

# **TOWN OF NORTH HAMPTON, NH**

## **SUBDIVISION REGULATIONS**

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## **SECTION I - AUTHORITY**

Pursuant to the authority vested in the North Hampton Planning Board by the voters of the Town of North Hampton at the Annual Town Meeting of March 8, 1955, and to the authority granted to the Planning Board under Chapter 674:35-42 of the Revised Statutes Annotated of New Hampshire of 1995, as amended, the Planning Board hereby adopts the following regulations governing the subdivision of land in the Town of North Hampton.

These regulations shall be known, and may be cited as, the "Town of North Hampton Subdivision Regulations," hereinafter referred to as "Subdivision Regulations." The current set of Regulations revises and replaces the North Hampton Subdivision Regulations of 1996, as amended, and takes effect upon adoption by the Board and filing with the Town Clerk in accordance with RSA 675:6. A copy shall also be filed with the New Hampshire Office of State Planning in accordance with RSA 675:9.

## **SECTION II - PURPOSE AND INTENT**

The purpose of these regulations is to provide for Planning Board review and approval or disapproval of all subdivision, consolidation, lot line adjustment, and easement plans (and subsequent revisions thereto). It is the intent of the North Hampton Planning Board to provide for the orderly present and future development of the Town of North Hampton, therein promoting the public health, safety, convenience and welfare of the residents. The provisions in these regulations shall be administered to ensure orderly growth and development and are intended to promote the goals and policies of the North Hampton Master Plan. The North Hampton Planning Board specifically adopts the provisions of New Hampshire Revised Statutes Annotated, Chapter 674:36, and it is the stated purpose of these regulations to provide against such scattered or premature subdivision of land as would create danger or injury to health, safety, or welfare by reason of the lack of water supply, drainage, transportation, schools, fire department or other public services, or necessitate an excessive expenditure of public funds for the supply of such services. It is the intent of the North Hampton Planning Board to promote the utilization of sound planning practice and development standards.

## **SECTION III - DEFINITIONS**

In general, words and terms used in these Regulations shall have their customary dictionary meanings. Certain words used herein are defined as follows and are in addition to those outlined in the Town of North Hampton Zoning Ordinance:

**Abutter:** means a person as defined in RSA 672:3, as amended.

**Applicant:** means the owner of record of the land to be subdivided or the duly authorized agent of any such owner.

**Board:** means the Planning Board of the Town of North Hampton.

**Certified Soil Scientist:** means a person qualified in soil classification and mapping who is certified by the State of New Hampshire Board of Natural Scientists.

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

**Community Water Supply:** means 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.

**Completed Application:** means the application form and supporting documents, as specified in these Regulations, which contain all the information the Planning Board needs to review a subdivision proposal and make an informed decision.

**Cul-de-sac:** means a local street with only a single means of ingress and egress and having a turnaround at the end.

**Development:** means the construction of improvements on a tract or tracts of land which shall include the enlargement of the structure or physical changes to the site to accommodate the intended use.

**Engineer:** means a person licensed in accordance with RSA 310-A:2-27, as amended.

**Improvement:** means all structures, appurtenances, or additions to the site whether above or below the surface of the land, and including but not limited to buildings, construction of any kind, site grading, landscaping, street construction, utilities (including water, sewer, electric, gas, storm drainage), whether proposed by the developer, or required by the Board under these Regulations.

**Lot Line Adjustment:** means the change of boundary lines between abutting parcels that does not result in the creation of any new building lots.

**Planning Board Agent:** means the planning consultant, official, recording agent, or other person(s) assigned by the Board to perform plan review and other such duties.

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

**Street:** means, relates to and includes street, right of way, avenue, boulevard, road, lane, 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 divisions of land for the purpose, whether immediate or future, of sale, rent, lease, condominium conveyance or building development. It includes re-division and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided. The division of a parcel of land held in common and subsequently divided into parts among the several owners shall be deemed a subdivision under this title.

**Surveyor:** means a person licensed in accordance with RSA 310-A:53, as amended.

**Town Engineer:** means a duly designated engineer of the Town of North Hampton, or if there is no such official, the planning consultant or official assigned by the North Hampton Planning Board.

#### **SECTION IV JURISDICTION**

The provisions of these regulations shall apply to all land within the boundaries of the Town of North Hampton except land within the boundaries of the Village District of Little Boar's Head.

#### A. Subdivisions

Any person proposing to subdivide land in the Town of North Hampton must apply to the Planning Board for approval of such subdivision.

A subdivision application must be made and approved before any offer to sell, rent or lease a proposed subdivision or part thereof, before any construction, land clearing or building development is begun, before any permit for the erection of any building may be granted, and before a subdivision plat may be filed with the Rockingham County Registry of Deeds.

#### B. Permits

No building permit may be issued for the construction or alteration of any building or structure within the purview of these Regulations until a copy of an approved subdivision plat has been presented by the applicant to the Building Inspector.

#### C. Approval Required

Prior to land clearing, excavation, site preparation, construction or any other such activity may begin on a site, and before any permit for such activities may be issued, final approval of the Subdivision is required as evidenced by the recording of the approved plan(s) at the Rockingham County of Registry of Deeds. All activity on the site shall be performed in accordance with the approval. (Amended 1/4/00)

### **SECTION V - GENERAL PROVISIONS**

#### A. Compliance with Other Regulations

The subdivision procedure in no way relieves the applicant from compliance with or approval under the provisions of the Town's Zoning Ordinance, Site Plan Review Regulations, Building Codes, and/or other regulations which pertain to or govern the proposed development. No subdivision plan will be approved unless it is in compliance with all pertinent ordinances and regulations.

#### B. Minimum Not Maximum

These Regulations shall be interpreted as MINIMUM REQUIREMENTS and compliance with these minimum requirements in no way obligates the Planning Board to approve any particular application solely on that basis. The Planning Board will fully consider all aspects of an application before rendering its decision. This will include study of all subdivision design and technical aspects of the proposal as well as consideration of the impact of the development on resources, on local traffic patterns and on available public utilities, services, and municipal resources. Only after the Planning Board has fully satisfied itself that the proposed project is in the interest of public health, safety, welfare or prosperity, will the application be approved.

