

SUBDIVISION REGULATIONS

TOWN OF FREMONT
ROCKINGHAM COUNTY
NEW HAMPSHIRE



Revised July 21, 2021

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FREMONT NH SUBDIVISION REGULATIONS

These Subdivision Regulations were adopted at the annual Town Meeting on March 12, 1957 and were subsequently amended and adopted (or repealed and replaced as noted below) on the following Public Hearing dates:

August 12, 1987

December 14, 1994

April 10, 1996

December 3, 1997

December 9, 1998

December 1, 1999

October 18, 2000

Repealed and Replaced: Public Hearing and Adopted February 13, 2002

September 18, 2002

July 2, 2003

September 14, 2005

December 28, 2005

April 18, 2007

January 9, 2008

August 6, 2008

October 22, 2008

October 27, 2010

June 20, 2012

October 3, 2012

November 7, 2012

November 6, 2013

July 21, 2021

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ARTICLE I: GENERAL PROVISIONS

SECTION 1 AUTHORITY

Under the Authority vested in the Fremont Planning Board by the voters of the Town of Fremont, New Hampshire, on March 12, 1957 and in accordance with the provisions of the Fremont Zoning Ordinance as amended March 12, 1957 subsequently, and under the New Hampshire Statutes Annotated, the Fremont Planning Board adopts the following regulations governing the use and subdivision of land in the Town of Fremont, New Hampshire.

SECTION 2 PURPOSE

- A. To influence the future growth and development of the Town in accordance with the Master Plan.
- B. To protect the general economy, health, safety, welfare, convenience and prosperity of the inhabitants of the Town.
- C. To consider and provide for orderly development on the basis of being an integral part of the community; assuring that such development will mesh effectively with the overall community goals and plans.
- D. To reflect the Town's attempt to bear a "fair share" of the burden of proposed growth and do so in a non-discriminatory manner.
- E. To provide for the continuance of the social and economic character of the Town.
- F. To assist in defining the minimum standards for design and implementation of subdivisions and other land use.
- G. To conserve the natural beauties and attributes of the topography of the Town and to insure appropriate development with regard to those natural features.
- H. To provide for the proper arrangement and co-ordination of suitably located streets so as to accommodate existing and prospective traffic.
- I. To provide for the protection of available aquifers and to insure the protection and conservation of wetlands.
- J. To provide for open spaces through the most effective land use.
- K. To provide for simple and accurate deed descriptions and maintain Tax Map integrity.
- L. To provide against scattered and/or premature subdivision of land as would involve danger or injury to health, safety or the prosperity of the inhabitants of the Town.

SECTION 3 VALIDITY

If any section, clause, provision, portion, or phrase of these regulations shall be held to

be invalid or unconstitutional by any court of competent authority and jurisdiction such holding shall not affect, impair or invalidate any other section, clause, provision, portion or phrase of these regulations.

SECTION 4 CONFLICTING PROVISIONS

Whenever the regulations made under the authority hereof differ from those prescribed by the statute, ordinance or other regulations, that provision which imposes the greater restriction, or the highest standard shall govern.

SECTION 5 REFERENCES

- A. Planning and land use regulations.
- B. Fremont Master Plan - Town of Fremont.
- C. Land Subdivision Regulations - Town of Fremont.
- D. Fremont Zoning Ordinance.
- E. Town, State and/or Federal Permits.

SECTION 6 JURISDICTION

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

A. Subdivisions. Any person proposing to subdivide in the Town of Fremont must apply to the Planning Board for approval of such subdivision. 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 Rockingham County Registry of Deeds.

1. **Lot Line Adjustments.** Minor lot line adjustments or boundary agreements that do not create buildable lots.

All Lot Line Adjustments shall be subject to the Subdivision Regulations and RSA 676:4, however a simple lot line adjustment defined as one which does not create a parcel or road:

- a. Is not required to hold Public Hearing.
- b. Is not required to comply with the Subdivision Regulations in their totality, including submission to the Town Engineer, at the time of submission. The Board reserves the right to require additional submission information at the time of review.

B. Permits. No building permit may be issued for the construction or alteration of any building or structure within the purview of these Regulations until a copy of an approved subdivision plat has been presented by the applicant to the Building Inspector/Code Enforcement Officer.

ARTICLE II: APPLICATION PROCEDURES

SECTION 1 FORMAL APPLICATION

Applications for subdivision approval shall be filed with the Planning Board and shall fulfill all the requirements of Article III of these regulations. An application shall be on forms available from the Planning Board office. All subdivision plans may be reviewed by the Chairman and/or his/her designee who shall determine their compliance with these regulations and any other applicable regulations including, but not limited to, the Town's Zoning Ordinance, Subdivision Regulations. Subsequent to this review the Chairman or designee may recommend either acceptance or request further information from the applicant.

A completed application shall be submitted to, and accepted by the Board only at a public hearing for which notice has given to the applicant, abutters, and the general public in accordance with RSA 676:4, I (d) and Article III of these Regulations. Only completed applications will be placed on the Board's agenda for formal review. Submission and formal review can occur at the same public hearing.

A completed application sufficient to invoke jurisdiction of the Board shall be filed with the Board's designee or the Town Office at least fifteen (15) days prior to the public meeting of the Board at which it is to be submitted.

A duplicate of the application and plans shall be sent to the Rockingham Planning Commission for review of completeness of application at the time it is sent to the Planning Board. In addition, the Rockingham Planning Commission shall refer, as appropriate, an additional copy of application and plans to the Planning Board's Town Engineer for review and comment. A Town Engineer must be selected by the applicant as follows:

The applicant may elect to use one of the Planning Board's designated reviewing Town Engineers. Town Engineers will be designated on a purely rotational basis in alphabetical order. The applicant may select a Town Engineer from a list pre-approved by the Planning Board. In all instances the Town Engineer will be retained to review applications and plans on behalf of the Fremont Planning Board. All communication and invoicing with the Town Engineer will be conducted through Town Staff.

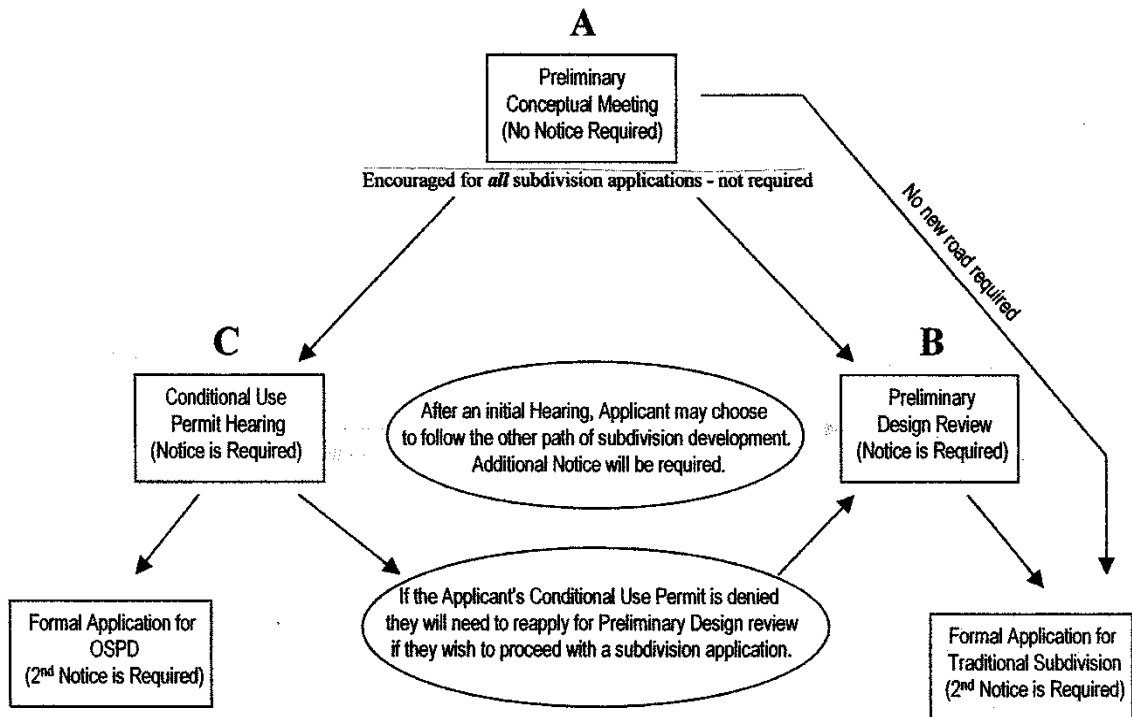
All applications must conform to the Fremont Zoning Regulations before jurisdiction can be taken by the Planning Board.

An amendment to any existing approved subdivision plan shall be subject to all original conditions and approvals unless otherwise specified.

SECTION 2 PRE-APPLICATION MEETINGS

As per Article XVII in the Zoning Ordinance, adopted at the 2007 town meeting, the Planning Board is authorized to require preliminary review of subdivisions. Such meetings can identify potential problems in an application prior to major investments in site design by the applicant. Pursuant to NHRSA 676:4, II, all pre-application meetings are separate and apart from the formal consideration of the application. The following shall apply for all subdivision applications:

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A. Preliminary Conceptual Consultation. Strongly encouraged for all subdivision applications.

This meeting shall be directed at a review of the basic concept of the proposal and suggestions which might be of assistance in resolving problems with meeting requirement during final consideration. Such consultation shall not bind either the applicant or the Board and statements made by Board members shall not be the basis for disqualifying said members or invalidating any action taken. The Board and applicant may discuss proposals in conceptual form only and in general terms such as desirability of types of development and proposals under the Master Plan. Such discussion may occur without the necessity of giving formal public notice, but such discussions may occur only at formal meetings of the Board.

Usually, conceptual plans are discussed which may depict the proposed layout of a subdivision plan/site plan including proposed buildings/roadways locations but generally without any exact dimensions. Interpretations and discussions of subdivision regulations and zoning requirements are also discussed. Detail aspects of the proposal are generally left for further discussions at preliminary design reviews and such things as specific lot sizes, roadway profiles, areas of conservation easements or open space, building setbacks, parking and access ways, utility locations, drainage swales or culverts, and detention ponds are not detailed during the conceptual review.

B. Design Review. Required

Design review is required for all traditional subdivision applications that will require a new road. This will be a public hearing at which the Board and applicant shall engage in nonbinding discussions beyond conceptual and general discussions which involve more specific design, planning and engineering details; provided that the design review may proceed only after formal public notice to the public and all abutters. Statements made by Board members shall not be the basis for disqualifying said members or invalidating any action taken. The applicant shall pay appropriate public notice fees as specified in Section 5 and shall provide all required materials and information required for public notice per Section 3.

In order to facilitate discussion, the potential applicant is required to prepare a base plan of the property to be subdivided.

The base plan should be drawn to scale and should be drawn in ink. The proposed subdivision should be drawn on the base plan. Dimensions may be approximate. The data may be tentative, but all information shall be sufficiently clear to illustrate all conditions and the proposed subdivision and/or development of the property.

The following information or data is required to be submitted for Preliminary Design Review by the Planning Board:

1. General description of existing conditions on the site including characteristics of the land, topography, vegetation, and similar features.
2. General description of available community facilities and utilities.
3. General description of the lots to be created, including their size and dimensions, and a general use plan for the subdivision.
4. A topographic map (print, thereof) of the site showing in sketch form the proposed layout of streets, lots, and other features in relation to existing conditions and/or the location of other site development features. Wetlands shall also be delineated on this topographic map.

The Board may send applications and copies of such plans to the Conservation Commission, Building Inspector, Health Officer, Road Agent, Fire Department, Police Department and any other department or board for review and comments. Copies shall be available at the Office of the Select Board and Town Clerk's office for public review.

C. Conditional Use Permit Design Review. *Required*

Conditional Use Permit Design Review is required for all applicants wishing to pursue a Conditional Use permit for an Open Space Preservation Design (OSPD) subdivision. The purpose of this meeting is for the Planning Board to determine the merits of the OSPD subdivision and grant or deny a Conditional Use permit to the applicant. At this meeting the applicant shall submit a Conditional Use permit application with the yield equation and environmental resource yield plan for technical review. The submissions shall not be required to meet engineering specifications or surveying standards for purposes of the yield plan, however, the environmental characteristics of the site shall be determined and delineated in accordance with applicable professional standards.

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This application shall also be filed with the Town of Fremont's Conservation Commission for review and comment. The applicant shall pay appropriate public notice fees as specified in Section 5, and shall provide all required materials and information required for public notice per Section 3.

1. The Applicant shall submit to the Planning Board a written document, and supporting materials as required, that argues the merits of their application as it pertains to all the following issues; (For more information on the context under which the Planning Board reviews these submissions, Applicants should review the OSPD Ordinance in the Fremont Zoning Ordinance)

The Planning Board must find that the proposed OSPD complies with the stated purposes and standards of the OSPD Ordinance and is superior in design to a conventional subdivision with regard to protection of natural features and scenic resources of the site.

- a. The permit is in compliance with this ordinance and is in the public interest and will protect the general welfare of existing and future citizens.
 - b. The character of the area shall not be adversely affected. This determination, to be made by the Planning Board, shall be made by considering the following aspects of the surrounding area;
 - i. Consistency of architecture
 - ii. Transportation
 - iii. Protection of natural resources
 - iv. Protection of cultural resources
 - c. Granting the permit will not result in municipal expenses which would exceed that of a conventional subdivision.
 - d. The proposed development will be constructed in a manner compatible with the spirit and intent of the Fremont Master Plan and Zoning Ordinance.
 - e. The capacity of existing or planned community facilities and services (including streets and highways) will not be adversely impacted. Mitigation of these impacts by the developer can be considered in granting a conditional use permit.
 - f. That the Open Space preserved as part of the development complies with purpose and intent of this Section and the specific requirements of Section 10.9 of the OSPD ordinance.
 - g. The applicant must clearly exhibit compliance to the Density Standards of Section 10.8 of the OSPD ordinance and must demonstrate compliance to the Standards specified in Section 10.9 and Section 10.10 of the OSPD ordinance.
2. Environmental Resource and Yield Plan. The Environmental Resource and Yield Plan should be drawn to scale and should be drawn in ink. The proposed subdivision should be drawn on the base map. Dimensions may be approximate. The data may be tentative, but all information shall be sufficiently clear to illustrate all conditions and the proposed subdivision and/or development of the property.
 - a. Environmental Resource and Yield Plan. The application shall include a sketch plan showing the delineation of environmental resources on the site and yield plan that shows the maximum number of dwelling units that would be reasonably achievable under the zoning ordinance and subdivision regulations for a conventional design, consistent with the minimum lot size, lot widths, set backs,

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and all other applicable provisions, purposes, and objectives of the zoning ordinance and subdivision regulations in place at the time of the submission and compare it to the number of dwelling units proposed. This plan is intended to utilize required design information for the open space application and overlay a sketched conventional subdivision. At a minimum, the following information shall be provided:

- i. Property boundaries;
- ii. Streams, rivers, lakes, wetlands, as defined in this ordinance and associated zoning buffers;
- iii. Topographic contours at two (2)-foot intervals;
- iv. General vegetation characteristics;
- v. General soil types showing with reasonable certainty, the ability to provide on-site septic facilities if not on public sewer service;
- vi. A sketch of lot lines and setbacks showing reasonable building envelopes;
- vii. A sketch of potential rights-of-ways for roads and utilities in compliance with the subdivision regulations;
- viii. Archaeological sites, cemeteries and burial grounds
- ix. Land on the parcel that has been set aside from development as part of a conservation easement, development agreement, or other similar legal restriction;
- x. Existing roads and structures;
- xi. Existing abutting conservation land and trails.
- xii. Waivers that would be required for approval and statement of justification for the waiver under the relevant provision of the applicable subdivision regulation.
- xiii. Wetland impacts that would be required for conventional design.
- xiv. A Yield Plan may not utilize:
 - Land for which the applicant does not possess the right to develop (such as otherwise restricted land).
 - Land within utility rights-of-ways.
- xv. To the extent a Yield Plan would require permits from other agencies, such as a State Wetlands Permit, the applicant shall have the burden of establishing by clear and convincing evidence that the permit will likely be approved.
- xvi. Lands that are restricted from use or development by a deed restriction or any other legally applicable limitation on development rights or use, such lands shall not be considered eligible for development.

