

SUBDIVISION REGULATIONS
CITY OF ROCHESTER, NEW HAMPSHIRE

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SECTION 1. AUTHORITY, TITLE & PURPOSE

1.1 Authority

Pursuant to the authority vested in the Rochester Planning Board by the City Council of the City of Rochester by resolution adopted on September 5, 1961, reaffirmed by resolution on July 6, 1965, and resolution on August 3, 1971, and in accordance with the provisions of RSA 674:35-42, the Rochester Planning Board adopts the following regulations governing the subdivision of land in the City of Rochester, New Hampshire.

1.2 Title.

These regulations shall be known and may be cited as the "City of Rochester Land Subdivision Regulations," hereinafter referred to as the "Subdivision Regulations."

1.3 Purpose.

In accordance with RSA 674:36, these regulations are written with the following purposes in mind:

- (a) to provide against such scattered or premature sub-division 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;
- (b) to provide for harmonious development of the municipality and its environs;
- (c) to require the proper arrangement and coordination of streets within subdivisions in relation to other existing or planned streets;
- (d) to provide for open spaces of adequate proportions;
- (e) to require suitably located streets of sufficient width to accommodate existing and prospective traffic and afford adequate light, air, and access for fire fighting apparatus and equipment to buildings, and be coordinated so as to compose a convenient system;
- (f) to require, in proper cases, that plats showing new streets or narrowing or widening of such streets submitted to the Planning Board for approval shall show a park or parks suitably located for playground or other recreational purposes;
- (g) to require that proposed parks shall be of reasonable size for neighborhood playgrounds or other recreational uses;
- (h) to require that the land indicated on the plats submitted to the Planning Board shall be of such character that it can be used for building purposes without danger to health;
- (i) to prescribe minimum areas of lots so as to assure conformance with the local Zoning Ordinance and to assure such additional areas as may be needed for each lot for on-site sanitary facilities; and
- (j) to include provisions which will tend to create conditions favorable to health, safety, convenience, or prosperity.

(k) to promote the orderly growth of the City of Rochester, providing for public and other open space and for proper development of land while preventing, through the Board's discretion, such scattered, premature and undesirable subdivision and development of land as would involve danger, or injury to health, safety or property, by reason of lack of water supply, sewage, drainage, transportation, or other public services or would necessitate in the Board's judgment an excessive expenditure of public funds for the supply of such services, or would be injurious to maintenance of the integrity of the Master Land Use Plan, dated 1982.

SECTION 2. PROCEDURE

2.1 General Procedures and Policies

2.1.1 Applicability. Whenever any subdivision is proposed to be made and before any type of contract or other agreement or sale, rent, lease or condominium conveyance of such subdivision or any lot thereof shall have been negotiated, and before any application for a permit as required under the Rochester Zoning Ordinance or Building Code for the erection of a structure and/or use of land for residential and/or nonresidential purposes thereon shall be made, the subdivider and/or his authorized agent (so designated in writing by the Owner) shall apply in writing to the City Planner for approval of such subdivision on forms prescribed by the Subdivision Regulations. When conversion to a condominium form of ownership is proposed for an existing individual building no formal subdivision review is required, provided however that an administrative review shall be conducted by staff - and the City Attorney, where appropriate - to ensure that the condominium proposal and condominium documents comply with all pertinent zoning and other land use requirements of the City of Rochester, including but not limited to parking and signage. The applicant shall pay any appropriate fees to cover the review by the City Attorney. [5]

2.1.2 Determination of Application Category. The City Planner, in discussions with the applicant, shall determine the appropriate subdivision category and level of consideration by the Board. The category of subdivision may be: (1) a major subdivision; (2) a minor subdivision; or (3) a lot line adjustment or boundary agreement. The appropriate level of subdivision review may be: (1) a preliminary conceptual consultation; (2) a design review; or (3) an application for final plat approval.

Preliminary conceptual consultation and design review are optional at the request of the applicant. The application for final plat approval is mandatory. Some of the regulations, may be waived for minor lot line adjustment or boundary line agreements.

2.1.3 Public Hearings. No application for final plot approval may be denied or approved without a public hearing on the application. Public hearings shall be held in accordance with RSA 676:4I (d) & (e). A public hearing may be adjourned and reconvened at the Board's next meeting without giving notice by certified mail, if the Planning Board gives due notice of the time and place of the next meeting prior to the adjournment of the public hearing.

After a public hearing has been postponed for two (2) consecutive times, re-notification of abutters by certified mail shall be required and shall be paid for by the applicant.

2.1.4 Responsibility for Submission. The subdivider shall be responsible for the submission of required information to all local, county, regional, state or federal agencies whose review is required by law or by these regulations.

2.2 Preliminary Conceptual Consultation Phase.

Before the formal submission of a subdivision plan, a subdivider, in order to save himself the cost of needless changes at a later date, may request to appear at a regular meeting of the Board and submit a sketch plan for discussion with the Board. An applicant may have such a preliminary plan placed on the Planning Board agenda as a specific agenda item if a written request is submitted to the Planning Department prior to the development of meeting agenda. If a request is made after that time the preliminary plan may be reviewed by the Planning Board under "Other Business" (or equivalent) at the board's sole discretion. The subdivider shall provide the board with a simple sketch of the proposed lot layout including proposed utilities and street improvements; general information on topography and soils; and other pertinent data unique to the layout. [3]

The subdivider shall be familiar with all State and City regulations relative to health, buildings, roads and other pertinent data, so that he is aware of the obligations and standards with which the proposed subdivision must comply.

The Board and the applicant may discuss proposals in conceptual form only and in general terms such as desirability of types of development and proposals under the master plan. The Planning Board will not take any formal or binding action on such a consultation phase, nor will a public hearing or public notice to abutters be required.

2.3 Design Review Phase.

The applicant may request a discussion with the Board beyond conceptual and general discussions which involve more specific design and engineering details; provided, however, that the design review phase may proceed only after identification of and notice to abutters and the general public as required by RSA 676:4-I(d). The discussion shall be non-binding and statements made by Planning Board members shall not be the basis for disqualifying said members or invalidating any action taken.

For design review discussions, the subdivider shall submit the following items to the City Planner not less than 20 days before any regular meeting of the Board.

2.3.1 Certified list of abutters. If there are more than ten (10) abutters the applicant must supply two address labels per abutter.

2.3.2 Application fee in accordance with Section 9 of these regulations.

2.3.3 Three (3) full size blue line or black line prints and 22 (or an amount otherwise as stipulated by the Planning Board) full application packages. Each package should be clipped together and include the application form; the narrative; a full set of 11x17 drawings; requests for waivers; and appropriate reports, studies, and other documentation and materials. [11]

2.3.4 Whenever the design review plan submitted covers only part of the subdivider's entire holding, a master plan in sketch form showing the potential future extension of the subdivision may be required. A sketch of the prospective future street and utility systems of the area not subdivided shall be furnished as part of the master plan. These systems will be considered in relation to the systems shown on the preliminary plan.

The Board may study the preliminary lot layout and proposed street and utility improvements in connection with the City Master Plan, the needs of the surrounding area and the neighborhood, the topography and soil conditions of the area, the requirements of the Zoning Ordinance, and any other pertinent state or local regulations.

The Board may also conduct a site inspection of the proposed subdivision to ascertain the natural conditions of the site and to inspect the layout of proposed roads and utilities.

2.4 Major and Minor Subdivisions

2.4.1 Submission The subdivider shall file with the City Planner a completed application. The subdivider shall file the completed application at least 20 days before the next regularly scheduled meeting of the Board at which time application acceptance is requested. The 90-day period for review and action by the Planning Board will not start until a completed application containing all the items has been submitted and accepted by the Board at a regular meeting.

The deadline for submission of revisions to applications is 14 calendar days prior to a regular Planning Board meeting. However, with official Planning Department approval, at the department's reasonable discretion, the deadline may be reduced to as little as 5 calendar days. [3]

The deadline for submission of supplementary materials which need to be reviewed by the Planning Board is 5 calendar days prior to a regular Planning Board meeting. At its discretion, the board may elect to accept and review such materials received after the deadline. [3]

2.4.2 Notification of Applicant, Abutters and Public. If received twenty-eight (28) calendar days in advance, a completed application will be considered at the next scheduled meeting of the Board. The Planning Board shall notify the abutters and the applicant by certified mail of the date of the meeting at which the application will be formally considered and will also schedule and advertise a public hearing to coincide with that date. [3]

In addition, notice will be mailed at least ten (10) days prior to the date of the meeting. Notice of the hearing shall be published and advertised in a newspaper having general circulation in the City of Rochester, New Hampshire stating the time, date and place of such hearing and a brief description of the location of the proposed subdivision to be reviewed and for which application has been duly made. The publication of such notice shall be not less than ten days prior to the date fixed for the hearing. The costs of the advertisement and the costs of mailing notice of the hearing to abutters shall be paid by the applicant prior to the hearing.

2.4.3 Technical Review by City Departments. The City Planner's Office after reviewing the plans shall submit the plans to the following departments: Fire, Police, Water Sewer, Public Works, Recreation and to the City Engineer, Health Officer, School Superintendent's Office, Building Inspector's Office, Conservation Commission and the City Manager's Office prior to the date of the meeting at which the application is to be considered by the Planning Board. Their recommendations and modifications shall be submitted through the Planning Department.

2.4.4 Public Hearing. The Planning Board shall hold a public hearing on the application. Any abutter or any person showing a direct interest in the matter may testify in person or in writing.

2.4.5 Completed Application. The following items together shall constitute a completed application sufficient to invoke jurisdiction:

2.4.5.1 Completed and signed plat application.

2.4.5.2 Certified list of abutters. If there are more than 10 abutters, the applicant must supply two address labels per abutter.

2.4.5.3 All application fees paid.

2.4.5.4 Whenever the subdivision plan submitted covers only part of the subdivider's entire holding, a master plan in sketch form showing the potential future extension of the subdivision may be submitted. A sketch of the prospective future street and utility systems of the area not subdivided shall be furnished as part of the master plan. These systems will be considered in relation to the systems shown on the plan.

2.4.5.5 Three (3) full size blueline or blackline prints and 22 (or an amount otherwise as stipulated by the Planning Board) full application packages. Each package should be clipped together and include the application form; the narrative; a full set of 11x17 drawings; requests for waivers; and appropriate reports, studies, and other documentation and materials. [11]

2.4.5.6 Copies of any deed restrictions, homeowner's association bylaws, full legal description of easements, site easements, rights-of-way, reservations and/or other restrictions.

2.4.5.7 When required by the Board, impact statements documenting the short-and long-term effects of the subdivision on such factors as, but not limited to, wetlands, drainage, erosion, ground and surface water quality, traffic and the adequacy of Rochester's public facilities to support resulting increases in population.

2.4.5.8 Any and all costs in excess of the application fee incurred by the City for the mailing notices to abutters, and all reasonable fees to cover the City's costs of assessing the impacts of the proposed sub-division (as allowed under

RSA 676:4 (g) shall be paid by the subdivider prior to any action by the Board to approve or disapprove the final plat.

2.4.5.9 All requested waivers shall be in writing and those waivers shall be approved by the Board prior to any determination of submission.

The failure of the subdivider to comply with all of the above requirements shall constitute sufficient basis for rejection by the Board of the final plat.

2.4.6 Approval of Final Plat

2.4.6.1 The Board shall consider the plat together with accompanying materials at its next regular meeting, called in accordance with RSA 676:4 as amended, within 30 days after acceptance of the completed application.

2.4.6.2 The Board shall consider any completed application for a final plat submitted to it, and shall act within 90 days to approve, conditionally approve, or disapprove the plat, unless either the Mayor and City Council, upon request by the Board, has granted an additional 90 days extension, or the subdivider has waived this requirement and consented to an extension of the 90-day period. If the Board disapproves the plat, it shall state its reasons in writing to the subdivider.

2.4.6.3 If not submitted at the time of application, the following items shall be submitted prior to the receipt of final approval.

(a) To ensure the construction of required improvements:

1. The Planning Board shall require the applicant to provide a performance bond, irrevocable letter of credit or an escrow agreement.
2. In no event shall the exclusive form of security required by the Planning Board be in the form of cash or a passbook.
3. As phases or portions of the secured improvements or installations are completed and approved by the City Engineer, the municipality shall partially release said security to the extent reasonably calculated to reflect the value of such completed improvements or installations.
4. The Planning Board may require cost escalation factors to a bond or other security but the methods of security shall not exceed 10 percent per year.
5. All security documents shall follow the procedures of the Planning Department.

(b) For all lots under five acres which are not served by public sewer, certification of approval of subdivision by the State of New Hampshire

Water Supply and Pollution Control Division accompanied by a duplicate copy of all data submitted to them and any stipulations related to approval. All additionally required State and Federal permits and approvals, including but not limited to: approval from the Wetlands Board on dredge and fill; approval for driveway access on a State highway from the New Hampshire Department of Transportation and on City streets from the City Engineer.

(c) One copy of any plans and specifications for community sewage or waste disposal systems or community water supply systems for the plat as approved by the New Hampshire Water Supply and Pollution Control Division. The Board may require plans for individual septic and water systems.

2.4.6.4 Six (6) blueline prints and one set of 11 inch by 17 inch reductions, showing information as described in Section 3 of these regulations.

2.4.6.5 The endorsed photographic copy of the original drawing and three submitted copies of the final plat will be retained by the Board, but the endorsed original drawing shall be returned to the subdivider.

2.4.6.6 Approval by the Board of the final plat shall not constitute an acceptance by the City of an offer of cession of any street, proposed park, or other proposed public land or easement for public utilities. Such offer of cession for public land or easement can be accepted only by the Mayor and City Council.

2.4.6.7 Consent Calendar. Any application which, in the judgment of the Planning Board Chairman or the Planning Department represents a simple, straightforward matter may be placed on the consent calendar (or "Consent Agenda") section of the agenda for a recommended Planning Board action. All items appearing on the Consent Calendar of any meeting may collectively be passed by a majority vote of the Planning Board. No item shall remain on the consent Calendar if any member of the Board for any reason requests that the particular item be removed there from. Any item removed from the Consent Calendar shall be taken up separately on the agenda under "Other Business" unless the Board votes to consider it elsewhere on the agenda. [4]

2.5 Recording of Plat.

For lot line adjustment the applicant shall submit to the Planning Department a copy of the signed and notarized deed which will effect the conveyance of the subject property before (or at the same time as) the plat is certified by the Planning Department. Once the plat is certified the deed must be recorded simultaneously with the plat. For lot line adjustments, the deed and plat, and for subdivisions, the plat, must be recorded at the Strafford County Registry of Deeds within two (2) calendar months to the date the plat is certified (e.g. if certified September 9th they must be recorded by November 9th.) The applicant must send a copy of the receipt for recording of the plat (or deed and plat for lot line adjustments) by either certified or registered mail to the Planning Department. Failure to comply with any of these requirements herein shall render the lot line null and void. The Planning Department may

develop other procedures, as appropriate, to obtain confirmation that these documents have been duly recorded. [6]

2.6 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. Final approval of a plat or application may occur in the foregoing manner only when the conditions are:

1. Minor plan changes whether or not imposed by the Board as a result of a public hearing, compliance with which is administrative and which does not involve discretionary judgment; or
2. Conditions which are in themselves administrative and which involve no discretionary judgment on the part of the Board; or
3. Conditions with regard to the applicant's possession of permits and approvals granted by other boards or agencies.
4. Conditions shall be met within 120 days or at the discretion of the Board.

