



TOWN OF AUBURN

SUBDIVISION REVIEW REGULATIONS

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ARTICLE 1 - GENERAL PROVISIONS

1.01 Title

These Regulations shall hereafter be known, cited and referred to as the “Subdivision Regulations of the Town of Auburn, New Hampshire.”

1.02 Authority

Pursuant to the authority vested in the Planning Board by the voters of the Town of Auburn and in accordance with the provisions of New Hampshire Revised Statutes Annotated, Chapter 674: Sections 35-42, inclusive, the Auburn Planning Board hereby adopts the following Regulations governing the approval and disapproval of plans for the subdivision of land in the Town of Auburn, New Hampshire, on **June 15, 2011**.

These Regulations replace and supersede the former Subdivision Regulations for the Town adopted on August 18, 1999. Adoption of these Regulations is not intended to invalidate any approval or alter any requirement of an approval under the former Regulations. The provisions of the former Subdivision Regulations shall be deemed to apply to all completed applications currently pending before the Planning Board, and all applications which are the subject of a first legal notice before the Board, unless determined otherwise by agreement of the Applicant and the Board.

1.03 Policy and Purposes

1. **Policy:** It is hereby declared to be the policy of the Town of Auburn Planning Board to consider the subdivision of land and development of residential and non-residential projects as subject to regulation and control by the Planning Board. The goal of such regulation is to enhance the public health, safety and welfare of the citizens through orderly, efficient and safe development that encourages the appropriate and wise use of land in accord with the rural character of Auburn, and in accord with the Auburn Master Plan.
2. **Purposes:** In accordance with the above-stated policy and with R.S.A. 674:36, these Regulations are adopted for the following purposes:
 - (A). To provide against such scattered or premature subdivision of land as would involve danger or injury to health, safety or prosperity by reason of the lack of water supply, drainage, transportation, schools, fire protection, or other public services, or necessitate an excessive expenditure of public funds for the supply of such services;
 - (B). To provide for the harmonious development of the Town and its environs;
 - (C). To require the proper arrangement and coordination of streets within subdivisions in relation to other existing or planned streets or with features of the official map of the Town;
 - (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 to afford adequate light, air, and access for rescue vehicles, fire fighting apparatus and equipment to buildings, and to 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, and to require that proposed parks shall be of reasonable size for neighborhood playgrounds or other recreational uses;
- (G). To require that the land indicated on plats submitted to the Planning Board shall be of such character that it can be used for building purposes without danger to health;
- (H). To include provisions which will tend to create conditions favorable to the general health, safety, convenience and prosperity;
- (I). To minimize the pollution of air, streams, ponds, and ground water by ensuring that all utilities are properly designed and installed to encourage the wise use of natural resources;
- (J). To ensure that an equitable share of the costs of public facilities that are of primary benefit to new developments are provided for as part of those developments and are not imposed as a cost on the community at large; and
- (K). To promote the proper legal description and monumentation of subdivided land and provide land records adequate for future use.

1.04 Applicability

- 1. These Regulations shall apply to all subdivisions or lot-line adjustments of land, as defined herein, located within the corporate limits of the Town of Auburn.
- 2. No land shall be subdivided, merged, annexed or lots transferred within the corporate limits of the Town of Auburn until:
 - (A). The applicant or his agent has obtained approval in writing from the Planning Board of the Final Plat, and
 - (B). The approved Final Plat is recorded with the Rockingham County Registry of Deeds.

1.05 Waivers

- 1. In accordance with N.H. R.S.A. 674:36, II,(n), the Planning Board may, upon written request of an applicant, and after a majority vote taken at a duly noticed public meeting, grant a waiver of any provision(s) or requirement(s) of these Regulations, if the Board finds that:

- (A). Strict conformity with the Regulation(s) would pose an unnecessary hardship to the applicant and waiver would not be contrary to the spirit and intent of these Regulations; or
 - (B). Specific circumstances relative to the subdivision, or conditions of the land in such subdivision, indicate that the waiver will properly carry out the spirit and intent of these Regulations.
- 2. All waivers granted by the Planning Board shall be clearly noted upon the approved plat or plan, or in a separate document appended to the approved plat or plan.

1.06 Expenses and Fees

- 1. General: The applicant shall pay for all expenses incurred by the Town for review and hearings associated with the application. The cost of any required publication or posting of notice, and the cost of mailing notices of the hearing via certified mail, shall be paid by the applicant prior to said hearing. In accordance with N.H. R.S.A. 676:4-b, all expenses incurred by the Town in having the Town's engineers, consultants, and the Planning Board attorney review proposed plats shall be borne by the applicant, and paid prior to final plat approval.
- 2. Fee Schedule: The Planning Board shall establish a fee schedule for the processing and review of subdivision applications. This fee schedule may be revised and updated after review by the Planning Board at a duly noticed public meeting. The fee schedule is attached as Appendix G to these Regulations.
- 3. Escrow Account: The Planning Board, at its discretion, may require that a separate escrow account be established with the Town to cover certain expenses, costs and/or fees. In such cases, the applicant shall complete an escrow agreement with the Town in a form acceptable to the Planning Board, Board of Selectmen and Town Counsel. A sample escrow agreement is attached as Appendix B to these Regulations. All such agreements are subject to revision and final approval by the Town and its Legal Counsel.
- 4. Application Fees: An application fee in the amount set forth in the fee schedule shall be paid for each lot or parcel of land shown on a Design Phase Plat or Final Plat submitted to the Planning Board. An additional fee as set forth in the schedule shall be paid for each abutter entitled to receive written notice of the proposed subdivision. All application fees shall be payable to the Town of Auburn for deposit in the general fund of said Town. An adjustment of an increase or decrease in the application fee will be made at the time of Final Plat approval, if the number of lots approved differs from the number proposed.
- 5. Professional Inspection/Review Fees: Whenever a proposed subdivision will involve street construction, the installation of drainage structures or other required improvements, the costs incurred by the Town in having the Town Engineer or Consultant inspect the required improvements shall be borne by the applicant. Prior to receiving final approval of a subdivision involving required improvements, the applicant shall deposit with the Clerk of the Town of Auburn a sum in accord with the fee schedule. The amount deposited under this Section

shall be held in a special escrow account by the Clerk for the purpose of paying the Town Engineer, Attorney or Consultant to make the necessary inspections and reports.

6. Return of Unused Fees: Any amount deposited under this Section and not used for the purposes stated herein shall be returned to the applicant upon final acceptance of the required improvements, and prior to the release of any performance guarantee money deposited under Article 8 of these Regulations.

1.07 Compliance with Regulations

1. Pre-Approval Required: No subdivision of land shall be made, and no land in any subdivision shall be sold or offered for sale or lease, and no street or utility constructions shall be started until a plat, prepared in accordance with the requirements of these Regulations, has been approved by the Planning Board, and any required permits have been issued.
2. Knowledge of Law Required: An applicant shall become familiar with all State and Town Regulations relative to health, buildings, roads and other pertinent data, so that the applicant is aware of the obligations and standards expected. An applicant may avail himself of the assistance of the Planning Board before preparation of any application or plan.

ARTICLE 2 - DEFINITIONS

2.01 Usage

Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the plural include the singular; and the word “herein” means these Regulations. Reference to a building or structure includes any part thereof, and the terms “used” or “occupied” shall be construed to include planned, designed, or intended uses. The word “shall” is mandatory; the word “may” is permissive.

2.02 Words and Terms

For the purpose of these Regulations certain words and terms used herein are defined as follows:

1. **Abutter**: Shall be as defined in New Hampshire R.S.A. 672:3 and as may be amended from time to time, which is currently as follows: “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 land will be directly affected by the proposal under consideration.

For purposes of receipt of notification by the [Planning Board of a] hearing, in the case of an abutting property being under a condominium or other collective form of ownership, the term abutter means the officers of the collective or association, as defined in N.H. R.S.A. 356-B:3, XXIII.

For the purposes of receipt of notification by [the Planning Board of a hearing] in the case of an abutting property being under a manufactured housing park form of ownership as defined in R.S.A. 205-A:1, II, the term “abutter” includes the manufactured housing park owner and the tenants who own manufactured housing which adjoins or is directly across the street or stream from the land under consideration by [the Planning Board.]

2. **Acceptance**: An affirmative vote by a majority of the Planning Board at a public meeting that an application contains the items required to constitute a complete application sufficient for the Planning Board to invoke jurisdiction in accordance with R.S.A. 676:4(I)(b).
3. **Active and Substantial Development and Building**: May be defined by the Planning Board with respect to each application. In accordance with N.H. R.S.A. 674:39, the Board, at its discretion, may require all plans to include a note that shall specify the threshold level of work which shall constitute “active and substantial development or building” for the purposes of fulfilling the requirements of RSA 674:39, I. This threshold for “active and substantial development or building” must be reached within twelve (12) months of final approval before the plan will be eligible for the four (4) year exemption, as provided under R.S.A. 674:39, from subsequent changes in the Town of Auburn Zoning Ordinance, Subdivision Regulations, or Non-residential Site Plan Review

Regulations. Upon receipt of a written application demonstrating good cause to do so, the Board may extend this period for up to an additional twelve (12) months.

4. Applicant/Developer: The owner of land to be subdivided or developed, or his or her agent or representative, as he or she may authorize, by signed and notarized statement on a form sufficient and acceptable to the Planning Board.
5. Approval: A final vote by the Planning Board, certified by written endorsement on the plat, that the plat submission meets the requirements of these Regulations, and satisfies, in the judgment of the Planning Board, all criteria of good planning and design.
6. Approval, Conditional: Also known as approval with conditions precedent. A vote by the Planning Board that the subdivision plat is approved, contingent upon the completion of specific tasks or items required for final approval. Until all the requirements for an approval have been met, a conditional approval does not constitute, nor shall it be construed as, approval, either implied or granted, of the subdivision plat. A conditional approval does not bind the Planning Board to approval of the final subdivision plat. A conditional approval requires that the applicant return to appear before the Planning Board in a public hearing for final approval.
7. Approval, with Conditions: A vote by the Planning Board that the subdivision plat is approved, with conditions subsequent that, once resolved, will constitute final approval without returning to the Planning Board. The Board Chairperson will have authority to sign the final mylar in such cases, upon completion of the conditions subsequent.
8. Board: The Planning Board of the Town of Auburn, New Hampshire.
9. Bond: Any form of security, including a cash deposit escrow account, surety bond or other instrument of credit, in an amount and form satisfactory to the Board of Selectmen and the Planning Board. The term “performance guarantee” is used generally to cover all forms of security which may be posted to guarantee the applicant’s compliance with the terms of subdivision approval. See Section 2.02(20) below.
10. Buffer or Buffer Strip: A strip of land along a property line or zoned district boundary line which shall be free of any building or use other than natural woody growth, landscaping or screening.
11. Buildable Area: The required area of contiguous non-wetland acreage within each buildable lot, including each clustered building lot. The buildable area should not contain protected wetlands, front, side or rear yard setbacks, wetland buffers, cluster perimeter buffers, or slope, drainage or utility easements.
12. Cul-de-sac: A local street, closed at one end by building lots, which comports with the typical cul-de-sac detail set forth herein in the Appendix - Typical Design Details.

13. Dedication: A gift, by the owner, of his or her property to another party without any consideration being given for the transfer. Since a transfer of real property is involved, the dedication shall be made by written instrument suitable for recording and completed with an acceptance.
14. Design Review Phase: An optional stage of subdivision approval for major subdivision applicants, which involves non-binding discussions with the Planning Board beyond conceptual and general discussion, which address more specific design and engineering details. This phase is intended for the submission of information, which is beyond that of the Preliminary Conceptual Consultation Phase, and includes more specific design and engineering details of the proposal.
15. Easement: A restriction by a property owner for the use, access or maintenance by another and for a specific purpose, including an acquired privilege or right of use which one party may have on the land of another, such as a strip of land used or intended to be used for a sanitary sewer or storm, water drainage line, or other utility when such utilities are not included in the street.
16. Engineer: The duly designated registered and licensed professional engineer of the applicant.
17. Final Review Phase: The last stage of the subdivision application process. The first part of this phase commences upon the Planning Board's acceptance, at a duly noticed public meeting, of a formal application for final review. The second part of the Final Review Phase commences after the Planning Board has voted, at a duly noticed public meeting, to accept the application for subdivision approval. This second part of the Final Review Phase involves the Planning Board's consideration of the merits of the subdivision application at a duly noticed public hearing and a vote by the Planning Board to approve or deny the subdivision application.
18. Improvements: All work required to construct the proposed development, including but not limited to: site grading; landscaping; utility installation (water, sewer, electric, drainage, telephone, etc. and their appurtenances); roadways; parking lots; drives; buildings; fencing; signs; etc., meaning and intending to include all work necessary to construct the development as agreed and shown on the approved plat or plan, including all on-site and off-site improvements.
19. Lot Line Adjustment: Any subdivision involving a minor relocation of a lot line between two properties or the annexation of land where the lot areas do not change by more than twenty-five (25%) percent and no new lots are being created.
20. Performance Guarantee: Any form of security, including a cash deposit escrow account, surety bond or other instrument of credit, in an amount and form satisfactory to the Board of Selectmen and the Planning Board. The term "performance guarantee" is used generally to cover all forms of security which may be posted to guarantee the applicant's compliance with the terms of subdivision approval.

21. Person: Includes an individual, corporation, partnership, trust, incorporated association, limited liability company or any other legally recognized entity.
22. Preliminary Conceptual Consultation Phase: An optional stage of subdivision approval which involves review of the basic concept of the proposal. The purpose is for the Planning Board to make suggestions which might be of assistance in meeting requirements for final review and approval. Such consultation does not bind either the Applicant or the Planning Board, and statements made by Planning Board members shall not be the basis for disqualifying said members or invalidating any action taken. The Planning 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 Town's Master Plan.
23. Special Flood Hazard Area: The land in the flood plain within the Town of Auburn subject to a one-percent or greater possibility of flooding in any given year. In particular, that area designated as Zone A on the Flood Insurance Rate Maps (FIRM) and Flood-Boundary and Floodway Maps (FHBM).
24. Street: Any road or other way which is an existing and/or improved Town street or which is shown on a subdivision plat approved by the Board and recorded at the Rockingham County Registry of Deeds. A street includes the land between the right-of-way lines whether improved or unimproved. The Planning Board may exercise its discretion in determining the classification of a street.
25. Street, Local or Service: A street used primarily to give access to abutting properties.
26. Street, Collector: A street which, in addition to giving access to abutting properties, serves primarily to carry traffic from local streets to arterial streets and to public and other centers of traffic concentration.
27. Street, Arterial: A street or highway used primarily for heavy and/or through traffic.
28. Subdivider: The owner of record of the land to be subdivided, including any subsequent owner of record making any subdivision of such land, or any part thereof, or the agent of any such owner, including any person, firm or corporation who, having an interest in land, causes it, directly or indirectly, to be divided.
29. Subdivision Plat: A map of a land subdivision prepared in a form suitable for filing under these Regulations and acceptable for recording in the Rockingham County Registry of Deeds.
30. Subdivision: As defined in N.H. R.S.A. 672:14, as may be amended from time to time, which is currently as follows: "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 resubdivision 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 in parts

among the several owners shall be deemed a subdivision under this title.”

The records of the Rockingham County Registry of Deeds as **June 15, 2011**, the effective date of these Regulations shall determine the status of a tract or parcel for the purpose of determining the applicability of these Subdivision Regulations. A survey or resurvey and revised description of an existing lot will not be a subdivision for the purpose of these Regulations, provided that the Town Selectmen have reviewed such survey and/or new description and have notified the Chairman and/or Secretary of the Planning Board that such lot is an existing lot of record. The Chairman and/or Secretary, when so notified, shall certify this fact to the Rockingham County Registry of Deeds, so that the corrected information on such existing lot may be recorded.

31. Subdivision, Major: Any subdivision that is not a minor subdivision or a lot line adjustment.
32. Subdivision, Minor: In a three year period, a subdivision of land into three (3) or fewer lots having frontage on and primary access to an existing approved public street, which requires no new roads, utilities or other Town improvements, providing it is so classified by the Planning Board.
33. Substantial Completion: Unless otherwise defined by the Planning Board with respect to a particular subdivision application, means the completion of all on-site and off-site improvements specified on the approved subdivision application, except for those improvements which are specifically deferred by recorded vote of the Planning Board, prior to the expiration of the four-year period specified in R.S.A. 674:39.
34. Town: The Town of Auburn, New Hampshire.
35. Town Engineer: The duly designated engineer of the Town of Auburn, or if there is no such office, the planning consultant or official assigned by the Selectmen. The Planning Board is authorized to enter into a contract(s) with a private engineering firm to serve as the Town Engineer for the Town of Auburn.
36. Way: Any public highway, street, avenue, road, alley, park, or parkway, or any private way laid out under authority of statute, and ways provided and maintained by public institutions to which state funds are appropriated for public use.
37. Zoning Ordinance: The duly enacted and current Zoning Ordinance of the Town of Auburn.

2.03 Other Definitions

Any word or term used in these Regulations which is not defined in this Article, nor a defined word or term in the Auburn Zoning Ordinance or Site Plan Review Regulations, nor defined in its context, shall carry its customary meaning, unless otherwise stipulated by the Planning Board.

ARTICLE 3 - SUBDIVISION APPLICATION AND SUBMITTAL PROCESS

3.01 Subdivision Classifications

There are three subdivision classifications in the Town of Auburn. They are as follows:

1. **Lot Line Adjustments**: This classification includes any subdivision involving a minor relocation of a lot line between two properties where the lot areas do not change more than twenty-five (25%) percent and no new lots are being created.
2. **Minor Subdivisions**: This classification includes subdivisions where, in a three (3) year period, a subdivision is proposed of land into three (3) or fewer lots, all of which will have frontage on and primary access to an existing improved public street, requiring no new roads, utilities or other Town improvements, provided the subdivision is so classified by the Planning Board. A subdivision application will only be treated as a minor subdivision if there are no unusual or special conditions which require supplemental information, and no major change in site characteristics will occur as a result of the subdivision. If a portion of the subdivision is being reserved for future use, the application will only be treated as a minor subdivision if the future use would not be hampered or restricted by approving the minor subdivision. The Board may elect to treat an application as a minor subdivision where it creates no new buildable lots.
3. **Major Subdivisions**. This classification of subdivision includes all subdivisions other than those subdivisions defined in the preceding sub-sections (1) and (2).

3.02 Procedures for Lot Line Adjustments

Pursuant to N.H. R.S.A. 676:4, I(e)(1), lot line adjustments shall be administered according to the following expedited process:

1. **Informal Consultation**: Applicants are encouraged to informally consult with the Board prior to filing an application and prior to investing in any planning or engineering, in order to determine that the application will qualify as a lot-line adjustment.
2. **Application Required**: A completed application for lot line adjustment shall be submitted to the Board for consideration at a single public hearing. The application form may be found in Appendix E to these Regulations. The application form is also available at the Town offices, and may, at the Planning Board's discretion, be available on the Town website.
3. **Filing Deadline**: The applicant shall file the completed application with the Board at least twenty-one (21) days prior to the public hearing at which the application will be submitted, and if accepted, reviewed for approval.
4. **Notice**: The Planning Board shall notify the abutters, holders of conservation, preservation, or agricultural preservation restrictions, the applicant and every engineer, architect, land surveyor or soil scientist whose professional seal appears on any plat submitted to the Board, by certified mail, of the date upon which the

application will be formally submitted to the Board and reviewed by the Board for purposes of acceptance and final approval. Notice of the public hearing shall be mailed at least ten (10) days prior to the public hearing date. Notice shall also be given to the general public in the manner required by Section 3.10 of these Regulations for notice of a public hearing for acceptance and/or approval of a minor or major subdivision application.

