

**CHAPTER 278**  
**SUBDIVISION REGULATIONS**  
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**GENERAL REFERENCES - SALEM TOWN CODE**

Board of Adjustment	See Ch. 4
Planning Board	See Ch. 83
Building/construction	See Ch. 147
Design standards	Design Guidelines manual
Excavations	See Ch. 182
Flood control	See Ch. 193
Historical District	See Ch. 205
Housing standards	See Ch. 208
Individual sewage disposal systems	See Ch. 253
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Special sales	See Ch. 249
Subdivision Regulations.	See Ch. 278
Swimming pools	See Ch. 282
Zoning Regulations	See Ch. 490

**TYPICAL ROAD CROSS SECTION REFERENCES**

The following typical cross-sections and details are available from the Town of Salem Engineering Department:

Cape Cod Berm	Pavement Repair
CC Berm – Bit Sidewalk	Roadway w-CC Berm – Sidewalk
Drain Trench	Roadway X-Section w-CC Berm
Driveway Profile Above Street Grade	Sewer Trench
Driveway Profile Below Street Grade	Water Trench
Gas Trench	

[HISTORY: Adopted by the Town Planning Board 11/7/81. Amendments are noted where applicable. Affordable Housing Regulations were removed on 12/20/2011. Reorganized version of these regulations adopted by Planning Board 7/17/2012.

## **ARTICLE 1 GENERAL PROVISIONS**

### **Section 278-1:1 Title and Authority**

**1:1.1** These regulations shall be known as the SUBDIVISION REGULATIONS OF THE TOWN OF SALEM, NEW HAMPSHIRE, herein after referred to as “these Regulations”.

**1:1.2** Pursuant to the authority vested in the Town of Salem Planning Board by the legislative body of the Town of Salem in March 1973, and in accordance with the provisions of RSA 674:35 of the New Hampshire Revised Statutes Annotated (as amended), the Town of Salem Planning Board adopts the following regulations to govern the review, approval or disapproval of all subdivision, consolidation, and/or lot line adjustment of land in the Town of Salem, New Hampshire.

### **Section 278-1:2 Purpose**

These Regulations are designed to accomplish the following purposes:

**1:2.1** Uphold the purposes set forth in RSA 674:36.

**1:2.2** Assure the Town of a high standard of subdivision layout and construction.

**1:2.3** Provide for the timely installation of necessary improvements and for the payment of such improvement costs.

**1:2.4** Aid the Town and its’ Planning Board in carrying out the objectives of the Town’s Master Plan.

**1:2.5** Protect the health, safety, convenience, economic, and general welfare of our citizens.

**1:2.6** 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 the excessive expenditure of public funds for the supply of such services. [Added 8/12/97]

### **Section 278-1:3 Jurisdiction**

The provisions of these Regulations shall apply to all land within the boundaries of the Town.

#### **1:3.1 Subdivisions**

**1:3.1.1** Any person proposing to subdivide land in the Town must apply to the Board for approval of such subdivision.

**1:3.1.2** A subdivision application must be made and approved before any offer to sell, rent or lease a proposed subdivision or part thereof, before any construction, land clearing or building development is begun, before any permit for the erection of any building may be granted, and before a subdivision plat may be filed with the County Registry of deeds.

**1:3.2 Permits.** No building permit may be issued for the construction or altering of any building or structure within the purview of these Regulations until a copy of any approved subdivision plat has been presented by the applicant to the Building Inspector.

### **Section 278-1:4 Interpretation of Terms**

As used in this Chapter, the word “person” includes corporation, incorporated, association and partnership, as well as individual. The word “may” is permissive; the words “shall” and “will” are mandatory; subject, however, to provisions hereof.

## **Section 278-1:5      Conflicting Provisions**

Where any section of these Regulations conflicts with any other local regulation or ordinance, the requirement imposing the greater restriction or higher standard shall apply. In addition, the fact that a requirement under these Regulations is less restrictive than a federal or state regulation or statute does not relieve an applicant from compliance with the terms of such regulation or statute, unless specifically authorized by said regulation or statute.

## **Section 278-1:6      Severability**

The provisions of these Regulations shall be severable, and if any phrase, clause, sentence or provision of these Regulations shall for any reason be held invalid or unconstitutional, the validity of the remainder of these Regulations shall not be affected thereby.

## **Section 278-1:7      Amendments**

In accordance with RSA 675:6, these Regulations may be amended by the Board following a public hearing on the proposed change. Such change shall not take effect until a copy of the change, certified by a majority of the Board, is filed with the Town Clerk.

## **ARTICLE 2 DEFINITIONS**

**Abutter:** See RSA 672:3

**Applicant:** Shall mean 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 duly authorized agent of any such owner.

**Block:** Shall mean a tract of land bounded by streets, by a combination of streets and public parks, cemeteries, railroad rights of way, shorelines of waterways, boundary lines of municipalities, or other topographic features.

**Board:** Shall mean the Town of Salem Planning Board.

**Certified Soil/Wetland Scientist:** Shall mean a person who, by reason of special knowledge, education and experience, is qualified to practice soil science or delineate wetland boundaries and who has been duly certified by the Board of Natural Scientists under RSA 310-A:84.

**Completed Application:** Shall mean the application form and supporting documents specified in these Regulations that contain all the information the Board needs to review a subdivision proposal and make an informed decision. All fees and administrative expenses, as indicated in these Regulations, must be included. For submission requirements see Sections 5, 7, 8, and the Subdivision Plan Checklist (Attachment 278-2).

**Condominium:** A building or group of buildings in which units are owned individually, and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis. Condominiums shall be considered a subdivision under the requirements of RSA 356-B and shall be reviewed accordingly.

**Cul-de-Sac:** Shall mean a minor street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

**Easement:** Shall mean authorization by a property owner for use of all or any designated part of the property by another for a specified purpose. An easement may be declared, either by depiction on the final plan or by separate documents, and shall be recorded in the Registry of Deeds, and unless specifically limited in time shall be considered permanent and shall run with the affected land.

**Flood:** Shall mean a temporary rise in a stream flow that results in the water overtopping its banks into the adjacent floodway and floodplain.

**Floodplain:** As defined by the Town Zoning Ordinance.

**Floodway:** As defined by the Town Zoning Ordinance.

**Frontage:** As defined by the Town Zoning Ordinance.

**High Intensity Soils Survey (HISS):** A soils map prepared by a certified soil scientist according to mapping standards described in Publication No. 1 from the Society of Soil Scientists of Northern New England, and available through the Rockingham County Conservation District.

**Licensed Land Surveyor:** Shall mean a person who engages in the practice of land surveying and is licensed by the State of New Hampshire under RSA 310-A:53.

**Lot:** Shall mean a parcel of land capable of being occupied by one principal use that is of sufficient size to meet the minimum requirements for use, building coverage and area.

**Lot, Double Frontage:** Shall mean a lot having street frontage on two opposite sides of the parcel, which frontages are within 30 feet of being parallel to each other.

**Lot Line Adjustment:** Shall mean the exchange of abutting land among two or more lots which does not increase the number of owners or the number of lots. This is deemed a subdivision by these Regulations.

**Master Plan:** Shall mean a plan for development of the Town prepared in accordance with the provisions of RSA 674:2.

**Performance Guaranty:** Shall mean security which may be accepted in lieu of a requirement that certain improvements be made before the Board approves a plat; such security shall be limited to a surety bond, cash, irrevocable letter of credit or other type of guarantee acceptable to Town Counsel and the Board.

**Plat:** Shall mean the map, drawing or chart on which the plan of subdivision is presented to the Board for approval, and which, if approved, will be submitted to the Rockingham County Register of Deeds for recording.

**Professional Engineer:** shall mean a person who is technically and legally qualified to practice professional engineering, and who is registered by the State of New Hampshire to engage in the practice of professional engineering in accordance with RSA 31-A:53.

**Right of Way:** A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or for another special use.

**Street:** Shall mean a public way that lawfully exists and is maintained for vehicular travel. The word street shall include the entire right-of-way.

**Street, Collector:** Shall mean the street connecting residential and other service streets, to through traffic facilities. Although traffic enters from more than one point, the street would not generally be considered a through traffic road.

**Street, Major Collector:** Average daily traffic exceeds 400 vehicles per day, but less than 800 vehicles per day (401-799 vpd).

**Street, Minor Collector:** Average daily traffic shall not exceed 400 vehicles per day (0-400 vpd).

**Street, Primary:** Shall mean a street that is used primarily for through traffic, local and regional. The average daily traffic count shall be in excess of 800 vehicles per day.

