

# **SUBDIVISION REGULATIONS**



**2017**

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# Dublin Subdivision Regulations

## TABLE OF CONTENTS

Article I .....	1
AUTHORITY, PURPOSE AND OBJECTIVES .....	1
A. Authority.....	1
B. Title.....	1
C. Purpose and Objectives.....	1
Article II.....	2
GENERAL PROVISIONS.....	2
A. Regulations applicable to all subdivisions.....	2
Article III.....	4
SUBDIVISION PROCEDURES .....	4
A. Six steps are required.....	4
B. Preliminary Conceptual Consultation Phase.....	4
C. Design Review Phase.....	4
D. Determination Of Subdivision Type.....	5
E. Submission of the Application.....	6
F. Timing of the Application Review .....	7
G. Approval, Conditional Approval or Disapproval of the Application .....	7
Article IV.....	9
NOTIFICATION .....	9
A. Required Notifications.....	9
B. Public Notice Requirements and Procedure .....	9
Article V.....	11
FEES .....	11
Article VI.....	
DATA REQUIREMENTS .....	12
A. Site Context Map.....	12
B. Sketch Plan or Sketch Plan Overlay Sheet .....	12
C. Existing Resources and Site Analysis Map .....	13
D. Plat Format .....	15
Article VII.....	17
PHASING OF DEVELOPMENTS .....	17
Article VIII .....	18
PERFORMANCE GUARANTEE.....	18
A. When Required.....	18
B. Details .....	18
C. Failure to Complete .....	18

Article IX.....	20
DESIGN STANDARDS FOR STREETS AND ROADS .....	20
A. Arrangement of Streets .....	20
B. Right-of-Ways .....	20
C. Dead-end Streets/Cul-de-Sacs .....	20
D. Intersections .....	20
E. Street Names .....	20
F. Existing Street Condition .....	21
G. Minimum Design Standards .....	21
H. Curbing .....	22
I. Sidewalks .....	23
J. Steep Grades .....	23
K. Super-elevation .....	23
L. Road Construction/Compaction Requirements .....	23
M. Gravel Roads .....	24
N. Driveway Standards .....	24
O. Driveways to Backlots .....	26
P. Class VI Roads .....	26
Q. Private Roads .....	26
R. Submittals .....	27
S. Design by Professional Engineer .....	27
T. Street Lighting .....	28
Article X .....	29
SEWAGE DISPOSAL DESIGN .....	29
A. Individual, On-Lot Sewage Disposal System Design Requirements Regarding Soils and Sewage Disposal. ....	29
Article XI.....	32
DRAINAGE, SEDIMENTATION AND EROSION CONTROL .....	32
A. The Following Stormwater Runoff Frequencies Shall Be Used. ....	32
B. The Following Pipe Material and Minimum sizes Shall Be Required. ....	32
C. Minimum Pipe Size .....	33
D. Catch Basins and Manholes .....	33
E. Bridges .....	33
F. Pipe Inlet and Outlet.....	33
G. Ditches, Swales and Waterways .....	33
H. Riprap .....	34
I. Steep Slopes .....	34
J. Underdrains .....	34
K. Natural vegetation.....	34
L. Inspection .....	34
M. Exposure of Disturbed Areas .....	34
N. Seeding and Mulching .....	35
O. Storm water Runoff, Downstream Drainage .....	35
P. Sedimentation.....	35
Q. Submittal of Drainage, Sedimentation and Erosion Control Measures.....	35

R. Conservation Commission Review.....	36
Article XII .....	37
MISCELLANEOUS STANDARDS .....	37
A. Recreation Areas.....	37
B. Fire Protection.....	37
Article XIII.....	38
SUBDIVISION DESIGN GUIDELINES.....	38
A. Introduction .....	38
B. Purposes and Application .....	38
C. Four-Step Design Process for Conservation Subdivisions. ....	39
D. Locate Potential Conservation Areas (Step 1).....	39
E. Identify Potential House-lot Areas (Step 2).....	41
F. Align Streets and Trails (Step 3).....	41
G. Draw in the Lot Lines (Step 4) .....	41
H. Density Determination.....	41
I. Planning and Design Standards for Subdivisions .....	43
J. Uses of Conservation Open Space Areas in Conservation Subdivisions .....	51
K. Ownership and Protection of Open Space Areas.....	52
Article XIV.....	54
DEFINITIONS.....	54
Article XV .....	63
ADMINISTRATION AND ENFORCEMENT.....	63
A. Modifications.....	63
B. Penalties and Fines.....	63
C. Conflicting Provisions .....	63
D. Validity .....	63
E. Amendments .....	63
Article XVI.....	64
REFERENCES .....	64
INDEX .....	65
Appendix #1: EXHIBITS (unnumbered pages)	
EXHIBIT 1. PAVED ROADS, TYPICAL SECTION	
EXHIBIT 2. CUL-DE-SAC	
EXHIBIT 3. GRAVEL ROADS, TYPICAL SECTION	
EXHIBIT 4. GRANITE CURB, STRAIGHT	
EXHIBIT 5, GRANITE CURB, SLOPED	
EXHIBIT 6. BITUMINOUS CAPE COD BERM	
EXHIBIT 7. STANDARD CATCH BASIN	
EXHIBIT 8. STANDARD DRAINAGE MANHOLES	
EXHIBIT 9. STANDARD DRAINAGE GRATE & FRAME	
EXHIBIT 10. TYPICAL UNDERDRAIN DETAIL	

APPENDIX #2 FORMS

APPLICATION FOR SUBDIVISION OF LAND

BASIC SUBDIVISION CHECKLIST (Planning Board may specify additional items)

# **SUBDIVISION REGULATIONS**

## **TOWN OF DUBLIN, NEW HAMPSHIRE**

ADOPTED OCTOBER 10, 1967, AND AS AMENDED

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### **ARTICLE I**

#### **AUTHORITY, PURPOSE AND OBJECTIVES**

A. **AUTHORITY**

Pursuant to the authority vested in the Dublin Planning Board by the voters of the Town of Dublin on March 14, 1967, and again on March 18, 2006, in accordance with the provisions of Chapter 674:35 N.H. Revised Statutes Annotated, 1983 (formerly Chapter 36:19-29, 1955) and RSA 674:21, the Dublin Planning Board adopts the following regulations governing the subdivision of land in the Town of Dublin, New Hampshire.

B. **TITLE**

These regulations shall be known and cited as the Subdivision Regulations of the Town of Dublin, New Hampshire.

C. **PURPOSE AND OBJECTIVES**

As a means of retaining the scenic beauty, natural resources, and rural character of our Town, and for protecting the health and safety of our inhabitants, the following land subdivision regulations are enacted. The Planning Board, under the authority granted to it by these regulations, shall seek to implement the policies set forth in the Town Master Plan by encouraging responsible development that will enhance the quality of life in Dublin by creating safe, orderly, and livable communities while sustaining the scenic quality and visual character of the town; encouraging the permanent preservation of open space, agricultural and forestry land; and protecting other natural resources including waterbodies, wetlands, and groundwater, historical and archeological resources, and clean air.

The authority granted to the Planning Board shall be exercised with due regard for adequate access to all lots in a subdivision by access ways that will be safe and convenient for travel; for lessening congestion in such ways and in adjacent public ways; for reducing danger to life and limb in the operation of motor vehicles; for securing safety in the case of fire, flood, panic and other emergencies; for insuring compliance with the applicable zoning ordinances or bylaws and State laws, for securing adequate and safe provisions for water, sewerage, drainage and other requirements where necessary in a subdivision; and for coordinating the ways in a subdivision with each other and with the public ways in the Town and with the ways in neighboring subdivisions, in a manner that will require a minimum expenditure of Town funds.

## ARTICLE II

### GENERAL PROVISIONS

#### A. REGULATIONS APPLICABLE TO ALL SUBDIVISIONS

1. Whenever any subdivision is proposed and before any contract for sale of, or offer to sell, such proposed subdivision or part thereof shall have been negotiated; before any preconstruction site work (except that which is necessary to perform required on-site tests); before land clearing; before any construction or any building; before the construction of roads; before any permit for the erection of any structure in such proposed subdivision shall be granted; before any driveway permit has been applied for either from the town or the State of New Hampshire; and before any subdivision plat may be filed in the Office of the Registry of Deeds of Cheshire County, or any subdivision plan, including stormwater runoff plan, is submitted to NHDES, the owner thereof, or his authorized agent, shall apply for, and secure, the approval of such subdivision from the Planning Board of the Town of Dublin in accordance with the procedures and specifications contained in these regulations.
2. Land of such character that cannot, in the judgment of the Board, be safely used for building development purposes because of exceptional danger to health or peril from fire, flood, poor drainage, excessive slope, or other hazardous conditions, shall not be subdivided for residential, commercial, or industrial use, nor for such other uses as may increase danger to life or property, or aggravate the flood hazard. Land with inadequate characteristics or capacity for sanitary sewage disposal shall not be subdivided for residential, commercial, or industrial subdivision purposes unless connected to a municipal or approved community sewerage system.
3. As authorized by Zoning Ordinance and Land Use Regulations for the Town of Dublin, Article XXV, and implemented herein, Conservation Subdivision Design is established as a permitted use, allowed as of right, according to the design standards herein, subject to Planning Board approval.
  - a. In accordance with RSA 674:21, VI, its purpose is to encourage the preservation of open space wherever possible by encouraging the beneficial consolidation of land development to permit the efficient layout of less-costly-to-maintain roads, utilities and infrastructure, and to improve the ability of subdivisions to provide more efficient delivery of public safety and school transportation services as community growth occurs, and to provide property owners a method of realizing the inherent development value of their property and simultaneously to create substantial benefit to the environment and the town's property tax base.
  - b. Conservation Subdivision Design shall be a permitted use, allowed as of right, for all major subdivisions.
  - c. Any minor subdivision shall be developed in accord with the provisions of



## Dublin Subdivision Regulations

Conventional Subdivision Design allowed as of right, unless the applicant chooses a Conservation Subdivision Design.

- d. Conventional Subdivision Design for major subdivisions shall be allowed only if the applicant demonstrates and the Planning Board finds that Conventional Subdivision Design is more appropriate to the site and better meets the objectives of this ordinance.
4. In accord with RSA 674:36-II.a, the Board shall not approve such scattered or premature subdivision of land as would involve danger or injury to health, safety, or prosperity by reason of the lack of water supply, drainage, transportation, schools, fire protection or other public services or necessitate the excessive expenditure of public funds for the supply of such services.
5. Article 12 of this Regulation contains design guidelines for subdivisions. (The Planning Board will specify no later than Design Review which guidelines or requirements will apply to a Conventional Subdivision.)
6. All applicants are urged to pay careful attention to the Subdivision Design Guidelines, as they contain requirements and are a helpful synopsis of Conservation Subdivision Design.

**ARTICLE III**  
**SUBDIVISION PROCEDURES**

**A. SIX STEPS ARE REQUIRED**

1. Preliminary Conceptual Consultation
2. Design Review
3. Determination of Subdivision Type
4. Submission of the Formal Application
5. Review of the Application
6. Approval, Conditional Approval or Disapproval of the Application.

**B. PRELIMINARY CONCEPTUAL CONSULTATION PHASE**

1. The applicant shall appear at a meeting of the Planning Board to discuss the proposal in concept and in general terms. Such preliminary consultations are non-binding, informal and shall be directed toward:
  - a. Reviewing the basic concepts of the proposal.
  - b. Reviewing the proposal in terms of the Town's Master Plan, applicable ordinances and regulations.
2. Informing the applicant of any other applicable state and local requirements.
3. These discussions shall occur only at a meeting of the Board.
4. Before or during the Conceptual Consultation Phase, the applicant shall submit a *Site Context Map* (see Article 6-A). Note: This map may be available from the Town.)
5. Failure to appear for conceptual consultation shall be considered sufficient reason to deny an application.

**C. DESIGN REVIEW PHASE**

1. The applicant shall appear at one or more hearings of the Board for Design Review. This begins with a publicly-noticed hearing (or site visit) as specified in RSA 676:4I(d). Discussions are non-binding and may involve specific design and engineering details. Statements made by the Planning Board members shall not be the basis for disqualifying

## Dublin Subdivision Regulations

said members or invalidating any action taken by the Board.

2. At least 15 days prior to the date of the Design Review hearing, the applicant shall submit to the Planning Board:
  - a. A list of abutters
  - b. Payment to cover the cost of notification and publishing the required legal notice in local papers.
3. At or prior to the Design Review hearing, the applicant shall submit an *Existing Resources and Site Analysis Map* (see Article 6-C).
4. At or prior to the Design Review hearing, the applicant shall also submit preliminary Density Calculation (see Article 13-H).
5. Prior to the conclusion of the Design Review Phase, the applicant shall submit a *Sketch Plan* or a *Sketch Plan Overlay Sheet* (see Article 6-B) if required by the Board. The Board shall require a Sketch Plan for all major subdivisions.
6. At the sole discretion of the Board, the design review phase may involve site visits. While walking the land, hearing from abutters and interested citizens, the Board and the applicant may discuss all aspects of the plan.
7. The applicant shall be liable for any reasonable expenses incurred by the Board during the design review phase. This includes, but is not limited to, reasonable fees for consultants, engineers, land planners, soil or wetland scientists. Failure to pay such costs shall constitute valid grounds for the Board to terminate further consideration and to disapprove the application.
8. Failure to appear for a required design review consultation shall be considered sufficient reason to deny an application.
9. In the case of minor subdivisions, the Board may, at its discretion, waive the requirements for design review.

### D. DETERMINATION OF SUBDIVISION TYPE

At any time in the procedures, the applicant may ask for a formal determination of subdivision type by the Planning Board. There are two types of subdivisions:

1. Conservation Subdivision Design

## Dublin Subdivision Regulations

- a. This is the by-right design in the Town of Dublin.
2. Conventional Subdivision Design:
  - a. This older method of subdivision design is retained as an option. To obtain special permission from the Planning Board for Conventional Subdivision Design, for a major subdivision the applicant must make a compelling case at a Planning Board meeting, detailing exactly how and why his proposed layout better fulfills the policies and goals of the Dublin Master Plan and Dublin Subdivision Regulations compared with a Conservation Subdivision Design, particularly with respect to the protection of productive farmland, upland habitat (including meadows and woodlands), scenic viewsheds, rural character, wetlands, natural resources, etc.
  - b. Such applications for conventional development for a major subdivision shall not be approved unless the applicant is able to clearly demonstrate the advantages of a conventional layout alternative with respect to the goals and policies in the Town's officially adopted Master Plan, all Zoning and Land Use Ordinances, Subdivision Regulations, and any other pertinent town regulations or requirements. Approval shall be by a majority vote of the Planning Board.

