

## **2009 SUBDIVISION REGULATIONS**

### **FOR THE**

### **TOWN OF LEE, NEW HAMPSHIRE**

Effective March 14, 1962, amended October 13, 1969, June 11, 1975, May 14, 1980, February 4, 1981, September 30, 1981, December 14, 1983, October 23, 1986, April 22, 1987, November 8, 1989, February 9, 2000, January 10, 2001, January 9, 2002, January 15, 2003, June 16, 2004, January 12, 2005, May 10, 2006; June 28, 2006 and May 13, 2009.

#### **Section I Authority**

Pursuant to the authority vested in the Lee Planning Board by the voters of the Town of Lee and in accordance with the provision of Chapter 36, Section 19-29, New Hampshire Revised Statutes Annotated, 1955 and as amended Chapter 672:14, 1981, the Lee Planning Board adopts the following regulations governing the subdivision of land in any subdivision irrespective of the type of housing to be located in each subdivision. The subdivider of the land under consideration is responsible for being familiar with the requirements and conforming to all provisions herein.

#### **Section II Definitions**

2:01 Abutters: Shall mean any person whose property adjoins or is directly across the street or stream from the land under consideration by the Planning Board, including that located in another town.

2:02 Acceptance of Application by the Board: Shall mean the receipt and signing of an application and review of plans at a formal meeting of the Planning Board where abutters have been notified and notice has been posted.

2:03 Approval: Shall mean the recognition by the Planning Board, certified by written endorsement on the plan, that the final plan submission meets the requirements of these regulations and satisfies good planning and design.

2:04 Approval, but not for building: Shall mean subdivision of a portion thereof, not intended for building development but which may be designated and approved as a subdivision or subdivided lot upon which building is not permitted.

2:05 Board: Shall mean the Planning Board of the Town of Lee, New Hampshire.

2:06 Driveway: Shall mean any designated vehicular access from a single house lot to a public right-of-way or private road. The Planning Board may allow a single driveway to service two house lots, but in no instance shall a driveway be substituted for a private road.

2:07 Final Plan: Shall mean the final drawing on which the subdivider's plan of subdivision is indicated, prepared as required under the provision of Section 4:07 herein.

2:08 Flood Hazard Zone: Shall mean areas identified as Special Flood Hazard Areas on the Flood Insurance Maps for the Town of Lee by the Federal Emergency Agency for Strafford County.

2:09 Mobile Home: Shall mean any structure, transportable in one or more sections, which in the traveling mode is eight (8) body feet or more in width and forty (40) body feet or more in length, or when erected on site, is 320 square feet or more and which is built on a permanent chassis and designed to be used as a dwelling with or without permanent foundation when connected to required utilities.

2:10 Modular Home: (Presite Built Housing) Shall mean any structure designed primarily for residential occupancy which is wholly or in substantial part made, fabricated, formed or assembled in off-site manufacturing facilities in conformance with the United States Department of Housing and Urban Development minimum property standards and local building codes for installation or assembly and installation on the building site. This shall not include mobile homes.

2:11 Net Developable Land Area: Shall mean the entire acreage less: (1) Land with slopes in excess of 15%; (2) Land within the Flood Hazard Zone; (3) Land within

the Wet Soils Conservation Zone; (4) Land dedicated to public utility easements or public rights-of-way.

2:12 Official Map: Shall mean the adopted street or base map of the Town of Lee, New Hampshire.

2:13 Preliminary Plan: Shall mean a plan prepared as required in Section 4:06 herein and submitted to the Board prior to the preparation of a final plan.

2:14 Resubdivision: Shall mean the combination of two or more separate land parcels to create one or more divisions. All regulations herein shall apply to resubdivision of land as well as to the subdivision of land.

2:15 Street or Road: Shall mean a public right-of-way. The word "street" shall include the entire right-of-way.

2:16 Street Frontage: Shall mean a marginal roadway parallel and adjacent to a thoroughfare to provide access to abutting properties.

2:17 Street, Private: Shall mean any road or street where the right-of-way is not held by either a town or the State of New Hampshire.

2:18 Subdivider: Shall mean the owner of record of the land to be subdivided including any subsequent owner of record making any subdivision of such land or any part hereof, or the authorized agent of any such owner.

2:19 Subdivision: Shall mean the division of a lot, tract or parcel of land into two or more lots, or other divisions of land for the purpose, whether immediate or future, of sale, rent, lease, condominium development or conversion or of building development thereon. Mobile Home Parks and Mobile Home subdivisions are also included herein.

2:20 Undevelopable Land: Shall mean land designated as (1) Flood Hazard Zone; (2) Wet Soils Conservation Zone; (3) Land with slopes greater than 15%; (4) Land dedicated to public utility easements or public rights-of-way.

*2:21 Wet Soils<sup>1</sup> Shall mean those soils classified as poorly or very poorly drained as defined by the Soil Drainage Class Interpretive Limits section of Site-Specific Soil Mapping Standards for New Hampshire and Vermont, Version 2.0 January, 1999, published by the Society of Soil Scientist of Northern New England (SSSNNE Special Publication #3), or the current version of this publication. Agricultural waste storage facilities, constructed and operated in accordance with NHDAMF (New Hampshire Department of Agriculture Markets and Food) best management practice guidelines, shall not be construed as a wet soil area for the purpose of this ordinance.*

### **Section III General Character of the Land for Subdivision**

**3:01 Character of the Land for Subdivision:** All land to be subdivided shall be, in the judgment of the Board, of such a character that it can be used for building purposes without danger to the public health and safety, or undue harm to the environment. Subdivision shall provide for the harmonious development of the municipality and its environs.

Land subject to periodic flooding, poor drainage, or other hazardous conditions, shall not ordinarily be subdivided. Land without capacity for sanitary sewage disposal shall not be subdivided unless connected to public sewers. Land characterized as undevelopable (See Section 2:20) shall not comprise more than twenty five percent (25%) of the tract or parcel. When the undevelopable land exceeds 25%, density of development shall be reduced accordingly. (For example, in a twenty-acre parcel, 33% of which is Wet Soils, condominium or cluster development would be permitted but only nine units.)

Premature and scattered subdivision of land, which in the opinion of the Planning Board would involve danger or injury to health, safety or prosperity by reason of the lack of water supply, drainage, transportation, or other public services, or necessitates an excessive expenditure of public funds for the supply of such services, shall not be permitted.

To be granted approval, individual lots shall allow development of access driveway, dwelling and/or other structures without the creation of health or safety hazards to the general public or to inhabitants of proposed dwellings.

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<sup>1</sup> Amended March 2005

Plans for subdivision of land shall conform with all regulations of the Board, Zoning Regulations, the Sanitary Code and other applicable bylaws, ordinances and regulations at both the state and local levels.

The subdivider is responsible for obtaining and complying with all pertinent ordinances of the Town of Lee. Waivers to the Subdivision Regulations may be granted only by majority vote of the Planning Board upon finding that said waiver will:

- (1) Be in the public benefit;
- (2) Optimize good land use planning, and promote public health and safety.
- (3) Not adversely impact abutting property.

Any such waiver requirement shall be in writing stating reasons why such waiver should be granted and include recommendations from appropriate state and local officials and any necessary technical information to justify such waiver.

**3:02 Reserved Strips:** No privately owned reserved strip, except an open space area, shall be permitted which controls access to any part of the subdivision or to any parcel of land from any street, or from any land dedicated to public use, or which may be so dedicated.

**3:03 Preservation of Existing Features:** Due regard shall be given to the preservation and protection of existing features, trees, scenic points, brooks, streams, rock outcroppings, water, groundwater supply, and other natural and historical resources within the subdivision.

**3:04 Preservation of Wet Soils:** Subdivision of wetland areas shall be approved only in accordance with Article XII of the Lee Zoning Ordinance in order to prevent the development of structures of land uses which will contribute to pollution of surface and groundwater by sewage or toxic substances. Wet Soils shall be delineated as stated in Section 4:06 herein and treated as undevelopable land.

**3:05 Flood Hazard Areas:** All subdivision proposals and proposal for other developments governed by these regulations having lands identified as Special Flood Hazard Areas in the "Flood Insurance Study for the Town of Lee, New Hampshire" together with the associated Flood Insurance Rate Maps and Flood

Boundary and Floodway Maps of the Town of Lee, dated April 2, 1986 or later revisions shall meet the following requirements:

1. Subdivision proposals and other 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 and other proposed new developments greater than five acres shall include 100-year flood elevation data.
3. In riverine situations, prior to the alteration or relocation of a watercourse, the applicant for such authorization shall notify the New Hampshire Civil Defense Agency, Wet Soils Board, and submit copies of such notification to the Planning Board and the Federal Emergency Management Agency. Further, the applicant shall be required to submit copies of said notification to those adjacent communities as determined by the Planning Board.

With the altered or relocated portion of any watercourse, the applicant shall submit to the Planning Board certification provided by a registered professional engineer assuring that the flood carrying capacity of the watercourse has been maintained.

**3:06 Trees and Landscaping:** The Board may require additional tree planting and other landscaping appropriate to the area being developed. Removal of stripped topsoil or surplus materials for the subdivision area shall not be permitted unless in accordance with the Zoning Regulations of the Town of Lee, (Earth Removal Regulations). Existing trees on lots and open space land shall be preserved wherever feasible, or unless otherwise directed by the Board.