**Street, Service:** Shall mean a street is used exclusively for access to abutting properties such as a cul-de-sac. Temporary dead-end streets which may be extended in the future shall be considered as minor collector streets. The average daily traffic of a service street shall not exceed 100 vehicles per day.

**Subdivision:** Shall mean the division of the lot, tract, or parcel of land into 2 or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale, rent, lease, condominium conveyance or building development. It includes re-subdivision and, when appropriate to the context, relates to the process of subdivision or to the land or territory subdivided. The division of a parcel of land held in common and subsequently divided into parts among the several owners shall be deemed a subdivision under this title.

**Subdivision, Major:** Any subdivision not classified as a minor subdivision.

**Subdivision, Minor:** Shall mean a subdivision of land into not more than three lots, with no potential for re-subdivision, that fronts on an existing street and requires no new streets, utilities, or other municipal improvements.

**Town:** Shall mean the Town of Salem, New Hampshire.

**Town Engineer:** Shall mean the person employed in such position by the Town to perform inspections and give approvals.

## **ARTICLE 3** **PROCEDURES FOR THE SUBDIVISION OF LAND**

### **Section 278-3:1      Plans not requiring approval**

**3:1.1** Pursuant to RSA 676:18 any person who wishes to record a plan of land which depicts only existing lines of ownership, existing lines of streets and ways already established, and which contains no new lines for division of existing ownership or new ways, need not obtain Board approval for that plan, but shall have it certified in accordance with RSA 676:18 (III).

**3:1.2** For the purposes of the foregoing paragraph, a lot line adjustment shall be considered as a new line of ownership which would require Board approval.

**3:1.3** Pursuant to RSA 676:18 (IV) any person who wishes to record a plan which does not require Board approval shall provide the Board or its agent with a copy prior to its recording.

## Section 278-3:2 Pre-application Review

### 3:2.1 Procedure

**3:2.1.1** The applicant or his agent must appear before the Board's agent to discuss the proposed subdivision prior to formal submittal of an application for subdivision approval. This discussion shall be deemed the preliminary conceptual consultation provided under RSA 676:4 (II) (a). The consultation shall include:

1. Review of the applicable zoning regulations,
2. The necessary outside permits that may be needed prior to approval,
3. The scope of the necessary application materials, and
4. A site-walk, as required at the discretion of the Board's agent.

**3:2.1.2** An applicant may, prior to formal submittal of a request for subdivision approval, submit a request for conceptual design approval for the layout of proposed roads in accordance with state regulations. Such submittal shall contain the necessary soils and topographic information to properly evaluate the proposed road location.

**3:2.1.3** The Board shall hold a public hearing with the appropriate notices on all requests for conceptual road approval.

**3:2.1.4** Denial of conceptual road approval does not prevent an applicant from proposing a formal application for subdivision with a road design of substantially the same configuration. An approval of a conceptual road design does not prevent the Board from subsequently denying a formal application for subdivision approval even though it conforms to a road layout similar in nature to that which it previously approved.

### 3:2.2 General Information

General subdivision information shall describe or outline the existing conditions of the site and proposed development as necessary to supplement the drawings required below. This information may include data on land characteristics, soil classifications and available community facilities and utilities and information describing the subdivision proposal, such as the number of residential lots, typical lot width and depth, playgrounds, park area and other public areas, and proposed utilities and street improvements.

### 3:2.3 Location Map

The location map shall show the relationship of the proposed subdivision to existing community facilities which serve or influence it and include the development name and location, main transportation arteries; public transportation lines; shopping centers; elementary and high schools; parks and playgrounds; principal places of employment; other community features, such as railroads airports, hospitals, churches and other public and semipublic buildings; title; scale; north arrow; and date.

### 3:2.4 Concept Plan and Coordinating Street Plan

**3:2.4.1** The concept plan shall show in sketch form the proposed layout of streets, lots, and other features in relationship to existing conditions. The concept plan shall be a sketch and may be shown directly on a print of topographic survey. The concept plan shall include existing topographic data, an overlay mapping of the relevant soils information, and such other information as the Board may determine as necessary for its consideration of the concept plan.

**3:2.4.2** In appropriate circumstances, to facilitate traffic circulation and to allow evaluation of the potential to extend proposed streets for servicing adjoining areas or completing road networks, the applicant shall file plans at an appropriate scale showing the proposed subdivision location, the outline of adjoining parcels, and existing or approved street locations taken from Town Assessment records.

## **Section 278-3:3      Formal Applications**

### **3:3.1      Application Procedures [Amended 8/12/97]**

**3:3.1.1** A formal application for subdivision approval shall contain the preliminary plans and data as required under Sections 3.2 and 4.1. The applicant may, at his option, also submit the final plan materials required under Sections 3.4, 4.2 and Article 5. In addition, an applicant shall submit a completed application form and checklist available from the Planning Department.

**3:3.1.2** An application consisting of 6 copies of the plan, and supplementary materials specified in Section 3.3.1.1, shall be submitted to the Board at least 21 days prior to the meeting at which the application is to be considered. [Amended 6/12/18]

**3:3.1.3** An application and material outlined in Section 3.3.1.1 above shall be submitted to the Board, reviewed for completeness, and then accepted for consideration by majority vote at a public hearing. The Board shall begin formal consideration of an application within 30 days of acceptance, although such consideration may begin on the same night as the application is accepted. The computation of all statutory time periods commences from the date of acceptance by the Board.

**3:3.1.4** All plans submitted for the conceptual road design approval or for consideration for subdivision approval shall be considered by the Board at a public hearing. Notice of said hearings shall be sent to all abutters, as defined by state law, at least ten days in advance of the hearing, and to the public by posting the agenda. The cost of all notices shall be assessed to and paid by the applicant. In accordance with RSA 676:I,(d), every engineer, architect, land surveyor, or soil scientist whose professional seal appears on any plat submitted to the board shall be notified in the same manner as legal abutters.

### **3:3.2      Consideration Procedures**

**3:3.2.1** Upon the filing of an application for subdivision approval, the Board shall hold one or more public hearings on said proposal. Any revisions or changes to the proposed subdivision as a result of negotiations with the applicant or changes deemed advisable shall be filed at least 10 days prior to any subsequent public hearing.

**3:3.2.2** At the conclusion of a public hearing, the Board may take one of the below actions. All actions of the Board shall be noted in its files, and written notice shall be forwarded to the applicant in accordance with RSA 676:3.

1. Disapprove the application with a statement of the reasons thereof, or
2. Continue consideration to a subsequent meeting because of the need for additional information or desired revisions of the submittal, or
3. Continue for final hearing if the applicant has not previously filed the plan and data required under Sections 3.4, 4.2 and Article 5, or
4. Approve the submission, including approval with conditions permitted under RSA 676:4(I).

**3:3.2.3** An applicant shall file 6 copies of the final plan and data required in Sections 3.4, 4.2 and Article 5 no later than 45 days after an application has been continued for final approvals provided further that all final plans must be submitted at least 15 days in advance of a public hearing to be eligible for final approval. The final plan shall conform substantially to the preliminary plan as submitted and subsequently revised and/or approved. [Amended 6/12/18]

**3:3.2.4** Unless a time extension has been requested from the Board of Selectmen or the applicant has waived such requirements in accordance with RSA 676:4(I)(f), the Board shall act within 90 days of accepting the application.

**3:3.2.5** It is the responsibility of the applicant to actively pursue state and federal permits and Board approval. Failure of the applicant to inform the Board or its agent in writing of a plan's status for 120 consecutive days shall be interpreted as the withdrawal of the application.

**3:3.2.6** The Board may require an applicant to pay reasonable fees to cover its administrative expenses and costs of special investigative studies, review of documents, or other matters which may be required by a particular application. In addition, the Board may require the submission of such impact statements or analysis documentation as may be deemed necessary for appropriate consideration of a subdivision request.

**3:3.2.7** The Regulations in effect at the time an application is accepted will be the governing Regulations for all phases of consideration of said application provided the final plat information is filed within 180 days.

**3:3.2.8** For minor subdivisions, the Board may waive the filing of a preliminary plan and/or waive submission of certain information required for a preliminary plan. Submission documents for minor subdivisions shall include those items required for final plans under Section 4.2.

