

**TOWN OF MASON, NEW HAMPSHIRE**  
**SUBDIVISION REGULATIONS**

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## **SECTION 1 - AUTHORITY**

Pursuant to the authority vested in the Mason Planning Board by the voters in the Town of Mason and in accordance with the provisions of RSA 674:36, the Mason Planning Board adopts the following regulations governing the subdivision of land in the Town of Mason, New Hampshire.

## **SECTION 2 - DEFINITIONS**

**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 proposed subdivisions of regional impact, the term "abutter" shall include any municipality affected. For purposes of receiving testimony only, and not for purposes of notification, the term "abutter" shall include any person who is able to demonstrate that his land will be directly affected by the proposal under consideration. For purposes of receipt of notification by a municipality of a Planning Board hearing, in the case of an abutting property being under a collective form of ownership, the abutter means the offices of the collective or association, as defined in RSA 356-B:3, XXIII.

**ADEQUATE WATER SUPPLY:** Shall mean the available flow of water which the Fire Chief determines is or reasonably may be necessary to protect against fire any buildings or structures on the land to be developed.

**APPLICANT:** Shall mean the owner of record of the land to be subdivided, including any subsequent owner of record making any subdivision of such land or any part thereof, or the duly authorized agent of any such owner.

**APPLICATION, COMPLETED:** Shall mean the application form and supporting documents, as specified in these Regulations, that contains all the information needs to review a subdivision proposal and make an informed decision. All fees and administrative expenses, as indicated in these expenses, shall be included.

**APPLICATION, SUBMITTED:** Shall mean an application filed with the Board in preparation for formal submission at a public hearing.

**APPROVAL:** Shall mean recognition by the Planning Board, certified by written endorsement on the Plat, that the Plat meets the requirements of these Regulations and all other applicable ordinances and regulations, and in the judgment of the Board satisfies all criteria of good planning and design.

**APPROVAL, CONDITIONAL:** Shall mean recognition by the Planning Board that the Plat as voted on by the Board meets the requirements of these regulations and all other applicable ordinances and regulations, with specific outstanding conditions. These conditions shall be met to the satisfaction of the board, within the time period established by the board for meeting those conditions, in order for final written endorsement of the Plat to occur. Conditional approval binds the Planning Board to approval of the Plat, provided that all conditions are met within the specified time period. However, Conditional Approval does not allow for the issuance of any municipal building permit, nor does it allow for any commencement of construction or development, except as may be required by the conditional approval. Issuance of the permit and commencement of construction or development can occur only after written endorsement of the Plat.

**BOARD:** Shall mean the Planning Board of the Town of Mason, New Hampshire.

**BUILDING DEVELOPMENT:** Shall mean the process of construction or placement of a building.

**BUILDING SITE:** Shall mean that portion of a lot, tract or parcel of land, upon which a single building is placed.

**CERTIFIED SOIL SCIENTIST:** Shall mean a person who by reason of special knowledge and experience is qualified to practice soil science and who has been duly certified by the board of natural scientists under RSA 310-A:75.

**COMMON DRIVEWAY:** A common access way servicing not more than two single-family dwelling units on adjoining lots, each of which has frontage capable of providing separate access.

**DIVERSION:** Shall mean a channel, with or without a supporting ridge on the lower side, constructed across or at the bottom of a slope.

**DRIVEWAY:** Shall mean an area located on a lot, tract or parcel of land, and built for access to a building site from a street, including the entrance cut on the street.

**EASEMENT:** Shall mean land designated by a property owner for the use by another, for a specified purpose authorized by the property owner.

**ENGINEER:** Shall mean an engineer, retained by or acting on behalf of the Planning Board of the Town of Mason, New Hampshire.

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

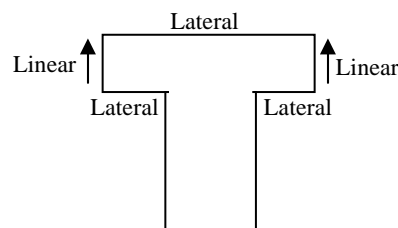
**FIRE CHIEF:** Shall mean the Fire Chief of the Town of Mason or Chief of the Fire Prevention Bureau of the Town.

**FLOOD LIMIT:** Shall mean the land-water boundary of a watercourse flowing at its 100-year frequency as defined by a responsible public agency such as the U.S. Army Corps of Engineers or the U.S. Department of Agriculture Soil Conservation Service.

**FLOOD PRONE AREA:** Shall mean the area of land lower in elevation than the land-water boundary along a watercourse flowing at its 100-year frequency or those soils classified by the National Cooperative Soil Survey as “soils subject to flooding.”

**FRONTAGE:** Shall mean the length of a lot bordering on and measured parallel to the centerline of a highway, street, or right-of-way (Class V or better).

**FRONTAGE ALONG HAMMER-HEADS:** When calculated shall include only linear extensions of the hammerhead (measured from the end of the road where the “T” configuration begins to the far side of the “T”), and shall not included the lateral extensions of the hammerhead.



**HAMMER-HEAD:** Shall mean a dead-end street, which terminates in a “T” configuration.

**HEALTH OFFICER:** Shall mean the Health Officer of the Town of Mason, New Hampshire.

**JUDGMENT:** Shall mean the judgment of the Fire Chief, Planning Board, or other town officials, which judgment shall be conclusive.

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

- LOT:** Shall mean a parcel of land capable of being occupied by one principal use that is of sufficient size to meet the minimum requirements for use, building coverage, and area.
- LOT LINE:** Shall mean the property line dividing a lot from a street right-of-way, a body of water or adjacent property.
- LOT LINE ADJUSTMENT:** Shall mean the exchange of abutting land among two or more owners which does not increase the number of owners or the number of lots.
- LOT SIZE:** Shall mean the total horizontal land area within the boundaries of a lot, exclusive of any land area designated for street purposes.
- MASTER PLAN:** Shall mean the comprehensive plan or plan of development for the municipality as defined in RSA 674:2.
- OFFICIAL MAP:** Shall mean the adopted street or base map of the municipality, if such map exists, as defined in RSA 674:9.
- PARKING SPACE:** Shall mean an off-street space for exclusive use as a parking area for one motor vehicle, with a minimum size of 10' x 20'.
- PLANNING ORDINANCE:** Shall mean the most recently adopted version of the "Town of Mason Planning Ordinance". Where numerical reference is made in these Subdivision Regulations to a section of the Planning Ordinance, for example IV.A, the number refers to the numbering used in the March 1986 version of said Ordinance and shall be understood to mean the equivalent section in the current version of the Ordinance.
- PLAT:** Shall mean the map, drawing or chart on which the plan of subdivision is presented to the Mason Planning Board for approval, and which, if approved, will be submitted to the Registry of Deeds of Hillsborough County for recording, prepared as required under the provisions of Section 4.03 hereof.
- REASONABLE WORKING DISTANCE:** Shall mean the distance from the adequate water supply and shall be deemed not to exceed 800 feet except where in the judgment of the Fire Chief the application of such rule under the circumstances would be harsh or impracticable.
- SEDIMENT:** Shall mean solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site or origin, by air, water or gravity, as a product of erosion.
- SITE:** Shall mean the location in a subdivision of a building, septic system, or other constructed feature.
- STREET:** Shall mean a state highway, or a highway, street, road, avenue, land and/or any other way which exists for vehicular travel for public passage and convenience. The word street shall include the entire right-of-way.
- STREET, ARTERIAL:** Shall mean a street or highway used primarily for heavy and/or through traffic.
- 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 major or minor, depending on the average daily traffic count.
- STREET, DEAD END:** Shall mean any street having connection to another street at only one end.
- STREET, FRONTAGE:** Shall mean a marginal roadway parallel and adjacent to a thoroughfare to provide access to abutting properties.

**STREET, LOCAL:** Shall mean a street used primarily to give access to abutting properties.

**SUBDIVIDER:** Shall mean the owner of record of the land to be subdivided, including any subsequent owner of record making any subdivision of such land or any part thereof, or the duly authorized agent of any such owner.

**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 the several owners shall be deemed a subdivision under these Regulations.

**SUBDIVISION AGREEMENT:** Shall mean the written agreement between the Planning Board and the applicant in which transitory conditions and agreements are listed. Only such submitted information as has temporary relevance (such as details of construction-phase erosion control or inspections, bonding, and so on) may be omitted from the Registered Submission and handled separately in the Subdivision Agreement.

**SUBDIVISION, MAJOR:** Shall mean the subdivision of land into three or more lots or sites on an existing street, or into two or more lots or sites on a new street in the proposed subdivision.

**SUBDIVISION, MINOR:** Shall mean the subdivision of land into no more than two lots or sites, on an existing street where no new streets are created.

**SUBMISSION, ACCEPTED:** Shall mean the application, plans, addenda and other materials which have been submitted to the Board and accepted by the Board as complete.

**SUBMISSION, REGISTERED:** Shall mean the plans, addenda and other materials which, after approval of the Subdivision, are deposited at the Hillsborough County Registry of Deeds. It is the intent of these regulations that the Registered Submission shall include all information necessary to fully inform all interested parties or subsequent owners of all data upon which Subdivision approval was based and of any limitations or restrictions, whether physical or legal, upon the future use of the site. This includes, but is not limited to, all information pertaining to such permanent features of the site as topography, hydrology, soils and soil test data, roads, structures, utilities, and drainage patterns, as well as such regulatory or legal features as setbacks, limitations on use, and easements.

## **SECTION 3 - APPLICATION PROCEDURE**

### **3.01 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, and before any subdivision plat may be filed in the Office of the Registry of Deeds of Hillsborough County, the subdivider or his authorized agent shall apply for and secure approval of such proposed subdivision in accordance with the following procedure.

### **3.02 MAJOR AND MINOR SUBDIVISIONS**

1. Minor Subdivisions are defined as those proposals involving:
  - a. Creating 2 lots and fronting on an existing street, or
  - b. Lot line adjustments or boundary agreements which do not create additional buildable lots.
2. Any other proposal constitutes a Major Subdivision.
3. Minor Subdivisions are allowable only on those lots which have not been part of a subdivision approved within the preceding five (5) years. If the lot has been part of a Major or Minor Subdivision within the preceding five years, the proposal shall be treated as a Major Subdivision.
4. The procedures for Major and Minor Subdivisions are the same, except that for a Minor Subdivision, notification of abutters and the public is required only for a Design Review or review of a Completed Application. For a Major Subdivision, notification is required both for a Design Review or review of a Completed Application, and for review of the Accepted Submission.
5. There is no difference between a Major Subdivision and Minor Subdivision in terms of what information is required in the Submitted Application, as described in Section 3.05, or on the Plat, as described in Section 4.03. For either a Major Subdivision or a Minor Subdivision, the Board may waive such information as it deems not necessary for review of the proposal under consideration.

### **3.03 PRELIMINARY CONCEPTUAL CONSULTATION**

1. The Applicant may appear at a regular meeting of the Planning Board to discuss a proposal in conceptual form and in general terms. Such preliminary conceptual consultation is optional. It shall be informal and directed toward:
  - a. Reviewing the basic concepts of the proposal,
  - b. Reviewing the proposal with regard to the town master plan and zoning ordinance,
  - c. Reviewing the town's subdivision regulations as they may apply to this proposal and providing indication as to whether or not the proposal may be considered a major or minor subdivision, and
  - d. Guiding the Applicant relative to necessary state and local requirements, and
  - e. Discussion of submission items required for a complete application.
2. Preliminary Conceptual Consultation shall not bind the Applicant or the Board. Such discussion may occur without formal public notice as provided in Sections 3.08 and 3.09. However, no discussions beyond the conceptual and general review shall take place without identification of and notice to abutters and the general public as described in Section 3.08.
3. Preliminary Conceptual Consultation shall be separate and apart from formal consideration under Sections 3.05 and 3.06 and the time limits for acting under Section 3.07 shall not apply

until a formal Completed Application is submitted and the Submission is accepted by the Board.

### **3.04 DESIGN REVIEW**

1. The Applicant may request a Design Review by submitting the request to the Planning Board not less than twenty-one (21) calendar days before any regular meeting of the Board. This optional step may aid both the Applicant and the Board in reviewing the proposal. The materials provided to the Secretary at the time the Design Review is requested shall include:
  - a. List of all abutters and their addresses. Three (3) sets of mailing labels for each notice for abutters, the applicant, holders of conservation, preservation, or agricultural preservation restrictions, and every engineer, architect, land surveyor, or soil scientist whose professional seal appears on the plat are required as part of the material submitted with the application. These labels shall not exceed a size of 1" high by 5" wide and the address must be contained within an area of 15/16 of an inch high by 2 ¾ of an inch wide. Labels any larger and the accompanying application will not be accepted. This requirement must be met to conform to U.S. Postal Service requirements.
  - b. Check to cover mailing and advertising costs as stated in Section 3.09. There is no application fee for a Design Review.
  - c. Design Review submission in accordance with Section 4.02.
2. The Board, during the Design Review, 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.
3. Notice of a Design Review shall be given as provided in Section 3.08.
4. Neither time limits for consideration and action nor the public hearing requirements shall apply to a Design Review.

### **3.05 SUBMISSION OF APPLICATION**

1. A Submitted Application, sufficient to invoke jurisdiction of the Board, shall include all information required by the Board to determine whether to accept the submission. The following shall be required in submitting an Application to the Board:
  - a. An Application for Subdivision Approval form properly filled out and executed by the Applicant and filed with the Board in accordance with Section 3.05, together with the following:
    - (i) The names and addresses of the Applicant and all abutters as indicated in town records not more than five (5) days before the day of filing. Three (3) sets of mailing labels for each notice for abutters, the applicant, holders of conservation, preservation, or agricultural preservation restrictions, and every engineer, architect, land surveyor, or soil scientist whose professional seal appears on the plat are required as part of the material submitted with the application. These labels shall not exceed a size of 1" high by 5" wide and the address must be contained within an area of 15/16 of an inch high by 2 ¾ of an inch wide. Labels any larger and the accompanying application will not be accepted. This requirement must be met to conform to U.S. Postal Service requirements.
    - (ii) A check payable to the Town of Mason to cover filing fees, mailing, advertising and other costs as provided in Section 3.09.
    - (iii) Seven (7) paper print copies of the Plat in accordance with and accompanied by the information required in Section 4.03.
  - b. Parcel identification and ownership information, as follows:
    - (i) Tax map lot number(s) of the parcel(s)

- (ii) If in single ownership, name, address, and telephone number of the owner
- (iii) If a partnership, the name and legal address of the partnership
- (iv) If a corporation, the name and legal address of the corporation
- (v) A list of any liens or encumbrances on the parcel(s)
- (vi) The Current Use status of the parcel(s)

c. Authorization and representatives

A document signed by the owner(s) if in single ownership, by all active partners if owned by a partnership, or by chief operating officer if owned by a corporation, and attested to by a Notary Public, to contain the following items:

- (i) Authorization of a single named individual to represent, and to enter into agreements binding upon the owners; and the address and daytime telephone number of the authorized representative
- (ii) An address of record to which Planning Board communications may be sent by registered mail (such as the address of the authorized representative)
- (iii) An undertaking to notify the Planning Board of any change in ownership or status
- (iv) Authorization for the Planning Board or its agents or consultants to inspect the site and conduct such studies as are necessary.

2. The Submitted Application shall be filed with the Planning Board at least twenty-one (21) calendar days prior to a regularly scheduled public meeting of the Board.
3. An incomplete Submitted Application filed by the Applicant shall not be accepted by the Board nor shall notices of a public meeting be mailed, posted, or published as provided under Section 3.08. Submitted Applications may be refused by the Board without public hearing on grounds of:
  - a. Failure of the Applicant to supply information required for submitting the application, as specified in Section 3.05; or
  - b. Failure of the Applicant to pay costs of notices or other costs and fees required by these Regulations; or
  - c. Failure of the Applicant to meet any reasonable deadline established by these Regulations.
4. If a Submitted Application meets the requirements stipulated in this section, the Board shall consider the Submitted Application within thirty (30) days of its submission.

### **3.06 PLANNING BOARD REVIEW OF SUBMITTED APPLICATION**

1. The application shall be formally submitted to the Board only at a regularly scheduled public meeting after due notification to Applicant, Abutters, and the general public as provided in Section 3.08.
2. At the duly noticed public hearing, the Board shall review the Submitted Application to determine whether the application includes sufficient information to allow the Board to proceed with consideration and to make an informed decision. The application shall include the following information, in order to be accepted as complete by the Board:
  - a. All information required for the Plat and addenda, as provided in Section 4.03.
  - b. Subdivision Grading and Drainage Plan, if required by the Planning Board.
  - c. Subdivision Street and Utility Plan, if required by the Planning Board.
  - d. Erosion and Sediment Control Plan, if required by the Planning Board.
  - e. Impact study, soil study, or other information, if required by the Planning Board.

