

SUBDIVISION REGULATIONS  
For The  
TOWN OF LINCOLN, NEW HAMPSHIRE

Adopted December 1986

**Amended August 3, 1988**

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**SECTION 1.            AUTHORITY AND PURPOSE**

Pursuant to the authority vested in the Town of Lincoln Planning Board by the voters of the Town of Lincoln at the Town Meeting, March 11, 1986 and in accordance with the Revised Statutes Annotated, 1995, as amended, the Town of Lincoln Planning Board adopts the following regulations governing the subdivision of all land in the Town of Lincoln, New Hampshire. These regulations are designed to accomplish the purposes set forth in RSA 674:36, and for the purposes of protecting the health, safety, convenience, economic and general welfare of our citizens, and in the concept that private land owners wish to demonstrate responsibility and respect for fellow citizens and the community as a whole.

**SECTION 2.            TITLE**

These regulations shall be known and cited as the "SUBDIVISION REGULATIONS FOR THE TOWN OF LINCOLN, NEW HAMPSHIRE."

**SECTION 3.            DEFINITIONS**

3.01 Abutter: Shall mean any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration by the Planning Board. For purposes of receiving testimony only, and not for purposes of notification, the term "abutter" shall include any person who is able to demonstrate that his land will be directly affected by the proposal under consideration.

3.02 Accessory Building: Shall mean any combination of materials, whether portable, movable or fixed, having a roof and enclosed within exterior walls, built to form a structure for the shelter of animals or property.

3.03 Approval: Shall mean recognition by the Planning Board, certified by written endorsement on the plat, that the final plat submission meets the requirements of these regulations and all other applicable ordinances and regulations.

3.04 Board: Shall mean the Planning Board of the Town of Lincoln, New Hampshire.

3.05 Building: Shall mean any combination of materials, whether portable, movable or fixed, having a roof and enclosed within exterior walls, built to form a structure for the shelter of persons.

3.06 Cluster Development: Shall mean a residential subdivision of a tract of land where dwelling units are grouped on lots of reduced dimensions. The remaining land in the tract, which is not built upon, is reserved as permanently protected open space.

3.07 Condominium: Shall mean multi-family, group or clustered housing, wherein dwelling units are individually owned, but wherein open space and group facilities are held in common ownership. Condominiums shall be considered a subdivision of land as outlined in RSA 479-A and reviewed accordingly.

3.08 Contiguous Land: Shall mean land of one owner which may be physically separated only by a public or private right-of- way or watercourse.

3.09 Drainage Right-of-Way: Shall mean land required for the installation of storm water sewers or drainage ditches, or required along natural streams or watercourses for the preservation of the channel and providing for the flow of water therein to secure safety from flood damage and to preserve natural amenities.

3.10 Dwelling: Shall mean a privately or public owned building containing a dwelling unit or dwelling units including a unit of a condominium development or vehicle, stationary or mobile. The term shall include, but not be limited to, house, apartment, cottage, tourist cottage, motel, hotel, inn, camp, tent, mobile home, trailer, travel trailer, pick-up camper or other recreational vehicles.

3.11 Dwelling Unit: Shall mean one or more rooms arranged for the use of one or more individuals living as a single housekeeping unit, with cooking, living, sanitary and sleeping facilities.

3.12 Easement: Shall mean that land designated through authorization by a property owner for the use of another and for a specified purpose of any designated portion of his property.

3.13 Engineer: Shall mean the designated duly registered/licensed professional or civil sanitary engineer, as required by the N.H. Licensing Laws.

3.14 Erosion: Shall mean the wearing away of the land surface by the action of wind, water or gravity.

3.15 Land, Subdivided: Shall mean the lots, tracts or parcels of land, which are created by a subdivision of land.

3.16 Lot: Shall mean a parcel of land or any part thereof designated on a plat to be filed with the Register of Deeds by its owner or owners as a separate lot - a parcel or portion of lands separated from other parcels or portions of land by a description as on a subdivision or record of survey map or by metes and bounds for the purpose of sale, lease or use.

3.17 Lot Line: Shall mean the property line dividing a lot from a street right-of-way, a body of water or adjacent property.

3.18 Lot Size: Shall mean the total horizontal land area within the boundaries of a lot, exclusive of any land area designated for street purposes.

3.19 Master Plan: Shall mean the comprehensive plan or a plan for development for the municipality as defined in RSA 36, Sections 13-15 (674:2).

3.20 Official Map: Shall mean the adopted street or base map of the municipality as defined in RSA 674:9.

3.21 Open Space: Shall mean an area of land dedicated without roads or buildings, save buildings appurtenant to specific family dwelling units reasonably located for owners of family dwelling units who shall have rights therein for all subsurface uses, surface uses, and for recreational type purposes including wetlands, floodplains and river threads the commercial recreational use of open land for golf courses, ski areas and other commercial recreational uses.

3.22 Other Forms of Ownership: Shall include "interval ownership interest," "vacation license" or any other similar term.

3.23 Parking Space: Shall mean an off-street space for the exclusive use as a parking area for one (1) motor vehicle.

3.24 Performance Guarantee: Shall mean any security which may be accepted in lieu of a requirement that certain improvements be made before the Board or other approving

authority approves a plat, including performance bonds, escrow agreements, and other similar collateral or surety agreements.