#### **Section 278-3:4 Recording Procedures**

All approved final plats shall be filed by the Town with the Rockingham County Registry of Deeds. All recording fees shall be paid by the applicant. [Added 5/25/93]

### **ARTICLE 4 PLAN REQUIREMENTS**

#### **Section 278-4:1 Preliminary Plan**

All of the following required information must appear on the plan before the Board can give full consideration to a preliminary plan. Presenting all of this information at the time the plan goes to the Board will enable the Board to act quickly and be beneficial to all.

**4:1.1** The proposed subdivision name, name and address of the owner of record, subdivider and designer, date, and North point and scale. All appropriate stamps and signatures of competent surveyor(s), engineer(s), soil/wetland scientist(s), and architect(s). When the subdivider is not the owner of the property, plan submission shall also include a letter of permission from the owner.

**4:1.2** The names of owners of record of abutting properties and abutting subdivision names, streets, easements, building lines, alleys, parks and public open spaces and similar facts regarding abutting property.

**4:1.3** The location of property lines and their approximate dimensions, existing easements, buildings, watercourses, ponds or standing water, rock ledges and other essential features.

**4:1.4** Existing water mains, sewers, culverts, drains, with pipe sizes, pipe types, grades and elevations. Proposed connections to existing utilities or proposed alternative means of providing water supply and disposal of sewage and surface drainage. A copy of the design calculations used in sizing the various utility piping and structures must be submitted to the Town Engineer.

**4:1.5** The location of existing soil types as determined by an on-site, high intensity soil survey. Exempted from this Regulations are all lot line adjustments and those subdivisions of less than three lots or where proposed lot size is equal to or greater than 5 acres, except where wetlands are expected to affect the lot size.

**4:1.6** The location, names and widths of existing and proposed streets and highways, with their grades and profiles and the elevations of sufficient points on the property to indicate the general topography of the property; also, profiles of proposed drainage courses showing elevations at 25-foot intervals. Include a topographical plan showing 2-foot contour intervals on land generally sloping 2% or less, or a 5-foot contour plan on land of generally greater slopes.

**4:1.7** Where the topography is such as to make difficult the inclusion of any facilities mentioned above within the public area so laid out, the preliminary layout shall show the boundaries of proposed permanent easements over or under private property.

**4:1.8** The location of all parcels of land proposed to be dedicated to public use, the conditions of such dedication, and a copy of such private deed restrictions as are intended to cover all or part of the tract.

**4:1.9** Show the designs of any bridges or culverts which may be required, with elevations, grades and size.

**4:1.10** Where the preliminary layout submitted covers only a part of the subdivider's entire holding, a sketch of the prospective future street system of the un-submitted part shall be furnished, and the street system of the submitted part will be considered in the light of adjustments and connections with the street system of the part not submitted.

**4:1.11** House numbers for each lot shall be indicated as assigned by the Town Assessor.

**4:1.12** The location of percolation tests made by a surveyor or engineer, as required by the Board. In addition, the plan will depict any areas reserved for on-site disposal systems, which shall include only areas where an on-site disposal system could be located under applicable provisions of these Regulations and the zoning ordinance.

**4:1.13** The minimum basement floor elevation for each lot.

**4:1.14** Proposed roadway cross-sections shall be provided at a minimum of 50-foot intervals with supplemental sections where needed. [Amended 8/12/97]

**4:1.15** The applicant shall prepare a plan for minimizing soil erosion and sedimentation during construction and operation of the proposed development, unless deemed unnecessary by the Board.

## **Section 278-4:2      Specifications and Content of Final Plat**

**4:2.1** The final plat shall be drawn in ink on Mylar at a scale of 50-feet to an inch or larger. Where necessary, the plat may be on several sheets accompanied by an index sheet showing the entire subdivision. For large subdivisions, the final plat may be submitted for approval progressively in contiguous sections satisfactory to the Board. Also, required shall be a 1-inch equals 100-foot scale drawing of the subdivision plat for use by the Town Engineer and Assessor. Plat sizes shall conform to the requirements of the Rockingham Registry of Deeds. [Amended 7/23/87]

**4:2.2** The final plat shall show the following:

**4:2.2.1** The tract boundary lines, right-of-way lines of streets and easements and other rights of way and property lines of residential lots and other sites, with accurate dimensions, bearings or deflection angles, and radii, arcs, and central angles of all curves.

**4:2.2.2** The name and right-of-way width of each street or other right-of-way.

**4:2.2.3** The location, dimensions and purpose of any easements.

**4:2.2.4** A lot number to identify each lot or site which shall be assigned by the Town Assessor.

**4:2.2.5** The purpose of which sites, other than residential lots, are dedicated or reserved.

**4:2.2.6** The minimum building setback line on all lots and other sites.

**4:2.2.7** The location and description of monuments. Monuments shall be shown on the final plan in accordance with the following:[Amended 8/12/97]

1. Iron rods or pipes a minimum of  $\frac{1}{2}$ -inch in diameter and 30-inches long shall be set. These pipes shall be placed at all lot corners and at all angle points.
2. Street lines shall be bounded by granite monuments constructed at least 4 inches square and a minimum of 3- feet long. These street monuments shall be set in the ground at the point of curvature, point of tangency and angle points of the recorded street layout on both sides of the roadway.

3. All required monumentation shall be shown "as set" or "to be set" on the final plan with the exception of those along a roadway. If monumentation is shown as "to be set", it shall be bonded to insure installation.

**4:2.2.8** The names of record owners of adjoining land.

**4:2.2.9** References to recorded subdivision plats of adjoining platted land by record name, date and number.

**4:2.2.10** Certification by a land surveyor as to the precision of the field survey with an error of closure not greater than one part in 10,000 parts. [Amended 7/23/87]

**4:2.2.11** Certification of title showing that the applicant is the landowner.

**4:2.2.12** A statement by the owner dedicating streets, rights-of-way and any sites for public use.

**4:2.2.13** The title, scale, North arrow, date, and the appropriate stamps and signatures of the surveyor and/or engineer. [Amended 7/23/87]

**4:2.2.14** The existing and proposed center-line profile of existing and proposed streets drawn at a scale of 1-inch equals 50-feet horizontal and 1-inch equals 10-feet vertical.

**4:2.2.15** The actual locations and invert elevations of all storm water and sanitary sewage systems and water supply and hydrant systems. Locations may be shown on the plan and elevations on the profile, if so desired.

**4:2.2.16** The house numbers on each lot, as assigned by the Town Assessor.

**4:2.2.17** Dates and permit numbers of all necessary permits from governmental agencies from which approval is required by Federal or State law.

**4:2.2.18** Any other plans, studies and/or exhibits which the Board may reasonably request as necessary in order to make an informed decision on the applicant's proposal.

**4:2.2.19** An estimate of costs for improvements to proposed or existing streets, drainage and sewerage structures, and any related improvements to the site. The estimate is to be reviewed and recommended by the Town Engineer to the Board prior to the Board's signing of the plan(s). [Amended 5/23/93]

### **Section 278-4:3      Submission of Digital Plans**

Applicant shall submit a copy of the recordable and as-built plans in digital format which shall be compatible with the Town's software. [Adopted 9/28/04]

## **ARTICLE 5 PERFORMANCE GUARANTEE**

[Amended 8/12/97]

### **Section 278-5:1      General Procedures**

**5:1.1** As a condition of approval, the Board shall require the posting of a performance guarantee in an amount sufficient to defray the costs of construction of streets, public improvements, drainage structures, the extension of water and sewer drains and other improvements of a public utility nature. The amount of the security shall be based on an estimate of costs provided by the sub-divider and reviewed by an agent of the Board.

**5:1.2** The security shall be approved as to form and sureties by the Board and Town Counsel.

**5:1.3** If appropriate, the amount of the security shall include fees to cover the cost of periodic inspections.

**5:1.4** Where electric lines or other utilities are to be installed by a corporation, municipal department, or public utility, a letter of intent shall be required stating that the work will be done in reasonable time and without expense to the town.

**5:1.5** Each approved plat shall be granted a time period not to exceed 4-years from said approval, unless extended by mutual consent of the applicant and the Board, for the completion of streets and public improvements and their acceptance by the Board of Selectmen. This time limit shall be expressed in the performance guarantee. The performance guarantee shall remain valid and available until drawn upon by the Town or released in accordance with the standards indicated in Section 5.3 below. Extension of this time period must be acted upon by the Board at a properly noticed public meeting. [Revised 10/10/06]

**5:1.6** All deeds covering land to be used for public purposes, easements and rights-of-way over property to remain in private ownership, and rights of drainage across private property shall be submitted in a form satisfactory to Town Counsel.