After review of the submitted material required above the Planning Board will vote to determine if the application for Conditional Use permit shall be granted or denied, in accordance with the OSPD Ordinance of the Fremont Zoning Ordinance. The Board may attach reasonable conditions to the approval in order to secure the intents and purposes of this Section.

The Board may send applications and copies of such plans to the Conservation Commission, Building Inspector, Health Officer, Road Agent, Fire Department, Police Department and any other department or board for review and comments. Copies shall be available at the Office of the Select Board and Town Clerk's office for public review.

SECTION 3 PUBLIC HEARING AND NOTICE

When acting on a completed subdivision review application, the Board shall hold a public hearing to discuss the application. Per RSA 676:4, I (e), a public hearing shall not be required when the Board disapproves an application based upon an applicant's failure to supply information required by these regulations, including abutter's identification, failure to meet reasonable deadlines established by the Board, or failure to pay costs of notice or other fees required by the Board.

It shall be the responsibility of the applicant to supply the names and addresses of all the abutters upon filing the subdivision application with the Board. Per RSA 676:4, I (d), as amended, notification shall also be given to the applicant and all professionals, including every engineer, architect, land surveyor, or soil scientist, whose seals are affixed to the plan, as well as any holder of a conservation easement on the subject parcel. The Board will

conduct no review of submitted names for determination of complete abutter notification. Furthermore, the Board takes no responsibility or liability for improperly noticed hearings resulting from applicant-generated abutter lists.

Abutters and the applicant shall be notified by the Board, in the form of a certified mailing, of the date upon which the application will be formally submitted for acceptance by the Board. Notice shall be mailed at least ten (10) days prior to the date of the public hearing. Notice to the general public will be given at the same time by advertisement in a newspaper of general circulation in the Town of Fremont, and shall be posted in at least two (2) public places. All costs of notice, whether mailed, posted or published, shall be paid in advance by the applicant (RSA 676:4, I (d)).

SECTION 4 REGIONAL NOTICE

In accordance with NHRSA 36:54-58, the Board may determine an application may have a regional impact. Projects that the Board determines may have a regional impact shall require additional notice, and by State law require additional time for public notice.

Notice shall be sent by certified mail fourteen (14) days in advance of the scheduled public hearing to the Rockingham Planning Commission and to each town reasonably likely to be affected, with each governmental entity to be considered an abutter for purposes of computing public notice fees.

SECTION 5 FEES

An application fee consistent with the Town of Fremont Fee Schedule shall accompany each application for subdivision.

A. Application for Waiver or Amendment to any portion of an already approved plan (as per 1 lot; see Town of Fremont fee schedule)

An application shall include an additional fee consistent with the Town of Fremont Fee Schedule; per abutter, applicant and any person whose professional seal or stamp appears on the plan, for the costs of all notice requirements including cost of postage for certified mail. The fee for advertising of Legal Notice shall be consistent with the Town of Fremont Fee Schedule. Reproduction costs, and any publication and/or posting costs shall accompany each application.

The Planning Board may require the applicant to pay costs of special investigative studies which may be necessary for the Planning Board to evaluate properly the impact of a proposed subdivision.

The subdivider, by written agreement with the Board at the time of application, shall pay all costs to defray expenses incurred by the Board for engineering assistance or consultation regarding the proposed subdivision. These costs shall be paid during the review of the subdivision, depending on the nature of the cost and subsequent activities, but is required prior to approval and signing of the final plat. If a design review is required the applicant shall post a bond in the amount determined by the Board to be held by the Town until all design costs have been met by the applicant.

All recording fees will be required prior to approval and signing of the final plat.

Road Agent or Town Engineer activities and costs shall be reimbursed to the Town of Fremont at the then going rate for such service within the Town.

The applicant will be responsible for all recording assessments and fees.

SECTION 6 BOARD ACTION

A. Application Acceptance

Upon delivery of an application, in accordance with Article II, Section 1, the Board shall have thirty (30) days to determine if the submitted application is complete, according to the Board's regulations, and shall vote upon its acceptance. Formal consideration may begin on the same night as the completed application is accepted by the board provided that notice of public hearing has been given.

A-1. Lot Line Adjustments. Minor lot line adjustments or boundary agreements that do not create buildable lots. All Lot Line Adjustments shall be subject to the Subdivision Regulations and RSA 676:4, however a simple lot line adjustment defined as one which does not create a parcel or road:

- Is not required to hold Public Hearing.
- Is not required to comply with the Subdivision Regulations in their totality, including submission to the Town Engineer, at the time of submission.
- The Board reserves the right to require additional submission information at the time of review.

B. Decision

Within sixty-five (65) days after a completed subdivision application has been accepted for jurisdiction, the board shall approve, approve with conditions, or disapprove said application. In cases where a subdivision review application has been disapproved, the grounds for such disapproval shall be clearly stated in the minutes of the board's meeting and notice provided to the applicant.

Pursuant to NHRSA §676:4, I(c), the Board shall issue a decision within sixty-five (65) days of application acceptance, subject to time extensions per NHRSA §676:4, I (f).

Applications which are not accepted require no decision. The Board must approve, conditionally approve, or deny the application, as follows:

1. Approval

The Board shall grant approval to an application when it fully complies with this chapter, including both design standards and compliance with procedures, subject to waivers granted and grandfathered rights.

2. Conditional Approval

The Board may grant conditional approval of a subdivision review application, but the plan will not be signed or recorded until all of the conditions have been met. Conditions of this nature must be fulfilled before the planning board may give final approval to an application. Approval will 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. Conditional Approval without a public hearing will only be granted when the conditions are:

- a. Minor changes whether or not imposed by the Board as a result of a public hearing, compliance with which is administrative in nature and which does not involve discretionary judgment; or
- b. Conditions which are in themselves administrative and which involve no discretionary judgment on the part of the Board, such as, payment of additional fees, minor textual corrections to submitted documents, submission of additional copies of submitted documents, or other similar items; or
- c. Involve the applicant's possession of permits and approvals granted by other Boards or governmental agencies, provided that the permits and approvals themselves have not required a change to the submitted plat or any other conditions imposed by the Board.

Unless otherwise specified within the approval, the applicant shall have three (3) months to comply with the conditions of the approval and have the plan signed by the Board at a publicly noticed compliance hearing. If the conditions are not met within three (3) months, the conditional approval shall lapse, unless a mutually agreeable extension has been granted by the Board. Extensions shall be granted only if there have been no amendments to the Zoning Ordinance, Subdivision Regulations, Non-residential Site Plan Review Regulations, or any other ordinances and regulations which would render the subdivision plan non-conforming, and if all other required permits are still valid.

3. Disapproval

The Board shall disapprove an application when it fails to comply with the design standards or procedures of this chapter, for failure to meet reasonable deadlines established by the Board, or for failure to pay fees. If the Board includes the phrase "without prejudice" in the motion to disapprove, it signifies that the application was

denied for procedural reasons rather than design reasons, and that it may be re-submitted without design changes as a new application to the Board at a later date.

- a. Extensions - The planning board may apply to the Board of Selectmen for an extension not to exceed an additional ninety (90) days before acting to approve, approve with conditions, or disapprove an accepted non-residential site plan review application. An applicant may waive the requirement for Board action within the time periods specified in § 6.1.3 and consent in writing to such extensions as may be mutually agreeable to both the Board and the applicant; in such an event, no application to the Select Board is required.
- b. Failure To Act - Upon failure of the Board to approve, conditionally approve, or disapprove the application, the Select Board shall, upon request of the applicant, immediately issue an order directing the Planning Board to act on the application within thirty (30) days per RSA 676:4, I(c)(1). If the Board does not act on the application within the thirty (30) day time period, then within forty (40) days of the issuance of the order, the Select Board shall certify on the applicant's non-residential site plan review application that the plat is approved, unless within those forty (40) days the Select Board has identified in writing a specific provision of the Non-residential Site Plan Review Regulations, Subdivision Regulations, Zoning Ordinance, or other applicable regulation or by-law with which the application does not comply. Such certification by the Selectmen of the foregoing shall constitute final approval under RSA 674:37 and 676:18, and court review under RSA 677:15.
- c. Major revisions and subsequent submissions may result in a new acceptance date for the application or a re-application and a new acceptance date for the application.
 - i. An amendment to any existing approved subdivision plan shall be subject to all original conditions and approvals unless otherwise specified.

SECTION 7 NOTICE OF DECISION

Meets the requirements of NHRSA 676:3. In the case of a conditional approval, the Notice of Decision shall state all conditions to be met for final approval and that the required Development Agreement has been executed. Upon fulfillment of the stated conditions the Board shall issue a new Notice of Decision stating that all conditions have been satisfied and shall sign and record the plats if applicable. In the case of a denial, the Notice of Decision shall state the reasons for denial as required by NHRSA 676:4, I(h) and NHRSA 676:3, I.

Notice of Decision, with deed reference, will be recorded at the Registry of Deeds by the Planning Board Secretary or designee

SECTION 8 APPEALS

Any person aggrieved by any decision made in the course of applications pursuant to this chapter may appeal to Rockingham County Superior Court in accordance with NHRSA 677:15.

SECTION 9 RECORDING PROCEDURES

The Board shall require residential subdivision and lot line adjustment plans to be recorded with the Rockingham County Registry of Deeds, once said plan is approved or approved with conditions. Per RSA 676:4, I (g), the cost of said filing is considered an administrative expense and shall be borne by the applicant. The filing fee must be paid prior to recording.

All mylars to be recorded must be pre-approved by Rockingham Registry of Deeds.

SECTION 10 ACTIVE AND SUBSTANTIAL DEVELOPMENT

In accordance with RSA 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 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 approval before the plan will be eligible for the four (4) year exemption, as provided in 674:39, from subsequent changes in the Town of Fremont Zoning Ordinance, Subdivision Regulations, or Non-residential Site Plan Review regulations. The Board may extend this period for up to twelve (12) months only for good cause.

ARTICLE III: DESIGN STANDARDS

SECTION 1 GENERAL REQUIREMENTS FOR SUBDIVISION OF LAND

- A. Proposed subdivision shall conform to the Zoning Ordinance of the Town of Fremont. If land subdivision regulations and the Zoning Ordinance conflict the more stringent shall apply.
- B. The Board may require such additional area as may be necessary for each lot for on-site sanitary facilities or where the natural slope of land exceeds those requirements of the Fremont Zoning Ordinance.
- C. Where there is question as to the suitability of a lot for its intended use the Board may, after investigation, withhold approval of such lot.
- D. The Planning Board may specify areas designated for fire protection and control. The developer must show the adequacy of water supply for fire protection.
- E. Lots that are of a character which do not meet the requirements of the Fremont Zoning Ordinance must be specified as such and noted as non-buildable lots.
- F. Attention and conservation is to be given to natural water courses, historic and scenic spots to include large trees, rock walls, exposed rocks, etc., and other community assets which, if preserved, will enhance the overall value of the subdivision and enrich the neighborhood.
- G. Where the preliminary layout submitted covers only a part of the sub divider's entire contiguous parcel, a sketch of the prospective future street system of the unsubmitted portion shall be furnished and the street system of the submitted part will be considered with the street system of the unsubmitted portion.
- H. Land of such character that it cannot be safely used for building purposes because of exceptional danger to health or peril from fire, flood or other menace shall not be platted for residential occupancy, nor for such other uses which might increase danger to health, life or property.
- I. The Board may require, in proper cases, that the plat show a park or parks suitably located for playground and/or recreational use.
- J. Sufficient space is to be reserved for adequate recreation or open land use.
- K. Areas set aside to be dedicated or to be reserved for all property owners by covenant in the deed, whether or not required by the Board, shall be of reasonable size and character for neighborhood recreational use.
- L. Utilities shall be installed in accordance with utility standards and requirements in effect at the time.
- M. The Board may require details of proposed buildings, with elevations, for review.

- N. Reserved strips of land which, in the opinion of the Planning Board, show an intent on the part of the sub-divider to control access to the land shall not be permitted.
- O. Stripping of vegetation, regrading or other development shall be done in such a way that will minimize soil erosion. Whenever practical, natural vegetation shall be retained, protected and supplemented. An erosion and/or sedimentation control plan, and/or temporary vegetation or mulching will be required by the Board where considered necessary. In addition, erosion control plans are required by State Statutes for projects disturbing large square footage's of soil, which includes most projects. These plans must be made available to the Planning Board.
- P. Lot line adjustments are subject to subdivision regulations and RSA 676:4. Minor Lot Line Adjustments, Scenic Road Hearings and any other public hearings are subject to regulation 5, Fees.

SECTION 2 SPECIFIC PLAN REQUIREMENTS

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- A. Scope of Review - Every application for subdivision review must incorporate the entire parcel within the review. Not to do so may cause approval of a lot or situation which is not in conformance with the zoning ordinance and/or other applicable ordinances and regulations.
- B. Professional Standards - Subdivision plans shall be prepared, stamped, and signed by a Licensed Land Surveyor licensed in New Hampshire. All plans showing roadways, utilities, bridges and culverts, plus drainage and other construction plans shall be signed and stamped by a NH Licensed Professional Engineer". In specific cases, the Board may waive the requirement for a Professional Engineer in accordance with Article IX Section 3, Waivers.
- C. Sheet Size - All plans shall be drawn in ink and be presented on sheet sizes that conform to the requirements of the Rockingham County Registry of Deeds. The Board requests only one sheet plan size be used for preparing all plans in a set.
- D. Copies - A completed application shall contain four (4) full size and eight (8) 11" x 17" sets of plans; at least two (2) of the full-size plans will be colored". All plans are required to be drawn by a NH licensed Land Surveyor or professional engineer. However, only two (2) copies of the drainage report shall be required. The Planning Board may require additional plans when needed.