5. Costs: The applicant shall bear all costs of providing all necessary notices, design review, engineering review, and legal review on behalf of the Planning Board, and will be required, at the discretion of the Board, to establish a separate escrow account to pay for such costs in accordance with Section 1.06 of these Regulations.

3.03 Procedures for Minor Subdivisions

All minor subdivision applicants are required to complete the Final Review Phase, which is described in Section 3.06 of these Regulations. All minor subdivision applicants are encouraged to first engage in the optional Preliminary Conceptual Consultation Phase of the subdivision approval process which is set forth below.

1. Optional Preliminary Conceptual Consultation Phase: Applicants for minor subdivisions are encouraged to participate in the Preliminary Conceptual Consultation Phase as the first phase of the subdivision approval process.
 - (A). Description: This phase provides the applicant with the opportunity to meet with the Planning Board to review the concept of any anticipated subdivision or development. The applicant is encouraged to participate in these meetings prior to any substantial investment in planning or engineering of a proposal, and prior to entering the Final Review Phase described in Section 3.06. Discussions with the Planning Board during the Preliminary Conceptual Consultation Phase may occur without the necessity of giving formal public notice, but such discussions may occur only at formal meetings of the Board.
 - (B). Costs: The applicant for Minor Subdivision approval shall bear all costs of providing all necessary notices, design reviews, studies, reports, engineering review, traffic studies, environmental impact studies, and legal review required by the Planning Board as part of the Preliminary Conceptual Consultation Phase. The applicant will be required, at the discretion of the Board, to establish a separate escrow account to pay for such costs in accordance with Section 1.06 of these Regulations.
 - (C). Application Required: Before participating in the Preliminary Conceptual Consultation Phase, the applicant shall submit a completed Preliminary Conceptual Consultation Phase Application Form, in duplicate, and any required information delineated below in Section 3.03(2). The application form is contained in Appendix C to these Regulations and is available at the Town Offices. The application must be completely filled out prior to submission to the Planning Board. A completed Preliminary Conceptual Consultation Phase Application shall not be deemed a complete Application for purpose of the Formal Review Application Phase.

- (D). Acceptance of Application: The Planning Board shall place on its agenda for consideration the information submitted to it within thirty (30) days, indicating on the agenda the nature of the application, and the fact that the applicant will be appearing before the Planning Board for the Preliminary Conceptual Consultation Phase. Acceptance of a Preliminary Conceptual Consultation Phase Application may occur at any formal meeting of the Planning Board.
- (E). Optional Preliminary Plan: Applicants are also encouraged to submit a Preliminary Plan for review and comment. The intent of a Preliminary Plan is to enable the applicant and the Planning Board to review, discuss and evaluate a proposed subdivision at a time when modifications will not result in a substantial engineering or surveying costs to the subdivider. Specifications for a Preliminary Plan are set forth in the Preliminary Conceptual Consultation Phase Application form.

2. Submission Requirements for Preliminary Conceptual Consultation Phase:

- (A). In addition to fully completing the Preliminary Consultation Phase Application Form, the applicant shall submit sketch plans of proposed subdivision tracts, prepared in ink or pencil, which shall be drawn to a convenient scale of not more than fifty (50) feet to the inch, and which shall show or be accompanied by the following information:
 - (i). Name of subdivision if property is within an existing subdivision;
 - (ii). Proposed name of the subdivision if not within a previously platted subdivision. The proposed name shall not duplicate phonetically the name of any plat previously recorded in the Town;
 - (iii). Name of property if no subdivision name has been chosen;
 - (iv). Proposed names of any streets. The proposed names shall not duplicate phonetically the name of any existing or platted streets in the Town and shall be chosen from the list in Appendix I to these Regulations.
 - (v). Name, address, and telephone number of applicant;
 - (vi). Name, address, and telephone number of legal owner(s) owning ten (10%) percent or more of the property, and citation of last instrument conveying title to each parcel of property involved in the proposed subdivision, giving grantor, grantee, date, and land records reference;
 - (vii). Citation of any existing legal rights-of-way or easements affecting the property;
 - (viii). Existing covenants on the property, if any;

- (ix). Name, address, and telephone number of the professional person(s) responsible for subdivision design, for the design of public improvements, for surveys, and any legal descriptions;
- (x). Names and addresses of all abutters to the proposed subdivision;
- (xi). Names and addresses of all property owners within two (200) feet of any perimeter boundary of the subdivision;
- (xii). Location of property lines, existing easements, burial grounds, historic sites and buildings, railroad rights-of-way, watercourses, water bodies, wetlands, one hundred (100) year flood plains, ledges and boulders, areas with slopes over twenty-five (25%) percent and existing wooded areas; location width, and names of all existing or platted streets or other public ways within or immediately adjacent to the tract;
- (xiii). Location, sizes, elevations, and slopes of existing sewers, water mains, culverts, and other underground structures within the tract and immediately adjacent to the site and utility rights-of-way;
- (xiv). Approximate topography of the entire parcel of land, at the same scale as the sketch plan, with a maximum ten (10) foot contour interval;
- (xv). Soil types and approximate soils boundaries, at the same scale as the sketch plan, based upon Soil Conservation Service data for minor subdivisions and field determined for major subdivisions. For all subdivisions, soil types must be accurately determined at the location of improvements;
- (xvi). Approximate location and widths of proposed streets;
- (xvii). Preliminary proposals for connection with existing water supply and sanitary sewerage systems, or alternative means and locations for providing water supply and sanitary waste treatment and disposal. Preliminary provisions for collecting and discharging surface water drainage and for controlling erosion and sedimentation shall be addressed in accordance with the provisions of Article 10;
- (xviii). The approximate dimensions, areas, and numbers of all proposed or existing lots; and
- (xix). The approximate location, dimensions and areas of all parcels of land proposed to be set aside for park or playground use, or other public use, or for the use of property owners in the proposed subdivision.

(B). Other Items for Submittal in Preliminary Conceptual Consultation Phase.

- (i). Whenever the sketch plan covers only part of any applicant's contiguous holdings, the applicant shall submit, at the scale of not more than two hundred (200) feet to the inch, a sketch in pen or pencil of the proposed subdivision area, and the perimeter boundaries of the entire contiguous holdings of the applicant.
 - (ii). If the applicant intends to submit a final plat on only a portion of the total land to be subdivided, the preliminary plat shall cover the entire area of the tract and shall indicate the approximate outline and sequence of those portions of the tract for which subsequent final plats will be submitted.
 - (iii). A vicinity map showing streets and other general development of the surrounding area, all zoning district lines on and adjacent to the property, with zones properly designated.
3. Required Final Review Phase: All Minor Subdivision Applicants must undergo the Final Review Phase, as set forth below in Section 3.06.

3.04 Procedures for Major Subdivisions

Applicants for major subdivision approval may elect to undergo either or both of the optional Preliminary Conceptual Consultation Phase and/or the Design Review Phase, as the first and/or second phases of subdivision review. All major subdivision applicants must undergo the formal Final Review Phase.

- 1. Optional Preliminary Conceptual Consultation Phase: Major Subdivision applicants may elect to participate in the Preliminary Conceptual Consultation Phase, which is described above in Section 3.03(1), as the first phase of the subdivision approval process.
 - (A). Description: This phase provides the applicant with the opportunity to meet with the Planning Board to review the concept of any anticipated subdivision or development. The applicant is encouraged to participate in these meetings prior to any substantial investment in planning or engineering of a proposal, and prior to entering the Final Review Phase described below in Section 3.06. Discussions with the Planning Board during the Preliminary Conceptual Consultation Phase may occur without the necessity of giving formal public notice, but such discussions may occur only at formal meetings of the Board.
 - (B). Costs: The applicant for Major Subdivision approval shall bear all costs of providing all necessary notices, design reviews, studies, reports, engineering review, traffic studies, environmental impact studies, and legal review required by the Planning Board as part of the Preliminary Conceptual Consultation Phase. The applicant will be required, at the discretion of the Board, to establish a separate escrow account to pay for such costs in accordance with Section 1.06 of these Regulations.
 - (C). Application Required: Before participating in the Preliminary Conceptual Consultation Phase, the applicant shall submit a completed Preliminary

Conceptual Consultation Phase Application Form, in duplicate, and any required information delineated above in Section 3.03(2) for the Preliminary Conceptual Consultation Phase. The application form is contained in Appendix C to these Regulations and is available at the Town Offices. The application form must be completely filled out prior to submission to the Planning Board. A completed Preliminary Conceptual Consultation Phase Application shall not be deemed a complete Application for purposes of the Design Review or Formal Application Submission Phases.

- (D). Acceptance of Application: The Planning Board shall place on its agenda for consideration the information submitted to it within thirty (30) days, indicating on the agenda the nature of the application, and the fact that the applicant will be appearing before the Planning Board for the Preliminary Conceptual Consultation Phase. [A duly noticed public hearing is not required for acceptance of the completed Preliminary Conceptual Consultation Phase Application, rather, acceptance may occur at any noticed formal meeting of the Planning Board.]
 - (E). Optional Preliminary Plan: Applicants are also encouraged to submit a Preliminary Plan for review and comment. The intent of a Preliminary Plan is to enable the Applicant and the Planning Board to review, discuss and evaluate a proposed subdivision at a time when modifications will not result in a substantial engineering or surveying costs to the subdivider. Specifications for a Preliminary Plan are set forth in the Preliminary Conceptual Consultation Phase application form.
2. Optional Design Review Phase: Major Subdivision applicants may elect to participate in the Design Review Phase, as either the first or second phase of the subdivision approval process, prior to entering the Final Review Phase.
- (A). Description: The applicant may engage in non-binding discussions with the Planning Board, beyond conceptual and general discussions, which involve more specific design and engineering details, by participating in the Design Review Phase. Statements made by Planning Board members during the Design Review Phase shall not be the basis for disqualifying said members or invalidating any action taken by the Board. An applicant may elect to forego the Design Review Phase, but all applicants must comply with all requirements of the Final Review Phase, set forth below in Section 3.06.
 - (B). Costs: The applicant for Major Subdivision approval shall bear all costs of providing all necessary notices, design reviews, studies, reports, engineering review, traffic studies, environmental impact studies, and legal review required by the Planning Board for the Design Review Phase, and will be required, at the discretion of the Board, to establish a separate escrow account to pay for such costs in accordance with Section 1.06 of these Regulations.
 - (C). Application Required: The applicant shall submit a completed Design Review Application Form, in duplicate, plus three (3) copies of the

specific plats and any required information delineated in Section 3.03(2) for the Preliminary Conceptual Consultation Phase and in Section 3.05 for the Design Review Phase. The application form is contained in Appendix D to these Regulations and is available at the Town Offices. The Design Review Phase Application Form must be completely filled out prior to submission to the Planning Board. A duly notified public hearing is required for acceptance of the completed Design Review Phase application. A completed Design Review Phase Application shall not be deemed a complete application for purposes of the Final Review Phase.

(D). Notice: The Design Review Phase may proceed only after identification of, and notice to, abutters, holders of conservation, preservation, or agricultural preservation restrictions, the applicant and every engineer, architect, land surveyor or soil scientist whose professional seal appears on any plat submitted to the Board, by certified mail, of the date upon which the Planning Board will engage in the Design Review process. For those proposals near rivers and streams and downstream of a dam, the Planning Board shall also notify the owners of the upstream dam and the N.H. Department of Environmental Services Dam Bureau by certified mail. Notice of the Design Review Phase shall also be given to the general public as required by Section 3.10 of these Regulations. The Planning Board shall place on its agenda for consideration the information submitted to it within thirty (30) days, indicating on the agenda the nature of the application, and the fact that the applicant will be appearing before the Planning Board for the Design Review Phase.

(E). Completion of Design Review Phase: The Design Review Phase ends upon submission by the applicant of a Final Review application. In addition, the Planning Board may, in its discretion, determine that the Design Review phase of an application has ended, and shall inform the applicant in writing of such decision within ten (10) days of such determination.

3. Required Final Review Phase: All Major Subdivision Applicants must undergo the Final Review Phase. The process for the Final Review Phase is set forth below in Section 3.06.

3.05 Submission Requirements for Design Review Phase

In addition to completing, in duplicate, the sections on the Design Review Phase Application Form, the Applicant shall submit the following information for consideration by the Planning Board.

(1). Plat: A design review plat shall be prepared by a licensed land surveyor, engineer or landscape architect at a convenient scale of not more than one (1) inch equal to fifty (50) feet, may be prepared in ink or pencil and the sheets shall be numbered in sequence if more than one (1) sheet is used and shall be of such size as is acceptable for filing in office of the County Registrar of Deeds, but shall be no larger than twenty-two by thirty-four (22 x 34) inches. It should be noted that the map prepared for the design review plat may also be used for the final subdivision plat, and therefore,

should be drawn on reproducible Mylar in ink. Three (3) copies of the specific plats shall be submitted to the Board. The following drafting requirements apply to the plat:

- (A). Location of property with respect to surrounding property and streets, the names of all abutters and the names of adjoining streets.
- (B). Location, bearings to the nearest minute, and dimensions of all boundary lines of the property to be expressed in feet and hundredths of a foot.
- (C). Location of existing streets, easements, water bodies, streams, and other pertinent features such as wetlands, railroads, buildings, parks, cemeteries, drainage ditches and bridges.
- (D). Location and width of all existing and proposed streets and other public ways, and easements and proposed driveways, street rights-of-way and building set-back lines.
- (E). Locations, dimensions, and areas of all proposed lots.
- (F). Location, dimensions and area of all property proposed to be set aside for park or playground use, open space, or other public or private reservation, with designation of the purpose thereof, and conditions, if any, of the dedication or reservation.
- (G). Name, address and signature of the owner of land to be subdivided, and the name, address and seal of the land surveyor, engineer or landscape architect.
- (H). Date of the map, true north point, scale and title of the subdivision.
- (I). Location and type of all proposed and existing monuments.
- (J). Names of the subdivision and all new streets as approved by the Planning Board.
- (K). Indication of the use of any lot and all uses other than residential proposed by the applicant, where permitted by the Zoning Ordinance.
- (L). Blocks shall be consecutively numbered or lettered in alphabetical order. The blocks in numbered additions to subdivisions bearing the same name shall be numbered or lettered consecutively throughout the several additions.
- (M). All lots in each block shall be consecutively numbered. Large remaining parcels, to be subdivided in the future, shall be lettered in alphabetical order within each block.
- (N). Proposed location of all soil test pits, test borings, and percolation

test pits.

(O). All information required for the Survey Phase shall also be shown on the preliminary plat and shall be accurately represented.

(P). Existing topography of the land to be subdivided at the following intervals:

Grade	Contour Intervals
0-2	2 foot plus spot elevations
2+%-5%	2 foot
5+%	10 foot

All low points, high points and other areas needing spot elevations should be shown. Contours shall be shown in dashed lines. All topography is to be obtained by field survey.

(Q). Soils types and boundaries based upon an on site survey or Soil Conservation Service data. Soil boundaries shall be shown by dotted lines.

(R). Full legal descriptions of the drainage easements, site easements, rights-of-way, covenants, reservations, or other restrictions shall accompany the preliminary plat with notations of each on the preliminary plat.

(S). A title block to be located in the lower right-hand corner.

(T). Lot numbering shall be such that new lots are numbered sequentially as extensions from the parent lot. Letters shall not be used. The lot from which the subdivision evolved shall maintain the original lot number.

(U). Location, dimension, and areas of all proposed or existing stump burial sites.

The lack of information under any item specified herein, or improper information supplied by the applicant, shall be the cause of disapproval of a preliminary plat.

(2). Other Items for Submittal in Design Review Phase:

(A). A vicinity map at the town map scale showing the location of the subdivision in relation to surrounding streets and development.

(B). Whenever the design review plat covers only a part of an applicant's contiguous holdings, the applicant shall submit, at the scale of no more than two hundred (200) feet to the inch, a survey of the proposed subdivision area, together with its proposed street system, and lot layout, and an indication of the probable future street system, drainage system, and lot layout of the remaining portion of the tract. This requirement may be waived at the sole

discretion of the Board.

- (C). A statement signed and sealed by a New Hampshire licensed land surveyor attesting to the accuracy of the plan and a survey closure of better than 1 in 10,000.
- (D). Photographs, if required by the Planning Board. Camera locations and direction of view shall be submitted.
- (E). When submitted to the Planning Board, the Design Review Plan shall be accompanied by any other studies the Board may deem necessary or desirable to protect and assure the health and safety of the citizens of Auburn, including the future occupants of such subdivision, whether residential, commercial or industrial.

3.06 Final Review Phase

The Final Review Phase is required for all Minor and Major Subdivision Applicants. The process for completion of the Final Review Phase is set forth below:

1. Formal Application Required: To commence the Final Review Phase, all applicants are required to complete the Final Review Phase Application Form, as applicable to the Subdivision, in accord with the Checklist for such applications. The application forms and checklists for same are set forth in the Appendix to these Regulations, are available at the Town Offices, and may, at the Planning Board's discretion, be available on the Town website. The submission of a formal application shall include a final subdivision plan, the recordable Mylar, four (4) copies of all specific plats, and any required information delineated in Section 3.03(2) for the Preliminary Conceptual Consultation Phase, Section 3.05 for the Design Review Phase, Section 3.07 for the Final Review Phase, as well as any submission requirements set forth in Articles 5 or 6 of these Regulations. The Planning Board may require that the application and supporting documents be submitted in electronic format in addition to the hard copy versions. The application shall include the names and addresses of the applicant and all abutters as such are indicated in the Town of Auburn records not more than five (5) days before the day of filing. Abutters shall also be identified on any plat submitted to the Board. Formal acceptance of a completed Final Review Application shall occur at a duly noticed public meeting of the Planning Board, as set forth below.
2. Costs: The subdivision applicant shall bear all costs of providing all necessary notices, design reviews, studies, reports, engineering review, traffic studies, environmental impact studies, and legal review required by the Planning Board throughout the Final Review Phase. The applicant may be required, at the discretion of the Board, to establish a separate escrow account to pay for such costs in accordance with Section 1.06 of these Regulations.
3. Filing Deadlines: The completed application, all application fees, notice fees and other fees required under these Regulations shall be filed with the Planning Board Secretary not less than twenty-one (21) days prior to the public meeting at which the application will be submitted to the Planning Board.

4. Notice: Notice shall be given in accordance with the requirements of Section 3.10 of these Regulations.
5. Acceptance at Public Meeting: The completed Final Review application must be submitted to the Planning Board at a duly noticed public meeting. The Board will determine whether to accept the Final Review application as complete, or, alternatively, to deny the application as incomplete. The Planning Board shall be the sole authority to determine whether an applicant has met all the necessary requirements as set forth in these Regulations and has submitted a complete application. The Board shall look to these Regulations, the application form, and the Checklist to determine whether or not an application is deemed to be sufficient for the Board to accept the application and proceed to the Final Review Phase. The Board may elect not to accept an application for commencement of the Final Review Phase for any of the following reasons:
 - (A). The application is incomplete;
 - (B). The applicant has not paid all necessary fees;
 - (C). Notice of the hearing has not been properly given;
 - (D). The property(s) which is the subject of the application is involved in litigation and the outcome of such litigation may materially affect the decision of the Planning Board;
 - (E). The proposed subdivision does not meet the requirements of the Zoning Ordinance for the Town of Auburn. The Board may accept the application if a variance or special exception request is pending before the Zoning Board of Adjustment and the Board has requested that the Planning Board act first on an application. Any Planning Board action in such an instance shall be conditioned upon any necessary Board of Adjustment action;
 - (F). The applicant is in default on a plat approved previously by the Planning Board.
6. Rejection of Application: In the event that the Board declines to accept an application, it shall provide the applicant with a written statement of reasons for the rejection. The basis for the Board's decision shall be reflected in the minutes of the meeting at which the decision was made.
7. Receipt: The Planning Board shall furnish the applicant with a printed receipt indicating the date on which the application was submitted to, and accepted by, the Planning Board. The official submission date for all relevant time periods shall be the date recorded upon the receipt acknowledging acceptance of the completed application.

