

**SUBDIVISION REGULATIONS**

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**RYE BEACH VILLAGE DISTRICT**

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## **RYE BEACH VILLAGE DISTRICT**

Prepared for

Rye Beach Village District  
Commissioners and  
Planning Board

Prepared by

The Thoresen Group  
Planning Consultants  
Portsmouth, New Hampshire

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RYE BEACH VILLAGE DISTRICT

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SUBDIVISION REGULATIONS  
OF THE  
RYE BEACH VILLAGE DISTRICT,  
RYE, NEW HAMPSHIRE

SECTION I

AUTHORITY AND PURPOSES

1.1 AUTHORITY

These Regulations are adopted in accordance with the provisions of Chapter 292 of the laws of 1937 and in accordance with the provisions of RSA 672 through 677 inclusive and as originally authorized by the District on \_\_\_\_\_.

1.2 PURPOSES

These Regulations are adopted for the following purposes:

- (a) To protect and provide for the public health, safety, and general welfare of the District.
- (b) To guide the future growth and development of the District, in accordance with the Master Plan.
- (c) To provide for adequate light, air, and privacy; to secure safety from fire, flood, and other danger; and to prevent overcrowding of the land and undue congestion of population.
- (d) To protect and conserve the value of land throughout the District and the value of buildings and improvements upon the land; and to minimize the conflicts among the uses of land and buildings.
- (e) To provide adequate and efficient transportation, water, sewerage, schools, parks, playgrounds, recreation, and other public requirements and facilities.
- (f) To provide for suitably located streets and/or accessways of sufficient width to accommodate existing and prospective traffic; to afford access for firefighting equipment to buildings; and to be coordinated so as to compose a convenient and safe circulation system.
- (g) To establish reasonable standards of design and procedures for subdivisions in order to further the orderly layout and use of land; and to insure proper legal descriptions and monumenting of subdivided land.
- (h) To insure that public facilities are available and will have a sufficient capacity to serve proposed subdivisions.

- (i) To prevent the pollution of air, streams, and ponds; to assure the adequacy of drainage facilities; to safeguard the water table; and to encourage the wise use and management of natural resources throughout the District in order to preserve the integrity, stability, and beauty of the community and the value of the land.
- (j) To provide for open spaces through the most efficient design and layout of the land, while preserving the density of land as established in the Zoning Ordinance of the District.

### 1.3 TITLE

These Regulations shall be known as, and may be cited as, "The Rye Beach Village District Subdivision Regulations."

## SECTION II

### DEFINITIONS

#### 2.1 DEFINITIONS

Except where defined herein, the words used in these Regulations shall carry their customary meaning. The following words are specifically defined.

2.1.1 Abutter: Any person whose property adjoins or is directly across the street or stream from the land under consideration by the Planning Board. For purposes of receiving testimony only, and not for purposes of notification, the term abutter shall include any person who is able to demonstrate that his/her land will be directly affected by the proposal under consideration.

2.1.2 Applicant: The person (or entity) seeking approval of the subdivision whose name appears on the application form. Consent shall be required from the legal owner of the premises, if the owner is not the applicant.

2.1.3 Board: The Planning Board of the Rye Beach Village District.

2.1.4 District: The Rye Beach Village District.

2.1.5 Engineer: The duly designated engineer or official assigned by the Rye Beach Planning Board to such duties.

2.1.6 Lot: A parcel of land considered as a unit, which is or may be occupied by one principal residence or use and its accessory structures, including the open spaces required by the Rye Beach Zoning Ordinance, and having its principal frontage upon a street.

2.1.7 Plat: The final plan, map or drawing on which the subdivider's plan of subdivision is presented to the Rye Beach Planning Board for approval, and which if approved, shall be submitted to the Register of Deeds of Rockingham County for recording.

2.1.8 Street: A roadway which affords suitable means of access to abutting property, generally including roads, streets, avenues, boulevards and highways, and excluding driveways, rights-of-way and limited access highways. A roadway shall be deemed to afford suitable means of access to abutting property if it complies with the requirements of these Subdivision Regulations.

2.1.9 Subdivider: An individual, firm, association, syndicate,

partnership, corporation, trust, or any other legal entity (or agent therefor) that undertakes the activities governed by these Regulations. Inasmuch as the subdivision plat is merely a necessary means to the end of assuring a satisfactory development, the term "subdivider" is intended to include the term "builder," "developer," "contractor," or any other such person participating in developing the whole or any part of a subdivision, even though the persons involved in successive stages of the subdivision may vary.

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

2.1.11 Zoning Administrator: The official appointed by the Rye Beach Village District Commissioners for the administering of the Zoning Ordinance and Land Subdivision Regulations.

## SECTION III

### PROCEDURES FOR SUBDIVISION APPROVAL

#### 3.1 GENERAL REQUIREMENTS

##### 3.1.1 Subdivision Plats

Approval by the Planning Board is required before the land may be divided and sold, leased or other wise conveyed or offerd by sale, lease, or conveyance, including condominium conveyance.

#### 3.2 PRELIMINARY CONSULTATION

An individual who anticipates submitting a formal application for a subdivision approval is encouraged, but is not required, to consult with the Planning Board prior to submission of the formal application and supporting documentation.

##### 3.2.1 Purposes of the Consultation

The purpose of the consultation is to familiarize the Planning Board with the basic concept of the proposed subdivision.

The consultation is further designed to acquaint the potential applicant with the formal application process and particular information that the Planning Board may request, to suggest methods for resolving possible problems in the development, design and layout, and to make the potential applicant aware of the recommendations in the Master Plan (if applicable) to the property in question.