- f. Wetland review by Conservation Commission, for all subdivisions.
  - g. Review by fire department, police department and road agent for all major subdivisions and for minor subdivisions as required by the Planning Board.
  - h. Flood Hazard Area plans, if required by the Planning Board.
  - i. All necessary permits from governmental agencies.
3. An Application formally submitted by the Applicant shall not be accepted by the Board on grounds of:
- a. Failure of the Applicant to supply information required for an Accepted Submission, including information on the Plat, as described in Section 4.03; or
  - b. Failure of the Applicant to pay costs of notices or other costs and fees required by these Regulations, including for any additional studies required; or
  - c. Failure of the Applicant to meet any reasonable deadline established by these Regulations.

### **3.07 PLANNING BOARD REVIEW OF ACCEPTED SUBMISSION**

1. Once the Board has accepted the application as complete, it shall then review the Accepted Submission to determine whether to approve or disapprove the proposed subdivision. The Board shall act to approve or disapprove the Accepted Submission within sixty-five (65) days after accepting the submission, subject to extension or waiver as provided in accordance with RSA 676:4.
2. Prior to approval of a subdivision, a public hearing shall be held as required by RSA 676:4-I and notice to Applicant and abutters and the public shall be given in accordance with Section 3.08. The public hearing shall be held within thirty (30) days after submission of the Completed Application.
3. Approval of the application shall be by majority vote of the Board. The Board may give conditional approval of the application, stipulating both specific conditions that need to be met and the time period within which those conditions shall be fulfilled before final endorsement of the plan can take place. If the stipulated conditions are not fulfilled before the time period expires, the application is disapproved.
4. Approval of the Plat shall be certified by written endorsement on the Plat and signed by the Chairman of the Board. The Board shall transmit a copy of the Plat with such approval endorsed in writing therein to the Registry of Deeds of Hillsborough 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.
5. If the Planning Board has not obtained an extension as provided in Section 3.07-1 and has not taken action to approve or disapprove the Completed Application within ninety (90) days of its acceptance, the Applicant may obtain from the Selectmen an order directing the Board to act within thirty (30) days. If the Planning Board does not act on the application within that 30-day time period, then within forty (40) days of the issuance of the order, the Selectmen shall certify on the application that the Plat is approved, unless within those forty (40) days the Selectmen have identified in writing some specific subdivision regulation or zoning or other ordinance provision within which the application does not comply. Such a certification, citing RSA 676:4, shall constitute final approval.
6. Failure of the Selectmen to issue an order to the Planning Board or to certify approval on the Plat upon the Planning Board's failure to comply with the order shall constitute grounds for the Applicant to petition the Superior Court as provided in RSA 676:4.
7. An Accepted Submission shall not be approved by the Board on grounds of:

- a. Failure of the Applicant to supply information required for a Plat, or if substantive inaccuracies in or conflicts regarding the Plat as submitted by the Applicant are found in review of the Accepted Submission; or
  - b. Failure of the Applicant to pay costs of notices or other costs and fees required by these Regulations, including for any additional studies required; or
  - c. Failure of the Applicant to meet any reasonable deadline established by these Regulations.
8. Once the Board reaches a decision to approve, disapprove, or conditionally approve a completed application, the Board shall issue a notice of decision to the applicant.

### **3.08 NOTICES**

1. Notice of a Design Review or the Planning Board review of a Submitted Application of either a Major Subdivision or Minor Subdivision shall be given by the Board to the abutters and the Applicant by certified mail, return receipt requested, 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 the Town or by 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 Design Review or Submitted Application to be considered, and shall identify the Applicant and location of the proposed subdivision.
2. For public hearing on an Accepted Submission for a Major Subdivision, the same notices as required for notice of a Design Review or review of a Submitted Application shall be given. Additional notice shall not be required of any continued session of a hearing with proper notice if the date, time and place of the continued session was made known at the prior hearing.
3. For applications determined by the Board as having potential regional impact, the Board shall furnish the regional planning commission and the affected municipalities, within seventy-two (72) hours by certified mail, with copies of the minutes of the meeting at which the determination was made. At least fourteen (14) days prior to public hearing, the Board shall notify by certified mail the regional planning commission and affected municipalities of the date, time, and place of the hearing, and of their right to appear as an abutter to offer testimony concerning the development.

### **3.09 FEES**

Refer to Appendix B, Subdivision Application Instruction Form, for a schedule of current fees.

1. A Submitted Application shall be accompanied by:
  - a. An application filing fee.
  - b. An additional application fee per lot for the total number of lots at completion of subdivision. This per lot application fee does not apply to lot line adjustments.
2. On endorsement of the Plat, the Applicant shall pay:
  - a. A tax map update fee per lot for total number of lots at completion of subdivision or lot line adjustment.
  - b. Registry filing fee, as determined by Hillsborough County Registry of Deeds.
  - c. Administrative filing fee.
3. All costs of notices, whether mailed, posted or published, shall be paid in advance by the Applicant. Notices include abutter, plan preparers, and holders of all conservation easements as well as a newspaper notice per public hearing. Failure to pay costs shall constitute valid grounds for the Board to terminate further consideration and to disapprove the Plat without a public hearing.

4. All applications will be reviewed by the Board's Planning Consultant. The cost for review will be charged on an hourly basis and will include a hourly fee of \$5.00 for Town administrative costs, and shall be paid by the applicant to the Town of Mason prior to the Planning Board taking action on an application. Upon receipt of an application, the Board's Planning Consultant will issue a notice of receipt and a preliminary cost estimate to the applicant – actual review times and associated fees will vary depending on the complexity of each application. Refer to Appendix B – Instructions for Subdivision Applicants for the most current hourly rate. The following hourly estimates are illustrative of typical review times based on the type of application:

Lot Line Adjustment: 2-3 hours

Minor Subdivision: 2-3 hours

Major Subdivision (3-5 lots): 3-6 hours

Major Subdivision (5+ lots): To be determined upon receipt of an application.

5. The Board may require special investigative studies, environmental assessments, a legal review of documents, administrative expenses, development of engineering plans, and other matters necessary to make an informed decision. The cost of such studies and investigations shall be paid by the Applicant prior to the approval or disapproval of the Plat. In addition, any and all costs incurred by the municipality in excess of the above-mentioned fees shall be paid by the Applicant prior to any action by the Board to approve or disapprove the Plat.

6. Fees are non-refundable.

### **3.10 OFFICIAL MAP**

If there exists an Official Map of the Town of Mason, the recordation of Plats which have been approved as provided herein shall without further action modify the Official Map in accordance therewith. Recordation of an approved subdivision Plat shall not constitute acceptance by the Town of Mason of any street, easement or open space shown thereon.

### **3.11 ACCEPTANCE OF STREETS AND OPEN SPACE**

The Town of Mason is under no obligation to accept streets that have been built by the subdivider. No street or open space shall be accepted by the Town of Mason until such time as all improvements have been carried out as shown on the Plat, in accordance with the requirements of these regulations, and subject to any conditions established by the Planning Board at the time of Plat approval.

### **3.12 Deleted March 25, 2009**

## **SECTION 4 - PLAN REQUIREMENTS**

### **4.01 PRELIMINARY CONCEPTUAL CONSULTATION**

1. Maps submitted for an optional Preliminary Conceptual Consultation may be drawn in pencil; data may be tentative, but shall be sufficiently clear to show all existing conditions on the property to be subdivided. Maps shall be at a scale of no more than two hundred (200) feet per inch.

### **4.02 DESIGN REVIEW**

1. Maps submitted for an optional Design Review may be drawn in pencil, and shall be submitted in seven (7) paper print 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 no more than one hundred (100) feet per inch.
2. The Design Review submission shall contain or be accompanied by the following maps and information:
  - a. Name of municipality and subdivision, name and address of the subdivider and designer.
  - b. Boundaries and area of the entire parcel, whether or not all land therein is to be subdivided; north point, bar scale, date and dates of any revisions.
  - c. Names and addresses of abutting property owners, subdivisions and buildings within one hundred (100) feet of the parcel to be subdivided, and intersecting roads and driveways within two hundred (200) feet of the parcel to be subdivided.
  - d. Existing and proposed street right-of-way lines, widths of streets, proposed names of new streets, existing and proposed lot lines.
  - e. Location of existing and proposed easements, deed restrictions, buildings, accessory buildings, building setback lines, parks and other open space, watercourses, flood-prone areas, large trees, foliage lines and significant natural and man-made features, water mains, wells, sanitary sewers, storm water drainage lines, drainage structures and drainage ways.
  - f. Existing and proposed plans for telephone, electricity, and gas utilities.
  - g. Boundaries and designations of Zoning Districts lying within the subdivision, municipal boundary if any, land use designation from Master Plan.
  - h. A general site location map at the scale of the Official Map or municipal base map, locating exactly the subdivision boundary and proposed streets in relation to at least two existing intersecting streets or other features shown on the official map.
  - i. Soil mapping units and unit boundaries, soil tests and sewage disposal information as required in Sections 4.03 for a Plat.
  - j. A statement of conditions of land as to soil suitability for development.
  - k. A statement of the work required on existing streets to meet the minimum standards set herein including cost estimates and the method of meeting such costs.
  - l. A statement as to the compliance of the proposed lots with zoning requirements. If any lots do not comply but are covered by zoning variances, the statement should include reference to such variance.
  - m. Existing and future subdivisions, if any, in and adjacent to the subject subdivision.
  - n. A statement and contours in sufficient detail to indicate clearly the method of storm water drainage on and off the subdivision, methods of sanitary sewage disposal and water supply.
  - o. Watershed areas, preliminary drainage analysis and preliminary drainage computations.

p. Preliminary road profiles.

q. Permits and approval, as prescribed by law, from any other municipal, state or federal agency which may have jurisdiction.

#### **4.03 PLAT**

1. The Plat for a proposed subdivision shall be in permanent black ink, on a permanent reproducible polyester film, and shall be accompanied by seven (7) blue- or black-line paper prints. Sheet sizes shall be in accordance with requirements of the Registry of Deeds, but not smaller than twenty inches (20") by thirty inches (30"). Maps shall be at a scale of no more than one hundred (100) feet per inch. Space shall be reserved on the Plat for endorsement by the Planning Board and all appropriate agencies.
2. The Plat shall contain the following statement: "The Subdivision Regulations of the Town of Mason are a part of this Plat, and approval of this Plat is contingent on completion of all the requirements of said Subdivision Regulations, excepting only any variances or modifications made in writing by the Board and attached hereto."
3. The Plat shall contain or be accompanied by the following maps and information, unless waived by the board:

##### **a. Plat**

The Plat shall include:

- (i) Name of municipality and subdivision, name and address of the subdivider and designer.
- (ii) Name, seal and signature of the registered Engineer(s), Land Surveyor(s) and Soil Scientist(s), licensed by the State of New Hampshire, certifying the information on the Plat.
- (iii) A written acknowledgment of the subdivider's responsibility for maintenance of easement areas, and the assumption by him of liability for injuries and damages that may occur on any land to be dedicated for public use, until such land has been legally accepted.
- (iv) Perimeter survey with line bearings and distances, a statement of the precision of the survey (minimum scale 1:5,000), the location and amount of frontage, the location of building setback lines, and the lot area in acres and square feet. Boundaries and area shall be provided for the entire parcel, whether or not all land therein is to be subdivided. In whatever manner is practical, the subdivision boundary shall be referenced to some point, i.e., public street intersection or U.S.G.S. bench mark. Where boundaries intersect a public right of way, a permanent and visible boundary locator shall be installed, so as to provide a reliable record of the boundary. If a lot is being donated to or purchased by the Town, then only the lot to be donated or purchased need be surveyed.
- (v) North point, bar scale, dates of any revisions, and legend explaining any symbols used in the submission.
- (vi) A precise locus plan at the scale of the Mason Tax Map (1" = 400') locating the subdivision boundaries in relation to the surrounding streets, including at least one intersection of another Town road, and showing each Town road on which the parcel has frontage.
- (vii) Existing and proposed lot lines, angles and dimensions, lot sizes in square feet and acres, consecutive numbering of lots, iron pins (rebar at least 5 ft. driven 4 ft.), granite bounds to be set at lot bounds on road frontage. Applicants surveyor will send a letter to the Town of Mason Building Inspector verifying iron pins and granite bounds have been set. Such letter must be received prior to the issuance of a building permit.

- (viii) Boundaries of any area in Current Use, unless the entire parcel is in Current Use in which case a statement on the plan to that effect will suffice. If the parcel is only part of a larger unit in Current Use, a description of the overall Current Use unit shall be included.
- (ix) Names and addresses of abutting property owners within one hundred (100) feet of the parcel to be subdivided.
- (x) The use of abutting properties and approximate locations of structures thereon and access points thereto, if within two hundred (200) feet of the parcel's boundaries.
- (xi) The topography at two foot contour intervals, except where terrain is in excess of five percent (5%) slope, in which case five (5) foot contour intervals are permissible.
- (xii) The location of all watercourses (including intermittent drainageways), waterbodies, and wetlands, existing drainage including all culverts, the location of any adjacent wetlands, and the one hundred (100) year flood elevation line.
- (xiii) Soil mapping shall be provided as described in Section 5.07.
- (xiv) Septic setback lines derived from the soil mapping as described in section 5.07.D.
- (xv) The location of all existing and proposed water supply and waste disposal facilities (including leach field, and leach field replacement area in the case of an onsite sewage system).
- (xvi) The location of all existing offsite water supply and waste disposal facilities on adjacent parcels, if within one hundred (100) feet of the site boundary, with a state-required protective radius shown around each.
- (xvii) If a subdivision is to be served by public or community water supply or sewers, a statement shall be submitted from the municipal department or company involved, attesting to the availability of such service. If the proposed parcel(s) are to be served by onsite water and waste disposal, a statement should be added to the plat stating such.
- (xviii) All driveways and public roads to two hundred (200) feet beyond the property, including the name, right of way, and travel surface of those roads, all entrances onto, and culvert crossings of the roads if within two hundred (200) feet of the property.
- (xix) Existing and proposed street right-of-way lines, dimensions of tangents, chords, and radii, accurate locations of all monuments to be set at street intersections, points of curvature and tangency of curved streets and at angles of lots, names and class of existing and proposed streets.
- (xx) Location of proposed driveway connection to street for each lot.
- (xxi) Location of existing and proposed easements or deed restrictions. If the subdivision has no existing or proposed easements or deed restrictions, a statement should be added to the plat stating such.
- (xxii) All significant natural and man-made features.

**b. Coordination of Multi-sheet Submissions**

Where the submitted Plat will contain multiple sheets the following practices shall be followed to ensure the coordination of the various sheets:

- (i). One sheet shall be identified as the "front sheet" and shall contain :
  - (a) A table of contents in which all subsequent sheets are identified by sheet title and date
  - (b) The required locus plan showing the location of the project in relation to town roads

- (c) The space reserved for Planning Board endorsement ("Approved by the Mason Planning Board") providing space for the authorized signature and the date of signature.
  - (d) The required statement about the Subdivision Regulations specified in 4.03-2.
  - (e) If subsequent sheets cover only part of the project, then the front sheet shall also contain an overview plan showing the position and coverage of the individual sheets, identified by sheet name or keyed to the index. Each individual sheet shall contain a version of the overview plan (may be miniaturized) showing that sheet's location within the overall project.
  - (f) Optionally, a master legend explaining any symbols used in the submission which are not explained by legends in the individual sheets. If no master legend is included, then every sheet upon which symbols are used shall contain a sheet legend.
- (ii) Every sheet shall be marked with:
- (a) The project title used to identify the entire project, the name of the subdivider, and the name of the plan preparer.
  - (b) A sheet title which uniquely identifies the individual sheet.
  - (c) A revision block showing the dates of all revisions.
  - (d) If the sheet contains map data, a scale bar and statement of scale (feet per inch) and a North arrow labeled as appropriate as geographic or magnetic North and, if magnetic, the local declination at the date of the survey, shall be included.
  - (e) The name, seal and signature of registered Engineer(s), Surveyor(s), and Soil Scientist(s), licensed by the State of New Hampshire, certifying the data on the plan.
  - (f) Matchlines to adjacent sheets if part of a multi-sheet submission where individual sheets show only parts of the site.
  - (g) Legend explaining any symbols used unless, in the case of a multi-sheet plan, already explained in the legend on the front sheet.
- (iii) Unless compelling reasons prevent it, all plans should share the same orientation or exactly ninety (90) degrees of rotation to permit simple edge alignment. If practical the geographic orientation of the locus plan shall be the same as the rest of the sheet.