3.25 Plat: Shall mean a map, plan, drawing or chart on which a subdivision of land is shown, and Final Plat means the final map, plan, drawing or chart on which the subdivider's plan or subdivisions presented to the Board for approval and which, if approved, will be submitted to the Register of Deeds of Grafton County for recording.

3.26 Preliminary Layout: Shall mean a plan prepared as required by these regulations and submitted to the Board prior to preparing the final plat.

3.27 Right-of Way: Shall mean a strip of land used for or intended to be used for a street, road, crosswalk, water main, sanitary or storm sewer main, or for other special use including public use.

3.28 Setback: Shall mean the distance between a legal boundary (right-of way, property line, or lot line) and any part of a building.

3.29 Sediment: Shall mean solid material, both mineral and organic, that is in suspension, is being transported, or had been moved from its site or origin by air, water or gravity as a product of erosion.

3.30 Site: Shall mean a building site.

3.31 Street: Shall mean a state highway, or a town highway, street, road, avenue, land and/or other way including a private roadway which exists for vehicular travel, exclusive of a driveway serving not more than two (2) adjacent lots or sites. The word street shall include the entire right-of-way.

3.32 Street, Arterial: Shall mean a street or highway used primarily for heavy and/or through traffic.

3.33 Street, Collector: Shall mean a street, which serves primarily to carry traffic from local streets to arterial streets and to public and other centers of traffic concentration. A collector street may be further classified as a major or minor depending on average traffic count.

3.33a Minor Collector Street: A street which collects, or may reasonably be expected to collect, traffic from several Minor or Local streets, or which handles traffic equivalent to that generated by more than twenty (20), but no more than fifty (50) dwelling units, or which serves non-residential abutting property with comparable traffic volume. A Minor Collector Street may be considered a Major Collector Street if it may be expected to be extended or other streets added to it in the future, so that it would serve more than fifty (50) dwelling units.

3.33b Major Collector Street: A street which collects, or may reasonably be expected to collect, traffic from several other streets, or which handles traffic equivalent to that generated by more than fifty (50) dwelling units, or which serves non-residential abutting property with comparable traffic volume.

3.34 Local Street: A street, which will handle traffic from no more than twenty (20) dwelling units. Only permanent dead end streets or streets that can not serve more than twenty (20) dwelling units, will be considered a Local Street.

3.35 Minor Street: Shall mean a street used by more than six (6) dwelling units. Only permanent dead end streets or streets that can not serve more than six (6) dwelling units, will be considered a Minor Street.

3.36 Street, Private: Shall mean a highway, street, road, avenue or way not open to public use as a matter of right for vehicular travel, the maintenance and repair of which shall be borne by the subdivider, abutting landowners or an association of abutting landowners.

3.37 Subdivider: Shall mean any individual, firm, association, syndicate, co-partnership or corporation, trust or other legal entity having commenced proceedings under these regulations to affect a subdivision of land hereunder for himself or for another.

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

3.39 Subdivision Minor: Shall mean those proposals involving three (3) lots or less with no potential for resubdivision and fronting on an existing street, or minor lot line adjustments or boundary agreements which do not create buildable lots, and which require no new roads, utilities or other municipal improvements.

3.40 Surveyor: Shall mean a duly designated registered/licensed land surveyor as required by the N.H. Licensing Laws.

3.41 Time Sharing (Time Sharing Interest): Shall mean the exclusive right to occupy one or more units for less than sixty (60) days each year for a period of more than five (5) years from the date of execution of an instrument for the disposition of such right, regardless of whether such right is accompanied by a fee simple interest or a leasehold interest, or neither of them, in a condominium unit.

#### **SECTION 4. APPLICATION PROCEDURE**

4.01 General Procedure: Whenever any subdivision of land is proposed, before any construction, land clearing or building development is begun, before any permit for the erection of any building in such proposed subdivision shall be granted, before any contract or offer for sale, rent, condominium conveyance or lease of lots in the subdivision shall have been negotiated, and before a subdivision plat may be filed in the office of the Register of Deeds of Grafton County, the subdivider or his authorized agent shall apply in writing to the Board on a form to be provided by the Board and secure approval of such proposed subdivision in accordance with these regulations.

##### **4.02 Preliminary Consultation and Review:**

a. The applicant may appear at a regular meeting of the Board to discuss a proposal in conceptual form and in general terms. Such preliminary consultation shall be informal and directed toward:

1. Reviewing the basic concepts of the proposal.
2. Reviewing the proposal with regard to the town master plan and zoning ordinance.
3. Reviewing the town's subdivision regulations as they may apply to this proposal and determination of the proposal as a major or minor subdivision, and

4. Guiding the Applicant relative to necessary state and local requirements.
- b. Preliminary consultation and review shall not bind the Applicant or the Board. Such discussion may occur without formal public notice as provided in Sections 4.08 and 4.09.
- c. Preliminary consultation and review shall be separate and apart from formal consideration under Sections 4.05 and 4.06 and the time limits for acting under Section 4.07 shall not apply until a formal completed application is submitted.

