

CONWAY PLANNING BOARD

MINUTES

NOVEMBER 12, 2009

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CONWAY PLANNING BOARD

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NOVEMBER 12, 2009

A meeting of the Conway Planning Board was held on Thursday, November 12, 2009 beginning at 7:02 pm at the Conway Town Office in Center Conway, NH. Those present were: Chair, Steven Porter; Selectmen's Representative, Robert Drinkhall; Vice Chair, Martha Tobin; Secretary, Patricia Sell; Ted Sares; Steven Hartmann; Planning Director, Thomas Irving; and Recording Secretary, Holly Meserve.

REVIEW AND ACCEPTANCE OF MINUTES

Mr. Sares made a motion, seconded by Ms. Sell, to approve the Minutes of October 22, 2009 as written. Motion unanimously carried.

COVERED BRIDGE REALTY TRUST (PID 265-127) – FULL SITE PLAN REVIEW (FILE #FR09-05)

Roger Williams appeared before the Board. This is an application to convert a 500 square foot residential garage to commercial office space. **Mr. Drinkhall made a motion, seconded by Ms. Tobin, to accept the application of Covered Bridge Realty Trust for a Full Site Plan Review as complete. Motion unanimously carried.**

Mr. Williams reviewed the project. Ms. Sell asked if Mr. Williams foresees any problems with the drainage. Mr. Williams answered in the negative and stated that the grades are not changing. Ms. Sell asked if there is adequate parking. Mr. Williams answered in the affirmative. Mr. Hartmann asked if the garage was recently rebuilt. Mr. Williams stated that there are new windows and siding, but the construction is old. Mr. Hartmann asked the use of the space and asked if it was a Real Estate Office. Mr. Williams stated it is similar to a Real Estate Office and there are four employees at the most.

Ms. Sell asked about the granite curbing waiver. Mr. Irving stated there is a sidewalk along that side of the street already. Mr. Porter read the waivers for §123-20.F/§131-67.C.8.a; §123-20.I; §123-27; and §123-29.D.8. **Mr. Drinkhall made a motion, seconded by Mr. Sares, to grant the waivers for 123-20.F/§131-67.C.8.a; §123-20.I; §123-27; and §123-29.D.8. Motion unanimously carried.** Mr. Porter asked for public comment; there was none.

Mr. Sares made a motion, seconded by Mr. Drinkhall, to approve the Full Site Plan for Covered Bridge Realty Trust conditionally upon NHDOT Driveway Permit and indicate approval number on plan; submit a Mylar; a performance guarantee for all site improvements; when the conditions have been met, the plans can be signed out-of-session; and this conditional approval will expire on February 11, 2010. Motion unanimously carried.

**ESTATE OF SANDRA ASHNAULT (PID 218-315) – CONCURRENT FULL SITE PLAN
AND SUBDIVISION REVIEW (FILE #FR09-06 & #S09-10)**

Diane Smith of Thaddeus Thorne Surveys appeared before the Board. This is an application to subdivide 1.95 acres into two-lots and a 4-unit subdivision with infrastructure modifications. **Mr. Drinkhall made a motion, seconded by Ms. Sell, to accept the application of the Estate of Sandra Ashnault for a Concurrent Site Plan and Subdivision Review as complete. Motion unanimously carried.**

Ms. Smith stated that the existing house has three units presently and it has an approval for a fourth unit, which was not constructed and neither was the parking infrastructure. Ms. Smith stated that the property owner would like to subdivide the lot into two lots and construct the fourth unit.

Ms. Smith stated there is an existing driveway that was used to access barns that were once located on the proposed lot. Ms. Smith stated there is an easement for the sewer to the new lot over the lot with the three-unit building. Ms. Tobin asked if there would be three units or four units on lot 1. Ms. Smith stated there will be four units on lot 1. Mr. Sares stated that this doesn't enhance anything. Ms. Smith stated there is a defined hill and will lend itself to a pretty site.