3.07 Submission Requirements for Final Review Phase

In addition to submitting a fully completed Application Form and Checklist, the applicant shall submit a final subdivision plan, a recordable Mylar, four (4) copies of all specific plats, all information required for the Preliminary Conceptual Consultation Phase and the Design Review

Phase, and the following information for consideration by the Planning Board.

1. Final Plat: The final plat shall be prepared by a licensed land surveyor, engineer or landscape architect in pen on Mylar and shall show all the information required for the preliminary consultation phase plan and design review plat. The final plat shall also show the following:

- (A). The location, bearings to the nearest minute, and dimensions to the nearest hundredth of a foot of all lot lines and areas of all proposed or existing lots;
- (B). Any and all changes requested in the preliminary plat;
- (C). Form for endorsements by the Planning Board as follows:

Under the provisions of R.S.A. 674:37, approval is granted by the AUBURN PLANNING BOARD, in accordance with the vote of the Board dated _____. Approval of this plat is limited to lots as shown: _____.

Chairman

The endorsement shall be located in the lower right hand corner of the final plat above the title block.

2. Other Requirements:

- (A). The applicant shall also submit all information and certification of approval required by any state agency.
- (B). The applicant shall submit revised construction plans reflecting any changes in accord with Section 7.05.
- (C). The applicant shall submit a key map drawn at the same scale as the Town of Auburn's tax map in an electronic format and on hard copy, which covers the impacted parcel(s) and proposed features.

The lack of information under any item specified herein, or improper information supplied by the applicant, shall be the cause of disapproval of a final plat.

3. Additional Requirements for Major Subdivisions:

In addition to the requirements set forth in section 3.07(1) and (2), the following additional requirements shall apply to major subdivisions.

- (A). General: Construction plans shall be prepared for all required improvements. Map sheets shall be of the same size as the Design Review plat. The following shall be shown:
 - (i). Plans – Plans shall be drawn at a scale of no more than one (1) inch equals fifty (50) feet.

--All areas to be disturbed for construction of streets, drainage ways, and structures, sewer, water and electric lines, erosion and sediment control structures, and other areas to be disturbed for the construction of improvements shall be made showing: existing topography shown in dashed lines and proposed contours shown in solid lines, at a contour interval no greater than two (2) feet plus spot elevations;

--Soil types and boundaries shown in dotted lines;

--Existing tree lines and proposed trees and all other plantings;

--Edge of all paved areas;

--Location and size of all structures, piping and other materials;

--Center line stationing of all proposed streets at fifty (50) foot intervals;

--Location of all adjacent lot lines with the lot numbers of each lot taken from the appropriate preliminary or final plat.

- (ii). Profiles - Profiles of all proposed streets, showing existing and proposed elevations along the center lines of all proposed streets, and all structures, piping, and other materials. Profiles shall be drawn at a scale of one (1) inch equals fifty (50) feet horizontal scale and one (1) inch equals five (5) feet vertical scale.
- (iii). Cross-Sections - Cross-sections of all proposed streets at one hundred foot stations and at all catch basins or culverts showing the streets and all areas to be disturbed for the construction of all proposed streets, existing grades, proposed sub-grades, proposed final grades, and all utilities and other structures.
- (iv). Details - Construction details of all streets, driveways, curbing, sidewalks, drainage structures, sediment and erosion control structures and any other required improvements shall be shown at a convenient scale.
- (v). Erosion and Sediment Control - Plans and other information indicating how increased runoff, sedimentation, and erosion shall be controlled during and after construction of required improvements shall be prepared and submitted in accordance with the provisions of Article 10 of these Regulations.
- (vi). Phased Subdivision - When subdivision of any parcel occurs in two or more phases, an applicant shall present a design review level plan showing the proposed development of the entire parcel, including sufficient information to properly engineer all of the phases. This shall include drainage calculations, road layout, erosion and sedimentation control and proposed utilities.

3.08 Time Table for Final Review Phase

1. Acceptance of Final Review Application: The Planning Board shall determine if a submitted Final Review Phase application is complete according to the Board's Regulations, and shall vote upon acceptance of the completed application within thirty (30) days following the submission of the completed application to the Planning Board Secretary, or at the next regular meeting for which notice can be given in accord with the requirements of these Regulations and N.H. R.S.A. 676:4, I (b).
2. Rejection of Incomplete Applications: If the Board determines that a submitted application is incomplete, the Board shall notify the applicant of its determination in accord with N.H. R.S.A. 676:3, and said determination shall describe the information, procedure or other requirement necessary for the application to be complete.
3. Vote to Approve/Deny Application: After the Board has voted to accept a Final Review Phase application as complete, the Board shall begin formal consideration of the application, and shall act to approve, conditionally approve, or disapprove the application within sixty-five (65) days after submission and acceptance of the application, subject to extension or waiver as set forth below. The Board may, in its discretion, vote to approve or deny a Final Review Phase application at the same public meeting during which it voted to accept the application.
4. Selectmen's Order: Upon failure of the Board to approve, conditionally approve, or disapprove the application, the Selectmen shall, upon request of the applicant, immediately issue an order directing the Board to act on the application within thirty (30) days. If the Planning Board does not act on the application within that thirty (30) day time period, then within forty (40) days of issuance of the order, the Selectmen shall certify on the applicant's application that the plat is approved pursuant to this paragraph, unless within those forty (40) days the Selectmen have identified in writing some specific Subdivision Regulation or Zoning or other Ordinance provision with which the applicant does not comply. Such certification, citing this paragraph, shall constitute final approval for all purposes, including filing, recording and court review.
5. Court Order: Failure of the Selectmen to issue an order to the Planning Board as described above, or to certify approval of the plat upon the Planning Board's failure to comply with the order, shall constitute grounds for the Rockingham County 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 or other Ordinances.
6. Extension of Final Review Phase: In those circumstances where the Planning Board determines that it requires an extension of time within which to approve or disapprove of an application, it may apply to the Selectmen for an extension of time for the Final Review Phase, not to exceed an additional ninety (90) days.
7. Waiver of Final Review Phase Deadline: An applicant may waive the requirements for Planning Board action within the time table set forth above, and

may consent to any such extension as may be mutually agreeable between the Planning Board and the Applicant.

3.09 (Reserved)

3.10 Notification of Application Submission and Public Hearings

1. Public hearings shall be required when the Board is considering a lot line adjustment, or engaging in the Design Review Phase or Final Review Phase of a minor or major subdivision. The public hearing may be held at the meeting at which the application is submitted and accepted.
2. Public hearings shall not be required when the Board is engaged in the Preliminary Conceptual Review Phase or is considering or acting upon disapproval of applications as incomplete for procedural reasons, such as failing to include abutter information, failing to meet reasonable deadlines established by the Board, or failing to pay costs of notice or other fees required by the Board.
3. The Planning Board shall notify the abutters, holders of conservation, preservation, or agricultural preservation restrictions, the applicant, and every engineer, architect, land surveyor, or soil scientist whose professional seal appears on any plat submitted to the Planning Board, by certified mail, of the date upon which the application will be formally submitted to the Board. For those proposals near rivers and streams and downstream of a dam, the Planning Board shall also notify the owners of the upstream dam and the N.H. Department of Environmental Services Dam Bureau by certified mail. Notice shall be mailed at least ten (10) days prior to the submission at a public hearing.
4. Notice to the general public shall also be given at the same time as the notice described in the proceeding paragraph, by posting the mailed notice in two public places.
5. For any public hearing on the application, the same notice as required for notice of submission of the application shall be given. If notice of a public hearing has been included in the notice of submission or in any prior notice, additional notice of that hearing is not required, nor shall additional notice be required of an adjourned session of a hearing with proper notice, if the date, time and place of the adjourned session was made known at the prior hearing.
6. All costs of notice, whether mailed, posted or published, shall be paid in advance by the applicant. Failure to pay such costs shall constitute valid grounds for the Planning Board to terminate further consideration and to disapprove the plat without a public hearing.

3.11 Developments of Regional Impact

1. Applicability: In accordance with N.H. R.S.A. 36:54 – 36:58, the Planning Board shall determine whether a subdivision application may reasonably be construed as having potential regional impact that would require additional notice under State law. Applications for lot line adjustments and for minor subdivisions shall not, absent extraordinary circumstances, be considered developments that may have

regional impact. Doubt concerning whether a subdivision application, if approved, may have regional impact, shall be resolved in favor of a determination that the proposed subdivision shall have the potential for regional impact.

2. Determining Factors: Determination of potential regional impact may result from a number of factors, including, but not limited to, the following:
 - (A). Relative size or number of dwelling units as compared with existing stock in the Town of Auburn;
 - (B). Proximity to the borders of a neighboring community;
 - (C). Affect upon, or availability of, transportation networks;
 - (D). Anticipated emissions such as light, noise, smoke, odors or particles;
 - (E). Proximity to aquifers or surface waters which transcend the boundaries of the Town of Auburn; and/or
 - (F). Shared facilities such as schools and solid waste disposal facilities.
3. Procedure: Upon a Planning Board determination that a proposed subdivision has a potential regional impact, the following procedures shall apply:
 - (A). The Southern New Hampshire Regional Planning Commission and the affected municipalities shall have the status of abutters as defined in N.H. R.S.A. 672:3 for the limited purpose of providing notice and giving testimony at Planning Board hearings.
 - (B). No later than five (5) business days after making a determination that a proposed subdivision has potential regional impact, the Planning Board shall provide to the Southern New Hampshire Regional Planning Commission and the affected municipalities, by certified mail, copies of the minutes of the meeting(s) at which the determination was made. The Planning Board shall simultaneously provide the Southern New Hampshire Regional Planning Commission with an initial set of plans provided by the applicant, the cost of which shall be borne by the applicant.
 - (C). At least fourteen (14) days prior to the public hearing on an a subdivision application having potential regional impact, the Planning Board shall notify, by certified mail, all affected municipalities and the Southern New Hampshire Regional Planning Commission of the date, time and place of the hearing, and of their right to testify concerning the development.
4. Building Permits: Notwithstanding the provisions of the preceding Sections 3.11(1) – (3), when the Auburn Building Inspector determines that a use or structure proposed in a building permit application will have the potential for regional impact, and no such determination has previously been made by the Planning Board, he or she shall notify the Planning Board and the Board of Selectmen. The Building Inspector shall also notify the Southern New Hampshire

Regional Planning Commission and the affected municipalities, by certified mail, which shall be provided thirty (30) days to submit comments to the Auburn Planning Board, Board of Selectmen and/or the Building Inspector prior the issuance of the building permit.

ARTICLE 4 - SUBDIVISION APPROVAL PROCESS

4.01 Standards for Final Review and Approval or Disapproval

1. **General:** The Board may exercise its full statutory, common law, and regulatory discretion in approving or disapproving of a subdivision application. In reviewing a subdivision application, the Board shall consider the criteria generally outlined in N.H. R.S.A 674:36, any applicable Site Plan Regulations, any applicable provisions of the Zoning Ordinance, as well as the provisions, policies and purposes of these Subdivision Regulations.
2. **Reasons for Denial:** The Board may deny an application based on one or more of the following findings:
 - (A). The land is undesirable for platting purposes because of topography, flooding potential or adverse man-made development features.
 - (B). The subdivision as proposed would be premature insofar as it would involve danger or injury to health, public safety, or prosperity by reason of the lack of water supply, drainage, transportation, schools, fire and emergency services, or other public services, or would necessitate an expenditure of public funds for the supply of such services.
 - (C). The applicant has not secured all applicable approvals and or permits from the Town, the State, or other governmental authorities, or the applicant has been denied a necessary permit from the Town, the State, or other governmental authority.
 - (D). The proposed streets within the subdivision are not coordinated with other existing or planned streets or with the Official Road Map of the Town of Auburn.
 - (E). The proposed streets are not suitably located and of sufficient design to accommodate access of emergency equipment or to facilitate evacuation of the area.
 - (F). The proposed subdivision is not in conformance with the Town of Auburn Zoning Ordinance or any other Town Ordinances that may apply.
 - (G). In any Cluster or Planned Unit Development, the method of ownership and maintenance of the proposed open spaces is not adequate to protect the public interests.
 - (H). The proposed subdivision would have a significant impact on the environment of the site or surrounding area in terms of water quality, storm drainage, air quality, wetland protection, or other adverse physical impact (such as erosion, sedimentation and similar impacts).
 - (I). The application is incomplete, notice has not been properly given, fees have not been paid, escrowed sums or required bonds have not been

satisfactorily tendered, requested materials necessary for review have not been submitted, or required reports or studies are incomplete.

- (J). The proposed subdivision is inconsistent with the policies, objectives, or spirit and intent of these Regulations or the criteria outlined in N.H. R.S.A. 674:36.
- (K). The applicant is in default on a plat approved previously by the Planning Board.

4.02 Written Decisions and Filing Requirement

1. All decisions resulting from the Final Review process shall be in writing. Whenever the Board issues a written decision, the decision shall be placed on file in the Board's Office and shall be made available for public inspection within five (5) business days after the decision is made.
2. The minutes of the Board shall also be posted in the Town Offices within five (5) business days after all meetings of the Board and all minutes shall be available for reasonable review, copying (at a reasonable fee), and inspection by the public.
3. In the event an application is denied as incomplete according to the Board's Regulations, the Board shall notify the applicant in accord with N.H. R.S.A. 676:3 in a written decision which sets forth the areas in which the application has been deemed to be incomplete. The basis of the Board's decision shall be set forth in both the notice of decision and in the minutes of the Board in accord with N.H. R.S.A. 676:4.
4. In cases of disapproval, the Board shall issue a written decision to the applicant which shall state the reasons for disapproval. The basis of the Board's decision shall be set forth in both the notice of decision and in the minutes of the Board in accord with N.H. R.S.A. 676:4.

4.03 Approval, with Conditions

1. Approval, with Conditions: (conditions subsequent). The Planning Board may grant approval, with conditions, of a subdivision 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. The Board Chairperson will have authority to sign the final mylar in such cases, upon completion of the stated conditions. Final approval of a plat or application may occur in the foregoing manner only when the conditions imposed are the following types:
 - (A). 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;
 - (B). Conditions which are in themselves administrative and which involve no discretionary judgment on the part of the Board;

- (C). Conditions with regard to the applicant's possession of permits and approvals granted by other boards or agencies, or approvals granted by other boards or agencies.
- 2. Time Limit: In granting an approval, with conditions, the Board may specify in its action the time period within which such approval shall be considered valid. If the conditions for approval have not been met by the deadline set by the Board, then the approval shall lapse.
 - (A) Extension: If there have been no amendments to the Auburn Zoning Ordinance or Subdivision Regulations which would make the application non-conforming, the Board may grant a reasonable extension of the time period for completing the conditions of approval, not to exceed an additional ninety (90) days per extension.
- 3. Deed Restrictions:
 - (A). Where conditions imposed by the Board will run with the land, the Board may require that deed restrictions be placed on the property in order to carry out the condition(s).
 - (B). The Planning Board may require that Town Counsel approve the form of the deed, including any language pertaining to restrictive covenants with regard to the preservation of wetland buffers, vegetative buffers, or other restrictive covenants imposed by the Board as a condition of approval.
 - (C). Conservation Restrictions: In accordance with N.H. R.S.A. 674:21-a, any open space designation or other development restriction which is part of a cluster development, or which is lawfully imposed by the Planning Board as a condition of subdivision approval, and which has been filed in the records of the Planning Board, shall be deemed to create a conservation restriction as defined in R.S.A. 477:45, I, which shall run with the land, and shall be enforceable by the Town of Auburn, or by the owner of any property which would be specially damaged by the violation of such restriction, regardless of whether any deed or other instrument conveying such restriction has been executed or recorded. An applicant's statement of intent to restrict development, submitted with or contained in an approved subdivision application, shall be deemed a condition of the approval.
- 4. Compliance Hearing:
 - (A). The Board shall specify whether a compliance hearing will be held as part of its action in issuing any approval with conditions.
 - (B). The Notice requirements of Section 3.10 shall apply to any such compliance hearing.
 - (C). Abutter's Interests: If the completed application is approved with one or

more conditions which are to be fulfilled prior to final approval, and which may, in the opinion of the Board, pertain to abutting interests, the Board shall hold a compliance hearing to determine whether the Applicant has complied with the conditions before issuing a final approval.

4.04 Conditional Approval

1. The Planning Board may, by vote, grant a conditional approval of a subdivision plat or application. A conditional approval is not a final subdivision approval, as it is contingent upon the completion of specific tasks or items required for final approval. Until all the requirements for an approval have been met, a conditional approval does not constitute, nor shall it be construed as approval, either implied or granted, of the subdivision plat. A conditional approval does not bind the Planning Board to approval of the final subdivision plat. A conditional approval requires that the applicant return to appear before the Planning Board in a public hearing for final subdivision approval in order to ensure that the applicant has complied with the conditions precedent to approval.
 - (A). Time Limit: Unless otherwise specified within the approval, the applicant shall have ninety (90) days from the date the Board votes to conditionally approve the application, to comply with the conditions of the approval and have the plan signed by the Board. If the conditions are not met within ninety (90) days, the conditional approval shall lapse, unless a mutually agreeable extension has been granted by the Board.
 - (B). Extension: If there have been no amendments to the Auburn Zoning Ordinance or Subdivision Regulations which would make the application non-conforming, and if all other required permits are still valid, the Board may grant a reasonable extension of the time period for completing the conditions of approval, not to exceed an additional ninety (90) days.

4.05 Recording of Final Plan and Time Period for Submitting Final Mylar

1. An approved subdivision plat shall be recorded with the Registry of Deeds of Rockingham County prior to any sale, lease or transfer of land within the subdivision or prior to the issuance of any building permits for erection of a structure in the proposed subdivision. The final written decision of the Planning Board approving the subdivision application and plat, including all conditions of approval, shall be recorded with or on the plat.
2. The applicant shall provide a final Mylar plan for signature by the Chairman of the Planning Board within one hundred eighty (180) days of approval by the Board or, where applicable, within one hundred eighty (180) days of meeting any conditions of approval.
3. No plat shall be filed or recorded until it has been approved and endorsed by the Planning Board in writing on the plat. All approved and endorsed plats shall be recorded by the Planning Board's designee. The Planning Board's designee shall record the approved and endorsed plan in the Office of the Registry of Deeds for Rockingham County and shall notify the Board in writing of the Plan Number and filing date within thirty (30) days of signing.

4. Approval of a final plan shall lapse if such plan is not recorded in the Rockingham County Registry of Deeds within one hundred eighty five (185) days from the date of the Notice of Decision of Subdivision Approval, unless, upon written request, the Planning Board extends the time limit for recording.

ARTICLE 5 - GENERAL DESIGN REQUIREMENTS

5.01 Character of Land for Subdivision

All land to be subdivided shall be, in the judgment of the Board, of such a character that it can be used for building purposes without danger to public health or safety, or to the environment. Land subject to periodic flooding, poor drainage, or other hazardous conditions shall not ordinarily be subdivided. Land with inadequate capacity for sanitary sewage disposal shall not be subdivided unless connected to public sewers. Additionally, all lots shall have a minimum of one contiguous acre of dry land.