#### 4.03 Minor Subdivision:

- a. The Applicant may first meet with the Board for preliminary consultation and review of his proposal as discussed in Section 4.02 to determine if it is a Minor Subdivision. If it is determined by the Board to be a Minor Subdivision, the applicant shall submit:
  1. A completed application, excluding the Preliminary Layout as required in Section 4.04.
  2. A Final Plat as provided in Section 5.02b. Notice of submission shall be given as provided in Section 4.09 and may be combined with the Notice of Public Hearing.
- b. The completed application under this Section may be submitted and approved at one or more Board meetings, but no application shall be approved without the full notice of abutters and public as required under Section 4.09. A public hearing, duly noticed in Section 4.08, shall be held only if requested by the Applicant or abutters or if the Board determines to hold a hearing.

#### 4.04 Preliminary Layout - Major Subdivision:

- a. The Applicant may submit a Preliminary Layout to the Secretary of the Board not less than fifteen (15) days before any regular meeting of the Board. This optional step may aid both the Applicant and the Board in reviewing the proposal. The preliminary layout shall include:
  1. Name(s) and address(es) of the Applicant(s) and list of all abutters and their addresses on mailing labels.
  2. Check to cover mailing and advertising costs as stated in Section 4.10b.
  3. Preliminary Plan in accordance with Section 5.02a.
- b. The Board will study the preliminary street land lot layout and proposed improvements in connection with the topography of the area, the needs of the surrounding area, and any other pertinent State or local regulations.
- c. The Board, before taking action on the Preliminary Layout, may discuss the plan with the Applicant and after such discussion, the Board may communicate to the Subdivider specific suggestions to assist in resolving problems prior to the submission of a completed application.
- d. Notice of the submission of a Preliminary Layout shall be given as provided in Section 4.09.
- e. Neither time limits for considerations and action nor the public hearing requirements shall apply to this submission.

#### 4.05 Completed Application:

- A. In order to help assure compliance with previously approved subdivision or site plan applications, no more than one (1) such application can be actively in phases of construction unless specifically permitted otherwise by the Planning Board. This requirement pertains only to submission of a completed application and does not prevent the filing of any number of applications in regards to conceptual consultation, design review phase applications or other pre-application considerations of the Planning Board. This requirement is invoked in those instances when the Town staff has not deemed a previously approved application (of the same applicant) to have been either substantially completed or the previously approved application has formally expired in accordance with either the Subdivision Regulations or Site Plan Regulations. This requirement pertains to either the same applicant or to a subsequent application involving the same property.
- a. A completed application sufficient to invoke jurisdiction of the Board must include sufficient information to allow the Board to proceed with consideration and to make an informed decision.
  - b. The following shall be required for and constitute a completed application.
    1. An application for subdivision approval, to be provided by the Board, properly filled out and executed by the applicant and filed with the Board in accordance with Section 4.06.
    2. All submission documents and requirements as enumerated in Section 5.02b.

#### 4.06 Filing and Submission of Completed Application:

- a. The completed application shall be filed with the Secretary or Chairman of the Board at least fifteen (15) days prior to a scheduled public meeting of the Board.
- b. The completed application shall be formally submitted to and accepted by the Board only at a regularly scheduled public meeting after due notification to applicant, abutters, and the general public of the date the completed application will be submitted and received by the Board.
- c. An incomplete application filed by the applicant will not be formally accepted by the Board nor will notices of a public meeting be mailed, posted, or published as provided under Section 4.09.
- d. Applications may be disapproved by the Board without public hearing on grounds of failure of the applicant to supply information required by these regulations including:
  1. Abutters identification and information required for Preliminary Layout.
  2. Failure to pay costs of notices or other costs and fees required by these regulations, or
  3. Failure to meet any reasonable deadlines established by these regulations.
- e. When a completed application is accepted by the Board, the Board shall provide a receipt to the applicant indicating the date of formal acceptance.

#### 4.07 Board Action on Completed Application:

- a. The Board shall consider the completed application within thirty (30) days of its submission. After review of the completed application, and after a duly noticed public hearing as provided in Section 4.08, the Board shall act to approve or

disapprove the completed application and the final plat within ninety (90) days after submission of the completed application, subject to extension or waiver as provided in accordance with NH RSA 676:4 as amended 1955.

- b. Approval of the Final Plat shall be certified by written endorsement on the Final Plat and signed by the Chairman or Secretary of the Board. The Chairman or Secretary shall see that a copy of the Final Plat is transmitted with such approval endorsed in writing thereon to the Register of Deeds of Grafton County. The subdivider shall be responsible for the payment of all recording fees. In case of disapproval of any plat submitted, the grounds for such disapproval shall be adequately stated in the records of the Planning Board and written notice given to the Applicant.
- c. If the Planning Board has not taken action to approve or disapprove the completed application within ninety (90) days of its acceptance and has not obtained an extension or waiver, the Applicant may obtain from the Selectmen an order directing the Board to act within fifteen (15) days. Failure of the Board to act upon such order shall constitute grounds for the Applicant to petition the Superior Court as provided in NH RSA 676:4 as amended 1955.
- d. Final approval with or without conditions shall be valid for a period of no more than twelve (12) months unless specifically provided by the Planning Board.
- e. Final approval with or without conditions can be renewed by the Planning Board, for additional six (6) month periods, only if the plan is still in compliance with all town regulations in effect at that time. Before the final approval is extended the Planning Board may require the applicant to appear before the Board to discuss the status of the project or any aspects of the plan.
- f. Upon expiration of the time limit established for compliance with a Condition of Approval, or if the Board otherwise believes that a condition is not being met the Board shall call a Compliance Hearing in accordance with RSA 676:41(i). After the Hearing the Board may take such action, as it deems appropriate.