**5:1.7** The applicant is responsible for, and shall be required to maintain, all improvements until the acceptance of said improvements by the Town. [Added 10/10/06]

**5:1.8** Applicants shall be required to provide for the proper winter maintenance of all streets until such time as streets are formally accepted by the Town of Salem's Board of Selectmen. The applicant may request in writing that the Town of Salem perform winter maintenance of streets provided the applicant shall, by November 1 of each applicable year: (a) provide the Town with a signed statement holding the Town harmless from any and all liability claims in the event that the Town's winter maintenance work cause damage to persons or property; (b) provide the Town with a signed statement acknowledging the Town's winter maintenance work in no way constitutes any form of public acceptance of streets and/or infrastructure in whole or part; and (c) reimburse the Town in full for its anticipated cost in providing for winter maintenance of streets on behalf of the applicant. It shall be within the town's sole discretion to agree to provide any winter maintenance. [Added 6/13/17]

## **Section 278-5:2      Improvements to be completed or guaranteed**

One of the following alternatives is required by the Board prior to recording of the final subdivision plan:

**5:2.1** All improvements required by the Board have been installed in accordance with the requirements of these Regulations and with the action of the Board giving conditional approval of the preliminary plat.

**5:2.2** A suitable bond agreement approved by Town Counsel, enforceable by the Board, has been signed. The agreement shall be in an amount sufficient to guarantee the construction of all improvements required on the final plan.

## **Section 278-5:3      Performance guarantee release**

**5:3.1** The performance guarantee will be released in phases as portions of the required improvements are completed and approved by the Board or its designee. The applicant may request reductions in performance surety prior to final acceptance. However, a minimum 10% of the approved plan amount of all the improvements shall remain in place until acceptance of the streets by the Town. [Revised 10/10/06]

**5:3.2** All security shall be held by the Town Treasurer in accordance with RSA 673:16. The Treasurer shall not draw upon or release any security until he/she is in receipt of a statement from the Board or its designee stating the purpose and amount to be drawn or released. The Selectmen shall enforce such securities by all appropriate legal and equitable remedies.

**5:3.3** Upon completion of improvements and acceptance of the streets, an escrow will be established with the Town by the developer to cover the maintenance of the streets for a period of 2 years. The amount of the maintenance escrow required shall be equal to 2% of the approved

plan amount of all the improvements or \$10,000, whichever is greater. Maintenance of streets shall be defined as work required to correct construction defects that become apparent to the Town within the 2-year period. [Added 10/10/06]

## **ARTICLE 6** **DESIGN AND CONSTRUCTION STANDARDS**

### **Section 278-6:1      Streets**

**6:1.1** The arrangement, character, extent, width, grade, and location of all streets shall conform to the Master Plan whenever possible and shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.

**6:1.2** Where such is not shown in the Master Plan, the arrangement of streets in a subdivision shall either:

**6:1.2.1** Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or

**6:1.2.2** Conform to a plan for the neighborhood approved or adopted by the Board to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impracticable.

**6:1.3** Service streets shall be so laid out that their use by through traffic will be discouraged.

**6:1.4** Where a subdivision abuts or contains an existing or primary street, the Board may require marginal-access streets, reverse frontage with screen planting contained in a non-access reservation along the rear property line, deep lots with rear service alleys or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

**6:1.5** Where a subdivision borders on or contains a railroad right-of-way or limited-access highway right-of-way, the Board may require a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of intervening land, as for park purposes in residential districts, or for commercial or industrial purposes in appropriate districts. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.

**6:1.6** Reserve strips controlling access to streets shall be prohibited except where their control is definitely placed in the town under conditions approved by the Board.

**6:1.7** Street jogs with center-line offsets of less than 125-feet shall be prohibited.

**6:1.8** A tangent at least 100-feet long shall be introduced between reverse curves on primary and collector streets.

**6:1.9** Property lines at street intersections shall be rounded with a radius of 20-feet, or of a greater radius where the Board may deem it necessary. The Board may permit comparable cutoffs or chords in place of rounded corners.

**6:1.10** Street and sidewalk widths shall not be less than as shown in the following table:

**MINIMUM REQUIREMENTS FOR ROAD WIDTHS AND SIDEWALKS**

Street Type	Average Daily Traffic <sup>1</sup>	Right-of-Way (Feet)	Paved Roadway (Feet)	Sidewalk Requirement <sup>2</sup> (feet/sides)
Apartment & multi-family areas	No Minimum	50	30	5/Both
Primary Street	800-up	60	30	5/Both
Major Collector	401-799	50	30	5/Both
Minor Collector-1	201-400	50	24	5/Both
Minor Collector-2	1-200	50	24	5/One
Service Streets-1	0-50	50	24	None
Service Streets-2	51-100	50	24	5/One

**NOTES:**

<sup>1</sup>Average daily traffic shall be computed on the basis of each single-family residence generating ~~ten~~ (10) vehicular trips per day.

<sup>2</sup>See Section 278-6:6, sidewalks.

**6:1.11** Road Design Cross-sections. [Added 5/25/93, Amended 8/12/97]

**6:1.11.1** Road design cross-sections shall show, and the roadway shall be constructed to achieve, a minimum of 3-feet separation after construction between seasonal high ground water and the finish street grade at centerline.

**6:1.11.2** Street design data shall include, but not be limited to, location and depths of various soil strata and seasonal high water table.

**6:1.11.3** The use of under drains to achieve the required separation is permitted.

**6:1.12** Dead-end streets, designed to be so permanently, shall be provided at the closed end with a turnaround having an outside roadway diameter of at least 118-feet and a street property line diameter of at least 150-feet with the placement of a circular landscaped island with a minimum radius of 35-feet at the center of the turnaround. Maintenance of these landscaped islands shall not be the responsibility of the Town. [Amended 8/12/97 and 9/28/04]

**6:1.13** No street names shall be used which will duplicate or be confused with the names of existing streets. Street names shall be subject to the approval of the Board and the Town Fire Department.

**6:1.14** Street grades, wherever feasible, shall not exceed the following with due allowance for reasonable vertical curves:

**6:1.14.1** Primary Street: 5% grade.

**6:1.14.2** Collector Street: 8% grade.

**6:1.14.3** Service Street: 8% grade.

**6:1.14.4** Street grades shall conform as closely as possible to the original topography of the site.

**6:1.15** No street grade shall be less than 1%. [Amended 9/28/04]

**6:1.16** At intersections with major streets, the grade of the intersection shall not be more than 2% for a distance of 100-feet from the intersection. A street shall intersect another as nearly to a 90-degree angle as possible.

**6:1.17** The developer shall provide for the installation of street lighting, at his expense, with 400-feet maximum spacing between lights. Arrangements shall be made with the power company by the developer. Upon acceptance of streets or power charges by the Board of Selectmen, via the normal petition process, the energy charge will be transferred to the Town. The lights should be similar in quality and characteristics to those used by the Town in like circumstances.

**6:1.18** When a street is required by the Board solely for the purpose of providing access to property not located within the subdivision, the subdivider shall install the utilities and build the street to include base gravel, within and to the edge of the subdivision. Any developer of property located outside of the subdivision but served by such street shall be responsible for installing processed gravel, bituminous concrete paving and loam and seeding on the sides of such street at the time of development.

**6:1.19** All elevations (existing and proposed) shall refer to USGS benchmarks by field surveys performed by a qualified surveyor or engineer. The USGS benchmark tied into shall be referenced on the plan set. Benchmark data for the subdivision shall be shown on each sheet of the plans. Benchmark data shall include the location, elevation (USGS datum), and description of each benchmark. [Added 7/23/87, amended 10/10/06]

**6:1.20** Wherever, in the opinion of the Board, traffic generated by a development will adversely impact existing public streets or intersections, the applicant shall be responsible for the improvements to be made to such streets and intersections in an effort to mitigate such impacts.

**6:1.21** Curbing shall be required in areas where the Town Engineer finds that it is required for control of drainage, protection of pedestrians and the pavement edge, and delineation of the traveled way. All granite curb shall conform to NHDOT "Standard Specifications for Road and Bridge Construction" (current edition), Section 609. For all subdivisions, the minimum curb requirement shall be bituminous cape cod berm, subject to the following exceptions:

[Amended 9/28/04 and 2/27/07]

**6:1.21.1** Minimum curb requirement for commercial or industrial subdivisions shall be sloped granite curbing.

**6:1.21.2** No curbing will be required in residential subdivisions if the entire subdivision road can be provided with a longitudinal slope of 4% or less. If portions of the road are provided with slopes greater than 4%, then the entire roadway shall be provided with curb or berm as stipulated herein.