**c. Subdivision Grading and Drainage Plan**

If required by the Board, this plan shall be submitted on a separate sheet or sheets and shall provide the following information for the entire area of the proposed subdivision, unless there is a determination by the Board that a lesser area is sufficient:

- (i) Basic street and lot layout, with all lots numbered consecutively.
- (ii) Location of all existing and proposed buildings.
- (iii) Contours of existing grade at intervals of not more than five (5) feet may be required depending on the character of the topography. Contour lines shall extend a minimum of 100 feet beyond the subdivision boundary.
- (iv) Final identification, location, elevation, grades and/or contours at intervals of not more than two (2) feet may be required (depending on topography) for the existing and proposed drainage ways, drainage easements, drainage structures, and water bodies.
- (v) Final identification and location of proposed erosion and sediment control measures and structures.
- (vi) Final drawings and specifications for each proposed erosion and sediment control measure and structure in accordance with formal and informal guidelines acceptable to the Town of Mason and the Hillsborough County Conservation District.

- (vii) Final drawings, details, and specifications for proposed flood hazard prevention measures and structures and for proposed storm water retention basins.
- (viii) Final slope stabilization details and specifications.
- (ix) A schedule indicating the anticipated starting and completion dates of the subdivision development and the time of exposure of each area prior to the completion of effective erosion and sediment control measures, said schedule to be enforced by the Planning Board or designated town official.

**d. Subdivision Street and Utility Plan**

If required by the Board, this plan shall be submitted on a separate sheet or sheets and shall provide the following information:

- (i) Complete plans and profiles of all proposed streets including but not limited to:
  - (a) Horizontal and vertical curve data at the street centerline.
  - (b) Street stationing every fifty (50) feet.
  - (c) Intersection, turnaround, and/or cul-de-sac radii.
  - (d) Statements and/or typical sections of proposed streets.
  - (e) Cross sections at one hundred (100) foot intervals along the profile, to extend for one hundred (100) feet on either side of the centerline. Such cross sections shall show the existing and finished grade including drainage provisions.
- (ii) Complete plans and profiles of all proposed sanitary and storm sewers, including the following:
  - (a) Invert elevations, original and finished ground profiles above these sewers and top of manhole elevations.
  - (b) Profiles and grades of storm sewer lines and inlets.
  - (c) Type and class of material used, and proposed grades.
- (iii) Location and details of all existing and proposed utilities, including water mains, gas mains, telephone, and electric on and adjacent to the land to be subdivided.
- (iv) A statement as to:
  - (a) The flow available on existing water mains.
  - (b) The proposed number of units and anticipated sanitary sewer flow.
  - (c) The available storm water facilities downstream of this subdivision.
- (v) Any other details pertinent to street and/or utility construction.

**e. Erosion and Sediment Control Plan**

If required by the Board, this plan shall be submitted on a separate sheet or sheets and provide the following information:

- (i) A narrative describing:
  - (a) The development.
  - (b) Schedule for grading and construction activities, including:
    - (1) Start and completion dates.
    - (2) Sequence of grading and construction activities.
    - (3) Sequence for installation and/or application of erosion and sediment control measures.
    - (4) Sequence for final stabilization of the project site.

- (c) Design criteria for proposed erosion and sediment control measures and storm water management facilities.
  - (d) Construction details for proposed erosion and sediment control measures and storm water management facilities.
  - (e) Installation and/or application procedures for proposed erosion and sediment control measures and storm water management facilities.
  - (f) Operations and maintenance program for proposed erosion and sediment control measures and storm water management facilities.
- (ii) A site plan map (supplemented by notes or addenda as necessary) at a scale sufficient to show clearly :
- (a) Location of the proposed development and adjacent properties.
  - (b) Existing and proposed final topography including soil types, wetlands, watercourse, and water bodies.
  - (c) Existing structures on the project site, if any.
  - (d) Proposed alterations including cleared, excavated, filled or graded areas, and proposed utilities, roads, and, if applicable, new property lines, and the general location of proposed structures and driveways.
  - (e) Location of and design details for all proposed erosion and sediment control measures and storm water management facilities.
  - (f) Sequence of grading and construction activities.
  - (g) Sequence for installation and/or application of erosion and sediment control measures.
  - (h) Sequence for final stabilization of the development site.
- (iii) Any other information deemed necessary and appropriate by the applicant or requested by the Planning Board or its designated agent.

**f. Subdivision As Built Plans**

- (i) If required by the Board, prior to acceptance of the subdivision by the Town of Mason, the subdivider shall submit an “As Built” plan. This plan shall be drawn to scale and shall indicate by dimensions, angles and distances, as applicable, the location of sewer and drain Y-branches, laterals, manholes, catch basins, hydrants, valves, and curb shut-offs. It shall also show road profiles and center line elevations and final grading plan showing swales and ditches. Plan shall show easements and dedicated roadways.
- (ii) If required by the Board, other data required by Town of Mason Code shall be included as part of the Subdivision As Built Plans. The initial plans shall be modified to reflect As Built conditions.
- (iii) As Built Plans shall be submitted by the subdivider to the Town of Mason on a sepia print at a minimum scale of 1"=400'.

**g. Flood Hazard Area Plans**

If the proposed subdivision is within a designated Flood Hazard Area and is greater than five (5) acres or fifty (50) lots, whichever is the lesser, the Plat shall include base flood elevation data. In addition, sufficient evidence (construction drawings, grading and land treatment plans) shall be submitted so as to allow determination that:

- (i) The proposal is consistent with the need to minimize flood damage
- (ii) All public utilities and facilities, such as sewer, gas, electrical and water systems, are located and constructed so as to minimize or eliminate flood damage

(iii) Adequate drainage is provided so as to reduce exposure to flood hazards.

**h. Other State and Federal Permits**

The applicant shall obtain any other applicable governmental permits. For example, if the proposed subdivision may impact wetlands, the Applicant shall obtain a Dredge and Fill permit from the state, as required by RSA 482A.

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.

**4.04 LEGAL DATA REQUIRED**

1. Where applicable to a specific subdivision, the following are required, in form as approved by the Town Attorney, prior to approval of the Plat:
  - a. Agreement to convey to the Town land to be used for streets, open space and other public purposes, with transfer of title to such interests to be effective on such date as the Town accepts such land.
  - b. Easements and rights-of-way over property to remain in private ownership.
  - c. Rights to drain onto or across other property, whether public or private, including a street.
  - d. Performance bond, described in Section 4.05.

**4.05 DRIVEWAYS**

- a. A written permit, issued by the New Hampshire Department of Transportation, shall be obtained for the construction or alteration of any driveway, entrance, exit or approach with the limits of the right-of-way of any Class I or Class III Highway, or the State-maintained portion of a Class I Highway. (RSA 249:17).
- b. A written permit, issued by the Mason Road Agent, shall be obtained for the construction of any driveway, entrance, exit or approach on town roads or private roads.
- c. The location and construction of any driveway connecting with a proposed or accepted town road shall not be completed until final inspection and approval by the Town's consulting Engineer and/or Road Agent.
- d. Common driveways will not be allowed except for reasons of safety or for topographical reasons, or as determined by the Planning Board. When granted, common driveways must be described in an easement by the lot owners and maintained by the lot owners. A legal instrument describing ownership and maintenance responsibilities shall be submitted to the town counsel as a condition for approval of the subdivision application and required to be filed with the plat (see section 2 for definition of common driveway).

**4.06 PERFORMANCE AND MAINTENANCE BONDS**

1. Except in the case of a subdivision in which each lot is on an existing improved Town road, no subdivision Plat filed with the Board shall be approved until the subdivider shall have filed with the Board an engineer's estimate, acceptable to the Board, of costs of streets, public improvements, drainage structures and other utilities, together with maps, plans, and supporting data, accompanied by either a performance bond, irrevocable letter of credit or a combination of a performance bond or irrevocable letter of credit and cash or saving bank book:

- a. A performance bond, issued by a surety company authorized to do business in New Hampshire, or an irrevocable letter of credit to be filed with the governing body in form and amount satisfactory to it; or
  - b. Cash, or savings bank book properly endorsed to the Town of Mason in an amount to be determined by the governing body, and to be deposited with it.
2. The amount of performance bond is to include fees for inspection of improvements by the appropriate Town agents.
3. In the case of electric lines or other utilities to be installed by a public utility corporation or a municipal department, a statement shall be received in writing from such public utility, corporation or municipal department that the work shall be done within a reasonable time and without expense to the Town of Mason and that the utilities shall be placed underground, if this has been agreed.
4. Each approval of a Plat shall contain a time limit within which streets and public improvements shall be completed, not to exceed three (3) years, unless extended with the owner's consent by the Planning Board.
5. The performance guaranty shall not be released until:
  - a. The governing body has certified completion of the public utilities and improvements in substantial accordance with the requirements; and
  - b. Deeds covering land to be used for public purposes, easements, and rights-of-way over property to remain in private ownership, and rights-to-drain onto or across private property are submitted in a form satisfactory to the Town Attorney.
6. All recording fees shall be borne by the subdivider.
7. Upon completion of improvements and approval by the Town of Mason agent, surety covering maintenance of roads and improvements for a period of two (2) years from completion may be required in an amount based on the cost of such improvements, as determined by the Town of Mason.

## **SECTION 5 - SUBDIVISION DESIGN AND STANDARDS**

### **5.01 COMPLIANCE WITH MASTER PLAN, OFFICIAL MAP, OTHER ORDINANCES AND REGULATIONS**

1. All subdivisions shall be in harmony with the Town of Mason Master Plan, when such exists; shall be in conformance with the Town of Mason Official Map, when such exists; and shall be in conformance with all other applicable State and local laws, bylaws, ordinances and regulations.
2. The subdivider shall familiarize himself with all State and Town of Mason regulations relative to health, buildings, roads and other pertinent data, so that he is aware of the obligations and standards with which the proposed subdivision shall comply.
3. No subdivision of land shall be made, and no land in any proposed subdivision shall be sold, transferred, leased, altered or developed, and no street or utility construction shall be started until a Plat, prepared in accordance with the requirements of these regulations, has been approved by the Board, and all other required state and local permits have been issued. The penalty for transferring lots in an unapproved subdivision shall be as described in Section 6.06.
4. The subdivider may avail himself of the assistance of the Board before preparation of applications or plans. No building permit, for any building within a proposed subdivision, shall be granted prior to review and approval of said subdivision by the Planning Board.

### **5.02 CHARACTER OF LAND FOR SUBDIVISION**

Land of such character that it cannot, in the judgment of the Board, be safely used for building development purposes because of exceptional danger to health or peril from fire, flood, poor drainage, excessive slope, or other hazardous conditions, shall not be platted for residential, commercial or industrial subdivision, nor for such other uses as may increase danger to life or property, or aggravate the flood hazard. Land with inadequate characteristics or capacity for sanitary sewage disposal shall not be subdivided for residential, commercial or industrial subdivision purposes unless connected to a municipal sewage system.

### **5.03 PREMATURE SUBDIVISION DEVELOPMENT**

Scattered or premature subdivision of land such as would involve danger or injury to health, safety or prosperity by reason of lack of water supply, drainage, transportation, school, fire department, or other public services, or necessitate an excessive expenditure of public funds for the supply of such services shall not be approved by the Board.

### **5.04 RESERVE STRIPS**

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

### **5.05 PRESERVATION OF EXISTING FEATURES**

The subdivider shall give due regard to the preservation and protection of existing features, trees, scenic points, brooks, streams, rock outcroppings, water bodies, other natural resources, and historic landmarks.

## 5.06 LOT AND SITE LAYOUT

1. The layout of lots and sites shall conform to the specifications of the Official Map and the requirements of the Planning Ordinance where in force and shall be appropriate for the intended construction. If allowed in the zoning regulations, a subdivision Plat may be designed for cluster or planned unit development, provided all requirements of these and such zoning regulations are met.
2. The following regulations shall govern the layout of lots and sites:
  - a. The lot size, width, depth, shape, and orientation, and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated.
  - b. All lots shown on the Plat shall conform to the minimum area and dimension requirements of the Planning Ordinance, Articles V.A, V.B and XVI.F. However, if allowed in the zoning regulations, a subdivision Plat may be designed for cluster or planned unit development, provided all requirements of these and such zoning regulations are met.
  - c. All lots shall abut on a street built to Town specifications.
  - d. Corner lots shall have extra width sufficient to permit a setback on each street.
  - e. Where extra width has been dedicated for widening of existing streets, lots shall begin at such extra width line, and all setbacks shall be measured from such line.
  - f. Side lines of lots shall be substantially at right angles to straight streets, and radial to curved streets.
  - g. Block length and width or acreage within bounding roads shall be such as to accommodate the size of lot required in the area by the Planning Ordinance, if one exists, and to provide for convenient access, circulation control and safety of street traffic.
  - h. Frontage requirements can be met by a noncontiguous stretch of frontage on the same road or on intersecting roads.
  - i. Where lots abut existing Town, County, State, or Federal streets, use of marginal access roads or reversed frontage approach should be kept to a minimum.
  - j. Lots shall provide a building site that is accessible from the road frontage of record on a Class V (or better) road without necessitating driveways
    - (i) that would require slopes in excess of 15%, or
    - (ii) whose construction would require waivers from any State or Municipal authority or board, or
    - (iii) whose sightlines at the point of entry onto the public way would cause unusual safety hazards, or
    - (iv) whose design would impede access by emergency vehicles, or
    - (v) whose design would channel runoff onto the road surface or into the road base in a way likely to cause erosion or otherwise endanger the public road, or
    - (vi) that would require excessive wetland or environmental modification.
  - k. Where there is a question as to the suitability of a lot or lots for their intended use due to factors such as rock formations, flood conditions, siting or septic systems and wells, or other circumstances, the Board may, after adequate investigation, require modification of such lots and/or the Board may require State subdivision review for lots larger than five (5) acres.
  - l. Where engineering is required to meet the conditions in (k), detailed plans shall be made part of the subdivision plan, at the applicant's expense, and shall be identified as 'required

for site development'. Lot features that will require detailed engineering plans include, but are not limited to, slopes at the frontage in excess of fifteen per cent (15%), lot frontage that is raised above, or depressed below, the public road in excess of three (3) feet, or the presence of high volume or velocity drainage flow that must be crossed.

- m. The building site required in (k) shall have a suitable septic system site as required in section 5.07.
- n. The width of the lot shall not narrow to less than ninety percent (90%) of the required minimum frontage from the frontage of record through to the building site required in (j).

## **5.07 SOIL TESTS AND SEWAGE DISPOSAL**

### **A. General Standards**

Mason is characterized by differences in elevation in excess of six hundred (600) feet, unusually large areas of shallow to bedrock soils, widely dispersed settlement, and the absence of any rivers suitable for a municipal sewage disposal system, reflecting its ridge-top rather than valley floor topography. These factors eliminate municipal sewerage as a feasible fall-back solution to the failure of individual sewage disposal systems and also render a municipal water system impractically expensive.

All existing water supplies in Mason depend upon surface or drilled wells. Protection of the quality of surface and ground waters which supply these systems is considered to be of prime importance to the public health and welfare.

Mason is fortunate in containing several areas identified as 'high potential' and 'medium potential' aquifers by the U.S. Geological Survey (WRI 77-69); these relatively rare resources may be of major importance to the future of Mason and their protection is considered of prime importance to the public welfare.

The minimum standards imposed by the State of New Hampshire Water Supply and Pollution Control Commission, designed to achieve a reasonable balance between the costs of meeting the standards and the costs of remediating failures (for instance through the creation of a municipal sewage treatment facility) in the context of a statewide average setting, do not provide adequate protection in the far-from-average context of Mason; consequently they have been supplemented by additional requirements to reflect the local context.

The intent of these standards is to ensure that every lot created by a subdivision, except those designated as non-buildable, is capable of supporting in perpetuity a sustainable individual sewage disposal system that will neither pose any risk to the quality of ground or surface waters, nor cause any public health hazard, safety hazard, or nuisance.

### **B. Test Requirements**

Where individual, on-lot sewage disposal systems are proposed, the subdivision shall conform to the following submission and design requirements regarding soils and sewage disposal:

1. Every subdivision plan shall have the soil types for the entire parcel of land delineated on the plan, utilizing the soil classification as determined by the U.S.D.A. Soil Conservation Service. The soils information shall be provided on the plat. A legend shall accompany the plan and shall show any symbols, soil names, depth to seasonal high water table, depth to bedrock, permeability, soil limitations and such other information as the applicant, applicant's agent and/or Planning Board deems appropriate.
2. In cases where, in the judgment of the Planning Board, soil characteristics are such as to jeopardize the siting of a building site, septic system, or other feature of the subdivision, those areas within one hundred fifty (150) feet of any proposed building site, septic system, new or substantially modified road, or excavation or fill area shall be mapped in accordance with the High Intensity Soil Survey requirements in Section D.

