

Article 905: SUBDIVISION REGULATIONS

(Adopted 12-18-89; Recorded 01-17-90; Amended 06-02-92, 08-31-92,
06-07-93, 02-27-96, 09-17-96, 10-20-98, 05-19-09, 09-15-09, 09-21-10,
01/04/11, 07/19/11, 03/27/12, 09/16/14, 11/17/15, 05/17/16, 09/20/16, 08/20/19)

905.1 AUTHORITY

Pursuant to the authority vested in the Kingston Planning Board by the voters of the Town of Kingston, and in accordance with the provisions of NH RSA 674:36 (amended 1996), The Kingston Planning Board adopts the following regulations governing the subdivision of land in the Town of Kingston, New Hampshire.

905.2 PURPOSE

These regulations are written for the following purpose:

- A.** To protect and provide for the public health, safety, and general welfare of the town.
- B.** To guide the future growth and development of the town in accordance with the master plan.
- C.** To provide for adequate light, air and privacy; to secure safety from fire, flood and other danger; and to prevent overcrowding of the land and undue congestion of the population.
- D.** To protect the character and social and economic stability of the entire town and to encourage orderly and beneficial development in all parts of the town.
- E.** To protect and conserve the value of land throughout the town and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings.
- F.** To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewage, schools, parks, playgrounds, recreation, and other public requirements and facilities.
- G.** To provide the most beneficial relationship between uses of land and buildings and the circulation of traffic throughout the town, having particular regard to the avoidance of congestion in the streets and highways, and the pedestrian traffic movements appropriate to various uses of land and buildings, and to provide for the proper location and width of streets and building lines.

- H. To establish reasonable standards of design and procedure for subdivision and re-subdivision, in order to further the orderly layout and use of land; and to insure proper legal descriptions and monumenting of subdivided land; and to insure that public facilities are available and will have a sufficient capacity to serve the proposed subdivision.
- I. To prevent the pollution of air, streams, and ponds; to assure the adequacy of drainage facilities; to safeguard the water table; to encourage the wise use and management of natural resources throughout the town in order to preserve the integrity, stability, and beauty of the community and the value of the land.
- J. To preserve the natural beauty and topography of the town and to insure appropriate development with regard to these natural features.
- K. To provide for open spaces through the most efficient design and layout of land.

905.3 DEFINITIONS

- A. **Abutter:** Abutter means any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration by the local land use board. For purposes of receiving testimony only and not for purposes of notification, the term abutter shall include any person who is able to demonstrate that his land will be directly affected by the proposal under consideration. For purposes of receipt of notification by a municipality of a local land use board hearing, in the case of an abutting property being under a condominium or other collective or association, as defined in RSA 356-B:3, XXIII.
- B. **Board:** The Planning Board of the Town of Kingston, New Hampshire.
- C. **Developer:** The individual, partnership, or corporation which is applying for subdivision and which will be responsible for the construction of all improvements and subsequent sale of lots and/or dwelling units.
- D. **Easement:** An acquired privilege or right of use which one party may have in the land of another.
- E. **Lot:** A parcel of land with definite boundaries capable of being occupied by one principal structure and its accessories or used for

one particular purpose and designated as such on a plat.

- F. Plat:** A map, plan, drawing, or chart on which a subdivision of land is shown. A final plat is the final map, plan, or drawing on which the subdivider's plan or subdivision is presented to the Board for approval and which, if approved, will be submitted to the Registrar of Deeds for recording.
- G. Re-Subdivision:** A change in a map or plat of an approved or recorded subdivision plat if such change affects any street, layout or such map or plat or area reserved thereon for public use, or any lot line; or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions. Such re-subdivision shall be required to meet all the requirements in effect at the time that the change of the map or plat is submitted.
- H. Right of way:** A strip of land used for or intended to be used for a street or road must be ceded in perpetuity. The usage of the term "right of way" for land platting purposes in these regulations shall mean that every right of way hereafter established and shown on a recorded plat is to be separate and distinct from the lots and parcels adjoining such right of way and not to be included within the dimensions or areas of such other lots or parcels.
- I. Soil Survey Report:** A site specific soil survey prepared by a certified soil scientist on the list maintained by the Rockingham County Conservation District using the current publication of the "Site Specific Soil Mapping Standards for NH and Vermont".
- J. Street:** A state highway, or a highway or road which is lawfully existing and maintained by the town for vehicular travel. The word "street" shall include the entire right of way.
- K. Subdivision:** the division of a lot, tract or parcel of land into two or more lots, sites or other divisions of land for the purpose, whether immediate or future, of sale, rent, lease, condominium conveyance or building development. It includes re-subdivision and when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided. The division of a parcel of land held in common and subsequently divided into equal parts among the several owners shall be deemed a subdivision under these regulations.
- L. Town Engineer:** The duly designated registered professional civil or sanitary engineer of the Town of Kingston appointed by the Board of Selectmen. The Town Engineer shall hold current New

Hampshire registration.

