 year storm)
- (3) The calculations used in sizing the various pipes and a list of the variables used must be submitted to the Town Engineer and be stamped by a registered engineer. Failure to include this information could result in a delay of the review process.

(b) **Standards of Construction**

- (1) All improvements shall meet the specifications of A.A.S.H.T.O. (American Association of State Highway and Transportation Officials) and the N.H. Standard Specifications for Road and Bridge Construction.
- (2) Drain catch basins or manholes shall conform to the current standards of the New Hampshire Department of Transportation.
- (3) Minimum size pipe for drains and culverts shall be fifteen (15) inches in diameter.

**SECTION IV
GENERAL PRINCIPLES AND DESIGN
AND CONSTRUCTION STANDARDS FOR SUBDIVISION**

- (4) All pipes shall be reinforced concrete pipe or corrugated metal of sufficient strength for the given application. Drainage pipes shall have a minimum of three (3) feet of cover.
- (5) Culvert headwalls/endwalls, when required, shall be either concrete or mortar rubble masonry.

4.5.3 Water Mains and Fire Hydrants

- (a) **Connections to Lots** If Town water is supplied, each lot shall have a separate connection brought to the lot line, equipped with an outside stop, and capped until ready for use. All service lines shall be connected to the main by the use of tapped couplings. The developer shall provide ties for the end of the service line and the outside stop for each lot in the development.
- (b) **Design and Construction** Water mains, services, fire hydrants, and other appurtenances shall be designed, constructed, and installed according to standards set by the Town Engineer and appropriate Precinct.
- (c) **Materials** All materials shall meet the requirements or specifications set forth by the Town Engineer.

4.5.4 Road Design Standards

The minimum road geometry included in the table below may be modified at the discretion of the Planning Board. Standards for streets serving industrial developments shall comply with the standard for ADT of 401 or greater.

Classification of Street based on Average Daily Traffic (ADT)

Traffic Load	ADT* 1-100	ADT 101-400	ADT 401-2000	ADT 2001 greater
Min. Design Speed	20 mph	20 mph	25 mph	30 mph
Min. Pavement Width*	18'	18'	20'	22'
Min. Shoulder Width (crushed gravel for shoulder leveling)	1'	2'	2'	3'
Min. R.O.W. Width**	50'	50'	60'	60'
Min. Shoulder to Ditch	4'	4'	6'	6'
Profile Grade: Min. Grade	0.5%	0.5%	0.5%	0.5%
Max. Grade	10%	10%	10%	10%
Min. Centerline Radius Curve	90'	100'	200'	300'
Minimum Tangent Length Between Reverse Curves	50'	50'	150'	See AASHTO

**SECTION IV
GENERAL PRINCIPLES AND DESIGN
AND CONSTRUCTION STANDARDS FOR SUBDIVISION**

Traffic Load	ADT* 1-100	ADT 101-400	ADT 401-2000	ADT 2001 greater
Stopping Sight Distance	115'	115'	200'	200'
Normal Crown Slope	0.02 ft/ft	0.02 ft/ft	0.02 ft/ft	0.02 ft/ft
Min. Base Courses: Crushed Gravel	6"	6"	6"	6"
Gravel	12"	12"	12"	12"
Min. Pavement: Wearing-Type E	1"	1"	1"	1"
Binder Course Type B	2"	2"	2"	2"
Base Course Type B	0	0	0	2"
Standards for Gravel Roads, which are permitted in special circumstances, are included in Section 4.5.1(f).				

*Crushed Gravel for Shoulder Leveling with at least twenty-five percent (25%) loam (NH DOT Item No. 304.33).

4.5.5 Bridges On stream crossings spanning ten (10) or more feet, the structure shall be designed to an HS-20 loading (A.A.S.H.T.O) specifications, hereby incorporated into these Regulations by reference). The minimum roadway width on structures shall be twenty-four (24) feet between guard rails. Greater street widths may be required at the direction of the Planning Board.

