

SUBDIVISION REGULATIONS
TOWN OF DALTON, NEW HAMPSHIRE

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TOWN OF DALTON, NEW HAMPSHIRE

SUBDIVISION REGULATIONS

I. AUTHORITY/PURPOSE

A. AUTHORITY

Pursuant to the authority vested in the Dalton Planning Board by the voters of the Town of Dalton, New Hampshire, and in accordance with the provisions of Chapter 674, Sections 35-42, NH Revised Statutes Annotated, the Dalton Planning Board adopts the following regulations governing the subdivision of land in the Town of Dalton, New Hampshire.

B. PURPOSE

The purpose of these regulations are to (1) promote the harmonious development of an economically stable and environmentally sound community for current and future residents, (2) to provide uniform procedures and standards for observance by the Planning Board and sub-dividers, (3) to discourage scattered and premature subdivision of land, and (4) to provide for the proper arrangement and coordination of streets within subdivisions in relation to existing or planned streets, for streets with adequate design and construction for present and future traffic and emergency vehicle use, and for open spaces of adequate proportions.

C. LIFE SAFETY STATE STANDARDS

Current Life Safety State Standards shall always be a minimum of the standards for the town of Dalton. Town regulations may be more stringent than the state.

II. DEFINITIONS

ABUTTER: Means any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration by the local land use board. For purposes of receiving testimony only, and not for purposes of notification, the term "abutter" shall include any person who is to demonstrate that his land will be directly affected by the proposal under consideration. For purposes of receipt of notification by a municipality of a local land use board hearing, in the case of an abutting property being under a condominium or other collective form of ownership, the term abutter means the officers of the collective or association, as defined in RSA356-B:3, XXIII.

APPLICANT: Means the owner of record, or his agent duly authorized in writing at the time of application.

BOARD: Means the Planning Board or the Town of Dalton, New Hampshire.

CONDOMINIUM: Shall mean multi-family, group or clustered housing, wherein dwelling units are individually owned, but wherein open space and group facilities are held in common ownership. Condominiums shall be considered a subdivision of land as outlined in RSA; 479-A, and reviewed accordingly.

COMPLETED APPLICATION: A "completed application" consists of the names and addresses of both applicants and abutters, a fee to cover administrative and inspection costs, a written request for preliminary layout and all required information, and WPSCC approval for lots under 5 (five) acres in size. WPSCC approval will be required for larger lots prior to approval if deemed necessary by the Board.

DRIVEWAY: A private way which serves not more than (2) lots.

ENGINEER: Means the engineer of the Town of Dalton, or representing the Town of Dalton.

FINAL PLAT: The final map(s), drawing(s) or chart(s) on which the subdivider's plan of subdivision is indicated, prepared as required in Section IV, and which, if approved by the Board, will be submitted to the Register of Deeds of Coos County for recording.

HEALTH OFFICER: Means the Health Officer of the Town of Dalton.

LOT: A parcel of land at least sufficient in size to meet the minimum area requirements. Such lot shall have frontage on a public street or an approved private road provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirement of these regulations. A lot shall have boundaries identical with those recorded with the Coos County Registry of Deeds.

MAJOR SUBDIVISION: A subdivision proposal which involves four lots or more, fronting on an existing public street.

MERGER OF LAND: Joining together of 2 or more previously separate lots.

MINOR SUBDIVISION: A subdivision proposal which involves three lots or less, fronting on an existing public street. This includes minor lot line adjustments or boundary agreements which do not create buildable lots.

PRELIMINARY LAYOUT: Means a layout plan prepared as required by the Planning Board as described in Section VI, and submitted according to Section III.

PRIVATE ROAD: A road maintained by a sub-divider, developer, or abutting land owners.

ROAD CLASSIFICATION: As described in RSA 229:5.

STREET: A state highway, or a highway or road which is lawfully existing and maintained by the Town for vehicular travel. The word "street" shall include the entire right-of-way.

SUB-DIVIDER: An individual, firm, association, syndicate, partnership, corporation, trust or any other legal entity, or agent thereof, that undertakes the activities governed by these regulations. The term "sub-divider" is intended to include the terms "developer" and "builder."

SUBDIVISION:

- A. Means the division of a lot, tract, or parcel of land into two or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale, rent, lease, condominium conveyance or building development. It includes re-subdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided.
- B. 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.
- C. The grant of an easement in gross to a public utility for the purpose of placing and maintaining overhead and underground facilities necessary for its transmission or distribution network such as poles, wires, cable, conduit, manholes, repeaters and supporting apparatus, including any unmanned structure which is less than 200 square feet, shall not be construed as a subdivision under this title, and shall not be deemed to create any new division of land for any other purpose.

CAMPGROUND/RECREATIONAL VEHICLE PARKS: Any parcel of property, internally subdivided into tracts, sites, spaces, etc., for the sole purpose of temporary placement of Recreational Vehicles (tents/campers). (DPB 11/21/89)

MOBILE HOMES/MANUFACTURED HOUSING: Means any structure, transportable in one or more sections, which, in the traveling mode, is 8 body feet or more in width and 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 a permanent foundation when connected to required utilities, which include plumbing, heating and electrical heating systems contained therein. Manufactured housing as defined in this section shall not include presite built housing as defined in RSA 674: 31-a. (DPB11/21/89)

MOBILE HOME/MANUFACTURED HOUSING PARKS: Any parcel of property internally subdivided into tracts, sites, spaces, etc., for the sole purpose of placement of mobile/manufactured housing. (DPB 11/21/89)

III. PROCEDURES

A. GENERAL REQUIREMENT FOR APPROVAL

Whenever any subdivision is proposed and prior to any contract of offer for sale, rent, condominium conveyance, or lease of such subdivision or any part thereof shall have been negotiated, before any land clearing, road construction, or building is begun, and before the erection of a structure within such subdivision shall be granted, the sub-divider or his authorized agent shall apply in writing to the Board for approval of such subdivision.