905.4 MANDATORY PRELIMINARY REVIEW

- A.** In accordance with RSA 674:35, I, the Planning Board is authorized to require preliminary subdivision review. *(Adopted: 03/08/2005)* Preliminary Review will be required unless a waiver request is submitted and approved by the Planning Board.
- B.** Suitability of the soils present on a tract may be paramount to the type of development on such tract and soils testing should be directed toward establishing soils type and suitability, indicating on plans: boundaries, topography, wetlands, ledge, streams, existing roads, new roads, structures, soils, types, adjacent development.
- C.** Tentative plats for discussion should be sufficiently clear to show all site conditions. Plans should not be at a scale greater than one hundred (100) feet to the inch. Twelve (12) paper prints are filed with the application detailing the general concept of the proposal, indicating the form of subdivision sought and the following information:
1. Proposed subdivision name; name and address of owner of record; sub-divider and designer; date; north point; and scale.
 2. Names of owners of record of abutting properties; abutting subdivision names; street(s); easements; building lines; alley; parks and public open spaces and similar facts regarding abutting properties.
 3. Location of property lines and their approximate dimensions; existing easements; buildings; water courses; ponds; or standing water; rock ledges; and other essential features.
 4. Existing water mains; sewers; culverts; drains; and proposed connections or alternative means of providing water supply and disposal of sewerage and surface drainage.
 5. Location; names and widths of existing and proposed streets and highways with their approximate grades and profiles and the elevation of sufficient points on the property to indicate the general topography of the property.
 6. Where the topography is such as to make difficult the inclusion of any facilities mentioned above, within the public area so laid out, the preliminary layout shall show the boundaries of proposed permanent easements over or under private property. Such easements shall not be less than 10 feet in width and shall have satisfactory access to existing or proposed public ways.
 7. Location of all parcels of land proposed to be dedicated to public use and the conditions of such dedication and a copy of

such private deed restrictions as are intended to cover part or all of the tract.

8. Consideration of any bridges or culverts which may be required.
9. Where the preliminary layout submitted covers only a part of the sub-divider's entire holding, a sketch of the prospective future street system of the non-submitted part shall be furnished and the street system of the submitted part will be considered in the light of adjustments and connections with the street system of the part not submitted.

905.5 GENERAL REQUIREMENTS FOR THE SUBDIVISION OF LAND

A. General Guidelines: (Amended 01/04/11)

1. The plat shall conform with all state and town laws or regulations although this shall not preclude the petitioner from applying to the Zoning Board of Adjustment for a variance from the terms of the zoning ordinance.
2. Boundary line changes or lot line changes that do not create additional lots shall be subject to these regulations only to the extent that a mylar showing the lot lines to be eliminated or showing the boundary line revision shall be prepared by a licensed land surveyor. A public hearing shall be held in accordance with RSA 676:4, I, E, (1). Upon approval by the Planning Board, the boundary line adjustment will be recorded at the Rockingham County Registry of Deeds.

B. Use of Land:

1. Approval will not be allowed in cases where such scattered or premature subdivision of land would involve danger or injury to health, safety or property by reason of the lack of water supply, drainage, transportation, schools, fire protection, or other public service, or necessitate an excessive expenditure of public funds for the supply of these services.
2. Land of such character that it cannot be safely used for building purposes because of the exceptional danger to health, or peril from fire, flood, or other menace shall not be platted for residential occupancy, nor for other uses as may increase danger to health, life, or property, or aggravate the flood hazard until appropriate measures have been taken by the owner or his agent to lessen such hazards to level acceptable to the Board after consultation with the Town Engineer.
3. The sub-divider shall give due regard to the preservation and protection of existing features: trees, scenic points, brooks, streams, rock outcroppings, water bodies, and other natural

resources or historic landmarks.

4. The Planning Board may use, but is not limited to, the following documents when evaluating a proposed subdivision:
 - a. The most recent Soil Survey of Rockingham County, NH
 - b. Federal Manual for Identifying and Delineating Jurisdictional Wetlands
 - c. National Wetlands Inventory
5. For Subdivisions that involve land designated as special flood hazard areas as shown on the current FEMA Flood Insurance Rate Map: *(amended 09/20/16)*
 - a. The Planning Board shall review the proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
 - b. The Planning Board shall require that all proposals for development greater than 50 lots or 5 acres, whichever is lesser, include Base Flood Elevation (BFE) data within such proposals (i.e. floodplain boundary and 100-year flood elevation).
 - c. The Planning Board shall require the applicant to submit sufficient evidence (construction drawings, grading and land treatment plans) so as to allow a determination that:
 - i. all such proposals are consistent with the need to minimize flood damage;
 - ii. all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage; and,
 - iii. adequate drainage is provided so as to reduce exposure to flood hazards.

