

Town of Hampton



SUBDIVISION REGULATIONS

Amended on the Following Dates:

July 7, 1967	April 18, 2001
October 9, 1967	July 10, 2002
December 11, 1967	March 1, 2006
April 18, 1968	June 7, 2006
August 22, 1979	March 21, 2007
June 4, 1980	August 20, 2008
October 15, 1986	July 15, 2009
September 6, 1989	November 4, 2009
September 5, 1990	May 7, 2014
May 20, 1992	July 16, 2014
June 2, 1992	July 1, 2015
January 25, 1995	November 4, 2020
September 6, 1995	October 19, 2022
September 17, 1997	
December 17, 1997	
April 1, 1998	
November 4, 1998	

Price \$2.50

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(REPEALED BY PLANNING BOARD ON MAY 7, 2014)

TOWN OF HAMPTON, NEW HAMPSHIRE SUBDIVISION REGULATIONS

SECTION I. AUTHORITY AND PURPOSE

The Hampton Planning Board prescribes the following rules and regulations to control the subdivision of land pursuant to Chapter 674:35-36, New Hampshire Revised Statutes Annotated, 1955, as amended. As provided in said Laws, no subdivision either public or private shall be authorized in the Town until its character and extent has been submitted and approved by the Hampton Planning Board.

The objects of the Subdivision Regulations are to:

- Provide against such scattered or premature subdivision of land as would involve danger or injury to health, safety, or prosperity by reason of the lack of water supply, drainage, transportation, schools, fire protection, or other public services, or necessitate the excessive expenditure of public funds for the supply of such services;
- Provide for the harmonious development of the municipality and its environs;
- Require the proper arrangement and coordination of streets within subdivision in relation to other existing or planned streets or with features of the official map of the municipality;
- Provide for open spaces of adequate proportions;
- Require suitably located streets of sufficient width to accommodate existing and prospective traffic and to afford adequate light, air, and access for firefighting apparatus and equipment to buildings, and be coordinated so as to compose a convenient system;
- Require, in proper cases, that plats submitted to the Planning Board for approval shall show open space or park land suitably located for recreational or conservation purposes;
- Require that proposed parks shall be of reasonable size for neighborhood playgrounds or other recreational or conservation uses;
- Require that the land indicated on plats submitted to the Planning Board shall be of such character that it can be used for building purposes without danger to health;
- Assure conformance with local Zoning Ordinances and provide such additional areas as may be needed for each lot for on-site sanitary facilities, and;
- Include provisions which will tend to create conditions favorable to health, safety, convenience or prosperity.

SECTION II. DEFINITIONS

For the purpose of these regulations, certain words used herein are defined as follows:

ABUTTER means any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration. For purpose of receiving testimony only, and not for purpose of notification, the term abutter shall include any person who is able to demonstrate that his land will be directly affected by the proposal under consideration. For purposes of receipt of notification, in the case of an abutting property being 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. For purposes of receipt of notification, in the case of an abutting property being under a manufactured housing park form of ownership as defined in RSA 205-A:1, II, the term abutter includes the manufactured housing park owner and the tenants who own manufactured housing which adjoins or is directly across the street or stream from the land under consideration. (2007)

BOARD means the Planning Board of the Town of Hampton.

COMPLETED APPLICATION means a final subdivision plat and application form submitted with all other information and materials required by the Board to enable it to proceed with consideration and to make an informed decision.

CONDITIONAL APPROVAL means approval of a subdivision plan application by a majority of the Board, with conditions that must be met prior to and/or after final approval.

DOUBLE FRONTAGE LOT means a lot that fronts upon two parallel streets or that fronts upon two streets that do not intersect at the boundaries of the lot. (Amended 9/17/97)

DRIVEWAY, COMMERCIAL means a way open to vehicular ingress and egress on private commercial or industrial property providing access to a street. This definition shall not apply to private streets. (Adopted 12/17/97)

DRIVEWAY, RESIDENTIAL means a way open to vehicular ingress and egress on private residential property providing access to a street. This definition shall not apply to private streets. (Amended 12/17/97)

DRIVEWAY WIDTH means the narrowest width of a driveway measured perpendicular to the driveway. (Amended 12/17/97)

ENGINEER means a person licensed in accordance with Chapter 310-A Sections 2-27, New Hampshire Revised Statutes Annotated, 1955, as amended.

FINAL APPROVAL means all precedent conditions have been met, and the subdivision plan has been signed by the Chairman and recorded at the Registry of Deeds.

IMPERVIOUS SURFACE means any modified surface that cannot effectively absorb or infiltrate water.

LOW IMPACT DEVELOPMENT means an innovative stormwater management approach that is modeled after nature utilizing decentralized micro-scale controls that mimic a site's predevelopment hydrology.

PRECEDENT CONDITIONS means conditions placed on a subdivision plan approval by the Board that must be met prior to final approval of the plan. These conditions must be met prior to issuance of a building permit.

PLAT means the final map, drawing or chart on which the subdivider's plan of subdivision is presented to the Board for approval, and which, if approved, will be submitted to the Register of Deeds of Rockingham County for recording.

PRE-APPLICATION REVIEW means the two optional steps, Preliminary Consultation and Design Review that an applicant may follow prior to filing a completed application. (Amended 5/20/92)

PRIVATE ROAD (OR STREETS) means a way open to vehicular ingress and egress established as a separate tract for the benefit of certain, adjacent properties. This definition shall not apply to driveways. (Amended 12/17/97)

RESIDENT INSPECTOR means the person hired to oversee and inspect the actual construction to insure that all work is installed in accordance with the approved plans and specifications.

SELECTMEN mean the Selectmen of the Town of Hampton.

STREET means, relates to, and includes street, right-of-way, avenue, road, boulevard, lane, alley, viaduct, highway, freeway, and other ways.

SUBDIVISION means the division of the lot, tract, or parcel of land into two or more lots, plats, sites, or other division of land for the purpose, whether immediate or future, of sale, rent, lease, condominium conveyance or building development. It includes re-subdivision and when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided. The division of a parcel of land held in common and subsequently divided into parts among the several owners shall be deemed a subdivision. It further applies to any combination of and to any subdivision of any convertible land, convertible space, or unit.

SUBSEQUENT CONDITIONS means conditions placed on a subdivision plan approval by the Board that must be met after final approval, and prior to occupancy being granted (unless otherwise stated in the approval).

SURVEYOR means a person licensed in accordance with Chapter 310-A, Sections 53 - 74, New Hampshire Revised Statutes Annotated, 1955, as amended.

TOWN ENGINEER means a person or firm designated by the Town to perform such duties as may be determined by the Town.

SECTION III. PROCEDURES

A. General Information

1. Whenever any subdivision of land or building is proposed, the owner thereof, or his agent, shall apply in writing to the Board for approval. Application for subdivision shall be on the forms provided by the Board. The application shall conform to these regulations.
2. No lot line adjustment and/or subdivided property shall be transferred nor any contract for sale, lease or rental executed, no structure erected before a plat of the subdivision has been approved by the Board, and recorded at the Rockingham County Registry of Deeds. Civil penalty will be in accordance with RSA: 676:16 as amended. (Amended 12/17/97)
3. Minor lot line adjustments or boundary agreements which do not create additional lots or increase the development potential of a lot require subdivision application and approval in the same manner as ordinary subdivision, except that a public hearing shall not be required. However, notice to abutters and all holders of conservation, preservation, or agricultural preservation restrictions as defined in RSA 477:45 shall be given prior to approval and any abutter, all holders of conservation, preservation, or agricultural preservation restrictions, may be heard on the application upon request. (RSA 676:4 I (e) (1)). (Amended 12/17/97)
4. Any owner of two (2) or more contiguous preexisting approved or subdivided lots or parcels may merge them per RSA 674:39-a, as long as such merger does not create a violation of current ordinances or regulations. No public hearing is required. Any land owner wishing to merge his/her lots shall complete a lot merger form, submit two (2) original copies, and pay any recording fees to the Hampton Planning Office.
5. The Board may make a visual on-site inspection of the land at any stage of the proposal.
6. If a plan is withdrawn prior to having notification for the public hearing, no further action is required of the Board, and it will be considered terminated. One copy of any such plan(s) shall be retained for Board files.
7. Approval of the plan by the Board shall not constitute an acceptance by the Town of the dedication of any proposed street, highway, park or other public open space.
8. The Board may approve the plan with such conditions as may be necessary to insure proper completion of required improvements including performance surety.
9. Proposed Road Names - When an Application is submitted to the Board, the Applicant shall submit a proposed road name (preferred plus two alternates) to the Board of Selectmen for approval. Such an application form may be secured through the Board of Selectmen or Planning Board office. The approved road name must be submitted to the Planning Board. Board of Selectmen's approval of a road name shall in no way be interpreted as an acceptance of the plan. (Amended 11/4/98)