**6:1.21.3** Vertical granite curb shall be provided if a sidewalk is proposed without a grass strip separating the sidewalk from the traveled way.

**6:1.21.4** If a subdivision road is proposed off an existing road that has existing curbing, or is anticipated to have curbing constructed by the Town in the future, the proposed subdivision road shall have the same type of curbing material as the existing road.

**6:1.21.5** If a subdivision road is provided with granite curbing, all catch basins located at road low points shall be provided with open throat stones. Transition stones shall be utilized between sections of sloped and vertical granite curb.

**6:1.21.6** In such cases where other Town regulations, ordinances, or overlay districts specify more stringent curbing than required herein, then the more stringent requirement shall govern.

**6:1.22** Street signs of an approved design shall be erected by the developer and maintained prior to release of the Performance Bond.

**6:1.23** No street shall be accepted by the Town until a deed for the dedicated right-of-way has been submitted. [Added 8/12/97]

**6:1.24** All streets shall be designed to provide adequate sight distance in accordance with the recommendations of the American Association of State Highway and Transportation Officials (AASHTO) as set forth in A Policy of Geometric Design of Highways and Streets - 1984, as amended, a copy of which is available in the Planning Department. In no case shall less than 200-feet of sight distance be allowed.

**6:1.25** All construction debris shall be disposed of in a proper manner which complies with all federal and State regulations. [Added 10/10/06]

## **Section 278-6:2 Easements**

**6:2.1** Easements across lots or centered on rear or side lot lines shall be provided for utilities where necessary, shall be at least 20-feet wide, and shall have satisfactory access to public ways.

**6:2.2** Where a subdivision is traversed by a watercourse, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such watercourses. [Amended 9/28/04]

## **Section 278-6:3 Blocks**

**6:3.1** The lengths, widths and shapes of blocks shall be determined with due regard to:

**6:3.1.1** The provisions of adequate building sites suitable to the special needs of the type of use contemplated.

**6:3.1.2** The zoning requirements as to the lot sizes and dimensions.

**6:3.1.3** The need for convenient access, circulation, control and safety of street traffic.

**6:3.2** Block length or cul-de-sac lengths shall not exceed 1200-feet, and shall not be less than 300-feet. Length shall be measured from the nearest collector street to the midpoint of the turn-around. However, in the event that a parcel cannot be developed to its highest and best use within the limitation of all other applicable ordinances and regulations, the applicant may request a waiver to the aforementioned length limitations. [Amended 8/18/87]

## **Section 278-6:4 Lots.**

**6:4.1** The lot size, width, depth, shape, and orientation and the minimum building setback lines shall be appropriate for the location of the subdivision and the type of development and use contemplated. Lots shall provide satisfactory sites for buildings and be properly related to topography. Lots should generally be square or rectangular in shape. Lots shall not contain irregular shapes or elongations solely to provide necessary square footage. [Amended 8/12/97 and 10/10/06]

**6:4.2** Each lot shall contain a building envelope meeting all setback requirements which includes, at a minimum, a contiguous area of useable land (non-wetland, no more than 25% of envelope with slopes greater than 25%) equal to 15,000 square feet in the Rural District and 7,500 square feet in other districts. The building envelope shall be configured such that a rectangle with minimum dimensions of 75 x 100 feet, or a circle with a diameter of 100-feet can be contained within it. [Amended 8/12/97 and 10/10/06]

**6:4.3** Lot dimensions shall conform to the requirements of the Zoning Ordinance as a minimum. However, the size of lots which will have individual sewage disposal systems will be determined from an analysis of the type of soil and the slope of the land as indicated by a High Intensity Soil Survey prepared by a certified soil scientist following the guidelines established in the publication "High Intensity Soil Maps for New Hampshire - Standards and Origins", SSSNNE Special publication #1, and in accordance with the general criteria below and the minimum lot size table (Attachment 278-3). [Amended 8/12/97]

**6:4.3.1** Where private individual sewage disposal systems are proposed, the subdivider shall perform soil tests to be submitted as part of the survey phase and also to be included with subsequent submissions of the preliminary layout and final plat. The subdivider shall arrange to perform such tests under the supervision of the New Hampshire Water Supply and Pollution Control Division, a certified soil scientist, and the Town Engineer, and at locations recommended by its agent, provided that the percolation test for each proposed lot is to be included.

**6:4.3.2** Non-wetland soils used to fulfill the minimum lot size requirements shall be sufficient in size and configuration to accommodate all required utilities such as sewage disposal and water supply, including primary and ancillary leach field locations. In no case shall less than 22,500 square feet of contiguous non-wetland soils be allowed on lots serviced by on-site septic systems. [Amended 4/12/94]

**6:4.4** Corner lots for residential use shall have sufficient width to permit appropriate building setback from and orientation to both streets.

**6:4.5** The subdivision of land shall be such as to provide, by means of a public street, each lot with satisfactory access to a public street.

**6:4.6** Double frontage and reverse frontage lots should be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. A planting screen easement which will attain a minimum height of 5-feet, and across which there shall be no right of access, shall be provided along the line of lots abutting such a traffic artery or other disadvantageous use.

**6:4.7** Side lots lines shall be substantially at right angles or radial to street lines (within 5 degrees) for at least 150-feet back from the front property line.

## **Section 278-6:5      Driveways**

**6:5.1** State laws governing driveways and other accesses to the highway are hereby made a requirement under this chapter.

**6:5.2** Driveways shall not interfere with the free flowing drainage in the gutter line. Driveways shall be graded in accordance with the Town Engineer's typical driveway sections dated 4/12/94, as revised.

**6:5.3** No driveway shall intersect the street at less than a 60 degree angle or have a grade in excess of 10%. Driveways must have unobstructed sight distance in each direction of at least 200-feet. The Board may require greater sight distances and driveway locations to be shown on the plan where hazardous conditions exist. [Amended 8/12/97]

**6:5.4** A permit for the construction of all driveways within the dedicated right of way shall be obtained from the Town Engineer. [Amended 4/12/94]

**6:5.5** Each lot shall have a safe, independent, and direct access from a public street through its own frontage. The Board may require a driveway to be shared by two or more lots where warranted by traffic or adverse topographic conditions. All shared driveways shall be improved to facilitate two-way traffic flow and shall be established by easement. The easement shall address maintenance responsibilities. [Amended 8/12/97]

## **Section 278-6:6 Sidewalks**

**6:6.1** Pedestrian walkways shall be required where deemed essential to provide circulation within a subdivision or access to schools, playgrounds, shopping centers, transportation and other community facilities.

**6:6.2** Sidewalks shall be required as a function of street type and average daily traffic flow. The table in Section 6.1.10 shall be considered the minimum requirement for all new subdivisions, although the developing party may elect to exceed the required minimum with the approval of the Board. Sidewalks shall be constructed along the property line on a 6-inch gravel base with a minimum width of 5-feet and paved with a 2-inch single course of plant-mixed bituminous concrete. The provisions of this subsection shall not apply unless a proposed subdivision street is within 1,000-feet of an existing sidewalk or a recommended sidewalk in the current Town Sidewalk Master Plan. [Amended 8/12/97]

**6:6.3** Where no sidewalks are required, the developer may elect to install a sidewalk on either side of the street or deposit an amount of money equal to the cost of constructing such a sidewalk in the Sidewalk Trust Fund.

**6:6.4** The sidewalk shall be constructed for the length of the roadway.

## **Section 278-6:7 Public Sites and Open Spaces**

**6:7.1** Where a proposed park, playground, school or other public use shown in the Master Plan is located in whole or in part in a subdivision, the Board may require the dedication or reservation of such area within the subdivision in those cases in which the Board deems such requirements to be reasonable.

**6:7.2** Where deemed essential by the Board, upon consideration of the particular type and size of the subdivision, and especially in developments not anticipated in the Master Plan, the Board may require the dedication or reservation of such other areas or sites of a character, extent and location suitable to the needs created by such development for open space, schools, parks and other public facilities.

**6:7.3** The subdivision shall, whenever possible, preserve in their natural condition important natural features. The Board may request an advisory opinion from other boards, committees, or other agencies as it may deem necessary in the determination of the value of the natural features and the boundaries of such natural systems. Such areas may include unique trees, water courses, or important wetland areas. Natural features that provide buffers between lots, or sections of a subdivision, shall wherever possible be preserved to enhance privacy and aesthetic value.  
[Added 8/18/87]

**6:7.4** The Board may require a vegetative buffer to provide screening where non-residential developments abut a residential zone.