2.7 Minor Lot Line Adjustments or Boundary Agreements or Change in Type of Ownership.

The Planning Board may require a public hearing for minor lot line adjustment or boundary agreement.

1. For all minor lot line adjustment or boundary agreement abutters shall be noticed in accordance to RSA 676:4I(d) and any abutter may be heard on the application upon request.
2. A conversion or change in type of ownership shall require a public hearing with notice to abutters.

2.8 Review of Applications by City Consultant. [10]

Projects submitted to the Planning Board may be referred to the City's development review (engineering/planning) consultant in accordance with the following procedures:

- 2.8.1 The Planning Board shall determine which projects will be sent to the consultant for review.
- 2.8.2 The City Engineer shall forward his recommendation to the board for consideration of whether particular projects should be sent to the consultant.
- 2.8.3 Generally, applications will be sent to the consultant at the point that the application is complete or considered virtually complete.
- 2.8.4 When submitting complete sets of drawings, the applicant shall also be responsible for preparing an extra set of drawings and other necessary materials for the consultant. The applicant shall coordinate with the City

Engineer for delivering the drawings and other materials to the consultant.

- 2.8.5 Once the full set of drawings and other materials are submitted to the consultant, the consultant will conduct an engineering review. When appropriate, the consultant will also review the application for completeness, using the Planning Department checklist, and evaluate the application for conformance with the City's regulations and general planning objectives. In each case, the Planning Board shall determine the extent of the review.
- 2.8.6 The applicant shall be responsible for responding to the consultant's concerns either directly or through the City Engineer, as deemed appropriate by the City Engineer, except in cases where the Planning Board stipulates a particular procedure.
- 2.8.7 An executive summary of the consultant's reports/comments shall be forwarded to the Planning Board upon the board's request.
- 2.8.8 At the time the application is considered for acceptance for completeness, an escrow deposit acceptable to the City must be made to cover the projected costs of the consultant's review. In addition, a signed form or other acceptable written statement must be submitted by the applicant agreeing to pay for all of these costs.
- 2.8.9 A standard schedule of projected fees will be developed by the City Engineer in coordination with the consultant. This schedule will be used to determine the amount to be submitted by the applicant at the acceptance stage; however, the amount may be adjusted upward or downward depending on the particular project.
- 2.8.10 The consultant is expected to track costs incurred in reviewing the project. If it is anticipated that the costs for the review will exceed the initial estimate, then the consultant will notify the City that additional funds are needed. If sufficient funds/guarantees are not paid/established, the review by the consultant may be suspended at the reasonable discretion of the City until the funds/guarantees are in place. Alternatively, additional funds may be required as a precedent condition at the time of project approval.
- 2.8.11 All payments from the applicant shall be to the City of Rochester. The City will in turn reimburse/pay the consulting engineer accordingly. It is emphasized that the consultant is under contract with, and working for, the City of Rochester.
- 2.8.12 Upon completion of a project, then any extra funds remaining will be returned to the applicant.

SECTION 3. DESIGN REVIEW PLAN

To provide for a design review which will be most beneficial to the applicant and the Board, the below guidelines for preparation of the design review plan shall be applied.

The plan should be prepared at a horizontal scale of no less than 1-inch equals 100 feet and on a sheet of 24 inches by 36 inches or 22 inches by 34 inches and shall show or be accompanied by the following information:

3.1 Key Sheet (at a scale of 1 inch equal 400 feet) showing the relationship of the plan to surrounding existing public streets and individual sheets to each other.

3.2 Proposed subdivision name, name of both owner of record and subdivider, name of the Engineer and/or Surveyor who prepared the plan.

3.3 Date of plan, scale, and north point.

3.4 Names and addresses of owners of record of abutting properties with tax map and lot numbers as shown by records of the Board of Assessors; abutting subdivision names; location and grade of existing streets, easements, setbacks, alleys, parks, and public open spaces, and similar facts regarding existing abutting property.

3.5 Location of existing lot lines and their approximate dimensions, street lines, easements, building outlines, watercourses, wetlands, ponds or standing water, rock ledges, treed areas, and other essential features on the site of the proposed subdivision.

3.6 Existing location, size and type of public water mains, sewers, culverts, drains, wells, septic tanks, and overhead and underground utilities on the site and within 100 feet of any property line of the proposed subdivision.

3.7 Location, name, type of surface, and right-of-way widths of existing streets within the subdivision and along with their approximate grades and profiles.

3.8 The elevations of sufficient points on the property to indicate the general topography of the subdivision and abutting land . (For land that slopes less than approximately 2 percent, spot elevations at all breaks in grade, along all drainage channels or swales, and at selected points not more than 100 feet apart in all directions; for land that slopes more than approximately 2 percent, either contours with an interval of not more than 5 feet if ground slope is regular, or not more than 2 feet if ground slope is irregular.)

3.9 Proposed new lots with approximate square-foot size and dimensions of each lot.

3.10 Location of all proposed parks, easements and areas to be dedicated to public use and the condition of such dedication. A copy of such private deed restrictions or any other contractual covenants as are intended.

3.11 Proposed street layout, proposed cross-sections together with approximate grades and profiles, and proposed approximate finished land elevations. When new streets are proposed, temporary stakes shall be driven in the ground along the center lines of the proposed streets to facilitate site inspection by the Board and the Technical Review Department Head Team.

3.12 Proposed public and/or private utility layout for sewage, water, drainage, electricity, gas, telephone, etc.

3.13 Preliminary designs of any bridges, culverts or drainage ditches which may be required. Watershed area calculations for determining volume of flow shall be submitted.

3.14 Soil types as taken from the Strafford County Soil Survey or from an on-site inspection, either by Soil Conservation Service or High-Intensity Soil Survey classifications.

SECTION 4. FINAL PLAT

The final plat shall be prepared at a scale of no less than 1 inch equals 100 feet on a sheet size of 24 inches by 36 inches or 22 inches by 34 inches and shall include the following plans:

4.1 Key Plan

At a scale of 1 inch equals 400 feet (or at a different scale if it can more effectively illustrate the site), showing the relationship of the plat to surrounding existing public streets and individual sheets to each other. A plan of the subdivision prepared at the same scale as the City tax map shall also be submitted. [16]

4.2 Lot Layout Plan.

This plan shall be submitted on a separate sheet or sheets and shall be signed and sealed by a Licensed Land Surveyor who prepared it. The plan shall provide the following information:

4.2.1 Proposed subdivision name, the name and signature of owner of record and subdivider, and the name signature, seal and dated certificate of accuracy of the surveyor who prepared the plat.

4.2.2 Date of plat, scale and north point.

4.2.3 The words:

Approved by the Rochester Planning Board on _____
Date

Signed by _____, _____
Name Position

4.2.4 Names and addresses of owners of record of abutting properties with tax map and lot numbers as shown by records of the Board of Assessors.

4.2.5 Reference to recorded subdivision plats of adjoining platted areas by County registry record, name, date and number.

4.2.6 Street lines, pedestrian ways, lot lines, lot sizes in square feet, identification number for each lot, reservations, easements, parks, and areas to be dedicated to public use and areas which are reserved by the subdivider, and copies of the deed restrictions and any other covenants.

4.2.7 Names of streets, and all parks and areas to be dedicated to public use. Streets, which join or are in alignment with streets of abutting or neighboring properties shall bear the same name. Names of new streets, parks or other areas shall not duplicate or bear phonetic resemblance to existing names within the City and shall be subject to final approval by the City Council.

4.2.8 Sufficient property and rights-of-way data including central angle, curve lengths, tangent distances, and curve radius bearing and length of every street line, lot line, easement, and boundary line. All dimensions shall be shown to the nearest minute and one hundredth of a foot. The error of closure shall not exceed 1 in 10,000. As required by RSA 319-A, all survey work shall be carried out by a licensed land surveyor. The name, license number and seal of the licensed land surveyor shall be shown on the final plat.

4.2.9 Location and description of at least two permanent monuments and one bench mark per subdivision including reference to any existing U.S.G.S. bench mark or monument within 1,000 feet. The horizontal controls shall bear New Hampshire state coordinates. The plan shall describe the method used to determine the reference datum if the Board has waived the state plane coordinate system and the U.S.G.S. vertical control system.

4.2.10 The statement:

SUBDIVISION APPROVAL. Whether or not otherwise expressly recited on this subdivision plan, the subdivision approval granted is conditioned on faithful and diligent adherence by the Owner/Subdivider /Developer of all terms, conditions, provisions and specifications of the City of Rochester Land Subdivision Regulations as amended or as may later be amended, in effect on the date of approval, unless or expect insofar as expressly waived, in any particular, below, non-adherence may result in a revocation of approval. Any variation from the approved plan will require a resubmission for subdivision approval.
GRANTED WAIVERS:

4.3 Topography and Soil Plan.

Existing topography of the subdivision for land that slopes less than approximately 2 percent, spot elevations at all breaks in grade, along all drainage channels or swales, and at selected points not more than 100 feet apart in all directions; for land that slopes more than approximately 2 percent, either contours with an interval of not more than 5 feet if ground slope is regular, or not more than 2 feet if ground slope is irregular. Soil types based upon a Soil Conservation Service or High- Intensity Soil Survey classifications.

4.4 Street and Utility Plan.

This plan shall be submitted on a separate sheet or sheets and shall be signed and sealed by the Engineer who prepared it. The plan shall provide the following information:

4.4.1 Complete plans and profiles of all proposed streets and sidewalks, including, but not limited to:

- (a) horizontal and vertical curve data at the street center line;
- (b) street stationing every 50 feet;
- (c) intersection, turnaround and/or cul-de-sac radii;
- (d) typical sections of proposed streets, curbs and sidewalks.

(e) cross-sections every fifty feet when cuts or fills exceed 4 feet showing existing ground, roadway, template and utilities.

4.4.2 Complete plans and profiles of all proposed sanitary sewers and storm drains, including the following:

(a) invert elevations, original and finished ground profiles above these sewers and drains and top of manhole elevations;

(b) profiles and grades of sanitary sewer lines and storm drains and inlets;

(c) type and size of material and class used;

(d) design details of special features such as manholes, catch basins, headwalls, ditches, culverts, etc.

4.4.3 Location and design details of all existing and proposed utilities, including, but not limited to water mains, gas mains, telephone and electric lines on and adjacent to the land to be subdivided.

4.4.4 Complete plans and details of all bridges, overpasses, culverts, waterways, etc., required.

4.5 Grading and Drainage Plan.

This plan shall be submitted on a separate sheet or sheets and shall be signed and sealed by the Engineer who prepared it. The plan shall provide the following information for the entire area of the proposed subdivision, unless there is a determination by the Board and City Engineer that a lesser area is sufficient:

4.5.1 Basic street and lot layout, with all lots numbered.

4.5.2 Location of all existing and proposed building areas.

4.5.3 Final identification, location, surface elevation, grades and/or contours at intervals of not more than 2 feet (less interval may be required depending on topography) for the existing and proposed storm drainage ways, drainage easements, drainage structures and water bodies.

4.5.4 Final drawings and specifications for each proposed soil erosion and sediment control measure and structure, designed in accordance with guidelines acceptable to the Strafford County Conservation District.

4.5.5 Final drawings, details and specifications for proposed flood hazard prevention measures and structures and for proposed storm water retention basins.

4.5.6 Final slope stabilization details, cross-sections and specifications.

4.5.7 A timing schedule indicating the anticipated starting and completion dates of the subdivision development and the time of exposure of each area prior to the completion of effective soil erosion and sediment control measures.

4.6 Construction Adverse Effect Mitigation Program (CAEMITP).

All Major Subdivisions shall be required to submit a CAEMITP. The purpose and intent of this program is to mitigate harm to the natural and cultural environment. The CAEMITP shall address in detail how the applicant proposes to mitigate harm to hydrological systems, biological systems, geological systems, noise levels, air resources and historic and prehistoric resources as they relate to construction activity.

4.6.1 The following table addresses examples of some of the concerns which shall be included in the plan:

<u>CONCERNS</u>	<u>EXAMPLES OF MITIGATION CONCERNS</u>
(1) Air Pollution	1.1 Dust 1.2 Burning brush
(2) Noise Pollution	2.1 Hours of operation 2.2 Chipping 2.3 Blasting & crushing 2.4 Trucks
(3) Water Pollution	3.1 Erosion & sedimentation 3.2 Accidental hazardous waste spills 3.3 Wetland destruction 3.4 Steam bank destruction 3.5 Changes in off-site well conditions
(4) Vegetation	4.1 Wetland loss 4.2 Existing tree damages 4.3 Open space area destruction 4.4 Rare and endangered species destruction
(5) Geological	5.1 Blasting related problems 5.2 Destruction of a sand and gravel resource 5.3 Destruction of a bedrock commercial resource 5.4 Bank stabilization
(6) Historic and Prehistoric Research and features	6.1 Destruction to historic prehistoric artifacts
(7) Hazardous Materials	7.1 Contamination by spills

4.6.2 All CAEMITP Plans shall include an inspection program. The inspection plan shall address, but not be limited to, the following:

4.6.2.1 The frequency of inspection required to verify that all concerns will be addressed and that all facilities (roads, etc.) and utilities are constructed as designed.

4.6.2.2 An as-built signed statement that certifies that all facilities and utilities will be built to specifications and design. The statement shall be signed by the appropriate technical person (i.e., engineers for road, drainage and utilities, surveyor for monuments).

4.7 Traffic Analysis Plan.

This plan shall show the project's relationship to all City roads serving as access to the subdivision, along with traffic counter location and count roads. Details on intersections, capacity details and typical cross-sections of adjacent roads shall also be shown on the plan.

SECTION 5. DESIGN STANDARDS

Subdivisions shall be designed in accordance with the following standards:

5.1 General Guidelines

5.1.1 The subdivision shall conform with the City Master Plan, the Zoning Ordinance and any other pertinent Federal, State and local laws or regulations.