Ms. Sell asked about the waiver for the 35 units on a dead end road. Mr. Irving stated that this would be adding another lot and a fourth unit to a dead end road. Mr. Irving stated that this particular road has 200 units and the Planning Board did grant a waiver for a 29-lot subdivision off Thompson Road. Mr. Sares stated that it is very dense, but one more is not going to make a difference. Mr. Porter asked for public comment; there was none.

Mr. Irving suggested continuing the public hearing to allow the applicant time to resolve some engineering issues. **Ms. Tobin made a motion, seconded by Ms. Sell, to continue the Concurrent Full Site Plan and Subdivision for the Estate of Sandra Ashnault until December 10, 2009. Motion unanimously carried.**

OTHER BUSINESS

Kurt and Karen Youland/Shawn Bergeron (PID 268-162.1) – §123-4.A.5 (File #NA09-18):

Shawn Bergeron of Bergeron Technical Services appeared before the Board. Mr. Bergeron stated on behalf of the property owners he applied for a zoning permit for an owner occupied tourist home and it was approved. Mr. Bergeron stated that Mr. Irving in his letter refers to a Bed & Breakfast and this is an owner-occupied tourist house. Mr. Bergeron stated he is asking for relief from site plan review and he believes §123-4.A.4 also applies. Mr. Bergeron stated that they meet all five criteria's. Mr. Bergeron stated that they are not required to apply for site plan review.

Mr. Sares asked if this was a commercial enterprise. Mr. Bergeron answered in the negative and stated the zoning ordinance is very specific, there is a limit of the number of rooms for an owner occupied tourist room. Mr. Sares stated whether it is a Bed & Breakfast or a tourist home there

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is an impact on the abutters and the only way for them to be notified is through the site plan review process. Mr. Sares stated there is going to be added parking and this is going to be a commercial resident. Mr. Sares stated he doesn't see it as a problem, but he doesn't know if the abutters are going to be okay with this. Mr. Sares asked Mr. Bergeron if he was saying that a Bed & Breakfast is different from a tourist home. Mr. Bergeron answered in the affirmative.

Mr. Sares stated he is speaking for the abutters as the only avenue to see how the abutters feel is through site plan. Mr. Bergeron stated that the ordinance does not specifically require site plan review and there are already similar uses in the area. Mr. Bergeron stated there are four bedrooms in the house and four bedrooms will remain in the house.

Ms. Sell stated the property whether labeled a tourist home or a Bed & Breakfast is in a residential district. Ms. Sell stated that she believes the abutters are allowed their due process. Mr. Bergeron stated we are interpreting the ordinance as written. Mr. Bergeron reviewed the standards and the literal interpretation of the ordinance. Mr. Bergeron stated that this would be similar to the Be Free Bed & Breakfast across the street from the Town Office.

Mr. Irving stated the key here is whether the Board deems this to be a small undertaking. Mr. Irving stated if the Board does not consider this to be a small undertaking then the application of that standard is not appropriate. Mr. Irving stated the Board can then look to see if this is insignificant to the rest of the development.

Mr. Drinkhall stated he thought a Bed & Breakfast in the Residential Agricultural District was limited to four double occupancies. Mr. Irving stated there are provisions for tourist homes/rooming houses, which are typically called Bed & Breakfast, which are limited to four units with no more than eight persons and owner occupied. Mr. Drinkhall stated that he lives next to a property that changed to a Bed & Breakfast and it has impacted the area.

Mr. Irving stated an owner occupied lodging home/rooming house is a form of Bed & Breakfast and that is what they applied for. Mr. Irving stated that it is still a commercial enterprise that requires a site plan review. Mr. Bergeron stated that he believes they are eligible for relief from the not applicable site plan standards. Ms. Tobin stated that she does not see this as an insignificant change [#5]. Mr. Bergeron stated there are two methods of relief, §123-4.A.4 and §123-4.A.5; they don't have to meet both methods, just one.