B. Application Procedures

1. Optional Pre-application Review (Amended 5/20/92)
 - a. Preliminary Conceptual Consultation

The Board provides for a preliminary conceptual consultation and review on applications. Such review shall not bind either the applicant or the Board. The preliminary consultation may include, but not be limited to, discussions of the

proposal in general terms to include the desirability of the development and the development's relationship to the Master Plan. Preliminary consultation may occur without the necessity of giving formal public notice as required by RSA 676:4 I (d) but must occur only at formal meetings of the Board. Review beyond such conceptual and general discussion may proceed only after identification of, and notice to, abutters and the general public as required by these regulations. In a preliminary conceptual consultation, the applicant may present a rough sketch or other information useful in defining the general scope and concept of the subdivision including how the land will be divided. The Board may make suggestions to assist the applicant in preparing the formal application and in resolving problems foreseen with meeting subdivision requirements or other applicable regulations of the Town.

b. Design Review Phase

The Board provides for an optional design review phase on applications. Such review is beyond a preliminary consultation and involves more specific design and engineering details. Such review shall not bind either the applicant or the Board. The design review phase may proceed only after notice to abutters and all holders of conservation, preservation, or agricultural preservation restrictions and the general public as provided for in these regulations. The applicant shall submit a completed application form, a check for the filing fee, a list of all individuals and abutters requiring notification, and a preliminary plan, by the posted submittal deadline date. If the applicant wishes to proceed beyond the design review phase, a public hearing for the final subdivision plan must be held. (Amended 12/17/97)

2. Final Subdivision Plan

Application for approval of the final plan should be filed with the Board by the subdivider or his agent in writing on the application forms provided by the Town. Submitted material shall be complete and include material described in SECTION V. Should an application be found incomplete, the Board shall notify the applicant, requesting that the necessary documentation be submitted and informing the applicants that no further consideration of the application can be made until the application is complete.

3. Timing for Formal Consideration

a. The applicant shall file a complete application with the Board at least nineteen (19) days prior to the hearing date. The Board shall post a list of hearing dates and submittal deadline dates. The exact time of day of the deadline shall be posted the Board. The application shall include the names and addresses of the applicant (and owner, if different); all holders of conservation, preservation, or agricultural preservation restrictions; all abutters as indicated in Town records not more than five (5) days before the day of filing; and every engineer, architect, land surveyor or soils scientist whose professional seal appears on the plan. (Amended 12/17/97)

b. At the next regular, posted meeting or within thirty (30) days of the date of submission of the application, for which notice can be given in accordance with these regulations, the Board shall determine whether a submitted application is complete. Upon determination by the Board that a submitted application is incomplete, the Board shall notify the applicant of the determination in accordance with RSA 676:3, which shall describe the information, procedure, or other requirement necessary for the application to be complete. Upon determination by the Board that the application is complete, the Board shall vote upon the plan's acceptance (accept jurisdiction) and begin formal consideration. Within sixty-five (65) days following accepting jurisdiction, the Board shall act to approve, conditionally approve, or disapprove the application, subject to extension or waiver as provided in the following paragraph. (Amended 5/20/92)

- c. The Board may apply to the Selectmen for an extension not to exceed an additional ninety (90) days before acting to approve, conditionally approve, or disapprove an application. The applicant may waive the requirement for Board action within the time periods specified above, and consent to such extension as may be mutually agreeable. If the Board does not follow these procedures, the applicant may request that the Selectmen act in accordance with RSA 676:4, I(c). (Amended 5/20/92)
- d. Notice of the date and time of the public hearing at which a subdivision application will be formally presented to the Board shall be sent via certified mail return receipt to each of the following: abutters; applicant (and owner, if different); holders of conservation, preservation, or agricultural preservation restrictions; and every engineer, architect, land surveyor, or soil scientist whose professional seal appears on the plan. Notice shall be mailed at least ten (10) days prior to the public hearing. Notice to the general public shall also be given at the same time by posting in two (2) public places and publication in a newspaper of general circulation in the Town. The notice shall include a general description of the proposal and shall identify the landowner, the applicant (if not the landowner), and the location of the proposal, along with any request for waiver or waivers as outlined in these regulations. Additional notice shall not be required of an adjourned session of a hearing if the date, time and place of the adjourned session were made known at the prior hearing. All of the costs of the notice, whether mailed, posted or published, shall be paid in advance by the applicant. Failure to pay such costs shall constitute valid grounds for the Board to terminate further consideration and to disapprove the plat without a public hearing.

C. Fees

1. A filing fee must accompany any application for subdivision, lot line adjustment, and condominium conversion, the fee being equal to the schedule outlined in Appendix B (Amended April, 2001)
2. In accordance with RSA 676:4, the Applicant shall be required to pay all reasonable costs or fees for special investigative studies, including but not limited to, traffic analysis, environmental assessments, engineering assessments, and the legal review of documents, which are particular to the application, in addition to application fees as required by the Regulations. If deemed necessary by the Planning Board, Applicants may be required to pay an inspection fee into an escrow account before receiving final acceptance.
3. If the Board requires a study as outlined above, the Applicant may be required to provide the Town with funds equal to the estimated cost of said study, assessment or legal review. These funds shall be placed in a separate interest-bearing escrow account prior to starting the study. The escrow account shall be drawn down to pay any related expenses. If the expenses exceed the amount in the escrow account, the Applicant shall be required to pay additional funds to the account. Any funds, and accrued interest, remaining in the escrow account shall be returned to the Applicant upon completion of the study. (Amended 4/1/98)

D. Public Hearings

1. At the public hearing, any applicant, abutter, holder of conservation, preservation, or agricultural preservation restriction, or any person with a direct interest in the matter may testify in person or in writing. (Amended 12/17/97)
2. No application may be denied or approved without a public hearing on the application unless the following situations occur:
 - a. The subdivision consists of a minor lot line adjustment or boundary agreement which does not create a buildable lot. However, notice to the abutters and holders of conservation, preservation, or agricultural preservation restrictions is required

prior to approval of the application. Any abutter or holder of conservation, preservation, or agricultural preservation restrictions may request to be heard on the application. (Amended 12/17/97)

- b. The Board may disapprove the application prior to public hearing for the following reasons:

Failure of the applicant to supply information required by the Regulations, including abutters' or holders of conservation, preservation, or agricultural preservation restrictions identification (Amended 12/17/97); failure to meet reasonable deadlines established by the Board; OR failure to pay costs of notice or other fees required by the Board.

3. The Board may disapprove an application for the following reasons:
 - a. Failure of the applicant to supply information required by the Regulations, including proper identification of abutters' or holders of conservation, preservation, or agricultural preservation restrictions.
 - b. Failure to meet reasonable deadlines established by the Board.
 - c. Failure to pay costs of notice or other fees required by the Board.
 - d. Failure to conform to any applicable State or local statutes, ordinances or regulations.
 - e. The project is determined to be scattered or premature as outlined in SECTION IV of these regulations.
 - f. Other grounds for disapproval may also be relied upon, if the Board adequately states said grounds in its records.
4. In case of disapproval of any application submitted to the Board, the ground(s) for such disapproval shall be adequately stated upon the records of the Board.

E. Issuance of Decision

The Board shall issue a final written decision of their action to approve or disapprove the completed application. If the application is not approved, the Board shall state for the record and provide the applicant with written reasons for disapproval. The decision shall be placed on file in the Board's office and shall be made available for public inspection within one hundred forty-four (144) hours after the decision is made.

F. Conditional Approval

(Amended 5/20/92)

1. The Board may grant conditional approval of an application, but the plat will not be signed or recorded until all of the precedent conditions have been met. A further public hearing is not required when such conditions:
 - a. are administrative in nature;
 - b. involve no discretionary judgment on the part of the Board, or;
 - c. involve the applicant's possession of permits and approvals granted by other boards or agencies, such as the Department of Transportation, the Wetlands Board, or Water Supply and Pollution Control Division.

A further public hearing will be required to demonstrate compliance with the terms of all other conditions pursuant to RSA 676:4 I (i).