5.02 Conformity to Zoning Ordinance and Master Plan

All subdivision plans shall conform to the Zoning Ordinance of the Town of Auburn and to the Subdivision Regulations herewith prescribed. Subdivision plans shall be guided in their layout by any comprehensive plans the Planning Board may have adopted covering the area involved, before receiving final approval.

5.03 Scattered or Premature Development

1. **Purpose:** The purpose of this section is to provide against such scattered or premature subdivision of land as would involve danger or injury to health, safety, or prosperity by reason of the lack of water supply, drainage, transportation, schools, fire department, or other public services, or necessitate an excessive expenditure of public funds for the supply of such services. Therefore, the Planning Board shall not allow such scattered or premature subdivision of land to take place unless the applicant shows:
 - (A). Through studies approved by the Planning Board and conducted at the expense of the applicant, that the type and/or scope of the proposed subdivision is neither scattered nor premature; and/or
 - (B). Through both on and off-site improvements made at the expense of the applicant, that the scattered or premature nature of the subdivision is overcome by remedial action by the applicant.
2. **Causes:** The following items shall be considered in determining whether the proposed subdivision is scattered or premature, and the applicant may be required to have studies performed under guidelines established by the Planning Board to determine the effect that the proposed subdivision may have on:
 - (A). Distance from nearest elementary school;
 - (B). Capacity of school system and effect on school bus transportation;
 - (C). Adequacy of access street(s) and/or sidewalk(s);
 - (D). Adequacy of water supply for domestic and fire-fighting purposes;
 - (E). Potential health problems due to on-site sewage systems and water supply;

- (F). Potential fire protection problems due to location and/or special conditions relative to type of use;
 - (G). Potential special policing problems;
 - (H). Potential drainage problems both on the site and offsite;
 - (I). Excessive expenditure of public funds; and
 - (J). Other potential problems within the meaning or the purpose of this section, as stated in Section 5.03(1), above.
3. Improvements: If it is determined by the Planning Board that the proposed subdivision is scattered or premature unless special on and off site improvements are made, the Planning Board may require the applicant to make said improvements prior to, or as condition of, approval of the subdivision. These improvements may consist of, but not be limited to, the following:
- (A). Improve any access street to the subdivision to the appropriate street standards if such access would otherwise be inadequate, provided the Town owns or provides the right-of-way;
 - (B). Extend the public water and/or sewer system(s) if either or both are within 3,000 feet of the subdivision, provided that the subdivision serves or potentially can serve twelve (12) or more lots;
 - (C). Build or reconstruct sidewalks on any access streets where potential increase in pedestrian traffic will occur, provided the Town owns or provides the right-of-way;
 - (D). Construct static water supplies, (fire ponds) with dry hydrants, fire cisterns, or other systems for fire protection; and
 - (E). Provide traffic signals at intersections and/or rebuild intersections in the immediate area of the proposed subdivision, if such intersection would otherwise be inadequate, provided the Town owns or provides the right-of-way.
4. Phasing of Subdivisions: As an alternative to performing the studies and/or making improvements as required by this section, the applicant may propose to develop the subdivision in stages. This may be approved by the Planning Board if the Town and/or School District have plans to make public improvements, and a schedule to implement these improvements so that the various phases of the subdivision will not take place until the relative public improvements are scheduled. However, under no circumstances may phasing be used to avoid the end result of a premature or scattered subdivision.

5.04 Required Certification

The applicant shall certify before any plat is approved by the Board that all arrangements have

been made with the appropriate governmental agencies, private utilities and others, including Town departments, to provide and install, in the manner customary in the Town, all usual and necessary utilities and services to each of the lots in the subdivision, unless otherwise exempted by the Planning Board.

5.05 Erosion Control

The applicant shall provide adequate control of stormwater and erosion and sedimentation control of both a temporary and permanent nature, in accordance with the provisions of Article 10, during all phases of clearing, grading and construction.

5.06 Reserved Strips

No privately owned reserved strip, except an open space area, shall be permitted which controls access to any part of the subdivision, or to any other parcel of land from any street, or from any land dedicated to public use, or which may be so dedicated.

5.07 Preservation of Existing Features

1. Existing features, which would add value to the subdivision, such as trees, watercourses, falls, brooks, historic buildings, historic spots and similar irreplaceable assets, shall be preserved in the subdivision to the greatest extent possible. Use of the services of professional land planners and or landscape architects to meet the intent of this section is strongly encouraged.
2. Land shall be subdivided and improved in reasonable conformity to existing topography in order to minimize grading, cutting and filling, and in order to retain the natural contours, limit storm water run off and conserve the natural cover and soil. After a preliminary layout has been submitted to the Auburn Planning Board, no topsoil, sand or gravel shall be removed from the subdivision for any other purpose than to meet construction needs for that particular subdivision, or to meet any requirements of these Regulations.
3. The smallest practical area of land should be disturbed at any one time during development. When land is disturbed during development, the disturbance should be kept to the shortest practical period of time. Land should not be left disturbed during the winter months. Where necessary, temporary vegetation or mulching and structural measures may be required by the Town to protect areas disturbed during the development. Sediment basins shall be installed and maintained during development to remove sediment from run off water from land undergoing development. Where possible, natural drainage ways should be utilized and left open to remove excess surface water. Permanent final vegetation and structures should be installed as soon as practical.
- (4). Stormwater management and erosion and sedimentation control measures shall be addressed in accordance with the provisions of Article 10 of these Subdivision Regulations.

5.08 Cluster Development Project Review

The Planning Board shall ascertain that the plan minimizes the encroachment of the cluster

development upon neighboring land uses. In addition to the cluster development regulations set forth in the Zoning Ordinance and the subdivision review criteria set forth in these Regulations, the review of any cluster development conducted by the Planning Board under these Regulations shall ascertain that adequate provisions have been made by the owner or his or her authorized agent for the following:

1. Traffic circulation and access, including adequacy of adjacent streets, entrances and exits, traffic flow, sight distances, curb cuts, turning lanes, and existing or recommended traffic signals;
2. Pedestrian safety and access;
3. Off-street parking and loading;
4. Emergency vehicle and school bus access;
5. Storm water drainage based upon a minimum of fifty (50) year storm frequency, utilizing on-site absorption and or positive out-fall;
6. Recreation facilities;
7. Water supply and wastewater disposal;
8. Environmental factors such as protection against pollution, noise, odor, and the protection of natural features;
9. Landscaping in keeping with the general character of the surrounding areas;
10. Signing and exterior lighting; and
11. Submission of proposal along with abutting property owners' names and addresses shall be in accordance with the Town of Auburn Subdivision Regulations in order to provide for timely notification to abutters of public hearing to review said proposal.

ARTICLE 6 - GENERAL SUBMISSION REQUIREMENTS

6.01 Regulatory Approvals and Additional Reviews

1. The Auburn Planning Board may require written copies of decisions relative to the proposed subdivision made by, but not limited to:
 - (A). The New Hampshire D.E.S., Water Division;
 - (B). The New Hampshire D.E.S., Dredge and Fill Commission;
 - (C). The New Hampshire D.E.S., Water Resources Board;
 - (D). The Rockingham County Soil Conservation District;
 - (E). The Auburn Zoning Board of Adjustment; and
 - (F). Any other state, federal, municipal, or county agency.
2. The Auburn Planning Board, in its sole discretion, may refer any subdivision plan or component of a subdivision plan for additional review and comment by the School District and/or any other department or commission of the Town prior to approval.

6.02 Acceptance of Dedication Offers

Acceptance of formal offers of dedication of streets shall occur in accordance with N.H. R.S.A. 674:40-a. Acceptance of public areas and parks shall comply with New Hampshire statutes governing municipal acceptance of land. The approval by the Planning Board of a subdivision plat shall not be deemed to constitute or imply the acceptance by the Board of Selectmen or the town of any street, right-of-way, easement or park shown on said plat. The Planning Board may require said plat to be endorsed with appropriate notes to this effect.

6.03 Soil Tests

Where private individual sewage systems are proposed, the subdivider shall perform soil tests and design all proposed on-site sewage systems meeting the minimum specifications and having the written approval of the New Hampshire Department of Environmental Services, and the Town of Auburn, if a local sanitary code exists, regulating on-site sewage systems. At the Planning Board's discretion, additional tests, including a hydro-geologic study, may be required to assure that an on-site septic system is adequate to protect groundwater and the public health.

6.04 Access Driveway

Any access driveway and street shall be approved by the State Department of Public Works and Highways, or the Town of Auburn, as may be applicable, and such written approval shall be provided to the Planning Board.

6.05 Assurances from Applicant

A written acknowledgment of the applicant's responsibility for maintenance, and the assumption by the applicant of liability for injuries and damages that may occur on any land to be dedicated for public use until such land has been legally accepted by the Town, shall be submitted.

6.06 Availability of Other Utilities

The applicant shall submit a statement from telephone and electric utilities stating that service will be furnished and that arrangements have been made for installation of these utilities according to the submitted plat. If the applicant has any financial liability for the installation of these utilities, it shall be included as part of the performance guarantee.

6.07 Other Requirements: Easements, Rights-of-way; Covenants and Conveyances

Where applicable to a specific subdivision, the following are required, in form as approved by the Town Attorney, prior to final approval of a subdivision plat:

1. Agreement to convey to the Town land to be used for streets and other public purposes, with transfer of title to such interests to be effective on such date as the Town accepts such land;
2. Easements and rights-of-way over property to remain in private ownership;
3. A copy of proposed covenants or deed restrictions as may be intended to apply to the property in whole or in part;
4. Rights to drain onto or across other property, whether public or private, including a street; and/or
5. Conservation easements for the benefit of the Town.

ARTICLE 7 - CONSTRUCTION OF IMPROVEMENTS

7.01 Pre-Construction Conference

1. **Required:** Prior to performing any site activity, the applicant shall participate in a pre-construction conference with designated representatives of the Town. An authorized representative(s) of the owner or developer shall attend the conference. The Town of Auburn Building Inspector, Town Engineer and any other representative of the Town, or professional retained by the Town, whose input the Planning Board may desire, shall attend the conference.
2. **Start and Completion Dates:** During the pre-construction conference, the owner or developer shall inform the Town's representatives of the date on which the work shall commence and the date upon which the work shall be completed.
3. **Engineer's Approval:** Prior to performing any site activity, the Planning Board must receive the approval of the Town engineer, or other Board designee, that the results of the pre-construction conference are satisfactory given the terms of the Board's subdivision approval, and the requirements of these Regulations, as well as any applicable State, Federal or Town statutes, ordinances or regulations.

7.02 Improvements

1. All costs of required improvements shall be borne by the applicant unless specifically required to be borne by others.
2. The applicant is responsible for the satisfactory installation of all required improvements and maintenance of these improvements in a condition satisfactory to the Town without any cost to the Town, unless and until the improvements are accepted by the Town.
3. The Board may require that the Applicant enter into a Subdivision Improvement Agreement related to the timing of public improvements to private development, to minimize hardships and other adverse effects which might arise from unanticipated delays in completion of all required improvements. Failure to comply with the terms of such an agreement may be considered as failure on the part of the applicant to provide the required improvements, and may be considered adequate grounds for action against the applicant's performance guarantee in order to guarantee the proper completion of the required improvements.
4. All applicants shall be required to complete, in accordance with the Planning Board's decision and to the satisfaction of the Town Engineer and Board of Selectmen, all the street, sanitary, and other improvements of the subdivision as required in these Regulations, specified in the final plat and the construction plans set forth in these Regulations, and as approved by the Planning Board, and to dedicate the same to the Town of Auburn, free and clear of all liens and encumbrances on the property and public improvements thus dedicated.

5. Temporary Improvements: The applicant shall build and pay for all costs of temporary improvements required by the Planning Board and shall maintain same for a time period specified by the Planning Board. Prior to construction of any temporary facility or improvement, the developer shall file with the local Board of Selectmen a separate suitable performance guarantee, in accordance with the requirements of Article 8, for temporary facilities, which performance guarantee shall insure that the temporary facilities will be properly constructed, maintained, and removed.
6. Inspection of Improvements: The Planning Board shall provide for the inspection of required improvements during their construction. The Planning Board may delegate the responsibility for such inspections to the Town Engineer, Building Inspector or Town Road Agent, as the Planning Board sees fit. If, upon inspection, it is determined that any of the required improvements have not been constructed in accordance with the Planning Board's construction standards and specifications, the applicant shall be responsible for completing or correcting the improvements. Wherever the cost of improvements is covered by a performance guarantee, the applicant and the bonding or surety company shall be jointly and severally liable for completing the improvements according to the specifications. In such cases, the Board of Selectmen shall notify the applicant and, if necessary, the bonding company or escrow agent, and take all necessary steps to preserve the Town's rights under the performance guarantee. This action shall be without prejudice to any other enforcement action available to the Town.
7. Maintenance of Improvements: The applicant shall be required to maintain all improvements to and on the individual subdivided lots and to provide for snow removal on streets, until acceptance of said improvements by the Town. The local government may give twelve (12) hours notice of its intent to plow a street or effect emergency repairs and charge same to said applicant, and if such work is not completed by the applicant, may plow the street or effectuate emergency repairs, charging the same to the applicant or to the bond, as the Town sees fits.

7.03 Off-site and On-site Improvements

1. Approval of any Plat, either Design Phase or Final, shall, in all cases, be conditioned upon the applicant bearing the entire cost of designing and installing all on-site improvements, and such off-site improvements as bear a rational relationship to the needs created by the subdivision and the benefits which will be conferred upon the subdivision by the improvements.
2. Where off-site improvements will be required solely because of the existence of the subdivision, yet will benefit other land or extend beyond the subdivision, apportionment of the expenses between the Town, the applicant, and where appropriate, other applicants, shall be made by the Board. Such apportionment shall be based, in part, upon a consideration of:
 - (A). The standard which the Town presently applies to the construction and maintenance of other off-site improvements;

- (B). The use which it can be expected will be made of the off-site improvements by the subdivision, its residents or other applicants;
 - (C). The use which it can be expected that other residents of the Town will make of the off-site improvements; and
 - (D). The Town budget and Capital Improvements Plan for such improvements.
3. Should the Board decide that the Town's proportionate share of the cost of any off-site improvements could be met only by an excessive expenditure of Town funds, it may either refuse to approve the application, or approve the application on the condition that the subdivider volunteer to pay the Town's share as outlined in Section 7.03(2). In such cases, the Board shall issue a written decision to the applicant, stating the reasons for such action, and such decision shall be reflected in the minutes of the Planning Board meeting at which such decision was made.

7.04 Performance Guarantee Prior to Acceptance of Streets, Utilities, Other Improvements and Public Land

Before acceptance by the Town of any street, utility system or other improvement, the applicant shall provide a surety bond or escrow agreement, approved as to form by the Town Attorney, which shall be in the amount of at least ten (10%) percent of the cost of such improvement, and for a period of two (2) years to be payable to the Town, if the applicant does not correct any deficiency found or damage to any such improvement during this period.

7.05 Change of Design and Improvements

If at any time before or during the construction of the required improvements, it is demonstrated that unforeseen conditions make it necessary or preferable to modify the location or design of such required improvements, the Board may authorize changes, provided these changes are within the spirit and intent of the Board's approval, and do not extend to the modification or substantial alteration of the function of any improvements required by the Board. After a duly noticed public hearing, the Board shall issue a written authorization under this Section. Any authorized change shall be included on the official subdivision plat, and notice of the authorized change shall be transmitted to the Rockingham County Register of Deeds. No changes, erasures, modifications or revisions shall be made in any subdivision plat after approval has been given by the Board and endorsed in writing on the plat, except as herein provided. In the event that any such plat is recorded without complying with this requirement, the same shall be considered null and void, and the Board shall institute proceedings to have the plat stricken from the records of the Rockingham County Registry of Deeds, and may also revoke the subdivision approval.

7.06 Soil Test Pits, Boring and Percolation Test Pits

No soil test pits or borings, or percolation test pits shall be conducted without at least ten (10) days prior notice to the Planning Board and Building Inspector, as to their date and location within the proposed subdivision. The soil test pits, borings or percolation test pits shall be observed by the Building Inspector at a time convenient to his or her schedule.

ARTICLE 8 - PERFORMANCE GUARANTEE REQUIREMENTS AND PROCEDURES

8.01 Performance Guarantee Required

The Planning Board shall require that the applicant post a performance bond, escrow account, direct cash bond, cash security or other satisfactory security at the time of application for final plat approval. The amount of the performance guarantee shall be calculated by using the Table set forth in the Appendix, after consultation with the Town Engineer and approval by the Planning Board of an amount sufficient to secure to the Town of Auburn the satisfactory construction, installation, and dedication of the required improvements delineated in the construction plans or required by these Regulations, without cost to the Town. With respect to fire cisterns required by Section 9.14 of these Regulations, the required performance guarantee prior to the start of tank installation is \$80,000, increasing by 5% annually. The Planning Board may require that prior to construction of any temporary facility or improvement, the developer shall post a separate suitable performance guarantee pertaining to the completion of temporary facilities or improvements. Final approval of a plat will not be recorded at the Rockingham County Registry of Deeds until the applicant has either completed all of the improvements specified in the plan or filed a performance guarantee in compliance with the requirements of these Regulations.

8.02 Form

The performance guarantee shall comply with all statutory requirements and shall be satisfactory to the Planning Board and its Attorney as to form, sufficiency, and manner of execution. Direct cash bonds will be deposited by the Board of Selectmen in an interest-bearing savings account. The period within which required improvements must be completed shall be specified by the Planning Board in the resolution approving the final subdivision plat, shall be incorporated in the performance guarantee, and shall not in any event exceed two (2) years from the date of final plat approval. Such performance guarantee shall also be approved by the Board of Selectmen as to the amount, surety and conditions satisfactory to the Board of Selectmen. All performance guarantees shall include a self-calling provision, so that the security is automatically called in the event of non-performance by the applicant. The Planning Board may, upon proof of difficulty, and not neglect, recommend to the Board of Selectmen extension of the completion date set forth in such performance guarantee for a maximum period of one (1) additional year.

8.03 Renewal

All performance guarantees shall contain an automatic renewal clause. Renewal shall be the responsibility of the applicant. The performance guarantee must remain effective until the applicant has dedicated to the Town of Auburn all improvements specified in the final plat, free and clear of all liens and encumbrances.

8.04 Failure to Complete Improvements

When a performance guarantee has been posted and required improvements have not been installed within the terms and conditions of subdivision approval, the Board of Selectmen may thereupon declare the performance guarantee to be in default, and require that all improvements be installed regardless of the extent of the building development at the time the performance

guarantee is declared to be in default.