**3:07 Development of Open Space:** On land to be used as active recreation open space, undesirable growth and debris shall be removed. Wooded and brook areas shall be graded properly to dispose of surface water, and shall be seeded with appropriate cover crop. There shall be no depositing, dumping, storage or waste, or other natural or man-made materials, supplies, removal or filling, nor

shall the existing natural characteristics of open space land be altered from the original conditions, until a site plan has been approved by the Board.

The Board may require that the subdivision plan show locations or adequate proportions suitable to be used as community open space or park. In the case of cluster subdivision or planned unit development, open space shall not be less than 25% of the total land area and shall be accessible and usable to all members of the cluster community. Such areas of open space, whether privately or publicly owned, shall have a sufficient legal restriction recorded in the Registry of Deeds to assure permanence of use as open space. Open space land in private ownership shall be deeded in such a way that it will assure the operation or maintenance of the land in a orderly manner suitable for the purpose intended.

**Section IV Procedure for Subdivision Approval (Refer to the Diagram on Page 19 herein.)**

4:01 Compliance with the Regulations: No subdivision of land shall be made, and no land in any subdivision shall be sold or offered for sale or lease, and no street or utility construction shall be stated until a final plan, prepared in accordance with the requirements of these regulations, has been approved by the Board and other required permits have been issued. The subdivider is responsible for adherence to all state and local regulations relative to health, building, roads, Wet Soils, and other pertinent data.

4:02 Informal Consultation: A developer or landowner wishing to subdivide is encouraged to meet with the Board or its representative to discuss the proposal in broad outlines before proceeding further. The subdivider may ask the Board for assistance in the preparation of applications or plans. The subdivider may request that special work sessions be held with the Planning Board anytime during the planning process.

4:03 Submission of the Application: The completed application for subdivision approval must be filed with the Planning Board at least thirty (30) days prior to the meeting at which the application is to be formally accepted. If all the requirements of the Board have been met, the Board shall notify abutters and the general public ten days before the meeting. Notice shall include a general description of the proposal, which is the subject of the application and shall identify the applicant and the location of the subdivision. Fees for notices are

required from the applicant at the time of filing. The application for subdivision approval must be completed as required, including the signed and completed application for, a list of abutting property owners and their addresses, fees, soil testing and a preliminary plan.

4:04 Soil Testing: If the subdivision is to be for building purposes, the subdivider shall perform soil tests as outlined in the Lee Building Regulations, Section X, for each lot proposed. The leach bed must be located on the same tract as the primary use. The subdivider shall arrange for an on site inspection of the test pits by an approved soils scientist and a designee of the Planning Board. The soil scientist is employed by the Town, but shall be paid by the developer. The data shall be submitted by the soil scientist to the Board on the required forms and all test pits which have been dug shall be identified on the plans.

(1) The leach bed in a conventional subdivision must be located on the same tract as the primary structure.

(2) In any other type of development (cluster, condominium, commercial, etc.) a community septic system shall be constructed in accordance with New Hampshire Water Supply and Pollution Control Commission regulations. Said system shall be located on common land and shall be accessible to all lots. Alternative sites shall be designated on the plans for all community systems.

(3) Sufficient area to accommodate raised mound system to the toe of the slope shall be designated on the plans for all community systems.

(4) Nutrient loading analyses shall be subject to engineering review.

4:05 Wells: Any well to service more than one lot (or two dwelling units) must be designed and approved in accordance with WSPC standards for Community Systems. Alternative sites must be designated for all community systems proposed.

4:06 Application Acceptance: The Planning Board shall formally accept the application for subdivision at a regular public meeting of the Board for which the abutters have been notified. A receipt shall be issued to the applicant. The Planning Board must then begin formal consideration of the completed application and the application must be approved, denied, or approved with modifications within sixty-five (65) days. After the application has been accepted, minor modifications may be made at the recommendation of the Planning Board and/or as the result of technical information submitted. Any major changes shall require the filing of a new application. Such changes may include (but are not limited to):

- (1) Additional lots;
- (2) Road layout including lot frontage;
- (3) Conversion of housing type (conventional or cluster).

The applicant may request one sixty-five day extension. At the end of 130 days the Planning Board shall vote to deny the application for insufficient information if the applicant has not completed his submission. A new application must be filed in compliance with current ordinance requirements and with appropriate application fees.

Preliminary Plan: At the public meeting, the applicant describes in detail with preliminary and (perhaps) alternative plans what he intends to do. The Planning Board shall identify any information (in addition to that which is outlined herein) needed from the applicant and the abutters as outlined in Section 4:03. Reasonable fees may be imposed by the Board to cover administrative expenses and costs of any special investigative studies. Such fees must be paid in full prior to formal plan approval.

The preliminary plan submission shall cover the entire area of the tract, and shall indicate the approximate outline and sequence of those portions of the tract for which subsequent final plans will be submitted. The preliminary plan shall include a graphic representation of the property showing a delineation of steep slopes, Wet Soils and other natural constraints of the land.

All of the following information shall be contained on the preliminary plan:

- 1) The name of the municipality and subdivision, name and address of the subdivider (property owner) and designer.
- 2) Boundaries and area of the entire parcel, whether or not all land therein is to be subdivided; all property surveys shall show a mathematically closed figure with closed bearings and distances for each side with appropriate tie along meander side, areas, description of bounds and whether found or set with corresponding date, ties, for bounds where practical, reference meridian; other natural and man-made landmarks. The plan shall show sufficient ties to adjoining properties to enable future surveyors to recreate the parcel concerned. Relation to the parent tract(s) shall be precisely determined and shown.
- 3) True North Point.
- 4) Bar Scale.
- 5) Date and dates of any revisions.
- 6) Book and page of deed description in county record.
- 7) Reference to any and all plans reviewed in relation to this project.
- 8) Legend with sufficient information to enable a layman to identify stonewalls, wire fences, and other natural and man-made landmarks.
- 9) Names and addresses of abutting property owners including book and page or other sources of title.
- 10) Location of all existing buildings.
- 11) Location of existing and proposed streets and road, right-of-way lines, widths of streets or roads, proposed names of new streets or roads (subject to the approval of the Selectman) existing and proposed lot lines.
- 12) Location of existing and proposed easements and encumbrances whether public, private or utility, right-of-way limits, deed restrictions, open space, rock outcroppings, natural watercourses, foliage lines and significant natural and man-made features, water mains, sanitary ways and flood prone areas.
- 13) Location of existing and proposed lines for telephone, electrical and gas utilities.
- 14) Boundaries of zoning districts and Wet Soils Conservation Zone, Shoreline Conservation District lying within the subdivision; municipal boundaries, if any.
- 15) A site location map at the scale of 1:660' locating exactly the subdivision boundary and proposed streets or roads in relation to at least two existing

intersecting streets or roads or other features as shown on the official map.

- 16) Location of all attempted test pits, numbered.
- 17) A statement of work required in existing streets to meet the maximum standards set herein including cost estimates and the method of meeting such costs.
- 18) Existing and future subdivision, if any, in an adjacent to the future use and any potential development of any back acreage in a rough outline form.
- 19) Preliminary statement and drawing with five foot contour intervals to show clearly the method of storm water drainage for the subdivision.
- 20) Methods of sanitary sewage disposal and obtaining water supply in accordance with the Lee Building Regulations. The developer must be able to demonstrate that all sewage effluent will be dispersed before leaving the property lines.
- 21) Preliminary water shed area and drainage computations.
- 22) Preliminary road profiles and cross-sections.
- 23) Approval from any other municipal, state, or federal agencies which may have jurisdiction including review by the police chief, road agent and fire chief.
- 24) Location of proposed cistern(s) shall be shown on the plan and a test pit dug within the area of the proposed cistern and logged by a certified soil scientist to indicate water table and ledge. If the water table and/or ledge is encountered that will impact the installation of the cistern, then an engineered plan to correct the problem must be submitted for review. Access to the cistern will also be shown on the plan.
- 25) Preliminary protective covenants, if any.
- 26) A current tax map portion sufficient to identify all the abutting properties.

At the decision of the Planning Board, where the previous use of the property, the natural land restrictions or other conditions exist, special studies may be required. Special studies include (but are not restricted to) the following:

- 1) Nutrient loading analysis
- 2) Hydro geological studies
- 3) Pesticide studies of soil and groundwater
- 4) Environmental impact analysis
- 5) Traffic impact analysis

- 6) Economic Impact analysis
- 7) High Intensity Soils mapping
- 8) Wet Soils Mapping
- 9) Soil or water analysis

These studies will be performed for the town by a professional consultant; all costs will be borne by the developer.

A subdivision or a subdivided lot designated "not for building purposes" may have portion of this section waived by the Planning Board. In this event, any approvals on the final plans will be designated by the Board as an approved subdivision "not for building purposes". Future building on such lots may be authorized by the Planning Board only if all the necessary requirements are subsequently met.

**4:07 Public Hearing:** No application for subdivision consideration shall be approved or disapproved by the Planning Board without affording a public hearing thereon unless excepted below. All abutters and the applicant shall be notified of said hearing by certified or registered mail not less than ten days before the date fixed therefore. The notice shall state the time and place of such hearing. At the hearing, the applicant, any abutter or any person with a direct interest in the matter may testify in person or in writing. Other persons may testify as permitted by the subdivision regulations or by the Board at each hearing.