Mr. Sares made a motion, seconded by Mr. Drinkhall, that this is a small undertaking that is eligible for a not applicable finding under the provisions of 123-4.A.4. Mr. Sares stated the issue is whether it is small or not small, you have to look at the past to see how we have ruled. Mr. Sares stated that this is similar to the former Lavender Inn [now Be Free Bed & Breakfast]. Mr. Irving stated that the Be Free Bed & Breakfast is in a commercial district and had been a Bed & Breakfast prior to converting to a multi-family property. Mr. Irving stated when they wanted to convert it back to a Bed & Breakfast it did come to this Board and the Board voted that it was insignificant under §123-4.A.5; this is a different situation. Mr. Bergeron stated that this property meets all the requirements and is a better situation. **Motion defeated Ms. Sell, Ms. Tobin, Mr. Hartman, Mr. Drinkhall and Mr. Porter voting in the negative and Mr. Sares voting in the affirmative.**

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Mr. Irving stated that the only other not applicable clause would be §123-4.A.5. Ms. Sell stated that the change of use should be subject to site plan review. **Mr. Drinkhall made a motion, seconded by Mr. Sares, that we find this insignificant.** Mr. Hartmann stated he would be more comfortable if the abutters were notified and believe we are here to protect the community as well. Mr. Bergeron stated in regard to due process we are all required to apply standards that are written and not what you feel and they meet the standards. Mr. Hartmann stated he does not believe this is a small undertaking. **Motion defeated Ms. Sell, Ms. Tobin, Mr. Hartman, Mr. Drinkhall and Mr. Porter voting in the negative and Mr. Sares voting in the affirmative.** Mr. Irving stated since no non residential use exists this would require a full site plan review.

Hugh Hastings/Hale Estates (PID 250-32, 57, 71 & 100/263-62) – Amendment to conditional approval (File #S09-06): Hugh Hastings appeared before the Board. Thomas Fadden was in attendance. Mr. Irving stated last summer the Board conditionally approved the Hale Estates subdivision. Mr. Irving stated that the improvements or modifications included completing and rerouting one of the roads as well as the drainage detention ponds and relocating two sections of Holly Ridge Lane that were not constructed within the right-of-way. Mr. Irving stated that the applicant is requesting that the Planning Board allow commencing construction without providing surety.

Mr. Drinkhall made a motion, seconded by Ms. Sell, to deny the request. Mr. Sares asked what the implications of not having a bond are. Mr. Irving stated there would be no protection for the Town or the abutting property owners should the development fail. Mr. Porter asked for public comment; Chris Matte stated that he would hope the Planning Board would consider the history of this subdivision as there wasn't proper bonding held with the previous developer. Mr. Matte stated that the Board should require the maximum to be held.

Mr. Hastings stated that he has been working with the Town to fulfill the requirements that we had at the auction and it has taken him two and half years. Mr. Hastings stated that the engineering is done, there has been work on detention ponds, wetland crossings, erosion control, water quality and quantity, a new transformer by the pump house, surveying for the lots and the road, and the water system has had a separate engineer.

Mr. Hastings stated that he owns the land free and clear; no mortgage, but he has been trying for two months to obtain a bond with no success. Mr. Hastings stated Mr. Fadden has been working on a bond and he has not been successful. Mr. Hastings stated that he doesn't have cash, but he would like to rough in the road this season so maybe next spring they could start laying pipe. Mr. Hastings stated that he has tried to do everything the Town of Conway wanted and he would like to get started.

Mike Monroe of 57 Holly Ridge Lane stated that this is one of the roads that is supposedly not acceptable to the Town and needs to be rearranged. Mr. Monroe stated yesterday the detention ponds changed the character of the neighborhood. Mr. Monroe stated that Mr. Matte has lost substantial value as they cut to his property line. Mr. Monroe stated that they have cut the detention ponds in other parts of the neighborhood and believe they have started the road construction without any of this being communicated to the community. Mr. Monroe stated the Board should not waive the bond.