#### C. Suitability of Land

1. Land unsuitable for development due to the presence of poorly drained soils, flood hazard, steep slopes or other conditions constituting a danger to health, safety or the environment or contrary to the purposes of this Ordinance and the Master Plan shall not be approved for development unless the applicant presents satisfactory evidence or data to the Board, establishing that the methods proposed to overcome any such conditions are adequate.

2. The Planning Board, in its discretion, will not approve such scattered or premature developments as would make danger or injury to health, safety or prosperity by reason of the lack of water supply, drainage, sewerage, transportation, or other public services or necessitate an excessive expenditure of public funds for the supply of such services.

D. Review Standards

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.

E. Off-Site Improvements

Pursuant to RSA 674:36, III, the Board may require special improvements on or off-site, which it deems reasonably necessary or desirable for the conditions or circumstances relative to the particular subdivision. Any such special requirements shall be stated in writing in the minutes of the Board with the reasons therefore. The Board may require either that the applicant construct the improvements in whole or in part, or reimburse the municipality or any other party who, at the direction of the municipality, undertakes such improvements. The applicant's responsibility for such improvements is limited to that portion of the cost of the improvements which bears a rational nexus to the needs created by, and special benefits conferred upon, the subdivision, taking into consideration the municipality's ability to pay for such improvements. The Board may require the posting of a suitable performance security, as outlined in Section IX-E, to insure that all off-site improvements are completed.

F. Other General Provisions

1. Whenever any subdivision of land or buildings is proposed, the owner thereof, or his agent, shall apply in writing to the Board for approval. Application for subdivision shall be on forms supplied by the Town. The application shall conform to these regulations. If the applicant is not the landowner, the applicant shall provide the Board with written authorization from the owner to appear on his behalf.
2. In acting upon any subdivision plan, the Board shall refer to and take into consideration the recommendations of the Planning Board Agent, Building Inspector, Highway Agent, Fire Department, Police Department, Conservation Commission, School Board and any other town agencies or outside specialists with which the Board consults.
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 subdivisions, except that a public hearing shall not be required. However, notice to abutters shall be given prior to approval and any abutter may be heard on the application upon request. (RSA 676:4 I (e))
4. No subdivided property shall be transferred nor any contract for sale, lease or rental executed, and no structure erected before a plat of the subdivision has been approved by the Board, and recorded at the Rockingham County Registry of Deeds. In accordance with RSA 676:16, as amended, the transfer or sale of any lot in an unapproved subdivision will be enjoined by the Town and subject to a civil penalty of \$1,000.00 for each lot or parcel so transferred or sold.

5. If a plan is withdrawn prior to having notification for the public hearing, no further action is required by the Board, and it will be considered terminated. One copy of any such plan(s) shall be retained for Board files.
6. 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.

## **SECTION VI - PROCEDURES FOR SUBDIVISION REVIEW**

### **A. Pre-application Review**

The Planning Board provides for an optional pre-application review of subdivision plats in accordance with RSA 676:4, II, as follows:

#### **1. Preliminary Consultation Phase**

A preliminary consultation and review on applications shall not bind either the applicant or the Planning Board. The preliminary consultation may include, but is not 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 Planning Board. The applicant shall submit an application to be placed on a meeting agenda in accordance with the application and information submittal deadline schedule adopted by the Planning 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 Section VI-D. In a preliminary consultation, the application 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 Planning 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.

#### **2. Design Review Phase**

The optional design review phase on applications is beyond a preliminary consultation and involves more specific design and engineering details. Such review shall not bind either the applicant or the Planning Board. The design review phase may proceed only after notice to abutters and the general public as provided for in Section VI-D of these regulations. The applicant shall submit a completed application form, a check for the filing fee, an abutter's list, and a preliminary plan in accordance with the application and information submittal deadline schedule adopted by the Planning Board.

The purpose of the Design Review is to familiarize the Planning Board with the basic concept of the proposed subdivision and to:

- a. acquaint the potential applicant with the formal application process and particular information that the Planning Board may request;
- b. to suggest methods for resolving possible problems in the development, design and layout;
- c. to make the potential applicant aware of any Master Plan recommendations applicable to the site; and,
- d. to acquaint abutters with the proposed subdivision.

If the applicant wishes to proceed beyond the design review phase, a public hearing for the final subdivision plan must be held.

**B. Formal Application**

1. Application for approval of the final subdivision plan should be filed with the Board by the applicant or his agent in writing on forms provided by the Town in accordance with the application and information submittal deadline schedule adopted by the Planning Board, which ensures that there is adequate time to legally notice the application in accordance with the requirements of RSA 676:4.
2. The Board shall within 30 days following the delivery of the application, in accordance with the requirements of RSA 676:4, determine if a submitted application is complete according to the Board's regulations, as outlined in Subdivision Regulations Section VIII, and shall vote upon its acceptance. Upon determination by the Board that a submitted application is incomplete according to the Board's regulations, 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.
3. A completed application will be submitted to and accepted for consideration by the Planning Board only at a Public Meeting for which notice has been given to the applicant, abutters and the general public.
4. The Board may not consider or may deny applications without public hearing on the grounds of failure of the applicant to supply information or to pay fees as required by these regulations.

**C. Public Notices**

1. Notice of the design review phase or submission of a Completed Application shall be given by the Board to the abutters and the Applicant by certified mail, mailed at least ten (10) days prior to the meeting at which the application will be submitted.
2. The public will be given notice at the same time, by posting at the Town Offices and Town Library and publication in a local newspaper.
3. The notice shall give the date, time, and place of the Planning Board meeting at which the Application or other item(s) will be formally submitted to the Board, shall include a general description of the proposal which is to be considered and shall identify the Applicant and the location of the proposal.
4. If the notice for the public hearing was included in the notice of submission or any prior notice, additional notice of the public hearing is not required. Additional notice is not required of an adjourned session of a hearing provided that the date, time, and place of the adjourned session were made known at the prior meeting.

**D. Board Action on Completed Application**

1. Upon determination by the Board that a submitted application is complete according to the Board's regulations, the Board shall begin formal consideration and shall act to approve, conditionally approve, or disapprove within 65 days, subject to extension or waiver.
2. The Board may apply to the Selectmen for an extension not to exceed an additional 90 days before acting to approve, conditionally approve or disapprove an application. An applicant may waive the requirement for Board action within the time periods specified in these regulations and consent to such extension as may be mutually agreeable.