8.05 Release or Reduction of Performance Guarantee

1. Certificate of Satisfactory Completion: The Board of Selectmen and Planning Board will not accept dedication of required improvements, or release nor reduce a performance bond, until the Town Engineer has submitted a certificate stating that all required improvements have been satisfactorily completed, and until the applicant's engineer or surveyor has certified to the Town Engineer, through submission of a detailed "as built" survey plan of the subdivision, indicating locations, dimensions, materials, and other information required by the Planning Board or Town Engineer, that the layout of the line and grade of all public improvements and lot monuments is in accordance with the final plat and construction plans for the subdivision, that a title insurance policy has been furnished to and approved by the Planning Board, that all improvements are completed and ready for dedication to the Town of Auburn, and are free and clear of any and all liens and encumbrances. Upon such approval and recommendation, the Town may thereafter accept the improvements for dedication in accordance with the established procedure.
2. Roadway As-Built Plan Requirements: The applicant shall cause to have prepared, by a competent engineer and surveyor, as-built plans showing the location, invert, and top grade of all drainage structures and other underground public utilities, the centerline street grades on 50-foot stations, to the nearest 0.01 foot. These plans shall show all street centerline and ditch grades to the nearest 0.1 foot on 50-foot stations. The plans shall include the approved and the "as-built" elevations, locations, and inverts of all the roadway and utility infrastructure. This data for the as-built plan must be collected from a field survey and the date of the survey noted on the plan. The plan must be stamped by the Professional Engineer and licensed land surveyor, and must include a certification that all right of way bounds (monuments) are in place and the date they were set. Paper copies and pdf copies saved on a CD or DVD must be provided to the Planning Board.
3. Reduction of Performance Guarantee: A performance guarantee may be reduced upon actual dedication of public improvements, and then only to the ratio that the public improvement dedicated bears to the total public improvements for the subdivision. In no event shall a performance guarantee be reduced below twenty-five percent (25%) of the principal amount, prior to issuance of the Certificate of Satisfactory Completion.
4. Town's Use of the Performance Guarantee: If the Board finds that the developer has not installed improvements satisfactorily, has not completed those improvements within the approved time for completion, or has not maintained those improvements in a satisfactory condition, the Board may provide notice to the developer and may take such further action or make such use of the performance guarantee as may be appropriate in the judgment of the Board, to complete the improvements.

ARTICLE 9 - DESIGN STANDARDS

9.01 Minimum Standards

In considering applications for the subdivision of land, and clustered development plans, the Planning Board shall adhere to and be guided by the applicable design standards set forth herein. Such standards shall be considered to be minimum standards and shall be modified by the Board only when in its opinion specific circumstances surrounding a subdivision, or condition of the land in such subdivision, indicate that such modification will properly carry out the purpose and intent of the Town Master Plan, Zoning Ordinance and these Regulations.

9.02 Specifications for Required Improvements

1. All required improvements shall be constructed or installed in accordance with good engineering design practice, in accordance with Town standards, which may be obtained from the Town Engineer, and in accordance with these Regulations.
2. The applicant shall prepare a cost opinion for the proposed subdivision improvements using the Improvement Bond Estimate form and its unit costs. The cost opinion shall be subject to review and approval by the Town Engineer. This information shall be used by the Planning Board to determine the amount of surety sufficient to secure to the Town of Auburn the satisfactory construction, installation, and dedication of the required improvements delineated in the construction plans or required by these Regulations, without cost to the Town. Upon approval of the application and plat, the applicant shall submit suitable performance guarantee to the Town in accordance with the requirements of Section 8 of these Regulations.

9.03 Requirements Prior to Certificate of Occupancy

No Certificate of Occupancy shall be issued for any lot in a subdivision until the following requirements have been completed:

1. The road(s) in the subdivision have been constructed to road standards minus final pavement. All required guardrails, signage and drainage shall be in place;
2. Any required fire protection system or device shall be operational;
3. All utilities, including sewer, water and drainage structures are completed for the entire length of the lot frontage upon which the structure is located; and
4. All instruments of conveyance required under Section 6.07 of these Regulations are recorded at the Rockingham County Registry of Deeds.

9.04 Street Layout and Design

1. All streets shall have a minimum right-of-way of fifty (50) feet.
2. All streets to be constructed in areas zoned as Commercial or Industrial shall have

a minimum paved width of twenty-four (24) feet centered on the right-of-way. A street may be deemed by the Auburn Planning Board as a through street if the average daily traffic count is not greater than four hundred (400) vehicle trips per day

3. All streets to be constructed in areas zoned as Residential-Rural shall have a minimum paved width of twenty-two (22) feet centered on the right-of-way, as long as the Auburn Planning Board has not classified said street as a through street and the average daily traffic count is greater than 400 vehicle trips per day.
4. Dead end streets shall not be allowed. Cul-de-sacs will be permitted but not of greater length than 1,200 feet, and they must have a turn around consisting of a twenty (20) foot wide black top road, with a minimum turning radius of forty (40) feet around a central island of loam and grass or undisturbed land. (See Appendix A – cul-de-sac detail.)
5. Streets shall be arranged to provide for extension or connection of eventual street systems necessary to develop abutting land in future subdivisions. In no case should future right-of-ways be more than one thousand (1,000) feet apart.
6. The grades of all streets shall be at least one (1%) percent, but less than or equal to eight (8%) percent.
7. The maximum grade within one hundred (100) feet, measured from the center of the intersection, shall be three (3%) percent.
8. Intersections shall be as nearly as possible at right angles, ninety (90) degrees, with a minimum allowable intersection angle of sixty (60) degrees.
9. All rights-of-way shall be conveyed to the Town of Auburn by warranty deed.
10. Streets shall also be constructed in accordance with the "Typical Cross Section" set forth in Appendix A.
11. Side slopes shall not be steeper than four (4) feet horizontal and one (1) foot vertical, graded, loamed and seeded as shown in the typical section view drawings in Appendix A. Where guardrails are provided or required, side slopes may be a maximum of two (2) feet horizontal and one (1) foot vertical.
12. The street and lot layout shall be adapted to the topography. Extensive grading and filling shall be avoided.
13. The centerlines of no more than two accepted rights-of-way shall intersect at any one point.
14. The name of the subdivision shall not duplicate or approximate the name of any other subdivision within the Town.
15. All new street names shall be chosen from the list in Appendix I. Applicants not

wishing to use the proposed road name list shall submit their proposed road name in writing to the Planning Board. In all cases, no first names will be allowed for submission or acceptance, (i.e. James, Margaret, etc.). In no case will a proposed road name be acceptable unless the applicant receives approval for its use from the Planning Board. The continuation of an existing street shall have the same name.

16. Minimum width of shoulders shall be four (4) feet.
17. No more than two (2) proposed streets shall intersect at any one (1) point.
18. All changes in grade shall be connected by vertical curves of sufficient length to provide a smooth transition and proper sight distance. All horizontal curves shall be designed according to AASHTO standards for the existing or proposed speed limit.
19. Street layout shall include access into abutting properties unless such action is not deemed necessary by the Planning Board due to the location or nature of the abutting land.
20. Street jogs with centerline offsets of less than one hundred twenty-five (125) feet shall not be permitted.
21. Horizontal and vertical curves shall meet the design standards as recommended by AASHTO for the proposed speed limit.
22. A minimum 100' tangent must be designed between reverse vertical and horizontal curves.
23. Sight distances at intersections shall be in accordance with the most recent edition of AASHTO standards for Intersection Sight Distance using the posted/design speed limit plus 5 mph. Sight distance calculations shall be required and shown on the project roadway and/or driveway plans.
24. All utility locations must be shown on the proposed plans.

9.05 Construction Requirements

1. All site plans, road and drainage construction shall be performed in accordance with the agreements, plans, profiles, and typical details approved by the Board.
2. Changes or revisions to the approved plans and profiles or development plans caused by unanticipated conditions encountered during construction shall be designed by the developer's engineer and shall be subject to the approval of the Town's Consulting Engineer and subject to the requirements of Section 7.05 of these Regulations.

3. All site plan, roadway, drainage and utility construction shall be performed in accordance with the latest edition of the Auburn Subdivision and Site Plan Review Regulations.
4. All work within the Town right-of-way shall be subject to approval by the Town. Patching will be paved flush with binder then milled and paved (overlay) with the appropriate thickness of wearing course pavement. The limits of the overlay will be determined by the Town's Consulting Engineer and Road Agent.
5. Any item of work for which there are no specifications contained herein, shall conform to the most current "Standard Specifications for Road and Bridge Construction of the State of New Hampshire Department of Transportation."
6. The Applicant or his or her representative must contact the Planning Department before any construction activities to schedule a pre-construction meeting as set forth in Section 7.01 of these Regulations. The purpose of the meeting is to discuss inspection procedures, construction specifications, material testing program and any other details relating to the construction and inspection of the development roads and related infrastructure. Before the preconstruction meeting can be scheduled the applicant must provide signed, approved plans, the estimated monitoring escrow and surety, and all necessary retaining wall and structure shop drawings.
7. Detail of Required Inspections:
 - (a). Visual Inspections: Inspections shall be made by the Town's Consulting Engineer as determined and as required in the most recent edition of the Town's Subdivision and Site Plan Regulations.
 - (b). Materials Testing: Materials testing shall be conducted to verify that the specified roadway materials have been furnished and constructed according to the Subdivision and Site Plan Regulations, as determined by the Town's Consulting Engineer. On private sites, the applicant shall coordinate with an independent testing agency, at the applicant's cost, to provide the required testing. All reports shall be forwarded to the Planning Department and the Town's Consulting Engineer. For all road projects, the Town's Consulting Engineer will coordinate the testing, at the applicant's cost.
8. Cleanup: Before acceptance, a street shall be cleaned, by hand if necessary, so that it is left in a neat and presentable condition. Inspections shall be made by the Town's Consulting Engineer as required by the most recent edition of the Subdivision and Site Plan Regulations.
9. Maintenance: Before acceptance, a street system, sidewalks, and all drainage infrastructure shall be maintained by the developer. The sidewalks and streets shall be swept as required, and at a minimum, shall be swept annually. The drainage system, including, but not limited to, catch basins, drain manholes, culverts, detention basins, roadside swales, treatment swales, level spreaders and underground detention systems, shall be maintained as required, and at a

minimum, shall be maintained annually.

10. Acceptance: Prior to the Board of Selectmen accepting a street, the performance guarantee will be released only after the completion of all required improvements, final inspection, final approval, the submission by the applicant of all required as-built drawings and the delivery to the Town of a fully executed warranty deed for all rights-of-way, all improvements within the rights-of-way in fee simple, free of all encumbrances and applicable easements as set forth in Article 8 of these Regulations. Reviews shall be made by the Town's Consulting Engineer as required in the latest edition of the Subdivision and Site Plan Regulations.
11. Residential Subdivision Improvements Prior to Building Permit: Prior to the issuance of a residential building permit the following must be completed:
 - (A). Roadway: The roadway must be complete to base gravel.
 - (B). Underground Utilities: All underground utility systems, designed and approved within the roadway, must be installed and backfilled. No trenching across the roadway will be permitted after building permits have been issued.
 - (C). Erosion Control: Temporary and permanent erosion control measures for the affected area of the site must be constructed as specified on the approved construction plans or as recommended by the Town's Consulting Engineer.
12. Residential Subdivision Improvements Prior to Certificate of Occupancy:

In addition to the Building Code Requirements, the project improvements, conditions, and commitments from the developer shall be in effect prior to the issuance of Certificates of Occupancy.

 - (A). Pavement: The base course of pavement, shall be constructed in accordance with the Town's Subdivision and Site Plan Regulations.
 - (B). Drainage: The site drainage systems shall be constructed and functioning as designed.
 - (C). Underground Utilities: All applicable underground utilities, to include water, sewer, and gas, must be installed and approved, in writing, by the utility provider. Additionally, all required electric, phone, and/or cable utilities must be installed and functional.
 - (D). Erosion Control: Temporary and permanent erosion control measures for the affected area of the site must be constructed as specified on the approved construction plans or as recommended by the Town's Consulting Engineer.
 - (E). Curbing: It is the intent of the Town to have development roadways constructed with permanent curbing (where required) and base course prior to the winter maintenance system. The required length of curbing to be constructed shall be the distance of the affected development road requiring curbing

(including both sides of the road) to the furthest lot for which a Certificate of Occupancy is requested. Prior to the issuance of any Certificates of Occupancy, the developer shall construct the permanent curbing (where required) and full width of base course hot bituminous pavement.

NOTE: No gaps in curbing, except for drives shall be permitted.

(F). Turn-Arounds: The developer must provide a paved temporary turn-around for snowplow trucks. The turn-around design and location must be approved by the Planning Board and the Town's Consulting Engineer.

(G). Right-of-Way: The right-of-way of the affected development roadway shall be clear of construction materials, debris, contractor's equipment, and storage trailers. Catch basin grates and public or private utility frames/grates shall be constructed so as not to extend above the base course pavement. The required regulatory and warning signs shall be constructed by the developer.

(H). Safety Measures: All approved guardrails, pedestrian barriers, pavement markings, (i.e. cross walks, stop bars, etc.), signage, and lighting must be installed, and approved.

(I). Sidewalks: The sidewalks (if applicable) must be completed, including the necessary curbing, gravels, binder pavement, and wearing course pavement (or concrete) to finish grade.

(J). Surety: An acceptable form of performance guarantee must be provided, reviewed and approved for the value of all remaining work for the project or affected phase. The value of the performance guarantee will be determined by the Town's Consulting Engineer.

(K). Fire Protection: The approved fire protection (municipal hydrants or underground cisterns) must be operational and approved by the Fire Department and water utility, as applicable.

9.06 Block Layout

1. A block created within a subdivision shall not have a length greater than 1,000 feet.
2. A block created within a subdivision shall not have a width greater than 1,000 feet.

9.07 Lot Detail

1. The area and frontage of proposed lots shall conform to the Zoning Ordinance and shall be of such shape, size, location, topography and character that buildings can be reasonably constructed.
2. All lots shall have their required contiguous frontage on one existing or proposed Class V or better paved road.

3. Whenever possible, side lot lines shall be at right angles to street lines and radial to the center of all exterior curves.
4. Lots other than corner lots with frontage on two streets shall not be allowed.
5. All lots shall meet the requirements of the Zoning Ordinance of the Town of Auburn in effect at the time of application.
6. Lots with frontages on curves with a radius of less than two hundred (200) feet shall have a minimum chord distance of two hundred (200) feet.
7. Land of such character that cannot be used safely for building purposes because of exceptional danger to health due to high water table or flooding or other hazard shall not be permitted for occupancy or use that may increase danger to health, life or property, until appropriate measures have been taken by the owner or his agent to eliminate such hazards.
8. Lot sizes shall be adequate to provide off street parking, loading facilities and landscaped buffers in Commercial and Industrial zoned areas, as required by the Auburn Planning Board.
9. All lots shall have a minimum of one (1) contiguous acre of dry land.

9.08 Open Space Requirements

1. In any non-clustered subdivision where the land to be subdivided consists of a parcel containing forty (40) acres or more, and, if it is the opinion of the Auburn Planning Board that the impact of said subdivision, when developed, would create a need for open space in that area, then the applicant for subdivision approval shall be required to dedicate a maximum of five (5%) percent of the total area of the subdivision for the benefit of the subdivision to open space. Such dedication shall be required at the time of the initial subdivision.
2. In reaching a decision on a parcel containing forty (40) acres or more, the Auburn Planning Board's considerations shall include, but not necessarily be limited to, the proposed use of the subdivision, the number and size of the lots to be created, the location of the subdivision with respect to existing and proposed development, and the Town of Auburn's needs.
3. Areas reserved for dry hydrants and green areas in centers of cul-de-sacs shall be considered as open space, and shall be considered towards any open space dedication which the Planning Board may deem necessary.
4. Clustered developments shall meet or exceed the open space requirements set forth in Section 9.18.

9.09 Landscaping and Planting

1. Installation and preservation of landscaping and preservation of natural and scenic

features shall be undertaken by the applicant wherever possible, to enhance the environment of the subdivision and the Town of Auburn.

2. All esplanade or planting strip areas at sides of streets shall receive a minimum of four (4) inches of compacted, friable, fertile, natural, free draining loam. The material shall be free of sods, clay and stones over one (1) inch in diameter, and all organic material over 1/8 inch in diameter shall be raked out and removed.
3. After placement of loam, planting strips shall be seeded with first quality lawn seed, free of dirt and weed seeds, containing at least 30% Kentucky Blue Grass, 45% Creeping Red Fescue, 10% Red Top and 15% Domestic Rye. Fertilizer, where permitted, should be a commercial grade 10-20-20.
4. All new earth slopes shall be mulched and seeded. All mulch on slopes shall be anchored.
5. All disturbed portions of the lot shall be loamed, mulched, seeded, and where permitted, fertilized.
6. The completion of required landscaping and plantings shall be a condition of all Final Subdivision Approvals. The Planning Board may require that the applicant bond for completion of landscaping and plantings.
7. The Board may require the preservation of natural buffer areas between subdivisions where it deems appropriate, and may also require the creation of buffer areas through plantings when it deems such to be appropriate.

9.10 Street Construction

1. All top soil, stumps, brush, roots over 1-inch diameter, boulders and like materials shall be stripped and removed between the slope lines of the proposed street. Whenever practical, natural vegetation outside of the slope lines shall be retained, protected and supplemented.
2. All street gravel base shall consist of twelve (12) inches of bank run gravel or crushed stone (coarse), as defined by the State of New Hampshire Highway and Bridge Specifications, latest edition; installed in two 6-inch lifts, compacted to a minimum of ninety-five (95%) percent of the soil's modified proctor dry density.
3. All streets shall receive a 6-inch upper base coarse of crushed gravel or crushed stone (fine) as defined by the State of New Hampshire Standard Specifications for Highways and Bridges, latest edition. Said course shall be compacted to ninety-five (95%) percent of its modified proctor maximum dry density.
4. The maximum size of stone particles of the lower gravel base shall not exceed 3/4 of the compacted thickness of the layer being placed, and in no case larger than six (6) inches.
5. The street surface itself shall consist of a 2 1/2-inch layer of 3/4-inch (Type B)

binder course of bituminous concrete pavement and a 1 inch layer of 3/8-inch (Type F) wearing course of bituminous concrete pavement. Both binder and wearing courses shall conform to the State of New Hampshire Roads and Bridge Specifications, latest edition. The pavement roller shall be an 8-12 ton steel wheel roller. All pavement within the travel lanes must be placed by machine. The use of small bodied pavers is prohibited.

6. The street shall have a cross slope from centerline to edge of shoulder of 1/4-inch per foot and from edge of street to edge of shoulder of 5/8-inch per foot.
7. Ledge and boulders shall be removed to at least eighteen (18) inches below sub-grade and replaced with sand or bank run gravel.
8. All loam, muck, stumps and other improper foundation material shall be removed from within the limits of the fully extended street shoulders, including the area beyond the edge of the shoulder equal to two times the depth of the fill. In roadway fill areas, suitable foundation material meeting the applicable New Hampshire Department of Transportation specifications for earth roadway fill shall be placed in one foot layers and compacted to form a stable sub-grade. If blasted rock is to be used in embankment fills, the developer must provide the fill details and procedures with roadway construction details for review by the Town Engineer.
9. The pavements shall be applied by an approved paving contractor in accordance with the State of New Hampshire Roads and Bridge Specifications, latest edition, and with the supervision of the Town Engineer.
10. Approved street signs and culvert posts shall be installed as directed by the Auburn Planning Board and paid for by the developer.
11. Sub-base shall be installed by the developer prior to the issuance of building permits.
12. Bituminous pavement wearing course shall be installed by the developer after the sub-base and binder coarse has been in place for a minimum of one winter season, which shall be defined as running from November 15th to April 15th.
13. It shall be the obligation of the developer planning a new street to do the following:
 - (A). Advise the Selectmen of his intent in order to secure approval for the proposed right-of-way. All items of the engineer's inspection checklist shall be reviewed at the pre-construction conference required by Section 7.01 of these Regulations.
 - (B). To request inspection and approval of the right-of-way sub-grade before base gravel is applied.
 - (C). To request inspection and approval of the right-of-way and sub-grade after

finish gravel has been brought to grade, but before bituminous concrete pavement is installed. Compaction tests of the gravel base and base shall be performed.