In an effort to provide the Town of Fremont with accurate records and tax maps the Planning Board requires that CAD drawn plans shall be included with the application in electronic form.

A duplicate of the application and plans shall be sent to Rockingham Planning Commission for review of completeness of application at the time it is sent to the Planning Board. The date of the public hearing shall be included with the application.

- E. Reference Plans - One legible copy of each reference plan must be submitted with the application.

SECTION 3 SPECIFIC PLAN INFORMATION - EXISTING SITE CONDITIONS

In order for the Board to comprehensively evaluate a subdivision plan proposal, the applicant is required to show the following information as part of the subdivision plan, unless granted a waiver in accordance with Article IV, Waivers. Other information may be reasonably required by the Board and shall be submitted. Such additional submittals may be required in cases where the submitted information fails to permit the Board to review the subdivision in light of the requirements of Sections 3 and 4 and the purposes of this Article.

- A. Location of site, names, and addresses of current owners of record and current abutting landowners. A separate list of current names and addresses of abutters must also be provided.
- B. Proposed subdivision name and plan number. Name and address of person(s) or firm preparing the plan. Said plan must contain the date of preparation, title, north arrow, scale, legend and zoning district(s). Name and address of person(s) or firm preparing other data and information if different from the preparer of the map. Plans shall also contain a signature block for Board approval.
- C. Surveyed property lines including angles or bearings, distances, monument locations and size of the entire parcel. Said plan must be attested to and stamped by a Licensed Land Surveyor licensed in the State of New Hampshire, signature, seal, and license number shall be legible and included on the plan.
- D. Area, in acres and square feet, of the entire site of proposed subdivision. Acre, square feet and percentage of total area for the following segments of information; total area, area left in natural state, area of wetlands, recreation area and area used.
- E. Existing grades and topographic contours at intervals not exceeding two (2) feet with spot elevations where the grade is less than five percent (5%).
- F. The location of existing drainage systems, structures, and drainage easements, if any.
- G. The shape, size, height, location and use of all existing structures, including wells and septic systems, on the site and within two hundred (200') feet of the site.
- H. Natural features such as streams, marshes, lakes, ponds, rock outcrops, wooded areas, significant trees, ledge, and other significant environmental features, including wetland soils as defined under current Fremont Wetlands Ordinance, wetlands shall be identified by a NH certified soil scientist or NH certified wetland scientist.
- I. Man-made features such as, but not limited to, existing roads, stone walls, pedestrian ways, and other structures. The plan shall also indicate which structures are to be retained and which are to be removed or altered.

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- J. The size and location of all existing public and private utilities, including off-site utilities to which connection is planned, and any underground storage tanks, abandoned or in use.
- K. A vicinity sketch showing the location of the site in relation to the surrounding public street system, to be shown within a distance of one thousand (1,000') feet.
- L. A Site Specific Soils Mapping of the entire site, or the portion as determined by the Board. Such soil survey shall be prepared and stamped by a certified soil scientist in accordance with the standards established by the Rockingham County Conservation District. Any cover letters or explanatory data provided by the certified soil scientist shall also be submitted.
- M. Location and description of all existing easements and/or rights of way, parks, reservations, conservation land, and holders of conservation easements.
- N. Tax map and parcel number, street address, recorded deed book and page numbers.
- O. Each existing building or manmade structure, including stone fences, shall be shown on the plan and reviewed with the Board for historic significance. Such historic features may be destroyed or removed only with Board approval.
- P. Summary of Fremont Zoning Ordinance requirements, including, but not limited to summary of lot size requirements, lot area, frontage, etc.
- Q. The subdivision plan shall show any burial site or cemetery as separate from the remainder of the subdivision by means of a fence or stone wall. This fence shall be placed not less than twenty-five (25') feet from any grave, monument, or tomb and will be shown on subdivision plans accordingly.
- R. Plans shall show all existing or planned burial site(s) or cemetery(s) as separate lot(s) which may be deeded to the Town of Fremont. Access for maintenance shall also be shown on the subdivision plan.
- S. Scale should be not more than one inch = one hundred feet (1" = 100').
- T. The final plan(s) shall include sufficient data acceptable to the Planning Board and the Town Engineer to determine readily the location, bearing and length of every existing and proposed street line and lot line, and to reproduce such lines upon the ground. All dimensions shall be shown to hundredths of a foot and bearings to at least half minutes. The error of closure shall not exceed a ratio of one to ten thousand (1 to 10,000). The final plan(s) shall show the boundaries of the property and the bounds of any public or private streets and easements abutting or pertaining to the proposed subdivision in any manner.

SECTION 4 SPECIFIC PLAN INFORMATION- PROPOSED SITE CONDITIONS

In order for the Board to comprehensively evaluate a subdivision plan proposal, the applicant is required to show the following information as part of the subdivision plan,

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unless granted a waiver in accordance with Article IV, Waivers. Other information may be reasonably required by the Board and shall be submitted. Such additional submittals may be required in cases where the submitted information fails to permit the Board to review the subdivision in light of the requirements of Sections 3 and 4 and the purposes of this Article.

- A. Estimate/calculate the number of school age children brought to bear on the Town due to the proposed subdivision.
- B. Estimate/calculate the road traveled mileage and route from the local fire and rescue department and from the local school.
- C. Area, in acres and square feet, of each proposed lot. Acre, square feet and percentage of total area for the following segments of information; total area, area left in natural state, area of wetlands and area used.
- D. Clear delineation of wetlands and watershed protection districts peripheral area must be provided. Include lot line setbacks on each lot as well as wetland setbacks.
- E. Proposed grades and topographic contours at intervals not exceeding two (2') feet with spot elevations where grade is less than five percent (5%).
- F. Construction drawings and location, name, width, curbing and paving of proposed streets, drainage ways, and profiles and the elevations of sufficient points on the property to indicate the general topography of the property, driveways and sidewalks with indication of direction of travel for one-way streets. Including the radii of streets, driveways, access ways, and sidewalks within the site and its relationship to the off-site street system.
- G. Location and timing patterns of proposed traffic control devices, including painted road indicators, and all signage.
- H. Designs of any bridges or culverts that may be required.
 - 1. Specify elevations for all culverts including driveways (see also Appendix A).
- I. Where the plat submitted covers a part of the subdivider's entire holding, a sketch of the prospective future street system of the unsubmitted 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 systems for the part not submitted.
- J. The location, size and layout of on and off-street parking, including loading zones. The plan shall indicate the calculations used to determine the number of parking spaces required and provided.
- K. The location and layout of proposed drainage systems and structures, including elevations for catch basins designed in accordance with these regulations.
- L. Note indicating that "all road and drainage work to conform to the standard specifications for construction in the State of New Hampshire".

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- M. The size and location of all proposed public and private utilities, including but not limited to: water lines, sewage facilities, gas lines, power lines, telephone lines, fire hydrants and alarm connection, underground storage tanks, and other utilities.
- N. The location and type of street lighting, including the cone of illumination on the site.
- O. Location and description of proposed easement(s) and/or rights-of-way. Locations of access to existing town roads, as stated in RSA 236-13, Section 5, and copies of permits for the access.
- P. The location and size of all proposed open space areas or parcels to be dedicated to public use and the conditions of such dedication and a copy of such private deed restrictions as are intended to cover part or all of the tract.
- Q. Deeds or other proposed documents of conveyance of any land located within the subdivision proposed by the Subdivider for use for recreational or other Town purposes and Town ownership shall be part of the application. These proposed documents of conveyance shall be in a form satisfactory to Town Counsel. The fact that the Subdivider makes such offers and Town Counsel approves the form of the documents does not bind the Town or its agents to accepting the offer. The suitability of lands offered for recreational or conservation uses shall be determined by the Conservation Commission of the Town. A letter indicating the Commission's opinion shall accompany the application.
- R. The location of all monumentation that is to be installed in accordance with these regulations shall be shown on the plans. If the monumentation is changed in the field after construction supplemental information shall be filed with the Planning Board to be added to the file. Any change in the actual layout of the lots shall require planning board approval in accordance with these regulations.
- S. Any other information the Board may require in order to properly evaluate the proposed development including, but not limited to, the following:
 - 1. Calculations relating to stormwater runoff.
 - 2. Information on the composition and quantity of wastewater generated.
 - 3. Information on air, water, or land pollutants discharged.
 - 4. Estimates of traffic generation.
 - 5. Grading, drainage and erosion and sediment control plan.
- T. Hours of Operation.
 - 1. The Board reserves the right to revisit and revise the approved hours of operation if and when it deems necessary to do so.

SECTION 5 FIRE PROTECTION

- A. Fire hydrants, fire ponds, and other improvements reasonably required for fire safety shall be provided as specified by the Fremont Fire Department and approved by the Planning Board. These items shall be shown on the site plan and installed by the applicant. No certificates of occupancy shall be issued prior to the installation and inspection of any fire safety improvements.

- B. The Planning Board in its discretion may require the applicant to consult with the Fremont Fire Department to determine what, if any, appropriate fire protection measures are reasonably necessary. The applicant shall provide the Planning Board with the results of such consultation in the form of a letter or representations of facilities on the plan. The Planning Board may require additional fire protection measures in addition to the Fremont Fire Department's recommendation if reasonably necessary.
- C. The proposed subdivision may require an appropriate water supply source for the purpose of fire prevention and control. Any Subdivision of five (5) or more lots shall require fire protection. The water supply system must be such that it will provide for hydrant hook up with roadway access. Hydrants must be such as to provide for strategic placement requiring no more than fifteen hundred (1500) feet to proposed building locations. A site specific design and review must be submitted to and approved by the Rockingham County Conservation District. Proper right-of-way easement rights must be supplied for maintenance of piping and water source. Sufficient off street access/parking of no less than twenty (20) feet deep and long enough to allow fire equipment to drive up to the hydrant without backing up.
- D. All Cisterns type and size must be stated and must be approved by the Fire Chief. A detailed plan must be submitted for approval. As a cost savings incentive and overall improvement to public safety and in lieu of the above, a sprinkled development or subdivision may be proposed.

SECTION 6 SEWAGE DISPOSAL AND WATER SUPPLY

Water, Wells, On-site Sewage, and Hydrogeological Studies

A. Water

- 1. On-site water supply: the provision of an on-site water supply shall conform to criteria of the Water Supply and Pollution Control Division of the N.H. Department of Environmental Services. It shall be the responsibility of the applicant to provide sufficient and complete information to prove that the site is able to permit the installation and operation of both individual on-site water supply and sewage disposal systems.
- 2. A hydrogeologic study shall be required for any well with a withdrawal of over twenty thousand (20,000) gallons per day.

B. Well Radius Placement

- 1. Each newly created lot shall show the entire well radius protection area no less than one hundred (100) feet.
- 2. The entire required well radius shall be located within the boundaries of each newly created lot.
- 3. Well radius easements covering neighboring parcels are not permitted in new subdivisions. This insures:

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- a. Protection of health and safety for individual on-site water resources from adverse impacts of land uses on adjacent and neighboring parcels.
- b. Allows for maximum flexibility in the placement of septic systems and other land uses on neighboring parcels of land.
- c. Promotes the wise and free use of property unencumbered by easements.
- d. All well radii shall be no less than one hundred (100) feet from any septic system.

A. Sewage

1. No subdivision plan shall be approved where the site does not meet the minimum standards imposed by the Water Supply and Pollution Control Division of the N.H. Department of Environmental Services and the design standards for sewage systems.
2. Each site or lot proposed for residential development shall have at least two test pits, separated by at least fifty (50) feet. The test pits shall establish the existence of a contiguous area of four thousand (4,000) square feet, or larger per Env-Ws 1014.01 et seq., suitable as a receiving layer for a leaching system. At least one test pit and percolation test area must be located within this area. This area shall be shown on the plan. The Board requires that all test pits be verified by its designated agent. The entire four thousand (4,000 sf) square foot area must meet or exceed all applicable regulations, local, state or federal, for the installation of a septic system. That is, no portion of the contiguous area must be unavailable for the installation of a septic system for any reason.
3. A hydrogeologic study shall be required for a development where a septic system is being designed to accommodate twenty-five hundred (2,500) gallons per day, or more.
4. The Board may require approval for individual lot sewage disposal systems. The Board may also require an acceptable **as built** plan indicating location of such systems.

SECTION 7 UTILITIES

- A. All new utilities shall be underground.
- B. The developer shall ensure that Fremont feed cable access is brought into the subdivision at the time of utility construction to readily serve all proposed properties.

SECTION 8 EASEMENTS

- A. All easements dedicating rights to the Town of Fremont are subject to review and approval by the Board and Town Counsel, and any other Town agent or body which the Board and/or Counsel deem necessary.
 1. Where the topography is such as to make difficult the inclusion of any utilities or other facilities within the road rights-of-way, the subdivision plan shall show the boundaries of the proposed permanent easements over or under private property. Such easements shall not be less than twenty-five (25) feet in width and shall have satisfactory access to existing or proposed rights-of-way.

2. Where a proposed residential development is traversed by a watercourse or drainage way, the Board may require a stormwater easement or drainage right-of-way of at least twenty-five (25) feet in width.

SECTION 9 OPEN SPACE REQUIREMENTS

In accordance with RSA 674:36, II, a subdivision of land shall show open spaces of adequate proportions. Plats submitted to the planning board for approval which show new streets or narrowing or widening of such streets shall show a park or parks suitably located for playground or other recreational purposes that are reasonably sized for neighborhood use.

- A. Natural Features. The subdivision and development shall, whenever possible, preserve in their natural condition important natural features. The Planning Board may request an advisory opinion from the Conservation Commission in the determination of the value of natural features and the boundaries of such natural systems. Such areas include watercourses, wetland areas, steep slopes, large or unique trees, groves, or special habitats. Natural features that provide buffers between lots, or sections, of a subdivision should be preserved to enhance privacy and aesthetic value.
- B. Buffer Strips. The Planning Board may require the designation of buffer strips of at least fifty (50) feet width around surface water, wetlands, or other natural features which may be adversely affected by erosion or stormwater runoff. The Board may require a vegetative buffer to provide screening where non-residential developments abut a residential zone.
- C. Parks. The Board may require the dedication or reservation of such open space within the subdivision for park, playground or other recreational or open space purposes, for the residents of the subdivision. The Board shall also require of the developer that he/she supply and plant such trees and shrubbery as are deemed compatible to the environmental design of the neighborhood. It shall also be stipulated by covenant upon the plan that such open spaces shall not contain signs other than street directional or place-name signs. Upon approval of the final plans and plantings, if the park is dedicated for public use, the maintenance of said landscaped areas shall be the responsibility of the community. If the park is solely for subdivision use, the maintenance of said landscaped areas shall be the responsibility of the residents of the subdivision. Open Space shall be required for park, playground or other recreational purposes for all subdivisions of ten (10) or more; or thirty (30) acres or more; or thirty (30) housing units or more.
- D. Tree Planting. The planting of shade trees within all subdivision layouts where residential, commercial, or industrial development is to take place may be required of the developer who shall supply planting plans to the Board. The planting plans of shade trees within proposed or accepted rights-of-way must be submitted to the Conservation Commission and receive its approval before planting.