3. Upon failure of the Board to approve, conditionally approve, or disapprove the application, the Board of Selectmen shall, upon request of the applicant, immediately issue an order directing the Planning Board to act on the application within thirty (30) days per RSA 676:4, I, (c)(1). If the Board does not act on the application within the thirty (30) day time period, then within forty (40) days of the issuance of the order, the Selectmen shall certify on the applicant's subdivision application that the plat is approved, unless within those forty (40) days the Selectmen have identified in writing a specific provision of the Subdivision Regulations, Zoning Ordinance, or other applicable regulation or by-law with which the application does not comply. Such certification by the Selectmen of the foregoing shall constitute final approval for all purposes including filing and recording under RSA 674:37 and 676:18, and court review under RSA 677:15.
4. If any submitted plat is disapproved, the grounds for such disapproval shall be adequately stated in the records of the Planning Board and in written notice given to the Applicant within 5 business days of such vote.
5. The Board shall have the right, before final approval on a subdivision is granted, to determine what constitutes "active and substantial development" in relation to the application under review. By doing so, on a case by case basis, the Board establishes the threshold of development necessary to vest the applicant under the provisions of RSA 674:39, Five-Year Exemption. In the event the Board does not make a specific determination regarding "active and substantial development" at the time of approval, completion of the infrastructure of the approved subdivision shall constitute "active and substantial development."

E. Conditional Approval

1. The Planning Board may grant conditional approval of a plat or application, which approval shall become final without further public hearing, upon certification to the Board by its designee or based upon evidence submitted by the applicant of satisfactory compliance with the conditions imposed. Final approval of a plat or application may occur in the foregoing manner only when the conditions are:
  - a. Minor plan changes whether or not imposed by the Board as a result of a public hearing, compliance with which is administrative and which does not involve discretionary judgment; or
  - b. Conditions which are in themselves administrative and which involve no discretionary judgment on the part of the Board; or
  - c. Conditions with regard to the applicant's possession of permits and approvals granted by other boards or agencies, provided said permits and approvals themselves have not required a change to the Plat submitted to the Board or to any other conditions imposed by the board. All other conditions shall require a hearing and notice to abutters and the public.
2. The applicant shall have one year 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 and site plan review regulations.
  - a. If the conditions are not met within one year, the conditional approval shall lapse, unless granted a one year extension by the Board prior to the expiration date.
  - b. Requests for a one year extension described above (V.I.E.2.a) shall be made in writing and submitted to the Board with sufficient time prior to the expiration date, for the request to be

properly posted for a public hearing. The applicant or its designee shall appear at the meeting at which the Planning Board may consider the request for an extension.

- c. The Board shall have the option of holding a public hearing, with notice to abutters and the public as required in Section VI.D if the Board determines that conditions have changed appreciably.
- d. Conditionally approved plans that are granted extensions shall not be exempt from amendments to the zoning ordinance, site plan regulations or subdivision regulations that occur after the original expiration date set one year after the conditional approval.
- e. Only one (1) one-year extension may be granted. The Planning Board may grant additional exceptions as it deems appropriate.
- f. 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. 1/20/2011

#### F. Final Approval of Subdivision Plats

Subdivision plats shall be deemed to have received final approval if, and only if, all of the following items have been met:

- 1. all conditions of approval have been met,
- 2. the subdivision plat has been signed by the Planning Board, and
- 3. the subdivision plat has been recorded at the Rockingham County Registry of Deeds.

#### G. Validity of Approved Subdivision Plats

In accordance with RSA 674:39, all subdivision plats that are approved and signed by the Planning Board and recorded shall be exempt from all subsequent changes in site plan review regulations and zoning ordinances except those regulations and ordinances which expressly protect public health standards, such as water quality and sewage treatment requirements, for a period of 5 years after the date of approval provided that:

- 1. active and substantial development or building in accordance with the approved site plan has begun on the site within 24 months after the date of approval,
- 2. development remains in full compliance with the public health regulations and ordinances, and
- 3. at the time of approval and recording, the site plan conforms to the site plan review regulations and zoning ordinances then in effect at the location of such site plan.

#### H. Revocation of Approved Subdivision Plats

All subdivision plats that are approved and signed by the Planning Board and recorded may be revoked per the conditions and circumstances stated in RSA 676:4-a.

#### I. Written Decisions

- 1. The Board shall issue a final written decision of their action to approve, conditionally approve, or disapprove the completed application. If the application is conditionally approved, the Board shall list the conditions necessary to be met by the applicant prior to final approval.
- 2. In accordance with RSA 676:3, if the application is not approved, the Board shall provide the applicant with written reasons for disapproval. The decision shall be placed on file in the Planning Board's office and shall be made available for public inspection within 5 business days of such vote.

**J. Recording and Filing of Plats**

1. No subdivision plat shall be filed or recorded until it has been approved by the Board and all outstanding fees have been paid by the applicant. Approved plans shall be endorsed in writing on the plat with the signature of the Chairman of the Board or the acting Chairman as directed by a majority of the Board.
2. The approved plat will be registered at the Rockingham County Registry of Deeds by the Board at a fee equal to the fee schedule of the Register of Deeds plus an administrative fee of \$80.00.

**K. Rules for Conducting Hearings**

The Board has adopted rules of procedure in accordance with RSA 676:1 and they are available at the Town Hall.

**L. Developments of Regional Impact**

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

**M. Land Affected by Municipal Boundaries**

In the case where an owner of contiguous land which is located in more than one municipality applies to the Board for subdivision the proceedings will be done in conformance with the standards outlined in RSA 674:53, Land Affected by Municipal Boundaries.

**SECTION VII - FEES****A. Application Fees**

The applicant(s) shall pay an application fee to cover the costs of the hearing, posting, publishing and mailing of notices and site inspections. The Board shall determine these fees not less than annually, and a schedule of current fees shall be available from the Planning and Zoning Administrator in the Town Office.

**B. Other Fees**

Reasonable fees in addition to those above may be imposed by the Board to cover its administrative expenses and costs of any special investigative studies, review of documents, and other matters which may be required by particular application.