3. Every building lot shall contain a tested and approved septic system site, shall meet the standards and design requirements imposed by the State of New Hampshire Water Supply and Pollution Control Commission without requiring any waivers or special exceptions, and shall in addition meet all local standards. Where a conflict occurs between standards, the more restrictive provisions shall apply. When there is question of suitability of a lot as specified under section 5.06:k, the Board may require that the applicant have an engineered septic system design approved by the State.
4. All subsurface sewage disposal systems shall be designed by a professional holding a valid license issued by the New Hampshire Department of Environmental Services Subsurface Systems Bureau that permits them to design subsurface disposal systems. All plans for subsurface sewage disposal shall bear the seal and signature of the design professional.
5. All soils tests (test pits and percolation tests) shall be performed by, and certified on the Plat by, a Certified Soils Scientist or state-certified Professional Engineer.
6. Percolation tests shall be performed precisely as required by the latest edition of the N.H. Water Supply and Pollution Control Commission's 'Guide for the Design, Operation, and Maintenance of Small Sewage Disposal Systems'.
7. The number and location of percolation tests and test pits shall be determined in consultation with the Board and dependent on the submission phase. All percolation tests and all test pits shall be logged, recorded, located and dated on the soil survey plan. Soils test pit and percolation test data (including failed tests) should be logged, dated and recorded on the plat.
8. All test pits shall be dug to a depth of ten (10) feet or refusal if ledge. Depth to ledge, clay, hardpan layers, existing and expected seasonal high water table, and soil classification shall be recorded on the soil survey plan.
9. All abandoned test pits shall be logged on the plan including position and all data gathered which shall at the minimum consist of depth to ledge or other reason for abandonment.

### **C. Sewage System Design**

The sewage system design shall meet these requirements, in addition to the requirements specified in section D below:

1. Where ledge is present, at least three (3) feet of in-place soil shall exist above ledge or other impermeable strata.
2. Sufficient test pits shall be dug to insure that an area sufficient for a leach field of four thousand (4000) square feet or twice the required leach field area, whichever is greater, is present on the proposed lot. This area shall not be used for buildings, wells, or other permanent structures, but reserved for sewage treatment and septic effluent disposal. If such an area is not present, the lot shall be disapproved. Parking areas may be located over the designated leach field area when chambered systems are used.
3. The bottom of a proposed leaching bed or trench and the floor of a leaching cesspool or leaching pit shall be a minimum of eight feet above any bedrock.
4. In hardpan soils, the sewage disposal system shall be so designed that:
  - a. Subsurface and surface runoff waters are diverted from the leachbed area.
  - b. Size of the filter field is adequate to accommodate the slow permeability within the hardpan.
5. On soil with frangipani/hardpan, all seepage beds, trenches, or pits shall be located no closer than seventy-five (75) feet from any roadside ditches or drainage ditches that are on the down hill side below the proposed system.
6. The bottom of a proposed leaching bed or trench and the floor of a leaching cesspool or leaching pit shall be a minimum of four (4) feet above any seasonal high water table.

7. Any soil with a percolation rate slower than thirty (30) minutes per inch shall not be used for the disposal of septic tank effluent. A septic system design on any soil with a percolation rate faster than ten (10) minutes per inch shall require the addition of a restricting layer to reduce the percolation rate to ten (10) minutes per inch and shall be sized accordingly.
8. No septic system leaching bed or trench, or leaching cesspool or leaching pit shall be allowed on soils subject to flooding.
9. Fill may be added to meet the standards imposed by paragraphs 3 and 6 or to create the restricting layer required in 7, but may not be added to correct for any of the other above listed conditions. Fill material shall be approved by the local responsible official or board. Percolation tests shall be performed in the undisturbed natural ground and repeated in the finished fill to determine design of the leaching bed or trench.

#### **D. Soil Mapping & Setback Requirements**

These requirements apply to sites on which an on-site septic tank and leach field system are to be used for sewerage disposal and/or where wetland identification is required.

In addition to any other town and state sewage disposal requirements for local subdivision and site plan review, or wetland zoning compliance, the following regulations shall apply.

##### 1. Section Definitions

**High Intensity Soils Map:** Shall mean a soils map of a parcel of land being considered for development on a perimeter survey with a scale of one inch (1") not to exceed one hundred feet (100'), where soils are identified and mapped in accordance with the high intensity soils mapping standards as adopted by the Hillsborough County Conservation District (HCCD).

2. Ground control shall be marked, by the applicant, both on the site and on the Plat map(s). The ground control shall consist of numbered flags, stakes, walls, trees, or other easily identifiable points on the property. These points shall be well distributed throughout the site at a density of not less than four (4) points per acre. The numbered points shall be identified, by number, on the Plat plan. Wetlands are to be flagged separately. The purpose of this requirement is to provide easy identification for all parties required or interested in examining the site and shall be maintained by the applicant through final approval and construction.
3. The location of all existing and proposed buildings, accessory buildings, driveways, sewer lines, septic systems, water lines, wells and their State required protective radii, tanks, and public and private roads and driveways on the site, and the general location of such features within one hundred (100) feet of its boundaries, shall be indicated on the Plat plan. This requirement may be met by providing the soils map as a transparent overlay to other Plats in the submission provided that sufficient detail is provided to permit accurate alignment.
4. If in the judgment of the Planning Board the soil characteristics are such as to jeopardize the placement of building, septic systems, or other aspects of the subdivision, high intensity soils (HIS) maps are to be provided for all subdivision plans.
  - a. The HIS maps shall be on the Plat, or on a separate sheet keyed to the Plat.
  - b. The HIS maps shall be prepared by a certified soils scientist who is certified by the State of New Hampshire Board of Certification for Natural Scientists.
  - c. Paper copies of the HIS survey shall be provided to the Planning Board and a Mylar copy shall be part of the final submission. In addition to the soils information provided by the survey, the map shall have on it the following:
    - (i) the signature of the certified soils scientist including the original signature on at least one copy.
    - (ii) any qualifying notes made by the soils scientist.

- d. If a soils classification provided on the HIS map is in dispute, the Planning Board may request an evaluation of the soils designation by another Certified Soil Scientist approved by the Planning Board.
5. The designated leach field area for the proposed subdivision shall be set back as required in sub-section 6 (below) from:
  - a. poorly and very poorly drained soils.
  - b. naturally deposited soils which have a seasonal high water table less than six (6) inches from the surface.
  - c. naturally deposited soils which have an impermeable layer closer than two (2) feet to the surface.
  - d. naturally deposited soils which have bedrock less than three (3) feet below the surface.
  - e. drainageways, natural or man made, perennial or intermittent.
  - f. open drainage structures intended to convey water, intermittently or perennially, including but not limited to roadside ditches, culvert openings, diversions, and swales.
  - g. existing leach fields.
6. The designated leach field area is required to be set back from all of the areas specified in sub-section 5 (above) as follows:
  - a. Seventy five (75) feet if the designated leach field area is entirely located in well-drained soil without a restrictive layer, or well-drained soil with a restrictive layer and slopes of less than eight percent (8%).
  - b. One hundred (100) feet if the designated leach field area is entirely or partially located in somewhat poorly drained or moderately well drained soil, or well drained soils with a restrictive layer and slope of eight percent or greater (>8%).
  - c. One hundred twenty five (125) feet if the designated leach field area is entirely or partially located in excessively drained soils.
7. In addition, the designated leach field area shall be set back one hundred (100) feet from open water bodies and perennial streams and shall meet all State requirements for setbacks from existing or proposed wells.
8. In areas where the HIS survey indicates bedrock at less than three feet from the surface, sufficient test pits shall be made to ensure that the setback requirements in sub-sections 5 and 6 can be met.
9. The designated leach field area shall not be placed on areas with finished slopes of over twenty-five percent (25%).
10. If the designated leach field area is located on an area with finished slopes from fifteen to twenty-five percent (15-25%), the septic system shall be designed by a registered Professional Engineer.
11. The Plat shall show an existing well or other water supply, or a proposed well site if no water supply exists. The proposed water supply shall be set back a minimum of seventy-five (75) feet from the property boundary, thus preserving the state-required seventy-five (75) feet protection radius.

## 5.08 STREET DESIGN

Every proposed street in a subdivision shall be laid out, constructed and paved, 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 following requirements, improvements and design standards.

### 1. Design.

- a. Proposed new streets shall be in harmony and conformance with the existing and proposed streets, as shown on the Town's master plan or official map, if any. Subdivision streets shall be so laid out as to provide a curvilinear street pattern and shall be based upon a local street system connected to a collector street system connected to an arterial system. Local residential streets shall also be designed so as to discourage through traffic.
- b. Street patterns shall be attractively designed and, giving due consideration to the natural contours and features of the terrain, shall, where practical within the standards set forth in the Planning Ordinance, consider aesthetic values. The rigid, straight line, city block pattern of streets shall be discouraged.
- c. Where required by the Board, provision shall be made for the extension of the street pattern to abutting undeveloped property.
- d. Local residential streets shall be designed so as to facilitate access for fire fighting and snow removal equipment and the provisions of other public services.

### 2. Existing Streets

- a. Where a proposed subdivision abuts an existing subdivision the Subdivider shall, as practicable, design the street system of the proposed subdivision to connect with dead-end streets of the existing subdivision.
- b. The plan of any proposed subdivision shall show all work required to connect and complete the improvements and utilities between the proposed new street pattern and any connecting street in an existing subdivision.
- c. Subdivisions adjoining or including existing streets which do not conform to width and other conditions as required by these regulations may be required to dedicate sufficient land to bring such streets into conformity.
- d. For subdivisions that require construction of such new streets, the Board may require that any existing street which provides either frontage to new lots or access to new streets shall meet the minimum standards established in this Section for such streets. Where a subdivision requires undue expenditures by the Town to improve existing streets for conformance with minimum requirements, the Board may disapprove such subdivision until the Board of Selectmen shall certify that funds for such improvements have been assured by the Town, or the subdivider may be required by the Board to bring such streets into conformance with these regulations.

### 3. Names.

Street names shall be designated by the Board.

### 4. Signs.

Signs as approved by the Board of Selectmen bearing the street's name shall be installed and paid for by the developer.

### 5. Access Routes.

- a. A written permit, issued by the State's Commissioner of Public Works and Highways, shall be obtained for the construction or alteration of any driveway, entrance, exit or

approach with the limits of the right-of-way of any Class I or Class III Highway, or the State-maintained portion of a Class I Highway. (RSA 249:17).

- b. The location and construction of any driveway connecting with a proposed or accepted town road shall not be completed until final inspection and approval by the Engineer and/or Road Agent at the discretion of the Planning Board.

#### 6. Grades and Grade Changes.

- a. No grade in excess of three per cent (3%) shall be permitted within one hundred (100) feet of any intersection with a town road providing access to a subdivision.
- b. No grade in excess of three per cent (3%) shall be permitted within one hundred (100) feet of any intersection within a subdivision.
- c. No grade less than one half of one percent (0.5%) or in excess of eight per cent (8%) shall be permitted on any street within a subdivision.
- d. No intersection shall be permitted onto an existing road whose slope is greater than eight per cent (8%).
- e. All changes in grade shall be connected with a vertical curve of at least 200 feet in length to provide a smooth transition and proper sight distance. For example, a minimum of 200 feet of sight distance shall be available in zones whose speed limit is 30 miles per hour. A grade should not change for a distance of at least 200 feet unless approved by the Town Engineer or Road Agent because of difficult terrain or at intersections.

#### 7. Intersections.

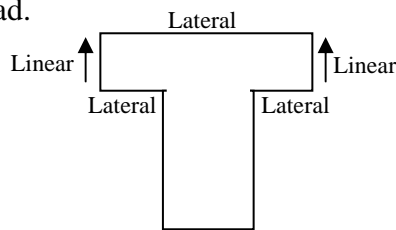
- a. Local and collector streets shall not intersect with arterial streets less than eight hundred feet (800) apart, measured from center line to center line.
- b. No two streets shall be permitted to intersect at an angle of less than seventy-five (75) degrees.
- c. Property lines at street intersections shall be rounded to provide a property line radius of not less than twenty (20) feet.
- d. No structure or planting shall impair corner visibility.
- e. Intersecting local and collector street pavements shall have a paved transitional area with a minimum radius of thirty (30) feet at all corners in residential areas and of fifty (50) feet at all corners in commercial areas to accommodate turning movements.
- f. The grade within one hundred (100) feet of an intersection shall not exceed three percent (3%).
- g. Crowns of road surfaces shall be one quarter (0.25) inch per foot.
- h. Multiple intersections involving a junction of more than two streets shall not be allowed. Four-way intersections shall be avoided on local and collector streets.

#### 8. Monuments/Bench Marks.

- a. Permanent survey monuments shall be set in the boundary of rights-of-way at intersecting streets, point of curvature and point of tangency of curves, though the point of intersection of short curves may be used instead, where such is practical, at the discretion of the Town Engineer. Monuments shall be placed on one side of the street only and at one corner of intersecting streets. Adjacent monument points shall be visible.
- b. Monuments shall be tied in to a public street intersection, U.S.G.S. benchmark or other recognized existing monument. Monument locations shall be shown and properly dimensioned on the Plat.
- c. Monuments shall be of stone, concrete, or other material and specification acceptable to the Town Engineer, and not less than 4 inches in diameter or square, and not less than 42

inches long. Concrete monuments shall be reinforced with steel rods, and a plug, brass plate, or pin shall serve as the point of reference. If stone, a drilled hole shall serve as the point of reference and a magnetic rod or other suitable metal shall be placed adjacent to the monument to allow for recovery.

- d. Iron pipes shall not be considered permanent monuments for the purpose of these regulations.
- 9. The minimum distance between center line offsets at street jogs shall be one hundred and fifty (150) feet.
- 10. Dead end streets shall be avoided where ever possible and in no case shall exceed one thousand (1000) feet in length and shall terminate in a suitable turnaround as required by the Board. Hammer-head designs shall be the standard design, cul-de-sac shall be the alternative. (See Sections 5.11 and 5.12 for diagrams depicting design specifications).
- 11. The following standards shall apply to hammer-head streets:
  - a. Each street leading to a hammer-head shall be surfaced to a minimum of twenty-four (24) feet.
  - b. The hammer-head shall have a curbed outside radius of twenty-seven (27) feet on either side of the approach.
  - c. The travel-way shall be eighteen (18) feet in width and sixty-four (64) feet in length on either side of the center line of the abutting street and shall be located at least fifty (50) feet from the end of the traveled way. These dimensions could be increased to accommodate a fire truck if the Planning Board deems it necessary.
  - d. No street shall have a name which duplicates or closely duplicates the names of existing streets.
  - e. When frontage along a hammerhead is calculated the total shall include only linear extensions of the hammerhead (measured from the end of the road where the "T" configuration begins to the far side of the "T"), and shall not included the lateral extensions of the hammerhead.



- 12. The following standards shall apply to cul-de-sac streets:
  - a. Each street leading to a cul-de-sac shall be surfaced to a minimum of twenty-four feet.
  - b. The cul-de-sac shall have a curbed interior radius of forty (40) feet at its far end, and a curbed radius of fifteen (15) feet at a point fifty-five (55) feet from its terminal radius (see drawing on 5.11).
  - c. The pavement shall be eighteen (18) feet in width. The far side shall have a six (6) foot shoulder, and the outside radius shall be sixty-eight (68) feet, or seventy-three (73) feet, depending upon the width of the right-of-way.
  - d. No street shall have a name which duplicates or closely duplicates the names of existing streets.

## 5.09 STREET CLASSIFICATION AND SPECIFICATIONS

**A. Classification of Streets**

1. The classification of new streets shall be as determined by the Board in accordance with the following table. The following standards of the design and specifications shall apply to streets related to subdivisions.

**STANDARDS FOR STREET DESIGN**

|  | Local (a) |        | Collector |          | Arterial |
|--|-----------|--------|-----------|----------|----------|
|  | Minor     | Major  | Minor     | Major    |          |
| Average Daily Traffic (number trips) (b) | 0-50      | 50-100 | 100-250   | 250-400  | 400-up   |
| Min. Right-of-Way (Ft.) (d)              | 50        | 60     | 70        | 80       | 100      |
| Min.Travel Surface Width (Ft.) (d)       | 18        | 18     | 20        | 24       | Variable |
| Min.Shoulder Width Each Side (Ft.) (d)   | 2         | 2      | 4         | 4        | Variable |
| Min.Dist. From Center of Ditch (Ft.) (e) | 16        | 16     | 18        | Variable | Variable |
| Min.Horizontal Curve Radii (Ft.)         | 100       | 100    | 150       | 300      | 500      |
| Min.Vertical Curve Radii (Ft.)           | 200       | 200    | 200       | 200      | Variable |
| Min.Length of Tangents                   |           |        |           |          |          |
| Between Curves (Ft.)                     | 100       | 100    | 100       | 200      | Variable |
| Maximum Grade (%)                        | 10        | 8      | 8         | 8        | 5        |
| Min.Grade (%)                            | 0.5       | 0.5    | 0.5       | 0.5      | 0.5      |
| Min.Vertical Sight Distance (Ft.) (c)    | 200       | 200    | 250       | 250      | 300      |

- (a) Local streets cover not only lightly developed through streets, but also dead-end, cul-de-sac and marginal access streets.
- (b) Shall be future anticipated traffic. (Assuming 10 trips per day per dwelling unit.)
- (c) Sight distance shall be measured between two points along the center-line of the street on a straight line entirely within the street right-of-way and clear of obstructions, one of the points to be at the surface and the other four and one-half (4.5) feet above the surface.
- (d) All cross-section horizontal distances shall be measured perpendicular to straight-line sections and radial to curved sections.
- (e) Measured to centerline.
2. The Board may modify the maximum and minimum gradient for short lengths of streets where, in its judgment, existing topographical conditions or the preservation of natural features indicate that such modification will result in the best subdivision of land.
3. 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 topographical conditions create a need for greater width for grading.