5.1.2 Land of such character that it cannot be safely used for building purposes because of danger to health or peril from fire, flood hazard, poor drainage, poor soil conditions, excessive slope or other hazardous conditions shall not be platted for residential occupancy, nor for such other uses as may increase danger to health, life or property, or aggravate the flood hazard, until appropriate measures have been taken by the subdivider to eliminate such hazards.

No existing natural waterway or floodway shall be obstructed, disturbed, rerouted or filled in without a State dredge and fill permit.

Steep land (15% natural slope or greater over the majority of lots), areas with high water table (water table within 2 feet of the surface), flood plains and areas with less than 3 feet of natural soil over impermeable material are problems of such nature to endanger health, life or property. Such areas shall not be disturbed unless a design solution acceptable to the Board and in conformance with the Zoning Ordinance can be presented.

5.1.3 All natural features such as large trees, watercourses, scenic points, historic spots and similar community assets shall be shown on the plat and shall be preserved if they are considered by the Board as significant features in their own right, and will also add attractiveness and value to the subdivision.

5.1.4 Unless refused by the Mayor and City Council, all subdivisions, any portion of which are within 200 feet measured along a street and/or over public land of an existing public sewer and/or water main, shall have all lots connected to the public system(s).

5.1.5 Timber Cutting. No persons shall clear land of natural vegetation (as specified in RSA 224:44-a) on a given lot, tract or parcel proposed for subdivision pursuant to RSA 149-E: e, IX, unless such subdivision plan has been submitted and approved in accordance with the requirement of RSA 149-E.

5.1.6 Pre-Development Site Work. No person required to submit subdivision plans for state subdivision approval or construction of sewage or water disposal system shall commence the construction of roads within the lot, tract, or parcel proposed to be subdivided, by clearing the land of natural vegetation, placing any artificial fill thereon or otherwise altering the land unless the subdivision plan relating thereto has been submitted, and approved in accordance with the requirements of RSA 149-E. Nothing in this paragraph shall be construed to prevent taking of test boring, the digging of test pit and other preliminary testing and inspection necessary for review and approval of subdivision plans. (See RSA 149-E:3)

5.1.7 The Planning Board may make reasonable adjustments in technical provisions herein (such as the size or material of a pipe) based upon all of the following: a) the affirmative recommendation of the City Engineer or Director of Public Works; b) a finding that the alternative approach is comparable or superior to the existing provision; and c) a finding that the existing provision may not be consistent with updated City policy or that current engineering practice and technologies support the change. [16]

5.2 Lots

5.2.1 Lot sizes shall conform to the requirements of the Rochester Zoning Ordinance and where necessary, shall include such additional areas as may be needed for on-site sanitary facilities.

5.2.2 The width of blocks shall not be less than 400 feet, nor shall the length exceed 1,000 feet between collector streets or 600 feet between minor streets or between collector streets and minor streets.

5.2.3 Remnants of lots below usable size left over after subdividing a large tract shall be added to adjacent lots rather than allowed to remain as unusable parcels.

5.2.4 Creation of excessively long and narrow lots is discouraged. At its reasonable discretion, the Planning Board may prohibit the creation of lots where the average depth is more than three times the average width. [16]

5.3 Streets

5.3.1 Streets shall be logically related to the topography so as to produce usable lots and reasonable grades and shall be in appropriate relation to the proposed uses of the land to be served by such streets. Where practical, lots shall be graded towards the streets.

5.3.2 The arrangement of streets in the subdivision shall provide for the continuation of the streets in adjoining subdivisions or for their proper projection when adjoining property is not subdivided, and shall be of a right-of-way width at least as great as that of such existing connecting streets but not less than 50 feet and must provide sufficient width to include all slopes, drainage structures and utilities.

5.3.3 Existing streets shall be widened as if they were new streets.

5.3.4 Streets which join or are in alignment with abutting streets shall bear the same name. Names of new streets shall not duplicate or bear phonetic resemblance to the

names of existing streets within the City of Rochester. The Planning Department will circulate a street name sign-off sheet to City Departments for concurrence with proposed new street names. Street names shall be subject to the final approval of the City Council.

5.3.5 Streets shall be laid out to intersect as nearly as possible at right angles. No street shall intersect another with an angle of less than sixty degrees (60°). Where two streets intersect with a third street, the intersection shall be laid out so that the two streets are either directly opposite one another or with a minimum offset of 125 feet between their center lines.

5.3.6 Property lines at street intersections shall be rounded or cut back to provide for a R.O.W. radius of not less than 25 feet.

5.3.7 Cul de sacs shall not exceed 1,200 feet in length. Where reasonable opportunities exist, the Planning Board may stipulate that new roads be looped and/or additional connections be made to other existing roads. [16]

5.3.8 Street cross-sections shall be in accordance with the standards in Table 5-1 and as shown on the typical cross-sections appended to these regulations.

5.3.9 Street alignment and grade shall be in accordance with the standards in Table 5-2.

5.3.10 Bridges shall be designed in accordance with the standards of the New Hampshire Department of Public Works and Highways.

5.4 Drainage

5.4.1 The drainage systems of the proposed subdivision shall provide a permanent retention and/or temporary detention to cause no more than zero percent increase in runoff either during construction or once construction is completed for: a) all subdivisions that involve a new street; and b) any frontage subdivision when stipulated by the Planning Board based upon topography, soils, cumulative impact from multiple frontage lots and other considerations. The Planning Board may modify this requirement for subdivisions with a new street in urban or other appropriate situations where: a) there will be a zero percent increase in peak flow runoff onto neighboring lots; and b) the City Engineer states that the existing City drainage system is sufficient to handle the runoff. [16]

5.4.2 A stormwater analysis report describing the impacted watershed, projected runoff and any downstream impacts shall be submitted along with engineering plans, and must include sample calculations for sizing pipe.

5.4.3 The stormwater drainage system shall be separate from the sanitary sewer system.

5.4.4 Adequate drainage systems shall be designed to take care of the surface and subsurface water of the street and adjacent land.

5.4.5

(a) Street drainage design on minor streets in the Agricultural Zoning District shall be of the type known as an open system consisting of ditches, swales and culverts. A closed drainage system may be required by the Planning Board after receiving comments from the City Engineer based upon such factors as intensity of use, drainage characteristics of the area, and adjacent construction. [16]

(b) Street drainage design in all locations except (a) above shall be a closed system of the type known as a "manhole system." A manhole system is one in which water is collected in catch basins at the curb line and empties into an intermediate manhole in a main drain laid in the street.

5.4.6 At the requirement of the City Engineer, a drainage design shall be permitted to run across a street on the surface, but shall be directed into catch basins and piped underground, or in the case of minor streets in the Agriculture Zone, into ditches or swales.

5.4.7 Lots shall be laid out and graded to eliminate flood or stagnant water pools. No water shall be permitted to run across a street on the surface, but shall be directed into catch basins and piped underground, or in the case minor streets in the Agricultural District, into ditches or swales.

5.4.8 Stormwater shall be piped or directed to enter the nearest adequate natural water course or drainage system. If necessary, proper easements must be secured by the Applicant in the name of the City of Rochester.

5.4.9 The quantity of storm water carried by the system shall be determined by the TR 20/TR 55 Method. The Rational Method may be used when approved by the City Engineer. The design of storm drainage shall be based upon the 25 year, 10 year, and 2 year storm events, and for bridges a fifty-year storm. The following formula shall be used in the design of storm water systems: [16]

FORMULA: $Q = ica$

Q = runoff, cubic feet per second

i = intensity of rainfall, in inches per hour for duration equal to time of concentration

c = runoff coefficient expressing the ratio of rate of runoff to rate of rainfall

a = area of watershed in acres

5.4.10 The average rainfall intensity in inches per hour shall be obtained from Exhibit E (See Appendix).

5.4.11 The percentages of roofs and pavements shall be based upon the following:

	<u>Roof and Pavement (percent)</u>
Residential lot size 30,000 ft ² or less	24
Residential - 1 acre	21
Residential - 2 acres	16
Business	70
Industrial	65

5.4.12 The runoff coefficients are:

Roof and pavement areas	0.90
Park, lawn and meadows	0.30*
Wooded areas	0.20*
Urban built-up areas	0.90

*land has over 10% slope, these values shall be increased by 0.10.

5.4.13 Inlet time shall be 20 minutes except along existing brook courses, where periods of 30 minutes or longer shall be used. The time of flow is estimated by standard hydraulic flow formulae.

5.4.14 All drainage pipes shall: a) be either Class IV reinforced concrete pipe or smooth-walled corrugated plastic pipe (CPP); b) have a minimum diameter of 12 inches; and c) have at least 2 feet of appropriate cover. For drainage pipes located under roadways, there shall be at least 2 feet of appropriate cover below subgrade for Class IV reinforced concrete pipe and at least 2.5 feet (but 3 feet is encouraged and may be required under certain circumstances) of appropriate cover below subgrade for CPP. In general, they shall be designed to flow full with the hydraulic gradient at the crown. In determining the capacity of concrete drainage pipes, the Manning formula shall be used, with the coefficient of friction "n" equal to 0.013. The minimum velocity at design flow shall be 2.5 fps and the maximum 12 fps, unless otherwise approved by the Board. Manhole invert "in" must be higher than invert "out" (0.10' minimum drop). [16]

5.4.15 In a subdivision with a closed drainage system, storm water runoff shall not be permitted to flow upon the surface for a longer distance than 300 feet before it enters the underground system. Catch basins shall be located on both sides of the roadway on continuous grades at intervals of not more than 300 feet, at all low points in the roadway, and near the corners of the roadway at intersecting streets.

5.4.16 Where public drainage systems exist with adequate reserve capacity, connection thereto may be made, subject to the approval of the City Engineer.

5.4.17 Where adjacent property is not subdivided, provision shall be made for extension of the drainage system.

5.4.18 Where existing drainage systems discharge onto the property being subdivided, provision shall be made for accepting that drainage into the proposed drainage system.

5.4.19 In a closed system, all catch basins shall be connected to the drainage system through manholes. Manholes shall be provided at all changes in alignment, grade or drain pipe size. The maximum distance between manholes shall not exceed 300 feet.

5.4.20 Private drains may be connected to the public storm-water system if construction and materials are approved by the City Engineer. A plan of private drains shall be furnished to the City Engineer.

5.4.21 Private drains shall be so located on the lot and so constructed such that no seepage from any on-lot sewage disposal system shall enter the private drain.

5.4.22 In cases where earth, grass-lined and stone-paved open channels are used for minor roads in the Agricultural District, side slopes shall be designed to ensure soil stability and to provide for the safety of children. A typical channel section shall have a flat bottom and side slopes of one vertical on two horizontal with the top of the slope at least one foot higher than the design water surface. The maximum allowable design velocity shall be 3 fps in earth or grass-lined channels, and 8 fps. in stone-lined channels. A coefficient of friction "n" equal to 0.030 shall be used for both the earth and stone-paved channels.

5.4.23 Headwalls, at least one foot larger at all points than the pipe, shall be placed on the upstream side where any open channel crosses under a street or proposed street.

5.4.24 Sod or stone or riprap shall be provided in the ditches where soil or velocity condition warrant protection from erosion. Energy dissipaters or check dams shall be placed every fifty feet in ditches where grade exceeds 5 percent.

5.4.25 Driveway culverts (12-inch minimum diameter) along streets shall extend 5 feet beyond both sides of driveway unless concrete headwalls are provided. It is the property owner's responsibility to provide stormwater ditches along driveways to protect roadways from water runoff. The property owner is responsible for maintenance and future replacement of a culvert under a driveway.

5.5 Water

5.5.1 Public water mains shall be not less than 12 inches in nonresidential subdivisions and not less than eight inches in residential subdivisions except on short cross-connections of 500 feet or less, in which case they may be reduced to 6 inches. Pipe shall be ductile iron, cement lined, approved by the American Water Works Association and subject to approval of the Director, Water and Sewer Department.

5.5.2 In areas served by public water, at least one standard City hydrant shall be located at each street intersection and not more than 600 feet apart in residential subdivisions, and not more than 350 feet apart in nonresidential subdivisions. Each hydrant shall be served directly from the water main through a 6-inch lateral connection. It shall be gated with a 5-inch bottom valve and shall have two 2.5-inch hose outlets and one 5-inch pump outlet. Valves shall be located in such number and locations that lines by individual block may be isolated for maintenance purposes. All hydrants shall be installed 24 inches in back of the face of the curb or in no curb 24 inches from edge of pavement.

5.5.3 Private on-lot and community-type water systems or the joint use of wells shall be designed in accordance with the standards of the New Hampshire Water Supply and Pollution Control Division and the City of Rochester.

5.6 Sewerage

5.6.1 Public gravity sewers shall not be less than 8 inches in diameter. Where necessary to accommodate existing and/or future development in surrounding areas, a larger pipe size may be required. The subdivider shall be responsible for the proportion of the extra cost of the larger pipe size that is directly attributable to the needs of the subdivision in question. House service connections shall be not less than 4 inches in diameter.

5.6.2 Manholes shall be located at every change in grade or horizontal alignment, but not more than 300 feet apart.

5.6.3 Private on-lot or community sewage systems shall be designed and constructed in accordance with the standards of the New Hampshire Water Supply and Pollution Control Division and the City of Rochester.

5.7 Easements

5.7.1 Easements for City use at least 30 feet in width shall be required where underground utilities are located outside the public right-of-way. Such easements shall be either across lots or centered on rear or side lot lines.

5.7.2 Where a subdivision is traversed by a watercourse, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way at least 30 feet in width for City use which conforms substantially to the lines of such watercourse, drainage way, channel or stream.

5.7.3 No building, on-lot sewage system or leaching area shall be erected within an easement.

5.7.4 Reference pins shall be provided to indicate the location of all easements and shall be 0.5-inch diameter ferrous metal 24 inches long, protruding a maximum of 1.5 inches (22.5 inches in the ground).

5.8 Parks.

A park, which shall be land of a character suitable for building development (see Section 5.1.2 of the Subdivision Regulations), may be required by the Board, offered to the City or deeded in common to lot owners in a subdivision, and restricted for recreational use in every subdivision showing new streets or narrowing or widening thereof over 10 lots on the basis of 20,000 square feet for the 11th lot and an additional 20,000 square feet for each additional 10 lots or portion thereof. This requirement shall not be circumvented by applying for approval of individual 10-lot sections in a larger subdivision.

5.9 Reserve Strips.

Reserve strips of land which, in the opinion of the Board show an intent on the part of the subdivider to control access to land dedicated or to be dedicated to public use, shall not be permitted.