- (D). Have stakes set one (1) foot off the edge of gravel and on the centerline with finish grades marked on them at least every fifty (50) feet for the entire length of the street or the street side staked with distance and grades marked before each inspection.
 - (E). Before final inspection, the developer shall remove all trash from the right-of-way and the center of the turn around, and shall repair any damage done to the roadway, shoulders, etc.
 - (F). The developer shall establish an escrow account with the Town to cover all costs pertaining to engineering inspection and testing for the roadway. No construction shall begin prior to the institution of the escrow account. Inspections, samples and core test may be taken by the Town of Auburn before final acceptance, and all costs incurred shall be reimbursed by the applicant.
 - (G). The developer shall be responsible for the costs of all required traffic control during construction.
- 14. Although these Regulations do not require construction of sidewalks or curbs or the setting of edge stones, curbs or edge stones, when such are provided, they shall be constructed or set in accordance with the policy and specifications agreed upon with the Auburn Planning Board.
 - 15. All pavement joints shall be saw cut, but not perpendicular to the roadway centerline.

9.11 Drainage Requirements

- 1. Proper drainage shall be installed subject to the approval of the Auburn Planning Board, Auburn Road Agent and Auburn Town Engineer. Engineering inspection shall be as follows during installation of drainage pipe: first day of pipe work will have full-time monitoring; if all requirements are complied with as determined by the Agent of the Planning Board, the level of construction monitoring may be reduced to daily stop-by monitoring. Natural watercourses shall be cleaned and increased in size where necessary to handle storm run-off.
- 2. Drainage ditches shall be at least twenty-six (26) inches in depth at their midpoint below centerline grade and shall be constructed within or near the street right-of-way on both sides of the roadway. Drainage ditches shall be designed to provide for the proper flow of storm run-off.
- 3. All drainage structures and swales shall be designed to handle a rain storm with a return interval of fifty (50) years. The Rational Method or SCS TR-20 Method shall be used for the drainage calculations.

4. Culvert pipes shall consist of heavy gauge galvanized steel corrugated metal pipe, Class IV RCP or smooth interior wall High Density Polyethylene pipe having a minimum interior diameter of eighteen (18) inches, and must meet the AASHTO requirements. All pipes must be used and installed in accordance with the manufacturer's instructions.
5. All culvert pipes shall be placed with a minimum of twenty-four (24) inches of cover to centerline road grade, and have reinforced concrete or concrete and masonry head walls or flared end connections conforming to the State of New Hampshire Roads and Bridge Specifications, latest edition.
6. Culverts in embankments over fifteen (15) feet high shall be of Class V reinforced concrete pipe.
7. Where a subdivision is traversed by or requires the construction of a water course or a drainage way, an easement of adequate width shall be provided for such purpose.
8. Open roadside drainage ditches in excess of five (5%) percent grade shall be lined with erosion stone as required by the Auburn Planning Board.
9. The Town of Auburn Road Agent and Town Engineer shall have final say over all questions arising during construction of new roads. All field changes must be approved by the Town Engineer.
10. All roadways with the abutting land sloping away from the roadway at slopes of greater than 4:1 shall have a vehicle restraining system (i.e. guard rails) of a type and construction approved by the State of New Hampshire D.O.T. and meeting AASHTO requirements.
11. All questions arising during road construction relative to construction methods, materials or specification shall be answered by reference to the most current State of New Hampshire Department of Public Works and Highways Standard Specifications for Roads and Bridge Construction.
12. Easements shall be provided for storm water drainage pipes, culverts or swales that may need to be installed in the future to serve undeveloped land within the watershed that drains across the area of the proposed subdivision.

9.12 Under Drains

1. During the Design Review Phase, if utilized, or the Final Review Phase if Design Review is not utilized, under drains shall be reviewed. Under drains shall be proposed in all locations where the existing Seasonal High Water Table is within four (4) feet of the proposed finish grade.
2. Under drains shall be six (6) inches minimum diameter perforated SDR 35 PVC or slotted HDPE pipe, with a filter fabric sock, installed at the bottom of the

trench with a minimum of twelve (12) inches of coarse septic or concrete sand above and on both sides of the pipe. Filter fabric, which has weight of 0.3 lbs/sq yd and a flow rate of 12 GPM shall be placed over the top of the underdrain trench (Mirafi 140N or equal).

3. If it is observed by the developer or the Town Engineer during construction that additional under drains are required, the developer shall supply and install them in accordance with an approved method and design.

9.13 Structural Design Requirements

1. Retaining Walls

- (A) The intent of the Town is to discourage the use of retaining walls within Town right-of-ways. If a retaining is to be allowed, as determined by the Planning Board, a typical detail of the proposed retaining wall must be included in the plans. The following requirement must be included with the typical detail: “The stamped shop drawings and calculations for the actual retaining wall must be provided for review and approval at or prior to the project’s required preconstruction meeting.”
- (B). All retaining walls shall be designed by a professional engineer with expertise in this field. A note must appear on the plans requiring that the provided plans and supporting calculations address the following criteria:
 - (i). Design calculations stamped by a Professional Engineer of the appropriate discipline, licensed in New Hampshire;
 - (ii). Stability calculations (including bearing capacity, global stability, overturning and sliding)
 - (iii). Geogrid pullout and other pertinent data & evaluations
 - (iv). Construction installation specification
 - (v). Lateral earth pressure coefficient
 - (vi). Surcharge load, embedment depth
 - (vii). Both a plan and profile of each wall section
 - (viii). Guardrail / handrail installation details and geogrid penetration procedures
 - (ix). Location of the required pedestrian barrier
- (C). If requested by the Planning Board or the Town Consulting Engineer, a pedestrian barrier, (i.e. 4’ chain link fence), must be installed at the top of the proposed retaining wall. If guardrail is also proposed, the requested pedestrian barrier must be installed between the guardrail and the top of the retaining wall.
- (D). A note must appear on the approved plans and the stamped shop drawings requiring the design engineer, after the retaining wall construction is completed, provide a stamped letter certifying that: “the retaining wall was fully constructed per the approved design plans and will function as intended.”

2. Box Culverts, Bottomless Spans, Bridges, Headwalls, and Wingwalls

- (A). A typical detail of the proposed structure(s) must be included in the design plans. The following requirement must be included with the typical detail: "The stamped shop drawings and calculations for the actual structure(s) must be provided for review and approval at or prior to the project's required preconstruction meeting."
- (B). All structural designs shall meet or exceed HS 25-44 loading.
- (C). These structures shall be designed by a professional engineer with expertise in this field. A note must appear on the plans requiring that the provided plans and supporting calculations must address and/or include the following criteria:
 - (i). Hot dipped galvanized hardware connection details;
 - (ii). Cementitious patching of all hardware pockets;
 - (iii). Flexible sealant, (i.e. Sika 1A or equal), specified between structure sections;
 - (iv). Connection details for headwalls and/or wingwalls;
 - (v). Specify steel shimming material;
 - (vi). Cast in place concrete minimum design strength equal to 4,000 psi;
 - (vii). Precast concrete minimum design strength equal to 5,000 psi;
 - (viii). Note requiring the structure to also meet all New Hampshire D.O.T. roadway and bridge design standards ;
 - (ix). Design elevations such as top/bottom of footing, top of structure, finish grade, select gravel and pavement thicknesses, etc.;
 - (x). Dimensions for all pieces;
 - (xi). Backfill specifications and compaction requirements;
 - (xii). Subgrade preparation requirements, minimum of 12" of crushed gravel;
 - (xiii). Epoxy coated rebar to be used for all bridge decks and box culverts with less than five (5) feet of cover and all rebar to be 60 grade steel; and
 - (xiv). Applicable membrane and/or coatings for both backfilled and exposed surfaces

9.14 Fire Protection

The following fire protection measures shall be constructed and approved by the Town Engineer and Fire Chief before a building permit will be issued for construction of a dwelling or structure.

- 1. All subdivisions creating greater than nine (9) new house lots or with the potential of creating same in the future, (i.e. subdivision of parcels larger than 20 acres), must be located within one half of a mile of an adequate dry hydrant, cistern, or pressure hydrant.

2. A dry hydrant will be considered adequate if it is capable of providing 30,000 gallons of water during the driest time of the year, (based 1000 G.P.M. for 30 minutes), and is protected by a six (6) foot high chain link fence surrounding its entire dry perimeter.
3. If fire suppression equipment exists within one half of a mile of a proposed subdivision, but is not deemed adequate by the Chief of the Auburn Fire Department, it will be the responsibility of the applicant to perform whatever work would be necessary to provide adequate storage capacity as specified under paragraph 9.14 (2) above. All costs incurred will be borne by the applicant.
4. If no dry hydrant, cistern or pressure hydrant exists within one half of a mile of a proposed subdivision, it shall be the responsibility of the applicant to construct, at the applicant's own cost, an adequate impounding area to maintain a supply of 30,000 gallons of water during the driest time of the year, within one half of a mile of the proposed subdivision, or a 30,000 gallon cistern.
 - (A). The applicant shall also be responsible for providing all screens, pipes, elbows, fittings and caps necessary for the Auburn Fire Department to connect a four (4) inches diameter suction hose to the supply connection.
 - (B). In all cases, in order to be deemed as adequate, a six (6) foot high chain link fencing will be required around the dry perimeter of the dry hydrant. This cost will be borne by the applicant.
5. If it becomes physically impossible to locate or construct a dry hydrant, cistern or pressure hydrant within one half of a mile of the proposed subdivision, the subdivision will be considered premature, and will be denied subdivision approval due to inadequate fire preventive resources.
6. The design of dry hydrants and cisterns shall be subject to the review and approval of the Chief of the Auburn Fire Department as well as the Planning Board. Dry hydrants and cisterns shall be conveyed to the Town of Auburn by the applicant with a warranty deed.
7. Pressure hydrants connected to the Manchester Water Works Water Distribution System and located within one half of a mile of a proposed subdivision may be accepted by the Auburn Planning Board as meeting the requirements of these preceding sections, but the Board may deem it necessary for the developer to extend or improve the existing water system.
8. Dry hydrants and cisterns shall be located a maximum of seven (7) feet above the seasonal low water of the fire pond or bottom of cistern, and be located at the property line.
9. Dry hydrant piping shall be installed and configured in accordance with Auburn Fire Department Regulations for same.
10. Cisterns shall be designed by a New Hampshire registered professional engineer.

The design and construction shall be in accordance with all appropriate local state and BOCA or NFPA building requirements and shall meet H-20 loading requirements.

11. Adequate precautions shall be designed into the structure to resist freezing of the cistern contents.
12. Cistern design and construction shall be in accordance with Auburn Fire Department Regulations for same.
13. The Chief of the Auburn Fire Department will be the final authority for adequacy of all pressure hydrants, cisterns, dry hydrants as well as any other fire protection measures.
14. Specifications for 30,000 - Gallon Fire Cisterns

(A). General:

- (i). Acceptable Tank Manufacturer: FRP Tanks, Xerxes Corporation, Containment Solutions, or equal.
- (ii). Manufacturing Standards:
 - (a). Manufacturer shall be able to provide documentation that the tank shell has been built to the applicable requirements of Underwriters Laboratories Standard UL 1316.
 - (b). Tank manufacturer shall be in the business of manufacturing tanks to UL 1316 standards.
- (iii). Materials:
 - (a). FRP Tank: Fiberglass Reinforced Plastic: Tanks shall be manufactured of 100% resin and glass-fiber reinforcement, with no sand fillers and no exposed glass fibers.

(B). Submittals:

- (i). Applicant shall submit to the Auburn Fire Department 4 (four) copies of shop drawings and anti-flotation calculations three (3) weeks prior to the start of installation for review and approval. The plans and calculations must address the following:
 - (a). Tank
 - (b). Piping
 - (c). Filter Fabric
 - (d). Deadmen
 - (e). Painting
 - (f). Hatch
 - (g). Pea Gravel
- (ii). If more than 6 months has passed since the most recent review and approval of the construction designs, the installer must re-submit the designs to the Fire Department for review, using the current cistern

requirements at that time, prior to the commencement of construction.

- (iii). A current and completed Fire Cistern Permit Application must be submitted to the Fire Department with the required shop drawings.

(C). Products:

(i). Single-Wall Fiberglass Underground Tanks:

- (a). Product-Storage Requirements: Tank shall be vented to atmospheric pressure as the tank is not designed as a pressure vessel. Tank shall be designed for maximum product-storage temperature of 150°F.
- (b). Loading Conditions: Tank shall meet the following design criteria:
 - Internal Load: Tank shall withstand a 4-psig air-pressure test with 5:1 safety factor. Installer shall air-test each tank for leakage prior to installation. Maximum test pressure is 4 psig.
 - Vacuum Test: To verify structural integrity, each tank up through 10-foot diameter shall be vacuum tested by the manufacturer at the factory to 11.5 inches of mercury.
 - Surface Loads: Tank shall withstand surface H-20 axle loads when properly installed according to manufacturer's current installation instructions.
 - External Hydrostatic Pressure and Burial Depth: Tank shall be capable of being buried in the ground with a maximum 6 feet of overburden, the excavation fully flooded, and a safety factor of 5:1 against general buckling.
 - Accessories: The tank shall support accessory equipment - such as drop tubes, as shown on tank drawings and when installed according to tank manufacturer's recommendations.
 - Tank models: FRP - Tanks shall be a Xerxes or Containment Solutions 30,000-gallon tank, 10-foot diameter, or equal.

(ii). Accessories:

- (a). Anchor Straps: Straps shall be FRP anchor straps for FRP

tanks as supplied by tank manufacturer. The number and location of straps shall be shown on tank drawings.

- (b). Manways: All manways shall be flanged and 30-inch ID, complete with UL-listed gaskets, bolts and covers. Location(s) shall be shown on tank drawings.

- Manway extensions shall be made of the same materials as the tank.
- A manufactured manway access hatch designed for entry control, shall be installed two (2) inches above grade around the tank entry access port. The cover will allow for and be secured in place by a “Knox” padlock, purchased by the installer. Acceptable access hatch designs will be reviewed and approved by the Town engineer and Fire Department.

- (c). Gauge Plates: Gauge plates/striker plates shall be installed under the manway opening.

- (d). Internal Anti-Vortex Device: An internal anti-vortex plate shall be factory installed by tank manufacturer.

- (e). Tank Fittings:

- Pipe connection fittings shall be welded, unless noted otherwise.
- Standard threaded fittings shall be full-couplings, and a minimum of 6-inch diameter. Reducers are to be used for smaller sizes where shown and provided by contractor.
- All fittings shall be located on top centerline.
- All NPT fittings shall withstand a minimum of 150 foot-pounds of torque and 1,000 foot-pounds of bending, both with a 2:1 safety factor.

- (f). Internal Piping: The tank shall be provided from the manufacturer with an 8” diameter FRP suction pipe with a gusseted flanged connection at the crown of the tank and a flanged connection to the anti-vortex device.

(D). Execution:

- (i). Testing and Installation:

- (a). Tank shall be tested and installed according to manufacturer's current underground storage tank installation instructions.
- (ii). Backfill Material:
 - (a). Tank Backfill Material:
 - Pea stone (mix of rounded particles) must have a minimum diameter of 1/8" and a maximum dimension of 3/4", with a maximum of 2% passing a No. 200 sieve.
 - Crushed stone shall be washed crushed stone particles with a mix of angular particle between 1/8" and 2" and must meet ASTM C-33 para. 9.1 requirements, with a maximum of 2% passing a No. 200 sieve.
 - No more than 5% of the backfill shall pass a No. 8 sieve.
 - (b). Common Fill Material: The common fill material placed above the tank shall be a native friable soil with 100% passing a 3" sieve, with a maximum of 15% passing a No. 200 sieve.
 - (c). Compaction Requirements: Compaction of the backfill shall be every 12" lift, compaction shall be mechanical means with every effort made to avoid directly contacting the tank with tools and equipment during backfilling procedures.
- (E). Vehicle Pad:
 - (i). Requirements:
 - (a). The vehicle pad shall be constructed to the dimension shown on the plans and meet the following requirements:
 - The minimum pavement slope shall be 2%. The maximum shall be 4%.
 - The pavement and gravel materials and compaction requirements shall meet the most recent edition of the Town's Subdivision and Site Plan Regulations.
 - "No Parking" signs must be installed at both ends of the apron, with arrows pointing towards the apron.
- (F). Establishing Grass Growth:

(i). Requirements:

(a). All affected areas related to the installation of the fire cistern which are not paved shall have grass growth established. The following materials are required:

- Loam – 4” min. of screened loam. 5% min. organics and a max. of 70% sand content and 20% max. silt or clay content (70 passing a No. 200 sieve)
- Seed – the seed mix shall include the following or meet the seeding schedule on the associated, approved site or subdivision plan:
 - 40% Tall Fescue
 - 30% Perennial Rye Grass
 - 10% Red Clover
 - 10% Bird’s Foot Trefoil
- Fertilizer – the fertilizer shall be spread at a rate of 40 lbs./s.f. and shall be 10/20/10.
- Hay mulch – hay mulch shall be applied at a rate of 100/lbs./1,000 s.f.
- Slope stabilization – all slopes in excess of 3:1 shall received jute mapping or equal.

G. External Cistern Piping:

(i). Requirements:

- (a). All external suction, vent, level indicator and fill piping shall be Schedule 40 steel.
- (b). All bends shall be long sweep bends.
- (c). All horizontal piping shall slope away from the road, towards the tank at 2%.
- (d). Pipe-to-tank connections shall be flanged connections with the exception of the liquid level gauge, which shall be a 6” NPT full threaded coupling.
- (e). All underground, exposed piping shall be coated with one application of CIM 1000.
- (f). All above-ground piping shall be painted with the following:

- 4 mils of epoxy primer
- 4-6 mils of "Safety Red" epoxy paint (bollards to be "Safety Yellow")
- 2-3 mils of urethane cover coat

(g). The pipe diameters are to be:

- Suction – 8"
- Fill – 6"
- Vent – 8"
- Fill Gauge – 4"

(h). The fill fitting shall be a Kochek five (5) inch Storz connector with locking cap, and the connection cap will be securely chained to the fill pipe or coupling.

(i). The suction fitting shall be a four and one half (4 ½") inch male NPT fitting with locking cap, and the connection cap will be securely chained to the fill pipe or coupling. The centerline of the suction point must be 25 inches to 27 inches above the finish pavement of the paved apron at that fitting.

(j). The bollards shall be located four (4) feet apart, with the fill and suction pipe connections at the center of this measurement, one foot in front of the suction and fill connections.

(H). Warranty:

(i). Requirements:

(a). The fire cistern tank warranty shall be 2 years.

(b). A copy of the written warranty shall be provided to the Auburn Fire Department prior to the final acceptance of the fire cistern.

(I). Testing:

(i). Requirements

(a). After backfilling of the tank and the manway and miscellaneous piping is installed, the contractor shall schedule the required flow test with the Fire Department. The tank shall be filled approximately half (½) full. The cistern must be able to provide at least 1,000 gallons per minute for a period of five (5) minutes.

- (b). If the tank passes the flow test, the tank must be filled with potable water to within 1 inch of the manway. The installer may allow the filled tank to sit for one (1) day prior to commencement of the test. The test duration will be fourteen (14) calendar days. The tank level measurements will be made and recorded by the agent of the Auburn Fire Department. The Fire Department will provide the specified lock and key for use by the agent to secure the manway cover during the test. The test is a zero leakage test. After the fourteen-day test, if leakage is verified, the tank and or components must be repaired to stop the leak. Any repairs made must be acceptable to the Auburn Fire Department. Any repairs made to the tank must be done with prior written recommendation by the tank's manufacturer and noted in the written warranty.