B. PRELIMINARY CONSULTATION AND REVIEW (PRE-APPLICATION)

1. Prior to the formal submission of a preliminary layout as part of a completed application, the sub-divider may appear informally to discuss the proposed subdivision at a regular meeting of the Planning Board. Such discussion shall be directed toward:
 - a. Reviewing the basic concepts of the proposal,
 - b. Reviewing the proposal with regard to the town's master plan and zoning ordinance,
 - c. Reviewing the Town's subdivision regulations as they may apply to this proposal and determination of the proposal as a major or minor subdivision, and
 - d. Guiding the applicant relative to necessary state and local requirements.
2. Preliminary consultation and review shall not bind the applicant or the Board. Such discussion may occur without formal public notice as provided in Paragraph H. However, no discussions beyond the conceptual and general review shall take place without formal public notice. Preliminary consultation and review shall be separate and apart from formal consideration under Paragraph E and F and the time limits for acting on shall not apply until a formal completed application is submitted.

C. MINOR SUBDIVISION -COMPLETED APPLICATION

1. Minor Subdivisions are defined as those proposals involving:
 - a. Three lots or less with no potential for re-subdivision and fronting on an existing public street, or
 - b. Minor lot line adjustments or boundary agreements which do not create buildable lots.
2. The applicant may first meet the Board for preliminary consultation and review of the proposal as discussed in Paragraph B to determine if it is a Minor Subdivision. The Board shall consider the parcel's potential for re-subdivision and its location. If it is determined by the Board to be a Minor Subdivision, the applicant shall submit:
 - a. A completed application, excluding the Preliminary Layout, and
 - b. A final plat as provided in Section IV, Subsection B. If the proposal is minor lot line adjustment, see Section IV, Subsection C.
3. Notice of submission shall be given as provided in Paragraph H, and may be combined with the notice of the public hearing.
4. The completed application under this paragraph may be submitted and approved at one or more Board meetings but no application shall be approved without the full notice of abutters and public as required. A public hearing, duly noticed, shall be held only if requested by the applicant or abutters or if the Board determines to hold a hearing.

D. MAJOR SUBDIVISION -COMPLETED APPLICATION

1. A completed application sufficient to invoke jurisdiction of the Board must include sufficient information to allow the Board to proceed with consideration and to make an informed decision.
2. The following shall be required for and constitute a completed application: An application for subdivision approval properly filled out and executed by and filed with the Board in accordance with Paragraph E, together with the following:
 - a. The names and addresses of the applicant and all abutters as indicated in Town records not more than fifteen (15) days before the day of filing.
 - b. A check payable to the Town of Dalton to cover filing fees, mailing, advertising, and other costs as provided in Paragraph 1; a separate check payable to Coos County Registry of Deeds for recording costs.

- c. Three paper print copies of the preliminary layout in accordance with and accompanied by the information required in Section IV, Subsection B.
- d. Three paper copies and one (1) mylar for the final layout.
- e. A current soils map from Coos County Soils Conservation Service.

E. FILING AND SUBMISSION OF COMPLETED APPLICATIONS

1. The completed application for both minor and major subdivisions shall be filed with the Secretary or the Chairman of the Board at least 15 days prior to a scheduled public meeting of the Board.
2. The completed application shall be formally submitted for acceptance by the Board only at a regularly scheduled public meeting after due notification to applicant, abutters, and the general public of the date the completed application will be submitted and received by the Board.

F. BOARD ACTION ON COMPLETED APPLICATION

1. The Board must consider the completed application and hold a public hearing within 62 days of its acceptance.
2. The Board will study the preliminary layout and shall take into consideration the general requirements of the community, the best use of the land to be subdivided and that of adjoining areas in Section V.
3. After such review and the public hearing, the Board shall communicate, in writing, to the sub-divider such changes, if any, which it will require in the Preliminary Layout and request that the sub-divider prepare a Final Plat as required in Section IV with the changes incorporated. The Board may disapprove of the Preliminary Layout in its entirety, but shall state its reasons for such disapproval.
4. The Board shall act within 90 days of submission of the completed application to approve, approve conditionally, or disapprove the Final Plat or Completed Application, subject to extension or waiver as provided by RSA 676: 4(l) f. Any Bond, performance guarantee, or offers of land, shall have been developed and approved, as described in Section IV. B. 2.
5. Approval of the Final Plat shall be certified by written endorsement on the Final Plat and signed by the Chairman or Secretary of the Board. The sub-divider shall be responsible for the payment of all recording fees. In case of disapproval of any plat submitted, the grounds for such disapproval shall be adequately stated in the records of the Planning Board and written notice given to the sub-divider.

6. If the Board has not taken action to approve or disapprove the Completed Application within 90 days of its acceptance and has not obtained an extension or waiver, the sub-divider may obtain from the Selectmen an order directing the Planning Board to act within 30 days. If the Board fails to act, within 40 days of the order the governing board must either certify approval or identify, in writing, the specific regulations the application does not meet. Appeal to Superior Court comes only if the governing body fails to issue order or to certify approval. Pursuant to RSA 676: 4-I (f) -1988.

G. PUBLIC HEARING

1. Prior to approval of a subdivision, a public hearing shall be held as required by RSA 676: 4-I. (d) -1988, and notice to applicant and abutters and the public shall be given in accordance with Paragraph H. The public hearing may be held within 30 days after submission of the Completed Application.
2. The Planning Board may expedite review and approval for Minor Subdivisions which create not more than three(3) lots for building development purposes or for proposals which do not involve creation of lots for building development purposes (Lot/Boundary Line Adjustment). RSA 676: 4 -III -1988. Expedited review may allow submission and approval at one or more board meetings but may not be approved without the full notice to the abutters and public notice required under RSA 676: 4 _ I (d) 1988.