905.6 LOTS

- A.** Lot dimensions and area shall not be less than the requirements of the Zoning Ordinance. The minimum required buildable area within the lot as required by the Zoning Ordinance shall be comprised of sixty thousand (60,000) square feet of dry contiguous land with all natural slopes less than 15% within that sixty thousand (60,000) square feet. “Buildable area” is area not encumbered by property line setbacks, wetland and vernal pool setbacks, and natural steep slope exceeding 15%. *(11/17/2015)*
- B.** Where there is a question as to the suitability of a lot for its intended use due to the presence of such factors as rock formations, steep slopes, unusual surface configurations, tendency

to periodic flooding, poor drainage, unsuitable soils, and inadequate capacity for sanitary sewage disposal, the Planning Board may, after adequate investigation, withhold approval of such lot.

- C. Side lot lines shall be perpendicular to the street
- D. Lots shall have a minimum width of 100 feet as determined by any line drawn parallel to the two frontage corners. Corner lots may maintain the minimum 100 foot width based on either adjacent road.
- E. The driveway entrance of each lot shall be within 3000 feet of a hydrant along approved roads. Hydrants shall meet requirements of the NHFC and approved by the Kingston Fire Department.

905.7 EASEMENTS

- A. All plats or layouts shall show the boundaries of existing or proposed permanent easements for utilities and drainage and slope easements over, on, or under the property. Such easements shall have satisfactory access to existing or proposed public streets.
- B. The subdivider shall provide access to land proposed to be dedicated to public use within the subdivision.
- C. Highway easements to the Town of Kingston along town highways and to the State of New Hampshire along state highways which run through Kingston will be requested for future road improvements.

905.8 SURVEY AND LAYOUT

- A. The acceptable seal of a licensed professional land surveyor shall be required on all surveys of plans submitted to the Kingston Planning Board. *(Amended 05/17/16)*
- B. All newly created lots shall be surveyed with transit and tape or approved measuring devices. The error of closure of the perimeter shall be shown on the plat. The surveyor shall set monuments and bound markers.

905.9 WASTEWATER DISPOSAL

- A. In areas not currently served by public sewer systems it shall be the responsibility of the subdivider or his agent to provide adequate information to prove that the area of each lot is adequate to permit the installation and operation of a wastewater disposal system.

The subdivider or his agent shall be required to provide the necessary equipment and labor to make these tests. The Board, at its discretion, may require for each lot, individual approval for wastewater disposal system construction. The Board may also require an acceptable plan indicating the location of such system.

- B.** Subsurface wastewater disposal systems shall comply with the requirements of RSA 149-E, RSA 485-A, 29-44, NH Code of Administrative Rules Env Wq 1000 and with such rules and regulations as may be established by NHDES and the Town of Kingston.
- C.** An area of 4000 square feet acceptable for the installation of an approved wastewater system will be provided on each lot. The 4000 square foot area must be located at least 100 feet from any wetland.

905.10 LAYOUT OF STREETS (Amended 01/04/11)

- A.** Streets shall be logically related to the topography so as to produce usable lots, reasonable grades and safe vehicular travel. Where practicable, lots shall be graded toward the ditch line of the streets. Where not practicable, adequate provisions shall be made to control the drainage of each lot by an adequate storm water system, subject to the approval of the Town Engineer. All Streets shall be arranged so as to maximize the aesthetically pleasing development of the land.
- B.** The arrangement of streets in the subdivision shall provide for the continuation of the principal streets in adjoining subdivisions, or for their proper projection when adjoining property is not subdivided, and shall be at least 60 feet in width.
- C.** Intersecting property lines at street intersections shall be joined by a curve of at least 20 foot radius.
- D.** No new street or highway right of way shall be less than 60 feet in width and may be required to be more if a greater street width is warranted in the opinion of the Planning Board and the Town Engineer.
- E.** The Board, upon recommendation of the Town Engineer, may require the developer to make off site improvements to the roadway leading to the subdivision in cases where the improvements are directly related to and caused by the new subdivision.

- F. All cul-de-sac streets shall have a potential future connection. Except where near future connections may be possible, dead end or cul-de-sac streets shall not in general exceed 1000 feet in length, shall service a minimum of 8 lots, 7 of which must be new lots, and shall be equipped with a turnaround roadway at the closed end with a minimum radius of 150 feet from the center of the outside edge of the right of way. A right of way to the adjoining property shall be provided from the cul-de-sac to allow for future connection to other streets. Cul-de-sacs shall not be constructed with greater than a 3% maximum grade of slope nor less than a minimum of 1% grade.
- G. No horizontal curves shall have a center line radius of less than 150 feet, except turnarounds on dead-end streets. For changes in grade exceeding 1%, a vertical curve shall be provided insuring a minimum sight distance of 200 feet.
- H. Grades of all streets shall conform in general to the terrain and shall, so far as practicable, not exceed 5% for major streets and 8% for minor streets. No street shall have a grade of less than 1%.
- I. Streets that join or are in alignment with streets of abutting or neighboring properties shall bear the same name. Names of new streets shall not duplicate nor bear phonetic resemblance to the names of existing streets within the town.
- J. Streets should be laid out to intersect as nearly as possible at right angles. No street shall intersect another with an angle of less than 60 degrees. Streets entering opposite sides of another street shall be laid out either directly opposite one another or with a minimum offset of 125 feet between their center lines.
- K. When connecting street lines deflect from each other at any one point by more than 10 degrees, they shall be connected by a curve with a radius adequate to ensure a sight distance of not less than 200 feet. In special cases, the town engineer shall determine the allowable radii.
- L. The construction of street lights on public roads are not allowed.