(J). Inspection Sign-Off Sheet:

(i). Distribution:

- (a). Two copies of the attached *Inspection Sign-off Sheet* shall be issued at each preconstruction meeting for a fire cistern installation. One copy shall be held by the developer/installer. The other copy shall be held by the agent of the Auburn Fire Department.
- (b). After a milestone inspection item on the sign-off sheet has been successfully completed, the two copies of the sign-off sheet shall be signed by the noted parties.

(K). Inspection, Inspection Escrow Account, and Acceptable Surety:

(i). Inspection/Inspection Escrow Account:

- (a). Inspection of the cistern installation by the agent of the Auburn Fire Department is mandatory. The hourly rates, including travel time and mileage, will be the same as the present rates for the Planning Board.
- (b). Administration charges incurred by the agent of the Fire Department shall include project manager charges, clerical time, and miscellaneous expenses.
- (c). As of June, 2011, the estimated total cost to be placed in an escrow account with the Town of Auburn Planning Department, in advance of the start of construction, shall be determined by the Town's Consulting Engineer or the Fire Chief. The required escrow amount shall increase 5 percent annually from the above-stated date. See Section 8

of these Regulations pertaining to performance guarantees.

- (d). All inspection and construction administration costs associated with the installation of a fire cistern shall be borne by the applicant. It should be noted that the escrowed amount is only an estimate. If costs exceed the estimated amount, the applicant will be responsible for those costs.

(ii). Two-Year Maintenance Warranty and Bond:

- (a). Prior to acceptance of the completed fire cistern by the Town, acceptable two-year surety must be submitted by the applicant for the fire cistern in the amount of ten (10%) percent of the original surety value.

9.15 Driveways

1. Driveways shall not interrupt the natural or constructed roadway ditch lines and/or drainage flow.
2. Driveways shall slope away from the finish roadway elevation at a grade of two (2%) percent for twenty (20) feet from the edge of pavement.
3. Driveway culverts shall be designed to adequately handle the anticipated storm water flows within the ditch lines, and shall in no case be less than twelve (12) inches in diameter and twenty (20) feet long.
4. All driveway culverts shall be constructed with inlet and outlet flares or head walls.
5. Minimum driveway width shall be twelve (12) feet with a maximum width of twenty (20) feet at the street, and a desirable width of fourteen (14) feet.
6. All driveways must have two hundred (200) feet sight distance in each and/or every traffic direction.
7. Driveways shall intersect the roadway at a preferred angle of ninety (90) degrees, but in no case shall the intersecting angle be less than sixty (60) degrees.
8. Return radii for driveway flares shall not be less than fifteen (15) feet nor greater than twenty-five (25) feet.
9. Maximum grade for all driveways shall be ten (10%) percent.
10. Driveway aprons and flares from the edge of road pavement to the property line shall be paved with a 2-in thickness of roadway binder asphalt.
11. Driveways shall be constructed at a minimum of well draining granular material

resulting in firm and parable drive surfaces for all season passage.

12. Final driveway acceptance shall rest with the Planning Board or its designated agent.
13. No driveway shall be constructed within fifty (50) feet of another driveway nor within one hundred (100) feet of an intersecting road.
14. All driveways constructed after acceptance of the subdivision's roadways shall require issuance of a driveway permit, and shall be constructed in accordance with these Regulations.
15. A driveway permit fee and construction escrow shall be required of each and every driveway constructed after roadway acceptance.
16. All driveways shall be constructed in accordance with these Regulations and the typical driveway detail for the Town of Auburn, New Hampshire, as shown in Appendix A.
17. Driveways shall be maintained vegetative clear for their full width and thirteen (13) feet above the finish drive surface.
18. Driveway profiles shall be shown on the subdivision plan for each lot. Each lot shall be accessed by its own driveway. Common driveways are prohibited.
19. Driveway pavement shall be installed flush with the Town's road surface. Re-paving of the driveway shall require cutting the driveway six (6) feet from the edge of the road, removing material and finishing flush with the roadway.
20. Roadway re-paving shall require making certain the finish elevation of the road surface remains flush with driveway surfaces. The driveway shall be cut six (6) feet back from the edge of the road, the material removed, and paving re-installed level with the roadway.

9.16 Utilities

1. All electric, telephone and cable TV distribution systems within the subdivision shall be placed underground, unless the Auburn Planning Board determines such placement is not feasible.
2. The applicant shall coordinate subdivision design with the appropriate utility companies to ensure adequate and suitable area for underground installation.
3. The applicant shall be responsible for providing for water mains, manholes, sanitary sewers and catch basins if required.
4. All sanitary sewer construction will conform to the requirements of the New Hampshire Department of Environmental Services.

5. Easements across lots or centered on rear or side lot lines shall be provided for utilities where necessary, and shall be at least twenty (20) feet wide.

9.17 Monuments

1. Monuments shall be constructed of concrete or stone.
2. Monuments shall be at least 4" x 4" on the top and at least 36" long.
3. Monuments shall be set at all property corners and at all changes of horizontal alignments.
4. Iron pins shall be allowed as temporary property corners along new roadways being constructed, but shall be replaced with concrete or stone bounds before final subdivision approval and acceptance, and after a duly noticed public hearing.
5. The Planning Board shall verify that all monuments are in place before the Town of Auburn will give final acceptance to any new roadways. The Planning Board may require that the applicant bond for the setting of final monumentation.

9.18 Cluster Development Specific Design Requirements

1. General: These design requirements shall be considered additional design requirements for clustered developments. The specific requirements set forth herein shall supersede any lesser requirement set forth in the general subdivision design requirements. These requirements shall also supplement the requirements set forth in the Town of Auburn Zoning Ordinance for clustered development.
2. Site Plan Requirements: A site plan of the entire tract shall be presented to the Planning Board and shall conform to all the Town's Regulations and Ordinances in effect at the time of submittal, plus meet the following specific design requirements.
 - (A). Clustered residential use in the development shall be limited to one, two, three or four family townhouse dwellings and/or a membership clubhouse for the exclusive use of the residents of the cluster development, except in the event that a subdivision application for a clustered development includes a statement of intent indicating that the development is intended to qualify as a workforce housing development, and the developer proposes "multi-family housing" as part of such development. In such cases, buildings containing more than four (4) dwelling units may be permitted.
 - (B). Cluster developments shall, at a minimum, have a landscaped buffer suitably located to provide an adequate division or transition between abutting land uses. Wells, leach fields and passive recreation will be allowed in the landscaped buffer. The buffer shall be twenty (20%) percent of the average width of that tract with a minimum of one hundred

(100) feet and a maximum of two hundred fifty (250) feet.

- (C). All parking within the cluster residential development shall be provided in paved off-street locations, at a ratio of not less than three spaces per dwelling unit, or in accordance with Auburn's Site Plan Review Regulations for commercial and industrial development.
- (D). Emergency vehicle access shall be provided to all structures within the cluster development. The definition of "structure" shall be the definition set forth in the Zoning Ordinance.
- (E). The clustered residential net density within the developed area shall not exceed four (4) dwellings per acre, except in the case of workforce housing developments as set forth above in Section 9.17(2)(A).
- (F). Cluster developments shall not be required to conform to the minimum frontage, setback, and lot size required in the Zoning Ordinance, but shall be so designated and constructed as to achieve the purposes of cluster development set forth in these Regulations, with the following exceptions:
 - (i). Frontage - No buildings in the clustered development shall front on any public street, existing or proposed, unless the street provides access exclusively to the clustered development and is situated entirely within the clustered development.
 - (ii). Front Yard - There shall be a minimum depth of fifty (50) feet between the edge of the nearest private right-of-way and the front of any building or structure.
 - (iii). Side and Rear Yard - Structures shall not be located closer than sixty (60) feet for residential and one hundred and fifty (150) feet for commercial and industrial.
 - (iv). Structure Heights - Heights of structures shall not exceed those permitted for the zoning district in which the clustered development is located.
- (G). The water supply and wastewater treatment system for a clustered development shall be designed in accordance with the standards and requirements of the New Hampshire Department of Environmental Services and the Town of Auburn.
- (H). The minimum required open space for the clustered development shall be calculated in accordance with the provisions of Article 7 of the Auburn Zoning Ordinance. Parking areas, streets, driveways and other vehicle access facilities shall not be considered in calculating open space. In addition, any land on which future development rights are reserved by the developer or a declarant shall not be considered in calculating open space.

- (I). The site plan for the entire tract shall be submitted in accordance with the requirements of Article 3 of these Subdivision Regulations, and the locations of parks, open space, and recreational areas shall be shown on the plan.
- (J). All commercial and industrial development shall be planned in accordance with Non-Residential Site Plan Review Regulations of the Town of Auburn.
- (K). The cluster development plan shall show the layout of all roads which shall be built to the Auburn requirements for new public roads.

9.19 Preservation of Natural Features and Amenities

Existing features which would add value to residential development or to the Town as a whole, such as trees, watercourses and falls, historic buildings, historic spots, and similar irreplaceable assets shall be preserved in the design of the subdivision. No trees shall be removed nor any change of the grade of the land to be subdivided shall commence in anticipation of subdivision, until the Planning Board has reviewed the preliminary plan, construction plans and grading plans.

9.20 Other Improvements

The applicant shall be responsible for improvements or connections to adjoining developed areas, unless relieved of that responsibility by the Planning Board. The applicant shall be responsible for such off-site improvements in unaccepted streets as may be necessary, in the opinion of the Board, to achieve continuity of improvements.

In cases in which the proposed development adjoins any other land which may be developed in the future, and in which the Board requests provision for a future street connection or utility easement to that area, the applicant shall provide engineering of future improvements in accord with the Town's specifications, and shall provide a deed to the Town of the area necessary for that future street or utility easement.

9.21 Temporary Signs

- 1. The developer shall obtain and post signs to warn motorists of construction and construction vehicles in the area of the proposed roadway construction. All signage shall be in accordance with the Manual of Uniform Traffic Control Devices published by the Federal Highway Administration.
- 2. The developer shall be required to post a notice at the entrance to the subdivision stating the following: "Notice: Unaccepted street. Maintenance is the responsibility of the developer or abutters, not the Town of Auburn. Pass at your own risk."

9.22 Conditions During Construction

The developer shall be responsible for minimizing and avoiding, to the extent possible,

conditions which result in hardship, inconvenience or annoyance to early occupants of the development or abutters from construction activities, including but not limited to such conditions as unreasonable hours of operation, erosion, dust, odor, smoke, temporary changes of surface water runoff, or other similar conditions during construction activity. All construction shall take place in conformance with any applicable ordinances of the Town. The developer shall also be responsible for exercising reasonable care to avoid and prevent hazardous conditions on the site during all phases of construction.

In the event the developer fails to take reasonable steps to minimize hardship, or through construction creates an avoidable nuisance, the Building Inspector may issue a Cease and Desist Order requiring immediate corrective action.

ARTICLE 10 - STORMWATER MANAGEMENT AND EROSION AND SEDIMENT CONTROL REGULATIONS

10.01 General

The purpose of this Article is to control runoff and soil erosion and sedimentation resulting from site construction and development. Subdivision plans shall include plans for managing stormwater and controlling erosion and sedimentation as provided herein.

10.02 Definitions

The following definitions apply to this Stormwater Management and Erosion and Sediment Control Regulation.

1. Best Management Practice: ("BMP"): A proven or accepted structural, non-structural, or vegetative measure the application of which reduces erosion, sediment, or peak storm discharge, or improves the quality of stormwater runoff.
2. Critical Areas: Disturbed areas of any size located within fifty (50) feet of a stream, bog, water body, or poorly or very poorly drained soils; disturbed areas exceeding two thousand (2,000) square feet in highly erodible soils; or, disturbed areas containing slope lengths exceeding twenty-five (25) feet on slopes greater than fifteen (15%) percent.
3. Development: Any construction or land alteration or grading activities other than for agricultural and silvicultural practices.
4. Disturbed Area: An area where the natural vegetation has been removed exposing the underlying soil.
5. Erosion: The detachment and movement of soil or rock fragments by water, wind, ice, or gravity.
6. Highly Erodible Soils: Any soil with an erodibility class (K factor) greater than or equal to 0.43 in any layer as found in Table 3-1 of the "Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire." (See Section 10.06 (1), below).
7. Project Area: The area within the subdivision boundaries.
8. Sediment: Solid material, either mineral or organic, that is in suspension, is transported, or has been moved from its site of origin by erosion.
9. Stabilized: When the soil erosion rate approaches that of undisturbed soils. Soils which are disturbed will be considered protected when covered with a healthy, mature growth of grass or a good covering of hay or straw mulch (2 tons/acre). Mulch is only a temporary measure; ultimately, the site needs vegetation.
10. Stormwater Runoff: The water from precipitation that is not absorbed,

evaporated, or otherwise stored within the contributing drainage area.

11. Stream: Areas of flowing water occurring for sufficient time to develop and maintain defined channels, but which may not flow during dry portions of the year. Includes, but is not limited to, all perennial and intermittent streams located on U.S. Geological Survey maps.

10.03 Applicability

1. The applicant shall submit a stormwater management and erosion and sedimentation control plan to the Planning Board for any tract of land being subdivided, where one or more of the following conditions is proposed:
 - (A). A cumulative disturbed area exceeding twenty thousand (20,000) square feet;
 - (B). Construction or reconstruction of a street or road;
 - (C). A subdivision of more than three building lots; and/or
 - (D). Disturbed critical areas.
2. The applicant shall also comply with all requirements of the United States Environmental Protection Agency's (E.P.A.) General Permit requirements for the Town of Auburn. The Town of Auburn is designated as an MS4 community under the E.P.A.'s General Permit Regulations. The E.P.A.'s Regulations require, among other things, that a Notice of Intent be filed prior to any site disturbance that will affect one (1) acre or more.

10.04 Waiver

1. The Planning Board may waive the requirement for all or part of a stormwater management and erosion and sedimentation control plan if it determines that a plan is unnecessary because of the size, character, or natural conditions of a site.
2. All requests for waivers and actions thereon shall be made in writing by the applicant, and shall be accompanied by supporting technical documentation to demonstrate minimal environmental impact.

10.05 Minimum Requirements

1. The following minimum requirements apply to all projects, regardless of size:
 - (A). A site drawing of existing and proposed condition, including:
 - (i). Locus map, at the Town map scale, showing property boundaries;
 - (ii). North arrow, scale (not more than 1"=50'), date;

- (iii). Property lines;
- (iv). Easements;
- (v). Structures, utilities, roads, and other paved areas;
- (vi). Topographic contours (maximum interval of ten (10) feet);
- (vii). Critical areas;
- (viii). Surface water, wetlands, drainage patterns, and watershed boundaries;
- (ix). Vegetation;
- (x). Soils information for design purposes or for determining highly erodible soils shall be determined from a National Cooperative Soil Survey (NCSS) soil series map;
- (xi). Temporary and permanent stormwater management and erosion and sediment control BMPs;
- (xii). Areas and timing of soil disturbance; and
- (xiii). A schedule for the inspection and maintenance of all BMPs.

(B). A narrative section, including discussion of each measure, its purpose, construction sequence, and installation timing as they apply to the site.

10.06 Design Standards

The following standards shall be applied in planning for stormwater management and erosion and sediment control:

1. All measures in the plan shall meet, as a minimum, the Best Management Practices set forth in the "Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire," Rockingham County Conservation District, NH Department of Environmental Services, Soil Conservation Service, (now the Natural Resources Conservation Service), August 1992, as amended, a copy of which is available in the Planning Board office.
2. Whenever practical, natural vegetation shall be retained, protected, or supplemented. The stripping of vegetation shall be done in a manner that minimizes soil erosion.
3. Appropriate erosion and sediment control measures shall be installed prior to soil disturbance.

4. The area of disturbance shall be kept to a minimum. Disturbed areas remaining idle for more than thirty (30) days shall be stabilized.
5. Measures shall be taken to control erosion within the project area. Sediment in runoff water shall be trapped and retained within the project area using approved measures. Wetland areas and surface waters shall be protected from sediment.
6. Off-site surface water and runoff from undisturbed areas shall be diverted away from disturbed areas, where feasible, or carried non-erosively through the project area. The integrity of downstream and offsite drainage systems shall be maintained.
7. Measures shall be taken to control the post-development peak rate of runoff so that it does not exceed pre-development runoff for the storm events required below.
8. Priority should be given to preserving natural drainage systems, including perennial and intermittent streams, wetlands, swales, and drainage ditches, for conveyance of runoff leaving the project area.
9. All temporary erosion and sediment control measures shall be removed after final site stabilization. Trapped sediment and other disturbed soil areas resulting from the removal of temporary measures shall be permanently stabilized within thirty (30) days, unless conditions dictate otherwise.

10.07 Technical Requirements

1. Rainfall Intensity – The rate at which precipitation occurs at a given instant. Rainfall intensities (24 hour) for Auburn shall be as follows (if updated by a national or state study, those revised, state approved depths will be used):

2 year event	2.9 inches
5 year event	3.8 inches
10 year event	4.3 inches
25 year event	5.1 inches
50 year event	5.7 inches
100 year event	6.3 inches.
2. All runoff, erosion, and sediment control measures and the design of all drainage structures and systems shall meet the design standards and specifications set forth in these Regulations or in the current “Manual on Drainage Design for Highways” published by the New Hampshire Department of Transportation and the most recent New Hampshire Department of Environmental Services Alteration of Terrain manuals.
3. All private drainage systems are to be maintained as necessary and minimally on an annual basis. Upon request, written records verifying compliance with this requirement shall be provided to the Town. A note requiring this annual report must appear on the recorded cover sheet and site plan.

4. No LID drainage structures (i.e. rain gardens, bio-retention basins, underground infiltration systems, etc.) may be installed within the Town right-of-way or in any drainage easements to be maintained by the Town.
5. All projects which require United States Environmental Protection Agency SWPPP Plan and NOI Permit must provide copies of the SWPPP inspection reports to the Town and the Town's Consulting Engineer within three (3) days of each report.
6. All drainage computations and related submissions shall be certified by a Professional Engineer.
7. The design shall not direct concentrated flows across property lines where the flows were not concentrated in the existing conditions.
8. The drainage design shall model the pre- and post-development 2-year, 10-year, 25-year, and 100-year storm events for the site using the rainfall intensities shown in the definition in Section 10.07 (1). The design shall demonstrate no increase of runoff at any point along the border of the site for any of the modeled events. The entire event shall be modeled and the hydrograph for each structure shall be shown.
9. The drainage system shall be sized as follows:
 - Closed Drainage System = 50-Year storm event
 - Open Drainage System = 50-Year storm event
 - Cross-Culverts Connecting Wetlands or outletting to a Wetland = 100 Year
 - Detention Ponds = 100-Year with 1' freeboard to the top of the berm
 - Bridges = 100-Year with zero surcharge.
10. Pipes and culverts shall not be surcharged. Outlet control structures (relating to detention ponds only) may be surcharged.
11. Minimum cover for closed drainage systems, measured between the pipe crown and finished grade, shall be as follows:
 - Under paved roads: Three (3) feet for all culvert material
 - Residential driveways: One (1) foot for all culvert material
 - Under grass areas: Two (2) for all culvert material
12. Acceptable pipe material for roadway and driveway drainage is: reinforced concrete pipe (RCP), smooth interior polyethylene pipe (HDPE) and ductile iron pipe (DI).
13. Water shall not be impounded adjacent to roadways. The 100-Year pond elevation shall be designed to be a minimum of (ten) 10 feet from the edge of the right-of-way or otherwise a minimum of twenty-five (25) feet from the edge of pavement.