**6:7.5** New subdivisions in the Rural District shall maintain a wooded buffer strip, when existing, of no less than 50-feet in width along all existing public roads. The buffer may be broken only for new driveways and roads. The Board may allow a combination of berms and new plantings to create the same affect as a wooded buffer strip. [Added 8/12/97]

**6:7.6** When a proposed subdivision road traverses open fields or yards, plans shall include the planting of street trees at least 2-inches in diameter at breast height, and no more than 50-feet apart. [Added 8/12/97]

## **Section 278-6:8      Floodplain Development Regulations.**

All subdivision proposals and proposals for other developments governed by these Regulations having lands identified as Special Flood Hazard Areas in the "Flood Insurance Study for Rockingham County, NH" dated May 17, 2005, together with the associated Flood Insurance Rate Maps and Flood Boundary and Floodway maps dated May 17, 2005 or as amended, shall meet the following requirements: [Amended 12/20/11]

**6:8.1** Subdivision proposals and proposals for other developments shall be located and designed to assure that all public utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage and adequate drainage is provided to reduce exposure to flood hazards.

**6:8.2** Base flood elevation (the level of the 100-year flood) data shall be provided for proposals greater than 50 lots or 5 acres, whichever is lesser, for that portion within the Special Flood Hazard Area.

**6:8.3** In riverine situations, prior to the alteration or relocation of a watercourse, the applicant for such authorization shall notify New Hampshire Civil Defense Agency, Wetlands Bureau, and submit copies of such notification to the Board and the Federal Emergency Management Agency. Further, the applicant shall be required to submit copies of said notification to those adjacent communities as determined by the Board. Within the altered or relocated portion of the watercourse, the applicant shall submit to the Board certification provided by a registered professional engineer assuring that the flood carrying capacity of the watercourse has been maintained.

**6:8.4** Where new water and sewer systems (including on-site systems) are proposed in a special flood hazard areas, the applicant shall provide the Board with information that the sanitary systems are designed to minimize or eliminate infiltration of flood waters into the systems, and discharges from the systems into flood waters and on-site water disposal systems are located to avoid impairment to them or contamination from them during flooding. Replacement water and sewer systems will require identical information to be reviewed and approved by the Planning Department. [Amended 12/20/11]

**6:8.5** The Board shall review the proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334. [Added 12/20/11]

## **Section 278-6:9      Erosion Control. [Added 8/12/97]**

**6:9.1** All construction and/or development activities shall incorporate design standards for erosion and sedimentation control which at a minimum reflect the recommendations of the publication Stormwater Management and Erosion and Sediment Control Handbook for Urban and Development Areas in New Hampshire prepared for the NH Department of Environmental Services by the Rockingham Country Conservation District in cooperation with the USDA Soil Conservation Service, August 1992 as amended, a copy of which is available for review in the Planning Department.

**6:9.2** Whenever practical, natural vegetation shall be retained, protected or supplemented. The stripping of vegetation shall be done in a manner that minimizes soil erosion.

**6:9.3** Appropriate erosion and sediment control measures shall be installed prior to soil disturbance.

**6:9.4** The area of disturbance shall be kept to a minimum. Disturbed areas remaining idle for more than 30 days shall be stabilized.

**6:9.5** 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.

**6:9.6** Off-site surface water and runoff from undisturbed areas shall be diverted away from disturbed areas where feasible, or carried without erosion through the project area. Integrity of downstream drainage systems shall be maintained.

**6:9.7** 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.

**6:9.8** 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 30 days unless conditions dictate otherwise.

## **Section 278-6:10      Details of Construction**

**6:10.1** All roadway construction shall be done in accordance with the New Hampshire Department of Transportation specifications, the standard cross section and any other standards as set by the Town Engineer. These are minimum specifications for residential subdivisions. Additional improvements may be required in large residential subdivisions or in commercial and industrial areas. [Amended 8/12/97]

**6:10.2** All stumps, soft clay, muck and peat shall be removed from the entire limits of the roadbed. Embankments shall be constructed in accordance with the specifications of the Town Engineer. No slope, cut, or fill will be greater than 4-horizontal to 1-vertical, unless allowed by the Town Engineer. The Town Engineer may approve slopes greater than 4-horizontal to 1-vertical in critical areas where wetlands would be impacted or excessive earthwork would be required. Slope stability and safety warrants shall be addressed to the Town Engineer's satisfaction. [Amended 8/12/97]

**6:10.3** A base of 12-inches of bank-run gravel and 4-inches of Class A crushed gravel shall be constructed for a width of 1-foot greater than the paving width indicated in Section 6:1.10. The required width shall be paved with a 2½-inch base course and a 1½-inch finish course of machine-laid bituminous concrete, the gradation of which shall be approved by the Town Engineer. Planting strips shall be loamed and seeded for the entire balance of the area not used for street or sidewalk paving. [Amended 8/12/97]

## **Section 278-6:11      Utilities [Amended 8/12/97]**

**6:11.1** All utilities shall be placed underground, including electric and telephone. No underground utilities shall be constructed until the subgrade is completed and compacted. They shall, however, be completed before the gravel is placed.

**6:11.2** Sewers shall be designed and constructed in accordance with the Salem Sewer Ordinance and specifications for sewer construction. A house service, tightly stoppered, will be provided for each lot and extended minimum of 3-feet into the lot. Sewer pipe shall be eight-inch minimum SDR 35 PVC sewer pipe meeting ASTM specification D3034 or 789 in the street and six-inch house laterals, located in accordance with the standard cross section. The design shall be approved by the Town Engineer and State Water Supply and Pollution Control Division. Construction shall be done in accordance with the standards set forth in the Town's Construction Specifications.

**6:11.3** Water mains shall be constructed in accordance with Salem Water Department specifications. Water pipe shall be 8-inch class 52 cement-lined ductile iron as a minimum, located in accordance with the standard cross section. The Board may approve 6-inch class 52 cement lined ductile iron for dead end mains of 400-feet or less, provided no possibility of extension exists and pressure is great enough to provide acceptable fire flow. Hydrants shall be as specified in Salem Water Department specifications and located in accordance with Salem Fire Department recommendations. Each lot shall be provided with a water service connection from the main to a shut-off located at the edge of the right of way. Construction shall be done in accordance with the standards set forth in the Town's Construction Specifications. In subdivisions not served by municipal water service, the provision of on-site water shall conform to New Hampshire Water Supply and Pollution Control Division Criteria and be subject to approval by the Board. Community water systems must meet all state requirements plus all town standards. Community water systems are to be operated by experienced, accredited water companies with properly licensed personnel.

**6:11.4** Gas mains shall be constructed in accordance with specifications set forth by the Town.

**6:11.5** Drainage

**6:11.5.1** An adequate surface storm water drainage system for the entire subdivision area shall be provided. Storm drainage shall be carried to existing water courses or connect to an existing storm drain. If a storm drain creates any additional flow, it may be required that the sub-divider shall obtain an easement from the adjacent property owners and shall hold the town harmless from any claims for damage resulting there from. All drainage within easements shall be through pipes and/or swales the entire length of said easements. Swales shall be properly protected (through rip-rap, seeding or sodding) to minimize erosion. The Board may approve the use of unpiped brooks within the drainage system. Access manholes shall be required at least every 300-feet and at changes in alignment.

**6:11.5.2** The minimum requirement for a storm drainage capacity will be based on the Soil Cover Complex Method (e.g., SCS Runoff Curve Number Method) for 24-hour duration storm frequencies as follows:

1. residential street drainage: 10-year;
2. commercial/industrial streets and sites: 25-year;
3. road culverts: 50-year.

Detention basins, retention areas, and similar storage type structures shall use the storm frequencies and other minimum design criteria specified for those practices in the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire. The post-development peak rate of runoff must be equal to or less than the pre-development peak rate of runoff for the 2-year and 10-year storm. The use of existing downstream wetland(s) to fulfill the reduction of post-development to pre-development flow rate requirement shall be prohibited. Proposed detention or retention structures must be constructed within the boundaries of the proposed project. The pre- and post-development peak discharge from a 2-year storm event shall be used to analyze the stability of the receiving streams located within the project area and immediately downstream. For those streams located within the project area if it is found that the increased discharge or longer flow duration creates an unstable stream situation corrective measures shall be taken to remedy the problem. At no time shall a project create an unstable stream situation. Remedies may include detention to reduce post-development flows to pre-development conditions or stabilizing the receiving stream.