##### 3.2.2 Documents

In order to facilitate discussion, the potential applicant is requested to prepare a base map of the property to be subdivided. It should be drawn to scale, and may be drawn in pencil. 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.

The following information or data is requested to be submitted for review of the concept by the Planning Board:

- (a) General description of existing conditions on the site including characteristics of the land, topography, vegetation, and similar features.

- (b) General description of available community facilities and utilities.
- (c) General description of the lots to be created, including their size and dimensions, and a general use plan for the subdivision.
- (d) 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.

### 3.2.3 Limits of the Review

The Planning Board shall conduct the Preliminary Consultation at a regularly scheduled meeting of the Board.

The applicant will make a presentation defining the general scope and concept of the subdivision and/or development and how the land will be divided and/or used.

Any documents presented to the Board will be made a part of the record for future reference purposes.

Neither the applicant nor the Planning Board shall be bound by the discussions. However, the Planning Board shall be entitled to make recommendations with respect to the material presented to assist the applicant in preparing a formal application that will meet the development standards of the District as expressed in these Regulations and in other ordinances and/or regulations.

The Planning Board shall enter into the minutes and shall communicate to the applicant in writing any suggestions, recommendations, or other factors that the Board finds prudent and necessary.

### 3.2.4 Separation of Process

If the proposed applicant elects to undertake this Preliminary Consultation, it is hereby declared that no processing time limits shall apply as defined in RSA 676:4.

Such time limits shall apply only when a formal application is submitted in accordance with Section 3.3 of these Regulations.

## 3.3 FORMAL APPLICATION REVIEW PROCESS

Whether or not a Preliminary Consultation has been conducted, an applicant shall prepare and submit an application for subdivision approval in accordance with and to the standards set forth in these Regulations.

This formal review process is designed to afford the Planning Board, the applicant, abutters, and parties in interest a clearly delineated method for examining the proposed subdivision plan thus allowing the Planning Board to make a timely and informed decision on the proposal.

### 3.3.1 Submission Period

An application for subdivision approval shall be submitted to the Precinct Office, c/o Chairperson of the Planning Board, at least fifteen (15) days in advance of a regularly scheduled Planning Board meeting. The application form and the supporting exhibits required are set forth in Section 3.3.2 of these Regulations.

### 3.3.2 Exhibits Required at Time of Submission

The applicant shall submit the following information when a formal application is made for subdivision approval. The Planning Board shall not determine whether or not the application is complete until it reviews all of the documents at its next regularly scheduled meeting.

- (a) A completely filled out form entitled: "Application for Subdivision Approval." Forms may be obtained from the Precinct Office Building.
- (b) A list of the names and addresses of all abutters obtained from the Town Records not more than five (5) days before the date of filing of the application.
- (c) Four complete sets of blackline or blue-line prints of all subdivision plans drawn to scale, a scale of not more than 50 feet to the inch, prepared under the supervision of and stamped by a professional engineer, or land surveyor, registered and licensed to practice in the State of New Hampshire. The information to be contained on and standards to be followed for the preparation of these plans are set forth in Section 4 of these Regulations.
- (d) Any supporting documentation necessary to explain the proposal to the Planning Board, abutters, and the general public.

### 3.3.3 Planning Board Responsibilities in Initial Processing

The Planning Board will accept the exhibit materials specified in Section 3.3.2 and determine its completeness at its next regularly scheduled meeting.

- (a) The Board, at least ten days in advance of the meeting, shall mail, by certified mail return receipt requested, notice to the applicant and abutters stating that an application for subdivision approval has been filed. The notice will contain the following:

1. Name and address of the applicant.
  2. The location of the proposed subdivision proposal.
  3. A general description of the proposed project.
- (b) The Planning Board will also post the information contained in Section 3.3.3 (a) in the Precinct Offices.
- (c) At the regularly scheduled meeting the Planning Board will:
1. Review the application for completeness and determine its acceptability for further processing.
  2. Advise the applicant of additional information that may be needed to process or evaluate the application.
  3. Advise the applicant of the administrative fees, notice fees, and other reasonable charges that may be required for the application. The applicant shall pay these fees at the meeting, unless alternative arrangements are allowed by the Board. If the fees are not paid, the Board may discontinue further consideration of the application.
  4. Set the date for a public hearing on the application.
  5. Determine the need for special investigative studies and advise the applicant of the time and the need for financial support from the applicant.
  6. Notify the applicant verbally at the meeting and confirm in writing if the application is formally accepted for evaluation. The date of the formal acceptance shall be used for calculating the time period for decision by the Board.
- (d) The Planning Board will begin formal consideration of the application within 30 days of this regularly scheduled meeting providing that the application is determined to be complete in full compliance with these Regulations.

If not complete, the Planning Board will advise the applicant of what information is needed to complete the application package and when it will next be considered by the Board.

- (e) The Planning Board will arrange with the applicant for an inspection of the site (if determined necessary or desirable) by the Board, a committee or a member of the Board, or a District employee appointed for said purpose by the Chairperson. Abutters shall be notified of such inspection by first class mail at least five (5) days in advance, and shall be permitted to attend.

#### 3.3.4 Public Hearing and Notice

The Planning Board, before taking action on a subdivision plat, shall hold at least one public hearing thereon. The Planning Board shall take testimony from the applicant, abutters, and parties in interest to the proposal either in person or in writing.