905.11 DRIVEWAY ENTRANCES (Amended 01/04/11)

- A. Driveway entrances to proposed roads should be shown on the plat. Design criteria should include the most likely placement of the new house on the proposed lot and designed to NH Department of Transportation standards.

- B. The driveway shall be located so as to most adequately protect the safety of the traveling public.
- C. Grading of the driveway shall be planned in such a way as to adequately protect and promote highway drainage and permit a safe and controlled approach to the highway in all seasons.
- D. Driveways shall be located a minimum of 20 feet from any side lot line.
- E. All sight distances shall be a minimum of 200 feet in both directions. If this is not possible the Board shall make the final determination of the safest location for access. If, in the judgment of the Board, a hazardous situation might be created, no more than one access to a single parcel will be allowed.
- F. Each building lot shall be serviced by its own driveway except in those instances where shared driveways are deemed appropriate by the Planning Board. No more than two driveways, entrances, exits, or approaches will be allowed to any one parcel of land.
- G. In new subdivisions, corner lots bordering on existing town roads or state highways, shall have driveways designed with access onto the new subdivision road for safety purposes.
- H. Driveway entrances approved with the plat shall be constructed, including culverts if needed, prior to putting the binder coat on the road.
- I. On site inspection authority for driveway entrances may be delegated by the board to the Town Engineer or Town Road Agent.
- J. All driveways shall conform to the “*Driveway Regulations*” of the Town of Kingston.

905.12 ILLUMINATION (01/04/11)

All illumination must comply with the Town of Kingston’s Outdoor Lighting Ordinance, Article 302.

905.13 APPLICATION PROCEDURE

A. Application:

1. The application for approval, together with the required fees and

drawings and other relevant information shall be filed with the Circuit Rider not less than 21 days before the meeting for which the subdivision is scheduled for discussion.

2. The proposed plan will be checked for accuracy by the Town Engineer, Circuit Rider Planner and other professionals, as necessary as determined by the Board. These costs are to be paid by the applicant through the Professional Review Bond which is required as part of the application.
3. Technical Review Committee: The applicant shall meet with the Technical Review Committee after formal submission to the Planning Board and prior to the first Planning Board public hearing on the application. Any fees associated with review by the TRC will be paid by the applicant through the Professional Review Bond which is required as part of the application.
4. The Planning Board will place on its agenda for consideration any completed application within 30 days in order of receipt of the plats. The Board shall act to approve or disapprove the plat within 65 days of acceptance of said application. In cases where it is deemed necessary, the Board may apply to the Board of Selectmen for an extension not to exceed an additional 90 days before acting to approve or disapprove the plat. The applicant for the Board's approval may waive this requirement and consent to an extension of such period.
5. The Board shall notify by certified or registered mail, return receipt requested, the applicant and abutters regarding the placement of the plat on its agenda not less than 10 days before such placement. The cost of mailing such notices shall be paid by the applicant prior to notification.
6. Prior to approval or disapproval of the proposed plat, a public hearing shall be held to provide an opportunity for public testimony relative to the consequences of the proposed subdivision. The cost of any required publication or posting of notice of hearing shall be paid by the applicant prior to the hearing.
7. Whenever a subdivision is proposed, the owner(s) of the property or his authorized agent shall apply in person before the board at a regular meeting. A copy of the deed to the property shall be required as shall a written authorization for the agent to appear on behalf of the owner if an agent is used.
8. Whenever deemed necessary by the Board, the subdivider shall be required to provide a Site Impact Analysis concerning the proposed subdivision. The Board shall use this information in its evaluation of the proposal.