**SECTION VIII - COMPLETED APPLICATION REQUIREMENTS****A. Submission Requirements**

The following information is required on the subdivision plan or as part of the submission package in order for the application to be considered complete:

1. Application: A completely filled out and signed application form, which may be obtained in the Town Office.

All application documents, plans, supporting documentation and other materials shall also be provided in digital Portable Document Format (PDF), one file for each plan. Digitally submitted files are in addition to and do not replace any current submission requirements. Digital files shall be complete and exact copies of the corresponding paper submittals (e.g., plans shall be at the same scale and sheet size as the paper copies).

Applicants may submit additional digital files to assist in presentations at public hearings, but such additional digital files shall not be considered part of the application unless corresponding paper documents are also provided. This digital format will be kept in the Planning Department digital files and may be used to send plans to Planning Board Members, abutters, peer review engineers, and all other interested parties.

2. Abutter's List: On a separate sheet of paper, a list of the names and mailing addresses of all abutters, the owner(s) of record (and applicant, if different), obtained from the Town records not more than five (5) days before submitting the application, and any engineer, architect, land surveyor, or soil scientist whose professional seal appears on the plan.
3. Fee: A check made payable to the Town of North Hampton equal to the fee required in Section VII-A.
4. Plan: Applicants shall submit fourteen (14) paper copies of the                      subdivision plan in the format required by Section VIII-B.
5. Approvals: Applicants shall submit evidence of prior and current approval by the North Hampton Zoning Board of Adjustment if requisite.

B. Plan Format and Information Required

1. Sheet size which conforms to the requirements of the Registry of Deeds of Rockingham County for filing. These sheet sizes are: 8.5" x 11"; 11" x 17"; 17" x 22"; 22" x 34".
2. Abutters must be indicated on any plan submitted, showing their location in relation to the proposed site plan.
3. Scale should be not more than 1" = 80' (one inch = 80 feet).
4. Proposed subdivision plan name or identifying title.
5. Correct current names of owner(s) of record (and applicant, if different).
6. Date, north arrow, location (locus) map.
7. Name, license number, signature(s), and seal of the N.H. registered land surveyor, and engineer, if applicable.
8. Tax map and parcel number(s).
9. Zoning (including overlay) district references.
10. Endorsement block for approval by the Board.

11. Surveyed property lines including angles or bearings, distances, monument locations and size of the entire parcel. Said plan must be attested to by a professional surveyor licensed in New Hampshire.
12. Title and deed references.
13. All easements and rights of way.
14. The plat should list all variances and special exceptions granted by the Board of Adjustment for the parcel involved and the dates granted.
15. Existing and proposed topographic contour boundaries at two (2) foot intervals.
16. Natural features such as water courses, ponds, wetlands, and appropriate setbacks, 100-year flood elevation contour, rock ledges, tree lines and other essential features which are significant to the site design process.
17. Existing and proposed streets, driveways, parking, pavement and buildings.
18. The size and location of all proposed public and private utilities, including but not limited to: water lines, sewage disposal facilities, gas lines, power lines, telephone lines, cable lines, fire alarm connection, and other utilities.
19. Where the topography is such as to make difficult the inclusion of any facilities mentioned above, within the public area so laid out, the plat shall show the boundaries of proposed permanent easements over or under private property. Such easements shall be not less than ten (10) feet in width and shall have satisfactory access to existing or proposed public ways.
20. Stormwater drainage control plan, including location of catch basins, culverts and drains; method of storage and disposal; and calculations of volume and frequency of run-off.
21. Location of existing and proposed fire hydrants, street lighting, and fencing.
22. Where the plat submitted covers 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 systems of the part not submitted. Approval of the submitted area does not guarantee approval of the unsubmitted area.
23. Designs of any bridges or culverts which may be required.
24. 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.
25. Location and results of test pits and percolation tests and location of primary and secondary leach bed sites as required by N.H. Department of Environmental Services (NH DES).

C. State and Federal Permits Required as Applicable

The following state or federal permits may be required as applicable:

1. N.H. Department of Environmental Services (NHDES) subdivision approval.
2. N.H. Wetlands Board "Dredge & Fill" permit.
3. N.H. Department of Transportation driveway access permit.
4. N.H. Department of Environmental Services (NHDES) Major Alteration Permit (RSA 485:17).
5. Any other State or Federal permits required.

D. Local Items Required as Applicable

The following studies or plans may be required by the Board, as applicable:

1. Traffic impact analysis, as outlined in Section IX-C.
2. Soil erosion and sedimentation control plan, as outlined in Section IX-B.
3. High Intensity Soil Mapping, including the seal of the licensed Soil Scientist.
4. Wetland Conservation District Conditional Use Permit, per Section 409 of the Zoning Ordinance.
5. Environmental Impact Analysis, per Section XI.
6. Any other applicable local permit required.

**SECTION IX - REQUIREMENTS FOR THE SUBDIVISION OF LAND**

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

A. General Requirements

1. The creation of reserve strips of land shall not be permitted. Reserve strips are land which, in the opinion of the Board, show an intent on the part of the subdivider to control access to land which has been or is proposed to be dedicated to public use for a street or open space.
2. All utilities, including telephone and electric, shall be underground.
3. The Board may make a visual on-site inspection of any proposed subdivision at any stage of the proposal, after prior arrangements are made with the applicant or land owner. Inspection is to be at such time when the site is free of snow cover, unless the Board is otherwise satisfied that such inspection is not required.
4. Approval of the plan by the Board shall not constitute an acceptance by the Town of any proposed street, highway, park or other public open space.
5. The proposed subdivision shall conform to the Zoning Ordinance, Master Plan, and other pertinent federal, state and local laws or regulations.
6. Land of such character that it cannot be safely used for building purposes because of exceptional danger to health 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 hazard, until appropriate measures have been taken by the owner or his agent to lessen such hazards.