### E. SUBMISSION OF THE APPLICATION

1. Delivering the Application: A copy of the application shall be left with the Planning Board Secretary, the Town Clerk or the Town Administrator at least 15 days prior to the next scheduled Planning Board meeting. (See RSA 676:4.1.(b)). The recipient shall deliver it to the Planning Board at its next regularly scheduled meeting or when it next convenes.
2. Acceptance of the Application: The Board shall review the application promptly to determine whether it is sufficiently documented and appropriate to be evaluated for completeness.
  - a. The Board shall notify the applicant as soon as possible that the Board has received and has accepted the application, or shall explain in writing to the applicant why it must refuse to accept the application as submitted.
  - b. An application may be refused by the Board without public hearing on the grounds of failure of the applicant to supply requisite information, or to pay fees as required by these regulations, or because the proposal would obviously violate state or town laws or regulations.
  - c. At the Planning Board meeting at which the application is accepted, the Board will schedule a vote on its completeness at a duly-noticed Planning Board meeting within 30 days, or at the next meeting for which legal notice can be posted.
3. Determination that the Application is Complete
  - a. Minimum submission requirements for a Conservation Subdivision include those listed in Article VI, and in Subdivision Guidelines (Article 13) as specified by the Board during the Design Review Phase.

## Dublin Subdivision Regulations

- b. For minimum submission requirements for a Conventional Subdivision, see Article 6-C.3. The Board shall specify any additional requirements during the Conceptual Consultation Phase or the Design Review Phase.
- c. If the Board specifies additional site-specific requirements that are necessary to support town regulations, it shall do so in writing. A copy of Board minutes given to the applicant will suffice in most instances.
- d. The Board will hold a duly-noticed public meeting, and will determine by majority vote if the application is complete. An application shall be voted “complete” if the application form and supporting documents, as specified in these Regulations, appear to contain all the information the Board needs to review a proposal and to make an informed decision. All fees and administrative expenses, as indicated in these Regulations, must be included.
- e. If the application is not complete for evaluation purposes, the Board shall reject the application and notify the applicant in writing within 72 hours of the grounds for rejection.
- f. The Board shall provide a receipt to the applicant indicating the date of acceptance.

### F. TIMING OF THE APPLICATION REVIEW

1. The Board shall act to approve, conditionally approve, or disapprove the completed application within 65 days of acceptance as complete whenever possible.
2. However, the Board may apply to the Selectmen for an extension not to exceed an additional 90 days before acting to approve, conditionally approve, or disapprove an application.
3. Moreover, an applicant may waive the requirement for Board action within the time periods specified in these regulations, and consent to such extension as may be mutually agreeable (RSA 676:4,I(f)).
4. If the Planning Board has not taken action on the completed application within 65 days of its acceptance and has not obtained an extension, the applicant may obtain from the Board of Selectmen an order directing the Planning Board to act within thirty (30) days, as specified in RSA 676:4,I(c).

### G. APPROVAL, CONDITIONAL APPROVAL OR DISAPPROVAL OF THE APPLICATION

1. With the exception of Expedited Review and Approval (see 4 below), the Board shall hold a public hearing when it considers the merits of an application.
2. Approval of the Plat shall be certified by written endorsement on the Plat, and signed and dated by the Chairman of the Board. The Secretary shall transmit a copy of the

## Dublin Subdivision Regulations

Plat with such approval endorsed in writing thereon to the Registry of Deeds of Cheshire County. The applicant shall be responsible for the payment of all recording fees.

3. If any submitted Plat is disapproved, the grounds for such disapproval shall be adequately stated in the records of the Planning Board and in written notice given to the applicant.
4. Special types of approvals.
  - a. Expedited Review and Approval.
    - (1) Expedited review may allow submission and approval at one or more Board meetings, but no application may be approved without the full notice to the abutters, holders of conservation, preservation, or agricultural preservation restrictions, and the public as required in Article 4 (below).
    - (2) A public *hearing* is not necessary unless requested by the applicant, an abutter or holder of conservation, preservation, or agricultural preservation restriction. Such a request may be made at any time prior to approval or disapproval. The Planning Board may also determine to hold a hearing, rather than a meeting, for expedited review.
    - (3) The Board may expedite review for:
      - (a) A minor subdivision that creates no more than 3 lots for building development purposes.
      - (b) A proposal that does not involve creation of lots for building development purposes.
      - (c) A lot line adjustment.
    - (4) Such review and approval may proceed only after
      - (a) Acceptance of the application by the Board.
      - (b) Full notice as in (1) above.
  - b. Conditional Approval.
    - (1) The Board may grant conditional approval of an application, but the Plat will not be signed or recorded until all of the conditions have been met. A further public hearing is not required when such conditions:
      - (a) Are administrative in nature; or
      - (b) Involve no discretionary judgment on the part of the Board; or
      - (c) Involve the applicant's possession of permits and approvals granted by other Boards or agencies, such as the Department of Transportation, the Wetlands Board, or Water Supply and Pollution Control Division.
    - (2) A further public hearing will be required to demonstrate compliance with the terms of all other conditions, pursuant to RSA 676:4,I(i).

**ARTICLE IV**  
**NOTIFICATION**

A. REQUIRED NOTIFICATIONS

1. Regional Impact

- a. All proposals will be evaluated for potential regional impact. If the Planning Board decides that there is the possibility of regional impact, it will afford the affected municipalities the status of abutters as defined in RSA 672:3 for the limited purpose of providing notice and giving testimony. (See RSA 36:54)
  1. Within 144 hours of reaching a decision regarding a development of regional impact, the Planning Board shall, by certified mail, furnish the Southwest Regional Planning Commission and the affected municipalities with copies of the minutes of the meeting at which the decision was made.
  2. The Planning Board shall, at the same time, submit an initial set of plans to the Southwest Regional Planning Commission, the cost of which shall be borne by the applicant.
  3. At least 14 days prior to public hearing, the Planning Board shall notify, by certified mail, all affected municipalities and the regional planning commission of the date, time, and place of the hearing and their right to testify concerning the development.
2. Accepting an application.
3. Public Notice that the Board will hold a public *meeting* to evaluate an application for completeness shall be given at least ten (10) days prior to the meeting.
4. Evaluating the merit of an application.
  - a. Public Notice that the Board will hold a public *hearing* to evaluate the merits of an accepted application shall be given at least ten (10) days prior to the meeting.

B. PUBLIC NOTICE REQUIREMENTS AND PROCEDURE (RSA 676:4)

1. Public Notice shall be given to the abutters, the applicant, all holders of conservation, preservation, or agricultural preservation restrictions, and any engineer, architect, land surveyor, or soil scientist whose professional seal appears on any plat.
  - a. This notice shall be sent by certified mail, mailed at least ten (10) days prior to the day of the scheduled meeting or hearing.

## Dublin Subdivision Regulations

2. Public Notice shall be given to the community at the same time by posting at the Town Hall and the Post Office, and by publishing in a newspaper of general circulation whose publication date is at least ten (10) days prior to the day of the scheduled meeting or hearing.
3. The notice shall give the date, time, and place of the Planning Board meeting at which the application will be formally evaluated by the Board, shall include a general description of the proposal which is to be considered, and shall identify the Applicant and the location of the proposal.
  - a. If the Board anticipates that the application may be accepted as complete and approved at the same meeting, one notice indicating this possibility may serve for both procedures.
  - b. Additional notice of a continued hearing is not required provided that the date, time, and place of the continued session were made known at the prior meeting.



## **ARTICLE V**

### **FEES**

- A. The Planning Board shall assess appropriate administrative fees. All applications shall be accompanied by a check to reimburse the Board for its administrative and notification costs involved in processing applications.
- B. All costs of notices, whether mailed, posted, or published, shall be paid in advance by the Applicant. This includes all costs incurred by regional impact. Failure to pay costs shall constitute valid grounds for the Board to not accept the application as complete.
- C. Pursuant to RSA 676.4,I(g) it shall be the responsibility of the applicant to pay reasonable fees for special investigative studies, environmental assessments, legal review of documents, administrative expenses and other matters which may be required to make an informed decision on a particular application. This includes reimbursement for fees incurred during the Conceptual Consultation and Design Review phases.
- D. Failure to pay such costs shall constitute valid grounds for the Board to terminate further consideration of the application and to disapprove the Plat without a public hearing.

## ARTICLE VI

### DATA REQUIREMENTS

#### A. SITE CONTEXT MAP

1. A Site Context Map shall be submitted before or during the Preliminary Conceptual Consultation Phase.
  - a. Site Context Map shows the location of the proposed subdivision within its neighborhood context. For sites less than 100 acres in area, such maps shall be at a scale not less than 1" = 200', and shall show the relationship of the subject property to natural and man-made features existing within 1,000 feet of the site. For sites of 100 acres or more, the scale shall be 1" = 400', and shall show the above relationships within 2,000 feet of the site. The features that shall be shown on Site Context Maps include topography (from U.S.G.S. maps), stream valleys, wetland complexes (from maps published by the U.S.D.A. Natural Resources Conservation Service or NH State DEC), woodlands (from aerial photographs), ridge lines, public roads and trails, utility easements and rights of way, public land, and land protected under conservation easements.

#### B. SKETCH PLAN OR SKETCH PLAN OVERLAY SHEET

1. A Sketch Plan or Sketch Plan Overlay Sheet shall be submitted by the applicant as part of the Design Review Phase.
2. A Sketch Plan or Sketch Plan Overlay Sheet provides a diagrammatic basis for initial discussions with the Planning Board regarding the design of a proposed subdivision or land development. The purpose of the Sketch Plan or Sketch Plan Overlay Sheet is to help applicants and officials develop a better understanding of the property and to assist in establishing an overall design approach that respects its special or noteworthy features while providing for the density permitted under the local zoning law. The Sketch Plan shall be prepared in accord with the Four Step Design Process described in Article 13-C.
3. To provide a full understanding of the site's potential, to facilitate the most effective exchange with the Planning Board and to facilitate review, enabling officials to see clearly and quickly how well (or not) the Sketch Plan succeeds in designing around conservation areas and potential greenway linkages, the Sketch Plan shall include the information listed below in 4. Many of these items can be taken from the Existing Resources and Site Analysis Map.
4. Whenever practicable, the diagrammatic Sketch Plan shall be prepared as a translucent or transparent overlay sheet placed on top of the Existing Resources and Site Analysis Map. Both of these drawings shall be produced at the same scale and together include the following:

## Dublin Subdivision Regulations

- a. Name and address of the legal owner, the equitable owner, and/or the applicant.
- b. Name and address of the professional engineer, surveyor, planner, architect, landscape architect, or site designer responsible for preparing the plan.
- c. Graphic scale (not greater than 1" = 200 ft.; however, dimensions on the plan need not be exact at this stage), and north arrow.
- d. Approximate tract boundaries, sufficient to locate the tract on a map of the Town.
- e. Zoning district boundaries.
- f. Existing streets on and adjacent to the tract.
- g. Primary and secondary conservation areas.
- h. Common Open Space.
- i. Schematic layout indicating a general concept for land conservation and development ("bubble" format is acceptable for this delineation of Step One of the four-step design process described in Part VI below).
- j. Proposed general street and lot layout and conceptual building locations.
- k. General layout of proposed method of water supply, sewage disposal, and stormwater management.

### C. EXISTING RESOURCES AND SITE ANALYSIS MAP

1. The Existing Resources and Site Analysis Map shall be submitted by the applicant as part of the Design Review Phase.
2. For all subdivisions, an Existing Resources and Site Analysis Map provides the developer and the Town with a comprehensive analysis of existing conditions on the proposed development site. The Planning Board shall review the map to assess its accuracy, conformance with municipal local laws, and the likely impact upon the natural and cultural resources on the property. Unless otherwise specified by the Planning Board, such plans shall generally be prepared at the scale of 1" = 100' or 1" = 200', whichever would fit best on a single sheet. The following information shall be included in or shall accompany this Map:
  - a. An aerial photograph enlarged to the map scale, with the site boundaries clearly marked. (Note: this may be available from the Town.)
    - (1) Topography, the contour lines of which shall generally be at two-foot intervals,

## Dublin Subdivision Regulations

and, at the sole discretion of the Planning Board, determined by photogrammetry. Ten-foot intervals are permissible beyond the parcel boundaries, interpolated from U.S.G.S. published maps. The determination of appropriate contour intervals shall be made by the Planning Board, which may specify greater or lesser intervals on exceptionally steep or flat sites. Slopes between 15 and 25 percent and exceeding 25 percent shall be clearly indicated. Topography for major subdivisions shall be prepared by a professional land surveyor or professional engineer from an actual field survey of the site or from stereoscopic aerial photography and shall be coordinated with official U.S.G.S. benchmarks.

- b. The location and delineation of ponds, streams, ditches, vernal pools, drains, and natural drainage swales, as well as the 100-year floodplains and designated wetlands. Additional areas of wetlands on the proposed development parcel, specifically including vernal pools (which are only seasonally wet), shall also be indicated, as evident from testing, visual inspection, or from the presence of wetland vegetation.
  - c. Vegetative cover conditions on the property according to general cover type including cultivated land, the canopy lines of woodlands, hedgerows, wetlands.
  - d. Soil series, types and phases, as mapped by the U.S. Department of Agriculture, Natural Resources Conservation Service, in the published soil survey for the county, and accompanying data published for each soil relating to its suitability for construction (and, in areas without sewers, for septic suitability).
  - e. Ridge lines and watershed boundaries shall be identified.
  - f. A viewshed analysis showing the location and extent of views into the property.
  - g. Geologic formations on the proposed development parcel, including rock outcroppings, cliffs, sinkholes, and fault lines, based on the bedrock geology, surficial layer, and fracture trace information available from the town.
  - h. All existing man-made features including but not limited to streets, driveways, farm roads, roads, trails, buildings, foundations, stone walls, wells, drainage fields, dumps and waste disposal areas (both existing and abandoned), utilities, storage tanks (both above and below ground), fire hydrants, and storm and sanitary sewers.
  - i. Locations of all historically significant sites or structures on the tract, including but not limited to cellar-holes, stone walls, areas of archaeological significance, and graves.
  - j. Locations of trails that have been in public use (pedestrian, equestrian, bicycle, etc.).
  - k. All easements and other encumbrances of property which are or have been filed of record with the Office of the Registry of Deeds in Cheshire County.
  - l. Total acreage of the tract, plus the Adjusted Tract Acreage and all other information necessary to determine the density, with detailed supporting calculations.
3. At its sole discretion the Planning Board may require a Tree Survey (see “Tree Survey” in Article 14-52).