The public hearing may be waived when the Board is considering or acting upon:

- (1) Minor lot line adjustments or boundary agreements which do not create building lots, except that notice to abutters shall be given prior to the approval of the application in accordance with the above listed requirements and any abutter may be heard on the application upon request; or
- (2) Disapproval of "plans" based on the failure of the applicant to supply information required by the regulations, including abutters identification; or failure to meet reasonable deadlines established by the Board; or failure to pay costs of notice or other fees required by the Board.

- (3) Proposals which do not involve creation of more than one lot for building purposes may (at the discretion of the Planning Board) be subject to expedited review as provided in RSA 676:4 with application acceptance and public hearing at one or more board meetings but no application for subdivision shall be approved without the full notice to the abutters and public.

### Final Plan

The final plan shall be submitted for review at the public hearing. The final plan shall be in permanent black ink, on a permanent reproducible linen or polyester film. It shall be submitted in one original, and three (3) blue (black) line prints on paper. (When a road is involved, five (5) copies will be required.) Sheet size shall be in accordance with the requirement of the Register of Deeds, but not smaller than 17" x 22". Space shall be reserved on the plan for endorsement by all appropriate agencies. The final plan shall contain the following stated: "The Subdivision Regulations of the Town of Lee are a part of this plan, and approval of this plan is contingent upon completion of all requirements of said Subdivision Regulations, exception only modifications made in writing by the Board and attached hereto."

The following information shall be submitted either on the final plan or attached thereto:

- 1) All data required from the preliminary plan submission.
- 2) Names, address, seal, signature of the engineer (where required) and of the land surveyor, both licensed by the State of New Hampshire;
- 3) The following statement with the surveyor's signature affixed thereto: "I certify that this survey and plan was prepared by me or by those under my direct supervision."
- 4) Final disposition of land into lots, streets, open spaces, drainage courses and any easement running with the land. The subdivision plan shall be based on a boundary survey of the entire parcel of land under consideration, with a maximum error of closure of 1 in 10,000, certified by a surveyor registered in the State of New Hampshire, distances shall be to the nearest 100th of a foot

and bearing to the nearest thirty (30) seconds. The date of the survey shall be recorded.

- 5) Stations, radii, curve data and paving widths for proposed streets or lots;
- 6) Lot dimensions, areas in square feet and acres, consecutive numbering of lots;
- 7) Accurate locations of all easements, either on or off the site, a written acknowledgment of the sub divider's responsibility for maintenance and the assumption by him of liability for injuries and damages, that may occur on any land to be dedicated for public use, until such land has been legally accepted by the town;
- 8) Approved names of proposed streets and roads. Names should be selected for historical significance or from the chain of title, where possible;
- 9) Accurate locations of all permanent monuments to be set at street intersections, points of curvature, points of tangency of curved streets, at angles of lots and at all other corners. Monuments shall be a minimum of three-foot iron state or iron rod, granite bounds with surveyor's disc or concrete bounds. All monuments shall be set in the field by a licensed land surveyor employed by the applicant and shown as set on the final plan ("I.P. Set").
- 10) Existing and proposed plans for telephone, electricity, gas and other utilities, wherever possible power lines should be placed underground. On scenic roads and on existing roads where there are no power lines, these must be placed underground, properly marked and outside of the town's right-of-way. One (1) plan shall be submitted showing all the utilities and two (2) plans shall be submitted showing each separate utility being provided for the development. The second plan will be submitted to the highway department for future reference. Upon completion of the project, Four (4) As- built plans shall be submitted showing final street design, drainage, and all utilities. <sup>4</sup>
- 11) Existing and proposed contours at the intervals determined by the Board as needed as a result of the preliminary plans (usually at two foot intervals).
- 12) Proposed methods of sanitary sewage disposal and computations thereof;
- 13) Final storm drainage plans accompanied by a drainage analysis map and computations by a licensed engineer for the entire watershed area; this shall be for a minimum ten year storm plan.
- 14) Methods of water supply;
- 15) Final road profile and cross sections shall be submitted wherein:

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<sup>4</sup> Amended June 2006

- a. The profile is plotted along the centerline of the roadway;
- b. Sequentially labeled fifty (50) foot intervals along the profile line, cross sections which extend the full width of the right-of-way and any slope easements shall be noted.
- c. Said cross sections to be submitted shall be one cross section for each fifty foot interval shown on the profile and labeled accordingly;

16) A design for run-off ensuring that there will be no increase in off-site run-off and no erosion and sedimentation during or after construction.

17) Any landscaping proposed within the Town's 60' (sixty foot) right of way shall be shown on a separate plan submitted for approval. <sup>4</sup>

At the time of the public hearing, the following additional information must also be submitted to the Board before final plans will be approved:

- 1) State subdivision approval for lots less than five acres;
- 2) State or local access approval;
- 3) Wet Soils Board approval (Dredge and Fill) where applicable;
- 4) Any necessary special exceptions or variances;
- 5) State erosion and sediment control approval;
- 6) Proposed development schedule;
- 7) Final copies of any special studies or analyses requested pertaining to pesticides, nutrient loading, impact statements, traffic, soil, water or other;
- 8) Fire Protection plans;
- 9) Statement or review from the Police Chief, Fire Chief, and Road Agent;
- 10) Protective covenants and homeowners associations agreements, where applicable;
- 11) Numbering of subdivision lots for postal service and emergency location approved by the Board of Selectmen;
- 12) Groundwater permit;
- 13) Approval from the Water Resources Board for ponds and dams;
- 14) Approval from the N.H. Water Supply and Pollution Control Commission for any community water supply;
- 15) A reduced copy of the final plan to a 1" = 200' scale for the purposes of updating the local tax maps;

16) Paid receipts from the soil scientist certifying payment for the services rendered.

17) Where a new road is proposed, lots shall be numbered to comply with postal numbering (odd numbers left, even numbers right).

**4:08 Action of the Board:** Within ninety (90) days of the acceptance of the application for subdivision, the Board shall approve, recommend modifications for approval, or disapprove the final plan, unless the time for action has been extended an additional ninety (90) days by the Selectman of the Town of Lee. Reasons for disapproval for a final plan shall be stated in the records of the Board. Approval shall be certified by written endorsement on the plan and signed by the Chairman and/or Secretary of the Planning Board. The applicant will be notified in writing within seventy-two (72) hours of the decision of the Board stating the reasons for approval or disapproval of the final plan.

The applicant may waive the requirement for the Planning Board action within the time period specified and consent to such extension as may be mutually agreeable. The extension agreed upon must be made in written form signed by both the applicant and the Planning Board Chairman and specify the date by which the Board's decision is due.

**4:09 Failure to Act:** If the Planning Board has not obtained an extension from the Selectmen of the Town of Lee, as described in Section 4:08 herein, and has not taken action to approve or disapprove the plan, the applicant can seek an order from the local Board of Selectmen directing the Board to decide within fifteen (15) days. Failure to issue the directive allows the applicant with just cause to invoke action by the Superior court. If the court determines that the proposal complies with existing subdivision regulations, zoning and other ordinances, and if the court determines that the failure to act within the time as specified was the fault of the Planning Board and was not justified, the court may order the Planning Board to pay the applicants reasonable costs, including attorney's fees, incurred in securing such order.

**4:10 Performance Bond:** No subdivision plan filed with the Board shall be approved until the subdivider has filed with the Board an engineer's estimate of costs of streets and roads, public improvements, drainage structures, and other utilities, together with maps, plans and supporting data. The Board may also require bonding for fire protection, community septic and water systems, and

landscaping or for any existing public roads or facilities which may be disturbed or damaged during the construction related to the proposed development.

A performance bond will be required by the Board to be filed with the Board of Selectmen after consultation with the Planning Board in an amount satisfactory to ensure the completion of the bonded projects. The performance bond may be in the form of a surety bond, issued by a surety company authorized to do business in the State of New Hampshire and/or any combination thereof. The amount of the performance bond shall include fees for inspection of improvements by the appropriate town agents and consultant's fees and others costs which may be incurred.

Upon completion of improvements and approval by the town agent, surety-covering maintenance of roads and improvements for a period of two (2) years from completions will be required in an amount based upon the cost of such improvements (usually 25% of the total bond). The performance guarantee shall not be released until the Board of Selectmen (after the appropriate inspection) have certified completion of the improvements in substantial accordance with the requirements. No construction of roads or sale of lots shall take place until a bond is posted and accepted by the Selectmen after consultation with the Planning Board. Building permits will not be issued until completion of the base course of paving (See Section 5:03 herein). An Occupancy Permit will not be issued until the driveway is completed and approved (See Section VI herein).

**4:11 Off-site Improvements:** Developers may be required to bear their fair share of the costs of off-site improvements made necessary by the developer. The percentage of the contribution for such improvements will be calculated taking into consideration the following factors: (1) current level of use; (2) anticipated level of use; (3) burden imposed by the development; (4) benefits occurring to the developer; (5) proportion of use resulting from the development.

**4:12 Acceptance of Streets:** New roads may come into being only if the new roads meet the requirements as set forth in the Lee Subdivision Regulations Section V and are approved by the Planning Board and the Selectmen. No street or road will be accepted by the Town of Lee until such a time as all improvements have been carried out as shown on the final plan in accordance with these regulations and subject to any conditions of approval established by the Board at the time of final plan approval.