4.5.6 Construction Inspection of Privately Constructed (new or rebuilt Town Roads) The Planning Board of the Town of Hopkinton in the interest of the public welfare of its citizens institutes the following Subdivision Regulations relative to the non-governmental construction of new or rebuilt Town roads:

- (a) All new or rebuilt roads constructed by a non-governmental source shall require construction observation services as outlined in Section 4.5.8 of these Regulations. The Board of Selectmen may waive this requirement where it deems appropriate.
- (b) The Board of Selectmen shall select and contract with the engineer who will provide the inspection service.
- (c) The entity responsible for constructing the roadway shall provide the Town with cash, irrevocable letter of credit, or passbook (in the name of the Town) issued by a Banking Institution doing business in New Hampshire to cover the cost of inspection services. As a minimum this security shall be \$3.00/foot of roadway to be constructed plus ten percent (10%). Ten percent (10%) of the total construction observation costs shall be retained by the Town of Hopkinton to cover administrative costs.
- (d) The engineer shall invoice the entity responsible for constructing the roadway directly with a copy to the Board of Selectmen. This invoice shall be paid within thirty (30) days. If not paid, the Board of Selectmen may draw on the security and pay the engineer.

**SECTION IV
GENERAL PRINCIPLES AND DESIGN
AND CONSTRUCTION STANDARDS FOR SUBDIVISION**

- (e) The entity responsible for constructing the roadway shall be responsible for all cost of the inspection services. The Board of Selectmen shall be sole determiner as to whether the charges are reasonable.
- (f) Upon final acceptance of the construction roadway, the Board of Selectmen shall release the security after all engineering invoices have been paid.

4.5.7 Professional Review of Proposed Subdivision Plans The Planning Board of the Town of Hopkinton in the interest of the public welfare of its citizens institutes the following Subdivision Regulations relative to the professional review of the proposed subdivision plans:

- (a) The Planning Board with advice from the Town Road Committee may require that subdivision proposals be reviewed by outside professionals. This could include but not be limited to Traffic Engineers, Highway Engineers, and Environmental Specialists.
- (b) The decision of whether or not an outside consultant is needed shall be made by the Planning Board.
- (c) The Board of Selectmen shall select and contract the consultant to provide the necessary services to the Planning Board.
- (d) The applicant for the subdivision shall provide the Town with cash, irrevocable letter of credit or passbook (in the name of the Town) issued by a Banking Institution doing business in New Hampshire to cover the Planning Board's estimated cost of the service.
- (e) The consultant shall invoice the subdivision applicant directly with a copy of the invoice sent to the Board of Selectmen. This invoice shall be paid within thirty (30) days. If not paid, the Board of Selectmen may draw on the security and pay the consultant.
- (f) The subdivision applicant shall be responsible for all cost of the professional review. The Board of Selectmen shall be the sole determiner as to whether the charges are reasonable.
- (g) After the review has been completed as determined by the Planning Board and all invoices have been paid, the Board of Selectmen shall release the security.

4.5.8 Construction Observation Procedures

- (a) **Preconstruction Meeting** At least fifteen (15) working days prior to commencing construction improvements, the Developer shall notify the Road Agent in writing of the time when he proposes to commence construction of such improvements. The Road Agent will arrange for construction observation by the Town's Consultant Engineer to assure that all standards, specifications and requirements are met

**SECTION IV
GENERAL PRINCIPLES AND DESIGN
AND CONSTRUCTION STANDARDS FOR SUBDIVISION**

during the construction of the required improvements. The Developer shall schedule a preconstruction meeting with the Road Agent, which is mandatory, prior to the start of construction. The following parties shall attend the meeting: the Road Agent, the Town's Consultant Engineer, the Developer, the Developer's Contractor, the Developer's Engineer, and affected Utility Companies that are involved. The intent of the preconstruction meeting is as follow:

- (1) To outline the respective responsibilities for the involved parties.
- (2) The Developer's representative shall present the construction schedule and sequence, proposed coordination with affected State and Town agencies who may have jurisdiction with the project and governing utility companies, and introduce the Contractor's Superintendent for the project.
- (3) The Town shall provide a copy of the approved plans, specifications and related documents to the Town's Consultant Engineer.
- (4) The Town shall establish the chain of communication between all parties involved.
- (5) Emergency telephone numbers shall be supplied and the Town's Consultant Engineer will consolidate and publish the numbers.
- (6) The Road Agent shall determine the escrow amount for the construction observation. The initial amount shall \$3.00/foot of roadway to be constructed under the project plus ten percent (10%). Ten percent (10%) of the total construction observation costs shall be retained by the Town of Hopkinton to cover administrative costs. The escrow account shall be periodically reviewed to assure that sufficient funds are available to cover all construction observation costs and additional funds provided as needed. Upon acceptance of the project, unused escrow amount shall be returned to the owner within 30 working days.

(b) Professional Services - Notification and Fees

- (1) The Developer shall place the escrow amount for the construction services with the Town prior to the start of construction.
- (2) The Town's Consultant Engineer shall be notified by the Developer or his representative at least two (2) working days prior to construction initiation and at all subsequent times the Town's Consultant Engineer services will be required.
- (3) The Developer or his representative shall inform the Town's Consultant Engineer of his immediate work schedule.
- (4) The Developer will be charged hourly for the Town's Consultant Engineer's

**SECTION IV
GENERAL PRINCIPLES AND DESIGN
AND CONSTRUCTION STANDARDS FOR SUBDIVISION**

services.

- (5) Cancellation of the Town's Consultant Engineer's services must be received at least one day prior to his scheduled appearance.

In a case where the Town's Consultant Engineer is not notified that his services are not required, a minimum charge of up to four hours (to be determined by the Road Agent) shall be assessed to the requesting Developer.

- (c) **Access to Work** The Developer shall provide the Town of Hopkinton and the Town's Consultant Engineer safe and full access to all the construction operations at any requested time.

Structural calculations, prepared by a registered Engineer in the State of New Hampshire, may be required by the Town as evidence of the adequacy of proposed excavation supports.

- (d) **Observation of Work** The Town's Consultant Engineer shall observe the progress and quality of the work completed by the Contractor. The Consultant Engineer, as an experienced professional, shall become generally familiar with the work in progress and determine, in general, if the work is proceeding in accordance with the approved plans. The Town's Consultant Engineer will prepare construction reports documenting his observations and submit these to the Town weekly. Observation of the work shall not imply partial or final acceptance of the project.

The Town's Consultant Engineer shall review and approve or take other appropriate action on the Contractor submittals, such as shop drawings, product data, material test results, and other data, which the Contractor is required to submit, but only for the limited purpose of checking for conformance with the approved plans.

The frequency and duration of construction observation shall be determined by the Road Agent and will vary from project to project and will depend on the quality of construction, complexity and field conditions. Upon apparent completion of construction, the Town's Consultant Engineer will prepare a punch list of items requiring correction, conduct a final site visit, and prepare a final report to the Town of Hopkinton regarding the project.

- (e) **Field Changes** Minor changes, which do not alter the design intent, may be suggested by the Developer and agreed to by the Town's Consultant Engineer. However, proposed changes which will alter the basic design, as judged by the Town's Consultant Engineer, must be resubmitted to the Town's Planning Board through the design engineer for concurrence prior to construction.
- (f) **Testing** The Town's Consultant Engineer is responsible for supervising an independent testing laboratory with respect to all material and compaction testing

**SECTION IV
GENERAL PRINCIPLES AND DESIGN
AND CONSTRUCTION STANDARDS FOR SUBDIVISION**

to determine compliance with Town regulations. All costs incurred as a result of testing (and re-testing in the event of test results that do not meet Town specifications) shall be borne by the Developer.

(g) Layout of Work

- (1) It is the Developer's responsibility to provide layout of the work. Layout of the work shall be performed by an engineer or land surveyor licensed in the State of New Hampshire. Line, grade and location of roadway, curbing, drainage, utilities, and no cut zones, shall be provided with staked offsets. Layout shall be maintained during the course of the work and shall be provided as required to adequately control the accuracy of the work.
- (2) A superintendent shall be named, assigned and be present during the course of construction.