SECTION 10 DESIGN STANDARDS AND REQUIREMENTS FOR ROAD IMPROVEMENTS

10.01 GENERAL

- A. Approval of Improvements: All improvements shall be designed and constructed in accordance with the Town of Fremont regulations and standards, and shall be subject to the approval of the Board.
- B. Installation and Maintenance: The Applicant is responsible for the satisfactory installation of all required improvements and maintenance of these improvements in a satisfactory condition without cost to the Town of Fremont until their acceptance by the Town of Fremont.
- C. Standards and Specifications: The following standards and specifications shall include but not be limited to the following in the design and construction of all improvements:
 - 1. ZONING ORDINANCE - Town of Fremont, current edition;
 - 2. MANUAL ON DRAINAGE DESIGN FOR HIGHWAYS - State of New Hampshire, Department of Public Works and Highways, current edition;
 - 3. MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MUTCD) - U.S. Department of Transportation, Federal Highway Administration, current edition;
 - 4. STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION – State of New Hampshire, Department of Transportation, most current edition;
 - 5. HIGHWAY DESIGN MANUAL - State of New Hampshire, Highway Design Division, most current edition;
 - 6. A POLICY ON GEOMETRIC DESIGN OF HIGHWAYS AND STREETS – AASHTO – Current edition;
 - 7. NH Department of Environmental Services Stormwater Manual: Volume2 Post-Construction Best Management Practices Selection & Design (December 2008)
 - 8. Other standards and specifications as approved by the Town of Fremont.

10.02 ROADWAY DESIGN STANDARDS

- A. General:
 - 1. All subdivisions shall have adequate provision for a safe and suitable access to a Class V or better road or shall make provisions for the construction and dedication of a Class V or better road in order to obtain safe and suitable access to the subdivision. Where an adjacent existing street from which access is gained is deemed to be substandard, the upgrading of said street should be provided for, as may be required by the Town of Fremont.

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2. Where traffic from a proposed subdivision will adversely impact a nearby street or intersection, provisions shall be made for the mitigation of said impacts. Proposed streets, whether to be dedicated as public streets or retained as private streets, shall be of suitable location, width, grade, and improvement to accommodate prospective traffic and afford satisfactory access to police, fire fighting, emergency equipment, snow removal, sanitation, and road maintenance equipment.
 3. The arrangement and character of all streets in a subdivision shall conform to the Master Plan, and shall compose a safe and convenient system in relation to other existing and planned streets, to topographical conditions, and to the proposed uses of land to be served by street. Existing stone walls shall be retained where possible or relocated and restored as required by the Planning Board.
- B. Access: No subdivision shall be approved unless the property to be subdivided shall have frontage on and access from an existing Class V or better road. Each lot shall have a safe, independent and direct access from a Class V or better road. Where warranted, the Board may require that two (2) lots share a driveway. All portions of such a drive that are commonly shared shall be improved to facilitate two (2) way traffic flows beyond Town right-of-way. Rights of passage over and across such a driveway shall be established by easement for each of the lots so served.
- C. Right-of-way: The Board may require greater width of right-of-way where, in its judgement, the width is warranted due to present or future demands.
- D. Arrangement: All streets shall be integrated with the existing and proposed street system. The Applicant shall provide for a circular terminus at the end of all proposed roads, for all phases and situations, where through streets are not provided in the design. Where extension of existing roadways is proposed, the existing turnaround shall be removed in its entirety. All projection of streets to adjoining property, that is not subdivided, shall be completed to adjoining property lines. A right of way to the adjoining property shall be provided to allow for possible future connections where applicable.
- E. Classification:
1. Collector street: A street that will carry traffic from local streets to the major system of arterial streets and highways. A collector street is anticipated to have an average daily traffic that exceeds one thousand (1,000) vehicles /day.
 2. Local street: A street used primarily for access to abutting properties, designed and intended to carry through traffic. A local street is anticipated to have an average daily traffic of zero to one thousand (0 – 1,000) vehicles /day.
 3. Cul-de-sac: Streets, including loop streets, with only one point of access from an approved street with multiple points of access. Cul de sacs shall have a minimum right of way radius of one hundred (100) feet from the center to the

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outside edge. The center of the cul de sac shall consist of a fifty (50) foot radius green area.

4. Private street: All streets on property held under private ownership and not maintained by the Town. Private streets shall be constructed to meet all local street requirements.

F. Driveways:

1. When a proposed driveway is located on a State road, the Applicant is responsible for obtaining the necessary approval and permits from the State. A copy of the permit shall be submitted to the Town of Fremont and the New Hampshire Department of Transportation approval number shall be shown on the plan;
2. When a proposed driveway is located on a Town road, the Applicant is responsible for certifying the proper sight distance is provided at the location indicated on the plans. For all residential driveways located on the lot serving a single family or duplex lot, the minimum proper all season sight distance shall be two hundred and fifty (250) feet in all directions.
3. All driveways shall provide sufficient opportunity for reversing of vehicles to prevent backing onto Town Roads.
4. All driveways shall conform to the setbacks contained in the current Fremont Driveway Regulations.
5. For all other driveways (common, commercial, industrial, multi-family, etc.), the minimum all season sight distance shall be three hundred and sixty-five (365) feet in all directions meeting the requirements for roadway intersections. Proper visibility easements shall be provided to meet the sight distance requirements. The Applicant is responsible for obtaining a driveway permit from the Road Agent prior to the issuance of a building permit; and
6. Maximum driveway width for residential single family and duplex lots shall be twelve (12) feet at the right-of-way with ten (10) foot radii at the edge of pavement of the street.
7. See Article 5 Section 7 of the Fremont Driveway Regulations.

- G. Sidewalks: The Board may require the construction of sidewalks for pedestrian access to schools, parks, shopping areas and transit stops or where population density and/or traffic volume conditions are such that the Board determines the construction of sidewalks to be prudent. In commercial and industrial districts, sidewalks may be required on both sides of the street. In residential districts, sidewalks may be required on one side of the street.

- H. Walking Trails: The Board may require the construction of walking trails for projects where the Board determines the construction of trails will connect to existing and

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planned trail systems and be desirable to the character and nature of the neighborhood.

- I. Roadside drainage: Roadside drainage shall be maintained by roadside swales, as required runoff and directed by the Town of Fremont.
- J. Streets in cut/fill: Side slopes in fills shall be no steeper than 4 horizontal to 1 vertical (4H:1V), graded, covered with screened loam and seeded as required to match to original ground with appropriate slope easements outside of the roadway right of way (R.O.W.). All slopes in ledge cut shall be no steeper than 1H: 2V. A chain link fence shall be provided at the top of the ledge cut. The Applicant shall provide proper construction details to show the required information.
- K. Easements: Slope, visibility, and/or drainage easements shall be provided to the Town of Fremont and clearly shown on the subdivision plan.
- L. Street Signs: The location and type of sign to be installed by the developer shall be in accordance with the Manual on Uniform Traffic Control Devices (MUTCD).
- M. Street Light: Street lights shall be provided if required by the Board.
- N. Street Name: No street name shall be used which will duplicate or be confused with any street name already in use. Street names shall be subject to the approval of the Board and/or Fire Department.
- O. Guardrail: Guardrail shall be metal beam on wood posts, meeting the New Hampshire Department of Transportation Standards and Specifications. All guardrail installation must end safely using a MELT-type terminal unit. FLEAT or ELT-type units may be permitted by the Road Agent. Guardrail shall be used in locations where the New Hampshire Department of Transportation's typical warrant for guardrail is met and/or as required by the Board.
- P. Under-drain: Under-drain may be required in all roadway cut sections as determined by the Road Agent and/or Town Consultant Engineer or where the seasonal high water table is within four (4) feet of finished grade. Under-drain shall be four (4) inches perforated PVC or HDPE pipe located at the bottom of a twenty four inches by twenty four inches (24 x 24) trench containing three quarter inch ($\frac{3}{4}$) clean stone wrapped with Mirafi 140N drain fabric (or equivalent).
- Q. Roadway Design Standards: The standards for roadway design shall be in accordance with Table 1.

TABLE 1			
	Collector	Local	Private
Right-of-way	60 feet	50 feet	50 feet
Pavement width	28 feet	24 feet	24 feet
Gravel Shoulder width	2 feet	3 feet	3 feet
Sidewalk width	5 feet	5 feet	5 feet

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Grade: Minimum	1%	1%	1%
Maximum	5%	6%	6%
Cross-slope	3%	3%	3%
Maximum length*		800 feet	800 feet
Minimum tangent length between reverse curves	200 feet	100 feet	100 feet
Minimum center-line radius	300 feet	250 feet	250 feet

- Six hundred (600) feet exclusive of cul de sac. Planning Board may waive length restriction on a case by case basis.
- Except where near future connections, as determined by sufficient evidence presented to the Planning Board, may be possible, dead end or cul-de-sac streets shall not exceed eight hundred (800) feet maximum length, six hundred (600) feet exclusive of the cul-de-sac itself, and shall terminate with a turn-around area as prescribed by the Board but, in any event, with a right-of-way radius of one hundred (100) feet from the center to the outside edge. **Under no circumstances shall a dead end street exceed fifteen hundred (1,500) feet in length.**

1. Vertical Curves: A vertical curve shall be introduced between tangents where the algebraic difference in grade is in excess of one percent (1%);
2. Horizontal Curves: Where street lines intersect at angle points, a curve of appropriate radius shall be introduced between horizontal tangents; and
3. Maximum Grade on Local Streets: Where, in the opinion of the Board, and where it has been demonstrated to the satisfaction of the Board by the Applicant, that adherence to the maximum grade specified above will cause local streets to be constructed in what the Board considers to be excessive cuts or fills, a waiver from the above specified maximum grade may be granted, provided:
 - a. the maximum allowable grade be eight percent (8%);
 - b. the maximum length of such grade, measured between vertical points of intersection (PVI) is five-hundred (500) feet;
 - c. no other such slope greater than six percent (6%) occurs within five-hundred (500) feet measured along the centerline of the road from PVIs; and
 - d. the Applicant provide written justification to the Board for the design of a street grade greater than six percent (6%).
4. Sight Distance: Minimum sight distance shall be designed in accordance with AASHTO, "APOLICY for GEOMETRIC DESIGN of HIGHWAYS and STREETS," current edition.

R. Intersections:

1. Offset intersections: Streets intersecting from opposite sides shall have their centerlines meet, or the offset between intersections shall be a minimum of one-hundred fifty (150) feet. The offset shall be measured from centerline to centerline.
2. Angles at intersections: Streets shall be designed to, as nearly as possible, intersect at right angles with a fifty (50) foot minimum tangent section. No streets

shall intersect any other streets at an angle less than seventy five (75) degrees. The centerlines of no more than two (2) streets shall intersect at one (1) point.

3. Right-of-way radii: Minimum right-of-way radii rounding for intersection corners shall be:

TABLE 2	
Street R.O.W. Width	R.O.W. Radii
50 feet	25 feet
60 feet	30 feet

TABLE 3	
Street R.O.W. Width	Edge of Pavement Radii
50 feet	30 feet
60 feet	35 feet

4. Street width: When streets of different widths intersect, the radius of the wider street shall apply.
5. Sight distance: Streets shall not be designed with intersections on the inside of curves or at any location where sight distance will be inadequate for drivers to tell if they can safely enter the traffic flow.
6. Visibility easements: Visibility easements shall describe an area to be maintained clear of any and all obstructions and which provide sight distance in accordance with these regulations. No sign, hedge, structure, natural growth, fence or other obstruction of any kind which obstructs sight distance shall be installed or maintained within the visibility easement.
7. Grades at street intersections: When two streets intersect, neither street shall have a grade greater than three percent (3%) for a minimum distance of fifty (50) feet measured from the edge of pavement of the intersecting street. The minimum vertical curve length allowable at the intersection shall be fifty (50) feet.

S. Structural sections: Structural sections shall be as shown below:

	Collector	Local	Private	Sidewalks
Gravel *	12 inches	12 inches	12 inches	-
Crushed gravel **	8 inches	6 inches	6 inches	8 inches
Base course	2 ½ inches	2 ½ inches	2 ½ inches	-
Wearing course	1 ½ inches	1 ½ inches	1 ½ inches	-
Wearing course	-	-	-	2 inches

* Maximum stone size = four inch (4") diameter

** Maximum stone size = one and one half inch (1 ½") diameter

Note: All pavement depths are compacted depths.

All road materials and construction methods shall be in accordance with the State of New Hampshire, Department of Transportation, Specifications for Road and Bridge Construction, current edition.

10.03 STORMWATER MANAGMENT

A. Purpose and Goals

1. The purpose of post construction stormwater management standards is to provide reasonable guidance for the regulation of stormwater runoff to protect local natural resources from degradation and prevent adverse impacts to adjacent and downstream land, property, facilities and infrastructure. These standards regulate discharges from stormwater and runoff from land development projects and other construction activities to control and minimize increases in stormwater runoff rates and volumes, soil erosion, stream channel erosion, and nonpoint source pollution associated with stormwater runoff.
2. The goal of these standards is to establish minimum stormwater management requirements and controls to protect and safeguard the general health, safety, and welfare of the public in the Town of Fremont. This regulation seeks to meet that goal through the following objectives:
 - a. Minimize increases in stormwater runoff from any development to reduce flooding, siltation and streambank erosion and maintain the integrity of stream channels.
 - b. Minimize increases in nonpoint source pollution caused by stormwater runoff from development which would otherwise degrade local water quality.
 - c. Minimize the total volume of surface water runoff which flows from any specific site during and following development to not exceed the pre-development hydrologic condition to the maximum extent practicable as allowable by site conditions.
 - d. Reduce stormwater runoff rates and volumes, soil erosion and nonpoint source pollution, wherever possible, through stormwater management controls and to ensure that these management controls are properly maintained and pose no threat to public safety or cause excessive municipal expenditures.
 - e. Protect the quality of groundwater resources, surface water bodies and wetlands.
3. Definitions
 - a. "Surface Waterbody" is defined, in accordance with RSA 485-A, as a perennial and seasonal streams, lakes, ponds, and tidal waters within the jurisdiction of the state, including all streams, lakes, or ponds bordering on the state, marshes, water courses, and other bodies of water, natural or artificial.

B. Minimum Thresholds for Applicability

1. The Post-Construction Stormwater Management Standards apply to subdivisions that result in creation of a private road or a road intended for adoption as a public road. All stormwater runoff generated from the proposed private or public roadway(s) and any other stormwater runoff contributing to the roadway stormwater management system(s) shall be managed and treated in full compliance with these standards.