**B. Road Specifications**

For diagrams showing cross-sections for paved and gravel roads, see Sections 5.12 and 5.13.

**1. Site Preparation**

a. Stakes.

- (i) It shall be the responsibility of the developer to have grade stakes put in at 50 foot intervals. Each stake shall be driven firmly beyond the toe or top of the slope in a location where it will not be disturbed by construction operations, and be clearly marked to give the following information:
  - (a) Station.
  - (b) Offset from centerlines.

(c) Cut or fill to finished centerline grade.

(ii) The developer shall preserve the grade stakes until the completion of the streets and if stakes are removed or destroyed so that the Engineer cannot readily check the grade at any location, the stakes shall be replaced at the expense of the developer.

(iii) Limits of clearing shall be marked by stakes or flagging. Distances from the centerline shall be obtained from the cross-sections.

b. Clearing and Grubbing.

(i) Except for those trees specifically designated and approved by the Board, all trees and brush within the right-of-way lines or the slope lines, whichever is the farthest from the center-line, shall be cut, and either removed from the right-of-way or completely burned. Any partially burned wood shall be removed from the right-of-way.

(ii) All stumps and large roots shall be removed from all cuts and to a depth of four (4) feet below finished grade in fills. Stumps below four (4) feet shall be cut off within six (6) inches of the existing ground surface. Stumps and roots shall be disposed of outside the right-of-way.

(iii) Loam, forest litter, sod, muck, silt or other unsuitable material shall be removed below the limits of the roadbed to such depth as necessary to provide a stable sub-base.

(iv) Under no circumstances shall any wood, limbs, stumps, brush or other unsuitable materials be placed under or allowed to remain within the limits of the roadbed.

(v) Topsoil removed during the course of construction shall be stockpiled and used within the limits of the right-of-way or elsewhere within the subdivision as necessary to landscape or cover. Redistributed topsoil shall be stabilized by seeding and mulching or planting. No topsoil shall be removed from the subdivision site.

c. Excavation and Filled Roadbeds.

(i) Filled roadbeds and embankments shall be formed by spreading successive layers not greater than twelve (12) inches in depth. Each layer shall be satisfactorily compacted to a density of at least ninety-five percent (95%) of maximum density before another is begun.

(ii) Ledge is to be broken to a depth of at least four (4) feet below sub grade. Muck and peat are to be removed to a depth of at least six (6) feet below sub grade, except with special provision from the Board.

(iii) Material containing loam, forest litter, large roots, stumps or other wood, muck, silt, clay or other substances which will not make a stable embankment shall not be acceptable for the construction of fills.

(iv) Broken ledge shall not be placed within 2 feet below subgrade.

(v) Ledge fragments or boulders larger than one-half cubic yard shall not be placed within 2 feet of the subgrade.

(vi) Any slope resulting from excavation or fill shall be covered with loam or humus to an average depth of four (4) inches, seeded with slope seed, Type 33, fertilized, and mulched with hay at the rate of one ton per acre. (See State of New Hampshire Highway Specifications.)

**2. Base Course.**

a. Bank Run Gravel. Before spreading any gravel the subgrade shall have been brought to the required elevation and cross-section and thoroughly compacted, free from holes and ruts. Bank run gravel shall consist of the following gradations: twenty-five to seventy percent (25-70%) shall pass the Number 4 sieve, and not more than fifteen per cent

(15%) of the material passing the Number 4 sieve shall pass the Number 200 sieve. No stones or rock fragments shall be permitted which cannot be incorporated in a twelve (12) inch layer. Bank run gravel shall be placed in twelve (12) inch lifts and compacted to a minimum ninety-five percent (95%) compaction. A rubber tire roller may be ordered upon recommendation of the Town Engineer and/or Road Agent in order to achieve compaction.

- b. Fine Grading. Fine grading shall not be initiated until bank run gravel has been approved and not before 48 hours to street paving unless all traffic can be kept off the fine grading section until such time as street paving is done. All shoulder and ditch work, or any other excavation in the right-of-way shall be completed before final grading can begin.

Required Grading Crushed Gravel:

| Sieve Size | Percentage by Weight Passing |
|------------|------------------------------|
|------------|------------------------------|

|    |     |
|----|-----|
| 3" | 100 |
|----|-----|

|    |        |
|----|--------|
| 2" | 95-100 |
|----|--------|

|    |       |
|----|-------|
| 1" | 55-85 |
|----|-------|

|       |       |
|-------|-------|
| No. 4 | 27-52 |
|-------|-------|

|       |  |
|-------|--|
| No. 2 | 0-15 (based on fraction passing the No. 4) |
|-------|--|

(Reference: Standard Specifications for Road and Bridge Construction, State of New Hampshire, Section 304, 2.13.1, Required Grading)

- c. Placing of Sand, Gravel or Crushed Gravel.

- (i) The subgrade shall be to the specified crown and grade and maintained in a smooth condition, free from holes and ruts. If the hauling equipment should cause ruts greater than eight (8) inches in depth in the subgrade or previously placed base course, the equipment shall be operated only on the course being placed, behind the spreading equipment.
- (ii) Care shall be taken to avoid segregation when placing gravel and crushed gravel. When base course material is dumped in piles, it shall be dumped on the course being placed, and spread at once into the previously placed layer. If spreading equipment is not available, dumping shall not be permitted. Any segregation which occurs shall be remedied or the materials removed and replaced at no additional cost to the Town.
- (iii) Each entire layer of gravel shall be scarified for the top two-thirds (2/3) of the layer to bring all oversized stones to the surface for disposal prior to placing the subsequent course. Such scarifying shall not be required when the contractor's method of operation is such that oversized stones are not delivered to the project.
- (iv) Prior to fine grading, hard spots in the surface of the top layer shall be eliminated by scarifying the top four (4) inches.
- (v) Stones having any dimension greater than three (3) inches shall be removed from the upper four (4) inches of the top layer of gravel when the gravel is to be surface-treated and no pavement is to be laid upon it.
- (vi) Previously tested and accepted materials contaminated by earthen, organic or other foreign matter, or degraded by hauling equipment, to such an extent that the materials cease to meet the requirements, shall be removed and replaced, or otherwise made acceptable at the contractor's expense.

### **3. Fine Grading Procedure**

- a. Prior to the start of fine grading the contractor shall stake out the centerline of the road at fifty (50) foot intervals and at all centerlines of catch basins and culverts. Stakes shall be flagged in blue showing crushed gravel grade and corresponding slope grade on side stakes. These stakes and grades shall be kept throughout fine grading operation in order to check proper alignment and crown in the road, and shall not be pulled until ordered by the Town Engineer.
- b. The contractor shall have the following pieces of equipment onsite before starting fine grading:
  - (i) Grader with straight edge blade.
  - (ii) Water truck.
  - (iii) Eight to twelve (8-12) ton steel roller.
  - (iv) Drag boom.
- c. Grades shall be checked and rechecked during final grading in order to get a uniform grade. The grades shall be maintained in front of the water truck and rollers in order to get grade and essential compaction. The Engineer shall check crown and compaction at random points and shall approve fine grading. Once approved, this grade shall be undisturbed until paved.

### **4. Street Surfaces**

All streets shall be surfaced with crushed gravel (subject to the conditions outlined in Section 5.09) or paved with hot, plant mix bituminous concrete, in accordance with the following specifications: Refer to the Typical Cross-Sections in Sections 5.12 and 5.13.)

- a. Crushed Gravel.
  - (i) Gravel surface shall consist of a minimum of eight (8) inches of crushed gravel (graded to the specifications contained in Section 5.09 .B.2 subparagraph (ii) above) placed in layers not more than six (6) inches in depth. Each layer shall be compacted to ninety-five percent (95%) density and leveled before the next is added.
  - (ii) All gravel roadway areas with greater than five (5) per cent slope shall be fine graded and then surface treated with asphalt cutback MC 70 or MC 250. (Reference see Standard Specifications for Road and Bridge Construction, State of New Hampshire, for additional specifications.)
  - (iii) No gravel road with a slope greater than eight (8) per cent shall be allowed under any circumstances.
- b. Cold, Mixed-in-Place, Bituminous Concrete.
  - (i) Minimum three (3) inches compacted and rolled cold bituminous surfacing, mixed-in-place (two (2) inch base course with aggregate up to one and one-half (1 1/2) inches, and one (1) inch wearing course with aggregate up to three quarters (3/4) of an inch.)
  - (ii) Seal coat, asphaltic material, one quarter (1/4) gallon per square yard.
  - (iii) Top dressing, up to 3/8 inch size, minimum 125 cubic yards per mile.
- c. Hot, Plant Mix, Bituminous Concrete. Paved surface shall consist of a base course and a wearing course of hot bituminous concrete plant mix. The two courses shall constitute a minimum compacted depth of three (3) inches as follows:

(i) Base Course 2 inches, compacted, Type C, 3/4 inch:

| Sieve Size      | % by Weight Passing Combined Agg. |
|-----------------|-----------------------------------|
| 3/4"            | 95-100                            |
| 1/2"            | 70-92                             |
| 3/8"            | 60-80                             |
| No. 4           | 42-57                             |
| No. 10          | 28-38                             |
| No. 20          | 16-24                             |
| No. 40          | 9-17                              |
| No. 80          | 3-11                              |
| No. 200         | 0-4                               |
| Asphalt Cement: | 4.8-6.0%                          |

(ii) Wearing Course one (1) inch, compacted, Type E, one-half (1/2) inch:

| Sieve Size      | % by Weight Passing Combined Agg. |
|-----------------|-----------------------------------|
| 1/2"            | 95-100                            |
| 3/8"            | 85-95                             |
| No. 4           | 60-75                             |
| No. 10          | 38-50                             |
| No. 20          | 24-32                             |
| No. 40          | 14-23                             |
| No. 80          | 6-14                              |
| No. 100         | 2-6                               |
| Asphalt Cement: | 6.0-7.0%                          |

(iii) In the event the mixtures specified above are unavailable, the Engineer shall designate suitable substitutes.

(iv) Mixtures shall be placed only when underlying surface is dry and the temperature is above forty (40) degrees Fahrenheit.

(v) All courses shall be spread by a mechanical spreading and finishing machine.

(vi) Initial rolling shall be done with an eight to twelve (8-12) ton steel roller.

(vii) Mixture, placing, compaction, and related surfacing procedures shall conform to the Manual Of Standard Specifications for Road and Bridge Construction, State of New Hampshire.

(viii) If, in the opinion of the Engineer, there will be movement and settlement of the binder course, the wearing course shall not be applied until the following year. The time period between applying the binder course and the wearing course shall not exceed one (1) year.

## **5. Curbs**

- a. Curbs shall be installed at all locations where the Board may require it.
- b. Curbs shall be a minimum of six inch (6") high sloped granite or other suitable stone, and shall meet the requirements of Section 609, "Curbs", of the State of New Hampshire Highway Specifications.

## **6. Drainage**

- a. Ditches and culverts, where approved, shall be installed as shown on the final plan, profile or typical sections as approved by the Board. If, during construction, it develops that additional drainage pipes or structures are needed, the Planning Board or the Board of Selectmen maintain the right to have them installed before acceptance of the street.
- b. All cross-culverts buried under more than eight (8) feet of fill shall be made of concrete pipe.
- c. No part of any culvert or drainage pipe shall be installed above subgrade level.
- d. Driveway drains shall be installed if their omission will cause standing water in the normal ditch line.
- e. Catch basins and other drainage structures shall be built to the standards of the New Hampshire Department of Public Works and Highways.
- f. All pipes shall be laid upon a firm bed, true to line and grade, and back-filled and tamped in layers not exceeding eight (8) inches. Care shall be taken that the backfill material within 6 inches of the pipe is a fine material which can be compacted. Each section of pipe shall be securely attached to the adjoining section by the approved method for the type of joint being used.
- g. Ditches with excessive velocity, bordering grades in excess of five (5) per cent shall be lined, when installed, to a minimum width across the bottom of the ditch of twenty-four (24) inches, with stones, three (3) to five (5) inches in diameter. The lining shall have a minimum thickness of twelve (12) inches. Where a ditch runs through a ledge cut, the face of the ledge shall be cut back a minimum of six (6) feet from the center line of the ditch.

## **7. Clean Up**

Before acceptance a street shall be cleaned up, by hand if necessary. To make sure that it shall be left in a neat and acceptable condition, particular attention should be paid to the following:

- a. Shoulders shall be of the required width, the proper contour and brought to the required pitch.
- b. Ditches shall be of the required depth and pitched to drain and free from obstructions.
- c. Stones shall not be left lying on shoulders or in ditches.
- d. All construction stakes, dead brush, rubbish, etc. shall be removed from within the limits of the right-of-way.
- e. Cut and fill slopes shall be stable. Such slopes shall be inspected and approved by the Engineer.
- f. Guard rails or posts shall be installed where there are fill slopes steeper than four to one (4:1) and higher than three (3) feet; witness posts painted with reflectors, as specified by the Engineer, shall be placed at both ends of each culvert and at other locations as specified by the Board.

## **8. Maintenance**

The developer shall maintain and improve any new street for two years after its completion and approval by the Engineer. At the end of that time, the Engineer shall conduct his final inspection of the street, and if satisfied that no further modifications or improvements are required to meet standards, shall recommend its final acceptance to the Board.

## **5.10 CONDITIONS FOR ALLOWANCE OF GRAVEL COVERED ROAD**

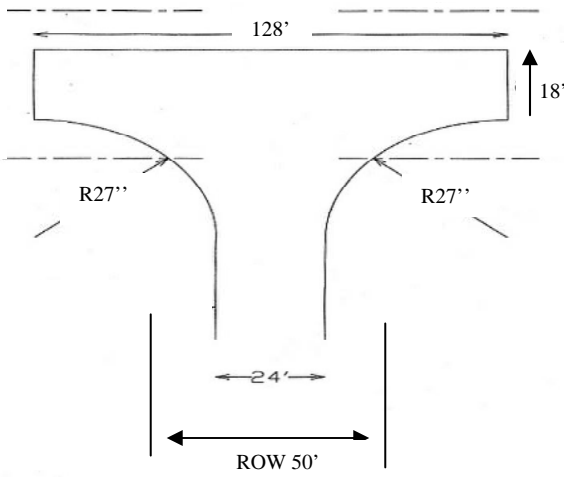
### **1. Approval by Board.**

A gravel-surfaced roadway (as specified in Paragraph B.4.(i) of Section 5.09) may be installed if in the sole discretion of the Board such a surface is appropriate and functional and all conditions of the regulations relating to the construction and approval of such surface are met.