(h) Construction Checklist Items A Construction Checklist indicating the various construction items discussed herein and their bonded value as previously mutually agreed upon by the Town and Developer is attached. It is the intent to use this form as a tool to monitor construction progress.

- (1) **Clearing and Grubbing** Upon completion of the clearing and grubbing, all fill areas shall be observed by the Town's Consultant Engineer prior to the start of further construction.

(2) **Subgrade Construction**

2.1 All fill operations shall be performed under observation by the Town's Consultant Engineer. Under no circumstances will fill operations be allowed until existing ground has been checked for grubbing, stripping topsoil, and removal of unsuitable material.

2.2 All sub-grades shall be checked by the Town's Consultant Engineer for material, compaction, and grade prior to the sub-base being placed.

(3) **Utility Installation** Drainage System (Including Under drain):

3.1 Drainage construction shall be performed under the Town's Consultant Engineer's observation. No work shall be permanently back-filled without prior permission of the Town's Consultant Engineer.

3.1.2 Before final acceptance, completed storm drains will be checked. Any imperfections such as cracks, displaced joints, variations from line of grade or leaks, shall be repaired or replaced to the satisfaction of the Town's Consultant Engineer.

3.2 Other Utilities.

**SECTION IV
GENERAL PRINCIPLES AND DESIGN
AND CONSTRUCTION STANDARDS FOR SUBDIVISION**

3.2.1 In general, all the work shall conform with the requirements and specifications of the proper utility company. It is the Developer's responsibility to arrange the work with the proper utility authority and the Town.

3.2.2 Excavating and back-filling operations shall be observed by the Town's Consultant Engineer.

- (4) **Subgrade Preparation** The subgrade shall be checked by the Town's Consultant Engineer for compaction and conformance to line, grade and crown. Under no circumstances will the gravel operation be allowed to begin until the sub-grade has been checked by the Town's Consultant Engineer.
- (5) **Gravel Base Placement** A testing company, prior to starting the placement of gravel, shall perform sieve and proctor analysis of the proposed material. Sieve analysis of the materials shall be rechecked during placement if questioned by the Town's Consultant Engineer.

5.1 The gravel operation shall be under the Town's Consultant Engineer's observation. After the gravel sub base is completely placed, shaped and compacted, the surface shall be checked and approved for smoothness, accuracy of crown and grade, and compaction.

- (6) **Crushed Gravel Base Placement** A testing company, prior to starting the placement of crushed gravel, shall perform sieve and proctor analysis of the proposed material. Sieve analysis of the materials shall be rechecked during placement if questioned by the Town's Consultant Engineer. Placement of crushed gravel shall not begin until the gravel sub-base is checked by the Town's Consultant Engineer.

6.1 The crushed gravel operation shall be under the Town's Consultant Engineer's observation. After the crushed gravel course is completely placed, shaped and compacted, the surface shall be checked and approved for smoothness, accuracy of crown and grade, and compaction.

- (7) **Placement of Bituminous Concrete**

7.1 Base Course No pavement is to be placed until the crushed gravel base has been checked by Town's Consultant Engineer. All paving operations shall be observed by the Town's Consultant Engineer.

Pavement placement shall be checked for conformance to method, crown, line, grade, compaction, smoothness and uniformity.

7.2 Wearing Course No pavement is to be placed until the base course has

**SECTION IV
GENERAL PRINCIPLES AND DESIGN
AND CONSTRUCTION STANDARDS FOR SUBDIVISION**

been checked and approved by Town's Consultant Engineer. Pavement operations shall be observed by the Town's Consultant Engineer.

Pavement placement shall be checked for conformance to method, crown, line, grade, compaction, smoothness and uniformity.

No permanent wearing course pavement will be placed after November 15.