The applicant and abutters shall be notified of the public hearing and the time and place of such hearing by certified mail, return receipt requested, not less than ten (10) days before the date fixed for the hearing.

In addition, notice to the general public of the public hearing shall be posted in the District Offices at least ten (10) days before the date fixed for the hearing.

The notice to the applicant, abutters, and general public shall contain the information as specified in Section 3.3.3 (a) 1, 2, and 3.

#### 3.3.5 Concurrent and Joint Hearings

The Planning Board may hold a hearing on a subdivision plat or for a site plan in conjunction with each other if both are required for a project. A hearing for either by the Planning Board may be held at the same time and place that a hearing for a special exception or variance is held for the project by the Board of Adjustment, provided that such a hearing is mutually agreed to in advance by the Boards.

#### 3.3.6 Fees and Charges

The applicant shall pay the following fees and charges as are applicable:

(a) Administrative Costs

The applicant shall pay: A filing fee of \$25.00.

(b) Notice Costs

The applicant shall pay \$5.00 per abutter and per applicant for the costs of all notice requirements including the cost of postage for certified mail, reproduction costs, and any publication and/or posting costs.

(c) Special Investigative Costs

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

(d) Rockingham County Costs

The applicant shall prepare a check payable to the Rockingham County Registry of Deeds for submission to Rockingham County after the subdivision has been approved. The amount shall be determined by Rockingham County at the time of submission.

3.3.7 Time For Approval/Disapproval

The Planning Board shall act to approve or disapprove a subdivision plan within ninety (90) days of the formal acceptance as determined in Section 3.3.3 (c) (6).

In the event that defects found in the subdivision can be remedied, the disapproval shall be "without prejudice" and a revised application may be submitted at any time. If a revised application is submitted after a vote of disapproval, it shall be treated as a new application and shall follow the same procedures spelled out in these Regulations.

The Planning Board may apply to the Board of Commissioners for an extension not to exceed ninety (90) days before acting to approve or disapprove an application. The applicant may waive the requirement for Planning Board action within the time periods specified and consent to such extension as may be mutually agreeable.

Upon failure of the Planning Board to approve or disapprove within ninety (90) days (or within additional days, if granted by the Commissioners), the applicant may obtain from the Commissioners an order directing the Planning Board to act within fifteen (15) days.

Failure of the Planning Board to act upon such order shall constitute grounds for action in the Superior Court in accordance with RSA 676:4.

3.3.8 Decision of the Board

After the public hearing(s) at which testimony is presented by the applicant, abutters, and parties in interest, the Planning Board shall issue a decision on the application. The decision may be any one of the following:

- (a) Approval with or without conditions. If the Board finds that the proposal meets the standards of these Regulations and other applicable State and local laws, then the Board may approve the application.

The Board may attach reasonable conditions to ensure that the public interest is upheld. Such conditions may include, but are not limited to the following:

1. The posting of a performance guarantee in an amount and under conditions satisfactory to the Planning Board.
2. The execution of a written agreement stating the nature, conditions, and time for performance of the approved application.
3. The phasing of the subdivision approval providing that the portions approved and portions to be approved subsequently are clearly delineated on the documents to be filed with the Rockingham County Registry of Deeds.
4. Any other conditions that the Planning Board finds necessary to secure the public interest.

(b) Other Conditions for Approval. The Planning Board shall not grant final approval to any plat submitted to it until the subdivider provides the Board with satisfactory evidence that his/her subdivision plan has been approved by the New Hampshire Water Supply and Pollution Control Commission as to sewage and waste disposal aspects, provided that an informed waiver by such Commission may satisfy this requirement. If a waiver by such Commission is relied upon by the subdivider, and in any other case it deems warranted, the Board may require such evidence as it deems adequate that the sewage requirements of the Rye Building Code are or will be complied with by the proposed subdivision, and by all the lots included within such subdivision. The Board may impose such conditions upon its approval in respect to these or any other appropriate requirements of the ordinances of the Rye Beach Village District, or the laws of the State of New Hampshire, as it deems appropriate.

(c) Disapproval without Prejudice. If the Planning Board finds that certain administrative/procedural requirements have not been met, but could be met with additional time, the Planning Board may disapprove the application without prejudice.

If such a finding is made, the Planning Board shall advise the applicant in writing what is necessary to correct the administrative/procedural defect.

(d) Disapproval. If the Planning Board finds that the application does not meet the standards of these Regulations, or fails to comply with other local or State laws, or will have an adverse impact on surrounding areas or the community, the Planning Board may disapprove the application.

In the event of disapproval, the grounds for disapproval shall be specified in the records of the Board and communicated to the applicant in writing.

### 3.4 MINOR SUBDIVISION APPROVAL

Proposals involving minor subdivisions which create not more than three lots for building development purposes and which do not require the installation of any new public streets or proposals which do not involve the creation of lots for building development purposes may be submitted, reviewed and approved at one or more Board meetings subject to the following conditions.

#### 3.4.1 Submission and Notice

An application for minor subdivision approval shall be submitted in the same manner as prescribed in Section 3.3.1 of these Regulations.

Notice of such minor subdivision request will be given in the manner prescribed in Section 3.3.3 (a) and (b) of these Regulations.

#### 3.4.2 Public Hearing

A public hearing, with notice as provided in Section 3.3.4, shall be held if requested by the applicant or abutters anytime prior to approval or disapproval or if the Planning Board determines to hold such public hearing.