B. Erosion and Sediment Control Regulations

1. The Planning Board may require the submission of an erosion and sediment control plan for the purpose of controlling soil erosion and sedimentation in surface water resulting from site construction and development. In determining if a plan is required, the Planning Board shall consider the potential impact of the project and ascertain if any of the following conditions are proposed:
  - a. A cumulative disturbed area exceeding 20,000 square feet;
  - b. Construction of a street or road;
  - c. A subdivision of three or more buildable lots.
  - d. Disturbed critical areas.
2. The following standards shall be applied in planning for erosion and sediment controls:
  - a. All erosion and sediment control measures in the plan shall meet the design standards and specifications set forth in the "Erosion and Sediment Control Design Handbook for Developing Areas of New Hampshire" as amended and adopted by the Rockingham County Conservation District.
  - b. Whenever practical, natural vegetation shall be retained, protected or supplemented. The stripping of vegetation will be done in a manner that minimizes soil erosion.
  - c. Appropriate control measures shall be installed prior to removal of vegetation.
  - d. The area of disturbance shall be kept to a minimum. Disturbed areas remaining idle for more than thirty (30) days shall be stabilized.
  - e. Measures shall be taken to control sediment and retain it within the project area. Sediment in runoff water shall be trapped and retained within the project area using approved measures. Very poorly drained soils and waterbodies shall be protected from sediment.
  - f. Off-site surface water and runoff from undisturbed areas shall be carried non-erosively through the project area, or diverted away from disturbed areas where feasible.
  - g. Naturally occurring streams, channels, and wetlands shall be used for conveyance of runoff leaving the project area.
  - h. All temporary erosion and sediment control measures shall be removed after final site stabilization. Trapped sediment and other disturbed soil areas resulting from the removal of temporary measures shall be permanently stabilized within thirty (30) days.
3. The applicant shall bear final responsibility for the installation, construction, and disposition of all erosion and sediment control measures required by the provisions of this regulation. The Board may require a bond security in an amount and with surety conditions satisfactory to the Board, providing for the actual construction and installation of such measures within a period specified by the Board

and expressed in the security. Site development shall not begin before the erosion and sediment control plan is approved. Erosion and sediment control measures shall be installed as scheduled in the approved plan.

4. The applicant shall maintain all soil erosion and sediment control measures, including devices and plantings as specified in the approved plan, in effective working condition. Responsibility for maintenance by subsequent owners of the property on which permanent measures have been installed shall be included in the deed and shall run with the land. If the owner fails adequately to maintain such measures, the town shall have the authority to perform required maintenance. The cost of such work shall be borne by the owner.
5. Inspection shall be made by an agent of the Board during development to ensure compliance with the approved plan and that control measures are properly installed or performed and maintained. This shall be done at the expense of the developer.

C. Traffic Impact Analysis

1. Traffic Impact Analysis: All proposed subdivision development proposals shall be reviewed by the Board to ascertain that adequate provisions have been made by the owner of his/her agent for traffic safety. To facilitate this review, the applicant may be required to provide a traffic impact analysis when deemed necessary by the Board due to the size, location or any other traffic-generating characteristic of the development. Traffic impact studies shall address each of the following items:
  - a. Traffic circulation, access and egress, adequacy of adjacent streets and intersections, entrances and exits, traffic flow, sight distances, accident statistics, curb cuts, turning lanes, and existing or recommended traffic signalization.
  - b. Pedestrian safety, circulation, access and egress.
  - c. Off-street parking and loading.
  - d. Emergency vehicle access.
  - e. Off-site improvements necessitated by the development.
2. The Board may retain the services of a consultant qualified in traffic planning to review the traffic impact analysis and to ensure that adequate provisions are made in the development plan to reduce or eliminate those impacts. The Board may further require, pursuant to RSA 676:4 I(g), that the developer reimburse the Town for reasonable costs of this review. No plan shall be approved until such fees, if applicable, are paid in full.

D. Monumentation Requirements

1. All monuments adjacent to and in the subdivision shall be shown on the plat.
2. 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 line, and at all front lot corners in the subdivision to establish the boundary lines of lots upon the ground with reasonable permanence. Iron pipes at least four feet in length shall be set at all other lot corners, at each end of all curves, at the point where a curve changes its radius, and at all angle points in any line. 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.

3. Where the distance between monuments is greater than four hundred (400) feet, the Board requires iron pipes to be set at intervals of two hundred (200) feet.
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, all monumentation shall be in place before fifty percent (50%) of the surety held for the road construction is released; and
  - b. If the subdivision does not involve the construction of a roadway; all monumentation shall be in place prior to the signing of the subdivision plan by the Board Chairman; and
  - c. Once in place, a form certifying that the monumentation has been accurately installed shall be filed with the Board by the subdivider. The form shall contain the signature and seal of the licensed land surveyor that certified the placement of the monumentation.

E. Performance and Maintenance Collateral

1. Posting of Collateral

- a. Collateral shall be in a form and amount, and other conditions all satisfactory to the Board to insure for the Town the construction and installation of any required improvements within a period of time not to exceed three (3) years. The time limit for completion from the date of final approval shall be expressed in the collateral. The collateral shall remain valid and available until drawn upon by the Town or released in accordance the procedures specified below.
- b. The Board may further extend the time of three (3) years for completion when the reasons for delay were unforeseeable and beyond the reasonable control of the applicant. Any such extension shall be in writing and approved by a majority of the Board and shall only be granted after ensuring the validity, adequacy, and availability of the collateral for such extension. Any such extension shall be solely at the discretion of the Planning Board.
- c. The applicant shall file with the Board a detailed estimate of all costs of required street improvements, drainage structures, utilities, or other improvements. The Board may have the estimate reviewed by a professional consultant, if deemed necessary. The cost of this review shall be borne by the applicant. The Board, after considering the estimate, and other pertinent information, shall determine the amount of the performance security required.
- d. Collateralization shall comport with the "Policy for Collateralizing Performance Obligations," which is found in the Appendix of this document. As this policy may be occasionally updated, the most current version is available from the Planning & Zoning Department.

2. Release of Collateral

- a. The collateral shall be released in phases as portions of the secured improvements or installations are completed and approved by the Board, in accordance with the plan approved by the Board.

- b. The collateral shall not be released until the Board has certified after inspection that the required improvements have been completed in accordance with the approved plan. A fee, payable by the applicant, may be charged to cover the cost of professional consultation selected by the Board to assist in determining completion of all required work to the construction standards of the Town.

3. Maintenance Collateral

- a. Upon completion of the required improvements and acceptance by the Select Board, collateral covering maintenance of roads and other improvements shall be required for a period of three years from the date of acceptance by the Select Board. The amount of the collateral shall be equal to ten percent (10%) of (1) the cost of the improvement or (2) the amount of the original collateral, whichever is larger.