## Dublin Subdivision Regulations

### D. PLAT FORMAT

1. Basic Requirements.
  - a. All Plats submitted to the Board shall be drawn with black waterproof ink on good quality tracing cloth or may be on a permanent reproducible polyester film. Three copies of the Plat shall be submitted. Space shall be reserved on the Plat for all necessary endorsements. The size of the sheets shall conform to the requirements of the Registry of Deeds of Cheshire County.
2. The Plat shall be prepared and certified by a land surveyor licensed by the state of New Hampshire. The Plat shall show or be accompanied by:
  - a. The names and addresses of all abutters, as shown in Town records not more than five days before the filing.
  - b. All holders of conservation, preservation, or agricultural preservation restrictions, and any engineer, architect
3. Additional requirements. The Plat shall further include, or be accompanied by the following, unless waived by the Board:
  - a. Proposed subdivision name or identifying title.
  - b. Name and address of the applicant, and of the owner if other than the applicant.
  - c. Scale of 1" = 200', North arrow, and date.
  - d. Locus plan showing general location of the total tract within the Town, and the Zoning District.
  - e. Name, license number, seal of the surveyor.
  - f. Adjoining property lines and names of adjoining owners of record.
  - g. Boundary survey including bearings and distances and the location of permanent markers.
  - h. Locations and profiles with elevations of existing and proposed culverts and drains, and detailed plans for proposed erosion and sediment control.
  - i. Existing and proposed easements, rights-of-way, buildings, water courses, ponds, standing water, stone walls, and other essential site features.
  - j. Location of property lines, including entire undivided lot, and proposed lots with areas and frontage on public rights-of-way. Each lot shall be numbered according to tax map

## Dublin Subdivision Regulations

numbering system.

- k. Existing and proposed topographic contour boundaries at two (2) foot intervals.
- l. Location of ground water, wells, percolation tests and results, and intended septic area.
- m. Soil mapping types/slopes and boundaries.
- n. Deed restrictions.
- o. Open space to be preserved.
- p. Existing and proposed streets with class, names, and right-of-way widths, and proposed driveway.
- q. Final road profiles and cross sections, as required in Article 9, Design Standards for Roads.
- r. State or Town highway access permit, as applicable.
- s. State septic approval or copy of application. Subdivision approval is not final until permits have been received.
- t. Any other applicable state or federal permits as may be required.
- u. Additional reports or studies as may be required to allow the Board to make an informed and educated decision concerning the proposal, including but not limited to traffic, school, fiscal and environmental impact analyses.

## **ARTICLE VII**

### **PHASING OF DEVELOPMENTS**

A phasing plan shall be submitted for Planning Board approval for all residential developments of more than ten (10) lots or dwelling units, and at the applicant's option may be submitted for smaller developments.

## ARTICLE VIII

### PERFORMANCE GUARANTEE

#### A. WHEN REQUIRED

As a condition of approval, the Planning Board shall require the posting of a bond or other surety to cover the cost of the preparation public or private streets, street lights, street signs, traffic signals, setting highway bounds, boundary monuments, public utilities, drainage structures, storm drains, under-drains, other improvements of a public utility nature, and parks and recreational areas where applicable.

#### B. DETAILS

1. The bond or other surety shall be approved by the Planning Board with the guidance of municipal counsel, and conditioned on the completion of such improvements within two (2) years from the approval of the subdivision, unless released or extended by a vote of the Planning Board after a written request of the subdivider.
2. At the discretion of the Planning Board, the proposed security shall be reviewed by a licensed engineer. All costs of such review shall be paid by the applicant.
3. The amount of the security shall include fees to cover the cost of periodic inspections.
4. In no case shall the amount of the performance guarantee be less than one-hundred and fifty percent (150%) of the total estimated cost of improvements.
5. The security shall be approved as to form and sureties by the Board and the municipal counsel.
6. Where electric lines or other utilities are to be installed by a corporation, municipal department, or public utility, a letter of intent shall be required stating that the work will be done in reasonable time and without expense to the Town.
7. Each approved Plat shall contain a time limit for the completion of streets and public improvements.
8. The performance guarantee shall be released in phases as portions of the secured improvements or installations are completed and approved by the Board or its designee, in accordance with the plan approved by the Board.
9. All deeds covering land to be used for public purposes, easements and rights-of-way over property to remain in private ownership, and rights of drainage across private property are to be submitted in a form satisfactory to the Board's counsel.
10. All recording fees shall be borne by the subdivider.

#### C. FAILURE TO COMPLETE

In the event of the failure of the owner or his/her agent to complete the project within the two (2) year period from the approval of the subdivision or not having received an extension from



## Dublin Subdivision Regulations

the Planning Board, the Board shall cause all the monies held in the performance escrow to be taken and shall request the Board of Selectmen to proceed to complete the project in compliance with the approved plans. After all construction, engineering and administrative costs have been paid, all remaining money shall be returned to the owner.

## ARTICLE IX

### **DESIGN STANDARDS FOR STREETS AND ROADS**

The purpose of this standard is to ensure safe vehicular travel on streets, public or private, proposed in the Town of Dublin. Proper design requires the blending of safe roadway layout and grade with minimization of impacts on the existing terrain and environment. This standard is further intended to be flexible in consideration of different traffic volumes, design speeds and terrain conditions.

#### A. ARRANGEMENT OF STREETS

The streets in a subdivision shall be properly arranged and coordinated with other existing or planned streets.

#### B. RIGHT-OF-WAYS

No street or highway right-of-way shall be less than 50 feet in width and may be required to be more if a greater width is warranted in the opinion of the Board. The apportioning of the street widths among roadway, sidewalks, and possible grass strips shall be subject to the approval of the Board.

#### C. DEAD-END STREETS/CUL-DE-SACS

1. Dead end streets shall be equipped with a turn-around roadway at the closed end, as shown in Exhibit 2 following. The maximum grade through a cul-de-sac shall be 5%.
2. All lots created as part of a cul-de-sac subdivision shall have the legal frontage on the cul-de-sac and shall be accessed from this frontage. Dead-end streets/cul-de-sacs shall not exceed one-thousand (1,000) feet in length.

#### D. INTERSECTIONS

1. Street intersections shall have a minimum angle of intersection of 60 degrees, with a preferable angle being 90 degrees.
2. The property line radius at intersections shall be no less than 20 feet.
3. Refer to Table 1 for other requirements.

#### E. STREET NAMES

1. Streets which extend or are in alignment with streets of abutting or neighboring properties shall bear the same names of existing streets within the Town of Dublin.
2. Other street names shall be approved by the Planning Board in a review process.
3. Precautions shall be taken to ensure street names are not duplicated or so similar to

## Dublin Subdivision Regulations

other existing street names as to cause confusion.

### F. EXISTING STREET CONDITION

Where a subdivision requires undue expenditures 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 improvements have been assured by Dublin.

### G. MINIMUM DESIGN STANDARDS

1. New roads shall be designed to conform to the minimum standards established in Table 1 below and as shown on the attached Typical Roadway Cross Section (Exhibit 1). The road designs are based on average daily traffic volumes (ADT). The Master Plan has tables of average daily traffic.
2. ADT should be determined by the manual entitled Institute of Transportation Engineers - Trip Generation. This may be supplemented by actual traffic data compiled for local road networks, applicable to the proposed project.
3. Where roads have the potential for extension through to other lands or other potential street networks, appropriate increases in the traffic volume estimates may be required at the discretion of the Planning Board. The Planning Board shall have the right and authority to increase design standards in such cases and in other cases where it is deemed appropriate.
4. For streets serving commercial/industrial areas, the Planning Board may require more restrictive requirements than shown in Table 1. These commercial/ industrial roads shall at least meet the requirements of a "collector road."

TABLE 1

<b>ROAD DESIGN - <u>MINIMUM</u> STANDARDS</b>				
TRAFFIC LOAD	ADT 0-50	ADT 50-250	ADT 250-400	ADT 400-750 (Or greater)
MASTER PLAN DEFINITION	SERVICE ROAD			COLLECTOR ROAD
Design Speed--MPH	20	20	30	35
Centerline Curve Radius in feet	120'	150'	250'	425'
Roadway Width in feet	20'	22'	22'	24'
Shoulder Width (each side)	2'	2'	3'	4'
Vertical Curve Crest:	15	15	30	50
Sag:K Values (min)	24	24	40	50
Sight Distance--feet	150'	200'	300'	350'
Sight Distance @ Road Intersections--feet	200'	300'	350'	400'
Profile Grade Minimum:	0.5%	0.5%	0.5%	0.5%
Maximum:	10%	9%	8%	7%
Minimum Platform @ Road Intersections	2%-50'	2%-75'	2%-100'	2%-100'
Minimum Pavement Radius @ Road Intersections	30'	30'	35'	40'

H. CURBING

1. Curbing may be required by the Planning Board where it is deemed appropriate and necessary for the purposes of drainage, slope stability and/or pedestrian safety. Curbing allowed in the Town of Dublin includes straight granite, sloped granite, and bituminous Cape Cod berm.

## Dublin Subdivision Regulations

2. The construction of curbing shall be in accordance with the attached details (Exhibits 4, 5, 6).

### I. SIDEWALKS

Sidewalks of not less than 4 feet in width and conforming to the grades of the street shall be constructed on one or both sides of the street when it is the opinion of the Planning Board that such sidewalks are necessary.

### J. STEEP GRADES

Where roadway profiles exceed 5%, special consideration will be given to drainage, sedimentation and erosion protection. This may require curbing and special measures such as riprap or other erosion protection.

### K. SUPER-ELEVATION

1. Super-elevation may be considered and allowed by the Planning Board in particular cases where the terrain and property configuration necessitates such for proper alignment.
2. Where super-elevation is utilized, the maximum rate of super-elevation shall not exceed 0.08 foot per foot. The radial curvature of the road shall conform to the recommendations of AASHTO for the proposed rate of Super-elevation.
3. Where super-elevation is utilized, the Design Engineer shall provide appropriate documentation and calculations to demonstrate the safety and adequacy of the proposal which shall be reviewed by the Board and, at its discretion, a qualified consultant.

### L. ROAD CONSTRUCTION/COMPACTION REQUIREMENTS

Roads shall be constructed in accordance with the following standards and procedures:

1. Subgrade. All trees and roots shall be stripped to below the base course of pavement and shoulders for the full width of the pavement and shoulders. All soft spots, peat, organic material, spongy soil, and other unsuitable materials shall be removed and replaced by material approved by the Board or its agent.
  - a. The subgrade fill or backfill shall be compacted in lifts not exceeding 12 inches in depth. The subgrade shall be graded in the general cross slope configuration shown on the Typical Roads Section (Exhibits 1 or 3).
  - b. Boulders and/or ledge shall be removed to a depth of 6 inches below the subgrade level shown on the Typical Road Sections (Exhibits 1 or 3). After removal to this depth, they shall be covered by a fill material approved by the

## Dublin Subdivision Regulations

Board or its agent and graded and compacted to the subgrade level.

2. Base Course. Bank-run gravel of good quality shall be spread over the entire width of the proposed pavement and shoulders to a depth of 12 inches, plus 6 inches of crushed gravel. The bank-run gravel and crushed gravel each shall be placed in lifts not exceeding 6 inches and in the cross slope configuration shown on the attached Typical Roadway Sections (Exhibits 1 or 3).
3. Compaction. Roadway subgrade and base courses shall be compacted to 95% of maximum density proctor method in accordance with AASHTO T-99.
4. Pavement Materials
  - a. Base course of 2 inches conforming with Type B of the NHDOT Specifications.
  - b. "Wearing Course" conforming with Type F of the NHDOT Specifications.

### M. GRAVEL ROADS

Gravel roads may be allowed by the Planning Board where they are deemed to be in keeping with the surrounding area. Where gravel roads are allowed, they shall comply with the attached cross section (Exhibit 3) and need not normally exceed the standards of Column 1, Table 1.

### N. DRIVEWAY STANDARDS

RSA 236:13-V confers upon the Planning Board the same powers concerning Class I, Class III or the state-maintained portion of Class II highways as are conferred upon the commissioner of transportation in RSA 236:13.I,II,and III.

1. No driveway shall be constructed within 50 feet of an intersecting road.
2. For purposes of snow removal, general maintenance, and protection of abutters, no driveway shall be constructed closer than 10 feet from abutting property lines.
3. When two proposed driveways on the same side of the road are within 50 feet of each other, the Planning Board may require a common access to be used, for reasons of safety and topographical considerations.
4. A minimum of a 150-foot all season safe sight distance in each direction is required, though most roads in Dublin require greater sight distance.
5. The driveway shall have a minimum width of 14 feet at the intersection of the road and for a distance of 14 feet from the road. In all cases the driveway shall be wide enough to accommo-

## Dublin Subdivision Regulations

- date emergency vehicles. The driveway entrance may be flared out as it approaches the road.
6. The driveway entrance shall drop 6 inches from the center of the road to a point at least 6 feet in back of the ditch line without a culvert; if a culvert is required, the drop shall be one-quarter inch per foot.
  7. If a culvert is required for proper drainage, it shall be a minimum of 15" in diameter and long enough to accommodate a 3:1 side slope and to maintain the driveway width dimensions and a stable fore slope. It shall be of new galvanized steel, concrete or HDPE.
  8. The culvert may be required to have a catch basin with a cover at the inlet end and a concrete or stone header at the outlet end. The culverts shall be installed by the landowner under the supervision and with the approval of the Road Agent.
  9. Driveways shall not interrupt the natural or ditch line flow of drainage water. Where shallow ditch lines or natural drainage courses exist, driveways may be swaled at a point beyond the shoulder to accommodate the flow of storm water.
  10. The provisions of Article XIX of the Dublin Zoning Ordinance, "Regulation of Development on Steep Slopes", shall apply in any case where the driveway to be constructed has a slope of 10% or greater, or the land on which a driveway is to be constructed has a slope of 15% or greater.
  11. The drainage ditch shall be 6 inches below the outlet end of the culvert and drop at least one-quarter inch to the nearest point of drainage relief.
  12. Any driveway crossing a wetland or body of water shall have all permits required by the Wetlands Board.
  13. There shall be no more than one primary access to a single parcel of land unless a need for multiple access can be demonstrated.
  14. Driveways shall intersect roadways at an angle of 90 degrees.
  15. The grade of the driveway away from the roadway surface shall be constructed to slope away from the surface for a distance equivalent to the existing ditch line; water cannot go onto the road. This slope shall be a minimum of one-quarter inch per foot.
  16. Any bridges shall be constructed in accordance with sound engineering practices and as approved by the Planning Board.
  17. No structures (including buildings), permanent or portable signs, lights, displays,

## Dublin Subdivision Regulations

fences, walls, etc. shall be permitted on, over, or under the town road right-of-way.

18. Driveways providing access for multi-unit residential, commercial, or industrial uses shall be designed to conform with good engineering practice using the NHDOT manual, Administrative Rules for the Permitting of Driveways and Other Accesses to the State Highway System as a guide.
19. Driveways intersecting paved town roads must have a paved apron 14 feet wide and 14 feet deep.
20. Driveways that are over 100 feet in length must submit plans that include surveyed topography, located wetlands, grading plan, and plan for erosion control, or other such plans as are considered to be sufficient by the Planning Board for the specific site.