#### 3.4.3 Decision of the Board

With the exception of the expedited review procedures described above, the Board shall follow the same decision-making procedures specified for a regular subdivision and the applicant shall supply the same information (if applicable) prescribed therein.

### 3.5 PLATS FOR RECORDING PURPOSES ONLY

An owner of a lot of record, established before the granting of platting jurisdiction to the Planning Board, may present a surveyed plat of such lot at any regularly scheduled meeting of the Planning Board for signature by the Board.

The owner shall present a deed to the Board showing ownership and a description of the lot. The plat shall have the phrase "No Jurisdiction Taken" affixed thereon, together with a line for the signature of the Planning Board Chairperson immediately thereunder.

The Planning Board may, in their discretion, sign the plat at the meeting or at a time certain after any needed investigative studies are completed.

## SECTION IV

### DATA REQUIRED FOR SUBMISSION OF A SUBDIVISION

#### 4.1 GENERAL

An applicant for subdivision approval shall submit the data, plans, exhibits, and/or documents, if applicable, as required by these Regulations.

##### 4.1.1 Application

The applicant shall submit a completed form entitled, "Application for Subdivision Approval."

##### 4.1.2 Identifying Information

All plans shall contain the following information:

- (a) Names, addresses, and telephone numbers of: the owner, applicant, agent and/or engineer, architect, and/or land surveyor involved in the project.
- (b) Name of the project.
- (c) Location of the land/site together with the names and addresses of all owners of record of abutting properties.
- (d) Title, date, North arrow, and scale.

##### 4.1.3 Sheet Size

All plans shall be presented only on the following sheet sizes:

8½" x 11"  
11" x 17"  
17" x 22"  
22" x 34"

The Planning Board requests that only one sheet size be used for the preparation of all plans.

#### 4.2 PROFESSIONAL STANDARDS

Plans shall be drawn to scale and prepared under the supervision of and stamped by a professional engineer and/or land surveyor registered and licensed to practice in the State of New Hampshire unless waived in writing by the Planning Board in specific cases.

#### 4.3 REQUIRED EXHIBITS

The applicant or his/her agent shall submit the following exhibits:

#### 4.3.1 Design and Sketch Plan

The purpose of this plan is to provide general information on the site, its existing conditions, and to provide the base data from which the subdivision will be designed. It may be prepared in ink or pencil and drawn to a convenient scale of not more than one hundred feet to the inch (except for the vicinity sketch) and shall show the following:

- (a) A vicinity sketch showing the location of the land/site in relation to the surrounding public street system and other pertinent locational features.
- (b) A sketch of the site showing existing natural features including watercourses and waterbodies, trees (over 8 inches in diameter) and other significant vegetative cover, topographic features, and any other features which are significant to the site design process.
- (c) Existing contours at intervals not exceeding two feet with spot elevations provided when the grade is less than five percent.
- (d) Surveyed exterior property lines showing their bearings and distances and showing monument locations. The area of the site in square feet or acres shall also be shown.
- (e) The lines of existing abutting streets.
- (f) The location, elevation, and layout of existing catch basins and other surface drainage features.
- (g) The location and size of all utilities serving the land or site.
- (h) All other features which would fully explain the existing conditions and future development of the land.

#### 4.3.2 Subdivision Plan

The purpose of this plan is to illustrate the layout of the subdivision lots, rights-of-way, and other uses of land within the subdivision. It shall be prepared in ink on reproducible mylar, be suitable for filing with the Registry of Deeds, be prepared at a scale of not more than fifty feet to the inch, and shall show the following:

- (a) The location and dimensions of all boundary lines of the property to be expressed in feet and decimals of a foot.
- (b) The location and width of all existing and proposed streets and easements, alleys, and other public ways, and easement and

proposed street rights-of-ways and building set-back lines.

- (c) The locations, dimensions, and areas of all proposed or existing lots.
- (d) Sufficient data acceptable to the Planning Board to determine readily the location, bearing, and length of all lines; and sufficient data to be able to reproduce such lines upon the ground; and the location of all proposed monuments.

#### 4.3.3 Construction Plan

The purpose of this plan is to provide detailed information and layout of the improvements that will be constructed as part of the subdivision. For subdivision, information shall be provided in accordance with paragraphs (a) through (d).

Plans shall be drawn in ink or pencil at a scale of no more than fifty (50) feet to the inch and shall contain:

- (a) Profiles showing existing and proposed elevations along center lines of all roads.
- (b) Plans and profiles showing the proposed locations and typical cross-section of street pavements including curbs and gutters, sidewalks, drainage easements, rights-of-way, manholes, and catch basins; the locations, size and invert elevations of proposed sanitary sewers, stormwater drains, and fire hydrants, showing connection to any existing or proposed utility systems.
- (c) Location, size, elevation, and other appropriate description of any existing facilities or utilities, or utility systems.
- (d) All specifications and references required by the local government's construction standards and specifications, including site-grading plan for the entire subdivision.

#### 4.3.4 Other Required Exhibits

In order for the Planning Board to evaluate the subdivision proposal, the applicant is expected to supply or the Planning Board may specifically require the following information, as appropriate.

- (a) Draft of any protective covenants proposed by the applicant.
- (b) Warranty deeds conveying to the Town streets, rights-of-way, and any sites for public use in fee simple, free from all encumbrances.
- (c) Calculations specifying the quantity of stormwater run-off and an assessment of impact of such run-off.

- (d) Calculations on the type and quantity of sanitary waste generated and an assessment of impact of such sanitary waste.
- (e) Projected traffic volumes resulting from the subdivision and an assessment of impact of such traffic.
- (f) Any other specific studies, requested by the Planning Board, reasonably required to evaluate the applicant's proposal.