**4:13 Legal Data Required:** Where applicable to a specific subdivision the following are required in a form as approved by the Town Attorney prior to the approval of a subdivision plan:

- 1) Agreement to convey to the town land to be used for streets and other public purposes, with transfer of title to such interest to be effective on such date as the Town accepts and land by vote of town meeting.
- 2) Easements and right-of-way over property to remain in private ownership rights to drain onto or across other property, whether public or private, including a street or road.
- 3) Performance Bond as described in Section 4:10.

**4:14 Compliance Hearing:** In accordance with RSA 676:4, a compliance hearing will be held when final approval has been granted contingent upon conditions. If all of the conditions are technical (modifications to the mylar, state approvals, etc.), a hearing need not be conducted by the Board. The Mylar may be signed and filed by the designated officer of the Board when all conditions are met. A compliance hearing must be held when there are a number of conditions for approval or when information which requires Board review and approval must be supplied.

Following a conditional approval, applicant shall have ninety (90) days to satisfy all conditions of approval. Failure to do so shall result in denial of said subdivision application.

**4:15 Filing with the Registry of Deeds:** An approved subdivision plan shall be recorded with the Registry of Deeds of Strafford County by the Town prior to any sale or transfer of land within the subdivision. Any costs for filing shall be borne by the applicant and shall be paid to the Town upon endorsement of the final plan, prior to the recording.

**4:16 Official Map:** Recording of an approved subdivision plan shall not constitute acceptance by the Town of any street, private road, easement or open space shown thereon. The recording of subdivision plans which have been approved, as provided herein shall, without further action, modify the official map in accordance therewith.

## **Section V Street Design and Construction Specifications**

5:01 Street Design: Proposed street shall be in harmony and conform with existing and proposed streets. Street patterns shall give due consideration to contour and natural features. Streets should be designed according to the following principals:

- 1) Minimize the overall length;
- 2) Avoid through traffic on residential streets;
- 3) Provide access easily to emergency and service vehicles; and 4) Provide safe and convenient access to residences.

Where required by the Board, provisions shall be made for extension of the street patterns to abutting undeveloped property. Every proposed street in a subdivision including pavement, drainage facilities, curbs, sidewalks and bicycle paths, when required, shall be laid out and constructed as required by these regulations. All road plans shall be approved by the town engineer or the road agent prior to final approval by the Planning Board.

### Design Criteria

- 1) No street or highway right-of-way shall be less than sixty (60) feet in width. The necessary land shall be deeded to the town.
- 2) No subdivision approval shall permit more than three accesses onto any existing road. No more than two accesses shall be allowed from any one parcel of land unless frontage along the public right-of-way exceeds 500 feet.

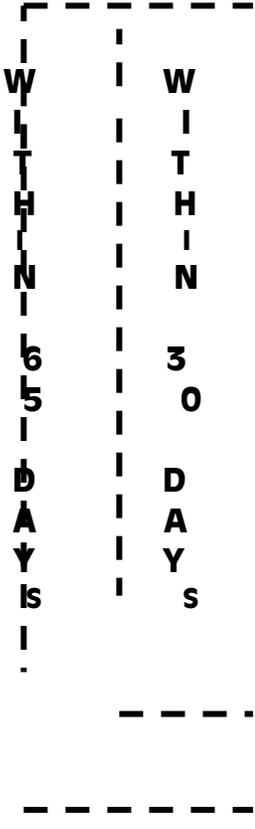
**Procedure for Subdivision Approval**

**Consultation with the Planning Board (optional)**

**Submission of:  
Application for Subdivision  
Fees  
List of Abutters  
Preliminary Plan  
  
Arrange for Soil Testing**

**Minimum Ten Days Notification Time**

**Public Meeting with the Planning Board for:  
Acceptance of Application  
Review and discuss Preliminary Plan  
Review and Discuss Preliminary Plan  
Review and Discuss Checklist**



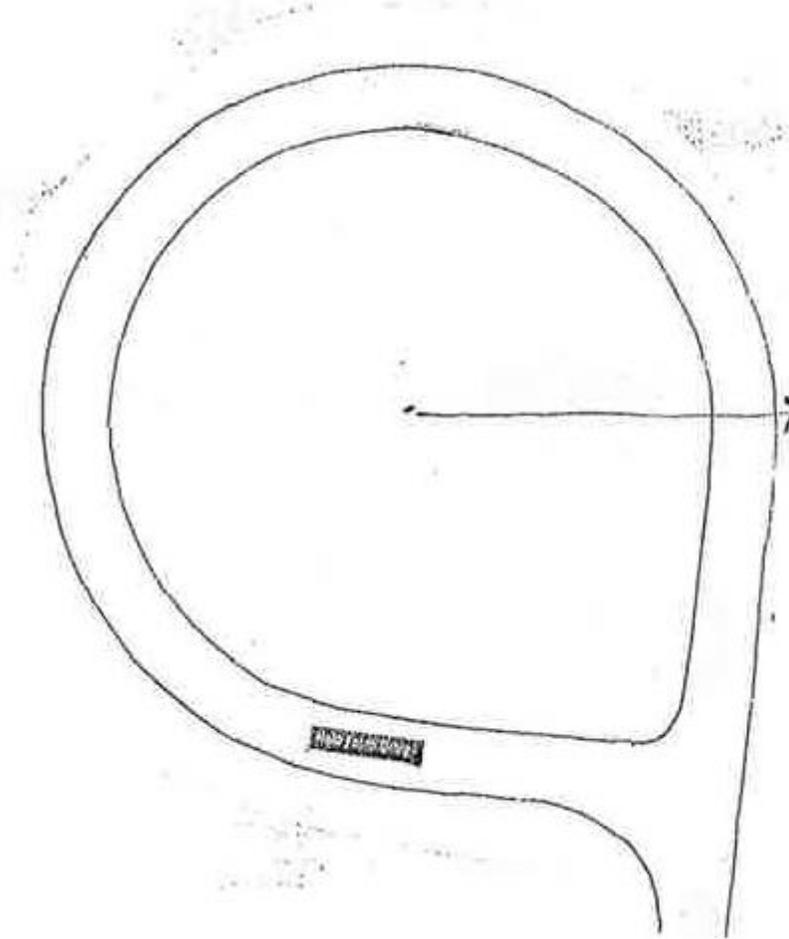
**Minimum Ten Days Notification (can sometimes be prearranged and posted with the above meeting to save time and money)**

**Final Plan Approved or Disapproved**

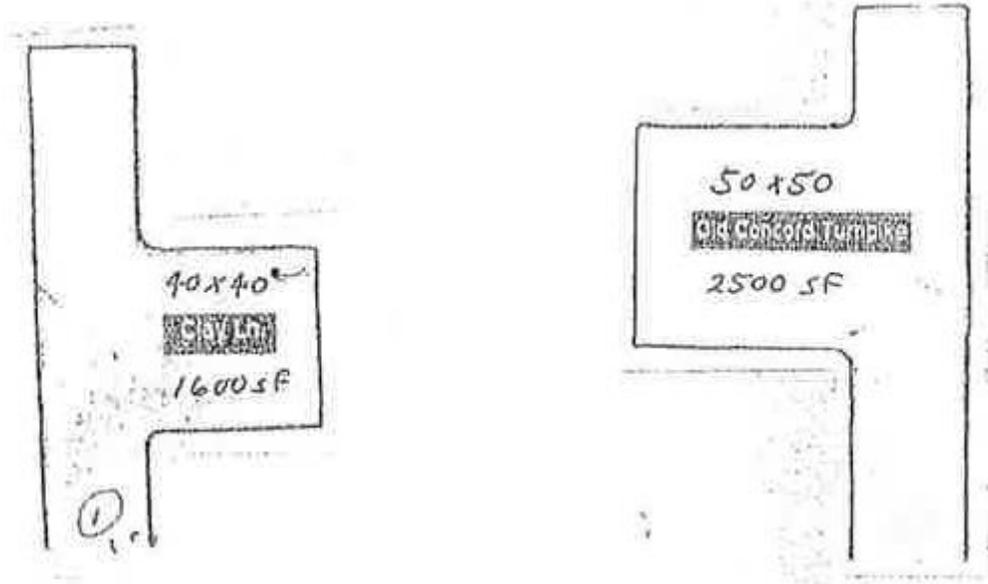
**Registry of the plan by the Town**

**\* Action by the Board is required unless the time for action has been extended (See Section 4:07).**

- 3) Wherever possible, a street should be designed as an interior loop with a single access onto existing roads. A loop shall be defined to contain a minimum interior of two acres. (See diagram #5 below)
- 4) No natural drainage shall be constructed. Easements shall be obtained where required for such run-off drainage. The town is to be held faultless for any claims for damages which may occur.
- 5) If a dead end street is constructed; a turnaround must be provided at the closed end with a minimum radius of one hundred and twenty five (125) feet from the center of such turnaround to the outside of the right-of-way. Or a hammerhead type as shown in item #6. A sixty-foot (60) right-of-way shall be left at the end of such a cul-de-sac to any adjacent undeveloped land to permit connection at any future date. (See Diagram) Turnarounds shall be designed with the "P" shape, examples shown below, or as approved by the Road Agent



6) Street terminations by use of a Hammerhead shall be designed according to the specifications listed below. A minimum number of driveway cuts shall be allowed only when approved by the Road Agent. <sup>4</sup>



- 7) Grades of all streets shall conform in general to the terrain and shall not exceed seven (7) percent. A street shall have a grade of no less than 1 %.<sup>4</sup>
- 8) Streets shall be laid out to intersect as nearly as possible at right angles.
- 9) Streets entering opposite sides of another street shall be laid out either opposite one another or with a minimum offset of one hundred twenty-five (125) feet between their center lines.
- 10) Minimum sight distance in either direction from an intersection shall be 400 feet.
- 11) Streets, which join or are alignment with streets of abutting or neighboring property shall bear the same name.