2. For subdivisions comprising lots with frontage on existing private or public roadways, roadside drainage and any other stormwater runoff from the new lots discharging to the roadside drainage system must be managed for: stormwater runoff quantity/volume; and water quality treatment if stormwater is discharged to the municipality's drainage system subject to the EPA MS4 permit.

C. Stormwater Management for New Development

1. All proposed stormwater management practices and treatment systems shall meet the following performance standards.
 - a. Stormwater management and erosion and sediment control practices shall be located outside any specified buffer zones unless otherwise approved by the Planning Board. Alternatives to stream and wetland crossings that eliminate or minimize environmental impacts shall be considered whenever possible.
 - b. Low Impact Development (LID) site planning and design strategies is encourage be used to the maximum extent practicable (MEP) to reduce stormwater runoff volumes, protect water quality, and maintain predevelopment site hydrology. LID techniques have the goals of protecting water quality, maintaining predevelopment site hydrology. LID techniques that preserve existing vegetation, reduce the development footprint, minimize or disconnect impervious area, and use enhanced stormwater best management practices (BMPs) (such as raingardens, bioretention systems, tree box filters, and similar stormwater management landscaping techniques) shall be incorporated into landscaped areas. Capture and reuse of stormwater is strongly encouraged. The applicant must document in writing why LID strategies are not appropriate when not used to manage stormwater.
 - c. All stormwater treatment areas shall be planted with native plantings appropriate for the site conditions: trees, grasses, shrubs and/or other native plants in sufficient numbers and density to prevent soil erosion and to achieve the water quality treatment requirements of this section.
 - d. Salt storage areas shall be fully covered with permanent or semi-permanent measures and loading/offloading areas shall be located and designed to not drain directly to receiving waters and maintained with good housekeeping measures in accordance with NH DES published guidance. Runoff from snow and salt storage areas shall enter treatment areas as specified above before being discharged to receiving waters or allowed to infiltrate into the groundwater. See NHDES published guidance fact sheets on road salt and water quality, and snow disposal at <http://des.nh.gov/organization/commissioner/pip/factsheets/wmb/index.htm>.
 - e. Surface runoff shall be directed into appropriate stormwater control measures designed for treatment and/or filtration to the maximum extent practicable and/or captured and reused onsite.
 - f. All newly generated stormwater from new development shall be treated on the development site. A development plan shall include provisions to retain natural predevelopment watershed areas on the site by using the natural flow patterns.
 - g. Runoff from impervious surfaces shall be treated to achieve at least 80% removal of Total Suspended Solids and at least 50% removal of both total nitrogen and total phosphorus using appropriate treatment measures, as

- specified in the NH Stormwater Manual. Volumes 1 and 2, December 2008, as amended or other equivalent means. Where practical, the use of natural, vegetated filtration and/or infiltration practices or subsurface gravel wetlands for water quality treatment is preferred given its relatively high nitrogen removal efficiency. All new impervious area draining to surface waters impaired by nitrogen, phosphorus or nutrients shall be treated with stormwater BMP's designed to optimize pollutant removal efficiencies based on design standards and performance data published by the UNH Stormwater Center and/or included in the latest version of the NH Stormwater Manual.
- h. Measures shall be taken to control the post-development peak runoff rate so that it does not exceed pre-development runoff. Drainage analyses shall include calculations comparing pre- and post-development stormwater runoff rates (cubic feet/second) and volumes (cubic feet) for the 1-inch rainstorm and the 2-year, 10-year, 25-year, and 50-year 24-hour storm events. Similar measures shall be taken to control the post-development runoff volume to infiltrate the groundwater recharge volume GR_v according to the following ratios of Hydrologic Soil Group (HSG) type versus infiltration rate multiplier: HSG-A: 0.4; HSG-B: 0.25; HSG-C: 0.1; HSG-D: 0.00. For sites where infiltration is limited or not practicable, the applicant must demonstrate that the project will not create or contribute to water quality impairment.
 - i. The design of the stormwater drainage systems shall provide for the disposal of stormwater without flooding or functional impairment to streets, adjacent properties, downstream properties, soils, or vegetation.
 - j. The design of the stormwater management systems shall account for upstream and upgradient runoff that flows onto, over, or through the site to be developed or re-developed, and provide for this contribution of runoff.
 - k. Whenever practicable, native site vegetation shall be retained, protected, or supplemented. Any stripping of vegetation shall be done in a manner that minimizes soil erosion.
2. Submission Requirements for Stormwater Management Report and Plans.
 - a. All applications shall include a comprehensive Stormwater Management Plan (SMP). The SMP shall include a narrative description and an Existing Conditions Site Plan showing all pre-development impervious surfaces, buildings and structures; surface water bodies and wetlands; drainage patterns, sub-catchment and watershed boundaries; building setbacks and buffers, locations of various hydrologic group soil types, mature vegetation, land topographic contours with minimum 2-foot intervals and spot grades where necessary for sites that are flat.
 - b. The SMP shall include a narrative description and a Proposed Conditions Site Plan showing all post-development proposed impervious surfaces, buildings and structures; temporary and permanent stormwater management elements and best management practices (BMP), including BMP GIS coordinates and GIS files; important hydrologic features created or preserved the site; drainage patterns, sub-catchment and watershed boundaries; building setbacks and buffers; proposed tree clearing and topographic contours with minimum 2-foot intervals. The plans shall provide calculations and identification of the total area of disturbance proposed on the site (and off site if applicable) and total area of new impervious surface created. A summary of

- the drainage analysis showing a comparison of the estimated peak flow and volumes for various design storms (see Table 1. Stormwater Infrastructure Design Criteria) at each of the outlet locations shall be included.
- c. The SMP shall describe the general approach and strategies implemented, and the facts relied upon, to meet the goals of Element A and Element C.: The SWP shall include design plans and/or graphical sketch(es) of all proposed above ground LID practices.
 - d. The SMP shall include calculations of the change in impervious area, pollution loading and removal volumes for each best management practice, and GIS files containing the coordinates of all stormwater infrastructure elements (e.g. catch basins, swales, detention/bioretention areas, piping).
 - e. The SMP shall include a description and a proposed Site Plan showing proposed erosion and sediment control measures, limits of disturbance, temporary and permanent soil stabilization measures in accordance with the NHDES Stormwater Manual Volume 3 (most recent version) as well as a construction site inspection plan including phased installation of best management practices and final inspection upon completion of construction.
 - f. The SMP shall include a long-term stormwater management BMP inspection and maintenance plan (see Element E) that describes the responsible parties and contact information for the qualified individuals who will perform future BMP inspections. The inspection frequency, maintenance and reporting protocols shall be included.
 - g. The SMP shall describe and identify locations of any proposed deicing chemical and/or snow storage areas. SMP will describe how deicing chemical use will be minimized or used most efficiently.
 - h. In urbanized areas that are subject to the EPA MS4 Stormwater Permit and will drain to chloride-impaired waters, any new developments and redevelopment projects shall submit a description of measures that will be used to minimize salt usage, and track and report amounts applied using the UNH Technology Transfer Center online tool (<http://www.roadsalt.unh.edu/Salt/>) in accordance with Appendix H of the NH MS4 Permit.
3. General Performance Criteria for Stormwater Management Plans.
 - a. All applications shall apply site design practices to reduce the generation of stormwater in the post-developed condition, reduce overall impervious surface coverage, seek opportunities to capture and reuse and minimize and discharge of stormwater to the municipal stormwater management system.
 - b. Water Quality Protection.
 - i. No stormwater runoff generated from new development or redevelopment shall be discharged directly into a jurisdictional wetland or surface water body without adequate treatment.
 - ii. All developments shall provide adequate management of stormwater runoff and prevent discharge of stormwater runoff from creating or contributing to water quality impairment.
 - c. Onsite groundwater recharge rates shall be maintained by promoting infiltration through use of structural and non-structural methods. The annual recharge from the post development site shall maintain or exceed the annual recharge from pre-development site conditions. Capture and reuse of

stormwater runoff is encouraged in instances where groundwater recharge is limited by site conditions. All stormwater management practices shall be designed to convey stormwater to allow for maximum groundwater recharge. This shall include, but not be limited to:

- i. Maximizing flow paths from collection points to outflow points.
 - ii. Use of multiple BMPs.
 - iii. Retention of and discharge to fully vegetated areas.
 - iv. Maximizing use of infiltration practices.
 - v. Stormwater System Design Performance Standards.
 - d. Stormwater system design, performance standards and protection criteria shall be provided as prescribed in Table 1 below. Calculations shall include sizing of all structures and best management practices, including sizing of emergency overflow structures based on assessment of the 100-year 24-hour frequency storm discharge rate.
 - e. The sizing and design of stormwater management practices shall utilize new precipitation data from the Northeast Region Climate Center (NRCC) or the most recent precipitation atlas published by the National Oceanic and Atmospheric Administration (NOAA) for the sizing and design of all stormwater management practices. See the NRCC website at <http://precip.eas.cornell.edu/>.
 - f. All stormwater management practices involving bioretention and vegetative cover as a key functional component must have a landscaping plan detailing both the type and quantities of plants and vegetation to be in used in the practice and how and who will manage and maintain this vegetation. The use of native plantings appropriate for site conditions is strongly encouraged for these types of stormwater treatment areas. The landscaping plan must be prepared by a registered landscape architect, soil conservation district office, or another qualified professional.
4. Spill Prevention, Control and Countermeasure (SPCC) Plan.
- Any existing or otherwise permitted use or activity having regulated substances in amounts greater than five gallons, shall submit to the local official such as Fire Chief, Emergency Response Official a SPCC plan for review and approval. The Plan will include the following elements:
- a. Disclosure statements describing the types, quantities, and storage locations of all regulated substances that will be part of the proposed use or activity.
 - b. Owner and spill response manager's contact information.
 - c. Location of all surface waters and drainage patterns.
 - d. A narrative describing the spill prevention practices to be employed when normally using regulated substances.
 - e. Containment controls, both structural and non-structural.
 - f. Spill reporting procedures, including a list of municipal personnel or agencies that will be contacted to assist in containing the spill, and the amount of a spill requiring outside assistance and response.
 - g. Name of a contractor available to assist in spill response, contaminant, and cleanup.
 - h. The list of available clean-up equipment with instructions available for use on-site and the names of employees with adequate training to implement containment and clean up response.

D. Stormwater Management for Redevelopment

1. Redevelopment (as applicable to this stormwater regulation) means:
 - a. Any construction, alteration, or improvement that disturbs existing impervious area (including demolition and removal of road/parking lot materials down to the erodible subbase) or expands existing impervious cover by any amount, where the existing land use is commercial, industrial, institutional, governmental, recreational, or multifamily residential.
 - b. Any redevelopment activity that results in improvements with no increase in impervious area shall be considered redevelopment activity under this regulation if capital cost of improvements is greater than 30% of the appraised property value.
 - c. Any new impervious area over portions of a site that are currently pervious.
 - d. The following activities are not considered redevelopment:
 - Interior and exterior building renovation.
 - Resurfacing of an existing paved surface (e.g. parking lot, walkway or roadway).
 - Pavement excavation and patching that is incidental to the primary project purpose, such as replacement of a collapsed storm drain.
 - Landscaping installation and maintenance.
2. Redevelopment applications shall comply with the requirements of Sections C.2 Submission Requirements for Stormwater Management Report and Plans, C.3 General Performance Criteria for Stormwater Management Plans, and C.4 Spill Prevention, Control and Countermeasure (SPCC) Plan.
3. For sites meeting the definition of a redevelopment project and having less than 60% existing impervious surface coverage, the stormwater management requirements will be the same as other new development projects. The applicant must satisfactorily demonstrate that impervious area is minimized, and LID practices have been implemented on-site to the MEP..
4. For sites meeting the definition of a redevelopment project and having more than 60% existing impervious surface area, stormwater shall be managed for water quality in accordance with one or more of the following techniques, listed in order of preference:
 - a. Implement measures onsite that result in disconnection or treatment of 100% of the additional proposed impervious surface area and at least 30% of the existing impervious area and pavement areas, preferably using filtration and/or infiltration practices.
 - b. If resulting in greater overall water quality improvement on the site, implement LID practices to the MEP to provide treatment of runoff generated from at least 60% of the entire developed site area.
5. Runoff from impervious surfaces shall be treated to achieve at least 80% removal of Total Suspended Solids and at least 50% removal of both total nitrogen and total phosphorus using appropriate treatment measures, as specified in the NH Stormwater Manual. Volumes 1 and 2, December 2008, as amended or other equivalent means.

6. All new impervious area draining to surface waters impaired by nitrogen, phosphorus or nutrients shall be treated with stormwater BMP's designed to optimize pollutant removal efficiencies based on design standards and performance data published by the UNH Stormwater Center and/or included in the latest version of the NH Stormwater Manual.
7. Off – site mitigation allowance: In cases where the applicant demonstrates, to the satisfaction of the Planning Board, that on-site treatment has been implemented to the MEP or is not feasible, off-site mitigation will be an acceptable alternative if implemented within the same subwatershed, within the project's drainage area or within the drainage area of the receiving water body. To comply with local watershed objectives the mitigation site would be preferably situated in the same subwatershed as the development and impact/benefit the same receiving water. Off-site mitigation shall only be approved by the Planning Board with the following conditions:
 - a. The Conservation Commission has been given the opportunity to advise the Planning Board regarding the proposed off-site mitigation.
 - b. The off-site mitigation shall be equivalent to no less than the total area of impervious cover NOT treated on-site. Treatment of the impervious area shall comply with all standards of this regulation.
 - c. An approved off-site location must be identified, the specific management measures identified, and if not owned by the applicant, with a written agreement with the property owner(s) and an implementation schedule developed in accordance with planning board review. The applicant must also demonstrate that there is no downstream drainage or flooding impacts that would result from not providing on-site management for large storm events.

E. Stormwater Management Plan and Site Inspections

1. The applicant shall provide that all stormwater management and treatment practices have an enforceable operations and maintenance plan and agreement to ensure the system functions as designed. This agreement will include all maintenance easements required to access and inspect the stormwater treatment practices, and to perform routine maintenance as necessary to ensure proper functioning of the stormwater system. The operations and maintenance plan shall specify the parties responsible for the proper maintenance of all stormwater treatment practices. The operations and maintenance shall be provided to the Planning Board as part of the application prior to issuance of any local permits for land disturbance and construction activities.
2. The applicant shall provide legally binding documents for filing with the Registry of Deeds which demonstrate that the obligation for maintenance of stormwater best management practices and infrastructure runs with the land and that the Town has legal access to inspect the property to ensure their proper function or maintain onsite stormwater infrastructure when necessary to address emergency situations or conditions.
3. The property owner shall bear responsibility for the installation, construction, inspection, and maintenance of all stormwater management and erosion control

measures required by the provisions of these regulations and as approved by the Planning Board, including emergency repairs completed by the Town.