B. Submission and Information Requirements: (Amended 01/04/11)

1. Whenever the plat, as submitted, covers only a portion of the sub-divider's entire holding, a Master Plan, in sketch form, showing future extension of the subdivision shall be required. A sketch of the prospective future street system of the area not subdivided shall be furnished as part of the Master Plan.
2. All additionally required State, Federal, and Town approvals, including, but not limited to approval for dredge and fill, and approval for driveway or roadway access on a State highway must be obtained.
3. A joint inspection team composed of members of the Planning Board and Conservation Commission shall conduct a site inspection of the proposed subdivision prior to approval to ascertain first-hand the natural conditions of the site, and inspect the layout of the proposed roads.
4. Temporary stakes at least three (3) feet above the ground marked with fluorescent tape for ease of identification shall be driven along the centerline of the proposed roads, at fifty-foot stations with cut and fill marks shown on the stakes, to facilitate inspection.
5. The lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits on all lots in compliance with the Zoning Ordinance and health regulations and in providing driveway access to buildings on such lots from an improved street.
6. Fire Suppression Requirements: The Plan will comply with the Town of Kingston's *Fire Protection Regulations*; existing and proposed location of the closest fire protection water sources, both on-site and off-site that service the parcel will be noted on the plan. (03/27/12)
7. Stormwater Management will comply with the Town of Kingston's Stormwater Management Regulation.

905.14 SUBMISSION REQUIREMENTS

A. Application for Subdivision

1. A completed Subdivision review application packet (available in the Planning Board office includes fee schedules and required forms essential for a complete application). The applicant, by written agreement with the Board at time of application, shall pay all reasonable costs to defray expenses incurred by the Board for engineering or other consultation regarding the

proposed subdivision prior to any action by the Board to approve or disapprove the final plat.

2. Fees
 - a. Application
 - b. Abutter Notification
 - c. Legal Notice publication
 - d. Professional Review (AKA Engineering) Bond
 - e. Test Pits: Arrangements must be made with the Rockingham County Conservation District to witness the logging of all test pits. The fee for this service shall be paid to the Town of Kingston.

B. Twelve (12) full size copies of the plan, five (5) 11x17 copies of the plan and an electronic version of the proposed subdivision plan, including color aerial photo of the site for ½ (one half) mile surrounding the property. *(Revised 08/20/19)*

C. Subdivision Plan:

1. A final mylar shall be provided upon approval (see Section D.)
2. Sheet size: 22" x 34" maximum
3. The scale for all plans must be not more than 100 feet to the inch. Match lines and joining sheets may be used if necessary for larger plans; all plan sheets must be at the same scale.
4. Date, title, scale, north arrow, locus map
5. Name and address of developer, designer/engineer, owner of record and abutters; property address and tax map reference number; owners' name must also appear in the Title Block. Name, license number and seal of the NH licensed land surveyor and all other professionals involved with the preparation of the plan. Name and address of subdivider and proposed subdivision name.
6. Topographical plan showing Existing and proposed contour lines at two (2) foot vertical intervals, with spot elevations where grade is less than five per cent (5%); permanent on-site benchmark with elevation from USGS datum. Topographical map indicating buildings, water courses, ponds streams or standing water, exposed rock ledges, and other significant natural and manmade features.
7. Location of existing and proposed easements; Highway easements granted to the Town of Kingston and to the State of New Hampshire for future road improvements.
8. Location, names and widths of existing and proposed public and private streets within two hundred feet (200') of parcel.
9. Endorsement block for final Planning Board approval is required for each plan.

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10. List of all required Federal, State and other approvals (with approval number and date) shall be noted on the plan.
11. All relevant Zoning designation(s) shall be noted on the plan; any variances granted by the ZBA to the Zoning Ordinances shall be noted on the plan.
12. Plans shall detail Flood Hazard Areas and Shoreland Protection Boundaries. For all subdivisions of fifty (50) lots or five (5) acres, the applicant must submit Base Flood Elevation Data to insure compliance with the Kingston Flood Plain Development Ordinance.
13. Location and exact dimensions of property lines; locations of monuments; area, in acres and square feet, of the entire parcel.
14. Bearings, including points of curvature and tangency to the nearest minute.
15. The error of closure shall not be less than one in five thousand.
16. Existing and proposed impervious area, square feet and percentage.
17. Required setbacks shown (building, septic, wetland, property line)
18. Required buffer and screening areas shown.
19. Site specific soil map that includes the location of all jurisdictional wetlands and vernal pools, as delineated by a Certified Soil Scientist.
20. Type, extent and location of existing and proposed landscaping and open space areas indicating what existing landscaping and open space areas will be retained.
21. Location of all parcels of land proposed to be dedicated to public use and the condition of such dedication, and a copy of such private deed restrictions as are intended to cover all or part of the tract; location of dedicated recreation areas.
22. Existing and proposed fencing features and details.
23. Existing and proposed locations and layout of catch basins and other stormwater drainage features.
24. Size and proposed location of water supply and sewage facilities and provision for future expansion of sewage and water facilities; and all distances from existing water and sewage facilities on the site and on abutting properties to a distance of one hundred feet (100'). Location of two suitable test pits per proposed lot, and their accompanying test results, must be provided within a four thousand (4,000) sq. foot receiving area suitable for installation of a septic system.
25. Existing and proposed locations and layout of all roadway and parking facilities, including dimensions, when applicable.
26. Location, type, size and design of proposed signs; lighting features and details for all outdoor facilities and location of all utilities, features and details (above, at or below grade).