- 12) Street names shall not duplicate nor bear phonetic resemblance to the names of existing streets within the Town of Lee and shall be subject to the final approval of the Board of Selectmen.
- 13) No slope, cut or fill shall be any steeper than four (4) horizontal to one (1) vertical. Where the terrain makes this impractical this requirement may be modified upon approval of the town engineer or road agent.
- 14) An attempt should be made to balance fill and cuts where practical and feasible.
- 15) No water shall be permitted to run across the surface of the street but shall be directed into culverts, ditches, or where necessary, catch basins. Culverts shall be of reinforced concrete pipe and shall not be less than twelve (12) inches in diameter. Larger diameters shall be required where suitable drainage calculations indicate the necessity. No aluminum, *steel* or plastic culverts shall be permitted *unless approved by the Road Agent and Town Engineer*. The minimum height of select fill over the high side of a culvert shall be twenty-four (24) inches. Adequate provisions to eliminate erosion and washout shall be provided during and after construction. A maintenance bond will be required (Section 4:10 herein.)
- 16) If curbing is necessary for drainage, it must be straight face granite curbing. Underground drainage must be installed and approved by designated town officials.<sup>4</sup>
- 17) Where streets cross a Wet Soils zone, a special exception must be obtained from the Board of Adjustment.
- 18) Pavement width shall be 22' unless straight face granite curbing is proposed, in the area where its proposed, the pavement width shall be 24'.<sup>4</sup>
- 19) Pavement crown specifications shall be 3/8" /ft minimum pitch to the foot from the center crown of road to the edge of each side of pavement unless adjusted and approved by the Road Agent and Town Engineer.

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20) All driveways within the Right of Way shall be installed with culverts and headwalls as approved by the Road Agent and installed prior to road acceptance.

#### 5:02 Street Improvements

In rural areas, streets shall be paved to the minimum width prescribed above, with shoulders not less than four (4) feet wide. The Board may require a greater width of paving and should for Arterial and Collector streets. In urban village areas, the Board may require a greater width of right-of-way and paving together with curbs and sidewalks.

In the case of subdivision requiring construction of new streets, any existing streets which provide either frontage to new lots or access to new streets shall meet the minimum standards referred to herein.

Where a subdivision requires undue expenditure by the Town to improve existing streets to conform to minimum requirements, the Board may disapprove such subdivision until the Selectmen shall certify that funds for the new improvements have been assured. (See section 4:11 - off-site improvements.) Traffic studies may be required by the Board where reasonable.

#### 5:03 Construction Specifications

All roadways shall be constructed in accordance with the current version of State of New Hampshire's Standard Specifications for Road and Bridge Construction, together with the following additional specifications:

- 1) Road construction shall conform to the typical cross section as provided on page 26.
- 2) The road shall be constructed in the center of the designated right-of-way. Only the minimum width of the right-of-way shall be cleared and grubbed. Such width shall include the paved width, shoulders, the area necessary for sight visibility to the toe of the slope and the area necessary for drainage facilities. Trees and other natural features should be retained where practical.
- 3) a. All topsoil, loam, clay, muck, peat, stumps and other improper road foundation material shall be removed from the limits of the roadbed, including embankments and cut slopes, and replace with bank-run gravel (see typical road x-section) or acceptable sand. This material, as well as

material used to fill areas to subgrade level, shall be placed in layers no greater than six (6) inches in depth and compacted per section 3-f below.

- b. The sub-base course of such roadbed shall consist of bankrun gravel (see typical road x-section) or acceptable sand free from loam or organic material at least eighteen (18) inches in thickness. No stones exceeding six inches in diameter shall be acceptable. This material shall be placed in layers no greater than six (6) inches in depth and compacted per section 3-f below.
- c. The base course shall consist of crushed gravel (see typical road x-section) to a depth of six (6) inches. This material shall be compacted per section 3-f below.
- d. Bituminous concrete pavement on all roads shall be placed in two layers (see typical road x-section: Two (2) inches of base (compacted thickness) and, one and one quarter (1 ¼) inches of wearing surface (compacted thickness).
- e. All materials used in roadways are subject to engineer and road agent approval. The thickness of all material layers is subject to testing by the Town Engineer and/or Town Road Agent.
- f. The compaction of all roadway materials is subject to testing as directed by the Town Engineer and/or Town Road Agent. Granular materials shall be compacted to 95% of optimum density based upon tests approved by the Town Engineer. All costs associated with these tests to be borne by the developer.

4) Delineators/road markers shall be installed to mark corners and intersections. The type, quantity and distance from the road shall be determined by the Road Agent prior to road acceptance. <sup>4</sup>

5) Guard Rails if required, shall be installed on the edge of the shoulder or a minimum of 4 ' from the edge of pavement to the base of the guardrail. <sup>4</sup>

6) Paving shall be completed within one year of the date of the issuance of the first building permit.

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- 7) Occupancy permits shall not be issued until the base course of paving is completed.
- 8) No paving shall be allowed between the dates of November 15 and April 1 without approval of the town engineer and the road agent.
- 9) During the construction of the road, the roadway shall be rolled with a vibrator compactor during the cuts and the fills at each stage of gravel placement as recommended by the Town Engineer and/or Town Road Agent.
- 10) All embankments and cut slopes shall be graded, loamed, raked, seeded, mulched and provisions made to ensure the establishment of vegetation.
- 11) Any easements for drainage shall be registered with the Strafford county Registry of Deeds and shall be sufficient width to allow maintenance with town equipment.

Easements shall also be required for any ditch, culvert, waterway or slope constructed outside of the highway right-of-way.

- 12) The initial cost of road name signs, any necessary speed or traffic signs and/or painted lines shall be borne by the developer; all signs and placement shall be approved by the appropriate town officials.
- 13) A school bus pull-off or turnaround may be required at the intersection of new and existing roads.
- 14) The developer shall plow and maintain the road until it has been officially accepted by the town.

#### 5:04 Approval Process:

- 1) Prior to construction, written application for the acceptance of a street or road shall be made by the owner to the Board. Such application shall be accompanied by a five (5) foot interval contour map showing clearly the

method of draining such a street as determined by a registered civil engineer. An estimate by a registered civil engineer of the cost of construction of the proposed road shall also be submitted to the Selectmen for the purpose of determining the amount of the bond to be required.

- 2) During construction, the work will be inspected periodically, according to a predetermined schedule (see schedule of inspection page 19 herein) by the town road agent and a consultant designated by the town, with costs to be borne by the developer.
- 3) The selectmen, after consultation with the Planning Board and the road agent will accept such street or road in compliance with these specifications and procedures.
- 4) In addition, the Planning Board may require that any applicable portion of the Policy Procedure for Driveways and other Accesses to the State Highway System, published by the New Hampshire department of Public Works and Highways, (June 1972) and as such may be amended from time to time be followed. *(Revised Aug 1982)*
- 5) After acceptance and completion of the road, a maintenance bond, the amount determined by the Selectmen after consultation with the Planning Board, shall be required for a period of two years.

Schedule of Inspection for Roadway Construction and Cistern:

Roadway inspection should also include an inspection of erosion and sediment control procedures; an inspection of the on site drainage according to the approved plans; final inspection of the culverts. The consultant should also look for the placement of all boundary stakes and report any deviation in approved plans.

The following inspection schedule should be followed with appropriate approvals by the Town prior to the developer continuing construction. The designated consultant and the road agent should be contacted by the developer at least 24 hours prior to each review period.