H. NOTICES

1. Notice of the submission of a Preliminary Layout or a Completed Application shall be given by the Board to the abutters and applicant by certified mail, mailed at least ten (10) days prior to the submission, and to the public at the same time, by posting in at least two public places in the Town and publishing in a newspaper of general circulation. The notice shall give the date, time, and place of the board meeting at which the application or other item(s) will be formally submitted to the board, and shall include a general description of the proposal which is the subject of the Application or of the item to be considered and shall identify the applicant and location of the proposed subdivision.
2. For any public hearing on the Completed Application, the same notice as required for notice of submission of the Completed Application shall be given. If the notice of public hearing has been included in the notice of submission or any prior notice, additional notice of the public hearing is not required. Additional notice shall not be required of an adjourned session of a hearing with proper notice, if the date, time and place of the

adjourned session were made known at the prior hearing. RSA 676: 4 -I.
(3) -1986.

I. FEES

1. A Completed Application for Minor or Major Subdivisions shall be accompanied by filing fee of \$25.00, plus for a Major Subdivision, an additional \$5.00 per lot. The applicant is required to pay for costs of notices, mailing and recording.
2. Failure to pay the fee shall constitute valid grounds for the Board to terminate further consideration and to disapprove the plat without a Public Hearing.
3. The Board may require special investigative studies, environmental assessments, a legal review of documents, administrative expenses, and other matters necessary to make an informed decision. The cost of such studies and investigations shall be paid by the applicant prior to the approval or disapproval of the Final Plat.

IV. PRELIMINARY LAYOUT AND FINAL PLAT REQUIREMENTS

- A. The sub-divider shall file with the Board a paper copy of a preliminary layout at a horizontal scale of not more than 100 feet to the inch showing or accompanied by the following information:
 1. Proposed subdivision name; name and address of owner of record; name and address of designer, planner or surveyor; date; north arrow and bar scale; vicinity map at scale of Town's base map (1=400).
 2. Names and addresses of owners of record of abutting properties, abutting subdivision names, streets, easements, building lines, alleys, parks, and public open space, and similar facts regarding abutting property. Information to be obtained at the town offices.
 3. Location of outside property lines and their approximate dimensions; proposed lots, approximate acreage of each lot; and dimension of lot frontage on a public right-of-way; existing easements, buildings, watercourses, ponds or standing water, rock ledges and other essential site features.
 4. Existing water supplies and mains, septic systems or sewers, culverts, drains and proposed water and sewer facilities.

5. Location, name and widths of existing and proposed streets and highways with their grades and profiles and their rights-of-way.
6. Contour map of the property to indicate the site topography at a contour interval of not greater than (5) five feet. A contour interval of less than five feet may be required if deemed necessary by the board.
7. Soil mapping units available from the Coos County Soil Conservation Service.
8. Flood Hazard Areas -All subdivision proposals and proposals for other developments governed by these Regulations having lands identified as Special Flood Hazard Areas in the "Flood Insurance Study for the Town of Dalton, N.H." together with the associated Flood Insurance Rate Maps and Flood Boundary and Floodway maps of the Town of Dalton, dated December 4, 1985, shall meet the following requirements:
 - a) Subdivision proposals and proposals for other developments shall be located and designed to assure that all public utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage and adequate drainage is provided to reduce exposure to flood hazards.
 - b) Subdivision proposals and other proposed new developments greater than 50 acres or 5 lots, whichever is less, shall include 100 year flood elevation data.
 - c) In riverine situations, prior to the alteration or relocations of a watercourse, the applicant for such authorization shall notify New Hampshire Civil Defense Agency, Wetlands 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. Within the altered or relocated portion of any watercourse, the applicant shall submit to the Planning Board certification provided by a registered professional engineer assuring the flood carrying capacity of the watercourse has been maintained.
9. Where the topography is such as to make difficult the inclusion of any facilities mentioned above, with the area so laid out, the preliminary layout shall show the boundaries of proposed permanent easements over or under private property. Such easements shall be at least 10 feet in width and shall have satisfactory access to existing or proposed public ways.

10. Location of all parcels of land proposed to be dedicated to public use and the conditions of such dedication, and a copy of such private deed restrictions as are intended to cover part or all of the tract.
11. Preliminary designs of any bridges or culverts which may be required.
12. Where the preliminary layout submitted covers only a part of the sub-divider's entire holding, a sketch of the prospective future street system of the un-submitted part shall be furnished and the street system of the submitted part will be considered in the light of adjustments and connections with the street system of the part not submitted.
13. Grading and drainage plan showing all pertinent engineering plans, cross sections, construction drawings and specifications, and other data on existing and finished grading, surface and subsurface drainage system, slope stabilization, and erosion control, when deemed necessary by the Planning Board.
14. All proposed subdivisions abutting NH/State Lands must provide a preliminary plan/layout for review to:

Department of Resources & Economic Development
Division of Forests and Lands
Attn: Land Agent
P.O. Box 856
Concord, N.H. 03301

(Per letter request dtd. Aug. 29, 1988, signed Rick Spafford, Forest Technical) (DPB 1/10/90)

B. FINAL PLAT

1. Plat Requirements:

The sub-divider, after official notification by the Board with respect to any revisions of the preliminary plan shall file a final Mylar plat and street profiles, if required, along with two paper copies. Sheet size should not be larger than 24" x 36", but should be large enough to be legible, easily understood, and with space enough to provide needed details, and shall have a three-inch margin for binding on the left side of the plat. Adequate space shall be provided for the necessary endorsements. The scale shall not exceed 100 feet to the inch and shall show:

- a. Proposed subdivision name or identifying title, the name and address of owner of record and sub-divider, and the name, license number and seal of the surveyor, date, scale, and north point.