- (8) **Curbing Installation** The Developer shall notify the Town's Consultant Engineer to check the layout of curbing. The Developer is not required to have the Town's Consultant Engineer present during the installation of the curbing. However, if the curb placement is considered unacceptable by the Town's Consultant Engineer, it is the responsibility of the Developer to make any required changes.
- (9) **Turf Establishment** Areas to be loamed shall be checked for smoothness and conformance to shape and grade.
- 9.2 Loam analysis shall be provided by the Developer to the Town's Consultant Engineer prior to starting the operation. Analysis of the loam shall be rechecked during placement if requested by the Town's Consultant Engineer.
- 9.3 Seeding will be checked for conformance to Town subdivision regulations and related regulations.
- 9.4 Turf establishment shall be checked for satisfactory growth and shall be re-seeded if required by the Town's Consultant Engineer.
- (10) **Installation of Monumentation** Monument installation shall be checked for location and material for conformance with the approved plans. Licensed Land Surveyor certification shall be provided to the Town regarding the placement of monuments.

SECTION V
DEVELOPMENTS OF REGIONAL IMPACT

5.1 DEVELOPMENTS OF REGIONAL IMPACT At the time that an application is accepted by the Planning Board a decision should be made as to whether the proposal has regional impact and which communities are impacted. If it does have regional impact, within 72 hours notify and grant abutters' status to the Regional Planning Commission and the affected communities.

Definition of proposals with regional impact: In most cases the affected community is only that community closest to the proposed development.

- (a) Proposed subdivisions and site plans where, within five years or less, a total of sixty (60) or more dwelling units would be constructed.
- (b) Proposed subdivisions and site plans where, within five years or less, a total of 30,000 square feet of commercial gross floor area, 70,000 square feet of office or medical gross floor area, or 120,000 square feet of industrial gross floor area would be constructed.
- (c) Proposed subdivision and site plans where, within five years or less, a total of eight (8) or more lots or dwelling units would be constructed within 1000 feet of a municipal boundary.
- (d) Proposed subdivision and site plans where, within five years or less, a total of four (4) or more lots or dwelling units would be constructed, which abut or involve the Contocook River, Dolfe Brook, or Stark Brook, within one half (1/2) river miles downstream flow across a municipal boundary.
- (e) Proposed subdivision and site plans where, within five years or less, a total of four (4) or more lots or dwelling units would be constructed, which abuts or involve Drew Lake, Carr Pond, Grassey Pond, Clement Pond, or Rolfe Pond, which lie within 1000 feet of a municipal boundary.
- (f) Proposals before the Planning Board which are reasonably likely to have substantial effect on another municipality due to such factors as: pollution, school enrollment, waste disposal, demand for water, road deterioration, or traffic safety.

**SECTION VI
WAIVER PROCEDURES**

6.1 WAIVER PROCEDURE When a proposed subdivision plat is submitted for approval, the applicant may request in writing to waive specific requirements of these Regulations as they pertain to the subdivision plan. The applicant shall present reasons in writing why the waiver is needed and appropriate.

The Planning Board may grant a waiver in a special case, so that justice may be done and the public interest secured, provided that such waiver will not have the effect of nullifying the intent and purposes of these Regulations; and further provided that the Planning Board shall not approve waivers unless it shall make findings upon the evidence presented to it in each specified case.

**SECTION VII
AMENDMENTS**

7.1 AMENDMENTS The Planning Board may from time to time amend these Regulations. Such amendments shall only take effect after a public hearing on the proposed change(s) has been held. The Chairperson or Clerk of the Planning Board shall transmit copies of any regulations, revisions, or amendments thereto, certified by a majority of the Planning Board members, to the Registry of Deeds of Merrimack County, the Town Clerk, and the Board of Selectmen.

**SECTION VIII
INTERPRETATION, CONFLICT, SEPARABILITY**

8.1 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.

8.2 CONFLICT These Regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provisions of law. Where any provision of these Regulations imposes restriction different from those imposed by any other provision of law, whichever provisions are more restrictive or impose higher standards shall control.