5.10 Special Flood Hazard Areas.

All subdivision proposals and proposals for other developments governed by these regulations having lands identified as Special Flood Hazard Areas in the "Flood Insurance Study for the City of Rochester, N.H." together with the associated Flood Insurance Rate Maps and Flood Boundary and Floodway maps of the City of Rochester dated September 16, 1982, shall meet the following requirements:

5.10.1 Subdivision proposals and proposals for other developments shall be located and designed to assure that all public utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage and adequate drainage is provided to reduce exposure to flood hazards.

5.10.2 Subdivision proposals and other proposed new developments greater than 50 lots or 5 acres, whichever is less, shall include 100-year flood elevation data.

5.10.3 In riverine situations, prior to the alteration or relocation of a watercourse, the applicant for such authorization shall notify the New Hampshire Office of State Planning, Wetlands Board, and submit copies of such notification to the Planning Department and the Federal Emergency Management Agency. Further, the applicant shall be required to submit copies of said notification to those adjacent communities as determined by the Planning Department.

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

5.10.4 Where new or replacement water and sewer systems (including on-site systems) are proposed in flood-prone areas, the applicant shall provide the Planning Board with assurance that the new or replacement sanitary sewage systems are designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters and on-site waste disposal systems are located to avoid impairment to them or contamination from them during flooding.

5.10.5 Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, shall be reviewed by the Planning Board to determine whether such proposals will be reasonably safe from flooding. If a subdivision proposal or other proposed new development is in a flood-prone area, any such proposal shall be reviewed to assure that (i) all such proposals are consistent with the need to minimize flood damage within the flood-prone area, (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 to reduce exposure to flood hazards. [1]

5.10.6 Subdivision proposals and other proposed new developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is lesser, shall include within such proposals base flood evaluation data. [1]

5.11 Erosion Control.

5.11.1 Measures to control erosion and sedimentation shall be required and an erosion and Sediment Control Management Plan (SCMP) shall identify the various measures proposed for control of erosion and sedimentation and their relative locations.

5.11.2 All erosion and sediment control measures shall meet the design standards and specifications set forth in the current publication "Erosion and Sediment Control Design Handbook" by the USDA Soil Conservation Service.

5.12 Electric, Telephone and Cable TV Lines.

5.12.1 All utility lines for electricity, telephone and cable TV service shall be placed underground and installed according to specifications set by the appropriate utility company.

5.13 Roadside Trees.

5.13.1 Removal of trees over five (5) inches in diameter (at breast height) along roadways should be minimized as determined by the Planning Board. The Board may establish buffers along the front of lots, as appropriate. [16]

5.13.2 Street trees shall be planted along all new streets in a manner determined by the Planning Board. [16]

5.13.3 Roadside tree plantings shall meet the following criteria. Trees shall:

- (a) Cast moderate to dense shade in summer.
- (b) Be long-lived (i.e.; over sixty (60) years).
- (c) Be tolerant of pollution and direct or reflected heat.
- (d) Require little maintenance (be disease-resistant).

5.14 Curbing.

5.14.1 Granite curbing shall be installed on all streets when stipulated by the Planning Board. [16]

5.14.2 Where curbing forms edge of the sidewalk, (i.e. in cases where the Planning Board does not require a planting strip between the curbing and the sidewalk), the curb shall be vertical. [16]

5.14.3 Curbing shall be tapered at driveway entrances, except in cases where a curb radius is permitted. [16]

5.15 Sidewalks.

The Planning Board shall apply the following criteria in determining whether or not to require sidewalks in new subdivisions. See the "*City of Rochester – Guide for Requiring Sidewalks in New Subdivisions*" map ("Sidewalks Map"), which is attached herein by reference. [Shown below. See website or hard copy for color version.] [22]

5.15.1 Urban Area (and in proximity to schools). Sidewalks will be required in the following areas unless the Planning Board determines that they are not appropriate based upon the criteria in 5.15.4, below:

- (1) In the Urban Area as shown on the sidewalk map.
- (2) Within a one mile radius of any City school where there is a practical route to walk from the subdivision to the school

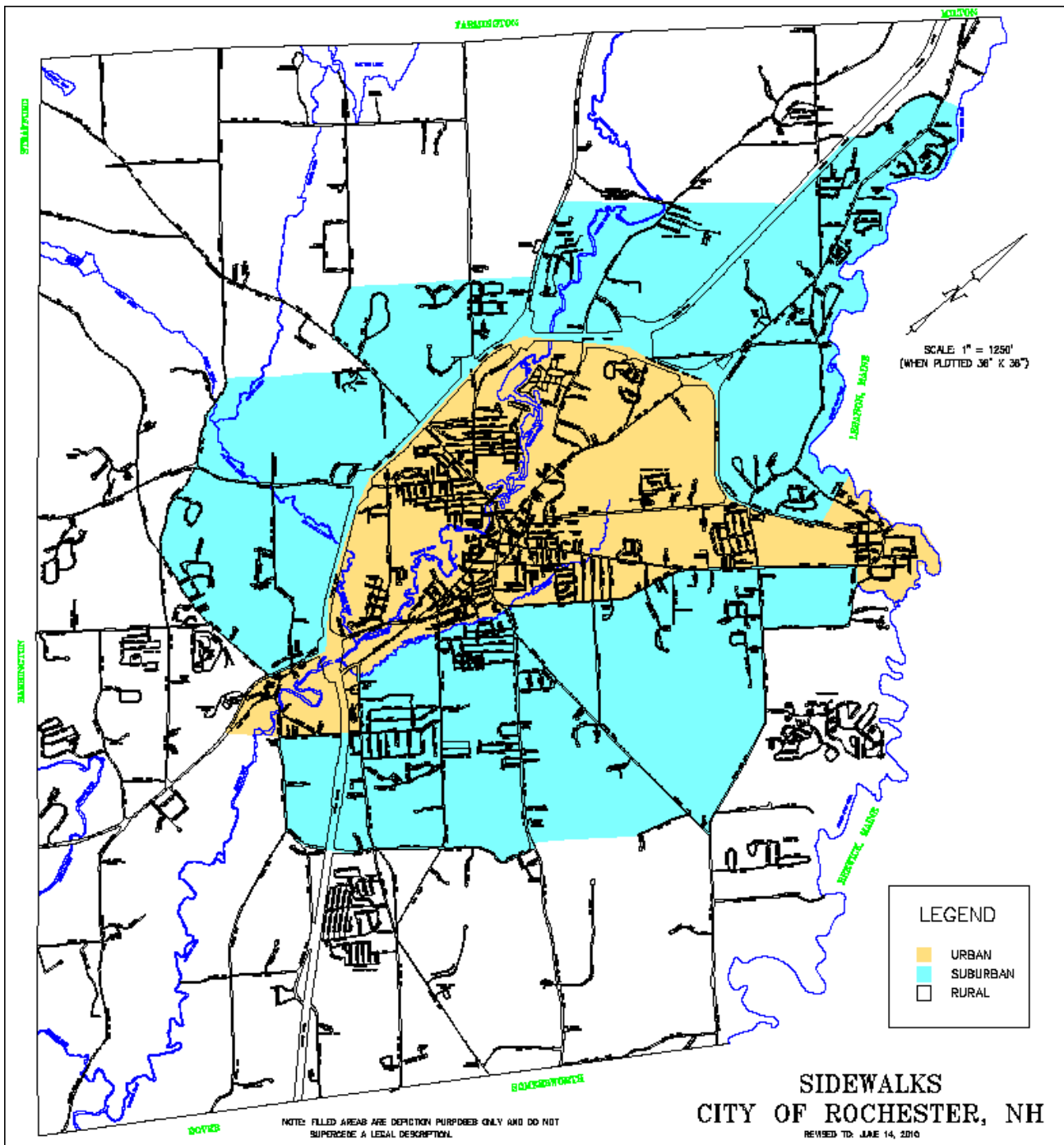
5.15.2 Suburban Area. Sidewalks may or may not be required in the Suburban Area as shown on the sidewalk map depending upon an examination of the criteria in 5.15.4, below.

5.15.3 Rural Area. Sidewalks will not be required in the Rural Area unless the Planning Board determines that they are appropriate based upon the criteria in 5.15.4, below.

5.15.4 Criteria. Criteria for determining whether sidewalks are appropriate include the following:

- (1) density – with higher density sidewalks are more appropriate.
- (2) size of the subdivision – with a larger subdivision sidewalks are more appropriate.
- (3) street design – with a narrower street width sidewalks are more appropriate.
- (4) projected traffic and design speed – with higher traffic volumes and speeds sidewalks are more appropriate.
- (5) drainage characteristics – sidewalks are easier to build with closed drainage.
- (6) whether or not curbing is used – sidewalks are easier to build with curbing.
- (7) other provisions for pedestrians and bicycles – there is less need for sidewalks if there are bicycle lanes/paths and/or pedestrian trails.
- (8) whether the sidewalk could connect with existing neighboring sidewalks – a sidewalk is more valuable if it can connect with other existing sidewalks.
- (9) proximity to a school – sidewalks are more beneficial if located close to a school or other institution.
- (10) proximity to a commercial area or other services for residents – sidewalks are more beneficial if they provide access to a destination.
- (11) whether or not it is more appropriate to stipulate off site sidewalks – sidewalks should not be required on site if they are going to be required off site.
- (12) practical issues, including maintenance of the sidewalk – snowplowing is a

significant constraint; sidewalks should not be built where they are located far from other sidewalks thereby necessitating more travel for the sidewalk plow.



SECTION 6. REQUIRED IMPROVEMENTS: CONSTRUCTION STANDARDS & SPECIFICATIONS

The following improvements shall be required to be installed and constructed by the subdivider to the satisfaction of and subject to the inspection of the City Engineer, Building Inspector and the Board in accordance with the following specifications:

6.1 Monuments

6.1.1 Granite or concrete monuments shall be set at all block and public property corners, angle points and points of curves in streets, and at any other points as necessary to reproduce on the ground the line of all streets and public properties within the subdivision. The same material and type shall be employed for a benchmark. Iron pins (i.e. 3/4 inch re-bar) shall also be set at all lot corners and all angle points and points of curves on lot lines and easements.

6.1.2 Granite or concrete monuments shall be not less than 3 feet 6 inches in length dressed to 4 inch by 4 inch in section at the top and shall be set to finish grade as shown on plans. After the monument has been permanently set, the exact location point shall be indicated by a hole drilled into the top to a depth of 1/2 inch. If ledge is within 3 feet 6 inch, the monument can be cut and cemented to that ledge. If ledge is at the surface, a disk can be permanently attached to the ledge.

6.1.3 No permanent monuments shall be installed until after construction activities which could destroy or disturb the monuments are completed.

6.1.4 At least two connecting monuments shall have City of Rochester coordinate systems based upon N.H. State plane coordinates shown on the plat or if an assumed datum is used, those coordinates shall be shown on plat. Where such City of Rochester coordinates are not included on the plans, the applicant may be required to contribute to a Monumentation program. [16]

6.1.5 A certification shall be made to the Board by the Licensed Land Surveyor that the monuments have been set as shown on the as-built plan.

6.1.6 Monuments shall be shown on as-built plans.

6.2 Street Construction

6.2.1 Street Grading and Construction

6.2.1.1 The entire area of each street within its R.O.W. lines and its adjoining sloped areas shall be cleared of all stumps, brush, roots, rocks, boulders and like material and also of all trees not intended for preservation.

6.2.1.2 Within each street, the roadway shall be excavated for the full length and width to a subgrade at the depth at which the subbase will be placed or filled to a subgrade at which the subbase will be placed. If the soil is soft or yielding, or contains rocks, boulders, clay, sand pockets, peat or other material detrimental in the opinion of the City Engineer to the subgrade, such material shall be removed to such additional depth as required by the City Engineer, and replaced with compacted material.

6.2.1.3 Topsoil removed during construction shall be redistributed to provide at least four inches (4") of cover over those areas between the right-of-way limits and the shoulders of the roadway. These areas shall be finished by seeding and mulching or planting.

6.2.1.4 Embankment slopes shall not exceed 3:1. Embankments shall be formed of suitable material placed in successive layers not exceeding twelve inches in depth and shall be compacted uniformly and sufficiently to prevent settlement.

6.2.1.5 The minimum slope of the roadway shoulder shall be three-eighths inch (3/8") per foot.

6.2.1.6 Roadways shall be constructed for the full length and width of all streets within the subdivision shown on the final plat and in accordance with Table 5-1, Street Cross-Section Design Standards, and the typical latitudinal cross-sections appended to these regulations.

6.2.1.7 Roadways shall be provided with an aggregate subbase, crushed gravel base course, base course and a wearing course. (See typical cross-sections appended to these regulations.)

6.2.1.8 The subbase course shall not be laid until the subgrade has been inspected and approved by the City Engineer. The completed subbase shall conform to the line and grades submitted in profiles and cross-section construction plans.

6.2.1.9 The aggregate subbase shall consist of well-graded gravel spread over the subgrade and compacted with appropriate equipment to 95% maximum density. The material is to be compacted in 6-inch layers.

6.2.1.10 The crushed gravel base course shall consist of crushed gravel spread and compacted. No stone in the base course shall exceed 1½ inches in any dimension.

6.2.1.11 The subdivider shall employ, at his own expense, an independent company to complete compaction tests and gradation analyses and shall submit the results to the City Engineer.

6.2.1.12 All roadways shall be paved to a thickness as specified on the typical latitudinal cross-sections with two courses of bituminous concrete pavement. The aggregate shall be composed, mixed and laid out in two courses. No bituminous concrete pavement shall be placed when the temperature falls below 40 degrees F.

6.2.1.13 The base course of New Hampshire Department of Public Works & Highways (NHDPW&H) Type B Bituminous Concrete Pavement shall be applied and rolled to the thickness shown on the typical latitudinal cross-section with a ten-ton tandem roller for minor streets and with a fifteen-ton roller for collector/arterial streets.

6.2.1.14 Before the wearing course is applied, the surface of the base course shall be clean and dry. The wearing course shall consist of NHDPW&H Type D Bituminous Concrete Pavement. It shall be applied on the base course and shall be rolled to a thickness shown on the typical latitudinal cross-section with a ten-ton tandem roller for minor streets and with a fifteen-ton roller for collector/arterial streets. The wearing course shall be hand-tamped around structures and curbing.

6.2.1.15 If placement of the wearing course does not immediately follow the base course, the City shall withhold an amount from the subdivider's bond or other security equal to the cost of placing the wearing course. In all cases, the wearing course shall be placed within one year of the base course.