[Amended 2/27/07]

**6:11.5.3** No surface flow will be allowed across streets. The maximum distance between drainage structures (catch basins, drop inlets, manholes, etc.) shall be 300-feet. Where curbing is proposed, the spacing between catch basins shall be based on inlet grate capacities, but shall not exceed 300-feet. If the storm drainage system to which the catch basin flows leads into an above ground or underground detention or retention basin, the effects of tail-water on the storm drain outfall shall be examined for the 50-year storm event to insure that the hydraulic grade line is at least 1 foot below the rim of all structures. The width of gutter flow shall not exceed one-half the proposed roadway travel lane width for at least 10-year storm event. Overland flow onto curbed

streets shall be kept to a minimum. Diversions, swales, surface inlets or other structures shall be employed to collect overland flow and direct it into the storm drain system or culverts.  
[Amended 6/12/18]

### **Section 278-6:12 Sequence of Operations; Inspections**

Each of the following operations shall be completed and approved in writing by the Town Engineer, or his agent, before the next step, as listed below, is begun:

**6:12.1** After clearing, stumping, muck removal and all work prior to subgrade construction.

**6:12.2** After the subgrade has been constructed.

**6:12.3** After the utilities and drainage have been constructed. (Note: Nothing will be covered until it has been inspected by the Town Engineer.)

**6:12.4** After the application of the gravel, just prior to paving and loaming.

**6:12.5** Final inspection.

### **Section 278-6:13 Inspection Process**

**6:13.1** Inspections Sections 6.12.1 and 6.12.2 shall be visual inspections by the Town Engineer.

**6:13.2** For inspections Section 6.12.3, the sub divider or contractor shall have prepared by a competent surveyor or engineer an as-built plan showing the location, invert and top grades of all drainage structures, all sewer structures, all water mains and center-line street grades on 100-foot stations to the nearest one-tenth foot. These may be inked in red on a drainage and utilities plan and submitted to the Town Engineer for approval. All curb boxes and sewer house connections shall be located along with the depths of the services.

**6:13.3** For inspections Section 6.12.4, the sub divider or contractor shall have prepared by a competent surveyor or engineer a plan showing the center-line and ditch grades at 50-foot intervals to the nearest one-hundredth foot. This information may be inked in red on a drainage and utilities plan and submitted to the Town Engineer for approval.

**6:13.4** The final inspection, Section 6.12.5, shall be a visual inspection by the Town Engineer after all work is completed. The catch basin and drains shall be cleaned and all sand, silt and debris removed, all valve boxes adjusted to final street grade, the grass in the planting strip shall be well established and all portions of the work shall be to exact grade and line.

**6:13.5** In order to confirm that various improvements delineated on approved plans are in fact constructed in accordance with those plans and/or with applicable codes and standards, the Board shall require the applicant to establish an appropriate escrow acceptable to the Board, which will be used by the Town to retain appropriate engineering or other consultants to confirm that construction is in conformance with the approved plans and/or applicable codes and standards. (The Town will establish a uniform fee schedule based on size and complexity of project.) [Added 9/28/04]

### **Section 278-6:14 Occupancy Permits** [Added 12/11/84, revised 8/12/97]

No occupancy permit shall be granted for any structure located adjacent to an existing or proposed right-of-way until:

**6:14.1** All utilities including streetlights and drainage structures are complete for the entire length of the lot frontage upon which the structure is located; and

**6:14.2** All roadway construction has progressed to at least the point of the 2½-inch base course of bituminous concrete.

## **ARTICLE 7** **WAIVERS AND MODIFICATIONS**

**Section 278-7:1      Waivers** [Amended 12/20/11]

The Board may waive any portion of these Regulations if it finds, by majority vote, that:

**7:1.1** Strict conformity would pose an unnecessary hardship to the applicant and waiver would not be contrary to the spirit and intent of these Regulations; or

**7:1.2** 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.

**Section 278-7:2      Conditions** [Amended 8/12/97 and 12/20/11]

In waiving or modifying these Regulations, the Board shall require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so waived or modified. These conditions by the Board shall take the form of written findings based upon evidence presented to it in each specific case. Such waivers or modifications will be entertained and acted upon by the Board only at a properly noticed public hearing. All waivers granted by the Board shall be noted on the recordable plan and the basis for such waivers shall be recorded in the minutes of the Board.

## **ARTICLE 8** **FEES**

**Section 278-8:1      Applications**

A completed application shall be accompanied by fees to cover the costs of filing, public notification and abutter notification. The schedule of these costs is available in the Planning office.

**Section 278-8:2      Notices**

All costs of notices, whether mailed, posted, or published, shall be paid in advance by the Applicant. Failure to pay costs shall constitute valid grounds for the Board to terminate further consideration of the application and to disapprove the plat without a public hearing.

**Section 278-8:3      Studies/Reviews**

Pursuant to RSA 676:4,I(g) it shall be the responsibility of the Applicant, if the Board deems it necessary, to pay reasonable fees for special investigative studies, environmental assessments, legal review of documents, administrative expenses, and other matters which may be required to make an informed decision on a particular application.

## **ARTICLE 9** **ADMINISTRATION, ENFORCEMENT AND PENALTIES**

[Amended 8/12/97]

### **Section 278-9:1      Administration**

These Regulations shall be administered by the Board, with the assistance of the Town's Building Inspector, Engineer, Board Agent and other such persons as the Board shall designate.

**9:1.1      Compliance.** Agents designated by the Board of Selectmen, Town Building Inspector, or Town Engineer shall be charged with the responsibility of inspecting improvements and the development of subdivisions for compliance with these Regulations.

**9:1.2      Appeals.** Any person aggrieved by any decision of the Board concerning a plat or subdivision may appeal said decision to the Board of Adjustment if denial was a matter of conflicts or interpretation of zoning, or to the Superior Court for all other reasons, in accordance with RSA 677:15.

### **Section 278-9:2      Enforcement**

The enforcement of these Regulations is vested with the Selectmen. The Selectmen, in enforcing these Regulations, shall act upon complaints from the public or information from the Board, the Town's Building Inspector, Engineer, Board Agent or others; and shall, whenever practicable, take such action as is necessary to enforce compliance with these Regulations.

### **Section 278-9:3      Penalties**

Any violation of these Regulations shall be subject to the penalties as provided for in RSA 676:16 and 676:17, as amended. Each day that the violation continues shall constitute a new violation. [Amended 5/23/93]

**CHAPTER 278**  
**ATTACHMENT 278-1**  
**APPLICATION FOR SUBDIVISION OF LAND** [Revised 8-23-2005]

File # \_\_\_\_\_

1. Name, mailing address & telephone/fax number of applicant:  
\_\_\_\_\_  
\_\_\_\_\_

2. Name, mailing address & telephone number of owner of record if other than applicant (Written permission from owner is required):  
\_\_\_\_\_  
\_\_\_\_\_

3. Name, mailing address, telephone/fax number of surveyor, and/or agent:  
\_\_\_\_\_  
\_\_\_\_\_

4. Location of Proposed Subdivision: \_\_\_\_\_

5. Tax Map \_\_\_\_\_, Lot \_\_\_\_\_

6. Name of Proposed Subdivision: \_\_\_\_\_

7. Number of lots and/or dwellings for which approval is sought: \_\_\_\_\_ lots; \_\_\_\_\_ dwellings

8. Type(s) of dwellings proposed in the subdivision (check one or more): \_\_\_\_\_ Single Family; \_\_\_\_\_ Duplex; \_\_\_\_\_ Multi-family

9. Abutters: Attach a separate sheet listing the Town of Salem Tax Map, Lot number, Name, and Mailing Address of all abutters, including those across a street, brook or stream. Names should be those of current owners as recorded in the Tax Records. Mailing labels are required for 10 or more abutters.