8.3 SEPARABILITY If any part or provision of these Regulations or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in all controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of these Regulations or the application thereof to other persons or circumstances.

**SECTION IX
PENALTIES**

9.1 PENALTIES Any violation of these Subdivision Regulations, or the transfer or sale of any lot in a subdivision before said subdivision plat has received final approval from the Planning Board, shall be subject to a civil fine, injunctive and other relief in accordance with State law. Each day that such violation is found by a court to continue after the conviction date or after the date on which the violator receives written notice from the municipality that he/she is in violation of these regulations, whichever date is earlier, shall constitute a separate offense. Each lot sold or transferred shall also constitute a separate offense.

**SECTION X
EFFECTIVE DATE**

10.1 EFFECTIVE DATE These Regulations are effective as of January 11, 1989, on which day they were filed with the Hopkinton Town Clerk and the Board of Selectmen.

APPENDIX A
AMENDMENTS TO SUBDIVISION REGULATIONS

SUBDIVISION REGULATIONS

Town of Hopkinton, New Hampshire

Adopted: January 11, 1989

Amended: February 19, 1991 Public Hearing

- Section IV, Paragraph 4.5.7 Professional Review of Proposed Subdivision Plans

Amended: September 29, 1992 Public Hearing

- Section V, Paragraph 5.1 Developments of Regional Impact adding in its entirety.
- Section I, Paragraph 1.3.1 Rules of Procedures adding in its entirety.

Amended: June 20, 1995 Public Hearing

- Section I, Paragraph 1.3.2 (b) Subdivision replacing the words, “performance and/or guaranty bonds” with the words, “performance guarantee”.
- Section I, Paragraph 1.5.4 deleting in its entirety. This will require changing the numerical sequence of numbering of the succeeding paragraphs in Section I.
- Section I, Paragraph 1.5.17 Performance Guarantee adding in its entirety.
- Section III, Paragraph 3.4.1 deleting in its entirety. This required changing the numerical sequence of paragraphs 3.4.2 and 3.4.3.
- Section III, Paragraph 3.4.1 Guarantees deleting the word, “other” in the title, adding the words, “or passbook (in the name of the Town)”, and deleting the words “or bank book properly endorsed to the Town”.
- Section III, Paragraph 3.4.2 Conditions deleting the words, “or 3.4.2”.
- Section III, Paragraph 3.4.2 (a) Conditions replacing the words, “bond or other guarantee instruments” with the words, “performance guarantee” and replacing the words, “Town Attorney” with the words, “Board of Selectmen”.

Amended: July 15, 1997 Public Hearing

- Section IV, Paragraph 4.4.12 Flood Hazard Areas in paragraph one include the word, “special” before the words, “flood hazard areas”.
- Section IV, Paragraph 4.4.12 (b) Subdivisions and New Developments by adding subparagraph (b).

Amended: August 20, 2002 Public Hearing

- Section IV, Paragraph 4.5.8 Construction Observation Procedures adding in its entirety.
- Section IV, Paragraph 4.5.6 (I) Construction Inspection of Privately Constructed (new or rebuilt Town Roads) deleting the words, “In the latest Construction Inspection Procedures adopted by the Town” and inserting in its place the words, “in Section 4.5.8 of these Regulations”.
- Section IV, Paragraph 4.5.6 (III) Construction Inspection of Privately Constructed (new or rebuilt Town Roads) by changing the required security from three percent (3%) of the estimated cost of construction to \$3.00/foot of roadway to be constructed plus ten percent (10%). Ten percent (10%) of the total construction observation costs shall be retained by the Town of Hopkinton to cover administrative costs. These amendments are consistent with the Construction Observation Procedures adopted by the Board of Selectmen on June 12, 2002.