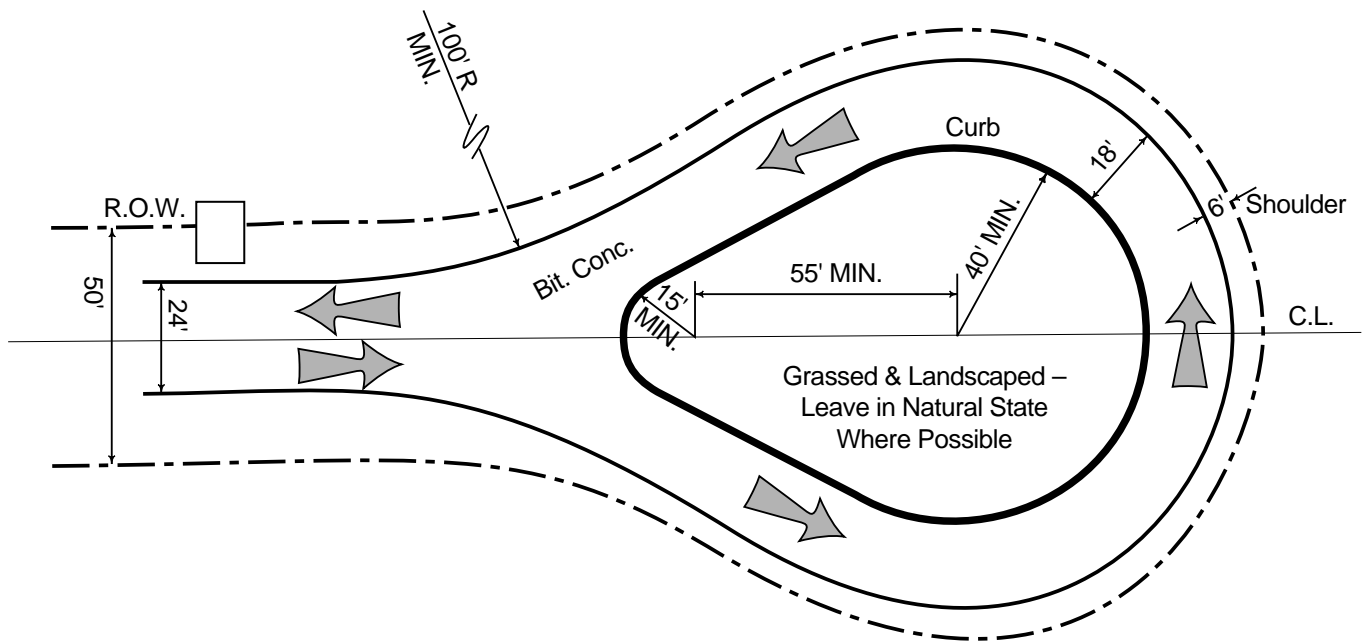
### **2. Trust Account**

All subdividers who opt for use of gravel-surfaced roads shall be required to set up a separate trust account, if at the discretion of the Planning Board this course is in the best interest of the Town. This trust account shall be funded in the amount by which the cost of completion of a paved-surface road under these specifications is greater than the cost of completion of a gravel-surfaced road. The determination of this difference in costs shall be made by the Board and Engineer after consultation with the Subdivider. The trust account shall be administered by the Town's Trustees of Trust Funds. The income generated by the fund shall be applied to improve and maintain the gravel-surfaced road within the subdivision, or, should the road be paved, this fund may be applied, in part or entirely, to the cost of the paving.

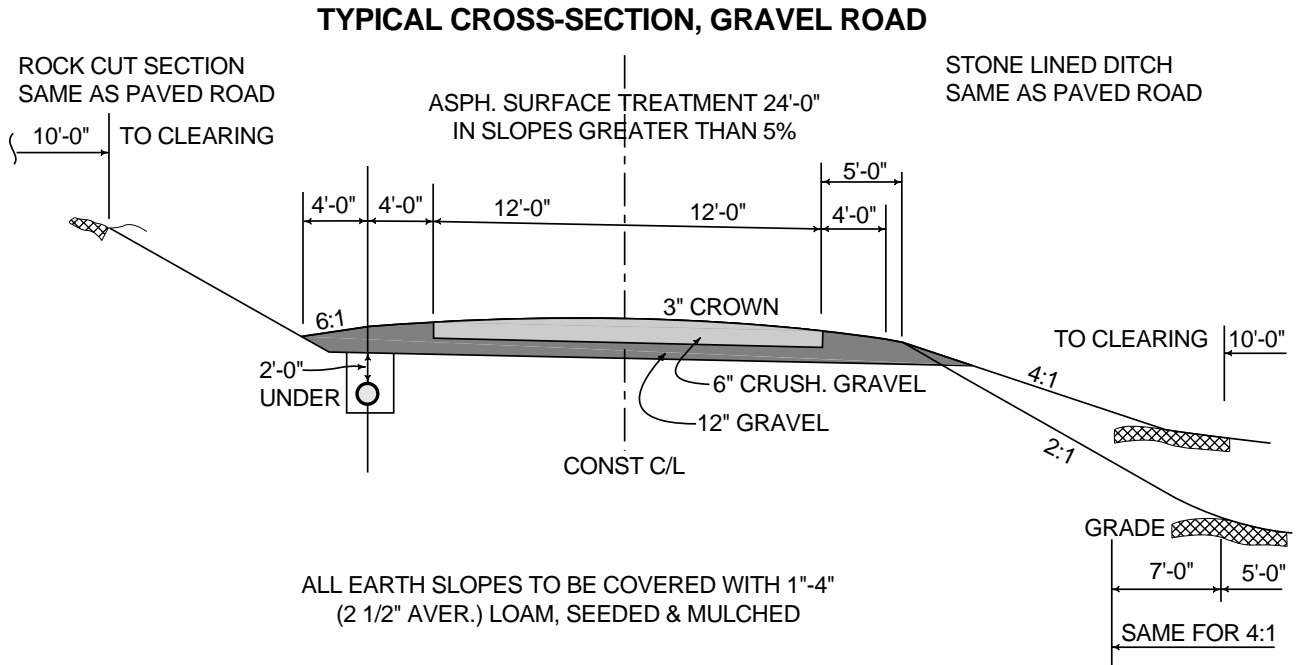
### 5.11 HAMMER-HEAD



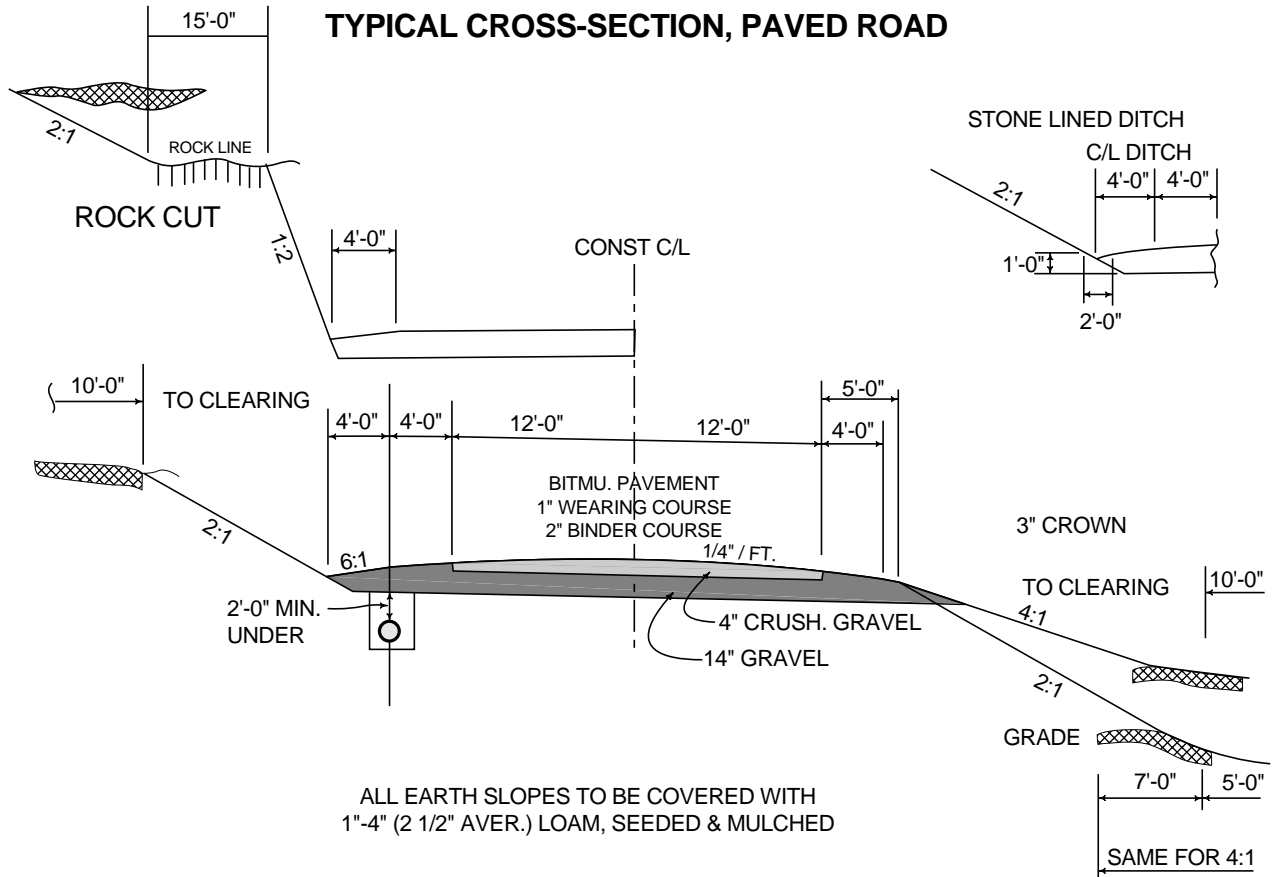
### 5.12 CUL-DE-SAC



### 5.13 TYPICAL CROSS-SECTION, GRAVEL ROAD



### 5.14 TYPICAL CROSS-SECTION, PAVED ROAD



### **5.15 STREET IMPROVEMENTS**

In the case of subdivisions requiring construction of new streets, any existing street which provides either frontage to new lots or access to new streets shall meet the minimum standards established in Section 5.07 for such streets. Where a subdivision requires undue expenditures by the Town of Mason to improve existing streets to conform to minimum requirements, the Board may require impact fees until the Selectmen shall certify that funds for the improvements have been assured by the municipality.

### **5.16 PARKING**

All subdivision development shall require off-street parking to be provided at the rate of at least two (2) parking spaces per dwelling unit. In order to provide for the most efficient means of road maintenance, snow plowing and access by emergency, police and fire vehicles, no parking of vehicles within the street shall be permitted.

### **5.17 PEDESTRIAN WALKS**

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 public property.

### **5.18 UTILITIES, DRAINAGE**

1. All subdivisions shall make adequate provisions for water supply, storm water and sanitary sewage disposal, and required utilities and improvements. The Board may require the extension of public water and sewers to and within a proposed subdivision, without cost to the Town of Mason where existing lines are, in the sole judgment of the Board, within a reasonable distance of the proposed subdivision.
2. The subdivider shall install laterals from all utilities in the street right-of-way to ten (10) feet beyond the street property line of each building lot.
3. 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.
4. 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 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 therefor from the adjacent owner and shall hold the Town of Mason harmless from any claims for damage resulting therefrom.
5. For the purpose of preparing drainage plans, the following basic design criteria shall be utilized; storm sewers and subdivision drainage facilities shall be based upon a design flow with a minimum return interval of a 25-year storm. For major stream crossing, design flow shall be based on minimum return interval of a 50-year storm.
6. The Board may require the installation of street lighting in any subdivision where it deems necessary.
7. Where underground utilities are to be furnished from a public source, all necessary mains, branch offsets to each lot, and fire hydrants shall be installed by the subdivider, as approved by the corporation or municipal department having jurisdiction, and to the satisfaction of the governing body, and without expense to the Town.

### **5.19 EROSION AND SEDIMENT CONTROL**

#### **A. General**

The purpose of this section is to control erosion and the resulting sedimentation from occurring in subdivision areas by requiring proper provisions for water disposal and the protection of soil surfaces during and after construction in order to promote the public health, safety, convenience and general welfare of the community.

## **B. Standards**

The following standards shall be observed by the subdivider in the design, layout and engineering of the proposed subdivision in both the Design Review Phase (Section 4.02) and the Plat Phase (Section 4.03).

1. Stripping of vegetation, regrading, or other development shall be done in such a way that will minimize erosion.
2. Whenever practical, natural vegetation shall be retained, protected, and supplemented.
3. The disturbed area shall be kept to a minimum and the duration of exposure shall be under a maximum of six (6) months.
4. During construction, the disturbed area shall not be closer than twenty-five (25) feet to wetlands area boundaries.
5. Temporary seedings and/or mulching shall be used to protect exposed critical areas during development.
6. Provisions shall be made to accommodate the increased runoff caused by changed soil and surface conditions during and after development.
7. No cut or fill slopes greater than two-and-one-half to one (2.5:1) horizontal to vertical.
8. Sediment in the runoff water shall be trapped, until the disturbed area is stabilized, by use of sediment basins or other acceptable methods.
9. Diversions, sediment basins, and so forth, shall be constructed prior to any on-site grading or disturbance of existing surface material.
10. Sediment and runoff water plan shall be reviewed by the Hillsborough County Conservation District.
11. Approval of the Erosion and Sediment Control Plan is to be obtained from the state before the Board approves the subdivision.

## **C. Control of Erosion & Sediment**

1. Section Definitions

**Certification:** Shall mean a signed, written approval by the Planning Board that an erosion and sediment control plan complies with applicable requirements of the regulations.

**Development:** Shall mean any construction or grading activities to improved or unimproved real estate.

**Disturbed area:** Shall mean an area where the ground cover is destroyed or removed leaving the land subject to accelerated erosion.

**Erosion:** Shall mean the detachment and movement of soil or rock fragments by water, wind, ice, or gravity.

**Erosion and Sediment Control Plan:** Shall mean a scheme that minimizes soil erosion and sedimentation resulting from development and includes, but is not limited to, a map and a narrative.

**Grading:** Shall mean any excavating, grubbing, filling (including hydraulic fill) or stockpiling of earth materials or any combination thereof, including the land in its excavated or filled condition.

**Inspection:** Shall mean the periodic review of erosion and sediment control measures shown on the certified plan.

**Sediment:** Shall mean solid material, either mineral or organic, that is in suspension, is transported, or has been moved from its site of origin by erosion.

**Soil:** Shall mean any unconsolidated mineral or organic material of any origin.

2. Activities Requiring a Certified Erosion and Sediment Control Plan

An erosion and sediment control plan shall be provided for all subdivisions, except those defined as "minor subdivisions" per RSA 676:4, III. Additionally, applicants may request the Planning Board to waive this requirement upon recommendation of the HCCD. (Applicants request waiver from the Planning Board, Planning Board requests recommendation from HCCD, Planning Board acts upon HCCD recommendation.)

3. Erosion and Sediment Control Plan

a. To be eligible for certification, an erosion and sediment control plan shall contain proper provisions to adequately control accelerated erosion and sedimentation and reduce the likelihood of excessive storm water runoff from the proposed site, based on the best available technology. Such principles, methods, and practices necessary for certification are found in the "Erosion and Sediment Control Design Handbook for Developing Areas of New Hampshire" (1987) as amended. Alternative principles, methods, and practices may be used with prior approval of the Planning Board.

b. For requirements regarding the content of the plan, see Section 4.03

c. Minimum Acceptable Standards

(i) Plans for erosion and sediment control shall be developed in accordance with these regulations using the planning considerations specified in the "Erosion and Sediment Control Design Handbook for Developing Areas of New Hampshire" (1987), as amended. Erosion and sediment control plans shall result in a development that: minimizes erosion and sedimentation during construction; is stabilized and protected from erosion when completed; and does not cause off-site erosion and/or sedimentation.

(ii) The minimum standards for individual measures are those in the "Erosion and Sediment Control Design Handbook for Developing Areas of New Hampshire" (1987), as amended. The Planning Board may grant exceptions when requested by the applicant if technically sound reasons are presented.

(iii) The Soil Conservation Service method as outlined from Appendix 1 of the "Erosion and Sediment Control Design Handbook for Developing Areas of New Hampshire" (1987), as amended, shall be used in determining peak flow rates and volumes of runoff unless an alternative method is approved by the Planning Board.

d. Issuance of Denial of Certification

(i) The Planning Board shall either certify that the erosion and sediment control plan, as filed, complies with the requirements and objectives of this regulation or deny certification when the development does not comply with these regulations.

(ii) Prior to certification, any plan submitted to the municipality may be reviewed by HCCD or other consultant acceptable to the Planning Board who may make recommendations concerning such plan, provided such review shall be completed within thirty days of the receipt of such plan.

(iii) The Planning Board may forward a copy of the development proposal to the Conservation Commission, other review agency or consultant for review and comment.

e. Conditions Relating to Erosion and Sediment Control

- (i) The estimated costs of measures required to control erosion and sediment, as specified in the certified plan, may be covered in a performance bond or other assurance acceptable to the Planning Board.
- (ii) Site development shall not begin unless the erosion and sediment control plan is certified and those control measures and facilities in the plan scheduled for installation prior to site development are installed and functional.
- (iii) Planned erosion and sediment control measures and facilities shall be installed as scheduled according to the certified plan.
- (iv) All control measures and facilities shall be maintained in effective condition to ensure the compliance of the certified plan.

f. Inspection

Inspections shall be made by the Planning Board or its designated agent during development to ensure compliance with the certified plan and that control measures and facilities are properly performed or installed and maintained. The Planning Board may require the permittee to verify through progress reports that erosion and sediment control measures and facilities have been performed or installed according to the certified plan and are being operated and maintained.

g. Installation and Construction of Sedimentation Control

The subdivider shall bear the final responsibility for the installation and construction of all required drainage, slope stabilization, erosion and sediment control measures and structures according to the provisions of these regulations.