SECTION V  
GENERAL PRINCIPLES AND  
DESIGN AND CONSTRUCTION STANDARDS FOR SUBDIVISIONS

5.1 OVERVIEW

An applicant shall use the following general principles and design and construction standards when designing and laying out a subdivision development within the Rye Beach Village District.

5.2 GENERAL PRINCIPLES

An applicant shall observe the following general principles of land subdivision and development:

5.2.1 Conformity to Master Plan and Official Map

The subdivision plan shall be in harmony and consistent with the Master Plan of Rye Beach Village District.

5.2.2 Character of Land

All land to be subdivided shall be, in the judgment of the Board, of such a character that it can be used for building purposes without danger to public health, safety, or the environment. Land subject to periodic flooding, poor drainage or other hazardous conditions, shall not ordinarily be subdivided. Land with inadequate capacity for sanitary sewage disposal shall not be subdivided unless connected to a publicly approved private sewerage disposal system.

5.2.3 Conformity to Other Laws

Plans for the subdivision of land shall conform with all regulations of the Board, the Zoning Ordinance, and other applicable bylaws, ordinances, regulations, and statutes of the local, State and federal governments.

5.2.4 Preservation of Natural Features

Insofar as possible, the subdivision plan shall preserve such natural features as wetlands, watercourses, steep slopes, large or unique trees and/or habitats, and scenic views. The street and lot layout shall bear a logical relationship and be adapted to the topography of the property. Extensive grading and filling should be avoided as far as possible.

5.2.5 Self-Imposed Restrictions

If the owner places restrictions on any land in the subdivision greater than those required by these Regulations or the Zoning Ordinance, such restrictions or reference thereto may be required to be indicated on the subdivision plat, or the Planning Board may require that restrictive covenants be recorded with the Registry of Deeds in form approved by the Attorney for the District.

### 5.3 DESIGN STANDARDS

The following design standards shall be observed in the layout of a subdivision:

#### 5.3.1 Lot Configuration

- (a) Lot arrangement. In all quadrangular lots, and so far as practicable all other lots, the side lines shall be at right angles to straight street lines or radial to curved street lines.

#### 5.3.2 Streets

- (a) Relation to Adjoining Street System. The arrangements of streets in a subdivision shall provide for the continuation of the principal street existing in the adjoining subdivisions, or of their proper projection when adjoining property is not subdivided, and shall be of a width at least as great as that of such existing streets but no less than a fifty (50) foot right-of-way.
- (b) Street Rights-of-Way. The minimum right-of-way for streets shall be in conformity with the Construction Standards for Streets and Improvements of the most recent Subdivision Regulations of the Town of Rye.
- (c) Access. There shall be no reserve strips controlling access to streets, except where the control of such strips is definitely placed with the Precinct under conditions approved by the Board. The subdividing of the land shall be such as to provide each lot, by means of either public street or way or permanent easement, with satisfactory access to an existing public street or highway.
- (d) Street Intersection Angles. A street shall intersect another as nearly to a ninety degree angle as possible.
- (e) Cul-de-Sacs. Except where the Board permits a greater length for the reason that near future connecting roads may be possible, dead-end or cul-de-sac streets shall not exceed 450 feet in length, and shall be equipped with a turnaround roadway at the closed end with a minimum radius of eighty (80) feet from the center to the outside edge of the right-of-way; and the outboard fifty (50) foot width of said turnaround

circumference and extension of the right-of-way to the subdivision boundary shall be reserved for future connecting roads, unless the Board finds that special limitations prohibit extension of the road in the future. Provisions shall be made for reversion of the excess right-of-way in the cul-de-sac to adjacent property owners upon extension of the street.

- (f) Rounding Street Corners. Wherever necessary to permit the construction of curbs having a minimum radius of twenty-five (25) feet at corners without curtailing the sidewalk to less than normal width, the property line at such corners shall be rounded or otherwise set back sufficiently to permit such construction.
- (g) Street Name Signs. At all intersections street signs shall be provided and installed by the developer in conformity with the specifications of the Precinct Engineer.
- (h) Street Names. Street names of all proposed streets shall be subject to approval by the Planning Board. No proposed street name shall duplicate the names of existing streets irrespective of the use of the suffix "street", "avenue", "boulevard", "drive", or "court". The continuation of an existing street shall have the same name.
- (i) Street Numbers. Street numbers shall be obtained from the Planning Board. Such assigned numbers must be posted on the lot and visible from the road.
- (j) Grade of Streets. Street grades shall not exceed six percent (6%) for all streets nor be less than one percent (1%).
- (k) Grass Strips. All areas between the exterior street lines which are not occupied by approved sidewalks shall be rolled, loamed and seeded.

#### 5.3.3 Curbing

The Planning Board, in its discretion, may require the installation of granite curbing (either vertical or sloped) on subdivision streets in order to channel surface water, to control vehicular traffic, to separate vehicular from pedestrian areas and/or to enhance the quality of the subdivision of development. Curbing shall meet standards set forth by the Precinct Engineer.

#### 5.3.4 Sidewalks

The applicant may be required by the Planning Board to install an concrete sidewalk of a minimum of four (4) feet in width on one side of each street/access drive in a subdivision.

#### 5.3.5 Street Lighting

The applicant shall install street lighting in accordance with specifications provided by the Planning Board for such lighting. The light standards shall be placed at intervals no greater than 400 feet unless alternative spacing is approved.