6.2.1.16 Adequate dust control shall be provided at all times for all roadway construction.

6.2.1.17 Prior to any clearing along the road right-of-way, the centerline of the new road shall be staked and side staked at fifty-foot intervals, and the limits of clearing shall be marked by stakes or flagging. After clearing is completed and prior to commencing excavation, stakes shall be re-established and offset stakes set. Cuts and fill shall be computed to finish grade of roadway and said cuts and fills shall be marked on stakes.

6.2.1.18 Intersection roadway pavement shall maintain the minimum roadway width and shall be constructed with a minimum radius of twenty-five (25) feet at the inside curblines, and a radius of fifty (50) feet at the outside curblines.

6.2.2 Curbing

6.2.2.1 Curbing shall be installed along each edge of the roadway in accordance with the Table 5-1 and exhibits.

6.2.3 Road Signs and Lighting

6.2.3.1 Street signs shall be supplied and installed by the developer and approved by the City Engineer. They shall bear the names of the streets as indicated on the final plat and shall be erected by the subdivider at all intersections of streets within the subdivision and at the intersection of any street of the subdivision with a public way. These signs normally will be placed at the midpoint of the arc and at the back of the sidewalk. The names of both streets shall appear on the signpost at street intersections.

6.2.3.2 Stop signs, speed limit signs and other road directional signs shall be supplied and installed by the developer.

6.2.3.3 Street lighting shall be required to be installed at the developers expense. [2]

6.2.3.4 Developers of all new major subdivisions with new roads which are

intended to be conveyed to the City of Rochester shall post: a) construction zone signs per the Manual of Uniform Traffic Control Devices Standards; and b) street acceptance signs with the following language at all entry points to the subdivision: "POSTED. This subdivision is under construction. These streets have not yet been accepted by the City of Rochester and are not eligible for City services. Travel at your own risk. (Per order of Planning Board)". The location and design of the signs shall be as stipulated by the Public Works Department, but in no case shall they be less than 2' x 4' and they shall be erected prior to the issuance of any building permits. [9]

6.2.3.5 All appropriate signage serving a new or extended street – including street name and traffic control signs - shall be installed prior to the issuance of the certificate of occupancy for any house which will take access from the new or extended street. For projects with approved phasing plans, this signage need be installed only on streets within any particular phase for which a certificate of occupancy is to be issued. [18]

6.2.4 Sidewalks

6.2.4.1 When the Planning Board stipulates the installation of sidewalks, they shall be installed on one side of the street, on the side and at a length determined by the Board. In special urban situations, at its option, the Board may require installation of sidewalks on both sides of the street. [16]

6.2.4.2 Sidewalks shall have a finished grade of sloping toward the roadway. When unusual physical land characteristics or topographic conditions require, the City Engineer may approve the placement of a sidewalk at a higher or lower elevation in relation to the roadway.

6.2.4.3 In constructing all sidewalks, existing soil material shall be removed for the full width of the sidewalk to the subgrade. All soft spots and other undesirable materials below such subgrade shall be replaced with a good binding material and compacted to a 95% maximum density. The excavated area shall be filled with select gravel containing some binding material and compacted to 95% maximum density.

6.2.4.4 Sidewalks shall be either concrete or asphalt and shall have the following cross-sections:

PORTLAND CEMENT CONCRETE SIDEWALKS

Walks

4" concrete with # 8 x # 8, 6"x 6" mesh
2" crushed gravel
4" bank run gravel

Across Driveways

6" concrete with # 8 x # 8, 6"x 6" mesh
4" crushed gravel
8" bank run gravel

ASPHALT SIDEWALKS

Walks

1" finish
1.5" binder
3" crushed gravel
6" bank run gravel

Across Driveways

1" finish
2" binder
4" crushed gravel
12" bank run gravel

6.2.4.5 All sidewalks shall be five feet in width unless otherwise stipulated by the Planning Board. [16]

6.2.4.6 Asphalt sidewalks shall be paved and rolled with a four-ton roller to a thickness shown above with bituminous concrete pavement, applied in two courses. The courses shall be of NHDPW&H Type D Bituminous Concrete Pavement.

6.2.5 Planting Strips

6.2.5.1 Planting strips of a width required by Table 5-1 and in accordance with, and shown on the final plat shall be provided between all sidewalks and streets, unless otherwise stipulated by the Planning Board. [16]

6.2.5.2 The finished grade of such grass strips in relation to the finished grade of the roadway shall be as shown on the applicable cross-section plan.

6.2.5.3 Where natural tree cover is sparse, trees shall be planted at the back of the sidewalk according to a landscape plan approved by the Board.

6.2.6 Side Slopes. The area in back of the sidewalk where a slope is required shall be graded to a slope of 3 feet horizontal to 1 foot vertical with rounding at the top and bottom of the slopes. Retaining walls may be used to reduce the sloping limits, but not the sloping rate.

6.2.7 Loaming. The top 6 inches of grass strips and side slopes shall consist of good quality loam, raked and rolled with a hand roller to grade. The loam shall be seeded with grass seed such as State Bank Mix applied in sufficient quantity to assure adequate coverage and shall be rolled.

6.3 Class 6 Road Improvement.

As provided for in RSA 674:36 III, any Class 6 road (or existing substandard street) which abuts and/or provides access to any lots in a subdivision shall be improved to meet the standards set forth in Section 5.3 and constructed according to the provisions of Section 6.2 as a condition precedent to the approval of the final plat. The subdivider shall be required to bear that portion of the cost of improvement. However, the Planning Board may stipulate lesser design standards for Class 6 roads serving a minimal number of lots, in accordance with the City's Class 6 Road Policy. [16]

6.4 Drainage

6.4.1 The construction of the drainage system, including methods of construction and quality of materials used, shall be in conformity with the final plat and the details shall conform with the details of the most recent edition of the NHDPW&H Standard Specifications for Road & Bridge Construction unless specific exception is made by the City Engineer. In particular, all catch basins and manholes shall be constructed of cement brick or of cement concrete blocks, laid in mortar and plastered on the outside, or of precast concrete. A granite mouth curb is to be furnished for all catch basins and the installation shall be as directed by the City Engineer. Joints on all drain pipes shall be sealed. The drain pipes shall have a minimum cover of 3 feet to finished grade

unless otherwise specified by the City Engineer. Where required by the City Engineer, stone or reinforced concrete headwalls shall be installed. All open-ended pipes over 15 inches in diameter shall be provided with a vertical grate protection permanently attached to the end of the pipe. Horizontal distance between the vertical bars of the grate shall be approximately 6 inches.

6.4.2 Subdrains shall be installed in areas deemed necessary by the City Engineer as determined by subdrainage conditions.

6.4.3 Following construction, a plan shall be submitted to the Board and City Engineer by the Engineer or Land Surveyor indicating thereon the invert grades of all storm drainage at all catch basins and manholes within the subdivision. He shall certify that the grades shown on this plan represent the grades as constructed.

6.5 Fire Ponds

6.5.1 In areas not served by public water, the subdivider may be required to construct fire ponds of adequate size with dry hydrants in a manner specified by the Planning Board after consultation with the Fire Chief and other appropriate officials on matters of soil, water, health and safety.

6.5.2 Required fire ponds shall be adequately fenced at the subdivider's expense and, after completion, shall be maintained by the subdivider or a Home Owner's Association.

6.6 Underground Services

6.6.1 All water mains and laterals within the exterior lines of the street shall be installed not less than 5-1/2 feet below the finished grade of the street.

6.6.2 Where rock or clay occurs, trenches shall be excavated to a depth determined in the field by the Director, Water & Sewer Department below the bottom of any water pipe, drain pipe or sewer pipe. The trenches shall be filled to the bottom of the pipe with suitable base materials with no stone having any dimension greater than 2 inches. All piping in peat areas shall be supported adequately so there will be no settlement of the pipe.

6.6.3 All water mains and laterals, shutoff valves and hydrants, culverts, manholes, storm drains, sewers, gas mains, and underground light, power, telephone and communication conduits within the exterior lines of the street shall be installed and inspected prior to any backfilling of trenches or other covering of the above services. The above services shall be installed prior to the completion of the roadway foundations. Fill material used for backfilling shall be placed and compacted by hand or by vibrating equipment around the above units with compaction at every 1-foot level before completing the remaining filling.

6.6.4 Catch basin gratings, manhole covers, water gates, etc., shall be set so that they are 1/2 inch below the finished surface of the street and shall be set in a bed of high-early strength cement mortar prior to the application of the finished bituminous concrete pavement. Sufficient time for setting of mortar shall be allowed. (Minimum time shall be 24 hours.) No cement mortar shall be placed while the temperature is below 45 degrees F. Additives may be required.

6.7 Surety, Inspections, As-Built Plans, Maintenance, and Retainage [16] [23]

6.7.1 The Department of Public Works (DPW) shall act as the agent of the Planning Board in establishing the initial surety amount and in authorizing release amounts pursuant to the procedures set forth below. Individual actions assigned to DPW or the City Engineer may be accomplished by an independent engineering agent at the discretion of the Planning Board and the cost for the same shall be borne by the applicant. The Planning and Development Department shall act as the agent of the Planning Board in administering the Surety process.

6.7.2 Surety may be provided through a cash savings account held by the City of Rochester or a local regulated financial institution, by a Letter of Credit issued by a local regulated financial institution, or through a bond issued by a regulated insurance company.

6.7.2.1 The Letter of Credit format must be approved by the City Attorney and must include a "self-calling" provision.

6.7.2.2 All Bonds must include a notification provision whereby BOTH the Planning and Development Department AND the City Manager receive any cancellation notices.

6.7.3 All Surety packages shall include language or a document explicitly authorizing the City of Rochester to take ownership of the Surety upon any default by the applicant or successor in interest or any violation of Planning Board approval. All surety packages shall also include language or a document explicitly granting the City of Rochester the right to enter onto the subject private property in order to complete the work set forth and required by the Planning Board approval upon default.

6.7.4 The amount of surety, shown on a line item basis, shall be determined using a Surety Spreadsheet provided by the DPW and completed by the applicant or successor in interest. The DPW will review each line item and its respective quantity and per unit cost. As authorized in Section 9, the applicant or successor in interest may be required to pay a fee to cover the cost of reviewing and finalizing the Surety Spreadsheet.

6.7.5 Per unit costs shall be determined by the DPW based upon reliable cost estimating services including, but not limited to, the most recent version of "NHDOT Weighted Average Unit Prices", recent City bids, and RSMeans.

6.7.6 The final surety amount shall include a 10% standard contingency.

6.7.7 The City Engineer shall act as the agent of the Board in inspecting the construction of all required improvements and shall have the authority to enforce the standards and specifications called for in these regulations. As required in Section 9, the applicant or successor in interest shall pay fees to the Planning Department to cover the costs of inspections.

6.7.8 The DPW shall review, and update when appropriate, each line item "per unit cost" on the Surety Spreadsheet" every March and October with a copy forwarded to the Planning Board. Also, when market conditions change due to exigencies,

additional “per unit cost” updates may be performed.

6.7.8.1 Pursuant to RSA 674:36 III (b), in each case where the required surety amount increases or decreases, the Planning and Development Department shall contact each applicant or successor in interest and notify them of the change.

6.7.9 Requests for reductions in surety will be evaluated and processed by the City of Rochester based upon an inspection of the site and the most recent Surety Spreadsheet “per unit cost” amounts pursuant to section 6.7.7. Requests for a reduction in surety must be submitted by the applicant or successor in interest utilizing the spreadsheet originally accepted by the DPW and show each line item request for a reduction in surety.

6.7.9.1 The DPW will evaluate each line item request for a reduction in surety AND will evaluate all other line items to determine the adequacy of the remaining surety for each line.

6.7.9.2 Pursuant to RSA 674:36 III (b), the Planning and Development Department will calculate the overall change in required surety based upon the line item reductions approved by the DPW less the additional amount (if any) required for all other line items. NOTE: This calculation may result in a net increase, no change, or a net decrease in surety required.

6.7.10 Applicant or successor in interest appeals regarding surety must be received by the Planning and Development Department within fourteen (14) calendar days of the date notification of a change in surety was mailed. The appeal will be placed on the next available Planning Board agenda for review and action by the Planning Board.

6.7.11 The applicant or successor in interest shall have sixty (60) days to provide any additional surety required. If the additional surety is not received within the specified time the Planning and Development Department shall initiate revocation proceedings pursuant to RSA 674:4-a I (e) and refer the case to the City Attorney for any other action deemed appropriate, including placing a lien on the property.

6.7.12 The applicant or successor in interest shall employ, at the applicant or successor in interest's expense, an Engineer or Land Surveyor to set all lines and grades in a manner satisfactory to the City Engineer.

6.7.13 The applicant or successor in interest shall give the City Engineer notice three (3) business days in advance of the time when a field inspection is required. The applicant or successor in interest shall also notify the City Engineer when each stage of construction is completed and ready for inspection.

6.7.14 No succeeding operation shall be started until the prior operation has been approved by the City Engineer.

6.7.15 The applicant or successor in interest shall, upon completion of all improvements, submit in person or by certified or registered mail a certificate of performance indicating that all improvements have been completed and installed in conformance with these regulations.

6.7.16 As-built plans (also called “record drawings”) accurately depicting details of all infrastructure and other public and community improvements that are part of the subdivision shall be submitted by the applicant or successor in interest to the Planning Department, when required as a condition of approval. The drawings shall be submitted after completion of the improvements and prior to acceptance of the street(s). The plans shall include a mylar and an electronic version and shall be submitted in accordance with City policy regarding quantity, size, format and any other plan related conditions. As-built plans must be stamped by a land surveyor or engineer licensed in New Hampshire. [16]

6.7.17 Prior to the formal acceptance of any subdivision streets by the City Council as public streets, the applicant or successor in interest shall be responsible for the street and utility maintenance.

6.7.18 The developer is responsible for the maintenance of the street at all times until it is accepted by the City of Rochester. During the construction process, access into the site for fire apparatus and/or other emergency vehicles must be maintained at all times and reasonable access shall be provided for lot owners and their contractors, if necessary. Once any certificate of occupancy has been issued, the developer must provide appropriate maintenance including snow plowing services in order to allow safe passage for residents, emergency vehicles, and service vehicles, until acceptance by the City. The City of Rochester may use any surety attached to such project to provide the necessary street maintenance until the street has been accepted by the City, if the developer fails to provide such maintenance, as determined by the City. In such circumstances, the developer shall be required to provide additional surety to insure completion of the project as approved. [16]

6.7.19 Retainage. The Street Acceptance Procedure process, including retainage, is set forth in the Street Acceptance Procedure published by the City of Rochester Public Works Department. Current information is available on the Public Works WEB page in the FAQ section.