27. The location, width, curbing and type of access ways, egress ways and driveways plus streets within and around the proposed site; lines of all existing adjoining streets.
28. Note stating: “All roadways, access ways, parking and sidewalk facilities shall be constructed per Town regulations.”
29. Note stating: “Plan will comply with Kingston’s Fire Protection Regulations”; existing and proposed location of the closest fire protection water sources, both on-site and off-site that service the parcel will be noted on the plan.
30. Proposed type of use for the parcel.
31. Abutter’s buildings, wastewater facilities, driveways and well within one hundred feet (100’) of the parcel; if there is nothing within one hundred feet (100’) a note with that statement must appear on the plan.
32. Parking requirements shall follow Site Plan Review requirements.
33. On-site circulation information for vehicles and pedestrians, including arrows, signs or other indicators.
34. All additional information required by other local, state and federal agencies; any other environmental or man-made features important to the site design process; any other exhibits or data that the Planning Board may require in order to adequately evaluate the proposal, including, but not limited to: hydrogeologic assessment, traffic assessment, environmental impact assessment, economic impact assessment. The Planning Board may require additional color, shaded, and/or perspective view plans.
35. Upon submission, proposed lots will be labeled using letters (ex.: A, B, C, etc.). After Planning Board approval of the application and prior to signing the mylar for recording, the applicant shall replace the lettering system with the Town approved tax map designations for each lot as determined and approved by the Board of Selectmen or their designee. (Amended 11/17/15)

D. Street Construction:

1. Typical Roadway Cross-Section: Road Construction shall conform with the “Typical Roadway Cross-Section” Diagram, included in this chapter, unless otherwise approved by the Town Engineer.
2. Clearing and Grubbing
 - a. The right of way, unless otherwise specified by the Town Engineer, will be cleared and grubbed to the cut or fill line. All stumps and debris shall be disposed of outside the right of way and in accordance with State regulations.
 - b. Where deemed necessary by the Town Engineer, living

- ground cover shall be planted in the right of way.
- c. Stone walls and fences will be removed from the right of way.
3. Subgrade Preparation
 - a. The sub-grade of the roadbed shall be constructed to the required width, grade, and crowned section.
 - b. In general, slopes will be constructed so that maximum cut slopes will be 2:1 and maximum fill slopes will be 3:1.
 - c. The sub-grade shall be prepared for inspection and cross-sectioning by the Town Engineer.
 4. Drainage
 - a. Adequate cross pipes and ditches to maintain existing surface drainage shall be constructed. Culverts shall be 18 inch diameter reinforced concrete pipe or PVC with adequate cover that is to be determined by the Town Engineer.
 - b. Additional drainage such as catch basins, cross pipes at intersections, underdrain where needed, and driveway culverts shall be constructed.
 5. Gravel (Amended 01/04/11)
 - a. Width, depth and type of gravel shall comply with the requirements specified in “Typical Roadway Cross-Section” located in this Article.
 - b. Gravel surface shall be fine-graded and compacted to the required grade with the grader, roller, and hand labor.
 6. Surface (Amended 01/04/11)
 - a. Pavement surfaces shall comply with requirements specified in “Typical Roadway Cross-Section” located in this Article.
 - b. Materials and methods used shall conform to NHDOT standards.
 7. Signs
 - a. Street names will be approved by the Planning Board, in conjunction with the Chief of Police, for the State of NH “9-1-1” compliance.
 - b. Sign with the name of the street conforming to the standards of the Town of Kingston shall be erected on required metal post. Location of signs is to be approved by the Road Agent.
 - c. Traffic control signs conforming to the standards of the Town of Kingston may be required if deemed necessary by the Board of Selectmen or their designee. Required signs shall be erected on required metal post.
 8. General Information (Amended 01/04/11)
 - a. Roads will not be accepted by the Town of Kingston for two years after construction. All repairs will be made under the supervision of the Road Agent. All maintenance and repairs

to roads during this time, including winter maintenance, will be the responsibility of the Road Construction Bond Holder. Failure to do so may result in the Town of Kingston's intervention at the Bond Holder's expense. Charges and penalties shall be set by the Board of Selectmen.

- b. The Planning Board may, in its discretion, require that streets abutting the proposed subdivision be widened or improved to the standards required by these regulations. In determining the extent of the improvements to be made to off-site roadways, the Board shall consider such factors as the extent to which the Town presently maintains the roadways, the frontage of the proposed subdivision, the character and potential for development of the neighborhoods served by the access roads, and the number of residences presently fronting on or normally trafficking on the roads adjacent to or abutting or leading to the proposed subdivision. Any improvements deemed necessary by the Board shall be made at the expense of the subdivider.
- c. Road construction must be performed by qualified road construction contractors approved by the Town Engineer and Road Agent.
- d. Decisions and recommendations of the Town Engineer relative to any of the requirements and conditions of road construction shall be final.