4.08 Public Hearing: Prior to approval of a subdivision, a public hearing shall be held as required by RSA 676:4 and notice to the Applicant and abutters and the public shall be given in accordance with Section 4.09. The public hearing shall be held within thirty (30) days after submission of the completed application. A public hearing may not be required for minor subdivisions as provided in Section 4.03b.

4.09 Notices:

- a. Notice of the submission of a preliminary layout or a completed application shall be given by the Board to the abutters and the applicant by certified mail, mailed at least ten (10) days prior to the submission, and to the public at the same time by posting in at least two public places in Town or publication in a newspaper of general circulation. The notice shall give the date, time, and place of the Board meeting at which the application or other item(s) will be formally submitted to the Board, and shall include a general description of the proposal which is the subject of the application or of the item to be considered and shall identify the Applicant and location of the proposed subdivision.
- b. For any public hearing on the completed application, the same notice as required for notice of submission of the completed application shall be given. If the notice of public hearing was included in the notice of submission or any prior notice, additional notice of the public hearing is not required, nor shall additional notice be required of

an adjourned session of a hearing with proper notice if the date, time, and place of the adjourned session was made known at the prior hearing.

#### 4.10 Fees:

- a. A completed application shall be accompanied by a filing fee of fifty (\$50.00) plus ten (\$10.00) per lot.
- b. All costs of notices, whether mailed, posted or published, shall be paid in advance by the Applicant. Failure to pay costs shall constitute valid grounds for the Board to terminate further consideration and to disapprove the plat without a public hearing.
- c. The Board may require of the Applicant special investigative studies, environmental assessments, a legal review of documents, administrative expenses, and other matters necessary to make an informed decision. The Applicant prior to approval or disapproval of the final plat shall pay the cost of such studies and investigations.

4.11 Official Map: The recordation of plats which have been approved as provided herein shall without further action modify the official map of the Town of Lincoln in accordance therewith. Recordation of an approved subdivision plat shall not constitute acceptance by the Town of any street, easement or open space shown thereon.

4.12 Acceptance of Streets and Open Space: No street or open space will be accepted by the Town of Lincoln until such time as all improvements have been carried out as shown on the final plat, in accord with the requirements of these regulations, and subject to any conditions established by the Board at the time of final plat approval.

### **SECTION 5. PLAN REQUIREMENTS**

#### 5.01 General:

##### a. Compliance with Regulations:

1. No subdivision of any land shall be made, and no land in any subdivision shall be sold, and no utility construction shall be started until the Board has approved a final plat, prepared in accordance with the requirements of these regulations, and other required permits have been issued.
2. The subdivider shall familiarize himself with all State and Town regulations relative to health, buildings, roads, and other pertinent data so that he is aware of the obligations and standards expected.
3. The subdivider may avail himself of the assistance of the Board before any preparation of applications or plans.

##### b. Character of the Land for Subdivision:

1. 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 the public health or safety, or to the environment. Land with inadequate capacity for sanitary sewage disposal or identified as a critical aquifer or other valuable ecological site or location, under the Town of Lincoln Community Plan, shall not be subdivided unless connected to a public or private sewage disposal or treatment system or facility or public sewers.

2. Plats for the subdivision of land shall conform with all regulations of the Board, the Land Use Plan Ordinance of the Town of Lincoln, the Sanitary Code and other applicable by-laws, ordinances and regulations at both State and local levels.
3. The subdivider shall provide certification of approval of a subdivision by the State of New Hampshire Water Supply and Pollution Control Commission accompanied by a duplicate copy of all data submitted to them and any stipulations related to approval, and all additionally required State Permits and approvals.

c. Design Standards for all Subdivisions:

1. Where there is a question as to the suitability of a lot for its intended use due to the presence of such factors as rock formations, steep slopes, unusual surface configuration, tendencies to periodic flooding, poor drainage, unsuitable soils and inadequate capacity for sanitary sewage disposal, the Board may, after investigation, withhold approval of such lot.
2. Clustering of housing units may be permitted and is encouraged for the preservation of open space, to promote more efficient use of land and to provide flexibility in subdivision design. If clustering of multiple dwelling units are permitted, the minimum lot size shall be as determined by the Board as based upon the character of the land involved, the type of housing proposed and other pertinent factors. The total area in the subdivision must still equal the minimum lot size requirements as designated for the appropriate district permitted by the Land Use Plan Ordinance of the Town of Lincoln. The area, which has not been built upon, shall be consolidated into an open space. All other requirements of a conventional subdivision layout and all requirements of the Subdivision Regulations will be met.

d. Lot Layout:

The layout of lots shall conform to the requirements of the Land Use Plan Ordinance of the Town of Lincoln and shall be appropriate for the intended construction.

e. Preservation of Existing Features:

Due regard shall be given to the preservation and protection of existing features, trees, scenic points, brooks, streams, rock out croppings, water bodies, other natural resources, and historic landmarks.

f. Soils Data:

Where private individual sewage disposal systems are proposed, the subdivider shall perform soils tests to be submitted as part of the final plat. The subdivider shall arrange to perform such tests under the supervision of the New Hampshire Water Supply and Pollution Control Commission and at locations recommended by its agent.

g. Documentation of Impacts:

Pursuant to RSA 674:36, it shall be the responsibility of the developer/subdivider, if the Board deems it necessary, to provide an accurately documented environment and economic impact statement. Such statement may require documentation on drainage, erosion, forest productivity, ground and surface water quality, traffic safety, public services and other factors that could impact on the short and long-term well being of the public in the Town of Lincoln.

h. Special Investigative Studies:

Pursuant to RSA 676:4 as amended, it shall be the responsibility of the developer, subdivider, if the Board deems it necessary, to pay reasonable fees for the review of documents, the cost of special investigative studies, Board administrative fees and other matters which may be required by particular applications, to include inspection of construction for conformance with standards of Life Safety Code and/or Fire Prevention Code as may be adopted by the Town.