- b. Boundary survey including bearings, distances, and location of permanent markers.
 - c. Lot lines, dimensions, acreage and numbering.
 - d. Topography at five-foot contour intervals.
 - e. Existing and final proposed lines of streets, ways, lots, easements for utilities and/or drainage and public areas within the sub-division.
 - f. Sufficient data to determine the exact location, direction, and length of every street line, easement, lot line and boundary line and to reproduce these lines upon the ground. All dimensions shall be shown to hundredths of a foot and bearings to at least half minutes. The error of closure shall not exceed 1 to 5,000.
 - g. Existing and proposed streets with names and right-of-way widths.
 - h. Final road construction specifications cross sections and profiles.
 - i. Final drainage system.
 - j. Final location of septic system and leach field and WSPCC sub-division approval.
 - k. Final location of proposed well.
 - l. Location of soils, ground water and percolation test pits.
 - m. Buildings and other manmade features to remain.
 - n. Open space.
 - o. Deed restrictions.
 - p. Driveway access permit.
 - q. Signature Box.
2. Performance Bond.

The Planning Board may, at its discretion, require the sub-divider to post a performance bond in an amount sufficient to cover the costs of preparation, improvements or installation of streets, public utilities, the extension of public water and sewer lines --where available, the

installation of storm drains, under-drains, monuments, erosion control, and other improvements to the public utility where reasonable and necessary. The amount of the bond shall be based on the estimate of costs provided by the sub-divider and, at the discretion of the Planning Board, reviewed by a registered/licensed engineer. The cost of such review shall be borne by the sub-divider.

- a. This bond shall be approved as to form and sureties by the Board of Selectmen and the Town Counsel and conditioned on the completion of such improvements within two (2) years of the date of the bond. Said bond may be:
 - (1) a surety bond, issued by a surety company authorized to do business in New Hampshire and filed with the Board in a manner and amount satisfactory to it, or
 - (2) cash or financial instruments endorsed to the Town and deposited with the Board.
- b. The amount of the performance bond shall include fees to cover the cost of periodic inspections.
- c. Where electric lines or other utilities are to be installed by a corporation, municipal department of public utility, a letter of intent may be required stating that the work will be done in a reasonable time and without expense to the Town.
- d. The Board may recommend a maximum extension of 12 months to the guaranteed performance period when the sub-divider can demonstrate, to the satisfaction of the Board and other interested officials or agencies, good cause for such extension. Such recommendation for extension shall be referred to the Board of Selectmen for official action.
- e. A lot shall not be sold by the sub-divider until the required improvements to the lot have been completed and inspected. The Board of Selectmen shall use its judgment in releasing a lot or lots, considering the orderly installation of improvements and the usefulness and accessibility of the lot(s).
- f. The performance bond shall not be released until the Board of Selectmen have certified completion of the required improvements in accordance with the approved subdivision plans, and those deeds covering the land to be used for public purposes, easements and right-of-ways, and rights-to-drain are submitted in a form satisfactory to Town Counsel.

3. Offers of Cession.

The sub-divider shall tender offer of cession in a form certified as satisfactory by the Town counsel of all land included in streets, highways, or parks not specifically reserved by him; however, approval of the plat by the Board shall not constitute acceptance by the Town of the dedication of any street, highway, park, or other public open space.

C. MINOR LOT LINE ADJUSTMENT OR BOUNDARY LINE AGREEMENT

1. The Final Plat shall be submitted in permanent black ink on a permanent lines or polyester film (referred to as a "Mylar") and three black or blue line paper prints. Sheet size shall be in accordance with requirements of the Register of Deeds but not larger than 24" x 36". Space shall be reserved on the plat for the endorsement by all appropriate agencies.
2. The Final Plat shall identify itself as a "minor lot line adjustment" or "boundary line agreement" and shall contain the following statement: "The subdivision regulations of the Town of Dalton, New Hampshire are a part of this plat, and approval of this plat is contingent on completion of all requirements of said subdivision regulations, excepting only any variances or modifications made in writing by the Board and attached hereto."
3. The Final Plat shall be based on an "on the ground" boundary survey with a maximum error of closure of 1 in 5,000 certified by a professional engineer or land surveyor registered/licensed in the State of New Hampshire. The subdivision's boundary and survey shall be referenced to appropriate benchmarks.
4. The plat shall contain the following information:
 - a) Names and addresses of all owners of lands involved.
 - b) Names and addresses of all abutters (as indicated in town records not more than 5 days before the day of filing.
 - c) Existing buildings, streets, rights-of-way, steams and easements.
 - d) Lot areas and dimensions.
 - e) Natural features in the vicinity of the affected land.
 - f) Name, address and seal of surveyor or engineer.
 - g) A small location map indicating parcels in relation to major streets and intersections, the tax sheet and parcel numbers and the zoning district.

V. STANDARDS FOR SUBDIVISION OF LAND

In reviewing a subdivision proposal, the Board shall consider the following requirements and design standards.