10. Attach completed checklist: (Incomplete plans will not be accepted.)

11. Attach six (6) copies of subdivision plan

12. Payment of all applicable subdivision fees: [Adopted 9/23/05]

Per lot	\$100/lot for 1-2 lots	\$ _____
	\$125/lot for 3-6 lots	_____
	\$150/lot for 7+ lots	_____
	\$200 minimum fee	_____
Lot line adjustment for 2 lots or less	\$100	_____
Advertising/post costs	\$25	_____
Abutter notification	\$5/each	_____
Conceptual discussion	\$200 plus advertising and notification	_____
Administrative and technical review costs		_____
	TOTAL	\$ _____

**The applicant and/or owner or agent, certifies that this application is correctly completed with all required attachments.**

\_\_\_\_\_  
(Applicant/Owner)

\_\_\_\_\_  
(Date)

<b>For Planning Board Use Only:</b>	
Completed Application Filed	_____
Fees Paid	_____
Notices Mailed	_____
Meetings with staff	_____
Application Accepted/Rejected	_____
Public Hearing(s)	_____
Date Approved/Disapproved	_____
Follow-up Letter Sent	_____

**CHAPTER 278**  
**ATTACHMENT 278-2**  
**SUBDIVISION PLAN CHECKLIST** [Revised 5-24-12]

**Format**

title block  date  scale  engineer/surveyor/other stamps/signatures  abutters names /addresses  
 zoning dist  zoning boundary  lot & street numbers  North arrow  owner/applicant  
 location plan  permission from owner  certif. of title

**Topography and Environmental Features**

high intensity soils/wetlands  streams, ponds, ledge  wetland impact  wetland mitigation  
 min. wetland setbacks (40' pavement/bldg, 75' septic)  dredge/fill permit  Cons. Comm. approval  
 local conditional use permit  prime wetlands  100' prime wetlands setback(no disturb.)  
 conservation easements  floodplain  floodplain impact  compensatory storage  
 existing/ proposed elevs.  USGS benchmark (location, elevation, description, on each sheet)  
 significant environmental features  shoreland protection

**Drainage & Utilities:**

existing/proposed water/sewer lines (location, types, sizes, profiles)  sewer manholes, watergate valves  
 daily water use/sewer flow  design calcs  hydrants  pump stations/force mains  utility easements  
 septic systems  4000 sf septic areas  perc tests  wells  protective radius  
 existing/proposed drainage pipes (types, sizes, slopes)  plan/profile  drainage easements  drain calcs  
 peak flow comparison (post runoff=pre runoff)  downstream/abutter impact  erosion control plan  
 invert/rim elev  catch basins (every 300')  easements (20' min. width)  swales/ditches  
 direction of flow  curbing  typical details  outside engineering review  max. fill/cut  
 est. high water table  gas lines  utility poles  sidewalk  future street system  streetlights (400')  
 composite tax map  continuation of streets  existing/proposed roadways  street trees  
 street names  road profile  cross sections  ROW width  street grade  
 3' separation  underdrains  curbing  intersection grade (2% for 100')/angle (90 deg)  
 cul-de-sac length (300'min, 1200'max)  cul-de-sac dimensions (150'ROW,118 'pave)  cul-de-sac island  
 av. daily traffic  traffic study  street signs  sight distance (200'min)  underground utilities

**Lots**

lot sizes  lot size calcs  lot shapes/config  square/rectangular. lots  frontages  satisfactory access  
 lot line bearings/distances-F  monuments  lot closure calcs-F  min. base. floor elevations  
 rounded prop. lines at st.int.  building setbacks  building envelope sizes  22,500 sf contig upland  
 side lot lines perp. or radial to street  driveway locations/grades (10% max)  
 sight distance (200'min)  intersection angle (60 deg.max)  access easements

**Other**

wooded buffer (Rural Dist)  public land  deed restrictions  note on construction debris disposal  
 veg. buffer for screening  regional impact  variances  waivers  
 6 copies of plans  11" x 17" version of plans  scrolling pdf version of plans

**State/Federal Permits:**

subdivision – NHDES  sewer extension – DES  water line extension – DES  septic - DES  
 community well – DES  dredge/fill - NHWB  Army Corps of Engineers  Alt. Terrain - DES  
 driveway - NH DOT  notify NHDES if within 500' of lake, stream, river

**Town Staff Recommendations:**

Assessor's Office  Building Division  Engineering Department  Fire Department  
 Planning Division  Police Department  Public Works Department

The Planning Board may require other exhibits or data in order to adequately evaluate the proposed development.  
This checklist is not intended as a substitute for, nor does it contain all the information and requirements in the Subdivision Regulations and other applicable Town codes, ordinances, and procedures.

**CHAPTER 278**  
**ATTACHMENT 278-3**  
**MINIMUM LOT SIZE SOILS CONVERSION TABLE**

[Amended 2/27/96]

WSPCD GROUP #	PREVIOUS MAP SYMBOL	HILL MAP #	SLOPE	SINGLE FAMILY MINIMUM LOT SIZE
1	12; 26	111; 112; 121; 122; 161; 211; 212	B (0-8%) C (8-15%) D (15-25%) E (25-35%)	35,500 SF. 42,000 SF. 51,500 SF. 68,000 SF.
2/3	42; 43	221; 222; 231; 261; 275; <sup>6</sup> 311; 312; 321; 322; 331; 361; 375; 411; 412	B C D E	44,500 SF. 56,000 SF. 68,000 SF. 86,000 SF.
3/4	4; 14; 313; 29; 129; 44; 46; 47; 66; 67; 446; 447; 532	213; 223; 233; 241; 243; <sup>7</sup> 251; 253; 263; 313; 31X; 323; 325; 32X; 3433; 33X; 34X; 35X; 341; 343; 351; 353; 363; 346X; 421; 422; 423; 42X; 431; 433; 43X; 441; 443; 44X; 451; 453; 45X; 461; 463; 46X; 475	B C D E	58,000 SF. 66,000 SF. 86,000 SF. 100,000 SF.
4	40; 41	11X; 12X; 16X; 21X; <sup>8</sup> 22X; 23X; 24X; 25X; 26X **4 <sup>7,8</sup>	B C D E	44,500 SF. 56,000 SF. 68,000 SF. 86,000 SF. N/A
5	5; 6; 15; 95; 195; 197; 214; 295;	511; 512	B C D	44,500 SF. 56,000 SF. 68,000 SF. N/A
6	395, 495, 533; 546; 547; 549; 646; 647	5**	B C D	68,000 SF. 76,000 SF. 86,000 SF.
		6**		N/A

\*- INSERT ANY NUMBER

**NOTES:**

1. Where more than one soil type is found on a lot, a soil carrying capacity of those soils occurring on the lot shall be used to determine the minimum lot size. Soil carrying capacity shall be computed by dividing the area of each soil type on a lot by the minimum required area for that soil type. Each lot shall have a soil carrying capacity of one or greater.

2. Areas designated with slopes greater than 25% may be utilized to fulfill the minimum lot size provided that a contiguous area of 20,000 sf. with less than 15% slope sufficient to accommodate all housing and required utilities is provided.
3. For duplex use, the minimum lot size shall be computed based on the total number of bedrooms as follows: 4 bedrooms, 1.3 times the lot size required for a single family dwelling; 5 bedrooms, 1.5 times; 6 bedrooms, 1.7 times.
4. Type B hydric soils (poorly drained) may be utilized to fulfill up to 25% of the minimum lot size provided that a 25,000 sf. contiguous non-wetland area sufficient to accommodate all housing and utilities is provided. For the purpose of this provision, the minimum lot size shall be determined by dividing the total lot area by the calculated soil carrying capacity. Type A hydric soils (very poorly drained) may not be utilized to fulfill minimum lot size.
5. In developments where municipal water is provided, required minimum lot sizes for each soil type shall be reduced by 20% of the minimum requirements. The soil-carrying capacity shall then be computed with the reduced minimum lot size requirements.
6. Map #'s 311, 312, 321, 322, 331, 361, 375, and 411, currently in WSPCD Group 3, are moved to Group 2.
7. Map #'s 314, 324, 334, 344, 354, 364, currently in WSPCD Group 2, are deleted.
8. Map #'s 114, 124, 164, 214, 224, 234, 244, 254, 264, currently in WSPCD Group 4, are deleted.
9. Where subdivisions are proposed under the Open Space Preservation Ordinance, the Planning Board may allow the total number of lots or homes to be determined by computing a soil carrying capacity for the site. Type B hydric soils (poorly drained) will be given credit up to 25% of the total number of lots. (Refer to examples in the Report of the Ad Hoc Committee for Soil-Based Lot Size. Volume II. April 1994.)

**CHAPTER 278  
ATTACHMENT 278-#4  
TITLE BLOCK**

**Subdivision Plan For  
*Name of Applicant*  
Street Address  
Salem, NH**

Assessors Map \_\_\_\_\_ & Lot #\_\_\_\_\_

Prepared by

(Name of Registered Engineer or Surveyor)  
(Street and Number)  
(Town, State, Zip Code)

Scale

Date:

For  
Professional  
Seal

Owner's Name  
Street & Number  
Town, State, Zip Code

Salem Planning Board  
Approval

Zoning Classification