5.02 Submission of Documents:

a. Preliminary Layout/Plan:

1. The preliminary layout shall be submitted in four (4) copies. Dimensions may be approximate; the data may be tentative; but shall be sufficiently clear to illustrate all conditions and establish the basis and clarify the design requirements for the subdivision plat. Maps shall be at a scale of not more than one hundred (100) feet to the inch.
2. A check to cover mailing and advertising costs as stated in Section 4.10b.
3. As a minimum a site survey map, a site location map, and a soils map will be submitted, together with other data required.
4. The site survey map will include: existing buildings, historic sites and structures; existing streets with street names or route designations; name of subdivision; name(s) and address(es) of applicant(s); name(s) and address(es) of owner(s), if other than the applicant; names and addresses of all abutters; name(s) and seal(s) of consultants, if used; natural features; north point; percentage of area (site) in fields and in woods; property lines; size of site in acres (to include number of acres in Village Residential District and number of acres in Mixed Use District, if site is located so that both districts are involved); topographic contours; watercourses (both year round and seasonal); wells, private (existing) and/or municipal water sources, existing or planned within one hundred and fifty yards (150) of the site; wetlands.
5. The site location map shall include: Tax map sheet number(s), tax map parcel number(s), zoning classification, i.e. minimum lot size and frontage; size of site (in acres); major existing streets and street names or route designations.
6. Soil Map.
7. Other data required will include: buildings to remain; deed restrictions; drainage system (preliminary); easements; future subdivision proposals on same site; lot lines; locations of soils and ground water test pits; open space; percolation test locations and data; required approvals with comments from various federal, state and/or municipal agencies for all matters required by statute and/or impacting on town and/or town tax rate; road cross sections (preliminary); road profiles (preliminary); set-back lines; streets/roads (existing and proposed) with street names, right-of-way widths and locations; water mains and other utilities (preliminary).
8. Based on data submitted and review of proposal, the Board may indicate the necessity for an environmental and economic impact study (EIS) to be completed prior to and submitted with the Completed Application/Final Plat.

9. Based on data submitted, review of proposal and complexity of proposal, the Board may indicate the necessity of separate overlays (acetate) for certain items to be completed prior to and be submitted with the Completed Application/Final Plat.

b. Completed Application/Final Plat:

1. The final plat shall be submitted in permanent black ink on a polyester film and five (5) blue or black line prints on paper. Sheet size shall be in accordance with requirements of the Register of Deeds, but not smaller than 24" X 36". Space shall be reserved on the plat for endorsement by all appropriate agencies. The subdivision plat shall be consistent with the preliminary layout (if submitted), except as changed by recommendations or suggestions of the Board.
2. The final plat shall contain the following statement: "The subdivision regulations of the Town of Lincoln, New Hampshire are a part of this plat, and approval of this plat is contingent on completion of all requirements of said subdivision regulations, excepting only any variances or modifications made in writing by the Board and attached hereto."
3. The final plat shall be based on "an on the ground" boundary survey with a maximum error of closure of 1 in 5,000 certified by a professional engineer or land surveyor registered/licensed in the State of New Hampshire. The subdivision's boundary and survey shall be referenced to the nearest USGS survey benchmark.
4. The Completed Application/Final Plat will be accompanied by and include the following submission items: a check payable to the Town of Lincoln to cover filing fees, mailing, advertising, recording and other costs as provided in Section 4.10; the name(s) and address(es) (as indicated in town records not more than five (5) days before the day of filing) of all abutters; the name(s) and address(es) of all persons with 10% or more ownership; statement of financial condition of the developer; all submission documents/data required in Section 5.02a3 through 5.02a9 excepting those indicated as "preliminary" bearings and distances; drainage system (final); lot areas (in square feet and acres); lot dimensions; lot numbering; name(s) and address(es) and seal(s) of engineer(s); name(s) and address(es) and seal(s) of surveyor(s); road profiles (final); road cross-sections (final); statement of responsibility and liability for streets/roads and their maintenance within the subdivision/development; statement incorporating requirements of subdivision regulations; survey of parcel boundaries; topographic contour boundaries at five (5) foot intervals; water mains and other utilities (final); EIS if indicated by the Board as required; overlays (acetate) as indicated by the Board as required; all other data as indicated by the Board as necessary to make an informed decision, and documentation by the Applicant that addresses the need, if any, for a Performance Bond; such documentation should either be calculations that propose a suggested project bond amount, or, a letter that sets forth the Applicant's reasons as to why bonding is not necessary for the project described in the completed application.