## **5.20 OPEN SPACE SHOWN ON TOWN MASTER PLAN**

1. Where a proposed park, playground, or other open space shown on the Master Plan is located in whole or in part in a proposed subdivision, the Board shall require substantial compliance with such Master Plan.
2. As a condition of approval of the Plat, the Board may require that the area shown thereon as open space be offered for dedication to the Town. The Board shall not require such dedication in excess of 15 percent of the total area of the subdivision without reasonable compensation, and if the Town does not take steps within a period of one year from the date of approval of the subdivision Plat to acquire the portion of the open space not in excess of said 15 percent, the subdivider may submit to the Board a plan for subdivision of such portion, provided such additional subdivision does not exceed the total number of family dwelling units permitted by the zoning regulations for the applicable district, and meets requirements of these subdivision regulations.

## **5.21 OTHER OPEN SPACE**

If no such open space, park or playground is shown on the Town of Mason Master Plan within the boundaries of a proposed subdivision, the Board may, where it deems essential, require that the Plat show one or more sites of character, size, shape and location suitable to be used as community open space or park, in area not to exceed fifteen percent (15%) of the total area of the subdivision. The subdivider may of his own volition exceed the above area requirements. In the case of cluster subdivision or planned unit development, open space shall be not less in area than as provided in the zoning regulations.

## **5.22 DEVELOPMENT OF OPEN SPACE**

On land to be used as active recreation open space, undesirable growth and debris shall be removed. 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 with lawn grass. 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. No work, removal, or filling shall be done, nor shall the existing natural characteristics of open space land be altered from the original condition, until the subdivider's plan for recreational development of said open space has been reviewed and approved by the Board as part of the Plat submission.

### **5.23 TREES AND PLANTING**

Due regard shall be given to preservation of existing trees, shrubbery and other vegetation within the subdivision. The Board may require additional tree planting and other landscaping appropriate to the area being subdivided. The subdivider shall comply with the following requirements:

1. To the fullest extent possible, all existing trees and shrubbery shall be preserved by the subdivider. Special consideration shall be given to the arrangement and ultimate improvement or development of the lots to this end. Precautions shall also be taken to protect existing trees, shrubbery and vegetation during the construction of roads and utilities.
2. Where any land other than that included in public rights-of-way is to be dedicated to the public use, the subdivider shall not remove any trees from the site without written permission from the Planning Board.
3. Topsoil moved during the course of construction shall be redistributed so as to provide at least six (6) inches of cover to all disturbed areas of the subdivision. At no time shall topsoil be removed from the site without written permission from the Planning Board.
4. All disturbed areas which are not covered by structures or paving shall be properly seeded or replanted by the subdivider.

### **5.24 ON-SITE FIRE PROTECTION FACILITIES REQUIRED**

1. The Fire Chief may prescribe that the development include the installation of such on-site fire protection facilities as in his judgment are necessary to provide an adequate and reasonable degree of protection from fire. Said installation shall be at the expense of the owner or developer.
2. All facilities required to be installed hereunder shall be approved by and meet the specification of the fire department as to location, size and type of materials and manner of installation. Construction shall be carried out under the inspection of the Building Inspection Division. All fire hydrants shall be designed in accordance with the specifications provided in Appendix E. All inspection costs shall be paid by the owner or developer.
3. When any land is developed in such a manner that all or a substantial part of any building or structure thereon is or becomes in excess of the reasonable working distance from an adequate water supply for such protection, the developer shall provide such fire protection facilities upon the land as shall be determined necessary under this section to provide such adequate water supply. Construction shall comply with all applicable codes and ordinances of the Town of Mason. The Applicant shall submit a Water Hole diagram with the Plat, the diagram to be reviewed and approved by the Fire Chief.
4. This system is planned for use by the Fire Department in initial attack on fires. The system, therefore, shall be installed so that any portion of the structures can be reached with 1000 feet of fire hose.

### **5.25 REVIEW BY FIRE DEPARTMENT**

When any plans are submitted, the Fire Chief shall review the same and determine whether any building or structure on the land to be developed is, or will by virtue of, said development become in excess of the reasonable working distance from an adequate water supply. If upon such review it is determined either that the fire protection facilities mentioned in this division are not required or that they are adequately provided for in the plans, the Fire Chief shall endorse his approval thereon. If adequate provision for such facilities is not made, the Fire Chief shall either disapprove said plans and indicate to the Planning Board or the Building Inspector in writing wherein they are deficient, (in which case any revised plans shall be resubmitted) or approve said plans subject to conditions.

#### **5.26 OTHER WATER SOURCES**

Other water sources may be counted as contributing to said supply if, in the judgment of the Fire Chief, said source is dependable, readily accessible, adaptable to use by fire equipment, and within reasonable working distance of the building or portions thereof, to be served by said source. No source on private land adjoining the land to be developed shall be considered to be readily accessible unless there shall be obtained the irrevocable and unobstructed right to use the same upon such terms as may be approved by the Fire Chief.

#### **5.27 ACCESS FOR FIREFIGHTING EQUIPMENT**

Whenever any hydrant or other appurtenance for use by the Fire Department is required to be installed under the provision of this section, there shall be included in said development plans and delineated thereon adequate provision for access to and from every such hydrant and appurtenance by firefighting equipment. Said access shall be in the form of an improved, permanently maintained roadway or of an open paved area, or of any combination thereof, designed, constructed and at all times maintained in such a manner that there shall be an access way kept clear and unobstructed at such grade(s) and having sufficient width and height clearance to permit ingress and egress by firefighting equipment.

#### **5.28 FINAL INSPECTION**

No final inspection under the city code as to all or any portion of the development shall be deemed completed and no certificate of occupancy or temporary certificate of occupancy shall be issued unless and until the installation of the prescribed facilities and access ways has been completed and the final approval thereof of the Fire Department and Building Inspection Division, as provided herein. Such final inspection shall be conducted solely to implement the enforcement of the provisions of this Division and shall in no manner be deemed an assurance on the part of the Town of Mason that said facilities are or will continue to be in good working order.

#### **5.29 MAINTENANCE OF FACILITIES**

All on-site fire protection facilities, whether installed before or after the effective date of this section shall at all times be maintained in good working order by the owner thereof. To this end, the Fire Chief is hereby empowered in his discretion to conduct periodic tests and inspections of said facilities.

#### **5.30 ALTERATION OR MODIFICATION OF FACILITIES**

On-site fire protection facilities, whether installed before or after the effective date of this division, may be altered or repaired with written consent of the Fire Chief, provided that such alterations or repairs shall be carried out in conformity with the provision of the paragraphs under the "On-site Facilities Required."

#### **5.31 ACCESS TO FACILITIES TO BE KEPT OPEN**

Whenever any on-site fire protection facilities or access ways have been installed as provided in this division, either pursuant thereto or prior to the effective date hereof, the following provisions shall be applicable:

1. With respect of hydrants located along private access ways where curbs exist, said curbs shall be painted red or otherwise appropriately marked by the owner, lessee or other person in charge of the premises to prohibit parking for a distance of 15 feet in either direction from any such hydrant. In such cases where curbs do not exist, there shall be appropriate markings painted on the pavement, or signs erected, or both, giving notice that parking is prohibited for a distance of 15 feet from any such hydrant. When such areas are signed or marked as provided herein, no person shall park or leave standing a vehicle within 15 feet of any such fire hydrant.
2. No owner or lessee of the land or proprietor, partner, officer, director, manager, or agent of any business or other activity carried on upon the land, shall, after receiving notice thereof, permit or otherwise allow, and no person shall cause any activity, practice, or condition to occur or exist or continue to exist upon said land which shall lessen, obstruct or impair the access required to be maintained under the section "Access for Fire-Fighting Equipment".
3. If in the judgment of the Fire Chief it is necessary to prohibit vehicular parking along private access ways in order to keep them clear and unobstructed, he may require the owner, lessee or other person in charge of the premises to paint the curbs red or install signs or give other appropriate notice to the effect that parking is prohibited by the Fire Department. It shall thereafter be unlawful for such owner, lessee or other person in charge to fail to install and maintain in good condition the form of notice prescribed.
4. When such areas are marked or signed as provided herein, no person shall park or leave standing a vehicle adjacent to any such curb marking or contrary to such sign.

### **5.32 FACILITIES TO BE PROVIDED DURING INITIAL STAGES OF CONSTRUCTION**

When it is deemed that firefighting facilities are required to be installed as required by this section by the developer, such facilities as may be required shall be installed and made serviceable prior to or at the time any combustible construction begins on the land; unless, in the opinion of the Fire Chief, the nature of circumstances of said facilities make it impractical. The Fire Chief or his agent shall determine type of hydrant and/or other water connection as determined under the section "On-Site Facilities Required", Section 5.24.

### **5.33 CRITERIA FOR DETERMINING REGIONAL IMPACT**

The following criteria shall be used to determine whether a proposed subdivision has regional impact:

#### **1. Residential development**

Proposals for lots or dwellings within 1/4 mile of a town boundary that would increase the existing housing stock of the affected towns by more than 25 percent, or proposals located anywhere in town that would increase the existing housing stock by more than 50 percent.

#### **2. Commercial development**

Proposals of 75,00 square feet or greater within 1/4 mile of town boundary, or 150,000 square feet located anywhere in town.

#### **3. Industrial development**

- a. Proposals of 50,000 square feet or greater within 1/4 mile of town boundary, or 125,000 square feet located anywhere in town;
- b. Any industry that deals in hazardous materials or that has the potential for accidents which would require evacuation of a large area.

#### **4. Other factors to be considered:**

- a. Traffic impacts on a regional road network, as well as on a neighboring local road network.
- b. Proximity to ground water, surface water and wetlands which transcend municipal boundaries.
- c. Potential to destroy or disturb a significant or important natural environment or habitat.
- d. Emissions such as light, noise, smoke, odors, or particles.
- e. Necessity for shared public facilities, such as schools, police and fire protection, water or sewage systems, and solid waste disposal.

## **SECTION 6 - ADMINISTRATION AND ENFORCEMENT**

### **6.01 MODIFICATIONS**

The requirements of the foregoing regulations may be modified when, in the opinion of the Board, after public hearing, 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 of these regulations. Notice of such hearing shall be given not less than 15 days prior to the date thereof by publishing in a newspaper of general circulation the date, time and place of the hearing and shall designate the location of the land in question and the nature of the modification being sought. Abutters shall be notified.

## **6.02 INTERPRETATION**

In the matters of interpretation of these regulations the opinion of the Board shall prevail.

## **6.03 ACCEPTANCE OF STREETS AND/OR UTILITIES**

Nothing herein is intended to modify the requirements of law with reference to the acceptance of streets and/or utilities by the Town of Mason. Nothing herein is intended to modify or control the construction, reconstruction, or extension of streets and/or utilities by the Town of Mason or the State.

## **6.04 OTHER REGULATIONS**

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

## **6.05 ENFORCEMENT**

The administration of these regulations shall be by the Board. Enforcement shall be by the Selectmen of the Town of Mason or their duly authorized representative.

## **6.06 PENALTIES**

As provided in RSA 676:16, any owner, or agent of the owner, of any land located within a subdivision, who transfers or sells any land, before a Plat of the said subdivision has been approved by the Planning Board and recorded or filed in the office of the Registry of Deeds shall forfeit and pay a penalty of five hundred dollars (\$500) for each lot or parcel so transferred or sold; and the description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties. The Town, through its solicitor or other official designated by its council, may enjoin such transfer or sale and may recover the said penalty by civil action.

## **6.07 APPEALS**

Any person, aggrieved by an official action of the Board, may appeal therefrom to the Superior Court as provided by RSA 676:4.

## **6.08 REVOCATION OF RECORDED APPROVAL**

1. A subdivision Plat, street Plat, or other approval which has been filed with the appropriate recording official under RSA 674:37 may be revoked under the following circumstances:
  - a. At the request of or by agreement with the applicant or applicant's successor at interest.
  - b. When the applicant or successor in interest to the applicant has performed work, erected a structure, or established a use of land which fails to conform to the statements, plans, or specifications upon which the approval was based, or has materially violated any requirement or condition of such approval.
  - c. When the applicant or successor at interest to the applicant has failed to perform any condition of the approval within a reasonable time specified in the approval.
  - d. When the time periods specified in RSA 674:39 have elapsed without any vesting of rights and the Plat or other approval no longer conforms to applicable ordinances or regulations.
  - e. When the applicant or successor at interest to the applicant has failed to provide for the continuation of adequate security until such time as the work secured thereby has been completed.
2. Prior to recording any revocation, the Planning Board shall give notice to the public, the applicant, or the applicant's successor at interest, and all abutters. The notice shall include the reason for the revocation. A hearing with notice shall be held at the request of any party

receiving such notice, submitted within 30 days of receiving such notice, or if the Planning Board determines to hold a hearing.

3. A declaration of revocation, dated and endorsed in writing the Planning Board shall be filed with the Hillsborough County Registry of Deeds no sooner than 30 days after notification of the applicant or applicant's successor at interest by certified mail, or 30 days after any public hearing.
4. A revocation may be appealed as provided in RSA 677:15. Nothing in this section shall affect the ability of the Town of Mason, before or after such a revocation, to pursue other remedies or penalties.

### **6.09 VALIDITY**

If any section, subsection, 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.

### **6.10 AMENDMENT**

These regulations may be amended or rescinded by the Board, but only following a public hearing on the proposed change. The Secretary of the Board shall transmit a record of any changes so enacted to the Register of Deeds of Hillsborough County.

### **6.11 POWERS**

The Planning Board is given such powers as may be necessary to enable it to fulfill its functions, promote municipal planning, or carry out the purposes hereof, as provided by RSA 674:35.

### **6.12 EFFECTIVE DATE**

The effective date of these regulations shall be 19 October 1974, as amended March 1986, September 1993, June 29, 2005, September 28, 2005, and February 22, 2006.

### Appendix A

**\*\*\*\* Please SIGN AND RETURN this copy to the Mason Planning Board and NRPC as indicated in Step 7 of the Instructions for Subdivision Applicants form\*\*\*\***

Mason Planning Board  
Mann House, Mason, NH 03048

### Application for Subdivision

**Major Subdivision** (3 or more lots created; public hearing—required) **Application Number:** \_\_\_\_\_

**Minor Subdivision** (up to 2 lots created; public hearing required) **Number of proposed lots:** \_\_\_\_\_

**Lot Line Adjustment/Technical Subdivision** (no new lots created) **Registry of Deeds:** \_\_\_\_\_ (office use)

1. Name and Address of Property Owner of Record: \_\_\_\_\_  
\_\_\_\_\_

2. Location of Subdivision: \_\_\_\_\_  
Tax Map and Lot Number: \_\_\_\_\_

3. Land Surveyor's Name and Address: \_\_\_\_\_  
\_\_\_\_\_

4. Septic Engineer's Name and Address: \_\_\_\_\_  
\_\_\_\_\_

A list of required submission items appears on the reverse of this application. Numbers in the second column refer to sections and paragraphs in the Town of Mason Subdivision Regulations (October 19, 1974 with amendments through September 28, 2005 unless otherwise noted).

All notifications directly to individuals/firms/corporations requested by the property owner shall be done in the same manner as required be done for the abutting owners. That is, the property owner shall list them (#2 on the Checklist) and submit the required notification fee for both abutters and additional notifications.

This application must be accompanied by three (3) mailing labels for each name and address on the list. These labels shall not exceed a size of 1" high by 5" wide and the address must be contained within an area of 15/16 of an inch high by 2 3/4 of an inch wide. Labels any larger and the accompanying application will not be accepted. This requirement must be met to conform to U.S. Postal Service requirements.

I, \_\_\_\_\_ hereby give the Mason Planning Board, the Road Agent/Engineer and Representatives of the Planning Board permission to walk the site whose plan is the subject of this application.