2. The applicant shall have one year from the date conditional approval is granted by the Board to comply with the conditions of approval and to have the plan signed by the Board. During this first year, the conditionally approved plans are exempt from changes in the Zoning Ordinance or Subdivision Regulations. If the conditions are not

met within one year, the conditional approval shall lapse, unless applicant requests and is granted a one year extension by the Board prior to the expiration date. For good cause shown by the applicant, the Board may grant the extension, subject to the Planning Board finding that all three of the following conditions have been met:

- a. There has been no fault of or delay by the applicant;
 - b. There have been no changes in relevant land use regulations; and;
 - c. There have been no changes in conditions on or around the site.
3. Extensions may be granted for a one year time period only. The Board shall have the option of holding a public hearing, with notice to abutters and holders of conservation, preservation, or agricultural preservation restrictions and the general public as required in these regulations, if the Board determines that conditions have changed appreciably. Conditionally approved plans that are granted extensions shall not be exempt from amendments to the Zoning Ordinance or Subdivision Regulations. The Board shall have the authority to deny a request for an extension to a conditionally approved plan if the applicant cannot comply with the conditions. (Amended 12/17/97)
 4. As part of the conditions for approval, the Board may require the granting of easements (i.e. stormwater, conservation land, etc.) to the Town. Acceptance of easements and land may require approval from the Board of Selectmen and/or the Conservation Commission, and shall follow the procedures outlined in RSA 41:14-a and RSA 36-A: 4, as applicable.

G. Developments of Regional impact

(Amended 5/20/92)

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

H. Recording and Filing of Plats

(Amended 5/20/92, 3/21/07)

1. After an application has met all precedent conditions, the Chairman of the Board or the acting Chairman as directed under the Board's Rules of Procedure shall sign the plans and Mylar. No plat shall be filed or recorded until it has been signed by the Chairman or the acting Chairman. Every approved plat must be filed by the Board with the Rockingham County Registry of Deeds. The cost of recording, according to the fee schedule of the Register of Deeds (Register), in effect at the time of the signing, plus an appropriate handling charge shall be paid by the landowner.
 - a. All plats shall be drawn with the following sizes: 8.5" x 11", 11" x 17", 17" x 22", 22" x 34", or such specifications and sizes as may be required by the register of deeds. The material composition of the plats shall be suitable for electronic scanning and archiving by the register of deeds.
 - b. All plats shall have a minimum of ½ inch margins on all sides.
 - c. All text and dimensions shall be legible for reproduction, and the text sizes shall be no smaller than .08 of an inch for mechanical drafting and 1/8 inch for hand drafting.
 - d. All certifications, seals, and approval blocks shall have original dates and signatures in a legible, permanent black ink.
 - i. Type of survey, such as a boundary survey, subdivision, American Land Title Association (ALTA) survey, or lot line adjustment.
 - ii. Owner of record.
 - iii. Title of plat or development.

- iv. Tax map number.
 - v. Name of the town in which the parcel is located.
 - vi. Plat and revisions dates.
- e. All plats shall have a scale both as a written and graphic representation.
 - f. All plats shall have a north arrow with reference to magnetic grid or astronomic north, as applicable. The north arrow shall be labeled with its reference direction.
 - g. Shading over any text shall not be permitted on any plat. Cross hatching or other hatching at a scale large enough not to interfere with text legibility, before and after reproduction, may be permitted.
 - h. No lines, whether hatching, boundary lines, or topographic contours shall obstruct or interfere with the legibility, either before or after reproduction, of any bearings, dimensions, or text.
 - i. The minimum line widths on plats shall not be smaller than .01 inches.
2. Per RSA 674:39, every subdivision plat approved by the Board and properly recorded with the Register, shall be exempt from all subsequent changes in the Site Plan and Subdivision Regulations and Zoning Ordinances for a period of four (4) years after the date of recording provided that:
- a. Active and substantial development or building has begun in accordance with the approved plan within 12 months after the date of final approval (recording of the plan) and a surety has been posted as required by these regulations;
 - b. Development remains in full compliance with the public health regulations;
 - c. At the time of approval and recording, the plat conforms to the Site Plan and Subdivision Regulations and Zoning Ordinances then in effect;
 - d. As part of its approval, the Board may specify the threshold level of work which shall constitute "active and substantial development or building," or may extend the 12-month period set forth in paragraph a, above.
 - e. If the Planning Board does not specify the threshold level of work which shall constitute "active and substantial development or building," the default definition shall be:
 - i. Construction of and/or installation of basic infrastructure to support the development (roadways, access ways, etc. to a minimum of gravel base; and utilities placed in underground conduit ready for connection to proposed buildings/structures) in accordance with approved plans; and
 - ii. Construction and completion of stormwater management systems or drainage improvements to service the development (detention/retention basins, bioretention systems, treatment swales, pipes, under drain, catch basin, etc.) in accordance with the approved plans; and
 - iii. All erosion control measures (as specified on the approved plans) must be in place and maintained on the site; and
 - iv. Items I, ii and iii shall be reviewed and approved by the Town Engineer and Department of Public Works or designated agent. (Amended 2007)

SECTION IV. STANDARDS FOR SUBDIVISION OF LAND

A. Higher Standards Shall Apply

If any other provision of the Town, State or Federal law relates to any matter covered herein, the regulation providing the higher standard shall apply.

B. General Requirements

The subdivider shall observe the following general requirements and principles of land subdivision:

1. Land of such character that it cannot be safely used for building purposes because of exceptional danger to health or peril from fire, flood, impermeable soil or other menace shall not be platted for residential occupancy, nor for such other uses as may increase danger to health, life or property or aggravate the flood or sewage hazard, until appropriate measures have been taken by the owner or his agent to eliminate such hazards.
2. Due regard shall be given to the preservation and protection of existing features, trees, scenic vistas, streams, rock out-croppings, water bodies, other natural resources and historic landmarks.
3. The Board may provide against such scattered or premature subdivision of land as would involve danger or injury to health, safety, or prosperity by reason of the lack of water supply, drainage, transportation, schools, fire protection, or other public services or necessitate the excessive expenditure of public funds for the supply of such services.
4. The proposed subdivision shall conform to the Zoning Ordinance, Master Plan and any other pertinent federal, state and local laws or regulations.
5. Lot and area dimensions shall conform to the Zoning Ordinance and each lot shall be of adequate width and area, considering its location and size of adjoining lots, so as to avoid congestion of population and conditions unfavorable to health, safety and convenience.
6. Reserve strips of land which, in the opinion of the Board, shows intent on the part of the subdivider to control access to land dedicated or to be dedicated to public use shall not be permitted.

C. Erection of Buildings

No building permit shall be issued by the Building Inspector for the construction of any building, subject to these Regulations, until final approval is granted by the Planning Board, and no certificate of occupancy shall be issued until the all terms and conditions of the Planning Board's approval have been fulfilled, unless otherwise stated in the Board's conditional approval.

D. Review Standards

1. In reviewing subdivision plans, the Board shall take into consideration the public health, safety and general welfare, the comfort and convenience of the general public, and shall ensure that proposed development does not have a detrimental effect on the abutters, the neighborhood, and the environment of the Town.
2. In order to attain these goals, the Board shall determine that:
 - a. Appropriate buffers are maintained or installed to screen the use from neighboring properties. Landscape treatment shall consist of natural vegetation, shrubs, trees or fences, as appropriate.
 - b. Safe, adequate and convenient vehicular and pedestrian traffic circulation, both within and adjacent to the site, is provided.
 - c. Grading, paving and stormwater management systems will not result in erosion/sedimentation of streams, or damage to abutting properties and roads.
 - d. Light, glare, odors, noise and vibration will not be discernible off the premises except for indirect lighting. Such lighting shall not glare on abutting properties or public highways or streets.

- e. Access to public streets will meet the standards of the New Hampshire Department of Transportation and/or the Town.
 - f. Water supply, sewage, and disposal facilities are provided that meet the needs of the proposed use and comply with applicable regulations.
3. In acting upon any subdivision plan, the Board may take into consideration the recommendations of the Building Inspector, the Public Works Director, the Fire Department, the Police Department, the Highway Safety Committee, the Conservation Commission and any other Town agencies or outside specialists which it may consult.

SECTION V. SUBMISSION REQUIREMENTS

The following items **must** be submitted in order for the Board to consider it a complete application. An applicant must submit a waiver request as outlined in 0 for any information not provided with the application.

A. Application

A properly filled out and signed application, using the most current application form available.

B. Abutters and all parties to be notified

1. On a separate paper, the correct names and mailing addresses of the following individuals shall be listed:
 - a. Abutters as defined in RSA 672:3 and these regulations;
 - b. The owner(s) of record (and applicant, if different);
 - c. All holders of conservation, preservation or agricultural preservation restrictions;
 - d. Every engineer, architect, land surveyor or soils scientist whose professional seal appears on the plan.
2. Mailing labels, in triplicate, shall be provided. Said labels to contain the correct names and addresses of a through d above. (Amended 7/16/14)

C. Fees

A check made payable to the Town of Hampton equal to the required fees.