#### 5.3.6 Installation of Utilities

- (a) The applicant in all subdivision developments shall install all electric, telephone, and other utility distribution lines per specifications of the public utilities companies involved, and there shall be provided by the developer such easements as are required for transformer units. Both the landscaping and the location of such transformer areas shall be as approved by the Planning Board and detailed plans for all transmission or utility lines within the subdivision shall be supplied to the Planning Board prior to installation.
- (b) Indicator tape shall be installed in all residential, commercial, and industrial areas over all underground utility mains and services when such undergrounding is provided. Metallic tape shall be utilized over non-metallic materials.

#### 5.3.7 On-Site Water Supply

The provision of on-site water supply shall conform to Water Supply and Pollution Control Commission criteria and be subject to approval by the Planning Board. It shall be the responsibility of the subdivider to provide adequate information to prove that the area of each lot is adequate to permit the installation and operation of both individual on-site water supply and sewage disposal systems.

#### 5.3.8 On-Site Sewage Disposal Systems

No subdivision of land will be approved where it creates a lot that will not meet the minimum standards imposed by the State of New Hampshire Water Supply and Pollution Control Commission.

All subsurface sewage disposal systems must be designed by a professional engineer registered in New Hampshire and constructed in accordance with the most recent edition of the manual on "Guide for the Successful Design of Small Sewage Disposal Systems" as published by the New Hampshire Water Supply and Pollution Control Commission.

Each proposed lot shall have a test pit on the proposed site for the leaching bed on each proposed lot. The Planning Board may request that an independent engineer verify any test pit(s). Approval for each lot's test pit shall be obtained from the

New Hampshire Water Supply and Pollution Control Commission  
prior to final approval of the subdivision.

#### 5.3.9 Open Space

- (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 Rye 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 Planning Board may require a vegetative buffer to provide screening where non-residential developments abut a residential zone.
- (c) Parks. The Planning 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.
- (d) Tree Planting. The planting of shade trees within all subdivision layouts is to take place may be required of the developer who shall supply planting plans to the Planning Board.

#### 5.3.10 Flood Hazard Areas

Subdivisions involving land designated as flood hazard areas shall be reviewed to determine whether such proposals will be reasonably safe from flooding and shall meet the following requirements.

- (a) Permits. The Planning Board shall review the proposed development to assure that all necessary permits have been received from those government 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.
- (b) Minimization of Flood Damage. Sufficient evidence (construction drawings, grading and land treatment plans) shall be submitted so as to allow the Planning Board to determine 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;
  3. Adequate drainage is provided so as to reduce exposure to flood hazards; and,
  4. New and replacement water and sewer systems (including on-site systems) are located, designed, and constructed to minimize infiltration and avoid impairment.
- (c) Elevation and Flood-Proofing Records. The applicant shall obtain and maintain records of elevations and flood-proofing levels for all new or substantially improved structures, whether or not such structures contain a basement.
- (d) Alteration of Watercourses. The State Wetlands Board shall be notified prior to any alteration or relocation of a watercourse and copies of such notifications shall be submitted to the National Flood Insurance Program. The flood carrying capacity shall be maintained within the altered or relocated portion of any watercourse.

#### 5.3.11 Erosion and Sedimentation Control

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. Temporary vegetation or mulching may be required by the Board where considered necessary. In specific cases, the Planning Board may require the applicant to prepare and file and erosion and sedimentation control plan.

#### 5.3.12 Easements

- (a) Utilities. Except where alleys of not less than twenty (20) feet are provided for the purpose, the Board may require easements, not exceeding ten (10) feet, on each side of all rear lot lines, and on side lot lines where necessary or, in the opinion of the Board, advisable, for poles, wires, conduits, storm and sanitary sewers, gas, water and heat mains or other utility lines. Easement of the same or greater width may be required along the lines of or across lots where necessary for the extension of the existing or planned utilities.

If in the opinion of the Board, the most suitable and reasonable locations for any of the utilities (such as sewers, storm drains, water and gas pipes and electric pole lines and conduits, which are likely to be required

within a subdivision, either for the service thereof or for service for areas in the surrounding territory) do not lie wholly in the streets, including alleys if any, shown on the plat, the Board may require, insofar as reasonable, provision to be made for the location of such utilities on routes elsewhere than within said streets, either by the dedication of public easements for the same as part of the plat or by the filing of supplementary instruments which will adequately protect the public interest in the proper location of said utilities.

- (b) Drainage. Where a subdivision is traversed by a watercourse, drainage way, channel or stream, the Planning Board may require a storm water easement or drainage right-of-way of at least twenty (20) feet in width.

#### 5.3.13 Monuments

Monuments shall be placed at all block corners, angle points of curves in streets, and at such intermediate points as shall be required by the Planning Board. The monuments shall be of such material, size, and length as may be fixed as a standard by, or approved by, the Precinct Engineer.

#### 5.3.14 House Numbers

All structures and dwellings (but not accessory buildings) shall be numbered by the developer in a method acceptable to the Planning Board.

### 5.4 CONSTRUCTION STANDARDS

#### 5.4.1 Streets

The laying out and construction of all streets within subdivisions shall be in conformity with the Construction Standards for Streets and Improvements, of the most recent Subdivision Regulations of the Town of Rye. Where not specified, street construction shall follow the practices outlined in the latest edition of the State of New Hampshire Standard Specifications for Road and Bridge Construction.