### O DRIVEWAYS TO BACKLOTS

Driveways to backlots shall be subject to the following standards in addition to any other applicable standards in Paragraph N above.

1. Unless existing conditions prevent it, only one curb cut will be allowed for both the front and the back lot.
2. All curb cuts on town streets or private roads are to be approved by the Dublin Road Agent. The location will be suitable, and the use and maintenance of the driveway will not create a hazard or nuisance.
3. The edge of the traveled way shall be set back at least 10 feet from any property lines.
4. Appropriate buffering shall be provided to protect the privacy of neighbors and shield them from dust, noise, lighting, etc.
5. There shall be a proper turnaround for emergency vehicles, subject to approval by the Dublin Fire Chief.

### P. CLASS VI ROADS

Subdivision on Class VI roads is generally discouraged. Any such approvals shall be given by the Board only when the denial would cause unusual hardship or would serve no public purpose.

### Q. PRIVATE ROADS

Private roads shall conform to the standards outlined in Paragraph L of this Article. Upon written request by the applicant, the Board may grant a waiver from any of these standards in the event that strict compliance would prove an unnecessary hardship for the applicant.



## Dublin Subdivision Regulations

1. A Maintenance Agreement shall be filed with the Planning Board and recorded with the plan that states to what extent each parcel or lot is responsible for the maintenance of the road. The agreement shall run with the land, and upon any future conveyance of property, the agreement shall be incorporated into and made part of a conveyance binding upon the parties thereto, their successors and assignees.
2. The standards of road maintenance and improvement shall be specified in the Agreement.
3. The applicant shall sign a Waiver of Municipal Liability, indicating he/she understands that the Town is under no obligation to take over maintenance or ownership of the road.
4. The Maintenance Agreement will be reviewed by municipal counsel at the applicant's expense.
5. Planning Boards should note RSA 236:13 that gives Planning Boards continuing jurisdiction over virtually all private roads and driveways; also see *Driveway Regulations, Town of Dublin, New Hampshire*.

### R. SUBMITTALS

The following shall be submitted as part of a major subdivision application:

1. A plan and profile of the proposed road centerline at a scale approved by the Planning Board, but not less than 1" = 50' horizontal and 1" = 5' vertical. (Lesser scales may be allowed only with specific approval of the Planning Board). The plan shall show existing contours and proposed grading with contours and spot elevations as well as utilities, ditches, and other pertinent sections. The profile shall also show drainage pipe, culverts, catch basins, and headwalls by station and elevation.
2. Cross sections at culverts and drain system inlets and outlets and at driveways and at other locations where required by the Planning Board.
3. Appropriate details necessary for design and construction.
4. Appropriate specifications necessary for design and construction (These may be included on the detail plan).

### S. DESIGN BY PROFESSIONAL ENGINEER

The roadway design, as defined in Article 6, shall be by a qualified engineer licensed in the State of New Hampshire as a Professional Engineer. All pertinent drawings including plan and profile, cross sections, details and specifications shall bear the seal of the Engineer.

## Dublin Subdivision Regulations

### T. STREET LIGHTING

1. In cases where new roads are constructed as part of a subdivision, street lighting may, as deemed appropriate by the Planning Board, be installed at all intersections with town or state roads at the developer's expense.
2. Lighting will conform with the standards set forth in Site Plan Review, Article 13 B, or in a Dublin Lighting Ordinance, as it may be adopted.

## ARTICLE X

### SEWAGE DISPOSAL DESIGN

#### A. INDIVIDUAL, ON-LOT SEWAGE DISPOSAL SYSTEM DESIGN REQUIREMENTS REGARDING SOILS AND SEWAGE DISPOSAL.

1. No subdivision of land will be approved by the Board where it creates a lot or site that will not meet the minimum standards and design requirements imposed by the State of New Hampshire Water Supply and Pollution Control Commission, municipal regulations, and the requirements listed as follows.
2. All soil tests (test pits and percolation tests) shall be performed in the presence of and certified by an official representative of the Town duly designated to inspect soil tests for the purposes of these regulations.
3. Major subdivisions shall have the soil types for the entire parcel of land delineated on the plan by the Cheshire County Conservation District, utilizing the soil classification as determined by the U.S.D.A. Soil Conservation Service. The soils information provided on the plan shall be certified on the plan by the Cheshire County Conservation District. A legend prepared by the Cheshire County Conservation District shall accompany the acetate plan. The legend shall show map symbols, soil names, depth to seasonal high water table, depth to bedrock, permeability, soil limitations and such other information as the Cheshire County Conservation District deems appropriate.
4. The number and location of percolation tests and test pits shall be determined in consultation with the Board and dependent on the submission phase. All percolation tests and test pits attempted shall be logged, recorded, located and dated on the soil survey plan.
5. All test pits shall be dug to a depth of ten (10) feet or refusal if ledge. Depth to ledge, clay, hardpan layers, existing and expected seasonal high water table shall be recorded on the soil survey plan.
6. Sufficient test pits shall be dug to ensure that an area of twice the design leach field area is present on the proposed lot with a natural soil depth of at least ten (10) feet to bedrock. This area shall not be used for buildings, wells, or other permanent structures, but reserved for sewage treatment and septic effluent disposal. If such an area is not present the lot shall be disapproved.
7. The bottom of a proposed leaching bed or trench, and the floor of a leaching cesspool or leaching pit shall be a minimum of eight feet above any bedrock.
8. In soils having a hardpan, the sewage disposal system must be so designed that:

## Dublin Subdivision Regulations

- a. Subsurface and surface runoff waters are diverted from the leach-bed area.
  - b. Size of the filter field be designed so as to accommodate the slow permeability within the hardpan.
  - c. On all seepage beds, trenches or pits shall be located no closer than seventy-five (75) feet from any roadside ditches or drainage ditches that are on the down hill side below the proposed system.
9. Fill may be added to meet the standards imposed by Items 6, 7, and 8 above but may not be added to correct for any of the other above listed conditions. Fill material must be approved by the local responsible official or Board. Percolation tests will be required in the undisturbed natural ground to determine design of the leaching bed or trench.
  10. Any soil with a seasonal high water table at or within six (6) feet of the natural ground surface shall not be used for the disposal of septic tank effluent. Drainage where feasible and acceptable to the Board, may be utilized to overcome this situation.
  11. The bottom of a proposed leaching bed or trench and the floor of a leaching cesspool or leaching pit shall be a minimum of four (4) feet above any seasonable high water table.
  12. Any soil with a percolation rate of over one inch per hour shall not be used for the disposal of septic tank effluent.
  13. Any land area having a natural slope of 12 percent (12 feet vertical to 100 feet horizontal) or greater shall not be altered or used for the disposal of septic tank effluent unless the system is designed by a registered (with the State of New Hampshire) sanitary engineer and overcomes the adverse land conditions to the satisfaction of the Board.
  14. No septic system leaching bed or trench, or leaching cesspool or leaching pit shall be allowed on soils subject to flooding, unless the individual or parties responsible for the system can prove the system will, during periods of flooding from adjacent streams and rivers, comply with the six basic standards of these regulations.
  15. All subsurface sewage disposal systems must be designed and constructed in accordance with the most recent edition of the manual on "Septic Tank System of Sewage Disposal" as published by the New Hampshire Water Supply and Pollution Control Commission.
  16. No lagoon or spray septic systems shall be allowed in Dublin.
  17. As more accurate bedrock and fracture maps become available, the Planning Board may require their use in determining septic system location and design.



## ARTICLE XI

### DRAINAGE, SEDIMENTATION AND EROSION CONTROL

The proper design of roadways, subdivisions and sites must include adequate provisions for drainage, sedimentation and erosion control. The requirements put forth in this Article are to ensure that stormwater runoff is adequately accommodated and that ponding of surface water on roadways, roadway icing and frost heaving, undermining of roadways and damage caused by drainage sedimentation and erosion are appropriately prevented. The following standards shall be required.

A. THE FOLLOWING STORMWATER RUNOFF FREQUENCIES SHALL BE USED.

- |  |         |
|--|---------|
| 1. Closed drainage systems   | 10 year |
| 2. Culverts, drainage ditches, intermittent streams and other minor drainage ditches | 25 year |
| 3. Permanent streams, rivers, ponds and waterways                                    | 50 year |
| 4. Detention/retention basins:   |         |
| Outlet design  | 10 year |
| Basin volume capacity  | 50 year |

B. THE FOLLOWING PIPE MATERIAL AND MINIMUM SIZES SHALL BE REQUIRED.

<u>Pipe</u>	<u>Materials</u>
Reinforced concrete pipe	Class IV Minimum
Corrugated metal pipe	Asphalt Coated (ACCOMP)

1. Notes.
  - a. The above pipe classifications are minimums. Depending on surface loading conditions and depth of pipe, pipe strengths greater than the minimums required above may be necessary.
  - b. Soil cover over pipes in roadways:
    - (1). Desirable = 4 feet
    - (2). Minimum = 2 feet
  - c. Reinforced concrete shall have gasketed joints. Asphalt coated corrugated metal pipe shall use appropriate collars as recommended by the manufacturer.
  - d. Other pipe materials may be considered only with the approval of the Town Road Agent and Planning Board.

## Dublin Subdivision Regulations

### C. MINIMUM PIPE SIZE

Closed drainage systems	12 inch
Culverts	15 inch
Permanent streams, rivers, ponds, etc.	As required by design flow computations
Driveway Culverts	15 inch

### D. CATCH BASINS AND MANHOLES

1. Catch basins and manholes shall conform to the attached sketches (Exhibits 7 and 8).
2. Grates and frames shall be as shown on Exhibit 9. Alternate grates and frames will be considered for appropriate flow and use conditions. Appropriate information with respect to strength and hydraulic capacity shall be provided by the applicant to demonstrate acceptability.

### E. BRIDGES

Bridges as defined in these Regulations shall be designed by a qualified structural engineer licensed as a Professional Engineer in the State of New Hampshire. Bridges shall be designed in accordance with the current AASHTO Standard included in A Policy on Geometric Design of Highways and Streets and Standard Specifications for Highway Bridges, as it from time to time may be updated.

### F. PIPE INLET AND OUTLET

1. Appropriate headwalls or pre-manufactured end sections will be used at all pipe inlets and outlets.
2. Where appropriate because of flows and velocities, riprap protection will also be required.

### G. DITCHES, SWALES AND WATERWAYS

1. Standard ditch sections for roadside ditches are shown as part of the standard roadway cross section. Other ditches shall have a minimum side slope of 3 feet horizontal to 1 foot vertical and shall be sized with respect to width and depth for the appropriate stormwater runoff frequency.
2. Protection of ditches from erosion and sedimentation may include loam and seed, riprap, jute matting, or other appropriate materials. The design for sedimentation and erosion control of ditches shall utilize the maximum flow and velocity capacity of the ditch in determining the appropriate size and type of said materials.

## Dublin Subdivision Regulations

### H. RIPRAP

1. The design of riprap for ditch sections shall include the median size and the gradation and shall be based on the maximum velocity and stormwater flow capacity of the ditch section.
2. Filter materials shall be used as an interface between the riprap and the natural soils materials where natural soils materials warrant.
3. Riprap for slopes shall be sized and provided with appropriate filter materials for the appropriate slope steepness and soils being considered.
4. The applicant shall provide appropriate calculations and details for riprap design.

### I. STEEP SLOPES

1. In general, slopes should not exceed 3:1 (3 horizontal to 1 vertical), or as defined on the Typical Roadway Section (Exhibit 1 of these Regulations), unless approved by the Planning Board.
2. In cases, steeper slopes may be considered by the Planning Board. In such cases, appropriate engineering data calculations and information must be provided to demonstrate the adequacy of the slope protection being proposed.

### J. UNDERDRAINS

1. Where conditions dictate the need, underdrains shall be installed. Underdrains may be included as part of the design, or may be required to be installed during the construction process as the result of conditions found.
2. Where underdrains are installed, they shall conform to the attached detail (Ex. 10).

### K. NATURAL VEGETATION

Whenever practical, natural vegetation shall be retained, protected and supplemented. Any stripping of vegetation, regrading or other development shall be done in such a way that it will minimize soil erosion.

### L. INSPECTION

Diversions, sedimentation basins, and other appropriate methods of sedimentation and erosion control shall be inspected by the Planning Board, or, at its discretion, the Code Enforcement Officer, and/or an qualified consultant prior to any grading or disturbance of existing surface material on or adjacent to the site.

### M. EXPOSURE OF DISTURBED AREAS

Disturbed areas shall be kept to a minimum, and the duration of exposure shall be a maximum of six months.



## Dublin Subdivision Regulations

### N. SEEDING AND MULCHING

Temporary seeding and/or mulching shall be used to protect exposed critical areas during development.

### O. STORMWATER RUNOFF, DOWNSTREAM DRAINAGE

1. Provision shall be made to accommodate the increase in runoff caused by changed soil and surface conditions during and after development. These provisions must be appropriate to eliminate adverse stormwater, sedimentation and erosion impacts resulting from the development.
2. The basic premise of any street or site design should be that the project should not produce a net increase in peak rate of water runoff flowing from the subject parcel to parcels in any location downhill or downstream than was present prior to development. It should be provided that the amount of water flowing from the subject parcel should not cause detrimental effects on properties downhill or downstream.
  - a. The project's engineer shall provide such information as the Board deems necessary to determine the effect of the project on downstream drainage facilities outside the area, and shall so certify by signing the drainage plan, when required.
  - b. Where the Board anticipates that the additional runoff incident to the project will overload an existing downstream drainage facility, cause damage to private property, or an increase in the expenditure of public funds, the Board shall not approve the project until adequate provisions are made for the downstream drainage at the expense of the applicant.
3. No increase in the peak flow of surface runoff shall be permitted if such increased runoff passes beyond the property lines of the parcel upon which the project occurs, unless it is within an approved public storm drainage system.

### P. SEDIMENTATION

1. Sedimentation in the runoff water shall be trapped through the appropriate use of hay bales, silt fences or sedimentation basins, or other acceptable methods; and these methods shall be monitored and maintained until all the disturbed areas are appropriately stabilized and sedimentation is no longer apparent.

### Q. SUBMITTAL OF DRAINAGE, SEDIMENTATION AND EROSION CONTROL MEASURES

1. Each major subdivision submittal shall be accompanied by an appropriate Master Plan which clearly defines the methods and Design parameters being used for drainage, sedimentation and erosion control. Each Master Plan shall include the following:

## Dublin Subdivision Regulations

- a. Drainage area maps for existing and proposed conditions which clearly define all drainage areas contributing to the project.
  - b. Design/construction drawings showing the layout, grading, elevations, and details being proposed for drainage and sedimentation/erosion protection, both permanent and temporary.
  - c. Appropriate pipe size calculations, ditch, catch basin and swale size calculations; appropriate design calculations for riprap, jute mat, or other appropriate erosion control measures; capacity calculations; detention/retention basin design sizing and erosion protection calculations; sedimentation swale and terrace design calculations.
2. This Master Plan shall be prepared and stamped by a qualified Professional Engineer licensed in the State of New Hampshire.
  3. The drainage, sedimentation and erosion control design shall make use of Best Management Practices as specified in the “Erosion and Sediment Control Design Handbook for Developing Areas of New Hampshire” (1987), as it may be from time to time amended or superseded.