5.03 Performance Bond: The Board may at its discretion require a Performance Bond.

5.04 Legal Data Required: Where applicable to a specific subdivision, the following are required, in form as approved by Town Counsel, prior to approval of a subdivision plat.

- a. Agreement to convey to the Town land to be used for public streets and other public purposes. Agreement to be put in a form certified as satisfactory by Town Counsel as conditional title to all land included in streets, highways or parks not specifically reserved by the subdivider/developer. Transfer of title to such interests to be effective on such date as the Town accepts the land.

- b. Approval of the final plat shall not constitute an acceptance by the Town of the dedication of any street, highway, park or other public open space.
- c. Easements and right-of-way over property to remain in private ownership.
- d. Right to drain onto or across other property, whether public or private, including a street.
- e. Performance bond, described in Section 5.03.
- f. Open space dedication and the handling and maintenance thereof, described in Section 5.05 hereafter.

5.05 Design for Open Space:

a. Open Space:

In the case of cluster subdivision or planned unit development, open space shall not be less in area than as provided in the Land Use Plan Ordinance of the Town of Lincoln. Areas of open space shall have sufficient legal restrictions recorded in the Town's land records to assure permanence of use as open space. Open space land in private ownership shall be deeded in such a way that will assure operation of maintenance of the land in an orderly manner suitable for the purpose intended.

b. Trees and Planting:

Due regard shall be given to preservation of existing features, trees, scenic points and other natural and historic resources within the subdivision. The Board may require additional tree planting and other landscaping appropriate to the area being developed. Existing trees on lots and open space land shall be preserved wherever feasible, or unless otherwise directed by the Board.

c. Development of Open Space:

On land to be used as active recreational open space undesirable growth and debris shall be removed. Where practical, wooded and brook areas shall be left natural; active recreation open spaces shall be graded properly to dispose of surface water and shall be seeded to prevent erosion. There shall be no depositing, dumping or storage of waste, or other natural or man-made material, supplies or equipment, on any subdivision land designated as open space without specific approval of the Board.

d. Cluster and Planned Unit Development:

If allowed in the Land Use Plan Ordinance of the Town of Lincoln, a subdivision plat may be designed for cluster or planned unit development, provided all requirements of these and such regulations within the zoning ordinance are met.

5.06 Road and Utilities Standards:

- a. Proposed streets shall be in harmony and conformance with existing and proposed streets, as shown on the Town's Master Plan or Official Map. Street patterns shall give due consideration to contours and natural features. Where required by the Board, provision shall be made for the extension of the street pattern to abutting

undeveloped property. Every proposed street in a subdivision shall be laid out and constructed as required by these regulations.

- b. Where a subdivision abuts an existing street with an inadequate alignment, or right-of-way width, the subdivision plat shall include in the street dedication all land needed to meet the standards required by these regulations, and as approved by the Board.
- c. Except where it is impracticable, because of the character of the land, streets shall intersect so that within seventy-five (75) feet of the intersection the street lines are at right angles. No structure or planting shall impair corner visibility.
- d. The plan of any proposed subdivision shall show all work required to connect and complete the improvements and utilities between the proposed street pattern and any connecting street in an existing subdivision.
- e. All streets shall be constructed, and all bridges, culverts, drainage structures, storm sewers, gutters, drainage ditches, and other improvements required by the subdivision plat and accompanying documents, shall be installed in conformance with the standards and specifications adopted by the Board.
- f. The Board may modify the maximum and minimum gradient for short lengths of streets where in its judgment, existing topographic conditions or the preservation of natural features indicate that such modification will result in the best subdivision of the land.
- g. The Board may require greater width of right-of-way where in its judgment, the demands of present or future traffic make it desirable or where topographic conditions create need for greater width for grading.
- h. All subdivision plans (concerning access to any roadway in town) shall indicate the location of the driveway, entrance, exit or approach and the safe sight distance for each access point.

5.06.5 Roadway Standards:

- a. The minimum right-of-way for ALL Streets shall be fifty (50) feet.
- b. All streets shall be constructed with a minimum of a twelve (12) inch base of compacted gravel, of which the top six (6) inches must be Crushed Bank Run Gravel.
- c. Minor Streets shall be paved to a minimum width of eighteen (18) feet. Local Streets shall be paved to a minimum width of twenty (20) feet. Minor and Major Collector Streets - shall be paved to a width of twenty-four (24) feet. The pavement shall be no less than two and one half (2 1/2) inches of Hot Bituminous Pavement, which shall be applied in two (2) courses.
- d. Street grades shall not exceed ten (10) percent except where authorized by the Planning Board.
- e. Minor and Major Collector Streets shall be installed with six (6) inch wide, vertical or sloped, granite or asphalt curbing at and within fifty (50) feet of all intersections and catch basins.

f. Upon completion of the roads, the contractor shall provide the Planning Board with a letter stating that the road was constructed in accordance with all of the roadway standards of the Town of Lincoln.

g. All streets shall be constructed so that there is no adverse impact due to water runoff to any adjacent property.

5.06.6 Dead End Streets:

a. A dead end street shall not be constructed if in the opinion of the Planning Board the street does not allow for adequate fire protection and traffic circulation.

b. All dead end streets shall be provided with a cul-de-sac or T type turn-around providing adequate room for the movement of snowplows and fire equipment.