F. Special Flood Hazard Area Requirements

1. The Planning Board shall review the proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
2. The Planning Board shall require that all subdivision proposals and other proposed new developments greater than fifty (50) lots or five (5) acres, whichever is the lesser, include within such proposals, base flood elevation data.
3. Sufficient evidence (construction drawings, grading and land treatment plans) shall be submitted so as to allow determination that:
  - a. all such proposals are consistent with the need to minimize flood damage;
  - b. all public utilities and facilities, such as sewer, gas, electrical, and water systems are located, and constructed to minimize or eliminate flood damage; and
  - c. adequate drainage is provided so as to reduce exposure to flood hazards.

G. Regulations Governing Blasting and/or Explosive Demolition

1. Applications proposing blasting for any purpose shall comply with the Board's Regulations Governing Blasting and/or Explosive Demolition, included in the Excavation Regulations as Appendix F.

**SECTION X - CONSTRUCTION STANDARDS AND SPECIFICATIONS**

A. Street Design and Construction Standards

1. The arrangement of streets in the subdivision shall provide for the continuation of the principal streets in adjoining subdivisions or for their proper projection when adjoining property is not subdivided, and shall be of a width at least as great as that of the existing connecting streets. Any newly created street must connect with an accepted street in the Town of North Hampton.

2. No street or highway right of way shall be less than 50 feet in width and may be required to be more if a greater street width is warranted in the opinion of the Board. The apportioning of street widths among roadways, sidewalks, and possible grass strips shall be subject to the approval of the Board.
3. No dead-end or cul-de-sac streets shall be allowed; but if a street has a turn around at its end and said turn around contains at least a lot of legal size, the turn around will not be considered a cul-de-sac. No street that begins in North Hampton shall extend into another town without connecting with an existing street in that town.
4. The widths of blocks shall not be less than four hundred (400) feet.
5. Grades of all streets shall conform in general to the terrain and shall as far as practicable, not exceed 5% for major streets and 8% for minor streets. No street shall have a grade of less than 1/2 of 1%. All streets shall have a crown at the center with slopes of not less than 1/4" per foot from crown to sideline of surfaced roadway. The maximum grade within 100 feet of a street intersection shall be 3%.
6. Intersecting property lines at street intersections shall be joined by such curve of at least 20 foot radius. The minimum angle of two street intersections shall be 75 degrees.
7. The minimum centerline radius of curves and the maximum degree of curvature shall depend on the design speed and the slope of the road, as determined by Table V-6 of A Policy on Geometric Design of Highways and Streets 1984 by the American Association of State Highway and Transportation Officials.
8. Shrubbery, trees or other obstructions of street corners shall be subject to such regulations as the Board may require.
9. Streets which join or are in alignment with streets of abutting or neighboring properties shall bear the same name. Names of new streets shall be named by the Select Board.
10. Where access to a subdivision depends on use of an existing public street(s) which does not meet the standards established in these regulations, the applicant shall improve such public street(s) or contribute to the improvement of such public street(s), in a sum equal to the proportionate use his subdivision will impose on said public street(s), assuming that all lands served by said public street(s) will eventually be similarly subdivided.
11. The Select Board may agree to plow and to apply winter surface treatment to a street once the performance security has been released, in total or in part. However, the Town shall not be responsible for any damage resulting from such plowing or treatment. All repairs to streets prior to acceptance of the deed for the street by the Board of Selectmen shall be accomplished by the person or persons or other entity offering the street for acceptance by the Town.

B. Roadway Specifications

1. All streets shown on the plan shall be graded to a depth of not less than 12 inches with gravel, covered with not less than 6 inches of selected gravel and shall be surfaced with an application of not less than three inches of base and one inch of hot top all in accordance with the NH Department of Transportation specifications. Sidewalks, if required, shall be separated from the shoulders by curbing or at least three (3) feet of grass planting and shall be four (4) feet wide. A finished road shall consist of a minimum of twenty-four (24) feet paved (travel) surface, four (4) feet of graveled

shoulders on each side of pavement, and a gutter area capable of conducting water from one catch basin to another such that the minimum length between catch basins is 400 feet.

2. Within the "right-of-way" to be paved, all stumps, rocks and ledge shall be removed, and ledge (or ledge fill) shall be kept at least two (2) feet below the finished surface profile.
3. All road bounds, grades, and contours, as well as all drainage pipes, culverts, and facilities shall be installed by grades established by a qualified engineer and shall be checked and certified by him, and any necessary corrections made under his supervision before the same may be submitted to the Town for acceptance.
4. The sub-base or base course under each street pavement shall be constructed as follows:
  - a. The base course under each street shall be composed of (1) bank run gravel with no stones larger than 6 inches, compacted to a minimum thickness of 12 inches (2) Select gravel, compacted to a thickness of six (6) inches, in accordance with The State of New Hampshire Department of Transportation Specifications for Crushed Gravel.
  - b. Base course shall not be constructed during freezing weather or on a wet or frozen sub-grade.
  - c. Grading and rolling shall be required to provide a smooth, even, and uniformly compacted base which is compacted to a minimum dry density of 95 percent. Compaction shall be tested at the expense of the contractor by an approved laboratory designated by the Town.
  - d. A minimum slope from crown edge of pavement of the finished base course shall be 1/4 inch per foot.
  - e. All unsuitable material shall be excavated and brought up to grade with satisfactory material.
  - f. At all times during construction, the sub-grade and all ditches shall be constructed and maintained so that the roadway will be effectively drained.
  - g. In areas where unsuitable soils are encountered in the sub-base, the depth of the bank run gravel shall be more than twelve (12) inches as specified.
  - h. Materials used for gravel sub-base and crushed gravel base shall meet or exceed standards described in Standard Specifications for Road and Bridge Construction, State of New Hampshire, Department of Transportation, 1990 as amended. Gradation tests performed by an independent laboratory, approved by the state to perform such tests, will be required for each type of material and shall be paid for by the subdivider.

C. Drainage Specifications

1. All storm drainage pipes shall be not less than twelve (12) inches, and designed for a 100-year storm by a registered professional engineer. Catch basins shall be pre-cast or solid block four (4) feet in diameter and the outlet pipe at least 3 feet above bottom of barrel section, all in accordance with the latest edition of the New Hampshire Department of Transportation Specifications for Road and Bridge Construction.
2. The stormwater system shall include an adequate number and sizes of catch basins and/or drop inlets such that the maximum length for a ditch to a catch basin is 400 feet, and shall be designed by a registered engineer for a 100-year storm.