### R. CONSERVATION COMMISSION REVIEW

1. A copy of the drainage Master Plan shall be submitted to the Conservation Commission for their review and comment. This review shall occur concurrently with the Planning Board review.
2. Where conditions warrant, the Planning Board may request the Conservation Commission to monitor the project construction process to ensure compliance with applicable drainage, sedimentation and erosion control requirements.

## **ARTICLE XII**

### **MISCELLANEOUS STANDARDS**

A. RECREATION AREAS

Areas set aside for parks and playgrounds to be dedicated or to be reserved for the common use of all property owners by covenant in the deed, whether or not required by the Board, shall be of reasonable size and character for neighborhood playgrounds or other recreational uses.

B. FIRE PROTECTION

Fire ponds, dry hydrants, and other fire protection facilities shall be furnished by the subdivider if deemed necessary by the Fire Department and by the Board.

## ARTICLE XIII

### SUBDIVISION DESIGN GUIDELINES

#### A. INTRODUCTION

Each time a property is developed into a residential subdivision, an opportunity exists for adding land to a community-wide network of greenways. Conservation Subdivision Design rearranges the development on each parcel as it is being planned so that half (or more) of the buildable land is set aside as open space and so homes can be built with a logical, environmentally responsible and aesthetically pleasing relationship to the land, its natural features and its bedrock base. Homes can be built in a less land consumptive manner, allowing the balance of the property to be permanently protected and added to an interconnected network of community green spaces. This approach provides a fair and equitable way to balance conservation and development objectives. For more information see Article 16, References.

#### B. PURPOSES AND APPLICATION

These Design Standards are intended to conserve significant open space, consistent with the preservation goals and policies contained in the Town's Master Plan, and in a manner that respects the equity of landowners and the ability of developers to subdivide land.

The regulations and standards in this Article are organized and focused on Conservation Subdivision Design. Minor subdivisions and other subdivisions that are developed through Conventional Subdivision Design nevertheless shall also be bound by those regulations in this Article as are reasonable and applicable to the parcel to be developed, as determined by the Planning Board.

In conformance with the Dublin Master Plan, RSA 674:35, RSA 674:36 and RSA 674:21, the overall objectives of subdivision design are set forth in the Zoning Ordinance and Land Use Regulations for the Town of Dublin, Article XXV. Based on these, Conservation Subdivision Design should attempt to achieve the following purposes:

1. To conserve open land, including those areas containing unique and sensitive natural features such as woodlands, steep slopes, streams, floodplains and wetlands, by setting them aside from development.
2. To provide greater design flexibility and efficiency in the siting of services and infrastructure, including the opportunity to reduce length of roads, utility runs, site grading, and the amount of paving required for residential development.
3. To reduce erosion and sedimentation by the retention of existing vegetation, and the minimization of development on steep slopes.
4. To promote the infiltration of stormwater on-site, thereby helping to recharge groundwater supplies.

## Dublin Subdivision Regulations

5. To provide for a diversity of lot sizes, building densities, and housing choices to accommodate a variety of age and income groups, and residential preferences, so that the community's population diversity may be maintained.
6. To implement adopted Town policies to conserve a variety of irreplaceable and environmentally sensitive resource lands, including provisions for reasonable incentives to create a greenway system for the benefit of present and future residents.
7. To minimize impacts on environmental resources (sensitive lands such as wetlands, floodplain, and steep slopes) and disturbance of natural or cultural features (such as woodlands, hedgerows and tree lines, ridgelines, critical wildlife habitats, fieldstone walls), historic buildings, and sites of archaeological significance, as well as to provide opportunities to enhance or restore existing resources that have been diminished or degraded through past land management practices.
8. To protect areas of the Town with productive agricultural soils for continued or future agricultural use.
9. To create neighborhoods with direct visual access to open land, with amenities in the form of neighborhood open space, and with a strong neighborhood identity.
10. To provide for the conservation and maintenance of open land within the Town to achieve the above-mentioned goals and for low impact recreational use by residents.
11. To conserve scenic views and elements of the Town's rural character, and to minimize perceived density by minimizing views of new development from existing roads.

### C. FOUR-STEP DESIGN PROCESS FOR CONSERVATION SUBDIVISIONS.

All proposals shall be based on a four-step design process to determine the layout of proposed open space areas, house sites, streets and lot lines.

1. Step One: Locate Potential Conservation Areas
2. Step Two: Identify Potential House-lot Areas
3. Step Three: Align Streets and Trails
4. Step Four: Draw in the Lot Lines

### D. LOCATE POTENTIAL CONSERVATION AREAS (STEP 1)

A major element of conservation subdivision design is the identification of sensitive natural features of a site and their protection, and the preservation of their continuity both within the site and where they continue into adjacent lands. Based on the Existing Resources and Site Analysis map and after the Planning Board has visited the site, the following areas shall be delineated.

## Dublin Subdivision Regulations

1. Primary Conservation Areas. Land that may not be built on or developed pursuant to Federal, State or local law, which generally includes sensitive areas whose locations are predetermined by the boundaries of wetlands, lands that are generally inundated (under ponds, lakes, creeks, etc.); land within the 100-year floodplain; excessively steep; and soils subject to slumping. This land shall be protected by conservation easement.
2. Secondary Conservation Areas. A broad category of open space determined by the Planning Board in consultation with the applicant that may include mature woodlands, prime farmlands, sites of historic, archaeological or cultural interest, and connections to greenways or trails. In delineating Secondary Conservation Areas, priorities should involve determining what is more special, unique, irreplaceable, environmentally valuable, historic, scenic, etc. on the site, compared with other areas of town. The area ultimately put into this category shall be protected by conservation easement.
  - a. In consultation with the Planning Board, the applicant shall prioritize natural and cultural resources on the tract in terms of their highest to least suitability for inclusion in the proposed open space areas.
  - b. On the basis of those priorities and practical considerations given to the tract's configuration, its context in relation to resources areas on adjoining and neighboring properties, and the applicant's subdivision objectives, the proposed Secondary Conservation Areas shall be delineated in a manner clearly indicating their boundaries as well as the types of resources included within them.
3. Common Open Space Areas. Land within or related to a Conservation Subdivision that is not individually owned, but may be fractionally owned by individual members of the development, that is designed and intended for the common use or enjoyment of the residents of the development or the public. It shall be protected from further development by conservation easement or deed restriction.
4. Note: The sum acreage of 2 and 3 (above), Secondary Conservation Areas plus Common Open Space, comprises the "Conservation Open Space" which must equal at least 50% of the buildable area of the parcel.
  - a. A major goal of the Town's in enabling this regulation is to protect the maximum amount of open space possible without adversely impacting development. Working with the subdivider or developer, the Planning Board is encouraged to protect more than 50% of the buildable area within a given parcel, whenever fair and practicable.
  - b. Note that Village Plan Alternative Design (RSA 674:21.VI) is an available option for the Planning Board (Dublin Zoning Ordinance and Land Use Regulations, Article XXV, B.9). This design strategy will leave 80% of a qualifying parcel protected.

## Dublin Subdivision Regulations

### E. IDENTIFY POTENTIAL HOUSE-LOT AREAS (STEP 2)

1. As set forth in RSA 674:21 and in the Zoning Ordinance and Land Use Regulations for the Town of Dublin, Article XXV, F, the Planning Board may waive the requirements of conventional minimum lot size, frontage, depth, and density standards to promote the objectives of Conservation Subdivision Design.
2. Potential house-lot areas may be broadly identified (the use of “bubble” diagrams is permissible). This identification shall include consideration of other relevant data on the Existing Resources and Site Analysis Map such as topography and soils, and the information on the bedrock geology map and fracture trace map, both available from the Town of Dublin.
3. The tentative location of proposed house sites is encouraged, but not required, in order to enable the most favorable siting in terms of views.
4. If house sites are shown, they should generally be located not closer than 100 feet from Primary Conservation Areas and 50 feet from Secondary Conservation Areas, taking into consideration the potential negative impacts of residential development on such areas as well as the potential positive benefits of such locations to provide attractive views and visual settings for residences.

### F. ALIGN STREETS AND TRAILS (STEP 3)

After designating the house sites, a street plan shall be designed to provide vehicular access to each house, bearing a logical relationship to topographic conditions.

1. Impacts of the street plan on proposed conservation areas shall be minimized, particularly with respect to crossing environmentally sensitive areas such as wetlands or traversing slopes exceeding 15%.
2. Street connections shall generally be encouraged to minimize the number of new cul-de-sacs and to facilitate access to and from homes in different parts of the tract. For road length and cul-de-sacs regulations see Article 9-C.

### G. DRAW IN THE LOT LINES (STEP 4)

Upon completion of the preceding three steps, lot lines shall be drawn as required to delineate the boundaries of individual residential lots. The Planning Board has the authority to waive minimum lot size, frontage, and depth (Zoning Ordinance and Land Use Regulations, Article XXV F.)

### H. DENSITY DETERMINATION

Applicants shall have the choice of one of two methods of determining the maximum permitted residential building density on their properties.

## Dublin Subdivision Regulations

### 1. Option One – Adjusted Tract Acreage Method

- a. A mathematical method of determining the maximum number of house lots that could realistically be created on a tract: Deduct from the Adjusted Tract Acreage all Unbuildable Land. Reduce the acreage by another 10% to allow for land required for new streets. Round to the nearest whole number (.5 rounds to 1). Divide this figure by the minimum lot size allowed by Conventional Subdivision Development in that zoning district to calculate maximum density for the purposes of Conservation Subdivision Design. If the tract is located in two Districts, for such purpose only it shall be treated as if it were two separate parcels located in their respective zoning districts.

### 2. Option Two – Yield Plan Method

A Yield Plan submitted by the applicant demonstrates a feasible Conventional Subdivision Plan under the requirements of the specific zoning district in which the property is located. Such plans shall be conceptual in nature and are not intended to involve significant engineering costs. They shall consist of conventional lot and street layouts, must conform to the town's regulations governing lot dimensions, buildable land, street design and, if appropriate, parking.

- a. Yield Plans must be prepared as conceptual layout plans in accordance with the standards of the Subdivision Regulations containing proposed lots, streets, rights-of-way, and other pertinent features. Drawn to scale, it must be a realistic layout reflecting a development pattern that could reasonably be expected to be implemented, taking into account the presence of wetlands, floodplains, steep slopes, existing easements or encumbrances and, if unsewered, the suitability of soils for subsurface sewage disposal.
- b. The Yield Plan shall reflect the dimensional standards in the underlying zoning district. It must identify the site's primary and secondary resources, as identified in the Existing Resources/Site Analysis Plan, and demonstrate that the primary resources could be successfully absorbed in the development process, without disturbance, by allocating this area to the proposed house lots.
- c. On sites not served by central sewage disposal, density shall be further determined by evaluating the number of homes that could be supported by individual septic systems on conventional lots, taking into account the bedrock and fracture trace maps available from the Town.
  - (1) Based on the primary and secondary resources, identified as part of the inventory and analysis, and on observations made during an on-site visit of the property, the Planning Board (with the assistance of consultants, when needed) shall select a ten (10) percent sample of the lots considered to be marginal for on-lot sewage disposal.



## Dublin Subdivision Regulations

(2) The applicant is required to provide evidence that these lots meet the standards for individual septic systems. When all lots in the sample pass, the applicant shall be granted the full density determined by the Yield Plan. Should any of the lots in a sample fail to meet the standard for individual septic system, those lots shall be deducted from the Yield Plan and a second ten (10) percent sample shall be selected by the Board and tested for compliance. This process is repeated until all lots in a given sample meet the standard for an individual septic system.

d. Yield Plan Dimensional Standards. The dimensional standards to be used in the development of Yield Plans shall be the same as those pertaining in the underlying zoning district.

### I. PLANNING AND DESIGN STANDARDS FOR SUBDIVISIONS

These standards apply to Conservation Subdivisions, but also, where indicated or when deemed appropriate by the Planning Board, to conventional subdivisions. When conventional subdivision is contemplated, the Board shall point out the relevant standards at Conceptual Consultation or at the Design Review hearing.

#### 1. General Standards For All Subdivisions to Minimize Adverse Impacts

- a. All subdivisions and land developments shall avoid or minimize adverse impacts on Dublin's natural, cultural, and historic resources, as defined below.
- b. Existing zoning and subdivision regulations relating to emergency access, fire prevention, and public health and safety concerns including protective radii for wells, and setbacks or buffers for septic systems and wetlands in town or in state regulations shall apply.

#### 2. Groundwater Standards For All Subdivisions To Protect Aquifers

- a. To ensure that Dublin's limited groundwater resources are protected for purposes of providing water supplies to its residents and businesses, to protect the bedrock aquifers and to protect the base flow of Dublin's surface waters, these standards shall be applied in conjunction with those required in all other ordinances and regulations dealing with water conservation and replenishment.
- b. The proposed subdivision and development of any tract shall be designed to cause the least practicable disturbance to natural infiltration and percolation of precipitation to the groundwater table. This requires careful planning of vegetation and land disturbance activities and the placement of streets, buildings, and other impervious surfaces in locations other than those identified on the Existing Resources and Site Analysis Map as having the greatest permeability where precipitation is most likely to infiltrate and recharge the groundwater.

## Dublin Subdivision Regulations

3. Stream Valleys, Swales, Springs, and Other Lowland Areas Standards for All Subdivisions
  - a. Dublin's Master Plan and its Natural Resources Inventory describe and/or map stream valleys (which include stream channels and flood plains), swales, springs, and other lowland areas as resources that warrant restrictive land use controls because of their groundwater recharge functions, their importance to water quality and the health of aquatic communities and wildlife habitats, and their potential flooding hazards to human life and property. They are generally poorly suited for on-site subsurface sewage disposal systems.
  - b. Dublin's Wetland Conservation District (Zoning Ordinance and Land Use Regulations, Article XVII) regulates development near wetlands, including vernal pools.
4. Woodlands Standards For All Subdivisions.
  - a. Woodland conditions within Dublin vary with respect to species composition, age, stocking, and health. They range from relatively recent post agricultural young stands to mature mixed-age forests. Most woodlands in Dublin represent one or more of the following resource values.
    - (1). Soil stabilizers, particularly on moderate to steep slopes that control erosion into nearby streams, ponds, impoundments, and roads. A closely related function is their enhancement of groundwater recharge.
    - (2). A means of ameliorating harsh microclimatic conditions, in both summer and winter, such as on Beech Hill.
    - (3). A source of wood products (i.e., poles, saw-timber, veneer, and firewood).
    - (4). Habitats for woodland birds, mammals, and other wildlife.
    - (5). Recreation resources for walking, horseback riding, picnicking, and other related outdoor activities.
    - (6). Visual buffers between areas of development and adjacent roads and properties.
  - b. Because of their resource values, all woodlands on any tract proposed for subdivision or land development shall be evaluated by the applicant to determine the extent to which such woodlands should remain or be excluded from development. Evaluation criteria shall include:
    - (1). Configuration and size.
    - (2). Present conditions (i.e. stocking, health, and species composition).