5.06.8 Street Names and Street Signs:

a. Street names must be approved by the Planning Board after consultation with the Police and Fire Chiefs. This is to prevent duplication or having street names that are substantially similar to one another, which would not be in the best interest of public safety. Proposed streets, which are obviously in alignment with other streets already existing and named, shall bear the names of existing streets. New street names should attempt to keep with the character of the town.

b. At all intersections within a subdivision reflective street signs shall be installed. At all points where a private street from the subdivision intersects with an existing public way, there shall also be erected reflective street signs. These signs shall conform to the street sign standards established by the State of New Hampshire Department of Transportation, Bureau of Traffic.

c. The developer shall be required to provide any and all traffic signage deemed necessary by the Planning Board in order to promote public safety. Such signage shall include, but not be limited to, traffic signs, crosswalks, and street center and boundary lines and shall conform with the State of New Hampshire Traffic Standards.

d. All Private Roads and their names shall be so marked on the subdivision plat and by the placement of appropriate signs on the streets.

5.07 Street Improvements:

a. Existing streets shall, whenever necessary and practical, be widened and improved to the standards required by the Guidelines for Rural Subdivision Roads in Lincoln, at the expense of the developer.

b. Where a subdivision requires undue expenditures by the Town to improve existing streets to conform to minimum requirements, the Board may disapprove such subdivision until the Selectmen shall certify that funds for the improvements have been assured.

5.08 Private Streets: Private streets with an optimum right-of-way width of fifty (50) feet may be permitted within a subdivision, in the discretion of the Board, provided the following conditions are met:

a. The final plat shall specify in bold type that such a road is private; that the Town of Lincoln shall have no obligation to maintain and repair such private road; that the Town of Lincoln shall not be obligated to provide any services to the subdivision which require the use of such private road, unless the Town vehicle providing the service is able to pass safely over such private road; that the maintenance and repair of such private road shall be borne by the subdivider or an association of the owners abutting such lot or, in default of such obligation by the subdivider or association, by the individual owners; and that the private road shall not become a Town road unless and until it shall meet the road standards of the Town of Lincoln then existing.

b. The deed to each lot, parcel or tract within the subdivision shall contain the same restrictions set forth in Section 5.08a above, which shall run with the land. A copy of such deed containing the restrictions shall be submitted to the Board prior to approval of the final plat.

c. A statement of the responsibility for the maintenance and repair of the private road shall be delivered to the Board. In the case of the subdivider such a statement must specify the responsibility in the event of the sale of the development, bankruptcy or other default by it. In the case of the association of landowners, a copy of the Articles of Association shall be submitted to the Board. Such statement, including the Articles of Association, shall specify that in no event shall the Town have any obligation with respect to such private road unless and until it meets the road standards of the Town of Lincoln then existing.

#### 5.09 Pedestrian Walks:

a. Where necessary, in the judgment of the Board, rights-of-way for pedestrian travel and access may be required between subdivisions or its parts, or between a subdivision and private property.

b. On all streets when it is in the opinion of the Planning Board that pedestrian safety would be substantially served the Board may require the construction of sidewalks. The Board may require instead that grading of the right-of-way occur so that pedestrian travel is permitted.

c. On all streets where sidewalks are required, the sidewalk shall be no less than four (4) feet wide.

#### 5.10 Utilities, Drainage and Provision of Public Services:

a. Pursuant to RSA 674:36, land of such character as to create a danger to health, flood or fire hazard, injury or other menace shall not be platted for development which would promote these hazards, until appropriate measures have been taken by the developer to eliminate such hazards.

b. Scattered or premature subdivision of land that would constitute a threat to the prosperity of the Town by reason of the lack of water supply, drainage, transportation, schools, fire protection or other public services that would necessitate an excessive expenditure of public funds, or are in conflict with the harmonious development of the town, will not be platted for development.

c. The subdivider shall install laterals from all utilities in the street right-of-way to the street property line of each building lot.

d. All such utility system installations shall be at the expense of the subdivider and shall be installed under the supervision of the appropriate Town Agency.

- e. An adequate surface storm water drainage system for the entire subdivision area shall be provided. Storm drainage shall be carried to existing watercourses, or connect to existing storm drains. If the storm water drainage system creates any additional flow over any adjacent property, the subdivider shall obtain an easement thereof from the adjacent property owner and shall hold the Town harmless from any claims for damage resulting therefrom.
- f. No natural drainage way will be obstructed unless adequate means are taken to provide for the run-off.
- g. No water shall be permitted to run across the street on the surface, but shall be directed into catch basins, or otherwise into ditches, and shall be piped underground in a pipe not less than fifteen (15) inches in diameter, or such size as may be deemed necessary by the Board in consideration of the characteristics of the run-off potential in the drainage area.
- h. All drainage or erosion control facilities must be consistent in design with procedures and guidelines used by the Grafton County Soil Conservation Service.
- i. Paving or stone shall be provided in ditches where soil or velocity conditions warrant protection from erosion.
- j. Adequate measures to prevent soil erosion shall be taken during road construction and lot cleaning. Such measures may include, but not be limited to: maintenance of vegetative cover on steep slopes, seeding of road shoulders and embankments, construction of settlement basins and temporary dams.