14. BMP's shall be used to provide eighty (80%) percent removal of total suspended solids from paved surfaces. The design engineer shall provide calculations showing removal rates using the following criteria:

Catch basin with 3' sump = 25%
Vegetated Treatment Swale (1 FPS @ 10-Year storm event) = 70%
Vegetated Roadside swale = 50%

Note: Storm Septor unit or equal are prohibited from use within a Town right-of-way

15. Maximum flow velocity in any pipe during the 25-year storm event is 10 fps.
16. Maximum flow velocity in a vegetated channel is 3.5 fps during the 25-year storm event. Maximum flow velocity in a rock lined channel is 6 fps during the 25-year storm event. These swales should be analyzed for stability during this storm event.
17. When the computed outlet pipe velocity is in excess of 10 fps, additional outlet protection shall be employed.
18. Culverts with a span of ten (10) feet or more will be considered as bridges.
19. Culverts shall be placed to fit natural drainage courses.
20. All culverts, including driveway culverts, shall be constructed with end sections (flared end section, headwalls, etc.).
21. A ditch or swale shall have a minimum grade of 1.0 percent, except for treatment swales which shall have a minimum slope of 0.5 percent.
22. A ditch or swale shall have a maximum length of four hundred (400) feet prior to entering a catch basin or drop inlet. Local conditions may require variations. Any variations must be approved by the Board or the Town's Consulting Engineer.
23. Minimum flow velocity in a pipe or culvert during a 2-year storm event is 2 fps.
24. Minimum pipe diameter in a closed drainage system is 12 inches. Minimum pipe diameter in an open drainage system or culvert is 18 inches.
25. Standard roadway catch basin grates shall be limited to a design inlet flow of 2 CFS unless manufacturer's data (based on transverse and longitudinal slopes) indicates greater capacity at a gutter line depth of 2 inches.
26. Bar grates shall not be used in traffic or pedestrian areas.
27. The pipes entering or exiting a catch basin or drain manhole shall be placed to provide a minimum of twelve (12) inches horizontally between pipe walls.

28. A minimum drop of 0.25 feet from the lowest inlet invert and highest outlet invert shall be provided in each structure. When two different diameter culverts enter one basin, the crown inverts shall be matched.
29. At least one catch basin will be located at the bottom of a sag. Depending on roadway classification and design considerations, an additional catch basin on either side could be necessary.
30. The spacing between proposed catch basins shall prevent spreading over more than thirty (30%) percent of any travel lane.
31. In general, the use of catch basins rather than drop inlets is recommended. Drop inlets shall be used only where no pipe inlet occurs and where soils and other debris are not likely to enter, on slope drainage, in embankments, and in culverts.
32. Manholes shall be placed where a change in grade of alignment of a storm drain occurs. Storm drains shall not have a manhole, catch basin or drop inlet more than three hundred (300) feet apart.
33. The compatibility of grate capacity, pipe capacity and design flow must be considered in closed drainage system design.
34. The type of grate chosen will be based on the following usage restrictions:

NHDOT Standards for Catch Basin Grates	Where Utilized
A.	In roadways, ditches, medians where bicycle traffic is not anticipated.
B & B-Alt.	In roadways, paved ditches, paved medians where bicycle and pedestrian traffic is anticipated.
C.	In unpaved ditches and sumps off the roadway where vehicles cannot make contact with the structure.
D.	Where high grate capacity is required and bicycle or pedestrian traffic is not anticipated.

35. Neither the introduction of large volumes of runoff nor the depletion of water resources entering an existing Prime Wetland is beneficial. A maximum variation in the rate of runoff for the 25-year storm event (comparing the pre-development storm event to the post-development storm event) is limited to ten (10%) percent with a preferred net change of zero.
36. Plans shall reference the 100-year flood plain. Map panel number and map date shall be referenced from the FIRM. If the parcel is located within a flood plain, the 100-year flood plain elevation by location (if available) shall also be noted. If the parcel is not within the 100-year flood plain, the FIRM shall be referenced with the note "Site is not within the 100-year flood plain." Flood plain shall be drawn to scale on the site plans. If an area within the 100-year flood plain is altered or filled, equal or greater incremental (1-foot elevations), compensatory

volume shall be provided with calculations to balance the loss at each 1-foot increment.

37. Both retention and detention ponds shall provide a minimum of one (1) foot of freeboard at peak elevation during the 100-year storm event.
38. Ponds shall be provided with an emergency overflow with an invert above the peak elevation of the 100-year storm event preferably provided as part of the outlet control structure. Overflow weirs are permitted if designed to fully prevent erosion for the full distance to the receiving waters.
39. Interior pond side slopes shall have a maximum grade of 4:1 (extending to the 100-year storm elevation) and exterior slopes shall have a maximum of 3:1. Above the 100-year storm elevation, the interior side slopes shall be 3:1 or flatter.
40. Slopes shall have four (4) inches of loam and be fully grassed. Permanent fencing (4-foot minimum) and a locking gating (minimum 12-foot width) shall be required if the pond retains more than twelve (12) inches of water or the peak depth (measured from the invert of lowest outlet to the invert of the emergency overflow) is greater than six (6) feet.
41. Pre-treatment of water entering a pond is required unless approved otherwise by the Town's Consulting Engineer, and can be provided by a water quality inlet BMP, such as a treatment swale, forebay, etc.
42. All drainage structures shall be protected by a fully dimensioned easement. Said easement shall include associated piping and drainage outside of the right of way along with a twelve (12) foot-wide gravel access driveway with a cross slope no greater than two (2%) percent. The descriptions of these easements shall appear on the recorded plans as well as be provided in written form to be separately recorded at the Rockingham County Registry of Deeds.
43. Underground detention facilities (UDF) may be permitted within private site plans. Full detailing of the UDF on the plans is required. These will be designed to provide for adequate maintenance by the owner.
44. All UDF's shall be designed with an emergency overflow, which shall be utilized during storm events greater than the design storm or if the system is blinded with sediment.
45. All UDF's must incorporate an isolator row to aid in the separation of sediment.
46. All UDF chamber or culvert rows shall be directly connected to the manifold so all rows equally receive stormwater flow.
47. All UDF designs shall incorporate infiltration rates shown in the definitions. The soil types and seasonal high water table elevations are to be determined by test pit data at the location of the proposed facility.

48. Slopes and contouring are critical to a drainage system. Maximum slopes, directly relating to the construction of ponds, swales, or diversions, and cut slopes intercepting the estimated seasonal high water table, shall be limited to 3:1 unless the design engineer provides a geotechnical evaluation showing that steeper slopes are stable and sustainable in a saturated and surcharged condition. The evaluation shall examine all failure modes and provide calculations with supporting documentation based on individual soil types, compaction requirements, surcharge loads, and moisture content. Other methods providing additional structural support and stability to a proposed slope may be approved by the Board on a case-by-case basis.
49. Subsurface drainage systems (underdrain) shall be provided where the seasonal high groundwater table is within four (4) feet of the finished roadway grade.
50. Test pits or borings in roadway cut sections shall be taken, as required or ordered by the Town's Consulting Engineer, to locate the Seasonal High Water Table (SHWT) and determine the need for underdrain pipe. This pipe shall be perforated PVC or HDPE with a minimum diameter of six (6) inches, placed one (1) foot outside the edge of pavement at a centerline depth of four (4) feet.
51. The applicant shall provide the following information in the drainage report/analysis with adequate description of the drainage system features. Submission shall include pre- and post-drainage plans with catchments (area, slope, length and flow path) and other drainage system components clearly identified.
- (A). Ponds: Elevations, incremental storage capacity, stage-discharge relationship, areas, critical depth, flood elevation, inflows, outflows, outlet information.
 - (B). Pipes and Culverts: Inlet and outlet inverts, base flows, material, slope, length, dimensions, roughness, restrictions, and special conditions.
 - (C). Channels: Inlet and outlet inverts, base flows, stability, construction and lining, slope, length, dimensions, roughness, restrictions, and special conditions.
 - (D). Catchments: Also known as "subcatchments." Slope, average length, changes in flow modes, soils, CN, condition, time of concentration, area, rainfall information, description of specific location.
 - (E). Modeling should include the entire storm event with a minimum time of 24 hours.
52. Aquifer Recharge and Site Storm Water Retention:
- A minimum ten (10%) percent of the differential between the volume of the pre-development and post-development must be held or infiltrated on site for the duration of the 10-year storm event. If infiltration is used, the applicant shall

identify the soil type and apply the rates show in the definition. The applicant shall fully demonstrate with a drainage model that the volume reduction is obtained. Infiltration may also be used to reduce rates of off-site flow. Infiltration systems shall not be placed within fifty (50) feet of either a well or a septic system and must be a minimum of four (4) vertical feet above the Estimated Seasonal High Water Table (ESHWT) unless an approved filtering layer is designed between the basin bottom and the ESHWT.

53. Off-Site Drainage Considerations:

- a. The applicant's engineer shall determine the effect of a development on the existing drainage facilities outside of the area of the development (off-site) based on the 100-year storm event and report the conclusions to the Board. If requested by the Board, the applicant will provide calculations and other necessary information to support the findings.
- b. Where the Board anticipates that additional run-off incidental to development of the site will increase flow in an existing downstream drainage facility, or there will be adverse effect(s) to private property, or an increase in the expenditure of public funds, the Board may not approve the development until adequate provision is made, at the applicant's expense, to remedy the downstream drainage. Additionally, such projects, at the direction of the Planning Board, shall show an equal or decreased total stormwater volume at all analyzed points of interest.
- c. The Board may accept a recorded drainage easement obtained by the applicant from downhill property owners if an increased storm water flow is expected over such property and the applicant submits a written agreement to hold the Town harmless for any claims for resulting damage. However, the applicant must also expand the drainage model to demonstrate that there is no increase in flows for all storm events to properties beyond the drainage easement.
- d. The Board reserves the right to require that the storm drain systems be designed for less frequent, more intense rainfalls where conditions warrant.
- e. The proposed drainage system shall replicate existing drainage/hydrology patterns.

10.08 Completed Application Requirements

The Planning Board shall require each of the following in the final plan, unless the project is deemed of sufficiently minimal impact to qualify for the minimum requirements specified in Section 10.05 of this Section.

(A). Construction drawings showing existing and proposed conditions, including:

- (i). Locus map, at the same scale as the Town tax map, showing property

boundaries;

- (ii). North arrow, scale (not more than 1"=50'), date;
- (iii). Property lines;
- (iv). Structures, roads, utilities, earth stockpiles, staging areas, equipment storage, and stump disposal;
- (v). Topographic contours at no greater than two (2) foot intervals;
- (vi). Critical areas;
- (vii). Within the project area, and within four hundred (400) feet of the project boundary, surface waters, wetlands, drainage patterns, and watershed boundaries;
- (viii). Vegetation;
- (ix). Extent of the 100-year flood plain boundaries, if published or determined;
- (x). Soils information for design purposes shall be obtained from a National Cooperative Soil Survey (NCSS) soil series map. Highly erodible soils shall be determined by soil series;
- (xi). Easements;
- (xii). Areas of soil disturbance;
- (xiii). Areas of cut and fill;
- (xiv). Areas of poorly and very poorly drained soils, including any portion to be disturbed or filled;
- (xv). Location of all structural, non-structural, and vegetative stormwater management and erosion and sediment control BMPs;
- (xvi). Identification of all permanent control BMPs; and
- (xvii). Tabulated sequence of construction

(B). Other plan requirements:

- (i). Construction schedule;
- (ii). Earth movement schedule;
- (iii). A proposed schedule for the inspection and maintenance of all BMPs;

- (iv). Description of temporary and permanent vegetative BMPs, including seeding specifications; and
 - (v). Description of all structural and non-structural BMPs with detailed drawings of each, as appropriate.
- (C). Report section, including:
- (i). Design calculations for all temporary and permanent structural control BMP measures;
 - (ii). A proposed schedule for the inspection and maintenance of all BMPs;
 - (iii). Identification of all permanent control measures and responsibility for continued maintenance;
 - (iv). A drainage report with calculations showing the volume, peak discharge, and velocity of present and future runoff;
 - (v). When detention structures are planned to reduce future condition peak discharge, the soil cover complex method shall be used to compute the runoff volume and peak discharge for designing the structure. The design will conform to the criteria outlined for those types of structures given in the "Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire."

10.09 Responsibility for Construction/Installation

- 1. The applicant shall bear final responsibility for the installation, construction, inspection, and disposition of all stormwater management and erosion and sedimentation control measures required by these Regulations.
- 2. The Planning Board may require a bond or other security in an amount and with surety conditions satisfactory to the Board, providing for the actual construction and installation of such measures within a period specified by the Board and expressed in the bond or the surety.
- 3. Site development shall not begin before the stormwater management and erosion and sedimentation control plan receives conditional approval. Best Management Practices shall be installed as designed and scheduled as a condition of final approval of the plan.

10.10 Plan Review and Approval

- 1. Technical review of any stormwater management and erosion and sedimentation control plan prepared under these Regulations shall be conducted by the Rockingham County Conservation District or other qualified professional consultant, as determined to be appropriate by the Planning Board, at the expense of the applicant.

2. The Planning Board shall indicate approval of the stormwater management and erosion and sedimentation control plan, as filed, if it complies with the requirements and objectives of these Regulations. Such approval shall be a component of subdivision approval. If disapproved, a list of plan deficiencies and the procedure for filing a revised plan will be given to the applicant.

10.11 Maintenance and Inspection

1. A narrative description of on-going maintenance requirements for water quality protection measures required by stormwater management and erosion and sedimentation control plans, after final Planning Board approval, shall be recorded on the deed to the property on which such measures are located. The description so prepared shall comply with the requirements of N.H. R.S.A. 478:4-a.
2. The Planning Board may require routine inspections to verify on-going maintenance of water quality protection measures. Such inspections shall be performed by the designated agent at reasonable times to the landowner.
3. If permission to inspect is denied by the landowner, the designated agent shall secure an administrative inspection warrant from the District or Superior Court under N.H. R.S.A. 595-B.
4. The Board of Selectmen may require a fee for routine inspections of water quality protection measures. The fee shall be paid by the owner of the property. A fee schedule shall be established by the Board of Selectmen which represents the cost of performing an inspection of various types of water quality protection measures. The procedure for the adoption of the fee schedule shall be as provided in N.H. R.S.A. 41:9-a.

ARTICLE 11 - ADMINISTRATION AND ENFORCEMENT

11.01 Acceptance of Streets

Nothing herein is intended to modify the requirements of law with regard to the acceptance of streets by the Town. Nothing herein is intended to modify or control the construction, reconstruction, or extension of roads by the Town or State.

11.02 Other Regulations and Ordinances

In addition to complying with the Regulations established herein, the applicant shall comply with all other applicable Town ordinances and State Regulations and laws, particularly, but not limited to, the Town Ordinances, Town of Auburn Zoning Ordinance, Comprehensive Master Plan, and the State of New Hampshire laws and regulations governing pollution. Where applicable, the applicant shall also comply with all federal statutes and regulations.

11.03 Enforcement

1. The purpose of this part is to enact locally the administrative and enforcement procedures set forth in N.H. R.S.A. 676 of the existing planning and land use statutes.
2. Any violation of the requirements of these Regulations shall be subject to any and all of the enforcement procedures detailed in N.H. R.S.A. 676 and these Regulations.
3. These Regulations shall be enforced by the Planning Board or its duly authorized agent(s), which shall include, but not be limited to: the Board of Selectmen, Town Attorney and Town Building Inspector/Zoning Code Enforcement Officer. The designated agent responsible for enforcement on a day-to-day basis shall be the Auburn Building Inspector and Code Enforcement Officer. The Building Inspector is hereby granted authority under the direction of the Planning Board to use all available statutory remedies to enforce these Regulations, including but not limited to: the issuance of Cease and Desist Orders, all common law remedies, the revocation of building permits, the withholding of building permits, actions to secure civil fines, and actions for injunctive relief.
4. Written Notice of Violation: A written notice of violation may be issued to the property owner by registered mail or hand-delivery from the designated agent if the agent determines that conditions at the site are in violation of any of the requirements of these Regulations or plans approved under these Regulations. The notice of violation shall:
 - (A). Specify the actions or conditions which violate the requirements of this Regulations or plans approved under these Regulations;
 - (B). Identify what needs to be done to correct the violation(s);

- (C). Specify a reasonable time frame within which the violation(s) will be corrected; and
- (D). Be provided to the property owner with a copy to be kept in the official records of the Planning Board.

NOTE: The issuance of a written notice of visitation shall not be a prerequisite to the issuance of a cease and desist order.

- 5. Cease and Desist Order: A cease and desist order may be issued to the property owner by the designated agent if the agent determines that conditions at the site are in violation of any of the requirements of these Regulations.
 - (A). When the designated agent has elected to issue a written notice of violation, a cease and desist order shall not be issued unless the property owner has failed to take the corrective action(s) identified in the written notice of violation within the time frame specified therein, or the noncompliance presents an immediate threat to public health or safety.
- 6. Revocation: In addition, the Planning Board may, where it deems appropriate, exercise its prerogative under N.H. R.S.A. 676:4-a to revoke subdivision approval.

11.04 Fees

The Planning Board shall establish fees to accompany the application for Preliminary Plat and Final Plat, and for inspection of construction and installation of improvements. There shall be no fee for application for the Preliminary Conceptual Consultation Phase review.

11.05 Concurrent and Joint Hearings

The Planning Board may hold a hearing on a subdivision application in conjunction with a Site Plan Review hearing. A hearing on a subdivision application by the Planning Board may be held at the same time and place that a hearing for a special exception or variance is held for the project by the Zoning Board of Adjustment.

11.06 Penalty

In accordance with N.H. R.S.A. 676:16, any owner, or agent of the owner, of any land located with a subdivision or proposed subdivision in Auburn, New Hampshire, who transfers or sells any land, before a plat of the said subdivision has been approved by the Planning Board and recorded or filed in the office of the Rockingham County Registrar of Deeds, shall forfeit and pay a civil penalty of \$1,000.00 for each lot or parcel so transferred or sold; and the description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties. The Town of Auburn, New Hampshire may enjoin such transfer or sale and may recover the said penalty by civil action. In any such action the prevailing party may recover reasonable court costs and attorney's fees as same may be ordered by the court.

11.07 Court Review

Any appeal from a final decision of the Planning Board shall be governed by N.H. R.S.A. 677:15.

11.08 Amendments

These Regulations may be amended or rescinded by the Board, but only following public hearing on the proposed change, notice of which shall be posted in three places in Auburn and published in a local newspaper at least fifteen (15) days prior to the public hearing. The Chairman or Secretary of the Board shall transmit a record of any changes so authorized to the Registrar of Deeds of Rockingham County.

11.09 Severability

If any section, article, provision, portion or paragraph of these 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, article, provision, portion or paragraph of these Regulations.

11.10 Validity

Whenever the provisions of this ordinance or rulings made under the authority hereof differ from those of other ordinances or regulations of the Town, that provision or ruling which imposes the greater restriction or the higher standard shall govern.

11.11 Effective Date

These Regulations shall take effect immediately upon adoption by the Planning Board and filing with the Auburn Board of Selectmen and the Auburn Town Clerk.

11.12 Repeal

Upon the valid adoption of these Subdivision Regulations the existing Subdivision Regulations and all amendments thereto are hereby repealed. In the event that these Regulations are not adopted and put into force and effect, then the existing Subdivision Regulations and all amendments thereto shall continue to be in full force and effect.

ADOPTED:_____

AMENDED:_____

AMENDED:_____