6.8 Inspection Fee

Inspections shall be billed at the current hourly rate as determined and published by the City of Rochester Public Works Department after review by the Rochester Planning Board.

Current information is available on the Public Works WEB page in the FAQ section. [14] [23]

6.9 Stopping Sight Distance.

6.9.1. All streets within a subdivision shall be designed to provide a stopping sight distance at all locations in accordance with recommendation of the AMERICAN ASSOCIATION OF STATE HIGHWAY AND TRANSPORTATION OFFICIALS (AASHTO) as set forth in A POLICY ON GEOMETRIC DESIGN OF HIGHWAYS AND STREETS-1984. An excerpt from Table III-I of the foregoing document is set forth below for convenience:

<u>DESIGN SPEED (MPH)</u>	<u>MIN. STOPPING SIGHT DISTANCE (FEET)</u>
20	125
25	150
30	200
35	225
40	275
45	325
50	400
55	450

The AASHTO recommendations are based on the height of the driver's eye at 3 feet 6 inches above the road surface and the height of the object to be observed at 6 inches above the road surface.

6.9.2. Where a subdivision street intersects an existing street, the subdivision street shall be so located such that the foregoing stopping sight distances can be achieved from the intersection along the existing street.

6.9.3. Each lot within the subdivision shall be laid out such that a driveway for access to said lot can be located so that the foregoing stopping sight distances can be achieved from the proposed driveway intersection along the street. It is not necessary that the applicant identify stopping sight distances for each proposed lot which will take access from a new minor street provided that the street is configured with appropriate horizontal and vertical curvatures to provide appropriate sight distance along its length. However, stopping sight distances shall be provided for every lot which: a) will take access from an existing road; b) will take access from a new minor collector within the subdivision; or c) fronts an intersection or a significant bend, curve, or rise in the street. [16]

6.9.4. Driveway locations may be modified at the discretion of the developer, provided that appropriate stopping sight distances shall be maintained, subject to approval of the City Engineer. This requirement shall apply to existing streets for a sufficient distance to determine whether the foregoing stopping sight distance requirements have been met. The plans and profiles called for by this paragraph shall be drawn to a scale of 1 inch to 4 feet horizontal and 1 inch to 10 feet vertical. [16]

6.9.5. The applicant shall provide a certificate from a Licensed Land Surveyor or Registered Professional Engineer certifying that the above requirements have been met on the plans submitted to the Board for approval.

6.10 Impact Fee.

The Planning Board may, as a condition of approval and consistent with the provisions of RSA 674:16, RSA 674:21 and Section 42.31 of the General Ordinances of the City of Rochester, as the same are currently enacted or the corresponding provisions of any recodification or amendment of such statutes and/or ordinances, require the applicant to pay an impact fee for the applicant's fair share of off-site improvements to public facilities affected by the development. [7]

6.11 Street tree installation.

The required street trees must be planted by October 15 on any lot for which a certificate of occupancy has been issued on or prior to August 31 of that same year. No additional certificates of occupancy will be issued if this requirement is not met. [17]

SECTION 7. ADMINISTRATION

7.1 Enforcement.

In accordance with the provisions of Chapter 676 Of the New Hampshire Revised Statutes Annotated, and Section 42.25(b) of the General Ordinances of the City of Rochester, these regulations shall be enforced by the Director of Code Enforcement, Building Inspector, Commissioner of Public Works, City Engineer, City Solicitor, City Manager and/or such other local official(s) as may be designated, by the City Manager, with authority to enforce the provisions of Title LXIV of the New Hampshire Revised Statutes Annotated, or of any other local ordinance, code or regulation adopted under such Title, including any provision or specification of any application, plat, or plan approved by, or requirement or condition of a permit or decision issued by, any local administrator or land use board acting under the authority of this ordinance or the authority of Title LXIV. [15]

7.2 Penalty.

In accordance with RSA 676:17, any person who violates any provisions of these regulations shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person, and shall be subject to a civil penalty not to exceed one hundred (\$100) dollars for each day that such violation is found to continue after the conviction date or after the date on which the violator receives written notice from the City that he is in violation, whichever date is earlier.

7.3 Waiver.

The Planning Board may waive any provision of these regulations herein where the board finds by majority vote that:

- (A) Strict conformity would pose an unnecessary hardship to the applicant and the waiver would not be contrary to the spirit and intent of these regulations; or
- (B) Specific circumstances relative to the subdivision or the conditions of the land in the site plan indicate that the waiver will properly carry out the spirit and intent of these regulations.

The basis for any waiver granted by the Planning Board shall be recorded in the minutes of the board. [20]

7.4 Appeals.

As provided for in RSA 677:15, any persons aggrieved by any decision of the Planning Board concerning a plat or subdivision may present to the Superior Court a petition, duly verified, setting forth that such decision is illegal or unreasonable in whole or in part, specifying the grounds upon which the same is claimed to be illegal or unreasonable. Such petition shall be presented to the Court within 30 days after the filing of the decision in the Office of the Planning Board.

7.5 Failure to Take Action

7.5.1 The Board may apply to the City Council for extension not to exceed an additional 90 days before acting to approve or disapprove a completed application. The applicant may waive the requirement for Planning Board action as specified in RSA 676:4 I(f) and consent to such extension as may be mutually agreeable.

7.5.2 In accordance with the provisions of RSA 676:4 (c), upon failure of the Board to approve or disapprove a completed application within 90 days, the applicant may obtain from the City Council an order directing the Board to act within 15 days. Failure of the Board to act upon such order of the City Council shall constitute grounds for the Superior Court, upon petition of the applicant, to issue an order approving the application, if the Court determines that the proposal complies with existing subdivision regulations and zoning and other ordinances.

7.6 Interpretation and Conflict.

7.6.1 In matters of judgment or interpretation of the requirements for subdivision of land, the opinion and decision of the Board shall prevail.

7.6.2 In any place where the Subdivision Regulations are in conflict with any other regulations, ordinances, or laws in effect in the City, the more restrictive regulation or provision shall prevail.

7.7 Separability.

If any section, subsection, paragraph, sentence, clause, or phrase of the Subdivision Regulations shall be held to be invalid or unconstitutional by any court of competent authority, such holding shall not affect, impair, or invalidate any other section, subsection, paragraph, sentence, clause, or phrase of the Subdivision Regulations.

7.8 Amendment.

These regulations may be amended or rescinded by the Board following public hearing held in accordance with RSA 675:7 on the proposed change and an affirmative vote of a majority of the Board. The Chairman or Secretary of the Board shall transmit a certified copy of any changes so adopted to the City Council and City Clerk. Additional copies shall be filed with the Office of State Planning and the Strafford County Registry of Deeds.

7.9 Adoption.

These regulations shall become effective after a public hearing held in accordance with RSA 675:7, adoption by an affirmative vote of a majority of the Board, certification by the Board, and filing of certified copies with the City Clerk. Additional copies shall also be filed with the Office of State Planning.

7.10 Exhibits.

In cases where there is a conflict between: a) the language in these regulations and Tables 5-1 and 5-2; and b) Exhibits A through G, the language in these regulations and Tables 5-1 and 5-2 shall be determining. [16]

SECTION 8. DEFINITIONS

The following words shall have the following meanings:

8.1 Abutter. An 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

Planning 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/her land will be directly affected by the proposal under consideration.

8.1-a Amendment to subdivision plan: A change in an approved subdivision plan of a scale or nature such that placement of new notices to the public and to abutters is warranted. [19]

8.2 Approval. Recognition by the Planning Board, certified by written endorsement on the final plat, that the final plat submission meets the requirements of these regulations, granted at a duly called meeting of such Board.

8.3 As-Built Plan. An engineered plan showing, but not limited to, utilities, roads, structures as constructed.

8.4 Board. The Planning Board of the City of Rochester, New Hampshire.

8.5 City Engineer. The individual filling such position in the Department of Public Works of the City of Rochester, New Hampshire.

8.6 Class 6 Road. A right-of-way, which has been either:

(a) discontinued and made subject to gates and bars by a City Council vote, or

(b) not maintained by the City for a period of 5 years or more.

8.7 Completed Application. An application for submission of a final plat which includes all the items listed in Section 2.4.5 for a major subdivision and in Section 2.5.1 for a minor subdivision. The 90-day period for review does not start until a completed application has been submitted by the subdivider and accepted by the Board.

8.8 Easement. An acquired privilege or right of use which one party may have in the land of another.

8.9 Engineer (Professional Engineer). Any person who has been registered or otherwise legally authorized in accordance with New Hampshire RSA 310-A: 2II as amended 1989 or the most recent revision to perform engineering services as defined in New Hampshire RSA 310-A: 3 as amended 1989 or the most recent revision.

8.10 Final Plat. The map or drawings on which the final plan of subdivision is presented to the Board, and which, if approved will be filed or recorded with the Strafford County Register of Deeds.

8.10-a Impact Fee. For the purpose of these regulations, the term "impact fee" shall have the meaning set forth in Section 42-31 (B)(iii)(c) of the General Ordinances of the City of Rochester, as currently enacted or the corresponding provisions of any recodification or amendment of the said General Ordinances of the City of Rochester.

8.11 Lot. A parcel of land considered a unit which is occupied or capable of being occupied by a dwelling or dwellings and other buildings and structures accessory thereto, including

open spaces, and shown and identified as such on a preliminary plan or plat and for which a separate deed can be written and legally recorded.

8.12 Lot Line. The line identifying a lot boundary.

8.13 Lot Size. The total horizontal land area within the boundaries of a lot, exclusive of any land area designated for street purposes.

8.13-a Modification to subdivision plan: A change in an approved subdivision plan, but not one of a scale or nature such that placement of new notices is warranted. [19]

8.14 Plat. Final plat.

8.15 Preliminary Plan. The preliminary map or drawings indicating the proposed street and lot layout and street utility improvements of the subdivision to be submitted to the Board for its consideration. The purpose of such plan is not for filing or recording with the Strafford County Register of Deeds.

8.16 Reserve Strip. Area for which future public use is intended for either street connections or for street or pedestrian ways giving access to land dedicated for public use.

8.17 Residence, Multi-Family. A building designed, intended for or occupied by three or more families.

8.18 Street. A public highway as defined in RSA 229:1, except a Class VI or discontinued highway; or a private road within a subdivision as platted and recorded in the Strafford County Registry of Deeds, including the full width of the right-of-way.

8.19 Street, Arterial. A street intended to move through traffic to and from such major attractions as central business districts, shopping centers, industrial areas, and similar traffic generators within the City; and/or as a route for traffic between communities.

8.20 Street, Collector. A street which now or in the future will connect subdivisions with each other or existing public streets at least 1,000 feet apart with each other.

8.21 Street, Minor. A street which provides only access to adjacent properties and will not now or in the future connect existing public streets at least 1,000 feet apart with each other.

8.22 Subdivider. The registered owner or authorized agent of the registered owner of a subdivision who applied for approval of a preliminary plan or plat.

8.23 Subdivision. The division of a lot, tract or parcel of land into two or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale, rent, lease, condominium conveyance or building development. It includes re-subdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided. The division of a parcel of land held in common and subsequently divided into parts among the several owners shall be deemed a subdivision.

8.23-a Subdivision, Frontage. A subdivision where no new street is created and new lots have frontage on the existing street. [16]

8.24 Subdivision, Minor. A subdivision with a total of three or fewer lots. [13]

8.25 Subdivision, Major. A subdivision with a total of four or more lots. [13]

8.26 Surveyor (Licensed Land Surveyor). Any person who has been registered or otherwise legally authorized in accordance with New Hampshire 310-A:54II as amended 1989 or the most recent revision to perform surveying services as defined in New Hampshire RSA 310-A:54 IV as amended 1989 or the most recent revisions.

SECTION 9. FEES [8, 21]

Fees for subdivision applications are as follows:

9.1	Subdivision with new street base fee:	\$700.00
9.2	Subdivision with new street per lot fee:	\$225.00
9.3	Subdivision without new street base fee:	\$300.00
9.4	Subdivision without new street per lot fee:	\$100.00
9.5	Lot line adjustment fee (per pair of lots affected):	\$175.00
9.6	Lot combination:	\$50.00
9.7	Condominium conversion/creation: \$50.00 + City attorney fees for review, where applicable	
9.8	Preliminary review (design review or conceptual) fee:	\$125.00
9.9	Fee for extensions to meet precedent conditions where the request is submitted before the deadline for meeting conditions:	\$100.00
9.10	Fee for extensions to meet precedent conditions where the request is submitted after the deadline for meeting conditions:	\$150.00
9.11	Inspection fees: Inspections shall be billed at an hourly rate as determined by the City of Rochester Public Works Department. [14]	
9.12	Amendment to a subdivision plan:	\$125.00
9.13	Modification to a subdivision plan that is brought to the Planning Board for consideration:	\$125.00

Table 5-1 Street Cross-Section Design Standards [16]

Cross-Section Item Minimum	Collectors & Arterial Streets	Minor Streets Residential Subdivision		Minor Streets Non-Residential Subdivision
		Agricultural Zoning District	All Other Zoning districts	
Right-of-Way width (ft)	60	50	50	50
Roadway Width (ft)	32	24**	24**	26**
Curbing Required	no*	no*	no*	no*
Shoulder-each side (ft)	3	3	3	3
Sidewalks	at discretion of Board	at discretion of Board	at discretion of Board	at discretion of Board
Sidewalks – width (if required)	5'	5'	5'	5'
Storm drainage system	open*	open*	open**	open**
Planting strips width each side (ft)	5	5	5	5

* The Board may require closed drainage, curbing and sidewalks based upon such factors as density, drainage characteristics of the area and adjacent street design. [16]