- A. Any proposed subdivision shall be in conformity with the provisions of all pertinent State and local codes and ordinances.
- B. Land of such character that it cannot be safely used for building purposes because of exceptional danger to health or peril from fire, flood 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, or diminish any environmental quality until appropriate measures have been taken by the owner or his agent to lessen such hazards.
- C. Any proposed subdivision shall be reviewed by the Board with respect to its effect upon existing community services and facilities including schools, roads, recreational areas, police and fire protection, etc.. Scattered or premature subdivision of land as would involve danger or injury to health, safety, or prosperity by reason of the lack of water supply, drainage, transportation, schools, police and fire protection or other public services, or necessitate an excessive expenditure of public funds for the supply of such services shall not be approved. The Board shall advise the town and the developer regarding the designation of space for future community facilities and may withhold approval of Final Plans pending such designation.
- D. Minimum lot size shall be two (2) acres. Each lot shall have at least 200 contiguous feet frontage on a public street or on a private road built according to the standards contained in these regulations or any other town road requirements.
- E. The following setbacks shall apply to all buildings proposed to be erected after the date of amendment:
 - a. Front yard: 50 feet from the edge of the road right-of-way.
 - b. Side yard: 20 feet from the side property line.
 - c. Rear yard: 30 feet from the rear property line.
- F. Long, narrow lots or lots with irregular shapes shall not generally be accepted by the Board, especially if, in the opinion of the Board, these lots will create unusable, inaccessible areas of land. A ratio of depth to width of lots of 4:1 is proposed as a maximum to eliminate long, narrow lots.
- G. Publicly held land may not be subdivided for any purpose.

- H. Any natural drainage ways and their easements shall be so incorporated that no flooding will occur and all storm water can be disposed of properly.
- I. The Board may require that a proposed subdivision design show respect for such features as trees, streams, topography, and other natural assets.
- J. Areas set aside for parks and playgrounds shall be of reasonable size and character for neighborhood playgrounds or other recreational sites.
- K. The following are required improvements: boundary markers, street signs, streets, water supply, sewage disposal and storm drainage, except where the Board may waive or vary such improvements in accordance with provision of these regulations.
- L. Boundary markers shall be set at all corners and angle points of the sub-boundaries; and at all street intersections and points of curve.
- M. Boundary markers may be stone or concrete, but standard iron pins shall be sufficient, and location indicated on the final layout.
- N. Streets which join or are in alignment with streets of abutting or neighboring properties shall bear the same name. Names of new streets shall not duplicate, nor bear phonetic resemblance to the names of existing streets within the municipality.
- O. Street name signs shall be furnished and installed by the sub-divider. The type, size and location shall be to the approval of the Board.
- P. The design of streets shall provide for proper continuation of streets from adjacent subdivisions and built up areas and proper projection of streets into adjacent un-subdivided and open land.
- Q. No street shall have a right-of-way width of less than 50 feet regardless of other provisions in this or other ordinances.
- R. Grades of all streets shall be a reasonable minimum but shall not be more than 8% unless specifically approved by the Board.
- S. Streets shall intersect at right angles where possible but under no circumstances at an angle of less than 60 degrees.
- T. "T" intersections formed on opposite side of the same collector street shall not be closer than 200 feet center line to center line.
- U. Street lines at intersections shall be cut back to provide for curb radii of not less than 25 feet.

- V. Street intersections and curves shall be so designed as to permit adequate visibility for both pedestrian and vehicular traffic. Curves in general shall have a minimum center line radius of 100 feet.
- W. The length of a dead-end street or cul-de-sac shall be determined by the Board, according to the number of lots served, and shall be provided with a suitable turn around at the closed end. When a turning circle is used it shall have a minimum outside curb radius of 60 feet. A suitable area shall be reserved around the closed end or along the street for plowing and dumping snow.
- X. Roadways, sidewalks, curbs and drainage facilities, when required, shall be installed and constructed in accordance with the standard specifications of the Town of Dalton and in all cases must be constructed under the supervision of the Road Agent and/or engineer. All subdivision roads shall be built in accordance to current state standards.
- Y. Any water supply system shall be designed and installed in accordance with New Hampshire State Standards.
- Z. It shall be the responsibility of the sub-divider to provide adequate information to prove that the area of each lot is adequate to permit the installation and operation of an individual sewage disposal system (septic tank and drainage field or other state approved system). Such information shall consist of the results of percolation tests taken in accordance with the existing State regulations and the WPSCC-approved design plans, as witnessed by the attendance of the Dalton Health Office.
- AA. Where a subdivision is traversed by a watercourse, drainage or future sewer line, and/or that surface water drainage to be created by the subdivision should be controlled for the protection of the subdivision and owners of property abutting it, there shall be provided an easement of drainage right-of-way and culverts, catch basins or other means of channeling surface water within such subdivision.
- BB. Where there is a question as to the suitability of a lot for its intended use due to the presence of such factors as rock formations, steep slopes, unusual surface configuration, tendencies to periodic flooding, poor drainage, unsuitable soils and inadequate capacity for sanitary sewage disposal, the Board may, after investigation, withhold approval of such lot.
- CC. Clustering of housing units may be encouraged and is permitted for the preservation of open space, to promote more efficient use of land and to provide flexibility in subdivision design. Where clustering of multiple dwelling units are permitted, the minimum lot size shall be as determined by the Board

as based upon the character of the land involved, the type of housing proposed and other pertinent factors. The total area in the subdivision must still equal the minimum lot size requirements as designated in the Subdivision Regulations for the Town of Dalton. The area which has not been built upon shall be consolidated into an open space. All other requirements of a conventional subdivision layout and all requirements of the Subdivision Regulations will be met.

VI. CONVERSIONS TO CONDOMINIUMS OR TIME SHARING UNITS

- A. Whenever any existing developed property is proposed for conversion to condominium or time sharing ownership and before any building is altered for this purpose, the owner or his agent shall apply for and secure approval of such proposed subdivision from the Board.
- B. The sub-divider shall submit for approval a Completed Application.
- C. Existing subsurface sewage disposal facilities, at a minimum, shall meet current construction design regulations as set by the New Hampshire Supply and Pollution Control Commission. The Board may require, if in its judgment the nature and/or complexity of the proposed conversion and in consideration of topography and soils within the area, additional measures to protect the health and welfare of the Town, now and in the future.
- D. An inspection of the existing sewage disposal system and a detailed diagram showing type, extent and location of the system, certified by a registered/licensed professional sanitary engineer indicating that the system is adequate for its intended and proposed use shall be furnished to the Board.
- E. Drinking water supplies from groundwater shall be protected by restricting land use and prohibiting all activity detrimental to water quality and quantity within the protective radii based upon the average demand on the system as follows:
 - 1.