## Dublin Subdivision Regulations

- (3). Site potential (i.e., the site's capabilities to support woodlands based on its topographic, soil, and hydrologic characteristics).
  - (4). Ecological functions (i.e., in protecting steep slopes and erodible soils, maintaining stream quality, and providing for wildlife habitats).
  - (5). Relationship to woodlands on adjoining and nearby properties and the potential for maintaining continuous woodland areas.
- c. In designing a subdivision and land development plan for any tract, the applicant shall be guided by the following standards:
- (1). To the maximum extent possible, healthy woodlands exceeding one acre shall be preserved and designated as greenway areas. Proposed site improvements shall be located, designed, and constructed to minimize the loss or degradation of woodland areas.
  - (2). Preservation of woodlands along roadways, property lines, and lines occurring within a site such as streams, swales, stone walls, fences, and hedgerows shall be encouraged. Such lines and the native vegetation associated with them may also be preserved as buffers between adjacent properties or as buffers between areas being subdivided within a property in major subdivisions. Preservation may include ground, shrub, under-story, and canopy vegetation.
  - (3). Disturbance or removal of woodlands occupying environmentally sensitive areas shall be undertaken only when approved by the Board and on a limited, selective basis to minimize the adverse impacts of such actions. This shall include but not necessarily be limited to vegetation performing important soil stabilizing functions on wet soils, stream banks, and sloping lands.
  - (4). No clearing or earth disturbance (except for soil analysis for proposed sewage disposal systems) shall be permitted on a site before the completion of subdivision and land development agreements. The determination of sight distance clearances along roadways shall be made graphically on a plan, and not by clearing on site prior to Final Plan approval.
5. Upland Rural-Agricultural Areas
- These areas comprise fields, pastures, meadows, and former agricultural areas in early stages of woodlands succession, with fences, stone walls, tree copses, and hedgerows, typically bordered by stream valleys and upland woodlands. These constitute much of the Town's historic working landscape, dotted with historic houses, barns, and other structures. They give the Dublin much of its rural character. They also contain the greatest concentration of prime agricultural soils. Because of their openness and high

## Dublin Subdivision Regulations

visibility, development in these areas is likely to be most readily seen and disruptive to the historic landscape. Most of these areas in conjunction with nearby woodlands and stream valleys provide habitat for wildlife. However, it is recognized that these areas also frequently offer the fewest constraints for development.

- a. Several elements of these working landscapes lend themselves to incorporation into the Dublin's greenway network. These include prime agricultural soils and natural features that visually punctuate the landscape, such as tree copses, stone walls, hedgerows, and visually prominent places such as knolls and hilltops, and of course Mount Monadnock.
- b. These areas can also accommodate development, with preferred locations being the nonprime agricultural soils and lower topographic settings where development will be visually less obtrusive.

### 6. Steep Slopes Regulations For All Subdivisions.

Dublin has enacted an ordinance regulating development on steep slopes (Article XIX in the Zoning Ordinance and Land Use Regulations). This may affect driveways, septic system leaching areas, building sites, and roads.

### 7. Significant Natural Areas and Features In All Subdivisions.

Natural areas containing rare or endangered plants and animals, as well as other features of natural significance, exist throughout the Town. Some of these have been carefully documented, whereas for others, only their general locations are known. Subdivision applicants shall take all reasonable measures to protect significant natural areas and features (identified by the Town's Natural Resources Inventory, existing or proposed conservation areas, or by the applicant's Existing Resources and Site Analysis Map) by incorporating them into proposed greenway areas or avoiding their disturbance in areas proposed for development.

### 8. Historic Structures and Site Preservation For All Subdivisions

- a. Dublin's documented historical resources extend from the centuries of early use by Native Americans, through colonial agricultural, residential and industrial development in the eighteenth and nineteenth centuries. Many of the Town's historic structures and sites remain intact, have been extensively researched and are listed in the Town's Master Plan. In the Planning Board's sole discretion, plans requiring subdivision and land development approval shall be designed to protect existing historic resources of all classes, including sites of archeological significance. The protection of an existing historic resource shall include the conservation of the landscape immediately associated with and significant to the resource to preserve its historic context.
- b. Where, in the opinion of the Board, a plan will have an impact on a historic resource, the developer shall mitigate that impact to the satisfaction of the Board by modifying the design, relocating proposed lot lines, providing landscape buffers, or using other approved means.

## Dublin Subdivision Regulations

9. Historic Rural Road Corridors and Scenic Viewsheds Preservation For All Subdivisions
  - a. The Town contains a number of historic rural roads in various locations. All applications for subdivision and land development shall attempt to preserve the scenic visual corridors along such roads by incorporating them into greenway areas or otherwise providing for building setbacks and architectural designs to minimize their intrusion. In instances in which such designs fail to satisfactorily protect corridors, applicants shall be required to provide landscape buffers to minimize their adverse visual impacts.
  - b. A Viewshed Analysis is part of the Dublin Master Plan. Care shall be taken to preserve the values that can be interpolated from these maps, preserving views that are intrinsic to Dublin's character.
10. Trail Recommendations and Regulations For All Subdivisions
  - a. When a subdivision or land development proposal is traversed by or abuts an existing public trail customarily used by pedestrians and/or equestrians, the applicant shall be encouraged to make provisions for continued recreational use of the trail.
  - b. The applicant may alter the course of a public trail within the tract for which development is proposed under the following conditions:
    - (1). The points at which the trail enters and exits the tract remain unchanged.
    - (2). The proposed alteration exhibits quality trail design according to generally accepted principals of landscape architecture.
    - (3). The proposed alteration does not coincide with a paved road intended for use by motorized vehicles.
  - c. When trails are intended for public or private use, it is recommended that they be protected by a permanent conservation easement on the properties on which they are located. The width of the protected area in which the trail is located should be a minimum of ten feet. The language of the conservation easement shall be to the satisfaction of the Board upon recommendation of the Town Attorney.
    - (1). The land area permanently designated for trails for public use may be credited toward any open space requirement, including Secondary Conservation Areas.
    - (2). An applicant may propose and develop a new trail. If this trail is available for use by the general public and connects with an existing trail, the land area protected for this trail may be credited toward any

## Dublin Subdivision Regulations

- open space requirement, including Secondary Conservation Areas.
- (3). Trail improvements shall demonstrate adherence to principles of quality trail design.
- (4). No trail shall be designed with the intent to accommodate motorized vehicles.

### 11. Siting Principles For Conservation Subdivisions

- a. The suitability of all Conservation Open Space shall be determined by the size, shape, topography, geology, natural resources, viewshed, and location for the proposed purpose, and shall be accessible to all intended users.
- b. The individual lots, buildings, streets and parking areas shall be designed and situated to minimize alteration of the natural, cultural and/or historic site features, and will take those features into account in the placement of all structures.
- c. Conservation Subdivisions shall be designed around both the Primary and Secondary Conservation Areas conserving large enough contiguous blocks of land to retain ecosystem function and habitat integrity wherever possible.
- d. Whenever feasible and appropriate, Secondary Conservation areas should be placed in undivided preserves.
- e. Undivided open space shall be directly accessible to the largest practicable number of lots with the conservation subdivision.
- f. Common Open Space shall be free of all structures except those permitted by the Planning Board as appropriate to the objectives of this ordinance and the welfare of the inhabitants of the subdivision.
- g. Narrow open space strips shall not be permitted unless the incorporation of the open space strips provides a logical and practical link to, or expansion of, either existing or planned adjacent preserved open space, waterbodies, watercourses, or trails, or serves to provide protection for natural resources.
- h. Whenever practicable, large enough blocks of land should be conserved to sustain allowable agricultural or forestry operations and buffer them from nearby development.
- i. Effective natural buffers for trail or stream corridors and shore land shall be provided from building lots (minimum of 100 feet from wetlands).
- j. Preserved open spaces shall be interconnected wherever possible to provide a continuous network of open space lands within and adjoining the development. This includes connecting with preserved open space adjacent to the property.

## Dublin Subdivision Regulations

Frontage and Setbacks... As one of the goals is to utilize a smaller portion of the parent lot for development, frontage and setback requirements in an Conservation Subdivision shall be as follows:

- 1) The minimum frontage required on a road for individual building lots within a conservation subdivision shall be 50 feet.
- 2) The setbacks for all individual buildings in a Conservation Subdivision shall be a minimum of 35 feet from the lot line on every side of the building.

### 12. Rural Siting Principles For All Subdivisions In The Mountain And Rural Districts.

The following guidelines shall apply to the siting of residential and non-residential uses.

- a. Retain and reuse existing old farm roads and lanes wherever feasible, rather than constructing new roads or driveways. This minimizes clearing and disruption of the landscape and takes advantage of the attractive way that old lanes are often lined with trees and stone walls. (This is not appropriate where reuse of a road would require widening in a manner that destroys trees or stone walls.)
- b. Preserve stone walls and hedgerows. These traditional landscape features define outdoor areas in a natural way and create corridors useful for wildlife. Using these features as property lines is often appropriate, as long as setback requirements do not result in constructing buildings in the middle of fields.
- c. Avoid placing buildings in the middle of open fields. Place them either at the edges of fields or in the ecologically least significant parts of wooded areas. However, septic systems and leach fields should generally be located in open fields, when possible, where soil conditions are likely to be better.
- d. Use existing vegetation and topography to buffer and screen new buildings, if possible, unless they are designed and located close to the road in the manner historically found in the Town. Site buildings in groups or tuck them behind tree-lines or knolls rather than spreading them out across the landscape in a "sprawl" pattern.
- e. Minimize clearing of vegetation at the edge of the road, clearing only as much as is necessary to create a driveway entrance with adequate sight distance. Create curves in driveways to increase the screening of buildings.
- f. Site buildings so they do not protrude above treetops and crestlines of hills as seen from public places and roads. Use vegetation as a backdrop to reduce the prominence of the structure. Wherever possible, open up views by selective cutting of small trees and pruning lower branches of large trees, rather than by

clearing large areas or removing mature trees.

- g. Minimize crossing of steep slopes with roads and driveways.

When building on slopes, take advantage of the topography by building multi-level structures with entrances on more than one level (e.g., walk-out basements, garages under buildings), rather than grading the entire site flat. Use the flattest portions of the site for subsurface sewage disposal systems and parking areas.

13. Location of Utility Systems In All Subdivisions

- a. Wells and sewage disposal systems should be located on those areas of the site best suited for such facilities.

- (1). Since the most suitable conditions for wells and sewage disposal systems are generally not well distributed throughout a site, conservation design allows smaller lots to be concentrated where the best conditions exist.
- (2). Joint Wells and Wastewater Systems. In the interest of protecting Dublin's groundwater water resources, applicants are urged to consider the use of joint wells and/or wastewater disposal systems. Such shared facilities may be required by the Planning Board at the Board's sole discretion.
- (3). To facilitate the creation of smaller lots which can comply with Health Department standards for wells and sewage disposal systems, such facilities may be located within the Secondary Conservation Areas or in Common Open Space if such location is recommended by a certified soil or wetlands scientist and approved by the Planning Board.
  - (a). These systems shall be owned and maintained by individual property owners or by a Homeowners Association.
  - (b). In no case shall a well be placed closer than 50 feet to the high water line of a wetland area, including vernal pools. See "Shared Water Supply" in Definitions (Article 14-42).
  - (c). In no case shall a septic system be located within 100 feet of the high water line of any wetland area, including vernal pools (Zoning Ordinance and Land Use Regulations for the Town of Dublin, Article XVIII-H.9).

- b. Stormwater management systems may be placed in protected Secondary Conservation Areas or Common Open Space at the discretion of the Planning Board. Certain systems can be placed within a wetland buffer (see Zoning Ordinance and Land Use Regulations for the Town of Dublin, Article XVIII-H.9).



## Dublin Subdivision Regulations

- c. Septic spray or lagoon systems are not permitted under any circumstances.
14. Location of Perimeter And Internal Buffers In All Subdivisions.
  - a. At the discretion of the Planning Board, a vegetated buffer strip may be required along the external perimeter or property line of the Subdivision to minimize its visual impact.
  - b. Additional buffering may be required between building lots and open space area if the Planning Board finds that such buffering is necessary to protect the integrity of the open space area.
  - c. The buffer strip shall be naturally vegetated or landscaped and the treatment shall be subject to approval by the Planning Board as part of the approval of the subdivision.
  - d. Accessory structures such as stone walls, fences (see Dublin Land Use Regulations, Article III, P), underground utility structures, and drainage facilities may be located within this buffer at the discretion of the Planning Board.

### J. USES OF CONSERVATION OPEN SPACE AREAS IN CONSERVATION SUBDIVISIONS

These lands should be delineated on the subdivision maps and permanently preserved as greenways. Greenways shall be subject to the following standards.

1. Greenway lands shall be laid out to encourage an interconnected network of open space to the greatest extent practicable, considering both lands within the proposed subdivision and lands adjacent to it. The minimum required greenway land shall consist of Primary Conservation Areas, all of which must be included, and Secondary Conservation Areas.
2. Uses Permitted on Conservation Areas

The following uses are permitted in greenway land areas:

- a. Conservation of open land in its natural state (for example, woodland, fallow field, or managed meadow).
- b. Agricultural and horticultural uses, including raising crops or livestock, wholesale nurseries, associated buildings, excluding residences, that are specifically needed to support an active, viable agricultural or horticultural operation.
- c. Pastureland for horses used solely for recreational purposes. Equestrian facilities shall be permitted but may not consume more than half of the minimum required greenway land.
- d. Silviculture, in keeping with established standards for selective harvesting and sustained-yield forestry.