E. Access Management:

Access Management Standards

1. Shared Driveways. In order to minimize the number of driveways along town roads shared driveways may be allowed for adjacent residential sites.
2. Access to Lots with Multiple Frontages. Subdivision proposals involving lots with frontage on more than two roads shall be required by the Planning Board to access the roads with lower average daily traffic. (Amended 11/17/15)
3. Corner Clearances. Lots with frontage upon more than two streets can, in instances where evidence is provided to the Planning Board, access the roadway with greater average daily traffic if the proposal complies with the following standards:

Minimum Standards for Corner Clearance

| Distance | Signalized Intersection - feet | Stop Sign Controlled Intersection - Feet |
|----------|--------------------------------|------------------------------------------|
| A | 230 | 115 |
| B | 115 | 115 |
| C | 230 | 85 |
| D | 230 | 115 |

The above dimensions assume a 30 mph operating speed. For rural and other high speed roads, clearances shall be two times as great as the numbers shown.

Source: "Transportation and Land Development," Institute of Transportation Engineers, 1988.

4. Minimum Distance between Driveways. The minimum distance between driveways on the same and opposing sides of the roadway, including all road intersections shall be measured from the centerline of the driveways at the right-of-way line and shall be a function of the posted speed in accordance with the following table:

MINIMUM DISTANCE BETWEEN DRIVEWAYS

| Highway Speed | Minimum Spacing |
|---------------|-----------------|
| 35 | 150 feet |
| 40 | 185 feet |
| 45 | 230 feet |
| 50 | 275 feet |

SOURCE: "Access Management for Streets and Highways,"
 Federal Highway Administration, 1982.

When the roadway is a NH State maintained road this requirement will be requested by the Town during the State’s permitting process.

5. All driveways shall conform to the “Driveway Regulations” of the Town of Kingston.

F. Construction Drawings:

The information in this section is only required when street construction is involved in the proposed subdivision.

1. Complete plans and profiles to be prepared by a registered land surveyor or professional engineer whose seal must appear on

said drawings of all proposed streets which would include:

- a. Horizontal and vertical curve data at the street centerline;
- b. Street stationing every 50 feet;
- c. Intersection, turn-around and/or cul-de-sac radii;
- d. Typical cross-sections of proposed streets every 50 feet, and
- e. Storm drainage design.

G. Cession:

1. The sub-divider shall conform to the requirements of this regulation and Article 907, including preparing the deed.
2. Approval of the plat by the Planning Board shall not constitute an acceptance by the Town of the dedication of any street, highway, park, or other public open space.

H. Bonding: (Amended 01/04/11)

Performance Bonds shall be established in compliance with the Town's Performance and Maintenance Guarantee Procedures found in Article 907.

I. Required Improvements: (Amended 01/04/11)

1. Monuments
 - a. The four lot corners and all angle points shall be marked with monuments. Monuments shall be constructed of concrete or granite at least 4" x 4" x 4' and set as noted above a minimum of 6" and a maximum of 12" above the ground.
 - b. Pipes a minimum of 1 ½" in diameter and 4' long shall be set a minimum of 6" and a maximum of 12" above the ground or drill holes in large stones shall be placed every 200' on side lines and back lines.
 - c. Street lines shall be bounded by monuments as described in "a" above, set in the ground at the PC, PT and angle points of the recorded street layout on both sides of the roadway.
 - d. All required monuments and markers shall be installed at completion of the rough grading of the street.
 - e. A completed Certificate of Monumentation is required and is available in the Planning Board office.
2. Class VI Road Improvement
 - a. The developer of any subdivision on a Class VI highway shall be required to bring the road to Town standards from the nearest existing town approved road to the furthest point of his subdivision. In determining the scope of off site improvements to a Class VI highway which shall be

required of a developer, the Planning Board shall consider such factors as the standard to which the town presently maintains the road. The frontage of the proposed subdivision, the potential traffic increase necessitated by the proposed subdivision, the character and potential for development of the neighborhood served by the road, and the number of residences presently fronting on or normally trafficking on the roadway in question. A proposed subdivision may be denied outright if it is found that improvement to the roadway leading to that subdivision is not feasible.