F. Stormwater Management Plan Recordation

1. Stormwater management and sediment and erosion control plans shall be incorporated as part of any approved site plan. A Notice of Decision acknowledging the Planning Board approval of these plans shall be recorded at the Registry of Deeds. The Notice of Decision shall be referenced to the property deed (title/book/page number) and apply to all persons that may acquire any property subject to the approved stormwater management and sediment control plans. The Notice of Decision shall reference the requirements for maintenance pursuant to the stormwater management and erosion and sediment control plans as approved by the Planning Board.
2. The applicant shall submit as-built drawings of the constructed stormwater management system following construction.
3. Easements: Where a development is traversed by or requires the construction of a watercourse or a drainage way, an easement to the Town of adequate size to enable construction, reconstruction and required maintenance shall be provided for such purpose. Easements to the Town shall also be provided for the purpose of periodic inspection of drainage facilities and BMPs should such inspections by the Town become necessary. All easements shall be recorded at the County Registry of Deeds.

G. Inspection and Maintenance Responsibility

1. Select Board or their designated agent shall have site access to complete inspections to ensure compliance with the approved stormwater management and sediment and erosion control plans. Such inspections shall be performed at a time agreed upon with the landowner.
 - a. If permission to inspect is denied by the landowner, municipal staff or their designated agent shall secure an administrative inspection warrant from the district or superior court under RSA 595-B Administrative Inspection Warrants. Expenses associated with inspections shall be the responsibility of the applicant/property owner.
 - b. If violations or non-compliance with a condition(s) of approval are found on the site during routine inspections, the inspector shall provide a report to the Planning Board documenting these violations or non-compliance including recommend corrective actions. The Planning Board shall notify the property owner in writing of these violations or non-compliance and corrective actions necessary to bring the property into full compliance. The Planning Board, at their discretion, may recommend to the Select Board to issue a stop work order if corrective actions are not completed within 10 days.
 - c. If corrective actions are not completed within a period of 30 days from the Planning Board or Board notification, the Planning Board may exercise their jurisdiction under RSA 676:4-a Revocation of Recorded Approval.

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2. The applicant shall bear final responsibility for the installation, construction, inspection, and disposition of all stormwater management and erosion control measures required by the Planning Board. Site development shall not begin before the Stormwater Management Plan receives written approval by the Planning Board.
3. In the event a property owner refuses to repair infrastructure that is damaged or is not functioning properly, the Town retains the right but not the obligation and accepts no responsibility, to repair or maintain stormwater infrastructure if a property is abandoned or becomes vacant.
4. Landowners shall be responsible for submitting an annual report to the Planning Board by September 1 every three years, with the first report due within three years of the receipt of an Occupancy Permit. The report shall be signed and stamped by a qualified professional engineer of the landowner's choice that all stormwater management and erosion control measures are functioning per the approved stormwater management plan. The report shall note if any stormwater infrastructure has needed any repairs other than routine maintenance and the results of those repairs. If the stormwater infrastructure is not functioning per the approved stormwater management plan the landowner shall report on the malfunction in their report and include detail regarding when the infrastructure shall be repaired and functioning as approved.

If no report is filed by September 1 in the year the report is due, the Select Board or their designated agent shall have site access to complete routine inspections to ensure compliance with the approved stormwater management and sediment and erosion control plans. Such inspections shall be performed at a time agreed upon with the landowner.

Table 1. Stormwater Infrastructure Design Criteria

Design Criteria	Description
Water Quality Volume (WQV)	$WQV = (P)(R_v)(A)$ $P = 1$ inch of rainfall $R_v =$ unitless runoff coefficient, $R_v = 0.05 + 0.9(I)$ $I =$ percent impervious cover draining to the structure converted to decimal form $A =$ total site area draining to the structure
Water Quality Flow (WQF)	$WQF = (q_u)(WQV)$ $WQV =$ water quality volume calculated as noted above $q_u =$ unit peak discharge from TR-55 exhibits 4-II and 4-III
Water Quality Flow (WQF) Continued	Variables needed for exhibits 4-II and 4-III: $I_a =$ the initial abstraction = $0.2S$ $S =$ potential maximum retention in inches = $(1000/CN) - 10$ $CN =$ water quality depth curve number $= 1000 / (10 + 5P + 10Q - 10[Q^2 + 1.25(Q)(P)]^{0.5})$ $P = 1$ inch of rainfall $Q =$ the water quality depth in inches = WQV/A $A =$ total area draining to the design structure

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Groundwater Recharge Volume (GRV)	<p>$GRV = (A_i)(R_d)$</p> <p>A_i = the total area of effective impervious surfaces that will exist on the site after development</p> <p>R_d = the groundwater recharge depth based on the USDA/NRCS hydrologic soil group, as follows:</p> <table> <tr> <th>Hydrologic Group</th><th>R_d (inches)</th></tr> <tr> <td>A</td><td>0.40</td></tr> <tr> <td>B</td><td>0.25</td></tr> <tr> <td>C</td><td>0.10</td></tr> <tr> <td>D</td><td>0.00</td></tr> </table>	Hydrologic Group	R_d (inches)	A	0.40	B	0.25	C	0.10	D	0.00
Hydrologic Group	R_d (inches)										
A	0.40										
B	0.25										
C	0.10										
D	0.00										
Channel Protection Volume (CPV)	<p>If the 2-year, 24-hour post-development storm volume <i>does not increase</i> due to development then: control the 2-year, 24-hour post-development peak flow rate to the 2-year, 24-hour predevelopment level.</p> <p>If the 2-year, 24-hour post-development storm volume <i>does increase</i> due to development then: control the 2-year, 24-hour post-development peak flow rate to $\frac{1}{2}$ of the 2-year, 24-hour pre-development level or to the 1-year, 24-hour pre-development level.</p>										
Peak Control	Post-development peak discharge rates shall not exceed pre-development peak discharge rates for the 10-year and 50-year, 24-hour storms										
EIC and UDC	<p>$\%EIC = \text{area of effective impervious cover} / \text{total drainage areas within a project area} \times 100$</p> <p>$\%UDC = \text{area of undisturbed cover} / \text{total drainage area within a project area} \times 100$</p>										

[After: NH DES Stormwater Manual: Volume2 Post-Construction Best Management Practices Selection & Design (December 2008)]

10.04 MONUMENTS

A. Location:

1. Street right-of-way: Monuments shall be placed at all angle points, points of curvature (PC) and points of tangents (PT) on both sides of the right-of-way. Monuments shall also be placed at any intermediate points, as required by the Road Agent; and
2. Subdivision and lot: Monuments for the external boundaries of the tract being subdivided and the lots that are being created shall be placed not more than one-thousand (1000) feet apart in any straight line, at all corners, at the beginning and end of all curves and at all angle points.

B. Type:

1. Street right-of-way: Shall be marked by a stone or concrete monument four inches by four inches by thirty six (4 x 4 x 36) inches in size (minimum); and
2. Lots: At least one lot corner at the right-of-way line shall be marked by a stone or concrete monument four inches by four inches by thirty six (4 x 4 x 36) inches (minimum). All other lot corners shall be marked by either a one (1)-inch diameter iron pipe or five-eighth inch diameter (5/8) steel bar at least thirty (30) inches in length or a drill hole set in existing stone walls.

10.05 ROAD PLAN REQUIREMENTS

A. Plan and profile drawings:

1. All items required above under Drainage
2. All items required above under Utilities
3. Profile grid (station and elevation) with horizontal to vertical scale (ratio = 5:1) and datum
4. Existing grade profile
5. Proposed profile:
 - a. PVI's (station and elevation)
 - b. PVC's (station and elevation)
 - c. PVT's (station and elevation)
 - d. Length of vertical curve
 - e. K-values
 - f. Tangent slopes
 - g. Drainage system
 - h. Crest stations identified (stations and elevations)
 - i. Sag stations identified (stations and elevations)
 - j. Existing and proposed grades at fifty (50)-foot stations
6. Road intersection (equation of stations of intersecting streets)
7. Label street name
8. Right-of-way lines
9. Easement lines:
 - a. Drainage

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- b. Visibility
- c. Utility
- d. Access
- e. Slope
- 10. Wetlands Mapping:
 - a. Wetland limits identified
 - b. Impact area identified in square feet for each individual location
- 11. Driveway shown to each individual lot (with grading and culverts if required)
- 12. Centerline geometry including:
 - a. Bearings and distances labeled
 - b. Tangents
 - c. Curve data
 - d. PC's
 - e. PT's
- 13. Pavement:
 - a. Width
 - b. Corner radius (edge of pavement)
 - c. Curbing (if applicable)
- 14. Existing and proposed lot lines
- 15. Lot designations
- 16. Under-drain location (beginning and end stations)
- 17. Guardrail:
 - a. Location (beginning and end stations, off-set)
- 18. Traffic control signs (stop, street, etc.)
- 19. Pavement markings

C. Construction Detail Drawings:

Note: Construction details to conform with New Hampshire Department of Transportation Standards and Specifications for Road and Bridge Construction and Town of Fremont Subdivision Regulations.

- 1. Typical cross-section of roadway
- 2. Typical driveway plan and profile apron detail
- 3. Curbing detail (if applicable)
- 4. Guardrail detail (if applicable)
- 5. Sidewalk detail (if applicable)
- 6. Traffic signs and pavement markings
- 7. Typical under-drain trench detail
- 8. Drainage structure(s):
 - a. Catch basin (including frame and grate)
 - b. Manhole (including frame and cover)
 - c. Outlet structure (detention basins)
 - d. Headwalls
 - e. Flared end sections
- 9. Outlet protection rip-rap apron
- 10. Level spreader
- 11. Treatment swale
- 12. Typical section at detention basin
- 13. Typical pipe trench:

- a. Drainage
- b. Utilities
- 14. Erosion control details:
 - a. Hay bale barriers at waterways
 - b. Silt fence
 - c. Stone check dam
 - d. Stone construction entrance
 - e. Inlet filter basket
 - f. Hay bale barrier at catch basin
- 15. Notes:
 - a. Notes as required by the Town of Fremont
 - b. Construction sequence
 - c. Erosion control notes
 - d. Turf establishment notes

Cross-Sections:

- 1. Roadway cross sections at fifty (50)-foot intervals and culvert locations
- 2. Scale of sections at one inch equals ten feet (1"=10') horizontal and vertical
- 3. Existing and finish centerline grades
- 4. Proposed pavements, crushed gravel and gravel limits
- 5. Right-of-way and easement limits
- 6. Roadway and shoulder cross slopes
- 7. Embankment slopes
- 8. Under-drains

10.06 CONSTRUCTION OBSERVATION

- A. The Applicant shall be responsible for obtaining all necessary reports and obtaining the necessary construction observations by the Road Agent and/or Town Consultant Engineer for required improvements during construction. The necessary construction observations and reports are as follows:
 - 1. The center fifty (50) feet of each street right of way shall be cleared of all trees, stumps, brush, roots boulders and like material.
 - 2. Within the roadbed, a width of no less than forty four (44) feet, centered in the right of way, shall be cleared of all loam and other unsuitable material.
 - 3. The required stone stabilized construction entrance(s) shall be installed prior to any tree clearing or earthwork.
 - 4. **Observation:** At this stage of construction, and prior to performing any tree clearing or earthwork, the stone stabilized construction entrance(s) shall be observed by the Road Agent and/or the Towns Consulting Engineer.
 - 5. After the clearing limits are established and the trees are cut and removed all silt fencing and/or other erosion barriers and controls shall be installed.

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6. **Observation:** At this stage of construction, and prior to performing any stumping and grubbing, the required erosion control measures shall be observed by the Road Agent and/or the Towns Consulting Engineer.
7. Within the established clearing limits, the stumps, brush, roots boulders and loam and other organic/unsuitable material shall be stripped, trucked from the site or stockpiled and stabilized.
8. **Observation:** At this stage of construction, and prior to performing any cuts and fills, the roadbed shall be observed by the Road Agent and/or the Towns Consulting Engineer.
9. **Observation:** Cutting and fill operations to bring the roadway to subgrade shall be observed by the Road Agent or the Towns Consulting Engineer. At the Road Agent and/or Consulting Engineer's discretion, compaction testing of the fill areas may be required.
10. Upon completion of rough subgrade and prior to the placement of any gravel sub-base, all underground utilities shall be installed.
11. **Observation:** Installation of all drainage piping and structures, associated swales, ditches, other drainage improvements, and any other underground utilities located within the right of way shall be observed by the Road Agent and the Towns Consulting Engineer.
12. Roadway Subgrade – Upon completion of all underground utilities, the road subgrade shall be shaped and compacted. Subgrade shall include shaping of the ditch line, cut slopes and fill slopes.
13. **Observation:** Upon completion of the subgrade preparation, and prior to the placement of any gravel, subgrade shall be observed and the cross slope checked by the Road Agent and the Towns Consulting Engineer.
14. Sieve analysis reports of the gravel and crushed gravel to be used as sub-base, in compliance with New Hampshire Department of Transportation and Town requirements, shall be provided for review and approval prior to placement.
15. Compaction test results shall be submitted to the Road Agent or Town's Consulting Engineer, indicating the gravel and crushed gravel was compacted in compliance with New Hampshire Department of Transportation requirements shall be provided.
16. The road shall have a base of a minimum of twelve (12) inches of gravel. The width of gravel shall meet the requirements shown on the Typical Local Street Section contained at the end of these regulations.
17. **Observation:** Upon completion of the gravel placement, and prior to the placement of any crushed gravel, the gravel course shall be observed and the cross slope checked by the Road Agent and the Towns Consulting Engineer.

18. The road shall have a sub-base of a minimum of six (6) inches of crushed gravel. The width of crushed gravel shall meet the requirements shown on the Typical Local Street Section contained at the end of these regulations.
 19. **Observation:** Upon completion of the crushed gravel placement, and prior to the placement of any bituminous pavement, the crushed gravel course shall be observed and the cross slope checked by the Road Agent and the Towns Consulting Engineer. All road shoulders, ditches, fill slopes and cut slopes shall be constructed prior to the placement of any bituminous pavement.
 20. Streets and cul-de-sacs shall be paved as indicated in the table in Section 10.02-T of these regulations. All bituminous pavement shall be rolled and compacted using a minimum eight (8) ton static roller. The minimum ground temperature for placement of base course pavement is forty (40) degrees Fahrenheit. The minimum base pavement temperature for placement of the wearing course of pavement is fifty (50) degrees Fahrenheit. If more than one construction seasons passes between the placement of the base course pavement and the wearing course pavement, a bituminous tack coat, at the rate of 0.25 gals/SY, shall be applied to the base course pavement prior to the placement of the wearing course of pavement.
 - a. The wearing course pavement shall be completed no later than three (3) years after the application of the binder course pavement.
 21. The Road Agent and the Town's Consulting Engineer shall observe the placement of all bituminous pavement.
 22. Upon completion of the base course of pavement, all street signs, stop signs and any other signs required per the approved plans shall be constructed. All signs shall the meet the requirements of the current Manual on Uniform Traffic Control Devices (MUTCD).
 23. Remaining work list - The Road Agent and the Town's Consulting Engineer shall perform a site visit to generate a list of work items that have not been completed. The Town's Consulting Engineer shall provide a letter summarizing the list of remaining work items, including any applicable recommendations regarding the completion of those items.
 24. Final site visit – The Road Agent and the Town's Consulting Engineer shall perform a site visit to determine if the improvements required by the approved subdivision plan have been completed to the town's satisfaction.
- B. Construction Observation Service Fee and Costs:
1. All Applicants shall be required to deposit a construction observation escrow fee with the Town of Fremont. This escrow fee shall cover all costs incurred by the Town of Fremont and the cost of the Town of Fremont's designated agent who shall monitor and observe improvements for compliance with the approved plans

and required engineering standards. This is to be posted as a cash escrow in custody of the Town Treasurer through the Selectmen's office.