3. No stormwater pipe, catch basin, drainage inlet, or cellar floor drain, draining surface or subsurface groundwater shall be connected to the sanitary sewer system if and when one exists. All storm water pipes shall be inspected by the Town Engineer or Road Agent before being covered. A 24 hour notice will be required before inspections.
4. The subdivider shall show evidence that his stormwater drainage system will not cause flooding or excessive siltation of waters upon or adjacent to the subdivision. Easements for stormwater pipes or drainage ditches will be required when they will be crossing private land. These easements shall be deeded to the Town of North Hampton.

D. Water Lines

Whereas the Town is experiencing water contamination in individual wells, the following regulations are required:

1. When at the discretion of the Board it is feasible, a subdivider shall, at his expense, install a public water system, including necessary main extensions, in all streets shown on the plan.
2. In subdivisions where the Board does not require a public water system, the subdivider at his expense shall install mains, laterals to all lots, and connections for fire hydrants (all meeting water company standards) for future use when public water connection is available.

E. Inspections

1. The subdivider shall notify the Town Engineer and the Highway Agent as to the readiness for inspection of any such street at each stage of its construction. Approval or disapproval of any segment by the Town Engineer and the Highway Agent shall be in writing, with a copy to the Selectmen, and shall constitute only a recommendation relative to whether or not the Town shall accept the street concerned.
2. The following inspection schedule shall be abided by during construction of streets. The inspections shall be performed and documented for each item by a registered engineer retained by the Town at the expense of the developer.
  - a. Review of design engineer's layout and wetlands marking.
  - b. Inspection of clearing and grubbing and erosion control measures.
  - c. Inspection of fill placement. In-place compaction testing of fill is required every 3,000 square feet or as directed by the Town Engineer.
  - d. Inspection of drainage piping and buried utilities. Full time inspection is required, including the trench backfilling.
  - e. Inspection of sub-grade and slope work.
  - f. Inspection of gravel grade. Compaction testing of the gravel coarse is required every 200 linear feet of roadway.
  - g. Inspection of crushed gravel grade. Compaction testing of the crushed gravel coarse is required every 200 linear feet of roadway.

- h. Inspection of final ditch work, slope work, landscaping and erosion control measures.
- i. Inspection of headwall construction.
- j. Inspection of binder coarse paving. Full-time inspection will be performed during the paving. After the binder coarse pavement and all work required prior to that point has been completed, the Developer can request, in writing, a reduction of the roadway bond to the Selectmen. The exact amount of the bond reduction is to be determined by the Selectmen.
- k. Inspection of the wearing coarse pavement. Full-time inspection is required.
- l. Remaining work inspection by developer and Town Engineer.
- m. Final walk through inspection by the Town Engineer, Board of Selectmen, and Highway Agent.
- n. Follow-up inspection.

### **SECTION XI - ENVIRONMENTAL IMPACT ANALYSIS**

For any subdivision of land which creates more than ten (10) buildable lots, an Environmental Impact Analysis shall be required. The Planning Board may require the Analysis for a subdivision of less than 10 lots depending on location and the Board shall seek the opinion and advice of the Conservation Commission in determining whether to require said analysis.

The Environmental Impact Analysis shall be a written report that describes the impact of a proposed subdivision on the site and abutting properties. It shall describe, in precise technical detail, the features and limitations of the site and it shall analyze, in particular, the impact of the proposal on the following:

1. Soils: During the HISS Survey, as required by Section 409 North Hampton Zoning Ordinance, particular attention will be given to those soils having symbols of 5 or over and slopes classified as Class D or E.
2. Topography: Including particularly those areas with slopes of greater than 15%, low areas or depressions, and scenic vistas.
3. Vegetation: Delineate the limits of the disturbance of all vegetation, especially unusual or unique specimens as defined by Corps of Engineers and other applicable factors.
4. Fish and Wildlife: A study of the habitats supporting animal species with a particular emphasis on rare and endangered species; such as, but not limited to, waterfowl nesting areas and deer wintering areas.
5. Wetlands (as defined in North Hampton Zoning Ordinance): This study will include the effect on the natural biological function, general habitat for land and aquatic life as a sanctuary or refuge, drainage, value as storage area for storm or flood waters, impact on recharge areas, water purification, and other conservation considerations.
6. Surface Water Quality: A study or identification of watersheds, drainage patterns, surface water bodies and an analysis of the proposal's impact on surrounding properties.

7. Groundwater Quality and Quantity: A study that will include the impact on nearby wells and potential impact on aquifers and/or their recharge areas. The study will specify the location and distances from all public wells and their recharge areas and will further include the location of all abutter's wells.
8. Any other environmental factors that are deemed necessary of study and analysis by the Planning Board.

In the event that any item of the Section is found to be invalid, that the invalidity of one section shall not affect the invalidity of the remainder of the regulation.

## **SECTION XII - MANUFACTURED HOME PARKS**

- A. The owners or agents of any tract of land proposed for manufactured home park development shall submit to the Planning Board a site plan for the use and development of all or part of the tract as a manufactured home park. The Planning Board shall review the plan in accordance with procedures prescribed and thereafter shall prepare a report stating reasons for approval and disapproval.
- B. A manufactured home park shall have an area of not less than 15 acres.
- C. Manufactured home parks shall provide for individual manufactured home spaces, access driveways, parking and recreational space.
- D. Each manufactured home space shall be at least 10,000 square feet in area, shall have a minimum frontage on a paved access road of 80 feet and have a minimum depth of 125 feet.
- E. Each manufactured home shall be set back from the paved right-of-way 30 feet. No infringement by addition, attached or out-building is allowed.
- F. Each manufactured home shall observe a 12-foot side setback. No infringement of additions, attached or out-buildings is allowed.
- G. Each manufactured home lot shall observe a 15-foot road setback requirement. No infringements by additions, attached or out-buildings is allowed.
- H. Each manufactured home park shall maintain a 25-foot wide raised or planted buffer zone along public highways. If any woody growth exists on the perimeter of the boundaries, 25 feet of this shall be maintained as a buffer zone. Other buffers may be required by the Planning Board.
- I. Each lot corner shall be clearly delineated.
- J. A properly planned and integrated recreational or other open space area shall be part of the park or an addition to it. This area must represent at least 10% of the total park or addition and must be located so that it is accessible to all park residents.
- K. All disturbed areas within the bounds of the park shall be graded, receive loam and then be seeded or landscaped within six months of when the first lot is rented.
- L. All interior roads within a manufactured home park shall have a right-of-way at least 30 feet in width and a paved surface travel width of at least 20 feet.