- (a) Inspection and Methods. An inspector designated by the Planning Board may be notified to inspect all road and utility construction and materials used. However, primary responsibility for inspection of street construction rests with the Town of Rye, Building Inspector.

#### 5.4.2 Storm Water Sewers and Other Drainage Appurtenances

All areas of a subdivision shall be graded to prevent flooding of structures and roads or eroding of property. Storm sewers and other drainage appurtenances shall be constructed throughout the

entire development to carry off water from all inlets and catch basins and be connected to an adequate outfall. The storm water drainage system shall be separate and independent of the sanitary sewer system and shall be in accordance with drainage laws of the State of New Hampshire.

## SECTION VI

### WAIVERS

#### 6.1 WAIVERS

The Board may vary such requirements of the foregoing Regulations as in its judgement of special circumstances and/or conditions relating to a particular subdivision are not detrimental to the interest of public health, safety, or general welfare. When making its determination as to any waiver, the Planning Board shall take into consideration the prospective character of the development and of abutting properties.

Where the applicant desires the waiver of any provision of the foregoing Regulations, he shall include a request therefor, with a statement of reasons for such request, with the application for approval of the subdivision plan.

## SECTION VII

### AMENDMENTS

#### 7.1 AMENDMENTS

These Regulations may be amended, revised or rescinded by the Planning Board but only following public hearing on the proposed change, in accordance with the provisions of Revised Statutes Annotated, 675:6, as amended or revised. The Chairperson or Secretary of the Planning Board shall transmit a record of any changes so authorized to the Registry of Deeds in Rockingham County and the Village District Clerk.

## SECTION VIII

### PENALTY

#### 8.1 PENALTY

Every subdivider, or any other person violating any provision of these Regulations, shall be subject upon conviction to the penalties and fines specified in RSA 676:16 and 676:17.

## SECTION IX

### ADMINISTRATION AND ENFORCEMENT

#### 9.1 ADMINISTRATION AND ENFORCEMENT

These Regulations shall be administered by the Planning Board with the assistance of the Zoning Administrator and/or such other persons as the Board shall designate. It shall be the duty of the District Commissioners to enforce these Subdivision Regulations and they are hereby given such power and authority. The Commissioners in enforcing these Regulations shall act upon complaint or information from the Planning Board, Zoning Administrator, or other official representative and shall, whenever practicable, take such action as the Planning Board or such other officer requests. The Zoning Administrator, and, where applicable, the Planning Board's Engineer, shall be charged with the responsibility of inspecting improvements and development of subdivisions on site for compliance with the Subdivision Regulations and requirements of the Planning Board and Commissioners, except to the extent that these Regulations otherwise provide, or to the extent the Commissioners shall appoint any other officer or agent of the District to assume such responsibility.

## SECTION X

### VALIDITY

#### 10.1 VALIDITY

If any section or part of a section or paragraph of these Regulations shall be declared invalid or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other section or sections or part of a section or paragraph of these Regulations.

## APPENDIX I.

### SITE PLAN REVIEW REGULATIONS

#### Section 1 - Authority

Site plans for all development of tracts for non-residential uses or for multi family dwelling units (structures containing more than two dwelling units), whether or not such development includes a subdivision or re-subdivision of the site, shall be submitted to the Planning Board for review.

#### Section 2 - Purpose

The purpose of Site Plan Review Regulations is to protect the public health, convenience, safety and welfare; to provide for responsible and desirable growth; to prevent premature and uncoordinated development of land without the adequate provision of public services and facilities; to insure sound site utilization; to avoid development which may result in negative environmental impacts; to ensure a safe and convenient traffic flow both on and off the site; to insure adequate off-street parking; to maintain adequate open spaces, light, air and access; and to insure appropriate landscaping and building aesthetics.

The Site Review Procedure in no way relieves the developer, his/her agent, or individual from compliance with the Zoning Ordinance, Subdivision Regulations, or any other ordinance which pertains to the proposed development. No site plan will be approved until it complies in all respects to any and all pertinent ordinances and regulations.

#### Section 3 - Site Plan Review Required

Site plans must be submitted to the Planning Board for review in any of the following situations:

1. The construction of any new non-residential use;
2. The enlargement of any existing non-residential use which occasions further development of the site;
3. The construction of any new multi-family dwellings;
4. The enlargement of any existing multi-family use which occasions further development of the site;
5. The construction or conversion of any multi-family dwellings, or non-residential use in which development of the site is contemplated or required;
6. The change of use within a structure from one permitted use to another non-residential use or multi-family use, which will occasion further development of the site, provided that the Planning Board may, at its discretion, waive this requirement

if there is no anticipated impact on traffic, off-street parking, drainage, municipal services, and the surrounding neighborhood.

#### Section 4 - Specifications for Site Review

- A. Procedure: The procedures for Site Plan review shall be the same as those set forth in paragraphs 3.2 and 3.3 of Section III of the Rye Beach Subdivision Regulations pertaining to procedures for subdivision approval except as to the standards of review, which shall be in accordance with paragraph D of this Section 4.

B. Suitability of Land

1. Land unsuitable for development due to the presence of poorly drained soils, flood hazard, steep slopes or other conditions constituting a danger to health, safety or the environment or contrary to the purposes of the Rye Beach Village District Zoning Ordinance or the Master Plan shall not be approved for development unless the applicant presents satisfactory evidence or data to the Board, establishing that the methods proposed to overcome any such conditions are adequate.

2. The Planning Board, in its discretion, will not approve such scattered or premature developments as would cause danger or injury to health, safety or prosperity by reason of the lack of water supply, drainage, sewerage, transportation, or other public services or necessitate an excessive expenditure of public funds for the supply of such services.