J. Final Plat Requirement: (Amended 09/15/09, 01/04/11)

The following must be provided:

1. The final plat submitted for approval and subsequent recording shall conform to the requirements of NH RSA 478:1-a for recording at the Rockingham County Registry of Deeds; all mylars must be pre-approved by the RCRD; the date of the Registry pre-approval will be provided to the Board.
2. The final plat shall include street names and building addresses and tax map designations as determined and approved by the Board of Selectmen or their designee. (Amended 11/17/15)
3. The mylar for the Planning Board Chairperson's signature; 4 copies of the registered plat shall be submitted for Town records.
4. 4 paper copies (standard size) of the complete plan set must be presented at the time the mylar is presented (a copy for the Planning files, Property file, Building Inspector and Town Engineer); each set to also be signed and dated by the Planning Board Chairperson.
5. A CD containing the complete plan in PDF format.
6. Fees:
 - a. Subdivision fees
 - b. Fees per lot to cover changes to the Tax Map
 - c. Recording and Copy Fees
 - d. Specific Registry Fees; check to be made out to the Rockingham County Registry of Deeds

905.15 PRE-CONSTRUCTION REQUIREMENT (01/04/11)

- A.** A pre-construction meeting is required before any construction is permitted.
- B.** A sample of a typical pre-construction agenda is available through the office of the Planning Board.

905.16 PROCEDURE FOR PLAN REVIEW (Amended 08/19/08)

A. Board Action on Accepted Applications

Within 65 days of formal acceptance of the plan, the Planning Board will make a decision on the subdivision plan application as follows:

1. Approval. At a duly noticed public meeting, the Board shall act to approve, conditionally approve, or disapprove, the application. The sixty-five (65) day time limit shall be subject to extension or waiver as provided in Section 905.13.A.2. [RSA 676:4, I(c)(1)]
2. The Planning Board shall have the right, as part of its approval or conditional approval on a subdivision to determine the threshold for “active and substantial development of building” in relation to the application under review. This determination establishes the threshold levels of work necessary within twenty-four (24) months of approval to vest the applicant according to the provisions of RSA 674:39, I. The Planning Board may, for good cause, extend the twenty-four (24) month period.
 - a. Failure of a developer to meet the threshold within the required twenty-four (24) month period will prevent vesting of the approved application against any subsequent changes in the Town’s regulations and ordinances, including impact fees, and require further review by the Planning Board before any construction.
 - b. Failure of the Planning Board to specify as a condition of subdivision approval what shall constitute “active and substantial development or building” shall entitle the subdivision/site plan approved by the Board to the 5-year exemption described in RSA 674:39, I.
3. The Planning Board shall also have the right, as part of its approval or conditional approval on a subdivision/site plan, to determine the threshold for “substantial completion” of the improvements as shown on the subdivision in relation to the application under review. This determination establishes the threshold levels work necessary to permanently vest and protect the approved application from subsequent changes in subdivision/site plan review regulations, or zoning ordinances, except impact fees adopted pursuant to RSA 674:21 and 675:2-4.

4. Failure of a developer to meet the threshold will prevent vesting of the approval against any subsequent changes in the Town's regulations and ordinances, and require further review by the Planning Board before any construction.

B. Conditional Approval. (Amended 7/19/2011)

1. The Planning Board may grant conditional approval of a plat or application, which approval shall become final without further public hearing, upon certification to the Board by its designee or based upon evidence submitted by the applicant, of satisfactory compliance with the conditions imposed by the Planning Board.
2. All conditions described in the motion to grant conditional approval must be met within ninety (90) days unless one or more of the following is true:
 - a. A specific time limit was made as part of the motion to conditionally approve; or
 - b. The applicant has applied for, and the Planning Board has approved, a request to extend the time limit for a specified period of time not to exceed forty-five (45) days. The applicant may apply for one forty-five (45) day extension.
3. Failure to meet all conditions within the time prescribed results in automatic disapproval and the plan is required to be resubmitted.

C. Disapproval. The Board shall disapprove of an application which does not meet the standards of these regulations, or fails to comply with other Town or State laws, or will have an adverse impact on surrounding areas or the community.

905.17 WAIVER

If the Planning Board finds that extraordinary hardships or practical difficulties may result from strict compliance with these subdivision regulations and/or the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve waivers to these subdivision regulations so that substantial justice may be done and the public interest secured, providing that such waiver shall not have the effect of nullifying the intent and purpose of these regulations; any waiver from the regulations shall be subject to a majority vote of approval of the Board and be duly recorded in the minutes.

905.18 ADOPTION AND AMENDMENTS

These regulations may be adopted, amended or rescinded by a majority vote of the Board following a public hearing on the proposed changes and shall be

Title III: Rules and Regulations
Section 900 - Planning Board Rules and Regulations
Article 905 – Subdivision Regulations
become effective at that time.

905.19 PENALTY:

An owner or agent of the owner of any land located within a subdivision who transfers or sells any land before a plat of said subdivision has been approved by the Board and recorded in the Registry of Deeds shall be subject to the penalties and fines as provided for in RSA 676.16. All other violations shall be subject to penalties and fines as provided for in RSA 676.17.

905.20 SEPARABILITY

If any section, provision, portion, clause or phrase of these Regulations shall be held to be invalid or unconstitutional by any court or competent authority, such holding shall not affect, impair, or invalidate any other section, clause, provision, portion or phrase of these Regulations.