2. Escrow shall be determined by the Town of Fremont, but shall normally be calculate at the rate of four (\$4) dollars per lineal foot of roadway to be constructed. The Town of Fremont, to cover administrative costs, shall retain ten percent (10%) of final construction observation costs. The Town of Fremont may contract with consultants for construction observation services. The Applicant shall be responsible for all costs of all construction observations and associated work. See the most recent edition of the Fremont Development Agreement for additional details and requirements.
 3. If it is determined that any of the required improvements have not been constructed in accordance with the Town of Fremont's construction standards and specifications, the Applicant shall be responsible for the reconstruction and reconstruction observation of the improvements. The escrow account shall be periodically reviewed to assure that sufficient funds are available to cover all construction observation costs and additional escrow provided as needed. Upon acceptance of the project, unused escrow amount shall be returned to the Owner.
- C. Arrangement for Construction Observations: At least fifteen (15) working days prior to commencing construction of any subdivision improvements, the Applicant shall notify the Road Agent, in writing, of the time when he proposes to commence construction. The applicant shall pay to the Town of Fremont the cash escrow amount for the construction observation fee. The Road Agent will arrange for construction observation by the Town's agent to assure that all standards, specifications and requirements are met during the construction of the required improvements and utilities. The Applicant shall request to schedule a pre-construction meeting with the Road Agent which is mandatory prior to the start of construction.
- D. Proper Installation of Improvements: If the Town of Fremont or the Town's Agent finds, upon construction observation of the improvements performed before the expiration date of any security, that any of the required improvements have not been constructed in accordance with approved plans and specifications or any conditions of approval of the Town of Fremont Planning Board, the status shall be reported to the Fremont Board of Selectmen. The Board of Selectmen shall then notify the Applicant and, if necessary, the bonding company or escrow agent and take all necessary steps to preserve the Town of Fremont's rights under the bond or agreement. No plan shall be approved by the Planning Board as long as the Applicant is in default on a previously approved Subdivision Plan.
- E. Failure to Complete Improvements or Abandon Project: When a performance bond has been posted and required improvements have not been installed or completed within the terms of such performance, the Board of Selectmen may declare the project in default and use the bond to complete all outstanding required improvements.

- F. No Cut Zones: No cut zones indicated on the plans shall be clearly delineated in the field using flagging tape or similar approved methods prior to construction and shall be maintained throughout construction of the project.
- G. Residential Subdivision Improvements Prior to Building Permit – prior to the issuance of a residential building permit the Road Agent and the Town’s Consulting Engineer shall visit the site and determine that the following work items have been completed:
- a. Roadway – The roadway must be complete to binder.
 - b. Underground Utilities – All underground utility systems, designed and approved within the roadway, must be completed. 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 Road Agent and/or the Town’s Consulting Engineer.
- H. 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 completed.
 - b. Drainage – The site drainage systems shall be constructed and functioning as designed.
 - c. Utilities – All applicable utilities must be installed and functioning and approved by the utility provider.
 - 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 the development roadway 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).
NOTE: No gaps in curbing, except for drives shall be permitted.
 - f. Turn-Arounds - The developer must provide a paved temporary turn-around for snowplows. The turn-around design and location must be approved by the Road Agent 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 (street names, stop signs, etc.) shall be constructed by the developer.
 - h. Sidewalks – The sidewalks (if applicable) must be completed, including the necessary curbing, gravels, binder pavement, and wearing course pavement (or concrete) to finish grade.

- i. Surety – An acceptable form of surety must be provided, reviewed and approved for the value of all remaining work for the project or affected phase. The value of the surety will be determined by the Town's Consulting Engineer and approved by the Planning Board.
- j. Fire Protection – The approved fire protection (private/municipal hydrants or underground cisterns) must be operational and approved by the Fire Department.

10.07 RECORD DRAWINGS

Subsequent to completion of all the required improvements and prior to the release of the road construction bond, the Applicant shall submit to the Town, a detailed "record drawing" (one (1) mylar reproducible and two (2) paper prints). The Applicant's engineer shall certify that the layout of the line and grade of all public improvements is in accordance with approved construction plans of the subdivision.

10.08 ACCEPTANCE

The Fremont Board of Selectmen will not execute a final bond release until the applicant files a notarized letter with the Board stating that all required improvements have been completed and are free and clear of any and all liens and encumbrances. The Road Agent and Town Consultant Engineer will conduct a final site visit to verify that all required improvements have been completed and are ready for dedication to the Town of Fremont. The Road Agent and Consulting Engineer shall also submit to the Board of Selectmen written verification that all required improvements have been satisfactorily completed.

10.09 MAINTENANCE OF IMPROVEMENTS:

The Applicant is responsible and shall be required to maintain all improvements until the acceptance of said improvements by the Town of Fremont.

10.10 WINTER MAINTENANCE

The Town of Fremont, at the request of the owner, will perform winter maintenance (plowing and sanding) of a project roadway until such time as the Town formally accepts the roadway. The fee for winter maintenance shall be two (\$2) dollars per lineal foot of maintained road, or a minimum fee of one thousand (\$1,000), whichever is greater. This fee shall be renewed annually and must be received by the Town no later than October 1.

SECTION 11 SPECIAL FLOOD PROTECTION PROVISION

If any part of the area of the proposed subdivision or development lies within the boundaries of the Special Flood Hazard Area, as shown on the map on file in the Planning Board Office, the following special criteria shall apply:

- A. Any such identified area shall be so noted on all presentations and final plats.
- B. Total acreage and square footage shall be noted as a part of the total area and as part of individual building lots.
- C. Drainage and drainage structures shall be constructed in a manner to accommodate a so-called one hundred (100) year interval flood.
- D. All systems for the supply of water or the discharge of household wastewater shall be constructed in such a way which will prevent the infiltration of floodwater and contamination of water supplies or backup of wastewater from a one hundred year (100) interval flood.
- E. The subdivision and/or building site shall be so laid out that sites for buildings to be used for human occupancy will either:
 - 1. Not be located in the flood hazard area, or
 - 2. If a building is to be located within the flood hazard area, it shall be constructed in such a fashion that neither the structure or its' essential utilities will be harmed by a one hundred (100) year interval flood.
- F. Restrictions necessary to achieve the goals of this Section shall be placed on the plan or shall accompany the plan and be referenced by it.
- G. The Planning Board shall review the proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S. C. 1334.
- H. The responsible person shall require that all subdivision proposals and other proposed new development greater than fifty (50) lots or five (5) acres, whichever is the lesser, include within such proposals Base Flood Elevation (BFE) data.
- I. Sufficient evidence (construction drawings, grading and land treatment plans) shall be submitted so as to allow determination that:
 - 1. all such proposals are consistent with the need to minimize flood damage
 - 2. all public utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage, and
 - 3. adequate drainage is provided so as to reduce exposure to flood hazards.

ARTICLE IV: ADMINISTRATION

SECTION 1 PERFORMANCE AND MAINTENANCE GUARANTEE

A. POSTING OF PERFORMANCE GUARANTEE

The Board, under advice from the Town Engineer, shall set the amount and type of the performance guarantee prior to the final approval of the subdivision plan. The developer shall post such guarantee with the Town prior to the issuance of any building permits for the site. The guarantee shall cover the estimated cost of constructing and installing all site improvements, including, but not limited to: street work (both public and private roads), drainage facilities, parking and/or loading facilities, landscaping, and other utilities and infrastructure within the development.

The basis for determining the performance guarantee shall be one hundred percent (100%) of the costs of all required site improvements, plus any other funds necessary for the completion of ancillary work as conditioned by the Board's approval, including engineering and engineering contingencies. The amount shall be reviewed and approved by the Board. Time limitations shall be imposed upon completion of the improvements of the site in accordance with the approval. Bonding shall not be considered a vesting of rights, nor shall posting of a bond be considered "active and substantial development or building". Failure to commence work on site improvements within the specified time limits will result in one of the following situations.

1. A forfeiture of the performance guarantee in favor of the town in order to complete the required improvements, or;
2. The need to post a new guarantee prior to construction, or;
3. Revocation of the approved plan pursuant to RSA 676:4-a.

Performance Guarantees must be represented in a written agreement with, and acceptable to, the Board of Selectmen, and Town Counsel. This provision insures proper and legally binding agreements and appropriate economic assurance for the protection of the Town of Fremont and its citizens.

The Board may accept the following methods of posting a performance guarantee through the Selectmen's Office:

1. Cash or a savings passbook held in the name of the Town and deposited with the Town Treasurer.
2. An Irrevocable Letter of Credit in an amount and manner acceptable to the Board of Selectmen. Sample forms of acceptable Letters of Credit are available through the Selectmen's office.

B. RELEASE OF PERFORMANCE GUARANTEE

Upon inspection of a partial completion of required improvements, the Board may authorize in writing a reduction in the performance guarantee up to an amount equal to the work completed. The Town shall retain sufficient funds for the current cost to complete the remaining improvements as indicated by a qualified contractor's bid estimate approved by the Board, plus a retainage of twenty percent (20%) of the original performance guarantee amount which shall be kept until all required improvements have been inspected and accepted by the Town. If the costs for completing the required improvements exceed the amount of performance guarantee held by the Town, additional funds shall be required by the Board, in order to ensure completion before the development proceeds any further. The retainage shall be held until the completion of all required improvements have been inspected and approved by the Board or its' qualified agents.

Should progress toward the completion of all required improvements fall substantially behind the mutually agreed upon timetable, the Board may obtain a completion cost estimate, at the applicant's expense, from:

1. The developer's contractor; or
2. A qualified contractor of the Board's choice.

If the estimated completion costs exceed the amount of the performance guarantee posted with the Town, the developer shall post an additional performance guarantee as is necessary to complete the required improvements. The developer shall post such guarantee within thirty (30) days of notice thereof.

The performance guarantee (or balance thereof) shall not be released until the Board (or its agent) has certified in writing completion of the required site improvements in accordance with the approved final plat, and Town Counsel has reviewed and approved all deeds governing land to be used for public purposes, as well as all easement agreements for the site.

Installation of all required improvements shall be completed within two (2) years of the date of the final plan's approval, unless the time frame is extended by mutual consent of the applicant and the Board. If the required improvements are not satisfactorily installed within the mutually agreed upon timetable, the posted performance guarantee shall be forfeited by the applicant.

Prior to the return of the balance of the performance guarantee, project Engineer or the Board's designee shall certify in writing that all site improvements have been installed as per the approved site plan. Furthermore, the developer shall certify in writing that the "as built" location of all newly installed utilities are in conformance with the approved subdivision plan. Any change in location of the utilities shall require the submission of "as built" plans indicating the actual location of the newly installed utilities.

C. MAINTENANCE BOND

For roads proposed to be accepted by the Town, the Board will not release the performance guarantee until a maintenance bond is in place. The Town will require a cash maintenance guarantee covering the maintenance of public roads and other public improvements for a period of two (2) years from the date of completion, in an amount no less than ten percent (10%) and no more than twenty percent (20%) of the improvement costs and following acceptance at Town Meeting. If repair or unusual maintenance is needed or additional improvements are required then such costs as are necessary shall be drawn against said guarantee or paid by for by the developer.

D. FINES

The provisions of RSA 676:17 shall be applicable. This is specific to include offsite nuisances determined to be generated from the site whether approved or not approved.

SECTION 2 PREMATURE AND SCATTERED SUBDIVISION

The Planning Board may decline to approve a subdivision which it finds to be "premature and/or scattered" and which could, if approved, involve danger or injury to the health, safety or property of the Town and its' inhabitants as provided in RSA 674:36.

- A. It is determined by the Planning Board that a proposed subdivision is scattered or premature. Unless special off-site improvements are made the Planning Board may require the applicant to make such improvements or address the impacts on facilities or services satisfactorily to the Planning Board.
- B. If improvements cannot be made to cure the conditions, the Planning Board may decline to approve such subdivision until at such time as the required conditions are determined by the Planning Board to be corrected.

SECTION 3 WAIVERS

The Planning Board, at a Public Hearing for which proper notice has been given, may waive such requirements of the foregoing regulations that it determines:

- A. Are not a requisite to the interest of public health, safety, general welfare, and
- B. Which do not conflict with the intent of the regulations, and
- C. Do not conflict with the Fremont Zoning Ordinance.

When making its determination as to any waiver, the Board shall take into consideration the prospective character of the development and of abutting properties. Special circumstances and conditions relating to a particular subdivision must be evident.

When the applicant desires the waiver of any provisions of the foregoing regulations he shall include, at the time of application, a request in writing therefor with a statement of reasons for such request with the application for approval of the preliminary plans. The Planning Board may reject all and any requests.

Costs for any additional public hearing held for the purpose of such waivers shall be assessed to the applicant.

SECTION 4 DEVELOPMENT AGREEMENT REQUIREMENTS:

- A. The Applicant and the Town shall enter into the required Development Agreement prior to the commencement of construction. The agreement shall be generated by the Town's Legal Council and all costs associated with creating the agreement shall be borne by the applicant. The agreement shall include the following criteria:
- Additional requirements of the regulations and agreements between the Applicant and the Planning Board
 - Criteria for the required preconstruction meeting
 - Construction monitoring escrow
 - Required surety amount and acceptable forms of surety
 - Surety reduction procedures
 - Key construction monitoring points
 - Improvement to be completed prior to the issuance of building permits
 - Requirements to be completed prior to the issuance of occupancy permits
 - Procedures regarding the granting of the easements and deeds to the Town
- B. The applicant shall contact the Planning Department, in writing, to request the completion of the agreement.
- C. The completed agreement shall be reviewed by the Town, Town Counsel, Applicant, and Town's Consulting Engineer prior to acceptance and execution.
- D. A copy of a sample agreement may be requested of the Planning Department.

SECTION 5 PRECONSTRUCTION MEETING REQUIREMENTS:

- A. The Planning Department shall schedule a preconstruction meeting. The following shall attend:
1. Applicant/Owner
 2. Design Engineer
 3. Contractor
 4. Applicable Town Department Heads
 5. Town's Consulting Engineer

- B. Prior to scheduling the preconstruction meeting the applicant shall provide to the Planning Department:
1. The required copies of approved plans
 2. The site plan compliance monitoring escrow
 3. Acceptable form of surety
 4. Estimated construction schedule, completed by the Applicant's Contractor
 5. Stamped shop drawings for applicable structures (fire cisterns, box culverts, retaining walls, etc.)