C. Erection of Building

No building permit shall be issued by the Building Inspector for the construction of any building subject to these Regulations until approval is granted by the Planning Board, and no certificate of occupancy shall be issued until the terms and conditions of the Planning Board's approval have been fulfilled.

D. Standards

Site for multi-family and non-residential development shall be reviewed so as to minimize traffic congestion, traffic hazards, unsightliness, annoyance to other nearby land uses, erosion and other effects detrimental to the abutters, the neighborhood, the environment or the Village District. If any other provision of the Village District, Town of Rye, State of Federal law relates to any matter covered herein, the regulation providing the higher standard shall apply.

In order to attain these goals the Planning Board shall determine that:

1. Appropriate buffers are maintained or installed to screen the use from neighboring properties. Landscape treatment shall consist of natural vegetation or features, or ground cover, shrubs, or trees, as appropriate.

2. Sufficient off-street parking is provided for the anticipated use.

3. Sufficient off-street loading space is provided, including off-street areas for maneuvering the anticipated trucks or other vehicles.

4. Access, parking and loading areas are constructed so as to minimize dust, erosion and run-off conditions that would have a detrimental affect on abutting or neighboring properties. The Planning Board may require paving if appropriate or necessary.

5. Grading, paving and storm drainage systems will not result in erosion/sedimentation of streams, or damage to abutting properties and roads.

6. Light, glare, odors, noise and vibration will not be discernible off the premises except for indirect lighting or permitted signs or security lighting. Such lighting shall not glare on abutting properties or on public highways or streets.

7. Access to public streets will meet the standards of the New Hampshire Department of Public Works and Highways and/or the Town of Rye and Rye Beach Village District.

8. Water supply and sewage disposal facilities are sized to adequately meet the needs of the proposed use under the regulations of New Hampshire Water Supply & Pollution Control Commission and/or the Rye Beach Village District and Town of Rye Subdivision Regulations.

9. The public health, safety and welfare will be otherwise protected.

E. Subdivisions Requirements.

The data required for submission of a site plan shall be the same as those set forth in Section IV of the Rye Beach Subdivision Regulations, with the following added requirements:

1. Plan of all buildings with their type, size, location and elevations of first floor slab indicated; (assume

permanent onsite elevations);

2. An elevation view of all buildings indicating their height, bulk and surface treatment;

3. Location of off-street parking and loading spaces with a layout of the parking indicated;

4. The size and proposed location of water supply and sewage facilities and provide for future expansion of sewage and water facilities, and show all distances from existing water and sewage facilities;

5. The type and location of solid waste disposal facilities;

6. The type, extent and location of existing and proposed landscaping and open space areas indicating what existing landscaping and open space areas will be retained;

7. The location, size and design of proposed signs and other advertising or instructional devices;

8. The location and type of lighting for all outdoor facilities;

9. Building and setback lines.

10. Any other exhibits or data that the Planning Board may require in order to adequately evaluate the proposed development for Site Review.

F. Fees.

Fees shall be paid by check at the time of appointment and shall be determined in the same manner as set forth in paragraph 3.3.6 of Section III of the Rye Beach Subdivision Regulations.

G. Bonds.

Prior to approval of a site plan for multi-family or non-residential development, the Planning Board may in its discretion, if improvements to be associated with any development are contemplated by the applicant and submitted to the Board or required as a condition for approval by the Board, require that a bond shall be filed by the applicant in an amount sufficient to cover the cost of completing said improvements. This bond shall be approved as to form and sureties by the legal counsel of the Rye Beach Village District and conditions on the completion of such improvement within two (2) months of the date of the bond or in the case

of extensive or staged improvements, such reasonable period as the Board in its discretion may determine. In any development where the Planning Board has required a bond as above provided, no building permit shall be granted for any activity until the bond has been filed with the Planning Board.

H. Recording.

Upon approval of Site Review, a site plan appropriate for recording shall be submitted to the Registry of Deeds by the Planning Board. All recording fees are to be paid by the applicant prior to such recording.

Section 6 - Administration and Enforcement

A. General

These Regulations shall be administered by the Planning Board. The enforcement of these Regulations is vested with the Board of Commissioners of the Rye Beach Village District.

B. Waivers

Following a public hearing for which proper notice has been given to the general public and abutters, the Board may waive such requirements of the foregoing Regulations that it determines, 1) are not requisite to the interest of public health, safety, general welfare, and 2) which do not contribute to the objectives of the regulations because of special circumstances and conditions relating to a particular site plan. When making its determination as to any waiver, the Board shall take into consideration the prospective character of the development and of abutting properties.

When the applicant desires the waiver of any provisions of the foregoing Regulations, he shall include a request therefor with a statement of reasons for such request, with the application for approval of the preliminary or final plan. Any such request for waivers shall be included in any notice given to the public and also in notice to abutters.

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

C. Penalties and Fines

Any violation of this Regulation shall be subject to a civil fine or criminal penalty as provided in RSA 676:17, as amended. The Board of Commissioners or the Building Inspector, are hereby designated as the proper local authorities of the Village District to institute appropriate action under the provisions of RSA 676:17.

D. Other Regulations

Where these Regulations are in conflict with other local, state or federal ordinances, the more stringent shall apply.

E. Validity

If any Section or part of Section or paragraph of these Regulations shall be declared invalid or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other Section or Sections or part of a Section or paragraph of these Regulations.