5.10.5 Fire Hydrants:

- a. All subdivisions shall include fire hydrants to provide adequate protection for the development proposed. A fire hydrant shall be located as close as possible to all street intersections. In residential subdivisions fire hydrants shall be no more than five hundred (500) feet apart. A fire hydrant shall be located at the end of a dead end street, unless the water line is looped to another street, and the end of the street is not more than five hundred (500) feet from a fire hydrant on that same street.

5.11 Survey Requirements:

- a. Final subdivision plat shall be based on "an on the ground" boundary survey with a maximum error of closure of 1 in 5,000 certified by a registered/licensed professional engineer or land surveyor. The subdivision boundary and survey shall be referenced to the nearest USGS survey benchmark.

b. Monuments:

1. A permanent control monument shall be installed at the beginning of the subdivision, and shall be referenced to the nearest USGS survey benchmark.
2. Permanent monuments marking the bounds of streets, rights-of-way, and the location of lot corners shall be installed.
3. Permanent monuments shall be installed at all other points, where, in the opinion of the Board, such monuments are desirable.
4. All permanent monuments shall be set by a registered/licensed professional engineer or land surveyor.

5.12 Flood Hazard Areas: All proposed subdivisions having land designated as Special Flood Hazard Area" by the National Flood Insurance Program shall comply with the following:

- a. 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.
- b. All subdivision proposals greater than 50 lots or five acres shall provide base flood elevation data. These applications shall include plans, which are of sufficient detail for the Planning Board to determine that:
  - 1. The proposal is 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.

**SECTION 6. CONVERSIONS TO CONDOMINIUMS OR TIME SHARING UNITS:**

6.01 Whenever any existing developed property is proposed for conversion to condominium or time-sharing ownership and before any building permit is issued for the alteration of such building, the owner or his agent shall apply for and secure approval of such proposed subdivision from the Board.

6.02 The subdivider shall submit for approval a Completed Application.

6.03 Existing subsurface sewage disposal facilities, as a minimum, shall meet current construction design regulations as set by the New Hampshire Water Supply and Pollution Control Commission. The Board may require, if in its judgment the nature and/or complexity of the proposed conversion and in consideration of the topography and soils within the area, additional requirements to protect the health and welfare of the Town, now and in the future.

6.04 An inspection of the existing sewage disposal system and a detailed diagram showing type, extent and location of the system, certified by a registered/licensed professional sanitary engineer indicating that the system is adequate for its intended and proposed use shall be furnished to the Board.

6.05 Drinking water supplies from groundwater shall be protected by restricting land use and prohibiting all activity detrimental to water quality and quantity within the protective radius based upon the average daily demand on the system as follows:

a.	System Demand (gallons per day)	Protective (in feet from source of supply)
	400	75
	800	125
	1200	150
	1600	175
	2000	200

- b. No sewer, sewage, or waste disposal system shall be permitted within the protective radius.
- c. Conditions may be waived if the Board deems it necessary.

6.06 The responsibility for maintenance, operation, replacement and protection of the water supply and sewage disposal systems shall be clearly established as that of the subdivider or association of owners, or in default of such obligation by the subdivider or association, by the individual owners and a statement to this effect shall appear in the condominium or time sharing agreement. The deed to each condominium or time sharing unit shall contain these restrictions, which shall run with the land. In the case of the subdivider such statement must specify the responsibility in the event of sale of the development, bankruptcy or other default by it. In the case of an association of land owners, a copy of the Articles of Association shall be submitted to the Board. Such statement of responsibility including Articles of Association, shall specify that in no event shall the Town have any obligation for maintenance, operation, replacement or protection of the water supply and sewage disposal systems.

## **SECTION 7. ADMINISTRATION AND ENFORCEMENT**

7.01 Modifications: The requirements of the foregoing regulations may be modified when, in the opinion of the Board, specific circumstances surrounding a subdivision, or condition of the land in such subdivision, indicate that such modification will properly carry out the purpose and intent of the master plan and these regulations. It is deemed that in the best interests of the Town that modifications relative to the financial statement of the developer and fees accompanying the submission of a Preliminary Layout and/or Completed Application with Final Plat not be modified.

7.02 Acceptance of Streets: Nothing herein is intended to modify the requirements of the law with reference to the acceptance of streets by the Town of Lincoln. Nothing herein is intended to modify or control the construction, reconstruction, or extension of roads by the Town of Lincoln or the State of New Hampshire.

7.03 Other Regulations: Where these regulations are in conflict with other local ordinances, the more stringent shall apply.

7.04 Enforcement: These regulations shall be enforced by the Board or its duly authorized representative.

7.05 Penalties: As provided in RSA 676:16, any owner, or agent of the owner, of any land within a subdivision, who transfers or sells any land, before a plat of said subdivision has been approved by the Board and recorded and filed in the Office of the Register of Deeds, Grafton County shall forfeit and pay a penalty of Five Hundred Dollars (\$500.00) for each lot or parcel so transferred or sold; and the description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties.

7.06 Appeals: Any person, aggrieved by an official action of the Board, may appeal therefrom to the Superior Court as provided by RSA 677:15.

7.07 Validity: If any section, sub-section or phrase of these subdivision regulations is found for any reason to be invalid by a Court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of these regulations.

7.08 Effective Date: These regulations shall become effective upon their official adoption by the Board in accordance with provisions of RSA 36:22 (676:6-9), and shall apply thereafter to all subdivisions within the Town of Lincoln.