System Demand (gallons per day)	Protective Radius (in feet from source of supply)
400	75
800	125
1200	150
1600	175
2000	200
 - 2. No sewer, sewage, or waste disposal system shall be permitted within the protective radius.
- F. The responsibility for maintenance, operation, replacement and protection of the water supply and sewage disposal systems shall be clearly established as that of

the sub-divider or association of owners, or in default of such obligation by the sub-divider or association, by the individual owners and a statement to this effect shall appear in the condominium or time sharing agreement. The deed to each condominium or time sharing unit shall contain these restrictions which shall run with the land. In the case of the sub-divider such statement must specify the responsibility in the event of sale of the development, bankruptcy or other default by it. In the case of an association of land owners, a copy of the Articles of Association shall be submitted to the Board. Such statement of responsibility, including Articles of Association, shall specify that in no event shall the Town have any obligation for maintenance, operation, replacement or protection of the water supply and sewage disposal systems.

VII. CAMPGROUNDS & RECREATIONAL VEHICLE PARKS

- A. Condition of soil, groundwater level, drainage and topography shall not create hazards to the property or the health and safety of the occupants. The site shall not be exposed to objectionable smoke, noise, odors, or other adverse influences, and no portion subject to unpredictable and/or sudden flooding, subsidence or erosion shall be used for any purpose which would expose persons or property to hazards.
- B. Conform to current State regulations. Individual spaces shall be surfaced and graded so as to be free from mud or standing surface water.
- C. Each campground shall be a minimum of ten (10) acres.
- D. All trailers and tents shall be located at least one hundred (100) feet from any public street or highway. There shall be a landscaped strip along each boundary. This strip shall be at least twenty-five (25) feet in width and, except for entrance and exit driveways, shall contain a screen of plantings in the center not less than three (3) feet in width nor six (6) feet in height. Individual trees and shrubs shall be planted not more than three (3) feet on center, and shall thereafter be maintained as a dense screen. At least fifty (50%) percent of the plantings shall consist of evergreens.
- E. Sewer/Water
 - 1. Subsurface sewage disposal facilities, as a minimum, shall meet current construction design regulations as set by the New Hampshire Water Supply and Pollution Control Commission.
 - 2. A detailed diagram showing type, extent and location of the system, certified by a registered/licensed professional sanitary engineer indicating that the system is adequate for its intended and propose use shall be furnished to the Board.

3. Drinking water supplies from groundwater shall be protected by restricted land use and prohibiting all activity detrimental to water quality and quantity with the protective radii based upon the average daily demand on the system as follows:

System Demand (gallons per day)	Protective Radius (in feet from source of supply)
400	75
800	125
1200	150
1600	175
2000	200

No sewer, sewage or waste disposal system shall be permitted within the protective radius.

4. The responsibility for maintenance, operation, replacement and protection of the water supply and sewage disposal systems shall be clearly established as that of the sub-divider or association of owners, or in case of default individual owners. In no event shall the town have any obligations for maintenance, operation, replacement or protection of the water supply and sewage disposal systems.

F. The storage, collection, and disposal of refuse in the park shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards, or air pollution.

G. Fire Protection:

1. Each park shall provide ingress and egress facilities at separate and strategic locations that will permit the passage of occupant vehicles and the firefighting equipment of the Town.
2. Portable fire extinguishers of a type approved by the Fire Department shall be kept in service buildings and at all other locations designated by the Fire Chief and shall be maintained in good operating condition. Locations of fire extinguishers and fire safety rules and regulations shall be posted in conspicuous places.

H. Service Buildings

1. For each twenty (20) lots, or fractional part thereof, there shall be one flush toilet, one shower stall, and one lavatory for each sex. The building containing such sanitary facilities shall be accessible to all lots.
2. Service buildings shall have sound resistant walls extending to the ceiling between male and female sanitary facilities. Walls and partitions around

showers, lavatories, and other plumbing fixtures shall be constructed of dense, non-absorbent, waterproof material or covered with moisture resistant material.

3. Toilets shall be located in separate compartments equipped with self-closing doors. Shower stalls shall be of the individual type. The rooms shall be screened to prevent direct view of the interior when the exterior doors are open.
4. Illumination levels shall be maintained as follows: general seeing tasks five foot-candles; toilet room, in front of mirrors -40 foot-candles; laundry room (when provided) -40 foot-candles.
5. Hot and cold water shall be furnished to every lavatory, sink, shower, and laundry fixture, and cold water shall be furnished to every water closet and urinal.

VIII. MOBILE HOME/MANUFACTURED HOUSING PARKS

- A. All proposed Mobile Home/Manufactured Housing developments shall be subject to the approval of the Planning Board and must conform to Subdivision Rules and Regulations.
- B. The Sub-divider or His/Her Representative shall submit for approval, a completed application.
- C. Area/Lot requirements:
 1. The area of a Mobile Home/ Manufactured Housing Park shall be a contiguous parcel of property and have a minimum of ten (10) acres.
 2. Individual home lots shall be a minimum of 7,500 square feet and shall be at least 75 feet wide and 100 feet deep.
 3. All home parks shall provide not less than five percent (5%) of the total land area for public open space purposes and such lands shall be improved whereby the same will be accessible to all families residing within said tract and whereby such open space may be used for recreational purposes. Said open space being separate and protected from automobile traffic and parking areas.
 4. Any Home Park existing at the time of the adoption of this section may continue although it does not conform to the standards and provisions contained herein. All such Parks, however must obtain such licenses as required by the Town and State laws. Any non-conforming Home Park that is discontinued as a business shall not be issued a license for re-establishment except in conformity with this section. Expansion or

alteration of existing parks will be permitted only in conformity with this section.