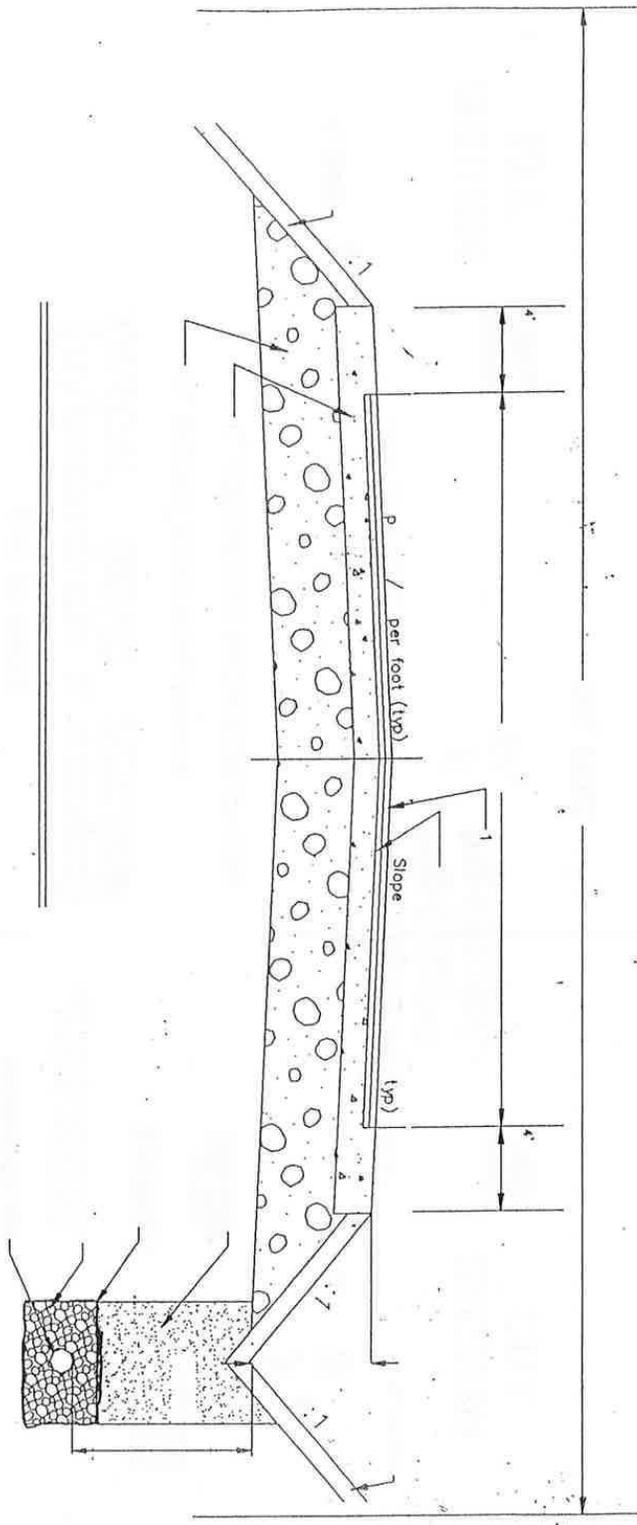
- 1) An on-site pre-construction meeting to establish timetables and construction techniques;
- 2) Review after clearing and grubbing and prior to preparation of sub-grade;
- 3) Review after sub-grade preparation and prior to placement of roadway gravel.
- 4) Review after roadway gravel and prior to crushed gravel;
- 5) Review of final grade after crushed gravel and prior to paving.
- 6) Review after each pavement lift.
- 7) Inspection of the cistern during installation.

Prior to release of performance bonding:

- 1) Final review of road and culverts with Town Officials and the developer.
- 2) Review of boundary monumentation as shown on the final plan.

The developer shall be responsible for the cost of any additional inspections as required by the town in order to satisfy the requirements of this ordinance. Any outstanding fees shall be paid, prior to the signing and filing of the final plans.

**SEE ROADWAY CROSS SECTION ON NEXT PAGE.**



## **Section VI Driveways**

If a subdivision is to be served by a state highway, or if a proposed street or road intersects a state highway, a Driveway Permit must be obtained from the State of New Hampshire Department of Public Works and Highways. If a subdivision is to be served by a town maintained road or street, written driveway approval must be obtained from the town road agent. Driveways shall be in accordance with the Driveway Specifications herein.

All driveways shall be constructed so as: to prevent hazards caused by water flowing onto the traveled portion of the road; to provide safe sighting distances; to minimize the maintenance of road surfaces, ditches and embankments. No more than three driveways shall be permitted per parcel of land per owner onto any state or town road. Driveways shall be off the interior subdivision roads wherever possible. There shall not be more than one driveway per lot and driveways must be a minimum distance of fifty (50) feet apart. Visibility in either direction must be a minimum of 200 feet, this minimum 200 foot standard may be greater where deemed necessary by the Lee Planning Board and/or Town Officials evaluating access points.

Where frontage exceeds five hundred feet (500), no more than three driveways or accesses shall be permitted. For proposed developments along a sizable frontage, the construction of internal street systems or service roads outside of the highway right-of-way is necessary to provide greater safety for the development occupants as well as the highway users.

- 1) Each driveway shall be designed so as to service only on house lot unless special circumstances inherent in the property, as determined by the Planning Board create hardship such that a shared driveway is deemed necessary. In the case of a shared driveway; these should be shared at the access point only into a distance of twenty (20) feet. <sup>2</sup> Driveway shall mean only one access point or "curb cut", so-called, from the road unless more than one driveway access point is approved by the Planning Board.
- 2) For driveways entering onto two roads, the driveway design shall be submitted to the Building Inspector with the application of a building permit. The design must have first been approved by the road agent and any modifications recommended by him must be included in the plans.

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<sup>2</sup> Amended January 2001

- 3) For driveways entering onto state roads, the design shall be submitted to the New Hampshire Department of Public Highways, Division 6 in the prescribed manner. No building permit will be granted until driveway approval is received.
- 4) All driveways shall conform to the specifications stated in RSA 236 as amended and Policy and Procedure for Driveways and Other Accesses to the State Highway System (June 1972), and as both are amended from time to time, where these are applicable and the Planning Board deems necessary.
- 5) In addition, all driveways shall butt against the existing road pavement and not be overlaid upon it.
- 6) Culverts shall be of twelve (12) inch diameter steel, or reinforced concrete the length to be determined by its distance from the edge of the existing road pavement to allow for driveway flair.
- 7) Occupancy permits will not be issued until the road agent has inspected and approved the driveway.

### **Section VII Pedestrian Walks and Bicycle Paths:**

Where necessary, in the judgment of the Board, right-of-way for pedestrian travel and/or bicycle path access may be required between a subdivision and public property.

### **Section VIII Utilities and Drainage**

All subdivisions shall make adequate provisions for water supply, storm water, and sanitary sewage disposal, and required utilities and improvements. The Board may require the extension of public water and sewers to and within a proposed subdivision, without cost to the town.

### **Section IX Fire Protection<sup>3</sup>**

**A: Cistern Requirements: \* \* \* See Detail Sheets**

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<sup>3</sup> Amended May 2006

1. All cisterns shall be constructed in accordance with current NFPA 1142, B.4.1 thru B.-4.6 standards.
2. The installer shall contact the Fire Chief, Deputy Fire Chief or their designate prior to beginning each phase of the installation and finishing process. The Fire Chief, Deputy Fire Chief or their designate shall complete a checklist verifying the installation is in compliance with this section of the building regulations.
3. Cisterns shall be located no more than 1,000 feet travel distance by truck from the nearest lot line of the furthest lot.
4. All cisterns shall be bonded as part of the bonding for the road and shall be included in the two-year maintenance bond after acceptance of the road by the town. When a cistern is installed as part of a subdivision without a proposed road (such as frontage only lots) to be accepted by the town, then a two-year maintenance bond shall be provided specifically for the cistern. If the cistern is located within a development of which is served by a private road, then the cistern shall be maintained, repaired and/or replaced by the homeowners association and tested periodically as required by the Fire Chief, Deputy Fire Chief, or their designate provided by a condition of the approved project by the Planning Board.
5. Cisterns shall be required as follows; unless in the opinion of the Fire Chief, Deputy Fire Chief, or their designate, other fire protection means and/or layouts are waived and agreed upon in writing to the Planning Board.
  - a. Developments of three (3) to five (5) houses; 1 cistern of 30,000-gallon capacity. Placement as required by the Fire Chief, Deputy Fire Chief, or their designate.
  - b. Developments of six (6) to nine (9) house; 2 cisterns of 30,000-gallon capacity each. Placement as required by the Fire Chief, Deputy Fire Chief, or their designate.
  - c. Developments of ten (10) or more houses; a minimum of 3 cisterns of 30,000-gallon capacity each. Placement as required by the Fire Chief, Deputy Fire Chief, or their designate.
  - d. However, depending upon development layout/configuration, additional gallon requirements and/or cisterns may be imposed as required by Fire Chief, Deputy Fire Chief, or their designate.
6. The suction capacity shall be capable of delivering 1, 000 gallons per-minute (gpm) for three-quarters of the cistern capacity.
7. The entire cistern shall be rated for highway loading, unless specifically exempted by the Fire Chief or Deputy Fire Chief.
8. Each cistern shall be sited to the particular location by a registered engineer and approved by the Fire Chief or Deputy Fire Chief.
9. Cisterns shall be installed to the manufactured specifications and verified by a professional engineer licensed in the state of New Hampshire. Proof of certification shall be provided to the Fire Chief, Deputy Fire Chief or their designate prior to the installation of the cistern(s).

