

## **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, 05-19-2009, 09-15-09, 09-21-10, 01/04/11)

### **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 all the 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:** High Intensity Soil Survey Report prepared by a certified soil scientist on the list maintained by the Rockingham County Conservation District using H.I.S. standards as set forth in Society of Soil Scientists of Northern New England (SSSNNE) Special Publication No. 2, 1993, Order 1 Soil Mapping Standards for New Hampshire.
- 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:** Subdivision meant the division or 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 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. 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 subdivider 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 the following documents when evaluating a proposed subdivision:
  - a. Soil Survey of Rockingham County, NH Part I and II issued 10-94
  - b. Federal Manual for Identifying and Delineating Jurisdictional Wetlands
  - c. National Wetlands Inventory
5. The Planning Board shall review the proposed development including manufactured home parks or submissions 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 Amendments of 1972, 33 U.S.C. 1334, the state wetlands permit process outlined in RSA 482-A and NH Code of Administrative Rules Wt 100-800. The Planning Board shall require that all subdivision proposals and other proposed new developments greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals base flood elevation data. (Approved 11-03-87)

**905.5 LOTS:**

- A.** Lot dimensions and area shall not be less than the requirements of the Zoning Ordinance. However, as provided in RSA 674:36, II, (I), the board may require such additional area as may be needed for each lot for on site sanitary facilities, or wherever the natural slope of the land exceeds 15%. The minimum required area within the lot as required by the Zoning Ordinance shall be comprised of 60,000 square feet of dry contiguous land rated as suitable for building in the application of US Department of Agriculture Soil Conservation Service Soil Survey Interpretation sheets.
- 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 in general 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 NHFA and approved by the Kingston Fire Department.

**905.6 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.

**905.7 ENGINEERING AND LAYOUT:**

- A. The acceptable seal of a licensed professional land surveyor or civil engineer shall be required on all surveys of plans submitted to the Kingston Planning Board.
- 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.

**905.8 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 Ws 1000 and with such rules and regulations as may be established by NH Water Supply and Pollution Control Division 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.

**905.9 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, 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.

**905.10 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.

**905.11 ILLUMINATION** (01/04/11)

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

**905.12 APPLICATION PROCEDURE:**

**A. Application:**

1. 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.

2. 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.
3. The proposed plan will be checked for accuracy by the Town Engineer. A minimum engineering fee of \$5,000.00 will be paid to the Town of Kingston at the submission of a subdivision for review, prior to the plan being put on the agenda. Any unused portion of this fee will be returned to the applicant.
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 90 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 applicant and abutters shall be notified of the time, date, and location of the hearing by certified or registered mail, return receipt requested, not less than 5 days before the date fixed for the hearing. The cost of any required publication or posting of notice and the cost of mailing notices of hearing shall be paid by the applicant prior to the hearing.
7. 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 subdivider'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 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.

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

1. The final plat submitted for approval and subsequent recording shall conform to the requirements of NH RSA 478:22 for recording in the Rockingham County Registry of Deeds. Four (4) copies of the registered plat should be submitted for town records. All sheets must meet the town standard of 22" x 34". Match lines and joining sheets may be used if necessary for larger plans. The registered plat shall be at a scale of not more than 100 feet to the inch.

The following must be provided:

- a. The mylar for the Planning Board Chairperson's signature.
  - b. A complete paper copy (standard size) of the plan must be presented at the time the mylar is presented, to also be signed and dated by the Planning Board Chairperson.
  - c. A CD containing the complete plan in PDF format.
2. The following information shall be included on the final plat:
    - a. Proposed subdivision name;
    - b. Name and address of owner of record;
    - c. Name and address of subdivider;
    - d. Name and address of surveyor/engineer;
    - e. Date;
    - f. North point;

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- g. Kingston Property Map reference number;
- h. Scale;
- i. Locus map at a scale of 1" = 1500';
- j. Names and addresses of owners of abutting properties;
- k. Location and exact dimensions of property lines;
- l. Location of existing easements;
- m. Location, names, and widths of existing and proposed streets and highways;
- n. Area, in acres and square feet, of the entire site to be subdivided and area of all proposed lots;
- o. Seal and license number of the licensed land surveyor or professional civil engineer;
- p. Lot lines, to the nearest hundredth of a foot;
- q. Bearings including points of curvature and tangency to the nearest minute;
- r. 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 part or all of the tract;
- s. The error of closure shall not be less than one in five thousand;
- t. For all subdivisions of fifty lots or five acres the applicant must submit Base Flood Elevation Data to insure compliance with the Kingston Flood Plain Development Ordinance;
- u. Location of proposed driveways;
- v. Wetland locations;
- w. Dedicated recreation areas; and
- x. Location of fire hydrants both onsite and offsite that service the subdivision.

3. The following information shall accompany the final plat:
  - a. Topographical map indicating buildings, water courses, ponds, streams, or standing water, exposed rock ledges, and other significant natural and manmade features at a contour interval of 2 feet;
  - b. Location of results of each percolation test hole and information with respect to the soil conditions to show that the lots are capable of supporting both on-site water supply and wastewater system on each lot or on other property; and
  - c. Construction drawing (where applicable)
4. Changes from the approved plan, that are required and approved

by the Town, will require “As-Built” plans that depict the final site conditions. These plans must be prepared so they are able to be recorded at the Rockingham County Registry of Deeds. The costs for the preparation and recording of these plans are the responsibility of the applicant.

**D. 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.

**E. Cession:**

1. The subdivider shall prepare a deed to the town for the proposed streets, highways, or parks not specifically reserved by him. Approval of the plat by the Board shall not constitute an acceptance by the Town of the dedication of any street, highway, park, or other public open space.