D. Subdivision Plan

All subdivision applications (including lot line adjustments and condominium conversions) shall submit seven (7) copies of the subdivision plan in the format outlined in this section. An original mylar in permanent ink of the subdivision plan plat will be required prior to final approval of the plat.

1. Sheet size in conformance with the requirements of the Rockingham County Register of Deeds.
2. Scale: 1" = 100', 1" = 80', 1" = 60', 1" = 50', 1" = 40', 1" = 30', 1" = 20', or 1" = 10' as appropriate.
3. Margin of at least ½" outside rules border lines on three sides and at least 2" along the left side for bindings.
4. Proposed subdivision layout and site improvements including (but not limited to) streets, pavement, buildings, and storm drainage facilities
5. Proposed subdivision name, plan number, date of plan and any revision dates.
6. Current owner(s) of record (and applicant, if different), and all abutters and all holders of conservation, preservation, or agricultural preservation restrictions keyed to plan. (Amended 12/17/97).

7. Name, license number, and seal of the NH registered Land Surveyor, plus name, seal, and address of engineer.
8. North arrow and location (locus) map.
9. Tax map and parcel numbers for the existing lot(s) and proposed lots, as determined by the Tax Assessor. (Amended 9/6/95)
10. Zoning District(s) and lines.
11. Lot line and other setbacks as listed in current Zoning Ordinance.
12. Adequate space for the necessary endorsement by the proper authorities.
13. The property lines of the entire lot and divided lot including angles or bearings of the lines, dimensions and the lot area of the entire lot and divided lots, prepared and stamped by a registered New Hampshire Land Surveyor.
14. Metes and bounds.
15. All existing and proposed monuments required by these regulations that are adjacent to and in the subdivision.
16. Title and deed references.
17. Easements and other encumbrances.
18. All variances and special exceptions granted by the Board of Adjustment for the parcel involved and the dates granted. (Amended 5/20/92)
19. Name(s) of proposed street(s) as approved by the Board of Selectmen.

E. Detailed plan

A detailed plan or set of plans shall be provided and shall include the information listed below. The detailed plan information may be combined with the subdivision plan if it does not clutter the plan or create a hard-to-read plan. Lot line adjustments, which do not create additional lots or increase the development potential of a lot, are not required to submit a detailed plan. (Amended 2007)

1. Existing topographic contours at two-foot intervals and proposed contours after grading. Include benchmarks and datum used.
2. Natural features such as water courses, ponds, wetlands and appropriate setbacks, rock ledges, tree lines and other essential features.
3. FEMA Flood Insurance Rate Map (FIRM) flood zone and 100-year flood elevation contour.
4. Location and width of existing and proposed streets and roads, with grades, typical cross-sections, and road profiles for proposed streets. See Appendix I - Town of Hampton Typical Cross-section.
5. Utilities on and adjacent to the tract including location, size and invert elevation of sanitary and stormwater sewers; location and size of water mains; location of gas mains, fire hydrants, electric and telephone poles and street lights. If water mains and sewer are not on or adjacent to the tract, indicate the direction and distance to, and the size of the nearest one of each.
6. Where the topography or other conditions are such as to make it difficult to inclusion of any facilities mentioned above within the areas to be dedicated to the public, the preliminary layout shall show the boundaries of proposed permanent easements to be located over or under private property. Such easements shall be not less than 20 feet in width and shall have satisfactory access to existing or proposed public ways.
7. Stormwater management plan, including location of all structural best management practices including but not limited to catch basins, culverts, drainage pipe, drain

manholes, outlets, and subsurface treatment; method of storage and discharge, and three (3) copies of calculations. The calculations shall be consistent with the NH Stormwater Manual requirements and include water quality, volume and flow, groundwater recharge volume, peak flow control for flood control purposes, channel protection, effective impervious cover, certification of no adverse effects on downstream drainage facilities, design storm frequency analysis for pre- and post-construction runoff and assessment of pre- and post construction water quality treatment.

8. Location of existing and proposed fencing, fire hydrants, utility locations, and street lights. Details of the streetlights, if other than those approved by the electric company, must be shown.
9. A landscaping plan that includes the type, extent and location of proposed landscaping and open space areas. The plan should also indicate any existing "natural" landscaping areas to remain.
10. The location, size and design of any proposed signs.
11. Where the layout submitted covers only a part of the subdivider's entire holding, a sketch of the prospective future street system of the unsubmitted part shall be furnished and the street system of the submitted part will be considered in the light of adjustments and connections with the street system of the part not submitted. Approval of the submitted area does not guarantee approval of the unsubmitted area.
12. The centerline of all streets shall be shown on the plan together with the centerline stationing. The stationing shall show all points of curvature and all points of tangency so that at a later date independent engineers may accurately lay out all the highways within the subdivision and check their work without any reference other than the recorded plan.
13. If necessary, the provision for the extension of roads and utilities onto adjacent properties.
14. Soil erosion and sedimentation control plan.

F. Other Items Required as Applicable

The following items shall be submitted with the application, as applicable.

1. Location and results of test pits and location of primary and secondary leach bed sites as required by NH DES.
2. High Intensity Soil Mapping.
3. Wetland analysis/report, stamped by a licensed NH Soils or Wetland Scientist
4. Any state or federal permits required.
5. Any written waiver request as outlined in these regulations.

SECTION VI. SPECIAL REQUIREMENTS

The special requirements outlined in this section may be required by the Board, and will be assessed on a case by case basis.

A. Traffic Impact Analysis

1. Purpose

The review of any subdivision conducted by the Board under these regulations shall ascertain that adequate provisions have been made by the owner or his/her authorized agent for traffic safety. To facilitate this review, the Board may require the developer to submit a traffic impact analysis when deemed necessary due to the size, location or traffic-generating characteristic of the development.

Traffic Impact Analysis shall address each of the following:

- a. Traffic circulation and access, including adequacy of adjacent streets and intersection, entrances and exits, traffic flow, sight distances, curb cuts, turning lanes, and existing or recommended traffic signalization.
- b. Pedestrian safety and access.
- c. Off-street parking and loading.
- d. Emergency vehicle access.

2. Independent Review

The Board may retain the services of a consultant qualified in traffic planning to review the traffic impact analysis and to ensure that adequate provisions are made in the development plan to reduce or eliminate those impacts. The Board may further require, pursuant to RSA 676:4(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.

3. Guidelines for Content of a Traffic Impact Analysis

a. Proposal

- i. Size and type of development defined as either gross square feet in commercial or industrial developments OR number of units in residential or other overnight accommodation developments.
- ii. Location Map, with Proposed Driveways.

b. Traffic Data

- i. Manual counts per peak hour data. This data must be gathered at or near time of analysis.
- ii. Twenty-four hour machine counts (an average weekday). Machine counts on record may be used if taken less than two years prior to the analysis.

c. Traffic Analysis

- i. Assumptions used (i.e. growth rates, committed improvements, and other proposed developments).
- ii. Trip generation volumes determined using the Institute of Transportation Engineers (ITE) "Trip Generation Manual" as amended. Refer to ITE code numbers. Trip generation volumes not obtainable using manual must be documented.
- iii. Required Level of Analysis:
 - All analyses must be completed for existing conditions, existing conditions plus 10 years (no build), opening year, and opening year plus 10 years (build).
 - Analysis for each proposed driveway at its intersection with an existing street must conform to "Transportation Research Circular 212" Intersection Capacity Analysis.
 - Assignment of generated traffic to surrounding road network. Analysis of adjacent road network and intersection for roadway and intersection capacity. (Note: For roadway capacity analysis, techniques developed in the Highway Capacity Manual, as amended are recommended. For intersection capacity analysis techniques developed in "Transportation Research Circular 212" are recommended).

d. Conclusions

Summary of improvements by location, including but not limited to:

- i. additional pavement widths and markings for right and left turn lanes;
- ii. additional traffic lanes; and
- iii. intersection signalization.