\_\_\_\_\_  
Property Owner's Signature Date

**Summary:**

Application Received: \_\_\_\_\_

Application Submission Accepted as Complete: \_\_\_\_\_

Subdivision: \_\_\_\_\_

Approved

Date \_\_\_\_\_

Conditionally Approved

Disapproved  **Conditions shall be met by:** \_\_\_\_\_

**Comments:** \_\_\_\_\_

## Appendix B

Mason Planning Board  
Mann House, Mason, NH 03048

### Instructions for Subdivision Applicants

1. All hearings are in the order in which completed application form and fees (see 2, 3, 4, and 5 below) are received.
2. Deadline for applications: No application shall be heard at any meeting unless it has been received by the Board a minimum of 21 calendar days prior to the meeting. A schedule is posted at the Town Offices and the Town Hall that provides all necessary dates. Contact the Planning Board's agent to be placed on the agenda for a Planning Board meeting.
3. All fees are shown below with the time at which fees are to be paid. Fees are accepted in the form of a check or money order made out to the Town of Mason and/or the Hillsborough County Register of Deeds.

| Fee Name   | Payment Point                | Fee Amount   |              |
|--|------------------------------|--|--------------|
| Preapplication Consultation  |                              | None   |              |
| Basic Application Filing Fee   | With application             | \$100  |              |
| Per Lot Application Filing Fee   | With application             | \$50 per lot, for total number of lots at completion of subdivision. Waived for lot line adjustments.                                |              |
| Abutters/Notification Fee  | With application             | \$5.00 per notification per hearing.   |              |
| Newspaper Notice Fee   | With application             | \$90 per notification per hearing.   |              |
| Tax Map Update Fee   | At approval                  | \$25 per lot, for total number of lots.  |              |
| Registry Filing Fee  | At approval                  | <ul style="list-style-type: none"> <li>◆ 8 1/2 x 11 or 11 x 17 = \$11</li> <li>◆ 17 x 22 = \$16</li> <li>◆ 22 x 34 = \$26</li> </ul> |              |
| Administrative Filing Fee  | At approval                  | \$25   |              |
| Board/Planning Consultants Review Fee  | Prior to action by the Board | See Item 4 below.  |              |
|  |                              |  | <b>TOTAL</b> |
| All Fees are subject to change. Notice of any changes will be posted in the Town Offices and Town Hall. Applicants are responsible for verification with the Mason Planning Board that they have the latest revision of the application form and the latest fee structures. Fees are non-refundable. |                              |  |              |

4. In accordance with Section 3.09.4 of the Mason Subdivision Regulations, all applications will be reviewed by the Board's Planning Consultant. The cost for review will be charged on an hourly basis and will include an hourly fee of \$5.00 for Town administrative costs, and shall be paid to the Town of Mason by the applicant prior to the Planning Board taking action on an application. Upon receipt of an application, the Board's Planning Consultant will issue a notice of receipt and a preliminary cost estimate to the applicant – actual review times and associated fees will vary depending on the complexity of each application. The following hourly estimates are illustrative of typical review times based on the type of application:

|                               |  |
|-------------------------------|--|
| Lot Line Adjustment:          | 2-3 hours  |
| Minor Subdivision:            | 2-3 hours  |
| Major Subdivision (3-5 lots): | 3-6 hours  |
| Major Subdivision (5+ lots):  | To be determined upon receipt of an application. |

5. Three (3) sets of mailing labels for each notice for abutters, the applicant, holders of conservation, preservation, or agricultural preservation restrictions, and every engineer, architect, land surveyor, or soil scientist whose professional seal appears on the plat are required as part of the material submitted with the application. These labels shall not exceed a size of 1” high by 5” wide and the address must be contained within an area of 15/16 of an inch high by 2 ¾ of an inch wide. Labels any larger and the accompanying application will not be accepted. This requirement must be met to conform to U.S. Postal Service requirements.
6. The Board may cancel your hearing if the owner or authorized representative does not appear within 15 minutes of the scheduled start time. The property owner must submit a letter of authorization to the Mason Planning Board for acceptance of a Representative’s signature.
7. The original application form and filing fees should be submitted to the Town of Mason. At the same time, a copy of the application, 7 copies of the plat, and mailing labels should be mailed to the Planning Board’s agent: Nashua Regional Planning Commission, 9 Executive Park Drive, Suite 201, Merrimack, NH 03054-4058. For questions please call (603) 424-2240.

|   |                 |
|---|-----------------|
| I have read and retained a copy of these instructions.    |                 |
| _____   |                 |
| Property Owner’s (or Authorized Representative) Signature |                 |
| Property Owner’s Telephone Number:                        | ( _____ ) _____ |

## SUBDIVISION CHECKLIST

\*\*\*\*\* TO BE FILLED IN BY THE PLANNING BOARD \*\*\*\*\*  
(For the information of the Property Owner)

### APPLICATION PROCEDURAL REQUIREMENTS

| <u>PLAT INFORMATION</u>   |                        | YES | NO |
|---|------------------------|-----|----|
| 1. Name of town and subdivision; name and address of subdivider & designer.   | 4.03.3.a.i             |     |    |
| 2. Name, seal and signature of person(s) who prepared the plat.   | 4.03.3.a.ii            |     |    |
| 3. Block for Planning Board endorsement.  | 4.03.1                 |     |    |
| 4. Perimeter survey with line bearings and distances, statement of the precision (1:5,000).   | 4.03.3.a.iv            |     |    |
| 5. Location and amount of frontage, including frontage at points of curvature and total frontage.   | 4.03.3.a.iv            |     |    |
| 6. Location of building setback lines.  | 4.03.3.a.iv            |     |    |
| 7. North point, bar scale, dates of any revisions, and legend.  | 4.03.3.a.v             |     |    |
| 8. A Locus Plan at 1" = 400'.   | 4.03.3.a.vi            |     |    |
| 9. Existing and proposed lot lines, angles and dimensions, lot sizes in square feet and acres, consecutive numbering of lots, pins at lot corners, as per 5.08, 8).   | 4.03.3.a.vii           |     |    |
| 10. Boundaries of areas in Current use.   | 4.03.3.a.viii          |     |    |
| 11. Names and addresses of abutting property owners within 100 feet of the parcel.  | 4.03.3.a.ix            |     |    |
| 12. Use of abutting properties and approximate location of structures thereon and access points thereto within 200 feet of the parcel's boundaries.   | 4.03.3.a.x             |     |    |
| 13. Location of existing and proposed easements or deed restrictions.   | 4.03.3.a.xxi           |     |    |
| 14. Written acknowledgement of subdivider's responsibility for maintenance of easement areas, assumption of liability for injuries and damages that may occur on any land dedicated for public use.   | 4.03.3.a.iii           |     |    |
| <b>ROADS/OTHER FEATURES</b>   |                        | yes | no |
| 15. Names and locations of all public roads on the parcel and within 200 feet of the parcel, including the name, class, right of way dimensions and travel surfaces, and all entrances onto, and culvert crossings.                             | 4.03.3.a.xviii         |     |    |
| 16. Existing and proposed street right-of-way lines, dimensions of tangents, chords and radii, accurate locations of all monuments to be set at street intersections, points of curvature and tangency of curved streets and at angles of lots. | 4.03.3.a.xix<br>5.08.8 |     |    |
| 17. Location of proposed driveway connection to street for each lot.  | 4.03.3.a.xx            |     |    |
| 18. Topography at two-foot intervals, except where terrain is in excess of 5% slope, in which case five-foot intervals are permissible.   | 4.03.3.a.xi            |     |    |
| 19. Location of all watercourses (including intermittent drainageways), waterbodies and wetlands, existing drainage including all culverts, the location of any adjacent wetlands, and the 100-year flood elevation line.                       | 4.03.3.a.xii           |     |    |
| 20. All significant natural and man-made features.  | 4.03.3.a.xxii          |     |    |
| <b>WATER SUPPLY/SEWAGE DISPOSAL</b>   |                        | yes | no |
| 21. Soils data from the USDA Soils Conservation Service certified soils survey for Hillsborough County.   | 5.07                   |     |    |

|  |                |     |    |
|--|----------------|-----|----|
| 22. Septic setback lines derived from soil mapping.  | 5.07.D.6.a-c.  |     |    |
| 23. Test Pits and Percolation Tests with results (including failed tests) logged, dated and recorded on the plat.  | 5.07. B, 5-9   |     |    |
| 24. Location of all existing and proposed water supply and waste disposal facilities, showing the state-required 4,000 square-foot leach field, and the 75-foot well radius on the parcel.   | 4.03.3.a.xv    |     |    |
| 25. Approximate location of all existing offsite water supply and waste disposal facilities on adjacent parcels within 100 feet of the site boundary.  | 4.03.3.a.xvi   |     |    |
| <b>OTHER INFORMATION</b>   |                | yes | no |
| 26. Subdivision Grading and Drainage Plan.   | 4.03.3.c       |     |    |
| 27. Subdivision Street and Utility Plan.   | 4.03.3.d       |     |    |
| 28. Sediment and Erosion Control Plan.   | 4.03.3.e       |     |    |
| 29. "As-Built" Plans.  | 4.03.3.f       |     |    |
| 30. Flood Hazard Area Plans.   | 4.03.3.g       |     |    |
| 31. Copies of any local, state or federal permits.   | 4.03.3.h       |     |    |
| 32. Compliance with other applicable local, state, or federal regulations.   | 4.03.3.a.xvii  |     |    |
| 33. Statement attesting to the availability of public water or sewer or capacity of parcel to provide onsite water and waste disposal.   | 4.03.3.a.xviii |     |    |
| 34. Legal Data, as required (e.g. easements).  | 4.04           |     |    |
| 35. Impact Study.  |                |     |    |
| 36. Wetland Review by Mason Conservation Commission, if required by the Planning Board.  |                |     |    |
| 37. Review by Fire Chief, Road Agent, Police Chief (for all Major Subdivisions), and for Minor Subdivisions as required by the Planning Board.   |                |     |    |
| 38. Compliance with Zoning Regulations:  |                |     |    |
| ♦ Lot size, frontage, building setback lines, septic setback lines, wetland requirements.  |                |     |    |
| 39. Compliance with Subdivision Design and Standards   | 5.01 – 5.32    |     |    |
| a. Lot width must be at least 90% of the frontage through to the building site   |                |     |    |
| b. Driveways should not require excessive wetland or environmental modification and shall not exceed 15% slope.  |                |     |    |
| 40. Open Space as required.  | 5.19 – 5.21    |     |    |
| <b>APPLICATION SUBMISSION ITEMS</b>  |                | yes | no |
| 41. Application Form (this form)   | 3.05.1.a       |     |    |
| 42. Notification List, including:  | 3.05.1.a.i     |     |    |
| ♦ Applicant and all abutters   |                |     |    |
| ♦ Person(s) whose seal appears on the plat (e.g. engineer, architect, land surveyor, soil scientist)   |                |     |    |
| ♦ All holders of conservation, preservation, or agricultural preservation restrictions   |                |     |    |
| 43. Check to cover filing, mailing, advertising fees   | 3.05.a.ii      |     |    |
| 44. Letter of authorization by property owner, if applicable.  | 3.05.1.c       |     |    |
| 45. One mylar and six (6) paper copies of each page of the Plat sized in accordance with the Registry of Deeds, but not smaller than 20" x 30". Maps at a scale no more than 100 feet per inch.  | 4.03.1         |     |    |
| 46. Plat shall state: "The Subdivision Regulations of the Town of Mason are a part of this Plat, and approval of this Plat is contingent on completion of all the requirements of said Subdivision Regulations, excepting only any variances or modifications made in writing by the Board and attached hereto." | 4.03.2         |     |    |

## APPENDIX D

### SHARED RESIDENTIAL DRIVEWAY EASEMENT

**AND COVENANTS**

WHEREAS, \_\_\_\_\_, of \_\_\_\_\_, \_\_\_\_\_,  
(Applicant) (Street Address) (Town)  
\_\_\_\_\_, \_\_\_\_\_ is the owner in fee simple of certain parcels of land shown as Lot  
(County) (State)  
\_\_\_\_\_ located on \_\_\_\_\_, Mason, Hillsborough County, New Hampshire, as  
(Number) (Road)  
shown on a plan entitled “ \_\_\_\_\_

\_\_\_\_\_”  
(Plan Title) (Engineering Firm)  
\_\_\_\_\_, \_\_\_\_\_ consisting of \_\_\_\_\_  
(Engineer’s Street Address) (City, State, & Zip Code) (Number)  
sheets (the “Plan”), to be recorded herewith, to which plan reference may be had for a  
more particular description of as Lot(s) \_\_\_\_\_.  
(Number)

WHEREAS the pursuant to Town of Mason, Hillsborough County, New  
Hampshire, Planning Board approval \_\_\_\_\_ desires that Lot(s) \_\_\_\_\_ be  
(Applicant) (Number)  
solely serviced by a shared residential driveway which will be built on those areas of  
Lot \_\_\_\_\_ as shown on page \_\_\_\_\_ of the above referenced plan entitled  
(Number) (Number)  
Proposed Shared Driveway within that area shown as “Easement Detail” on page  
\_\_\_\_\_ of said plan.  
(Number)

NOW THEREFORE, the said \_\_\_\_\_, for himself, his successors and  
(Applicant)  
assigns, does hereby reserve over the portion of Lot \_\_\_\_\_ shown on the above  
(Number)  
reference plan as “Proposed Access Easement to Benefit Lot \_\_\_\_\_” a perpetual  
(Number)  
non-exclusive access easement for the benefit of Lot \_\_\_\_\_ and Lot \_\_\_\_\_  
(Number) (Number)  
subject to and together with the benefit of the following Shared Driveway Easement and  
Covenants, which \_\_\_\_\_, his successors and assigns do hereby impose in  
(Applicant)  
perpetuity over across and under those portions of Lot \_\_\_\_\_ as shown on the above  
(Number)  
referenced plans as Proposed Shared Driveway.

Said shared Residential Driveway Easement area is to be used for a shared

Residential Driveway for the benefit of Lot \_\_\_\_\_ and \_\_\_\_\_ as shown on the  
(Number) (Number)  
above referenced plan, for the purposes of passing and re-passing on foot, by vehicle or  
otherwise as driveways are commonly used in the Town of Mason, New Hampshire, for  
the installation of utility lines on, over, underneath, or adjacent to the gravel driveway area,  
if any and for all other purposes for which driveways are commonly used. The Town of  
Mason, New Hampshire, shall have no responsibility to provide for the maintenance of this  
shared residential driveway. Said easements shall include the right of the owners of Lot  
\_\_\_\_\_ and \_\_\_\_\_ and their agents and assigns to enter upon the easement area for  
(Number) (Number)  
the purpose of installing, maintaining, repairing, or replacing a driveway, drainage  
facilities and utilities for the benefit of Lot \_\_\_\_\_ and \_\_\_\_\_. No further access  
(Number) (Number)  
from \_\_\_\_\_ shall be allowed without the express permission of the Town  
(Road)  
of Mason, Hillsborough County, New Hampshire.

Also imposed on said Lot \_\_\_\_\_ and \_\_\_\_\_ is the perpetual right to flow  
(Number) (Number)  
surface drainage water from said common driveway onto said Lots, which flowage may  
not be stopped or blocked by the owners of said Lots so as to cause a back-up of water on  
said shared residential driveway. The owners of the Lot \_\_\_\_\_ and \_\_\_\_\_ shall  
(Number) (Number)  
not impede the passage of foot or vehicle traffic on said driveway.

The following Covenants are declared for the purpose of providing a means for  
the continuous year-round maintenance of the portions of the shared residential driveway  
shown on the above referenced plan as Proposed Shared Driveway as to provide year  
round access for foot and motorized traffic for the convenience of the owners of said Lot  
\_\_\_\_\_ and \_\_\_\_\_ and to provide access for all emergency fire, rescue, police,  
(Number) (Number)  
construction and maintenance vehicles, and vehicles driven by guests and business  
invitees:

1. The driveway shown on the above referenced plan as Proposed Shared Driveway shall

be gravel and the driveway and all appurtenant structures shall be maintained in such a manner as to insure continuous year round access.

2. Brush and foliage which might obstruct vision shall be removed and cleared regularly.

3. Snow shall be removed in such a manner as to insure continuous year round access; and

4. The owners of Lot \_\_\_\_\_ and \_\_\_\_\_ shall bear the joint responsibility and an equal share of the expense of maintenance, repairs, reconstruction and snow plowing of those portions of the shared residential driveway shown on the above referenced plan as Proposed Shared Driveway in order to maintain it in a good and passable condition. If successors or assigns, shall fail or refuse at any time to wear such responsibility and make payment, and such failure or refusal shall continue for thirty (30) days after written notice has been mailed to such owners demanding payment, then the other Lot owners shall have the right forthwith to bring suit at law or in equity against the non paying owner for enforcement and reimbursement. Any owner who shall file suit to enforce these covenants shall also be entitled to court costs and reasonable attorney's fees.

5. The owners of Lot \_\_\_\_\_ and \_\_\_\_\_ shall meet semi annually in the Spring and Fall to arrange for the maintenance of the shared residential driveway and may establish reasonable rules for the enforcement of this shared Residential Driveway Declaration.

6. All conveyances of Lot \_\_\_\_\_ and \_\_\_\_\_ shall make reference to and be subject to this Declaration of Shared Driveway Easement and Covenant.

For title of \_\_\_\_\_, see deed dated \_\_\_\_\_ recorded with Hillsborough County Registry of Deeds at Book \_\_\_\_\_, Page \_\_\_\_\_.

WITNESS my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
(Applicant's Name)

\_\_\_\_\_  
(The State in which the Permit was notarized)

\_\_\_\_\_, SS.  
(County)

\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
(Day) (Month) (Year)

Then personally appeared the above named \_\_\_\_\_, and acknowledged the  
(Applicant)  
forgoing instrument to be his free act and deed before, me

\_\_\_\_\_  
(Notary Public) -

Notary Public

My Commission Expires: \_\_\_\_\_  
(Expiration Date)

APPENDIX E



Mason Fire - Ems Department  
101 Depot Road  
Mason, NH 03048



David P. Cook  
Fire Chief

Emergency - 911  
Dispatch - 1-800-562-8201