## Dublin Subdivision Regulations

- e. Neighborhood open space uses such as village greens, commons, picnic areas, community gardens, trails, and similar low-impact passive recreational uses.
  - f. Active non-commercial recreation areas, such as playing fields, playgrounds, courts, and bikeways, provided such areas do not consume more than half of the minimum required greenway land or five acres, whichever is less. Playing fields, playgrounds, and courts shall not be located within 200 feet of abutting properties. Parking facilities for the same shall also be permitted, and they shall generally be gravel-surfaced, unlighted, properly drained, provide safe ingress and egress, and contain no more than ten parking spaces.
  - g. Golf courses may not be sited on greenway land, nor shall driving ranges or miniature golf.
  - h. Water supply and sewage disposal systems, and stormwater detention areas designed, landscaped, and available for use as an integral part of the greenway, if approved by the Planning Board after engineering review.
  - i. Easements for drainage, access, sewer or water lines, or other public purposes.
  - j. Underground utility rights-of-way. Above-ground utility and street rights-of-way may traverse conservation areas but shall not count toward the minimum required greenway land.
3. Other Requirements.
- a. Pedestrian and maintenance access, excluding those lands used for agricultural or horticultural purposes, shall be provided to greenway lands in accordance with the following requirements.
    - (1). Each neighborhood shall provide at least one centrally located greenway access point per 15 lots, a minimum of twenty (20) feet in width.
    - (2). Access to greenway land used for agriculture may be appropriately restricted for public safety and to prevent interference with agricultural operations.
  - b. All greenway lands that are not wooded or farmed shall be suitably landscaped.

## K. OWNERSHIP AND PROTECTION OF OPEN SPACE AREAS

- 1. Conservation Easements. Open Space areas provided by Conservation Subdivisions shall be permanently protected as open space. A conservation easement shall be granted in one or more of the following ways, subject to the approval of the Planning Board.
  - a. To the Town of Dublin and accepted by the Town for specified conservation uses.
  - b. To the State of New Hampshire for permanent open space uses.

## Dublin Subdivision Regulations

- c. To a non-profit organization acceptable to the Planning Board that is exempt from tax under Section 501 (c)(3) or similar provision of the Internal Revenue Code and which has as a principal purpose the conservation of open space, and has the financial and organizational means for perpetual stewardship.
    - d. To a corporation, trust, or other entity approved by the Planning Board.
  2. Conveyances of land to the Town or State or conservation organizations may also be made, and shall be subject to permanent deed restrictions equivalent to conservation easements, as approved by the Planning Board and Town Attorney.
  3. Conveyances of land to private entities, if approved by the Planning Board, will be subject to permanent conservation easements granted to the Town of Dublin or to qualified organizations approved by the Planning Board, and recorded at the Cheshire County Registry of Deeds.
  4. Common Open Space, such as a village green, a park, a playground or similar land within or related to a Conservation Subdivision that is designed and intended for the common use or enjoyment of the residents of the development or the public may be fractionally owned by individual members of the development or the Homeowners' Association. It shall be protected from further development by conservation easement or deed restriction.
  5. Provisions of such conservation easements or deed restrictions are subject to the approval of the Planning Board and shall include:
    - a. No further subdivision.
    - b. No residential, commercial or industrial development or mining or wind generators.
    - c. No roads or commercial uses except for agriculture or forestry, each conducted according to best management practices.
    - d. Provisions for maintenance of the open space areas if necessary for their preservation.
  6. Developers are encouraged to grant public access to protected open space areas.
  7. Public Access may be required:
    - a. If the land is conveyed in fee simple to the Town or State.
    - b. If a specific public trail corridor easement is enacted.
  8. Public Access is encouraged:
    - a. If the land forms a link between two parcels each with public access.

## **ARTICLE XIV**

### **DEFINITIONS**

For the purpose of this regulation, certain terms, phrases and words shall have the meaning given herein. Words used in the present tense include the future; the singular includes the plural and the plural, the singular. The word “used” shall be construed as though follow by the words “or intended or designed to be used”; the words “building,” “structure,” “lot,” or “premises” shall be construed as though followed by the words “or any portion thereof,” and the word “structure” includes the word “building.” The word “shall” is always mandatory and not merely directory.

1. AASHTO: Shall mean the American Association of State Highway and Transportation Officials.
2. Acceptance of an Application: The preliminary requisite for any application, where the Board determines that an application is appropriate to consider and comes under the jurisdiction of the Planning Board.
3. Adjusted Tract Acreage: The area of a parcel of land that remains after the Primary Conservation Areas have been subtracted. Note that it may contain Unbuildable Land.
4. Abutter: Any person whose property adjoins or is directly across the street or stream from the land under consideration by the Board. For the purposes of receiving testimony only, and not fo purposed of notification, the term “abutter” shall include any person who is able to demonstrate that his land will be directly affected by the proposal under consideration. For purposes of receipt of notification, when an abutting property is under a condominium or other collective form of ownership, the term abutter means the officers of the collective or association as defined in RSA 356-B:3,III, and those officers will be notified of any Board hearing regarding abutting land.
5. Applicant: Shall mean the owner of record of the parcel, lot or tract of land under consideration by the Board, and/or the duly authorized agent of such owner.
6. Approval: Shall mean recognition by the Planning Board, certified by written endorsement on the plat, that the plat meets the requirements of these Regulations and in the judgment of the Board satisfies all criteria of good planning and design.
7. Backlot: A parcel of land capable of supporting one principal use, of reasonable configuration and of sufficient size to meet the minimum requirements for use, building coverage and area, except that it lacks the required frontage for a conventional lot. For the purposes of this regulation, the access to a backlot is considered a driveway rather than a street.
8. Board: Shall mean the Planning Board of the Town of Dublin.

## Dublin Subdivision Regulations

9. Bridge: Shall mean any cast-in-place or built-in-place or pre-manufactured structure used to span a river, stream, waterway, wetland, pedestrian way, roadway or other obstacle and which normally requires the use of footings, abutments, or piers for foundation support. Culverts with a greater than 10-foot clear opening are also considered to be bridges.
10. Buildable Area or Buildable Land: The land area contained in the Adjusted Tract Acreage, on which density shall be based for both Conventional and Open Space subdivisions.
11. Complete Application: Shall mean that the application form and supporting documents, as specified in these Regulations, appear to contain all the information the Board needs to review a proposal and make an informed decision. All fees and administrative expenses must be included
12. Conceptual Consultation: Non-binding discussions between a project developer and the Planning Board as provided in RSA 676:4 II. Conceptual consultation allows the Board members to voice their concerns and suggestions on a proposed project without the necessity of providing formal public notice, and is not subject to the normal time limitations on Planning Board review and approval.
13. Condominium: A building or group of buildings in which units are owned individually, and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis. Proposals for condominiums shall be considered a subdivision under the requirements of RSA 356-B and reviewed accordingly.
14. Conservation Areas:
  - a. Primary Conservation Areas: Land that may not be built on or developed pursuant to Federal, State or local law, which generally includes sensitive areas whose locations are predetermined by the boundaries of wetlands, lands that are generally inundated (under ponds, lakes, creeks, etc.); land within the 100-year floodplain; excessively steep slopes in excess of 25 percent grade; and soils subject to slumping
  - b. Secondary Conservation Areas: A broad category of open space determined by the Planning Board that may include mature woodlands, prime farmlands, sites of historic, archaeological or cultural interest, and connections to greenways or trails. In delineating Secondary Conservation Areas, priorities should involve determining what is more special, unique, irreplaceable, environmentally valuable, historic, scenic, etc., on the site, compared with other areas of town.
  - c. Conservation Open Space Areas: See “Open Space”.
15. Density. See “Determining Density” (below).
16. Determining Density: The maximum number of house lots that can realistically be

## Dublin Subdivision Regulations

created on a parcel. For purposes of calculating Maximum Density, applicant shall prepare, and the Planning Board shall approve or disapprove with the results of, either (a) a Yield Plan or (b) a Maximum Density Calculation. See Article 13-H.

17. Design Review: As provided for in RSA 676:4 II, non-binding discussions beyond conceptual and general discussions that involve more specific design and engineering details than Conceptual Consultation. This may take the form of a visit to the site. The applicant, holders of conservation, preservation, or agricultural preservation restrictions, abutters, the public, and every engineer, architect, land surveyor or soil scientist whose professional seal appears on any plat submitted to the Planning Board shall be notified by certified mail, mailed at least 10 days prior to Design Review. Additional notice is not required of a continued Design Review session provided that the date, time, and place of the continued session were made known at the prior meeting.
18. Determining Density: There are two methods of determining the maximum number of house lots that could realistically be created on a parcel.
  - a. Using the Adjusted Tract Acreage: A mathematical method, also called “Maximum Density Calculation.” See Article 13-H.
  - b. Using a Yield Plan: A graphic method. See Article 13-H
19. Engineer: Shall mean a professional engineer registered with the State of New Hampshire.
20. Greenways, Greenway Land: Permanently protected land that runs through town, or through parts of town. A major element of conservation subdivision design is to identify sensitive natural features of a site and to protect them and preserve their continuity both within the site and where they continue into adjacent lands. The Planning Board and the Conservation Commission create, update and maintain a Town Greenway Map to help guide the placement of Open Space. In a Conservation Subdivision, greenway land normally consists of the Primary Conservation Area, the Secondary Conservation Area, and any Common Open Space.
21. Hearing: A Planning Board hearing is a Planning Board meeting where the public has a right to speak, subject to the rules of the Planning Board. (See “Meeting”).
22. Homeowners’ Association: A private nonprofit association which is established by the developer to manage and support the activities of the open space development. Membership in the association shall be mandatory for property owners. Individual owners share common interests in open space and/or facilities and are normally in charge of preserving, managing and maintaining the common property, Common Open Space, and of enforcing certain covenants and restrictions. Articles of Association or Incorporation or any amendments thereto must be acceptable to the Planning Board and approved by Town Attorney.
23. Licensed Land Surveyor: Shall mean a person who engages in the practice of land surveying and is licensed by the State of New Hampshire under RSA 310-A:53.

## Dublin Subdivision Regulations

24. Lot: A parcel of land capable of supporting one principal use, of reasonable configuration and of sufficient size to meet the minimum requirements for use, building coverage, and area.
25. Lot Line Adjustment: Shall mean the exchange of abutting land among two or more owners which does not increase the number of owners or the number of lots.
26. Low-Impact Recreation: For the purposes of this regulation, this shall include, but is not limited to, activities such as hiking or birding. It shall not include the creation of formal recreation fields, or structures intended for year-round use. For example, ice-skating on a natural pond is low-impact, a year-round ice-skating rink is not.
27. Major Subdivision: A parcel that is subdivided into four or more lots. See “Subdivision; Kinds of.”
28. Master Plan: Shall mean the plan for development of the Town of Dublin developed in accordance with the provisions of RSA 674:2.
29. Maximum Density Calculation: *Calculating* maximum density, rather than using the graphics of a Yield Plan. See “Determining Density.”
30. Meeting: A Planning Board meeting occurs when a quorum of members of the Board gather to discuss Planning Board issues. All meetings are public, but the public may speak at a meeting only at the invitation of the Board. (See *Hearing*).
31. NHDOT: Shall mean the New Hampshire Department of Transportation. Also referred to as DOT.
32. NHDES: Shall mean the New Hampshire Department of Environmental Services. Also referred to as DES.
33. Open Space: In general, the term refers to land that is undeveloped, whether or not forested. Types of:
  - a. Common Open Space: Land within or related to a Conservation Subdivision that is not individually owned, but may be fractionally owned by individual members of the development, that is designed and intended for the common use or enjoyment of the residents of the development or the public. It shall be protected from further development by conservation easement or deed restriction.
  - b. Conservation Open Space: Land in a Conservation Subdivision site that at the discretion of the Planning Board or the applicant is permanently set aside for public or private uses and shall never be developed. Usually this includes the Secondary Conservation Areas and Common Open Space. As used in this

## Dublin Subdivision Regulations

ordinance, the term does not include Primary Conservation Areas.

Conservation Open Space is the area in a Conservation Subdivision that, except for the case of a Village Plan Alternative, must equal at least 50% of the Adjusted Tract Acreage (buildable area) of a Conservation Subdivision Design.

- c. Preserved Open Space: Any area protected by conservation easement.
  - d. Open Space Subdivision or Open Space Development: see “Subdivision: Design of.”
34. Parent Lot: Any lot of record that existed on March 18, 2006, the date this ordinance went into effect.
35. Plat: Shall mean the final map, drawing or chart on which the plan of subdivision is presented to the Dublin Planning Board for approval, and which, if approved, will be submitted to the Registry of Deeds of Cheshire County for recording.
36. Preserved Open Space: Open space protected by conservation easement.
37. Protected Natural Resource Areas: Shall be consistent with the policies contained in the Open Space, Recreation, and Environmental Resources elements of Dublin’s Master Plan, and shall include areas identified by Dublin’s Natural Resource Inventory and Viewshed Inventory, such as, but not limited to, prominent ridgelines, important streams, mature woodlands, aquifer recharge areas, areas with highly permeable (excessively drained) soil, significant wildlife habitat areas, important upland forest, meadows, pastures, farm fields, archaeological or cultural assets, water quality protection areas, and sections of an ecologically connected matrix of natural areas significant for wildlife habitat.
38. Public Hearing: Shall mean a meeting, notice of which must be given per RSA 675:7 and 676:4,I(d), at which the public is invited to participate.
39. Public Meeting: Shall mean the regular business meeting of the Planning Board as required by law (RSA 676:10). Notice must be posted at least 24 hours in advance and the meeting must be open to the public although participation by the public is at the option of the Board.
40. Roadway: Shall mean that portion of the street on which vehicles travel.
41. Septic Designer: Shall mean a designer permitted in accordance with RSA 485-A:35,5.
42. Shared Water Supply: For the purposes of this regulation, Shared Water Supply means a single well that serves two or more residences.
- a. This well may not be placed closer than 50 feet to the high water line of any surface water. It may not be subject to flooding at the 100 year interval. The



## Dublin Subdivision Regulations

applicant may fill to elevate the wellhead and pumping station for 100-year flood protection purposes, provided that all required permits for placing of fill within wetlands and flood plains have been obtained as well as Planning Board approval.

- b. It shall have a protective area surrounding it to minimize groundwater contamination of at least 75 feet in radius, as approved by the Planning Board. The purpose of the protective area is to provide an area in the immediate vicinity of the well within which there is minimal risk of groundwater contamination.
43. Sketch Plan: A conceptual sketch provided by the applicant at or prior to the Design Review Phase, before expensive engineered plans are drawn up.
  44. Soil Scientist, Certified: Shall mean a person who is qualified to practice soil science and who has been duly certified by the N. H. Board of Natural Scientists under RSA 310-A:75.
  45. Stormwater Runoff Frequency: Shall mean a statistical method used to calculate the rate of stormwater flow upon which drainage elements, such as pipes, catch basins, and ditches are sized.
  46. Stream Corridors: Areas of land alongside streams designated for public or private access.
  47. Street: Shall mean a strip of land of proper width, lying between two well defined lines dividing said strip from public or private property on either side of same, and providing adequate means for the safe passage of pedestrians and vehicles over the same, whether or not said street is publicly or privately owned.
  48. Subdivision:
    - a. Subdivision or subdividing means the division of a parcel of land into two or more lots. It includes the term “re-subdivision” and, when appropriate to the context, relates to the land or territory subdivided.
      - (1). 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.
      - (2). 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.