B. Performance and Maintenance Surety

1. The Board may accept performance surety in lieu of the subdivider's completion of street work and other required improvements prior to the final approval of the subdivision plat. The surety shall be in an amount, as estimated by the applicant's engineer and as reviewed and approved by the Department of Public Works, and in a form satisfactory to the Board to insure the construction and installation of such improvements. (Amended 5/20/92)
2. The Board may accept as a surety, one of the following:
 - a. certified check, bank check, or savings account passbook properly endorsed to the Town of Hampton.
 - b. Irrevocable Letter of Credit written so as to be self-calling.
 - c. performance bond written so as to be self-calling (Amended 5/20/92)
3. A performance agreement for any improvements and for compliance with any condition shall be submitted and is subject to review and approval by Town Counsel as to proper legal form and enforceability. The cost of this review shall be borne by the subdivider.
4. As improvements are completed, the surety may be reduced based on the following schedule. Prior to release of funds, the applicant shall submit a written request to the Planning Board that includes certification by the engineer of work completed to date.
 - a. Fifty percent (50%) of any surety filed with the Board for the benefit of the Town for satisfactory completion of the streets, drainage, sewage and water lines, and all other facilities and improvements shown upon said subdivision plan, may be released to the subdivider when the following are completed and accepted:
 - i. Approval of the underground utilities, including sewer and stormwater lines;
 - ii. Application of binder paving.
 - iii. Installation of sedimentation measures and slope stabilization.
 - b. Subsequent reductions in the surety amount may be made once the following are completed and accepted. The amount of reduction shall be based on the original cost estimate of work, but shall not exceed 90% of original surety amount.
 - i. Completion of final paving and loaming and seeding the right-of-way;
 - ii. Submittal of "as-built" plans and profile, prepared by a surveyor and an engineer, on a reproducible wash-off-mylar, with three (3) blueline copies, scale of 1"=50' on sheets of 22" x 34", showing all property lines, edges of pavement, sewer laterals at the property line and mains (with ties from permanent features) and all utilities located by station and offset from the final base line stationing of the sanitary sewer if present, if not, then from the center line of the right-of-way;
 - iii. Final cleanup, including removing sediment from all catch basin sumps;
 - iv. Completion of any punch list items determined by the Department of Public Works;
 - v. Installation of monumentation and submittal of certificate of monumentation;

- vi. Installation of streetlights, street name signs, stop signs, and/or other required traffic signs;
 - vii. Submittal of a deed from the subdivider to the Town for all rights-of-way and easements, acceptance of the deed by the Board of Selectmen and subsequent recording of said deed(s) at the Registry of Deeds.
- c. Ten percent (10%) of the original surety amount shall be retained as maintenance surety for one (1) year after the date of conveyance to insure the continued proper operation and integrity of the subdivision streets, stormwater management system, sewer and water lines, and all other facilities and improvements. Should any improvement fail or need repair, the Town shall be able to draw on this surety as reimbursement of costs.
- 5. In situations where the developer completes the improvements prior to final approval of the subdivision plan, a 1-year maintenance bond as listed above will still be required.
 - 6. The acceptance of a deed, as provided above, by the Board of Selectmen, and subsequent recording, shall acknowledge the formal dedication of the streets, and maintenance thereafter shall be the responsibility of the Town. (Amended 5/20/92)

C. Off-Site Improvements for New Development and Redevelopment (Added 10/19/22)

1. Consistent with NH RSA 674:21 V(j), the Planning Board may determine that improvements to off-site public roads, drainage, water, and/or sewer infrastructure will be necessary for the occupancy of any portion of the development subject to subdivision and/or site plan approval. In such case, the applicant shall be required to pay their fair share for upgrading of the public facilities to an extent necessary to protect the public interest.
2. For the purposes of this Section, "off-site improvements" are those improvements necessitated by a development, but which are located outside the boundaries of the property that is the subject of a subdivision and/or site plan application.
3. The amount of any such exaction for off-site improvements shall be a proportional share of the municipal improvement costs and one that is reasonably related to the benefits accruing to the development from the improvements financed by the exaction. The Planning Board, in consultation with the Department of Public Works, shall determine the necessary improvements and the appropriate exaction fee.
4. As an alternative to paying an exaction for off-site improvements, the developer may elect to construct the necessary improvements, subject to bonding and timing conditions as may be reasonably required by the Planning Board.
5. Any exaction imposed pursuant to this Section shall be assessed at the time of Planning Board approval of the development necessitating an off-site improvement.
6. The Town shall refund the balance of any exaction funds that have not been appropriated for their dedicated purposes within six years of the date of collection.
7. The Planning Board shall have the discretion to accept an applicant-proposed donation, in a mutually agreeable amount, as an alternative. The donation shall be utilized for the same purposes as an exaction fee, or for other transportation and/or utility-related projects, consistent with the Master Plan and/or Capital Improvement Plan. A donation would not be subject to a refund pursuant to Subsection 6 above.

SECTION VII. DESIGN AND CONSTRUCTION REQUIREMENTS

All subdivision plans requiring the construction of a sanitary sewer, drainage system or roadway will require review by the Department of Public Works. The Board may also request review by the designated Town engineer, at the expense of the developer, in order to see that they comply with the Town's Master Plan, best engineering practices, and Federal, State and Town regulations.

A pre-construction conference will be mandatory prior to the beginning of any construction of a subdivision involving municipal improvements. It shall be called by the developer. In attendance will be representatives of the Public Works Department, Police and Fire Departments, all utility companies involved, and the developer's engineer, contractor, resident inspector, and any State and/or Federal officials, as necessary.

A. Street Design and Construction Standards

The subdivider shall observe the following general requirements and principles of street and highway design and construction:

1. The arrangement of streets in the subdivision shall provide for the continuation of the principal streets in adjoining subdivision, or for their proper projection, when adjoining property is not subdivided. Subdivision streets shall be designed so as to not create any double frontage lots. (Amended 9/17/97)
2. No street or highway right-of-way shall be less than fifty (50) feet in width and may be required to be more if a greater street width is warranted in the opinion of the Board. All streets shall have a paved width of at least 28 feet as outlined in Appendix A. The apportioning of the street width among roadway, sidewalks, and possible grass strips shall be subject to the approval of the Board.
3. All streets shown on the plan shall be constructed in accordance with the typical cross-section in Appendix A.
 - a. Permits for residential driveways more than one hundred fifty (150) feet in length shall only be issued following recommendation by the Hampton Fire Department and approval by the Planning Board. (Amended 12/17/97)
 - b. Commercial driveways: The width shall be as recommended by the Town of Hampton Fire Department. (Amended 12/17/97)
 - c. Private roads shall be built to the same quality standards as town-accepted roads. The width of the roadway shall be as recommended by the Town of Hampton Fire Department. (Amended 12/17/97)
 - d. Variation from the accepted standards as shown in Appendix A may only be granted with a written waiver, as outlined in these regulations.
4. No dead-end or cul-de-sac streets shall be extended from another dead-end or cul-de-sac street without elimination of the first circular right-of-way. (Amended 12/17/97)
 - a. Dead-end or cul-de-sac streets shall be subject to the approval of the Board in each case and, shall terminate with a circular right-of-way of not less than one hundred eighteen (118') feet in diameter and a paved diameter of not less than ninety-six (96') feet. (Amended 12/17/97)
 - b. Dead-end or cul-de-sac streets shall be a minimum length of 300 feet and a maximum length of 1200 feet, measured along the centerline stations from the right-of-way line at the existing street to the center of the cul-de-sac. (Amended 5/20/92)
5. Intersecting property lines at street intersections shall be joined by such curve as prescribed by the Board in each case.

6. Grades of all streets shall conform in general to the terrain and shall, so far as practicable, not exceed 5% for major streets and 8% for minor streets. No street shall have a grade of less than 0.5%.
7. Whenever, in the construction of a new subdivision, pavement on an existing Town street is disturbed due to the inclusion of any utility, the road surface will be replaced using the following method. the excavated ditch will be replaced with clean bank-run gravel to an elevation of 9" (nine inches) below the finished grade; 6" (six inches) of gravel, New Hampshire Standard Specification 304.4; 95% (ninety-five percent compaction; a 2" (two inch) tight binder in the trench with a 1" (one inch) overlay wearing course to the entire width of the road.
8. A resident inspector will be required for all subdivisions requiring the construction of a road. It shall be the responsibility of the developer's engineer to provide the resident inspector, subject to the approval of the Director of Public Works. It shall be the responsibility of the resident inspector to see that the subdivision is in fact constructed in accordance with the approved plan. The developer's engineer shall certify, at the completion of the work, that the work has been completed in accordance with the approved plans and specifications. All required test results shall be submitted to the Director of Public Works. If during construction, the resident inspector discovers any errors or changes that will require a deviation from the approved plan; he will notify the engineer and the Director of Public Works of same.
9. When required, street name signs, stop signs, and/or other traffic signs shall be shown on the plan and installed by the developer.