10. Tank Materials: Cistern tanks may be constructed of Cement or Fiberglass as specified in NFPA 1142. Tanks shall use cradles as recommended by the tank manufacturer.
11. All suction and fill piping shall be American Society for Testing Materials (ASTM) schedule 40 steel. All vent piping shall be ASTM schedule 40 PVC with glued joints. All piping located within the tank shall be ASTM schedule 40 PVC with glued joints. All piping leading from the tank to the hydrant shall be ASTM schedule 40 steel. All suction piping shall be eight (8) inches in diameter. A vortex plate will be located directly below the suction piping at the bottom of the tank.
12. The final suction connection shall be six inch National Standard Hose female swivel comparable with Darley C-AS 365 with aluminum cap. The suction pipe shall be braced to ensure durability during pumping operations. The Fire Chief, Deputy Fire Chief, or their designate shall approve brace configuration and installation. The suction pipe connection shall be thirty-six inches above the level of the gravel where vehicle wheels will be located when cistern is in use.
13. The filler pipe shall be six-inch ASTM schedule 40 steel with a Stortz fitting. The filler pipe shall be braced to ensure durability during filling operations. The Fire Chief, Deputy Fire Chief, or their designate shall approve brace configuration and installation. The filler pipe shall be thirty inches above final backfill grade.
14. A thirty-six inch (36") diameter manhole equivalent to Halliday Products Series CIR 40 with cover shall be installed. The configuration of this manhole shall allow the unit to be secured with a padlock and shall be approved by the Fire Chief, Deputy Fire Chief, or their designate. The installer shall utilize a Komatsu padlock – part number 650382C92, or its equivalent and keyed alike.
15. All backfill material shall be screened gravel with no stones larger than one and one-half inches and be compacted to 95 percent of its original volume in accordance with ASTM, D-1557.
16. The entire cistern shall be completed and inspected by the Fire Chief, Deputy Fire Chief, or their designate before any backfilling is done.
17. Bedding for the cistern shall consist of a minimum of twelve-inches of three-quarter to one and one-half inch crushed washed stone and compacted. No fill shall be used under the stone.
18. The base shall be designed so that the cistern will not float when empty.
19. The cover joint at the perimeter at the top of the tank shall be sealed with eight-inch PVC water stop.
20. After backfilling, fencing or large stones or equivalent protection as approved by the Fire Chief, Deputy Fire Chief, or their designate shall protect the cistern and its components.
21. The backfill over the tank shall meet one of the following standards:
  - a. Four-feet of backfill shall be used.
  - b. The top and highest two feet of sides of cistern shall be insulated with vermin-resistant foam insulation and two feet of backfill. Foam used for this

installation shall be closed cell polyurethane foam with an insulating factor of R=7 per inch.

- c. Note: All backfill shall extend ten (10) feet beyond the edge of the cistern and then have a maximum of 3:1 slope, loamed and seeded.
22. The distance from the bottom of the suction pipe to the pumper connection shall not exceed fourteen (14) feet vertical lift from final grade.
23. The pitch of the shoulder and vehicle pad from the edge of the pavement to the pumper suction connection shall be one percent to three percent.
24. The shoulder and vehicle pad shall be of sufficient length to allow convenient access to the suction connection when the pumper is set at 45 degrees to the road. The shoulder and vehicle pad section shall consist of asphalt pavement or screened gravel with no stones larger than one and one-half inches and shall be compacted to 95 percent of its original volume in accordance with ASTM, D-1557. The suction fitting shall be located between twenty-two and twenty-four feet from the nearest running edge of road pavement. Two concrete filled steel bollards shall extend below the frost line. The upper portion of the bollards shall extend thirty-six inches above the level of the gravel where vehicle wheels will be located when the cistern is in use. These bollards shall be installed in a manner designed to ensure protection of the suction and fill pipes.
25. All construction, backfill and grading material shall be in accordance with proper construction practices and shall be acceptable to the Fire Chief, Deputy Fire Chief, or their designate.
26. All horizontal suction piping shall slope slightly uphill toward the pumper connection.
27. The installer is responsible for completely filling the cistern until the Fire Chief, Deputy Fire Chief, or their designate accepts the cistern.
28. Before construction can begin on any building that falls under the provisions of this section at least one cistern must be installed, operational and accepted by the Fire Chief, Deputy Fire Chief, or their designate. Additional cisterns, when required under this section must be installed prior to the issuance of any occupancy permit(s).

## **B: Fire Protection Requirements for Duplex and Multi-Family Dwelling unit Subdivisions:**

Definition:

Multi-family units shall mean a residential structure containing more than two (2) units.

Duplex units are structures housing two (2) dwelling units of approximately the same size, ownership may be one or more parties. (Proposed in-law units as defined by the Building Regulations are not considered duplex units).

1. All new multiple units and duplex units shall have a sprinkler system installed.
2. A certified fire protection engineer or a designer acceptable to the Fire Chief, Deputy Fire Chief, or their designate shall design the proposed sprinkler system in accordance with NFPA 13; Standard for the Installation of Sprinkler Systems. NFPA 13D: Standard for the installation of sprinkler systems in One- and Two- Family Dwellings and Manufactured Homes. NFPA 13R; Standard for the Installation of Sprinkler Systems in Residential Occupancies up to and including Four Stories in Height. All plans shall be submitted to the Fire Chief, Deputy Fire Chief, or their designate for approval.
3. Cistern requirements shall be as follows:
  - a. All developments of multifamily units shall be required to have a minimum of one cistern of 30,000 gallons intended for outside fire protection and/or to supplement structure fires and shall be located in an approved location by the Fire Chief, Deputy Fire Chief, or their designate.
  - b. Additional cisterns may be required depending upon the number of units.
  - c. Developments of a mixed type such as single family, duplex and/or multifamily units within a proposed subdivision shall locate and provide an adequate number of cisterns as determined by the Fire Chief, Deputy Fire Chief, or their designate.
4. All cisterns shall be designed and installed as provided in section A; Cistern Requirements as listed above.

### **C: Pressurized Hydrant Systems:**

1. Developers may propose installation of pressurized hydrant systems in lieu of cisterns. A certified fire protection engineer must develop all specifications relative to these systems. They must be designed to meet the current NFPA Standards. Since these systems are generally part of a central domestic water system, the developer must indicate who is responsible for maintaining the system (e.g. Pennichuck). Additionally, any pressurized system must include emergency backup power capable of running the system for a period of not less than twenty-four (24) hours. Pump houses shall include a Knox Box mounted on the outside of the building according to manufacturer specifications with a key allowing access to the pump panel(s).

### **D: Previously Subdivided Lots:**

1. Any subdivision, regardless of past or present ownership, that has been approved on or after June 16, 2004 (date of adoption of this section) of one or two lots, shall be considered

when undertaking future subdivision(s) for lot(s) from the same parcel or track of land in order to calculate the total number of dwellings as provided in section IX: Fire Protection, item A; Cistern Requirements of this regulation. When calculating the number of lots proposed, the existing structure on site or vacant parcel or track under consideration shall be lot 1 of the proposed subdivision. See example below:

- a. Example: You have an existing dwelling or structure on a parcel or track of land. If you subdivide one lot off of this parcel, then this would be considered a two (2)-lot subdivision. If you have an existing dwelling or structure on a parcel or track of land and you subdivide two lots off of this parcel, then this would be considered a three (3) lot subdivision, and so on. Keeping in mind that any and all lots subdivided after June 16, 2004 from the same parcel or track shall be calculated. This is known as "a look back clause" in this regulation.

**E: Occupancy Permits:**

1. For developments of three or more dwelling units, an occupancy permit for the 3<sup>rd</sup> and sub sequential unit shall not be issued until fire protection is complete and operation has been inspected and approved by the Fire Chief, Deputy Fire Chief, or their designate.

**Section X Mobile Home Parks, Subdivisions and Recreational Camping Areas:**

10:01 General Provisions:

Proposals for new mobile home parks, subdivisions and recreational camping areas or any expansion or change shall be considered a subdivision of land and shall be submitted to the Planning Board in accordance with the Lee Subdivision Regulations and the Site Review Ordinances shall apply where applicable. The Planning Board shall approve, disapprove or approve with modifications, the proposal as provided in the New Hampshire Statutes. Reasonable fees for required notices, administrative costs and special investigative studies when deemed necessary shall be imposed by the Board. Any development or structure not part of the approved plan shall contain all the requirements specified in the Lee Subdivision Regulations and Site Plan Review Regulations including the following:

- 1) A site plan showing all proposed buildings, pads, parking areas, signs and roads, septic systems and wells, landscaping and screening at a scale sufficient to permit the study of the elements of the plan.
- 2) Typical elevation drawings and floor plans of all proposed buildings.

- 3) Adjacent building outlines and other outstanding features within 200 feet of the property lines.
- 4) A plan and description of all proposed utilities and fire pond(s) or other fire protection.
- 5) Each plan shall be distinctly noted "Subdivision of land for lease of lots for the placement of mobile homes (travel trailers) only."
- 6) Any other information, which the Planning Board may reasonably require.

10:02 Mobile Home Subdivision Standards:

A mobile home subdivision must meet all the standards set forth in the Lee Zoning Ordinance Article IX as well as the following:

- 1) A pond or source of water suitable for fire protection must be constructed in each mobile home subdivision or be located within 1/2 mile.
- 2) Twenty five (25%) percent of the total area for each subdivision shall be reserved for recreation and/or open space.
- 3) All interior roads within a subdivision shall have a right-of-way at least sixty (60) feet in width and have a surfaced travel width of at least twenty two (22) feet. Only one exit/entrance on any existing right-of-way shall be permitted.
- 4) No mobile home shall be closer than one hundred (100) feet in width to a public street or right-of-way.
- 5) A strip of land of at least one hundred (100) feet in width shall be maintained as a landscaped buffer area. No building, road, parking area, septic system or other structure may be permitted in this zone. Any vegetation disturbed in the construction process in this buffer zone must be replaced.
- 6) A mobile home shall be located on the lot so that it is at least thirty-five feet (35) from the right-of-way on the interior road and twenty-five (25) feet from any other lot line in the subdivision.

- 7) Although conventional homes are permitted in a mobile home subdivision, at least fifty percent (50%) of the lots must be allocated to mobile homes or other manufactured housing.