- M. Two paved parking spaces, each at least 9 feet wide x 18 feet long shall be provided for each manufactured home space.
- N. Each manufactured home space shall have an attachment for water supply. The water supply source must meet all local and state regulations.
- O. Each manufactured home space shall have an attachment for sewage disposal. The method of sewage must be in compliance with all local and state regulations. The leach field shall not be located on the manufactured home site or any adjacent manufactured home space, unless the manufactured home space is at least 2 acres in size.
- P. An electrical source supply of at least 100 amps, 120/240 volts shall be provided for each manufactured home space. The use of underground utility installation shall be required.
- Q. Within the boundary of a manufactured home park, if there be bodies of open water, swimming pools, or severe marshy areas that in the opinion of the Planning Board represent a potential hazard to small children, the Board may require the developer to secure these areas by adequate fencing.
- R. The manufactured home park plan shall be consistent with the purposes of the Zoning Ordinance to promote health, safety, and general welfare.
- S. The manufactured home park and the buildings and appurtenant facilities shall be in a single ownership, or under management or supervision of a responsible lessee, or subject to other supervisory lease or ownership control as may be necessary to carry out the provisions of these regulations relating to manufactured home parks.
- T. Before approving a plan under this section, the Planning Board shall determine that the proposed use will not adversely affect the present or future character of the surrounding property and prescribe such additional conditions as may be necessary to secure the objectives of these regulations.

### **SECTION XIII - ADMINISTRATION AND ENFORCEMENT**

#### **A. General**

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

#### **B. Waivers**

1. Following a public hearing for which proper notice has been given to the general public and abutters, 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 site plan. When making its determination as to any waiver, the Board shall take into consideration the prospective character of the development and of abutting properties.
2. When the applicant desires the waiver of any provisions of the foregoing Regulations, he shall include a request therefore 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. 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 Board of 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. Conflicting Provisions

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. Effective Date

These revised regulations are effective as of March 20, 2018 and have been filed with the North Hampton Town Clerk.

## APPENDIX A

### Policy for Collateralizing Performance Obligations

#### Purpose

The purpose of this policy is to standardize the Planning Board's requirements for collateralizing performance obligations for conditionally approved site plans, subdivision plans, and excavation plans.

#### Definitions

Performance Security: The collateralization of obligations imposed by the Planning Board as conditions of site plan, subdivision or excavations approvals. Such collateral shall be in the form of cash, or letter of credit in accordance with the provisions set forth in the following policy.

#### General Provisions for Collateralization

1. All obligations imposed by the Planning Board as conditions of site plan, subdivision or excavation approval, with respect to itemized schedules of work to be performed, estimated costs and expected completion dates, including collateralization requirements, if any, shall be set forth in the Performance Security Agreement contained herein.
2. Proposed schedules of work, estimated costs and expected completion dates shall be reviewed by the Town's engineer, and the engineer's recommendation shall be given due consideration by the Board.
3. Estimates of the total cost of work in the schedule shall be increased by no less than 10% to cover contingencies, including unanticipated events and inflation over the period during which the work is to be completed.
4. Cash collateral shall be acceptable as performance security for amounts not to exceed \$5,000 and only under the terms and conditions stated below.
5. Letters of credit shall be acceptable as performance security in any amount provided that the letter of credit complies with the terms and conditions stated below.

#### Cash Collateral: Terms and Conditions

1. Applicant shall execute the Town's "Performance Security Agreement" that specifies the purpose of the security and rights of the Applicant and Town with respect to the collateral held in escrow.
2. Cash collateral shall be provided as cash and not in any other form, including "cash equivalents" such as CDs, bonds, stocks, or similar financial instruments.
3. It shall be held in escrow in a bank of the Town's choosing.
4. It shall be held in an account designated as an escrow account solely for the purposes specified in the Cash Performance Security Agreement.
5. The account shall be separate and apart from accounts holding assets of the Town and shall NOT be commingled with the Town's assets.

6. Interest on cash held in escrow shall be held in the escrow account until released according to the terms and conditions of the Cash Performance Security Agreement.
7. Applicant shall not be named in the title of the account.

#### **Letters of Credit: Terms and Conditions**

1. Applicant shall execute the Town's "Performance Security Agreement that specifies the purpose of the security and rights of the Applicant and Town with respect to the letter of credit.
2. The letter of credit shall be issued by a major bank in the State of New Hampshire – e.g., TD Bank, Bank of America, Citizens Bank.
3. The letter of credit shall specify conditions under which the Town may draw on the letter of credit and requirements for the Town to draw on it –e.g., a sight draft and certification of work for which the draw is required.
4. The letter of credit shall provide for the Town to draw on the letter of credit upon certification of a default by the Applicant in general terms -- e.g., "a default has occurred pursuant to provisions set forth in the approval of the plan titled XXXX conditionally approved by the North Hampton Planning Board on [DATE]."
5. The letter of credit shall be irrevocable.
6. The letter of credit shall be "evergreen" and shall provide that:
  - a. The Issuer must give notification of not less than 90 days prior to allowing the letter of credit to expire, and
  - b. in the event that the Issuer gives notice of intent not to renew the letter of credit at expiration, the letter of credit may be fully drawn prior to the expiration date upon presentation of a sight draft only.
7. The letter of credit shall provide for partial drawings.
8. The Town may hold as a cash collateral any amount drawn in excess of the amount from time to time due and owing and shall not be obligated to return amounts, if any, so drawn to the issuing bank of the letter of credit unless and until the obligations to which the letter of credit relates of the Applicant have been fully performed by the Applicant and accepted by the Town.
9. The sole right of the issuer of the letter of credit to any amount drawn excess of the amount from time to time due and owing shall be an unsecured right to receive such amount, if any, upon the full and final completion of the obligations of the Applicant whose performance is assured by the letter of credit.