B. Sewage and Septic System Standards

1. When public (Town) sewer is available or within a reasonable distance to the proposed project site, the plans must show a sewerage system in all streets and connection therewith to the public sewer. The Board shall have final ruling when determining if public sewer is "within reasonable distance." New sewer lines shall comply with all of the provisions of Chapter 2, Article 6, Sewer use and Construction Ordinance. In areas not serviced by the public sewer system, the Board may allow private septic sewerage disposal systems that meet the requirements of the New Hampshire Department of Environmental Services (DES). No subdivision shall be approved by the Board for either a public or private sewerage system without approval of the New Hampshire DES, as required by State regulations.
2. Any subdivision designed using a pumping station that ultimately would be the property of the Town shall require a cost comparison analysis showing the cost effectiveness of at least the following three (3) alternates:
 - a. Town owned pump station
 - b. Gravity sewer
 - c. Common force main with privately owned pumping systems

The cost comparison analysis shall be for a period of 20 years into the future. The analysis shall include, but not be limited to, all capital costs and operation and maintenance costs over the 20 years. The decision as to allowing or disallowing a pumping station will be made by the Board based on the most cost effective alternative.

C. Stormwater Management

A stormwater management plan will be required for all approved subdivision plans except as exempted by vote of the Planning Board. (Amended 2007) The design and maintenance of stormwater management systems shall conform to the appropriate Best Management Practices in the most recent edition of the NH Stormwater Manual. The following standards shall apply:

1. The USDA NRCS method TR- 55 Urban Hydrology for Small Watersheds shall be used for estimating stormwater runoff. (The Rational method is not acceptable for storm water analysis except for static analysis of storm drains.)
2. Low Impact Development practices, which are designed to mimic natural hydrology by reducing impervious surfaces and stormwater runoff and increasing groundwater recharge and pollutant removal, shall be used to the extent practicable unless the applicant can document infeasibility to the satisfaction of the Planning Board.
3. Stormwater runoff analysis shall include modeling of 2-year, 10-year, 25-year, 50-year and 100-year 24-hour rainfall events. The peak rate of runoff after development shall match the existing condition runoff for these events to the extent possible. Stormwater systems shall be designed to accommodate developed conditions, including any roads and potential lot coverage of structures, driveways, etc.
4. Stormwater management systems for roadways that consist primarily of catch basins, manholes and storm drain piping shall be designed to accommodate a 25-year 24-hour storm event. Swales, ponds, bioretention and infiltration systems and other structures subject to erosion or potential flooding shall be designed to be stable during a 100-year storm event. Outlets from storm drainage systems shall be designed to be consistent with the NH Stormwater Manual and insure discharge velocities do not cause erosion. The Planning Board may require energy analysis (hydraulic grade line analysis) of storm drain systems if deemed necessary.
5. A stormwater management plan shall be prepared for any use that will render an area impervious for more than 15% or 10,000 square feet of any lot.
6. The peak rate of runoff discharged from the site shall not exceed the existing discharge rate. Existing patterns of runoff across site boundaries shall not be changed.
7. Stormwater management for the site shall emulate the natural hydraulics and conveyance system of the site to the extent feasible. Stormwater discharge from the site should occur at the natural drainage points as determined by topography and existing drainage patterns.
8. The Stormwater Management Plan for the development or redevelopment of the site shall be designed and stamped by a New Hampshire Registered Professional Engineer and be sized to be consistent with the NH Stormwater Manual requirements addressing the following:
 - a. Water Quality Volume (WQV) – The WQV is the amount of stormwater runoff produced during rain events that shall be treated through appropriate BMPs. The WQV represents the volume of runoff produced from the first one-inch of rainfall falling on impervious surfaces. On average and on an annual basis, 90% of all runoff is produced by storms that produce one inch of rainfall or less.
 - b. Water Quality Flow (WQF) – represents the flow rate (expressed in cubic feet per second) associated with the runoff produced from the first 1-inch of rainfall and is typically used in combination with the WQV to size of the water quality treatment practices such as rain pre-treatment devices.
 - c. Groundwater Recharge Volume (GRV) – As a means of maintaining the pre-development groundwater recharge volume from the site, the design shall include infiltration practices that enable groundwater that relates to the sites hydrologic soil conditions
 - d. Peak Flow Control for Flood Control Purposes – Consistent with NH DES requirements in the NH Stormwater Manual, drainage calculations shall be conducted to show that the post-development flow rates for all flows leaving the site does not exceed the pre-development flow rates for 2-year, 10-year, 25-year, 50-year and 100-year, 24-hour design storms The applicant shall also demonstrate no adverse

- impact to downstream properties for proposed development within an identified 100-year floodplain.
- e. Channel Protection – Post-development flow shall comply with one of the two following criteria:
 - i. If the runoff volume for a 2-year, 24-hour storm volume has not increased over the pre-development storm volume, then the post-development peak rate for the 2-year storm needs to be no greater than the pre-development peak flow.
 - ii. If the runoff volume for a 2-year, 24-hour storm will increase then the post-development peak rate of flow for the 2-year, 24-hour storm shall be controlled to less than 50 percent of the peak flow rate of the 2-year, 24 hour storm or to the 1-year, 24-hour pre-development.
 - f. Effective Impervious Cover (EIC) – Calculate the effective impervious cover and determine if project falls under the “1065” rule. If not, confirm whether project will be required to prepare a pollutant loading and meet water quality requirements under antidegradation requirements.
 - g. Certification of No Adverse Effects on Downstream Drainage Facilities – The applicant’s engineer (registered professional engineer) shall determine and certify that any additional runoff produced from the proposed development will not have any adverse impact or overload any existing downstream facilities either on public or private property. The following certification statement shall be included on the site plan:

“I certify that any additional runoff related to the proposed development on this site will not have any adverse effects on any open or closed, public or private downstream drainage facilities or natural resources, under the proposed design assumptions and considerations”..
 - h. Design Storm Frequency – The post-development peak flow rate shall not exceed the pre-development flow rate for the 2-year, 10-year, 25-year, 50-year and 100-year storm events for all flows leaving the site.
9. Catch Basins – All catch basins shall be designed with a minimum 3-foot sump. Commercial site that have the potential for oil and gasoline spills shall have catch basins equipped with inverted hood outlets.
 10. French or trench type drains shall not be allowed for the purpose of draining surface water from any street that will, or has the potential to, become the property of the Town.
 11. Components of a stormwater system within a proposed Town-owned Right-of-Way (ROW) shall be reviewed and approved by the Department of Public Works (DPW) or its designee. DPW shall provide comment to the Planning Board whether components of the system within the ROW are closed or open. Detention ponds shall not be located within the ROW.
 12. Any structural stormwater BMP located outside of the proposed ROW shall be contained on one lot. This lot must remain a buildable lot, and shall meet all requirements for a lot as outlined in the Town’s Zoning Ordinance. If an applicant demonstrates that locating the stormwater component or facility on one lot would not be the best solution to comply with all of the other requirements of this section, the applicant may request a waiver of this requirement.
 13. The Planning Board may, at the applicant’s expense, have the stormwater management plans reviewed by an independent engineer designated by the Board.
 14. The Planning Board shall, at the applicant’s expense, require phased inspections of the proposed stormwater management system. The frequency and extent of these

inspections will be determined by and under the direction of the Director of Public Works.

15. A Stormwater Management Operation and Maintenance Plan (O&M Plan) that ensures adequate long term operation and maintenance of stormwater Best Management Practices (BMPs) shall be prepared for the stormwater management system. The plan shall establish the functional, financial and organizational mechanisms for ongoing operation and maintenance of the stormwater management system that insures that it continues to function as designed. The plan shall address the following:
 - a. All components within land deeded to the Town for ROW shall be the responsibility of the Town once accepted by the Town, to include but not limited to: pipes, ditches, catch basins, shoulders, etc.
 - b. Closed pipes extending out from the Town ROW may be the responsibility of the Town once accepted by the DPW and Town and located within an easement running to the Town for that purpose. As-constructed plans must be provided to the Town before acceptance. (Amended 2007)
 - c. Subsurface infiltration systems and open systems, to include but not limited to: swales, ditches, level spreaders, filter strips, dry ponds and wet ponds, outside of the ROW shall be the sole responsibility of and shall be maintained by the owner of the lot on which they are located. If a system extends over more than one lot, or is on a lot owned in common, then the applicant shall demonstrate which lot owner(s) or what association shall be responsible for maintenance. (Amended 2007)
 - d. Stormwater management BMPs shall, at a minimum, follow the recommendations of the-New Hampshire Stormwater Manual, as amended. The Town reserves the right to correct deficiencies in such drainage systems resulting from improper or inadequate maintenance if, in the opinion of the Town, there is a threat to the safety or property of the general public from such deficiencies.
 - e. The O&M Plan shall include details of the inspection and maintenance requirements of the stormwater Best Management Practices. The plan shall identify the party (ties) responsible for implementing the O&M Plan once construction is complete.
 - f. Annual O&M Report and Certification – The property owner or association identified as responsible for the operation and maintenance of the stormwater management system shall provide a report on activities performed throughout the year and a certification that the system continues to function as designed. The annual report and certification shall be submitted to the Town Planner by December 31st of each year.
16. Those portions of a proposed stormwater management system not within Town ROW but proposed to be maintained by the Town shall be located within a drainage easement per Appendix C and shall be subject to acceptance by the Town. Privately maintained systems that do not connect to a Town maintained system are not required to be the subject of an easement. (Amended 2007)
17. Easement widths and building setbacks for detention ponds shall be as follows:
 - a. The easement area shall cover the entire pond and extend 5 feet from the toe of the exterior slope.
 - b. The easement area shall extend 5 feet from the emergency overflow.
 - c. Any pond not abutting the ROW shall provide a 15-foot wide access easement from the ROW to the pond.