SECTION 6 RECORDING THE FINAL PLAT

- A. The drawings shall be certified by a registered Land Surveyor or Engineer and shall be clearly legibly drawn.
- B. The drawings shall be of a scale of not more than one hundred (100) feet to the inch.
- C. Adequate space shall be provided on the map for the necessary endorsement by the proper authorities on each page of the plan to be recorded.
- D. A margin of at least one (1) inch shall be provided outside ruled border lines on three sides and at least two (2) inches along the left side, or as required by the Registry of Deeds.
- E. The size of the mylar sheets shall conform to the requirements of the Registry of Deeds of Rockingham County for filing.
- F. Sufficient data acceptable to the Planning Board to determine readily the location, bearing and length of every line, lot line, boundary line and be able to reproduce such lines on the ground.
- G. All dimensions shall be bound to hundredths of a foot and bearings to at least half minutes. The error of closure shall not exceed one to ten thousand (1 to 10,000).
- H. No later than three (3) business days after the date of final approval the Planning Secretary or assigns shall transmit to the Register of Deeds of Rockingham County the approved and signed mylar of the final plat for recording. Final plat must contain attested approval by the Fremont Planning Board.
- I. The developer shall supply to the Town of Fremont Planning Board two (2) copies of the plat to be registered. **Copies of these registered plats must be received by the Town of Fremont prior to any subsequent activity within the subdivision.**
- J. The developer shall supply six (6) additional copies of the micro film reduced size reproductions of the registered plat for use by emergency departments in the Town during development and familiarization of the new streets.

- K. No subdivision plans may go to record before a bond is in place or the roadwork completed and utilities or other infrastructure are finished.
- L. All mylars to be recorded must be pre-approved by Rockingham Registry of Deeds and proof of such approval must be submitted.

SECTION 7 AMENDMENTS

The Planning Board may from time to time amend these regulations. Amendments to the Subdivision Regulations shall include the following steps:

The Board shall hold at least one (1) public hearing on the proposed regulations and/or amendments.

Notice for time, place and date of any hearing to amend shall be given at least ten (10) calendar days before hearing, not including day of posting or day of hearing. Notice of hearing shall be published in a paper of general circulation in Town and posted in two (2) public places. Notice shall include an adequate statement describing the proposal and the place where a full text of proposal is on file for public inspection. Posting shall include a copy of the full text.

The Planning Board may adopt the amendments upon completion of the public hearing by an affirmative vote of a majority of its members.

Regulations and/or amendments adopted shall be legal and have full force and effect when copies are certified by a majority of the Planning Board members and filed with the Town Clerk and the Board of Selectmen. A copy of the regulations and/or amendments shall be forwarded to the Office of State Planning.

SECTION 8 DEFINITIONS

Many of the word meanings used throughout the Fremont regulations will be consistent with definitions used (as defined) within those New Hampshire RSAs which provide for the powers and authority of the Planning Board. Unless the context otherwise requires, the following definitions shall be used in the interpretation and understanding of these regulations as generated under the jurisdiction of the Fremont Planning Board.

Where terms are not expressly defined throughout, such terms shall have ordinarily accepted meanings such as the context implies. The word shall is mandatory and not optional.

ABUTTER: Means any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration by the local land use board. For purposes of receiving testimony only, and not for purposes of notification, the term ""abutter" shall include any person who is able to demonstrate that his land will be directly affected by the proposal under consideration. For purposes of receipt of notification by a municipality of a local land use board hearing, in the case of an abutting property being under a condominium or other collective form of ownership, the term abutter means the officers of the

FREMONT NH SUBDIVISION REGULATIONS

collective or association, as defined in RSA 356-B:3, XXIII. For purposes of receipt of notification by a municipality of a local land use board hearing, in the case of an abutting property being under a manufactured housing park form of ownership as defined in RSA 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 local land use board or as amended by RSA 672:3.

APPLICANT: Applicant shall mean the owner of record of the land which is under consideration by a local land use board, including any subsequent owner of record, or the duly authorized, in writing, agent of any such owner.

APPLICATION: Means a completed application under consideration by a local land use board. An application shall not be considered complete until all of the Application Checklist items have been completed and accepted to the satisfaction of the Board in addition to any other requirements of these Regulations.

AQUIFER: See Article XI of the Fremont Zoning Ordinance.

CERTIFIED SOIL SCIENTIST: A person qualified in soil classification and mapping whom is certified by the State of New Hampshire.

DWELLING UNIT: A single unit providing complete independent living facilities for one or more persons, including permanent provisions from living, sleeping, eating, cooking and sanitation. (From IRC 2006).

EASEMENT: An interest in land owned by another person, consisting in the right to use or control the land, or an area above or below it, for a specific limited purpose.

ENGINEER OR SURVEYOR: These terms shall denote the duly designated, legally recognized, New Hampshire licensed engineer or surveyor employed by the applicant as may be pertinent to the actual services to be performed in accordance with the provisions set forth in RSA 310-A, as amended.

FRONTAGE: Means that portion of a lot bordering on a highway, street or right-of-way or as amended by RSA 674:24

LOT: Means a parcel of land at least sufficient in size to meet the minimum requirements for use, coverage and area and to provide required yards and other open spaces. An undersized lot is permissible if it passes state standards for soil conditions and substantially meets the requirements here and if in existence on the date of adoption of this ordinance or as amended by RSA 674:24.

LOT LINE ADJUSTMENT: A lot line adjustment is the adjusting of a common property line(s) or boundaries between adjacent lots, tracts, or parcels for the purpose of accommodating a transfer of land, rectifying a disputed property line location, or freeing such a boundary from any difference or discrepancies. The resulting adjustment shall not create any additional lots, tracts, or parcels, and all reconfigured lots, tracts, or parcels shall contain sufficient area and dimension to meet minimum requirements for zoning and building purposes.

FREMONT NH SUBDIVISION REGULATIONS

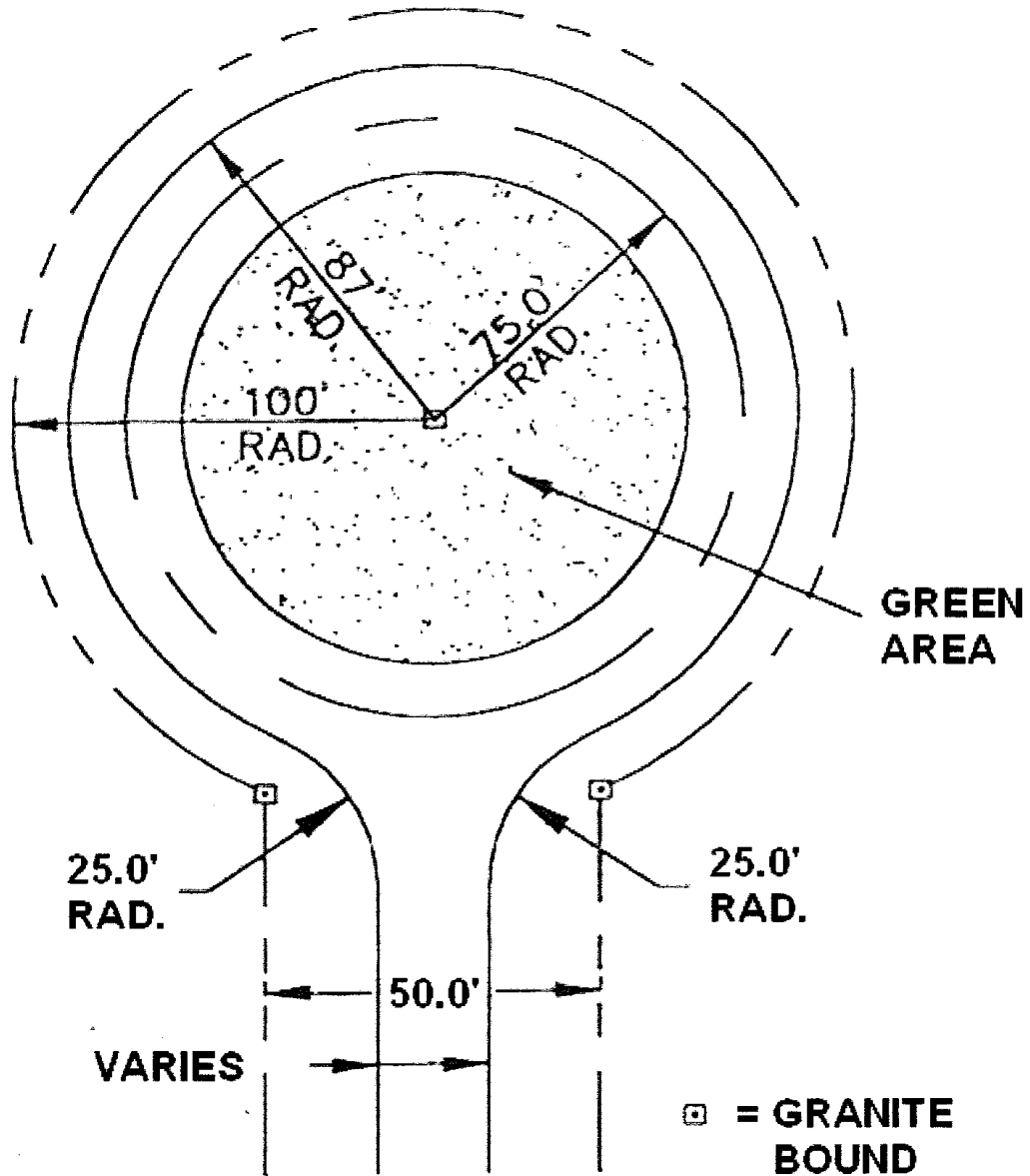
MAJOR REVISION: Any change deemed by the Planning Board to impact previous review and planning and/or cause re-review or additional considerations to the overall proposal. i.e. lot size changes, road location and profile, types or numbers of units, reflection of wetlands, etc.

SUBDIVISION: Means 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 subdividing or to the land or territory subdivided or as amended by RSA 672:14.

TOWN ENGINEER: The duly designated engineer of the Town of Fremont. If there is no such official, the consultant or official assigned by the Fremont Planning Board.

APPENDIX A – CUL-DE-SAC STANDARDS

Appendix "A"

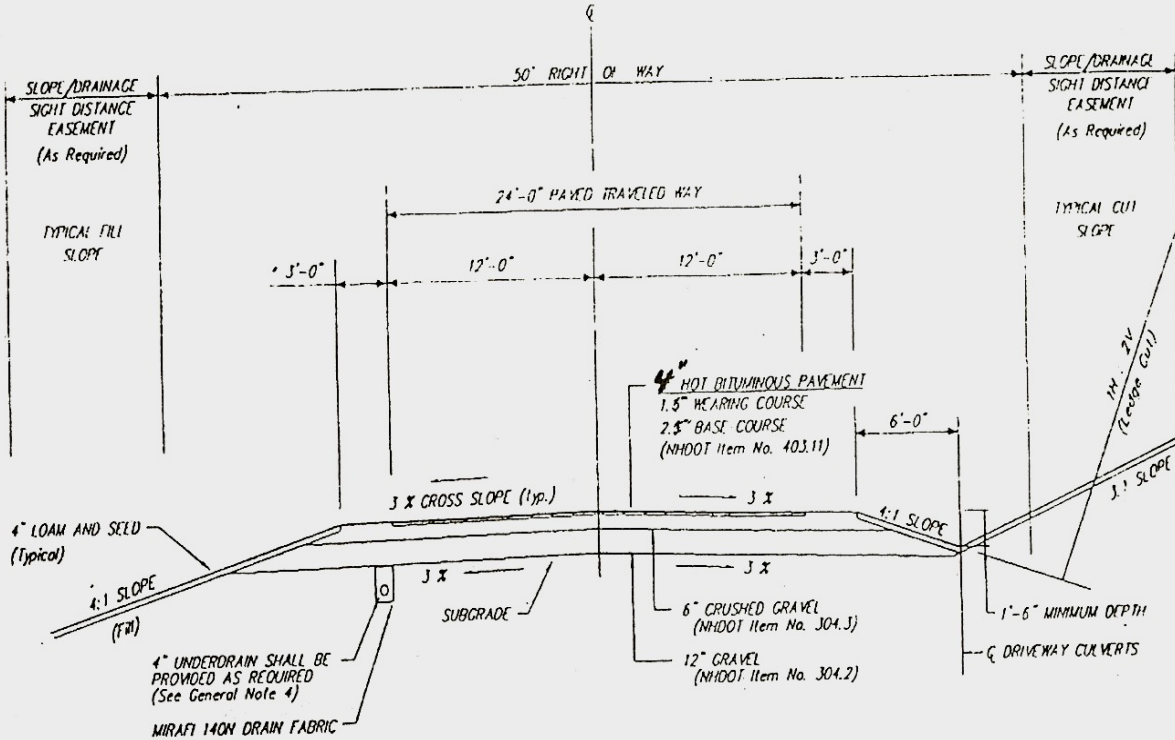


PERMANENT CUL-DE-SAC TURN AROUND

Amended 6-20-2012

APPENDIX B – TYPICAL LOCAL STREET SECTION

APPENDIX "B"



GENERAL NOTES:

1. ALL ROADWAY MATERIALS AND CONSTRUCTION METHODS SHALL BE IN ACCORDANCE WITH THE CURRENT N.H.D.O.T. SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION AND FREMONT SUBDIVISION REGULATIONS.
2. PROVIDE 4"(MIN) COMPACTED LOAM AND SEED ON ALL SIDE SLOPES AND DRAINAGE SWALES UNLESS OTHERWISE NOTED.
3. ALL LEDGE AND STONES GREATER THAN ONE (1) FOOT IN DIAMETER SHALL BE REMOVED TO 18" BELOW SUBGRADE.
4. ROADWAY UNDERDRAIN SHALL BE PROVIDED IN ALL CUT SECTIONS (AT SIDE WITH CUT) AND WHERE SEASONAL HIGH WATER IS WITHIN FOUR (4) FEET OF FINISHED GRADE. UNDERDRAIN SHALL HAVE A MINIMUM OF FOUR(4) FEET OF COVER.
- * 5. INCREASE TO 4'-6" WHERE GUARDRAIL IS CONSTRUCTED. CONSTRUCT FACE OF GUARDRAIL 3'-0" FROM EDGE OF PAVEMENT.
6. ALL DIMENSIONS ARE FOR LOCAL STREETS IN THE TOWN OF FREMONT, NEW HAMPSHIRE.

TYPICAL LOCAL STREET SECTION

(NOT TO SCALE)

APPENDIX C – COLOR CODES FOR PLANS

Green = wetlands

Blue = water

Gray = pavement

Brown = road shoulders/dirt drives

Red = proposed changes

Orange = existing lot lines

Yellow = setbacks (to side & rear lot lines)

Purple = well radius & septic location

FREMONT NH SUBDIVISION REGULATIONS