APPENDIX A
AMENDMENTS TO SUBDIVISION REGULATIONS

Amended: May 13, 2003 Public Hearing

- Section 4.4.2 (a) Relation to Adjoining Street System by allowing the Planning Board to require the construction of walking and biking trails to interconnect new streets within existing neighborhoods or existing streets.
- Section 4.4.2 (g) Cul-de-sacs by replacing the existing language with new language that gives the Planning Board the authority to require a new street to connect to an existing street on adjoining property in lieu of construction of a cul-de-sac, and to require appropriate terminals at the closed end of a cul-de-sac.
- Section 4.4.2 (h) T-Street Ends omit in its entirety.
- Section 4.4.2 (h) Tree Planting adding new section to allow the Planning Board in certain instances to require the planting of trees along both sides of streets and the ability to specify the interval and diameter of plantings.
- Section 4.4.4 Sidewalks by increasing the minimum width from four (4) feet to five (5) feet.
- Section 4.5.1 Streets by requiring compliance with the American Association of State Highway and Transportation Officials (AASHTO) Guidelines for Geometric Design of Very Low-Volume Local Roads, 2001 for construction of roads with an average daily traffic (ADT) of 400 or less.
- Section 4.5.1 (a) Clearing by requiring stumps to be trimmed or removed based on the grade elevation.
- Section 4.5.1 (e) Street Paving by specifying the minimum surface temperature for placement of base or binder course and wearing course of pavement.
- Section 4.5.1 (f) Gravel Roads by allowing new gravel roads in residential subdivisions off existing gravel designated scenic roads when the average daily traffic (ADT) is 50 or less and if the road is less than 1000 feet in length. The addition of this Section requires the renumbering of all remaining sub-sections as shown below.
- Section 4.5.1 (g) Road Curvature by allowing the Planning Board to require new roads to be designed to include curves as traffic calming devices and for aesthetic purposes.
- Section 4.5.1 (h) Side Slopes by replacing the current language with new requirements for cut slopes, use of guardrails, and fill slopes.
- Section 4.5.1 (i) Clear Zone by providing a definition of Clear Zone and requirements for new road construction and reconstruction projects.
- Section 4.5.4 Street Cross Sections by changing the title to Road Design Standards, and providing new standards for the construction of roads.

Amended: February 23, 2005 Public Hearing

- Section 2.3.9 Phasing by replacing the language with new requirements for phasing developments that clearly outlines the Planning Board's authority to phase in accordance with RSA 674:21 and Section 13.6 of the Hopkinton Zoning Ordinance. Additionally, the new language specifically addresses the time table, procedure and effects of phasing developments.

Amended: July 10, 2007 Public Hearing

- Section 2.2 Preliminary Consultation by replacing it with a new Section 2.2 Optional Consultation.
- Section 2.3 Formal Application Review Process by replacing it with a new Section 2.3 Required Preliminary Review. The purpose of this process is to discuss the characteristics of the site and proposed plan for development in conceptual terms. The

APPENDIX A
AMENDMENTS TO SUBDIVISION REGULATIONS

preliminary review process is further designed to acquaint the potential applicants with the formal application process and particular information that the Planning Board may request, to suggest methods for resolving possible problems in the development, design and layout, and to make the potential applicant aware of any pertinent recommendations in the Master Plan, Zoning, or Regulations to the property in question.

Amended: December 11, 2007 Public Hearing

- Section 4.4.1 Lot Configuration with a new Section 4.4.1 Lot Configuration and Design. These design standards are intended to improve the character and aesthetic qualities of development and to minimize impacts on natural and cultural features on the site.
- Section 4.4.11 Open Space with a new Section 4.4.11 Designated Open Space.

Amended: July 8, 2014 Public Hearing

- Section 3.3.4 Other Required Exhibits by inserting as (h) language requiring a restoration plan to accompany an application for a subdivision that requires an Alteration and Terrain Permit, or a proposed new street. This amendment requires the re-lettering of the remaining list of exhibits so that they are in alphabetical order.
- Section 4.4.2 Streets by inserting language permitting the construction of a new street only for a subdivision creating a minimum of four (4) lots total. The total may include any lot containing an existing residence. This amendment is intended to eliminate the possibility of the Town having to own and maintain a new road that services less than four (4) homes.