## Dublin Subdivision Regulations

49. Subdivision, Kinds of:
- a. Major: Shall mean any subdivision in any district in Dublin resulting in more than three lots, or any subdivision requiring any new street or extension of existing streets, or municipal services.
  - b. Minor: Shall mean any subdivision resulting in no more than three lots, on an existing public street, that requires no new streets or extensions of existing streets, utilities, or other municipal services.
50. Subdivision, Design of:
- a. Open Space Subdivision Design, or Conservation Subdivision Design: A residential development in which the buildings are located in conformation with the existing topographical and natural features and lot sizes and frontages are reduced in order to leave no less than 50% of the buildable land of the tract in open space. This is the by-right design of major subdivisions in Dublin.
  - b. Conventional Subdivision Design: A residential development in which all, or nearly all, the buildable land is divided into house-lots and streets, with the only open space typically being undevelopable wetlands, steep slopes, floodplains, and stormwater management areas.
51. Super-elevation: Shall mean the changing of the normal roadway cross-section slope at a roadway curve by sloping the outer travel lane in the direction of the inner travel lane to allow a reduction of minimum roadway curve radius and yet maintain safe vehicle travel.
52. Tract: An area, parcel, site, piece of land, or property which is the subject of development proposal and application.
53. Tree Survey: Preserving trees—whether they be notable individual specimens, hedgerows, or woodlands—enhances the value of a development, because buyers appreciate such amenities. A tree becomes noteworthy at these approximate girths: 4 inches for an Eastern redbud or flowering dogwood, 6 inches for a sassafras or beech, 8 inches for a holly, 10 inches for a wild cherry, 12 inches for a red or white oak or for any native maple, 14 inches for a green or white ash, 16 inches for a tulip poplar or larch, 18 inches for a sycamore, 20 inches for white pines. Trees in unbuildable wetlands or floodplains do not need to be documented, as no development would occur there. A tree survey locates noteworthy trees on the parcel.
54. Unbuildable Land: Area in addition to a Primary Conservation Area that is unsuitable for building such as, but not limited to, excessively steep slopes, rock outcroppings, pre-existing septic fields, pre-existing rights-of-way and utility easements, land under pre-existing permanent easement prohibiting future development.

## Dublin Subdivision Regulations

55. Use: In general refers to the purpose or activity for which land or buildings are designed, arranged, or intended, or for which land or buildings are occupied or maintained. (See the “Table of Use Regulation” in *Zoning Ordinance and Land Use Regulations for the Town of Dublin*.)
- a. Principal Use: The primary or predominant use of any lot or parcel.
  - b. Accessory Use: A land use that is incidental and subordinate to the principle use.
56. Viewshed Areas: Scenic vistas in Dublin. Many of these have been described and prioritized in a Viewshed Plan that is incorporated in the Dublin Master Plan.
57. Village Plan Alternative: As authorized by RSA 674:21-VI and by the *Zoning Ordinance and Land Use Regulations for the Town of Dublin*, Article XXV, the Planning Board may authorize, at its sole discretion and only if it accords with the purpose of these subdivision regulations, this method of development as defined in RSA 674:21-VI, which leaves 80% of a parcel undeveloped.
58. Voluntary Merger: Shall refer to the process whereby any owner of 2 or more contiguous preexisting lots of record or subdivided lots or parcels wishes to merge them for municipal regulation and taxation purposes. In accord with RSA 674:39-a the owner may do so by applying to the Planning Board. Except where such merger would create a violation of then-current ordinances or regulations, all such requests shall be approved, and no public hearing or notice shall be required. No new survey plat need be recorded, but a notice of the merger, sufficient to identify the relevant parcels and endorsed in writing by the Planning Board or its designee, shall be filed for recording in the Registry of Deeds, and a copy mailed to Dublin's assessing officials. No such merged parcel shall thereafter be separately transferred without subdivision approval.
59. Yield Plan. A plan submitted by the applicant showing a feasible Conventional Subdivision Plan under the requirements of the specific zoning district in which the property is located. Such plans shall be conceptual in nature and are not intended to involve significant engineering costs. They shall consist of conventional lot and street layouts, must conform to the town's regulations governing lot dimensions, buildable land, street design and, if appropriate, parking. The purpose of the Yield Plan is to determine the maximum number of house lots that could realistically be created on a tract. See Article 13-H.



## ARTICLE XV

### **ADMINISTRATION AND ENFORCEMENT**

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

A. MODIFICATIONS

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

B. PENALTIES AND FINES

Any violation of these regulations shall be subject to a civil fine as provided in RSA 676:16 and 676:17, as from time to time it may be amended. The Selectmen or the Building Inspector or Code Enforcement Officer are designated as the local authorities to institute appropriate action under the provisions of RSA 676:17.

C. CONFLICTING PROVISIONS

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

D. VALIDITY

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

E. AMENDMENTS

1. These regulations may be amended by the Planning Board following a public hearing on the proposed change. Such changes shall not take effect until a copy of said change, certified by a majority of the Board, is filed with the municipal clerk.
2. A copy of any amendments to these regulations shall also be filed with the Office of State Planning in Concord, New Hampshire (RSA 675:9).

## ARTICLE XVI

### REFERENCES

The following books by Randall Arendt are available at <http://www.greenerprospects.com/products.html>. They may also be available for loan from the Dublin Public Library or the Planning Board.

*Crossroads, Hamlet, Village, Town: Design Characteristics of Traditional Neighborhoods, Old and New*, Revised Edition (American Planning Association, Chicago, Illinois, 2004).

*Growing Greener: Putting Conservation in Local Plans and Ordinances* (Island Press, 1999).

*Conservation Design for Subdivisions: A Practical Guide To Creating Open Space Networks* (Island Press, 1996).

*Rural by Design: Maintaining Small Town Character* (American Planning Association, Chicago Illinois, 1994).

Enacted October 10, 1967

Amended September 5, 1968

Amended May 30, 1972

Amended December 10, 1974

Amended September 4, 1980

Amended December 3, 1981

Amended July 11, 1991

Amended December 12, 1991

Amended February 6, 1992

Amended March 18, 1995

Amended March 15, 1997

Amended January 7, 1999

Amended December 16, 1999

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Amended October 14, 2004

Amended July 13, 2006

Amended March 8, 2016

# Index

- abutters, 6, 9, 11, 17, 27, 63
- Adjusted Tract Acreage, 17, 46, 61, 62, 63, 65
- administrative fees, 13
- aerial photograph, 16
- agricultural, 1, 9, 12, 17, 43, 49, 50, 51, 54, 57, 58, 63
- amendments, 64, 71
- applicant, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 18, 20, 21, 30, 37, 38, 39, 44, 46, 47, 49, 50, 51, 52, 53, 63, 65, 66, 69
- Approval, 3, 5, 7, 9, 61
- Aquifers, 48
- ARTICLE III**, 5
- ARTICLE IV**, 11
- ARTICLE IX**, 23
- ARTICLE V**, 13
- ARTICLE VI**, 14
- ARTICLE VII**, 20
- ARTICLE VIII**, 21
- ARTICLE X**, 32
- ARTICLE XII**, 41
- Article XXV, 3, 42, 45, 46, 69
- authority, 1, 24, 46
- AUTHORITY**, 3, 1
- backlots, 29
- Board, 7, 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 37, 38, 39, 40, 41, 42, 44, 45, 46, 47, 48, 50, 51, 52, 53, 54, 56, 57, 58, 59, 61, 62, 63, 64, 65, 66, 67, 69, 71, 72
- bond, 21
- Buildable, 62
- Catch basins, 37
- completeness, 7, 8, 11
- Conceptual Consultation, 5, 8, 13, 48, 62, 63
- Conditional Approval, 3, 5, 10
- Condominium, 62
- conservation, 9, 11, 14, 15, 17, 42, 43, 44, 45, 46, 48, 51, 52, 53, 54, 56, 58, 59, 63, 65, 66
- Conservation Areas, 6, 43, 44, 57, 62
- Conservation Subdivision, 3, 4, 7, 8, 42, 44, 45, 46, 54, 59, 64, 65, 68
- Conventional Subdivision, 4, 7, 8, 42, 46, 68, 69
- cul-de-sacs, 23, 46
- culvert, 28
- culverts, 18, 28, 30, 31
- Curbing, 5, 25
- DENSITY DETERMINATION**, 46
- Design Review, 3, 4, 5, 6, 8, 13, 14, 15, 48, 63, 66
- design review consultation, 6
- Determination of Subdivision Type, 5
- Determining Density, 63, 64
- development, 1, 3, 7, 10, 11, 14, 15, 16, 17, 38, 39, 42, 43, 45, 47, 48, 49, 50, 51, 52, 54, 59, 64, 65, 68, 69
- ditches, 16, 30, 33, 36, 37, 38, 67
- drainage ditch, 28
- drawings, 15, 31, 40
- driveway, 3, 18, 27, 28, 29, 55, 62
- DRIVEWAY**, 27
- driveways, 17, 27, 28, 30, 31, 51, 55
- Driveways, 5, 28, 29
- easement, 44, 45, 53, 58, 59, 65, 66, 67, 68
- easements, 14, 17, 18, 21, 47, 59, 68
- enforcement, 71
- Engineer, 5, 26, 31, 37, 40, 63
- erosion control, 29, 36, 38, 39, 40
- expedite review, 10
- Expedited Review, 9
- expenses, 6, 8, 13, 62
- extension, 9, 22, 24, 67
- fees, 6, 8, 9, 13, 21, 22, 62
- floodplains, 16, 42, 47, 68
- geology., 17, 53
- Gravel, 5, 27
- GRAVEL**, 6, 27
- graves, 17
- green spaces, 42
- health, 1, 3, 4, 48, 49
- high water table, 32, 33
- Historic Structures, 51
- intersections, 23, 31
- landscape, 15, 51, 52, 55
- legal notice, 6, 8
- lighting, 29, 31
- Lot Line Adjustment, 64
- Major Subdivision, 64
- MINIMUM DESIGN STANDARDS**, 24
- Minimum submission requirements, 8
- minor subdivisions, 6
- natural vegetation, 38
- OBJECTIVES**, 3, 1
- Open Space, 54

## Dublin Subdivision Regulations

open space, 1, 3, 42, 43, 44, 45, 53, 54, 57, 58,  
59, 62, 64, 68  
Open Space, 6, 15, 44, 45, 53, 56, 58, 59, 62, 63,  
64, 65, 66, 68, 72  
Open Space Areas, 6, 44, 63  
owner, 3, 15, 18, 22, 61, 69  
parks, 21, 41  
Pastureland, 57  
Pavement Materials, 27  
PERFORMANCE GUARANTEE, 3, 21  
pipe, 30, 36, 37, 40  
Plat, 3, 9, 10, 13, 17, 21, 65  
PLAT FORMAT, 17  
playgrounds, 41, 57  
ponds, 16, 18, 36, 37, 41, 44, 49, 62  
Preliminary Conceptual Consultation, 3, 5, 14  
PRELIMINARY CONCEPTUAL  
CONSULTATION, 5  
Primary Conservation Areas, 44, 45, 57, 61, 62,  
65  
Private roads, 30  
property lines, 18, 27, 29, 39, 50, 55  
Public Access, 59, 60  
public hearing, 8, 9, 10, 11, 13, 69, 71  
Public Hearing, 66  
public meeting, 8, 11  
Public Notice, 3, 11, 12  
PURPOSE, 3, 1  
regional impact, 11  
Regional Impact, 11  
Registry, 3, 9, 17, 59, 65, 69  
REQUIRED NOTIFICATIONS, 11  
Review of the Application, 5  
riprap, 26, 37, 38, 40  
Riprap, 5, 38  
safety, 1, 3, 4, 25, 26, 27, 48, 58  
scale, 14, 15, 16, 30, 47  
Secondary Conservation Areas, 44, 45, 53, 56,  
57, 62, 63, 65  
security, 21  
Selectmen, 9, 22, 24, 71  
septic, 16, 18, 19, 32, 33, 34, 47, 48, 51, 55, 56,  
68  
sewage, 3, 15, 32, 33, 47, 49, 50, 55, 56, 58  
SEWAGE, 5, 32  
Sidewalks, 5, 26  
Sight Distance, 25  
Silviculture, 57  
Site Analysis Map, 3, 6, 15, 16, 45, 48, 51  
Site Context Map, 3, 5, 14  
SITE CONTEXT MAP, 14  
Sketch Plan, 3, 6, 14, 15, 66  
SKETCH PLAN, 14  
soil, 6, 12, 16, 26, 32, 33, 38, 39, 50, 55, 56, 63,  
66, 67  
Soil, 16, 18, 32, 36, 49, 67  
soil tests, 32  
Southwest Regional Planning Commission, 11  
stone walls, 17, 18, 50, 51, 55, 57  
stormwater, 3, 15, 36, 37, 38, 39, 43, 58, 67, 68  
Stormwater, 5, 56, 67  
STORMWATER, 36, 39  
Stream Corridors, 67  
streams, 16, 33, 36, 37, 42, 49, 50, 66, 67  
street, 15, 21, 23, 24, 26, 31, 39, 46, 47, 58, 62,  
66, 67, 69  
STREETS, 5, 23, 46  
structures, 17, 21, 29, 32, 51, 53, 54, 55, 57, 64  
subdivision, 1, 3, 4, 7, 10, 14, 18, 21, 22, 23, 24,  
30, 31, 32, 40, 42, 44, 48, 49, 50, 52, 54, 57,  
59, 62, 63, 65, 67, 69, 71  
Subdivision, 3, 1, 4, 5, 7, 8, 19, 30, 42, 47, 51, 56,  
64, 65, 67, 68  
SUBDIVISIONS, 3, 43, 48, 57  
subgrade, 26, 27  
SUBMISSION OF THE APPLICATION, 7  
Submission of the Formal Application, 5  
submission requirements, 8  
Super-elevation, 5, 26, 68  
survey, 16, 18, 32, 68, 69  
test pits, 32  
TITLE, 1  
Topography, 16  
Tract, 17, 46, 61, 62, 63, 65, 68  
trails, 14, 17, 44, 53, 54, 57, 63  
Tree Survey, 17, 68  
Unbuildable Land, 46, 61, 68  
utility, 14, 21, 42, 57, 58, 67, 68  
Utility Systems, 55  
vernal pools, 16, 49, 56  
viewshed analysis, 16  
Viewshed Areas, 69  
Voluntary Merger, 69  
water supply, 4, 15  
wells, 17, 18, 32, 48, 56



## Dublin Subdivision Regulations

wetlands, 1, 7, 16, 29, 42, 43, 44, 46, 47, 48, 49,  
54, 56, 62, 66, 68

Woodland, 49

woodlands, 7, 14, 16, 42, 43, 44, 49, 50, 62, 66,  
68

Yield Plan, 47, 69

Yield Plan, 46, 47, 63, 64, 69

Yield Plan Method, 46

Zoning District, 18