**F. Fees:**

1. An application fee of \$100.00 shall accompany each application for subdivision. Fee for minor lot line adjustment is \$25.00.
2. An application fee of \$25.00 shall accompany each application for recording. (i.e. - lot line changes, boundary adjustments, perimeter surveys)
3. A subdivision fee of \$20.00 per lot will be required prior to signing of the final plat for subdivision greater than five lots.
4. A fee of \$40.00 per approved lot to cover the cost of making the necessary changes to the Town's tax map.

5. A fee sufficient to cover the cost of filing the plat with the Registry of Deeds shall accompany the mylar. The check for this fee shall be made out to the Town of Kingston.
6. A hearing fee, a fee for legal advertising, and a fee for certified letters to all abutters must be paid at the time a subdivision or site plan application is submitted.
7. A fee of \$.50 per foot of proposed road or engineering review costs whichever is greater, must be paid before the final plat is signed, a fee of \$5000.00 engineering review cost. This fee is submitted upon application and placed in a separate interest bearing account. When the Town Engineer or the Planning Board's Circuit Rider reviews a proposal the cost for this professional review is taken from this account. When the subdivision review process is completed, the money remaining in the account is returned to the applicant.
8. 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.
9. The subdivider, 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.

**G. 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.

**H. Certificate of Failure to Take Action:**

1. The Town Clerk is hereby specified as the municipal officer who shall issue on behalf of the Board a certificate of Failure to take action on approval or disapproval of any plat submitted to it, as provided in RSA 676:4.

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

1. Monuments
  - a. The four lot corners 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, back lines and at all angle points.
- c. Street lines shall be bounded by pipes, as described 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 Certificate of Monumentation is required and available in the Planning Board office.

## 2. Class VI Road Improvement

- a. The developer of any subdivision on a Class VI highway may be required to bring the road to town standards from the nearest existing town approved road to the furthest point of his subdivision. The minimum accepted road surface shall be 24 feet with 34 feet of gravel. 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. 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, and all stumps and debris disposed of outside the right of way.
  - 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 4:1.
  - 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.
  - b. Additional drainage to accommodate conditions caused by or found to exist in new roads, such as catch basins and cross pipes at intersections, underdrain where needed, drive pipes and proper drainage of swampy areas shall be constructed.
5. Gravel (Amended 01/04/11)
- a. Width of gravel shall be 34feet from shoulder break to shoulder break and shall terminate at the ditch line.
  - b. Depth of gravel shall be 12 inches except where extreme subsoil conditions require additional depth of material and/or Geo Tech fabric in the opinion of the Town Engineer.
  - c. Gravel shall be bank run gravel meeting current NH Department of Transportation specifications for gradation.
  - d. No stone larger than 6 inches shall be placed in a 12 inch depth of gravel and no stone larger than 2 inches shall be placed in the top 6 inches of gravel.
  - e. 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. Finished surface pavement shall be 24feet wide.
- b. Pavement shall be hot bituminous concrete.
- c. Pavement shall be 4 inches thick (compacted). This shall include 2½ inches of binder 24 feet and 1 ½ inches of top coat 24 feet in width.
- d. Materials and methods used shall conform to NH Department of Transportation standards.

7. Signs

- a. Sign with the name of the street conforming to the Standard of the Town of Kingston shall be erected on required metal post. Location of signs is to be approved by the Road Agent.
- b. 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. Repairs to roads during this time will be accomplished by the person offering the road for acceptance by the Town.
- 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. Until such time that the Town of Kingston accepts any road, the developer shall be responsible for all maintenance and upkeep, including, but not limited to: snowplowing, salt and sanding as needed. Failure to do so may result in the Town of Kingston's intervention at the developer's expense. Charges and penalties shall be set by the Board of Selectmen.

**K. Access Management:**

Access Management Standards

1. Shared Driveways. In order to minimize the number of driveways along town roads shared driveways shall be encouraged for adjacent residential sites.
2. Access to Lots with Multiple Frontages. Subdivision proposals involving lots with frontage on more than two roads shall be encouraged by the Planning Board to access the roads with lower average daily traffic.
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.

**905.13 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.

**905.14 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.

**905.15 AMENDMENTS:**

These regulations may be amended or rescinded by the Board; but only following a public hearing on the proposed changes. The Chairman or Secretary of the Board shall transmit a certified copy of any changes signed by a majority of the Board to the Registrar of Deeds of Rockingham County, the Town Clerk and the Board of Selectmen.

**905.16 ADOPTION:**

These regulations shall become effective after a public hearing, adoption and certification by the Board, and filing of certified copies, signed by a majority of the Board, with the Registrar of Deeds of Rockingham County, the Town Clerk and the Board of Selectmen.

**905.17 PENALTY:**

As provided in RSA 676:16, 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 forfeit and pay a penalty of \$1000.00 for each lot or parcel so transferred or sold; and the description be metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties. The Town, through its Solicitors or other official designated by the Board of Selectmen, may enjoin such transfer or sale and recover said penalty by civil action. As provided in RSA 676:17, 676:17 (a) and (b), the Town, through its solicitors or other official designated by the Board of Selectmen, shall have the authority to issue cease and desist orders and local land use citations.

**905.18 PRELIMINARY REVIEW:**

In accordance with RSA 674:35, I, the Planning Board is authorized to require preliminary subdivision review. The subdivision regulation, regarding the requirements of such review, is to be prepared and adopted by the Planning Board. (Added 03/08/2005)

**905.19 SUBSTANTIAL IMPROVEMENT:** (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 notice 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 below in Section 905.17.A.2. [RSA 676:4, I(c)]

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 twelve (12) 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 12 month period.

Failure of a developer to meet the threshold within the required twelve 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.

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 4-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.** 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.

- 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.

**905.20 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.