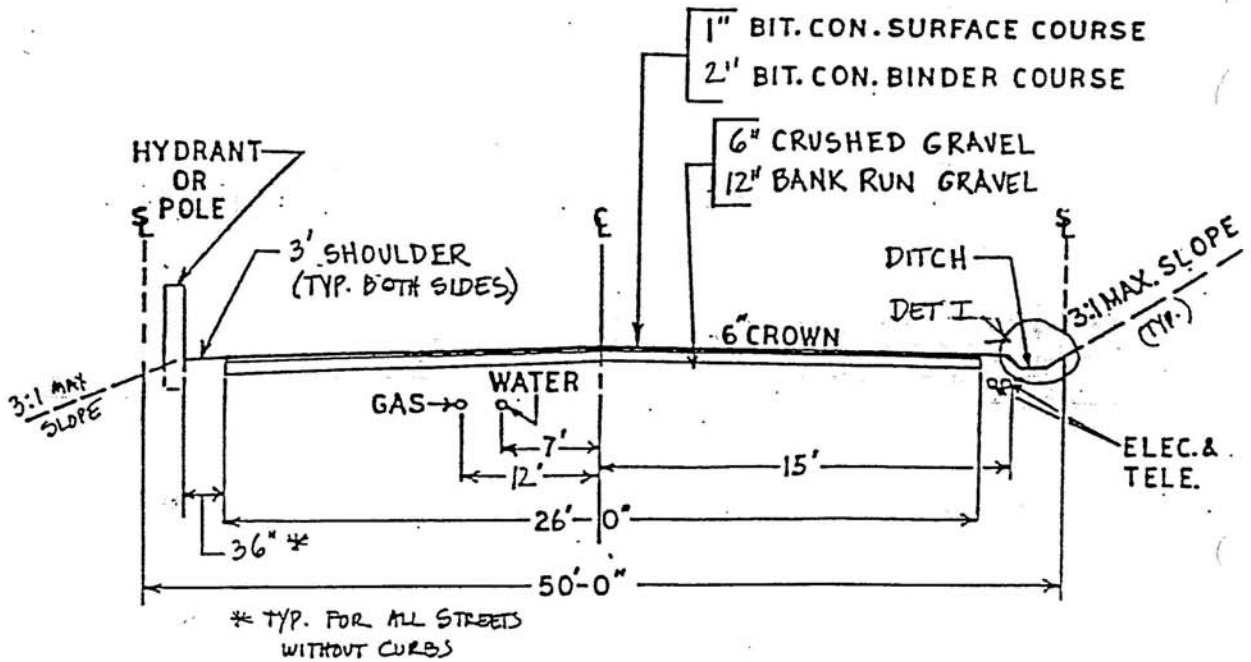
** At the discretion of the Board, roadway width may be increased based on density, the drainage system and public safety considerations. [16]

Table 5-2 Street Alignment Design Standards [16]

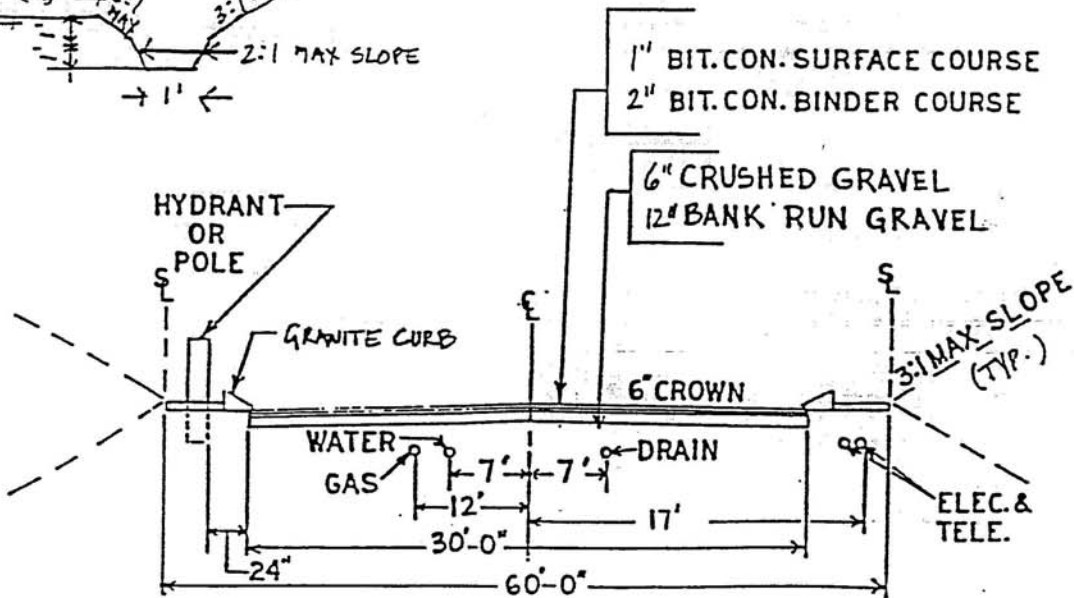
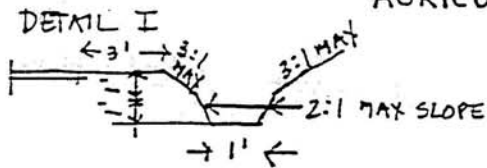
Characteristic	Collector/Arterial Street	Minor Street (all locations)
<u>Horizontal Alignment</u> Minimum radius at center line, feet	500	200*
<u>Vertical Alignment</u> Minimum clear sight distance at 3.5 feet height above pavement, feet	400	200
<u>Grade</u> Maximum, percent	5.0	7.0
Minimum, percent	1.0	1.0
Maximum, percent within 100 feet of an intersection	2.0	2.0

* In open sites the minimum radius is 150 feet. [16]

EXHIBIT A - Cross Section Minor Street Non-Residential



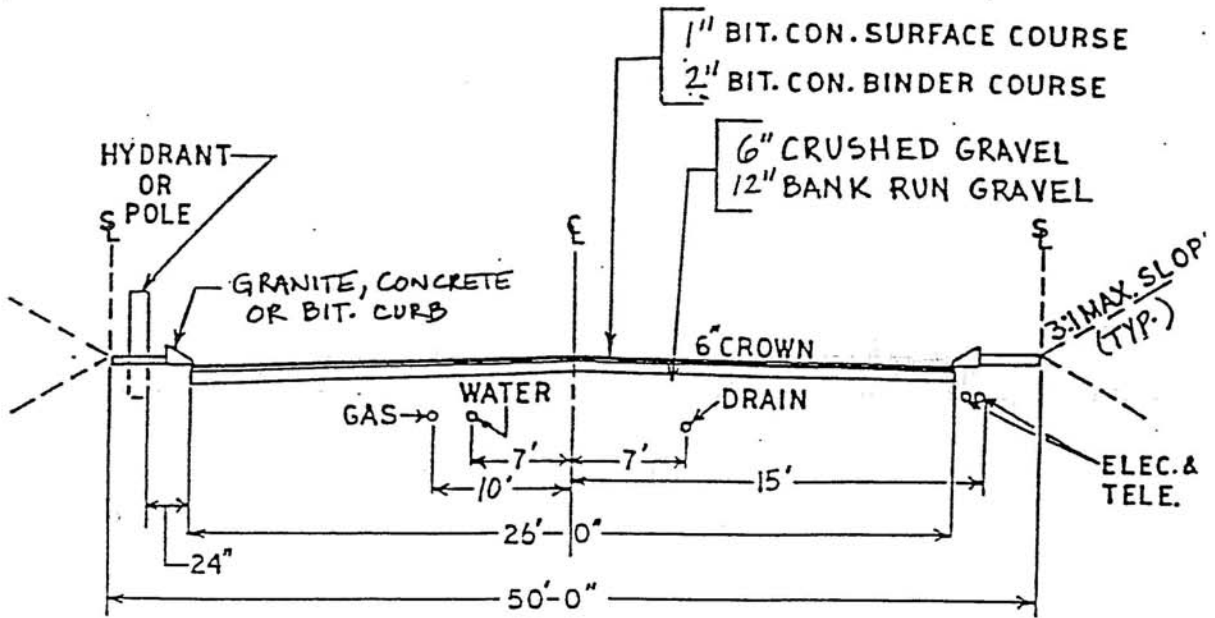
STANDARD CROSS SECTION
MINOR STREET
AGRICUTURAL ZONING DISTRICT



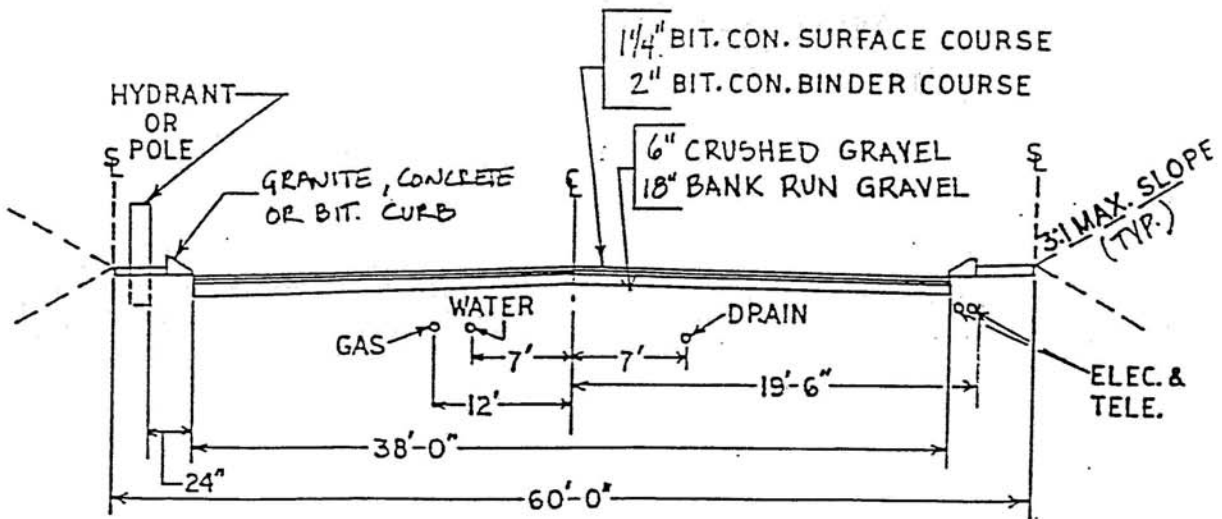
STANDARD CROSS SECTION
MINOR STREET NON-RESIDENTIAL SUBDIVISION

EXHIBIT A

EXHIBIT B - Cross Section Collector & Arterial Street



STANDARD CROSS SECTION
MINOR STREET

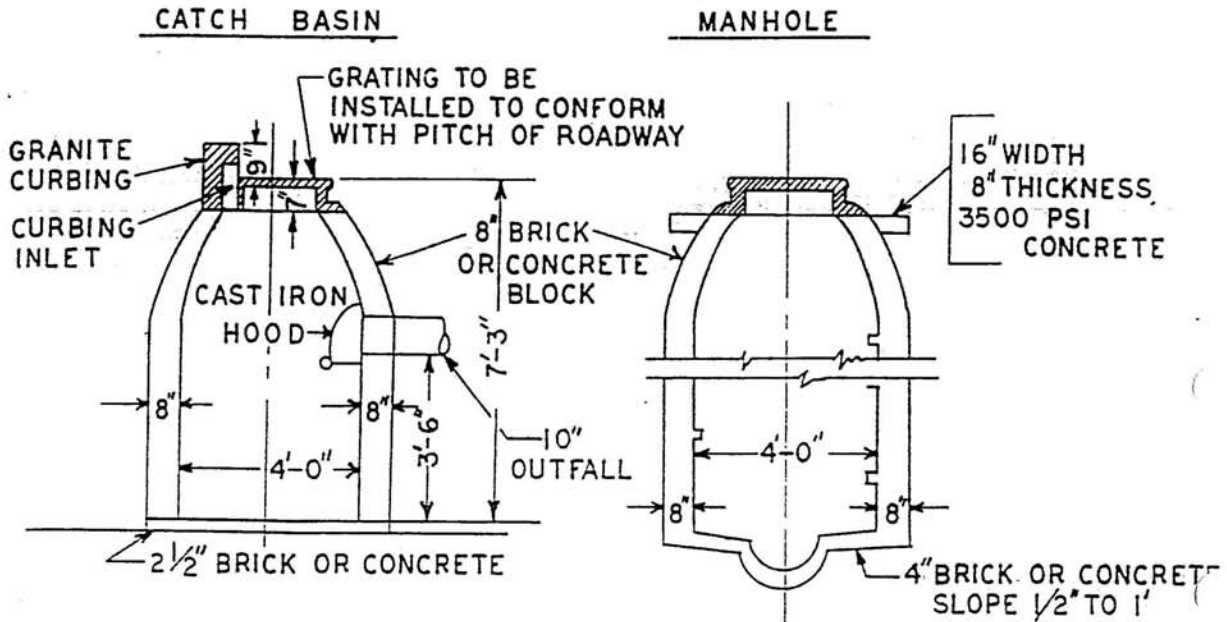


STANDARD CROSS SECTION
COLLECTOR & ARTERIAL STREET

EXHIBIT B

EXHIBIT C - Manholes, Catch Basins, and Subdrains

ROCHESTER
TYPICAL CROSS SECTIONS OF
MANHOLES, CATCH BASINS, AND SUBDRAINS



NOTE: MANHOLES & CATCH BASINS ARE TO BE CEMENT MORTAR PLASTERED ON THE OUTSIDE.