5. Subsurface sewage disposal facilities, as a minimum, shall meet current construction design regulations as set by the New Hampshire Water Supply and Pollution Control Commission. The Board may require, if in its judgment the nature and/or complexity of the proposed conversion and in consideration of the topography and soils within the area, additional requirements to protect the health and welfare of the Town, now and in the future. A detailed diagram showing type, extent and location of the system, certified by a registered/licensed professional sanitary engineer indicating that the system is adequate for its intended and proposed use shall be furnished to the Board.
6. Drinking water supplies from groundwater shall be protected by restricting land use and prohibiting all activity detrimental to water quality and quantity within the protective radii based upon the average daily demand on the system as follows:

System Demand (gallons per day)	Protective Radius (ft. from source)
400	75
800	125
1200	150
1600	175
2000	200

No sewer, sewage or waste disposal system shall be permitted within the protective radius.

7. The responsibility for maintenance, operation, replacement and protection of the water supply and sewage disposal systems shall be clearly established as that of the sub-divider or association of owners, or in default of such obligation by the sub-divider or association, by the individual owners and a statement to this effect shall appear in the Rental/Lease Agreement. In the case of the sub-divider, such statement must specify the responsibility in the event of sale of the development, bankruptcy or other default by it. In the case of an association of land owners, a copy of the articles of association shall be submitted to the Board. In no event shall the Town have any obligation for maintenance, operation, replacement or protection of the water supply and sewage systems.
8. Mobile Home/Manufactured Housing Parks shall be located on a well-drained, properly graded site to insure adequate and sanitary drainage of surface water, subsurface water and sewage, and freedom from stagnant

pools of water. The site shall not be exposed to objectionable smoke, noise, odors or any other adverse influences and no portion subject to unpredictable sudden flooding, subsidence or erosion shall be used for any purpose which would expose persons or property to hazards.

9. Electrical Installations

- a. Main power supply lines shall be underground. All electrical installations shall be constructed of new materials and all parts thereof shall comply with all applicable State electrical codes and ordinances.
- b. All streets and walks within the Park shall be adequately lighted at night, and roadways or area lighting shall be reflected away from adjoining properties.
- c. All direct burial conductors or cables shall be buried at least 18 inches below the ground surface and shall be insulated and specially designed for the purpose. Such conductors shall be located not less than one (1) foot radial distance from water, sewer, gas or communication lines.
- d. Each home lot shall be provided with an approved disconnecting device and over current protective equipment. The minimum service per outlet shall be 120/240 volts AC, 100 amperes.
- e. Where the calculated load of the home is more than 50 ampere, a second outlet receptacle shall be provided by means of permanently installed conductors.
- f. Outlet receptacles at each home stand shall be located not more than twenty (20) feet from the over current protective devices in the home, and a three-pole, three or four wire grounding type shall be used. Receptacles shall be of weatherproof construction and configurations shall be in accordance with American Standard Outlet Receptacle C-73.1.
- g. The Home shall be connected to the outlet receptacle by approved type of flexible cable with connectors and a male attachment plug.
- h. A power post shall be located near each home. Installed posts shall be buried not less thirty (30) inches in the ground with forty-eight (48) inches exposed above ground complete with a support foot to prevent settling. Power posts shall be either 14-gauge galvanized steel with 16-gauge galvanized covers or four by four inch creosoted timber posts. The power outlet shall be contained in 16-gauge galvanized covers with the bottom edge of the covers protected with insulating edge

guard to prevent wire damage, and a bushing to protect wires entering the power outlet. A lug for up to N 4 wire shall be provided for proper electrical grounding. The power outlet shall consist of a weatherproof housing, a 100 ampere 250 volt, two pole, air circuit breaker with neutral bar, and a 100 ampere 120/240 Volt AC three pole with U-ground pole utility power outlet and one duplex two pole U-grounded convenience receptacle.

- i. All exposed non-current carrying metal parts of homes and all other equipment shall be grounded by means of an approved grounding conductor with branch circuit conductors or other approved method of grounded metallic wiring. The neutral conductor shall not be used as an equipment ground for the home or other equipment.

10. Telephone System

Where telephone service to home spaces is provided, the distribution systems will be underground and shall be in general conformance with the placement of the electrical distribution systems.

11. Mail Delivery Boxes

Mail delivery boxes shall be located according to U.S. Postal Service Regulations and shall consist of approved UDC type boxes.

12. Refuse Disposal

The storage, collection and disposal of refuse in the Park shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards or air pollution. The Home Park licensee shall provide, in a designated area, flytight, watertight, rodent-proof containers in sufficient number which shall be located not less than 150 feet from any home lot. Refuse collection stands shall be provided for all containers, so designated as to prevent containers from being tipped. All refuse shall be transported to the Town of Dalton's collection station.