#### 10:03 Mobile Home Parks:

The following regulations shall apply with respect to mobile home parks and all mobile homes in such parks:

- 1) A mobile home park shall have an area of not less than twenty (20) acres, which shall include a pond, or some other source of water suitable for fire protection.
- 2) Mobile Home parks shall provide for individual mobile home spaces, access driveways, parking and recreational open spaces.
- 3) Each mobile home space shall be a least ten thousand (10,000) square feet in area shall be a least sixty (60) feet wide by at least one hundred and twenty (120) feet in depth and shall front on an access road. The Planning Board may require planting and screening between such mobile home spaces.
- 4) All interior roads within a mobile home park shall have a right-of-way at least sixty feet in width and have a surface travel width of at least twenty-two (22) feet. All weather roads, driveways and walkways shall be provided. Only one exit/entrance on any right-of-way shall be permitted.
- 5) Two parking spaces each at least ten (10) feet wide by twenty-two (22) feet long shall be provided for each mobile home space and shall be of all weather construction.
- 6) Twenty-five (25%) percent of the total area of each mobile home park shall be reserved for recreation and other open space purposes.
- 7) A nonporous pad or foundation shall be provided for each mobile home site.
- 8) Each mobile home space shall have an attachment for water supply. The water supply source must meet all local and state regulations.
- 9) Each mobile home space shall have an attachment for wastewater disposal. This method of disposal must be in compliance with all local and state regulations. However, it shall not be located on the mobile home site or

any adjacent mobile home space unless the mobile home space is a least one-acre in size. All such sewage disposal shall be in accordance with the regulations of the Town of Lee and the State of New Hampshire. Where a conflict exists, the more stringent requirements shall be in effect.

- 10) No mobile home shall be closer than one hundred (100) feet to a public street, right-of-way line or an abutting property line.
- 11) A strip of land at least one hundred (100) feet in width shall be maintained as a landscaped buffer area abutting all mobile home park property lines. No building, road, walkway, parking, septic system or other structure shall be permitted in this area. If disturbed for any reason, the vegetative buffer shall be replanted.
- 12) Provisions for disposal of household garbage and rubbish shall be made and screened.
- 13) An electrical source supplies at least 100 amps. 120/240 volts shall be provided for each mobile home space. The installation shall comply with all applicable state and town electrical laws and regulations. Such electrical outlets shall be weatherproof. The use of underground utility installation shall be required unless waived by a special exception by the Board of Adjustment.
- 14) A mobile home shall be located on the mobile home space so that it is at least thirty (30) feet from the right-of-way of the interior road and twenty (20) feet from any other lot line of the mobile home space.
- 15) A timetable for completion of the park shall be established and bonding provisions made to indemnify the Town of Lee if the park is not completed as required.

#### 10:04 Recreation Camping Park Standards:

The following regulations shall apply with respect to all recreational camping parks:

- 1) A recreational camping park is restricted to seasonal use only.
- 2) A recreational camping park shall have an area of not less than twenty (20) acres, which shall contain a pond, or some other source of water for fire protection.

- 3) Recreational camping parks shall provide for individual trailer spaces and/or tenting sites, access driveways and parking.
- 4) Each trailer space shall be at least 1,800 square feet in area and at least thirty (30) feet in width and twenty (20) feet in depth. A lot for a tent shall be at least 1,000 square feet in area.
- 5) All interior roads within a recreational camping park must be at least thirty (30) feet in width and have a compacted gravel surface of at least twenty (20) feet in width.
- 6) A strip of land at least one hundred (100) feet in width shall be maintained as a landscaped buffer area abutting all recreational camping park property lines. No building, road, parking area, septic systems or other structures shall be permitted in this area.
- 7) No tent site or trailer space shall be closer than one hundred (100) feet to a public street, right-of-way line or abutting property line.
- 8) An electrical source supplying at least 30 amps. 120 volts with weatherproof electrical outlets shall be provided for each trailer space. The installation shall comply with all applicable state and town electrical laws and regulations.
- 9) All recreational camping parks shall have a screened dumping station for sewage disposal meeting all applicable state and local laws and regulations.
- 10) Provision for the disposal of solid waste shall be made.
- 11) Each recreational camping park shall provide one or more service buildings in accordance with the following specifications:
  - a. Flush-type toilets: Minimum distance from trailer space not more than five hundred (500) feet nor less than twenty-five (25) feet;
  - b. Lighting requirements: The service building shall be lighted with a light intensity of 5 foot candles measured at the darkest corner of a room.
  - c. Construction requirements: The building shall be a

permanent structure sheathed with impervious material, adequately ventilated and with all openings to the outside effectively screened, shall be supplied with a floor drain, and shall comply with all town and state requirements.

- d. Toilet: Separate toilets shall be provided for males and females.
- e. Lavatory requirements: Toilet rooms shall contain one lavatory with hot and cold running water for each two toilets. In no case shall any toilet be without at least one lavatory with hot and cold running water.
- f. Heating requirements: Each service building shall have heating facilities to maintain a minimum temperature of 70 degrees.
- g. Shower requirements: Each service building shall have shower facilities with hot and cold running water.

## **Section XI Administration and Enforcement:**

11:01 Modifications: The requirements of the foregoing regulations may be modified when, in the opinion of the Board, specific circumstances surrounding a subdivision, or a condition of the land in such subdivision, indicate that such modifications will properly carry out the purpose and intent of the Master Plan and of these regulations.

11:02 Acceptance of Streets and Roads: nothing herein is intended to modify the requirements of law with reference to the acceptance of streets and roads, by the Town. Nothing herein is intended to modify or control the construction, reconstruction or extension of roads by the town or state.

11:03 Other Regulations: Where these regulations are in conflict with other local or state ordinances, the more stringent shall apply.

11:04 Enforcement: These regulations shall be enforced by the Selectmen of the Town of Lee, New Hampshire.

11:05 Penalties: As provided in RSA 36:27, any owner or agent of the owner, of any land located within a subdivision, who transfers or sells any land before a plan of the said subdivision has been approved by the Planning Board and recorded or filed in the office of the Register of Deeds, shall forfeit and pay a

penalty of five hundred dollars (\$500) for each lot or parcel so transferred or sold; and the description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties.

11:06 Validity: If any section, subsection or phrase of these subdivision regulations is found, for any reason, to be invalid by a court of competent jurisdiction, such decisions shall not effect the validity of the remaining portion of these regulations.

11:07 Effective Date: The effective date of these regulations shall be May 14, 1962.

11:08 Amendments: These regulations may be amended from time to time, whenever deemed necessary or advisable by the Board, but only following public hearing as provided in RSA 675:6-8. A statement of amendments shall be filed with the Registry of Deeds in Strafford County.

### **Subdivision Regulations Appendix**

5-25-98 Added by Board of Selectmen

Guidelines for naming Lee Town subdivisions and subdivision roads (and possibly other roads as well):

1. Initial consideration should be given to the name of the original owner of the subdivision parcel, especially if the original owner was a long-time resident and a respected figure in town (as in Captain Parker Drive).
2. If the original owner was not well known, or did not live on the property very long, then consideration might be given to a subsequent owner who was a notable leader in town affairs (as in Sackett Road).
3. If the property is not associated with any notable owner, then consideration might be given to the properties association or relationship to some historical event or geological formation (as in Wheelwright Drive).

4. If the subdivision exists on a prior, well-known farm, then the word "farm" might be included as a means to highlight Lee's agricultural heritage (as in James Farm Road or Hale Farm Road).

5. We should avoid - at all costs - phony developer names, which are commonly found in American suburbs - such as "Sherwood Forest Drive" and "Robin Hood Lane". Such names lack authenticity and have no connection with the town's history or character.

6. In two cases - Jacob Lane and Swaan Drive - we have subdivision roads named after the children of the developers. This practice should not be encouraged, although both these names are dignified and attractive.

7. The above guidelines need not be used in a rigid fashion. In some cases exceptions might well be made. Whatever criteria are used, the end result should be names that are authentic, tasteful, and reflect the general character of the community.

**Nomenclature** for traveled ways in Lee (throughways, subdivision roads, dead-end roads, private roads, etc.)

Subdivision Road Names:

1. Earle Drive
2. Granger Drive
3. Swaan Drive (private)
4. Riverside Farm Drive
5. Langelley Drive
6. Decato Drive
7. Wheelwright Drive
8. Furber Drive
9. Radford Drive

Lanes

1. Lamprey Lane
2. Toon Lane
3. Belle Lane
4. Jacob Lane

Private Roads:

1. Layne Drive
  2. Jenkin's lane
  3. Owl Lane
  4. Northside Road
  5. Cherry Lane (part)
  6. Fernald Lane
  7. Randall Road (part)
  8. Carpenter Lane?  
(Bartlett's Way)
  9. Clement Way
  10. Little River Road
  11. (Glenmere Village)
- Murray Road  
-Ellis Road

5. Thornton Lane
6. Spencer Lane
7. Plumer Lane

-Jericho Road

#### Roads

1. Sackett Road
2. James Farm Road
3. Hale Farm Road
4. Hobb's Road
5. Tamarack Road
6. Sawyer Road

#### Circle

1. Woodhead Circle

#### Avenues

1. Allen's Avenue
2. Demeritt Avenue

#### Recommendations:

-Private roads should be called lanes or ways (as in Jenkins Lane or Clement Way)

- Public roads that are relatively narrow, short, and dead-ended, should also be called lanes or ways (as in York Lane).

- Public throughways or connector roads should be called roads (as in Mast Road, Turtle Pond Road, Concord Road, Garrity Road etc.)

-Subdivision roads should be called drives (or perhaps lanes in some cases), but not roads.