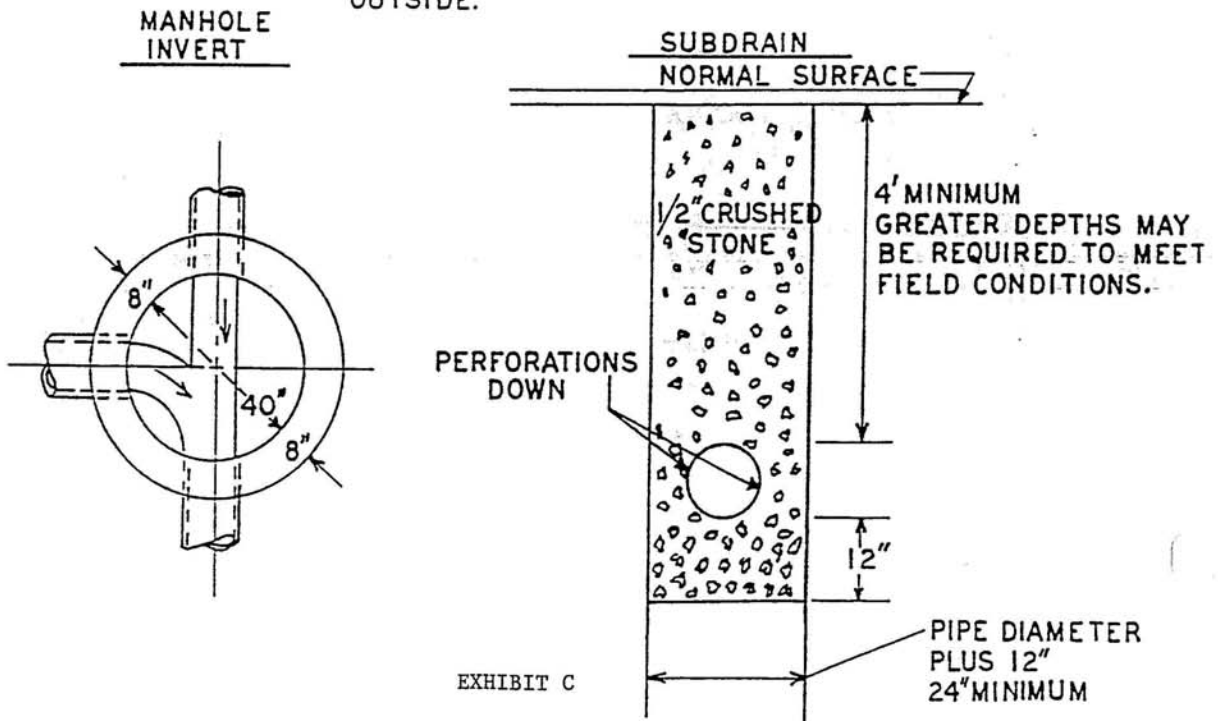
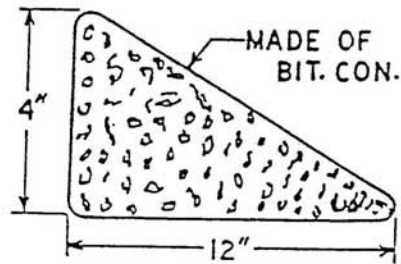


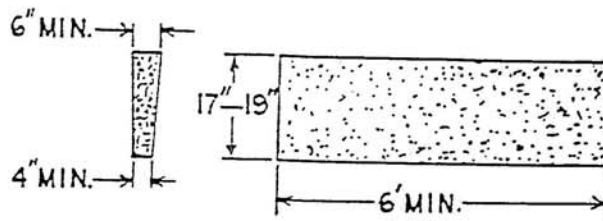
EXHIBIT C

EXHIBIT D - Curb Cross Sections

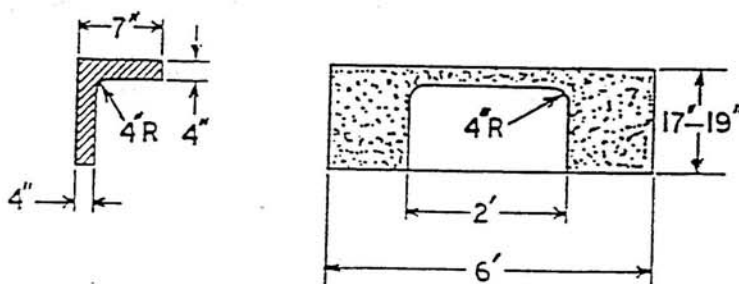
CITY OF ROCHESTER
**CURB CROSS SECTIONS FOR
STREET LAYOUTS**



CAPE COD BERM CURB



GRANITE CURB



**GRANITE OR CONCRETE
CURBINLET**

EXHIBIT D

EXHIBIT E - Rainfall Intensity Curve

*RAINFALL INTENSITY
CURVE*

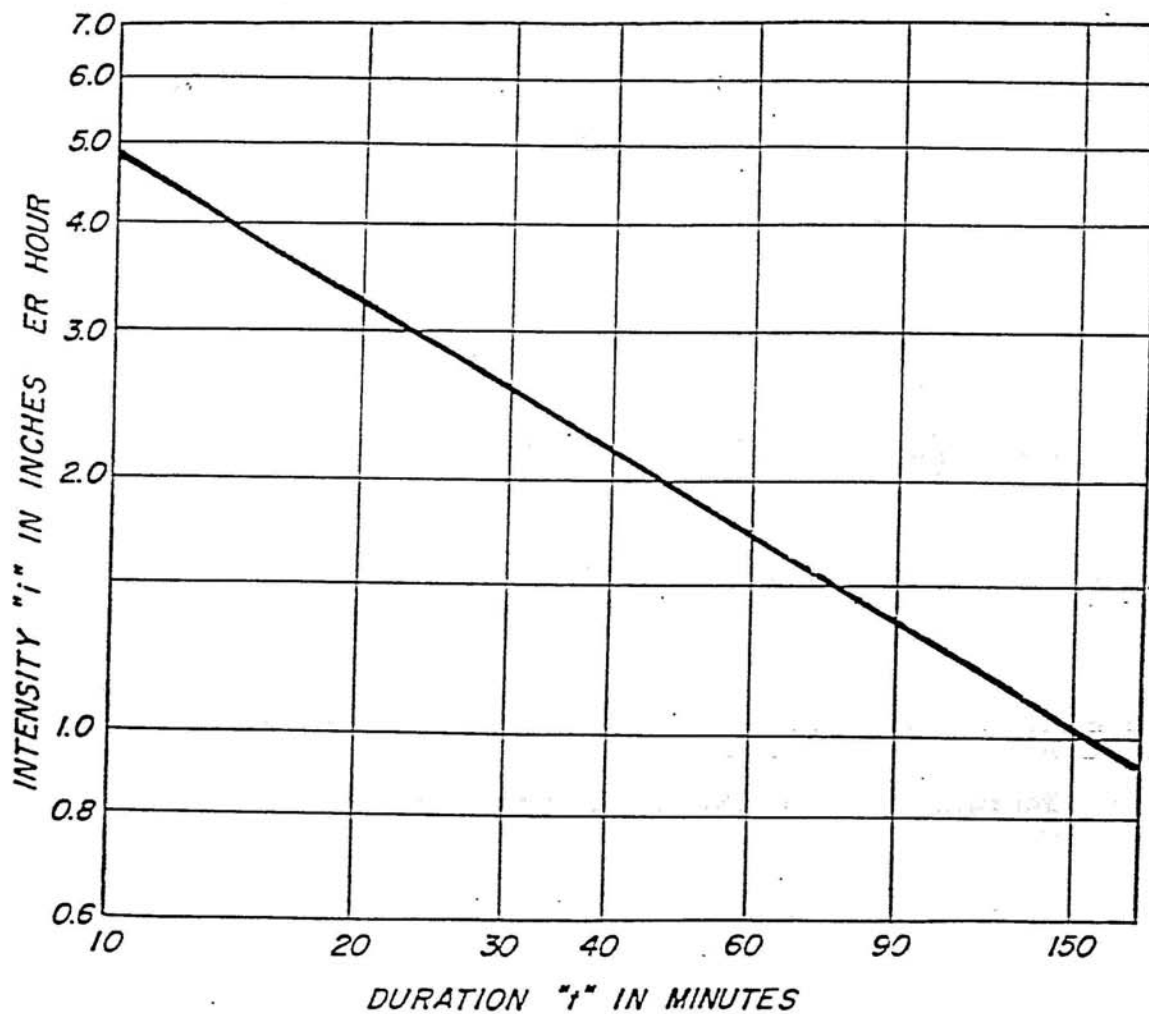
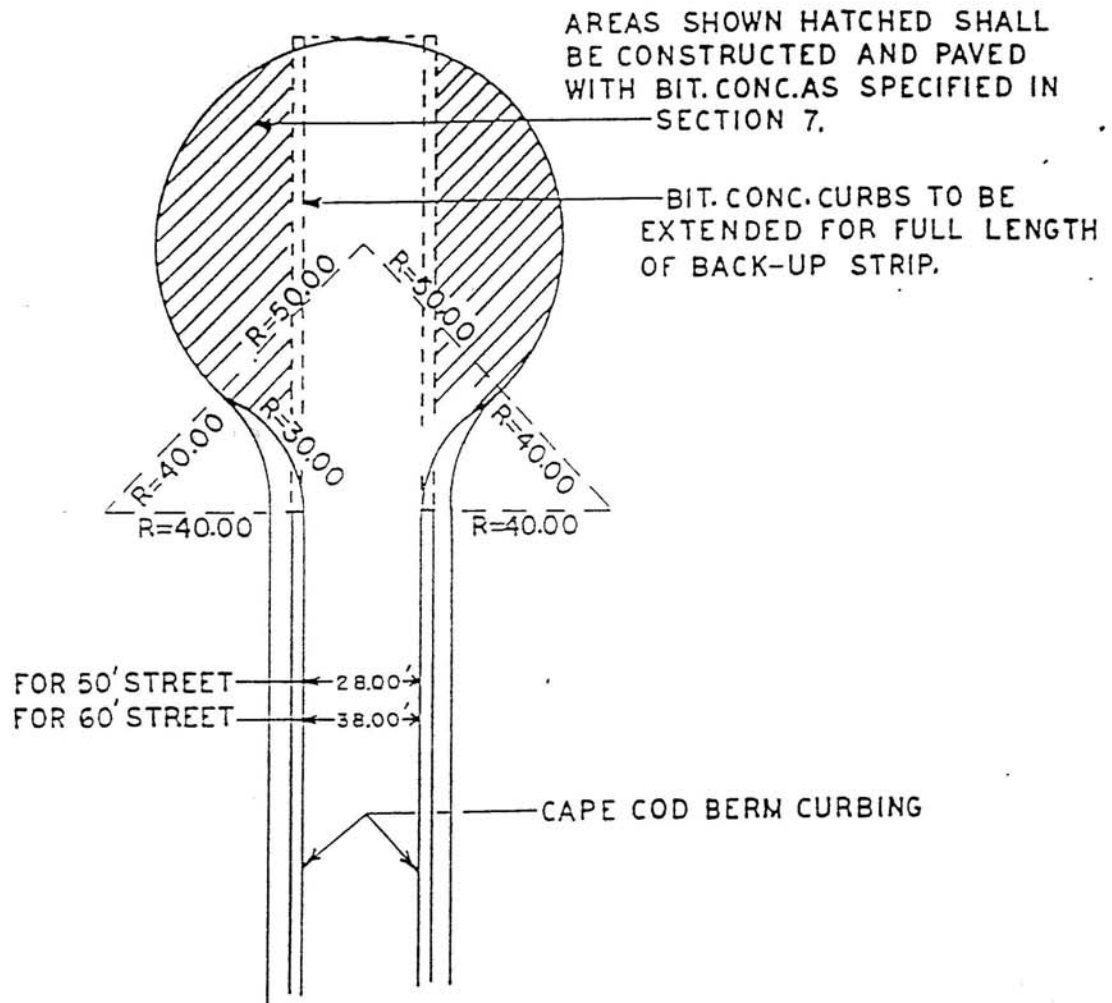


EXHIBIT E

EXHIBIT F - Typical Cul-de-Sac

NOTE: OUTLINE AND EXTENT OF BACK-UP STRIP SHOWN DOTTED.

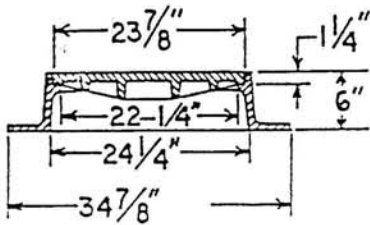
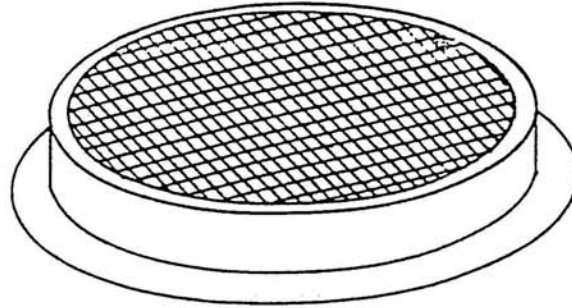


CITY OF ROCHESTER
 TYPICAL ROTARY CIRCLE
 OR
 CUL-DE-SAC
 AND
 BACK-UP STRIP

EXHIBIT F

EXHIBIT G - Manhole Frame and Solid Lid

R-1648 MANHOLE FRAME & SOLID LID
-HEAVY DUTY 320 LBS
WATER OR SEWER TO BE
STAMPED IN TOP OF SOLID
LID.



R-3571 3 FLANGE GUTTER INLET
FRAME AND GRATE.
TOTAL WEIGHT 275 LBS.

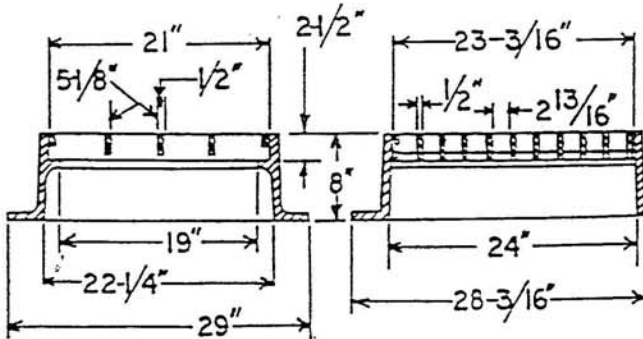
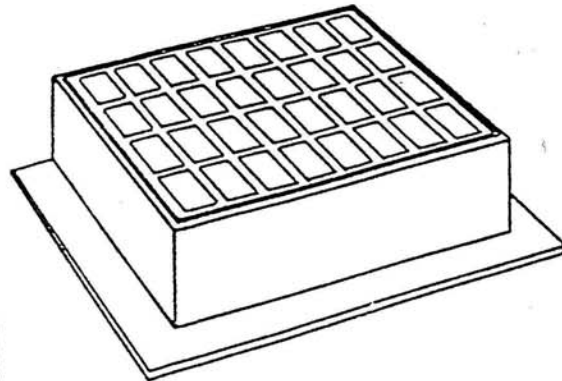


EXHIBIT G

AMENDMENTS

- [1] Amended 3/1/93 – Flood amendments
- [2] Amended 3/3/93 – Street lighting
- [3] Amended 2/3/97 – Application deadlines
- [4] Amended 3/16/98 – Consent calendar
- [5] Amended 9/13/99 – Procedure for condominiums
- [6] Amended 9/11/00 – Recording of plat
- [7] Amended 4/16/01 – Impact fees
- [8] Amended 12/6/04 – New fee schedule
- [9] Amended 12/20/04 – Signs on non-accepted streets
- [10] Amended 8/1/05 – Review of applications by outside consultant
- [11] Amended 8/1/05 – Requirement for 22 sets of packets
- [12] Amended 8/1/05 – Fees for amendments after certification (nullified by [19])
- [13] Amended 8/1/05 – Change definition of minor and major subdivisions; delete term “limited subdivision”
- [14] Amended 3/26/07 – Change rate for inspections. Later superseded by [23]
- [15] Amended 6/18/07 – Change in enforcement procedure
- [16] Amended 3/24/08 – Numerous amendments
- [17] Amended 8/4/08 – Installation of street trees
- [18] Amended 8/18/08 – Installation of street and traffic signs
- [19] Amended 1/26/09 – Adding definitions for “amendments” and “modifications” and changing fees
- [20] Amended 10/19/09 – Replaced waiver provision per changes to RSA 674:36 II (n)
- [21] Amended 7/19/10 – Updated fee schedule
- [22] Amended 7/12/10 – Entire new subsection 5.15 Sidewalks
- [23] Amended 2/6/12 – Section 6.7 and 6.8 largely rewritten