- d. The pond shall be set back from proposed or existing septic systems 75 feet, unless reduced by the State of New Hampshire, Department of Environmental Services Subsurface Systems Bureau.

18. Easement widths and building setbacks (BSB) for pipes and channels shall be as follows:

For Pipes		
ID (inside diameter)	Easement Width	Building Setback
ID ≤ 36"	15 feet	5 feet from easement 10 feet from pipe
36" < ID ≤ 60"	20 feet	7.5 feet from easement 10 feet from pipe
ID > 60"	ID plus 10 feet either side	10 feet from easement
For Channels and Swales		
W (top width of channel)	Easement Width	Building Setback
W ≤ 10 feet	20 feet	10 feet from top of slope
10 feet < W ≤ 30 feet	W plus 10 feet each side	10 feet from easement
W > 30 feet	W plus 15 feet each side	To be determined by Planning Board. Minimum 10 feet from top of slope.

19. The Planning Board may waive the requirements of this section for a detailed drainage analysis for subdivisions if:

- a. no road construction is proposed;
- b. in its judgment such an analysis is otherwise not required because of the size and scope of a project; and
- c. a waiver is deemed to be in the best interest of the Town.

D. Fire Protection

1. Hydrant locations for subdivisions, relocations or additions to existing water mains shall be spaced so that no structure is more than 600 feet along a street front from a hydrant.
2. No hydrants which have been approved for a development shall be operative until construction with combustible materials begins. The installation of concrete foundations is allowed prior to hydrants being operational. Hydrant(s) may be placed into service up to seven (7) days prior to construction with combustible materials. Combustible materials shall be as defined by the Town adopted BOCA Basic National Building Code.
3. The Chief of the Fire Department or his designee may require hydrants to be operational before construction of the subdivision begins.
4. Hydrants shall be installed so that there will be not less than 18 inches from the bottom of the steamer connection to the finish grade.
5. The Fire Department will make recommendations for hydrant locations to the Planning Board within the time specified in the written request. When final plans are approved by the Planning Board, a copy of the plan showing hydrant locations shall be

forwarded to the Fire Department. The Fire Department will follow-up with a letter to the Town Manager requesting approval for the hydrant(s) installation.

E. Erosion and Sediment Control Regulations

1. General

For the purpose of controlling soil erosion and sedimentation in surface waters resulting from site construction and development, the Board may require an erosion and sediment control plan for any subdivision it deems necessary, and a plan shall be required for any disturbance greater than or equal to one (1) acre. For the purposes of this requirement, "disturbance" is defined as follows: the clearing, grading and/or excavating of land. Exclusions from this definition include: disturbance that results from routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the site (such as ditch maintenance), or activities that are excluded from permitting by the Clean Water Act (e.g. agricultural and silvicultural activities).

These requirements are subject to the waiver process as outlined in these regulations. A waiver may only be granted if:

- a. No new construction and/or disturbance is proposed, or
- a. If the project receives a waiver from the USEPA General Permit Discharges from Large and Small Construction Activities.

2. Standards

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

- a. Whenever practical, natural vegetation shall be retained, protected or supplemented. The stripping of vegetation will be done in a manner that minimizes soil erosion.
- a. The disturbed area shall be kept to a minimum and shall be protected from erosion during the winter months.
- b. Measures shall be taken to control sediment and retain it within the project area. To the extent possible, sediment in runoff water shall be trapped and retained within the project area.
- c. Final vegetation and permanent erosion control structures shall be installed as soon as possible following disturbances on the site.
- d. Off-site surface water shall either be diverted around, or conducted safely through, the project area.
- e. All sediment control plans shall conform to the Best Management Practices (BMPs) described in the in the most recent edition of the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (the Green Book) and the Best Management Practices for Urban Stormwater Runoff (the Little Green Book).
- f. The plans shall include methods for controlling wastes such as discarded building materials, concrete truck wash out, chemicals, litter, and sanitary wastes. These plans shall conform to the restrictions required by the EPA Storm Water Phase II Program.

3. Responsibility For Installation/Construction

The applicant shall bear final responsibility for the installation and construction of all erosion and sediment control measures required by the provisions of this Section. Where erosion and sediment control plans call for the construction of permanent erosion or sediment control measures, the Board may require a bond or other surety

sufficient to provide for the actual construction and installation of such improvements within a period specified by the Board.

F. Lot Monumentation

1. Street construction

In situations where a public road is proposed, the subdivider shall install concrete or granite monuments at least four feet in length and four inches in diameter with suitable drill hole at the center point, at the beginning and end of each curve at each street intersection on the right-of-way. The subdivider shall further install additional concrete or granite monuments along street lines within the subdivision such that two permanent concrete or granite monuments, one rear and one fore, are visible from each other concrete or granite monument within the subdivision.

2. Lot corners

In situations where monumentation does not exist, a minimum one inch diameter iron pipe monuments shall be set at all lot corners in the subdivision to establish the boundary lines of lots upon the ground with reasonable permanence. Each monument shall be set two to six inches above the finished grade of the surrounding property. Where appropriate, one inch deep drill holes may be set in an existing stone wall or in ledge, in lieu of a required monument. When it is impossible or impractical to set a boundary monument on a corner, it shall be set in compliance with NH Land Surveyors Administrative Rules.

2. Wetland buffers and boundaries

a. Granite or concrete monuments, at least four feet in length and four inches in diameter with suitable drill hole at the center point shall be set along the defined edge of wetlands.

b. Conservation Commission disks, approximately 4 inches in diameter, shall be placed along the edge of wetland buffers, conservation easements and conservation land. In situations where Conservation Commission disks cannot be installed, an alternate method of buffer edge demarcation may be approved by the Board.

c. The location and placement of monumentation and markers shall be determined by the Planning Board and made a condition of approval. The developer shall bear the cost of installation of the monument and disks.

3. For situations in which installation of monuments cannot comply with paragraphs 1 & 2 of this section, a licensed land surveyor may substitute an alternate monument as long as the monument complies with the NH Code of Administrative Rules, Board of Licensure for Land Surveyors Administrative Rules, LAN 503.08, as amended (authorized by RSA 310-A:53).

4. To insure the installation of monuments required by the subdivision plan, the subdivider shall meet the following requirements:

a. If the subdivision involves the construction of a roadway, a surety shall be collected and held until all monumentation has been installed and certified.

b. If the subdivision does not involve the construction of a roadway, all monumentation shall be in place prior to final approval of the subdivision plan.

5. Once in place, a form certifying that the monumentation has been accurately installed shall be filed with the Planning Board by the subdivider. The form shall contain the signature and seal of the licensed land surveyor that certified the placement of the monumentation. (Amended 9/6/89 and 9/5/90)

SECTION VIII. SPECIAL FLOOD HAZARD AREAS (Amended November 4, 2020)

All subdivision proposals and proposals for other developments governed by these Regulations having lands identified as Special Flood Hazard Areas as shown on the current effective FEMA Flood Insurance Rate Maps and associated Flood Insurance Study shall meet the following requirements:

1. Subdivision proposals and proposals for other developments shall be located and designed to assure that all public utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage and adequate drainage is provided to reduce exposure to flood hazards.
2. Subdivision proposals shall include base flood elevation data.
3. In riverine situations, prior to the alteration or relocation of a watercourse, the applicant for such authorization shall notify the Wetlands Bureau of the New Hampshire Department of Environmental Services and submit copies of such notification to the Board, in addition to the copies required by RSA 482-A:3. (Amended 5/20/92). Further, the applicant shall be required to submit copies of said notification to those adjacent communities as determined by the Board, including notice of all scheduled hearings before the Wetlands Bureau.