13. Buffer Zone and Landscaping

In addition to all lots and common areas, a twenty-five (25) foot buffer strip shall be maintained along all boundaries and public roads. Within this twenty-five (25) foot space, a dense visual screen of suitable shrubs and trees six (6) feet or more in height shall be maintained, with at least 50% being evergreen. Where existing natural growth provides the required density it may be utilized. Where the buffer yard is not naturally wooded, an appropriate wall, fence or hedge of a minimum height of six (6) feet shall be provided. The remaining space shall be maintained open with

grass, flowers, shrubs or trees to provide adequate shade, and such space shall not be built upon, nor paved, or used for parking. Lawn and ground cover shall be provided where needed to prevent erosion of slopes and other areas to obtain visible yards. Trees, shrubs and vines shall be allowed to the extent needed to provide:

Screening of objectionable view
Adequate shade
A suitable setting for the homes and other facilities

14. Skirting/Construction

Skirting of homes is required to achieve better heating of the unit, but skirting should not provide a harborage for rodents, nor create a fire hazard. Skirting, cabanas, awnings, porches, or other additions shall not be attached to home unless they are manufactured of all new materials, properly installed and approved. Individual tenants in the Park may construct attached enclosures to individual homes, provided that such enclosures do not exceed 100% of the floor area of the home.

15. Streets, Walks and Parking Areas:

- a. All home parks shall be provided with safe and convenient vehicular access from abutting public streets or roads to each home lot. All park streets shall be well drained and maintained in good condition, and may not exceed a grade of eight (8%) per cent.
- b. All streets within any home park shall be not less than a fifty (50) foot right-of-way with a roadbed width of not less than twenty-two (22) feet. All home lots where off-street parking areas are provided, shall abut upon a street of not less than twenty-two (22) feet in width.
- c. All streets shall be kept free of debris or other obstructions to provide clear access for fire, police or other emergency equipment.
- d. Insofar as practical, two (2) vehicle spaces shall be provided on each home lot and remaining vehicles are to be parked in adjacent parking bays. All vehicle parking spaces shall be located for convenient access to the home lots. All vehicle parking spaces located on a home lot shall have a minimum width of sixteen (16) feet and a minimum length of sixteen (16) feet.

16. Park Management Responsibilities:

- a. The commercial sale of mobile homes/manufactured housing from the home park shall be prohibited.
- b. The person to whom a license for a home park is issued shall operate the park in compliance with this section, and shall provide adequate

supervision to maintain the park, its facilities and equipment in good repair, and in a clean and sanitary condition.

- c. The park management shall notify park occupants of all applicable provisions of this section and inform them of their duties and responsibilities thereunder.
- d. The park management shall be responsible for the proper placement of each home on its home stand which includes securing its stability and installing all utility connections. The management shall also be responsible for the disconnection of all utilities prior to the departure of a home.
- e. Register: Every owner, attendant, or other person responsible for the operation of a home park, shall maintain a register containing a record of all homes and occupants. Such register shall be available to any civil authority inspecting the park.
- f. Fire Safety:
 - (1) The park management shall maintain the entire park area free of dry brush, leaves, weeds and debris.
 - (2) No park shall permit the entrance of a home whole heating unit if not protected by an automatic thermal disconnecting device placed within range above the heating unit itself. In addition, at the main exit door the heating unit shall have a manual disconnecting switch with a red engraved or stenciled plate reading: EMERGENCY SWITCH -OIL (GAS) BURNER.
 - (3) No park shall permit the entrance of a home having evaporating type heating or cooking facilities without the approval of the Fire Chief.
 - (4) Enforcement: Whenever a violation of this section occurs, or is alleged to have occurred, any person may file a written complaint stating in full, the causes and bases thereof with the Fire Chief who shall immediately record such complaint, investigate, and if the investigation discloses a basis for the complaint, he shall take such action as maybe necessary to correct the violation. If the Fire Chief shall find that any of the provisions of this section are being violated, he shall notify, in writing, the person responsible for such violations indicating the nature of the violation and ordering the action necessary to correct it. He shall take any other action authorized or required by this Section to insure compliance with, or to prevent violation of, its provisions.

17. Home Park Occupant Responsibilities:

- a. The home park occupant shall comply with all applicable requirements of this section, and shall maintain his home, lot, its facilities and equipment in good repair and in a clean and sanitary condition.
- b. No owner or person in charge of a dog, cat or other pet animal shall permit it to run at large or to commit any nuisance in the park.

IX. ADMINISTRATION AND ENFORCEMENT

A. ADMINISTRATION

The Dalton Planning Board (or its duly authorized agent) shall administer and enforce these regulations.

B. AMENDMENT

These regulations may be amended by the Planning Board, but only following a public hearing on the proposed change. The Chairman or Secretary of the Planning Board shall transmit a record of any changes so authorized to the Coos County Register of Deeds.

C. MODIFICATION OF REGULATIONS

A modification of the Subdivision Regulations may be permitted when, in the opinion of the Board, topography or other considerations warrant such modification, provided that public convenience, safety, health, and welfare not to be adversely affected. The Planning Board may set more stringent requirements with respect to any of the standards if conditions, in the opinion of the Board, warrant such action.

D. PENALTIES FOR TRANSFERRING LOTS IN UNAPPROVED SUBDIVISIONS.

An owner, who transfers or sells any land located within a subdivision, who transfers or sells any land before a plat of said subdivision has been approved by the Planning Board and recorded or filed in the Office of the appropriate Register of Deeds under RSA 674: 35-II, shall forfeit and pay a penalty of five hundred (\$500.00) dollars for each lot or parcels 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. Said municipality may enjoin such transfer or sale or agreement and may recover the said penalty by civil

action. In any such action, the prevailing party may recover reasonable court costs and attorney's fees as same may be ordered by the court. RSA 676:16.

E. CONFLICT WITH OTHER REGULATIONS

Where a provision of these Regulations is found to be in conflict with a provision of any other ordinance, regulations, code, or covenant in effect in the Town of Dalton, the provision which is the more restrictive shall prevail.

F. SEPARABILITY

The invalidation of any section, subsection, paragraph, sentence, clause, phrase, or word of these regulations shall in no way affect the validity of any other section, subsection, sentence, clause, phrase, or word of these Regulations.

G. APPEAL

An appeal may be taken from the decision of the Planning Board to the Superior Court, as provided in RSA 677:15.