Within the altered or relocated portion of any watercourse, the applicant shall submit to the Board certification provided by a registered professional engineer assuring that the flood capacity of the watercourse can and will be maintained.

4. Where new replacement water and sewer system (including on-site systems) are proposed in special flood hazard areas, the applicant shall provide the Board with assurance that new and replacement sanitary sewage systems are designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems are located to avoid impairment to them or contamination from them during flooding.
5. All necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

SECTION IX. ADMINISTRATION AND ENFORCEMENT

A. General

These Regulations shall be administered by the Board. The enforcement of these Regulations is vested with the Selectmen.

B. Waivers

Following a public hearing for which proper notice has been given to the general public and abutters and all holders of conservation, preservation, or agricultural preservation restrictions, the Board may waive such requirements of the foregoing Regulations that it determines: 1) are not requisite to the interest of public health, safety, general welfare and, 2) which do not contribute to the objectives of the regulations because of special circumstances and conditions relating to a particular subdivision. When making its determination as to any waiver, the Board shall take into consideration the prospective character of the development and of abutting properties. (Amended 12/17/97)

When the applicant desires the waiver of any provisions of the foregoing Regulations, he shall include a request therefor with a statement of reasons for such request, with the application for approval of the preliminary or final plan. Any such request for waivers shall be included in any notice given to the public and also in notice to abutters and all holders of conservation, preservation, or agricultural preservation restrictions. (Amended 12/17/97)

Costs for any additional public hearing held for the purpose of waivers shall be assessed to the applicant.

C. Penalties and Fines

Any violation of this regulation shall be subject to a civil fine or criminal penalty as provided in RSA 676:17, as amended. The Selectmen, or the Building Inspector, are hereby designated as the proper local authorities of the Town to institute appropriate action under the provisions of RSA 676:17.

D. Other Regulations

Where these Regulations are in conflict with other local, state or federal ordinances, the more stringent shall apply.

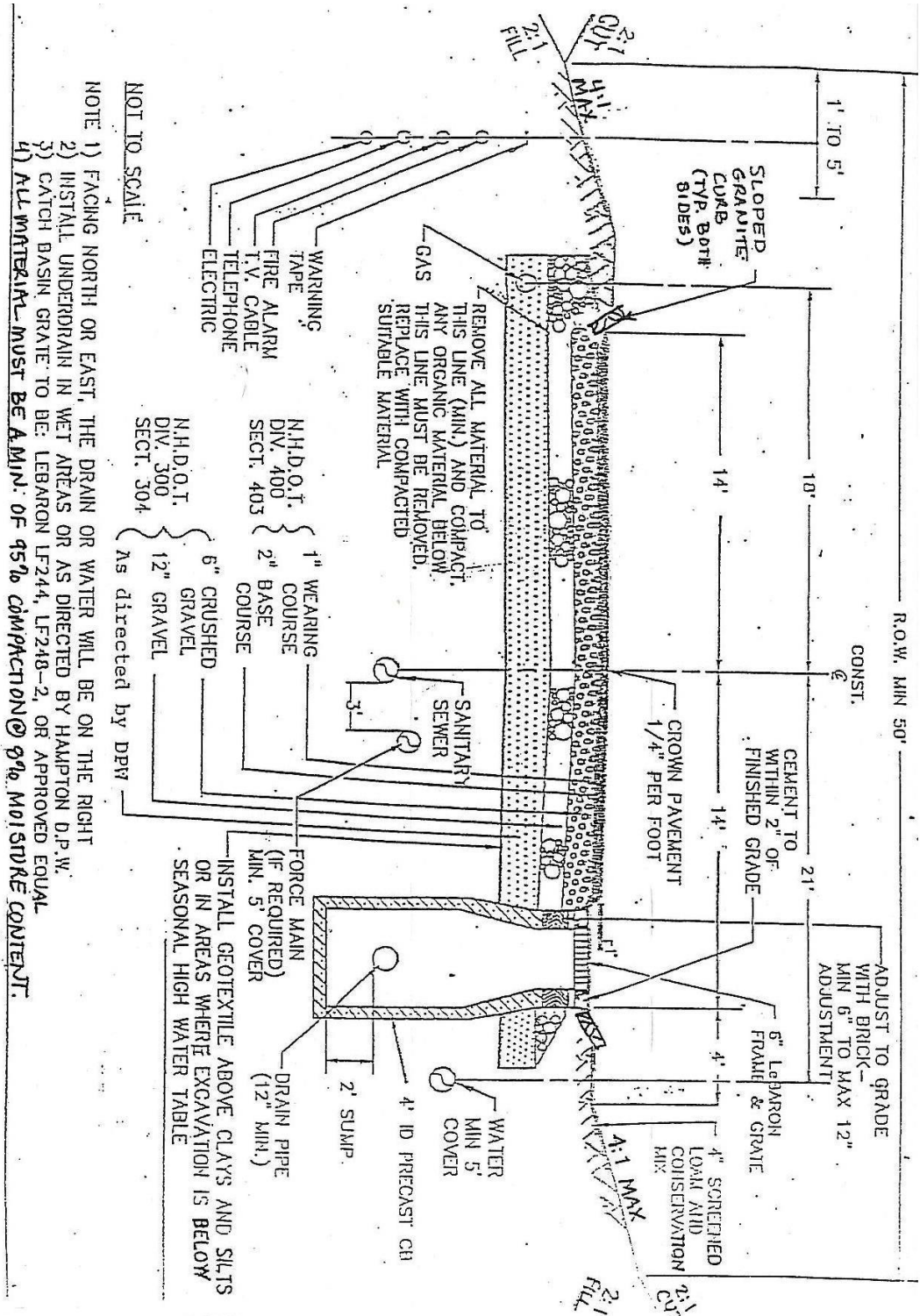
E. Validity

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

F. Record of Adoption

The Subdivision Regulations of the Town of Hampton have been amended adopted by a majority vote of the Hampton Planning Board on July 15, 2009 following a duly notified public hearing held on July 15, 2009. These Subdivision Regulations replace all sections of the previous Subdivision Regulations.

APPENDIX A Typical Roadway Cross-Section



Appendix B - Fee Schedule (Effective July 1, 2015)

ALL APPLICATIONS REQUIRING A PUBLIC HEARING:
 must be accompanied by a **\$50.00** legal notice fee plus **\$10.00** for each of the following [refer to RSA 676:4(d)]:

- Abutter(s) (as defined in RSA 672:3)
- Applicant(s)
- Holders of conservation, preservation, and/or agricultural preservation restrictions

Engineer, architect, land surveyor and/or soils scientist whose professional seal appears on the plan.
Aquarion Water Company of New Hampshire, or its successor for any application within the Aquifer Protection District. (Amended May 18, 2016)

SUBDIVISION REVIEW	
Lot Line Adjustment	\$200.00
Condominium Conversion	\$100.00 base fee plus \$100.00 per unit
Other Subdivisions (no new road proposed)	\$100.00 base fee plus \$100.00 per lot
Other Subdivisions (new road proposed)	\$300.00 base fee plus \$100.00 per lot
Optional Preliminary Conceptual Consultation	No charge
Optional Design Review	No charge
Plan Review Process (PRC) Fee	\$100.00

SITE PLAN REVIEW	
Application Fee:	\$200.00
PLUS:	
Non-residential fee	\$100.00 per 1,000 square feet floor area (Maximum \$5,000.00)
Multi-family fee	\$200.00 per new dwelling unit (Maximum of \$5,000.00)
Amended Site Plan (No additional dwelling units or square foot floor area)	\$200.00 application fee only
Optional Preliminary Conceptual Consultation/Design Review	No Charge
Plan Review Process (PRC) Fee	\$100.00

WETLANDS PERMIT	
Application Fee	\$100.00 (\$100 Add'l for after the fact permit)

OTHER REVIEW	
School Impact Fee Waiver Request	\$100.00
Parking Lot Review	\$50.00, <i>no public notification required</i> *
Use Change Application	\$50.00, <i>no public notification required</i> **
Annual Stormwater O&M Report	\$100 to \$500***

* Refer to Zoning Ordinance Articles 3 and 6; certain parking lots may require public notification.
 ** If the Use Change Application requires full Site Plan review, then public notification is required and the Site Plan fees listed above apply.
 *** Depending on size and complexity of system.

RECORDING FEES	Refer to the schedule of recording fees available through the Planning Office.
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NOTE: *These fees do not include any potential independent professional reviews or inspection fees.*

APPENDIX C Stormwater Drainage Easement

STORMWATER DRAINAGE SYSTEM EASEMENT

(REPEALED BY THE PLANNING BOARD MAY 7, 2014)