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Mr. Irving stated that the activities taken place to date are not pursuant to the Planning Board's approval. Mr. Irving stated that final approval has not been granted nor has there been a preconstruction meeting. Mr. Irving stated that everything going on is under a State Intent-to-Cut permit, which is different, but happens to be on the same land. Mr. Irving stated there is no Town approval for any construction of the roads or detention ponds.

Ed Stevens at 174 Holly Ridge Lane stated that he hopes Mr. Hastings is successful. Mr. Stevens stated that the development of the remainder of this subdivision would be to our advantage, but their first obligation is to our property owners. Mr. Stevens stated there has been much damage done by the previous developer and they don't want the same good intentions. Mr. Porter closed public comment. **Motion unanimously carried.**

Mr. Drinkhall made a motion, seconded by Ms. Sell, to extend the expiration date from December 10, 2009 to March 25, 2010. Motion unanimously carried.

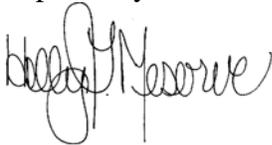
§123 – Site Plan Review Regulations and §131 – Subdivision Review Regulations – Proposed Amendments - Schedule Public Hearing: Mr. Sares made a motion, seconded by Ms. Sell, to hold a public hearing on December 10, 2009 on the proposed amendments to §123, Site Plan Review Regulations and §131, Subdivision Review Regulations. Motion unanimously carried.

2010 Planning Board Dates: Mr. Irving asked if the Board would approve the 2010 Planning Board dates. Ms. Tobin made a motion, seconded by Mr. Drinkhall, to accept the proposed Planning Board calendar for 2010. Motion unanimously carried.

Committee Reports: Mr. Drinkhall stated there was a Garage Committee meeting and they came up with a price for a basic garage. Mr. Drinkhall stated that the next meeting is December 3, 2009 at 4:00 pm and they will review line by line the rest of the project.

Meeting adjourned at 8:30 pm.

Respectfully Submitted,



Holly L. Meserve
Planning Assistant

123-8. Fees. In accordance with RSA 676:4,I(g) and RSA 674:44,V, the applicant shall pay the following fees to compensate the Town for its expenses in processing, noticing and reviewing each application:

- A. An application for a Minor Site Plan Review shall not be considered complete unless it includes a filing fee of one hundred and seventy-five dollars (\$175).
- B. An application for a Full Site Plan Review shall not be considered complete unless it includes a filing fee of two hundred dollars (\$200) and thirty dollars (\$30) per new motel/hotel/transient room/suite and multi-family dwelling unit and/or \$0.06 per gross square foot of any other new non-residential floor space. The applicant shall also submit a recording fee of thirty dollars (\$30) per plan sheet to be recorded and fifteen dollars (\$15) for each 8.5” by 11” page to be recorded.
- C. All costs of notices, whether mailed, posted or published, shall be paid in advance by the applicant. Failure to pay costs shall constitute valid grounds for the Board to terminate further consideration and to disapprove the application without a public hearing. The notice cost shall be five dollars (\$5) per abutter (or any other party notified) and thirty dollars (\$30) for the published notice.
- D. A tax Map amendment fee of fifty dollars (\$50) shall be assessed for each plan sheet to be used to amend the Town’s Tax Maps. Said fee to be paid by the applicant prior to final approval.
- E. Applications that require an engineering review shall be assessed a fee of forty dollars (\$40) per hour. Said fee to be paid by the applicant prior to final approval. In the event that the Town Engineer is not available to review an application, said review shall be performed in accordance with §123-8.F.
- F. The Board may require special investigative studies, environmental assessments, a legal review of documents, administrative expenses and other matters necessary to make an informed decision. The cost of such studies and investigations shall be paid by the applicant prior to final approval or disapproval. The applicant shall submit funds based on the estimated costs to the Town prior to the Town procuring such studies and investigations. The individual or company engaged shall work for, and report directly to the Town. The individual or company chosen shall be agreeable to both the Town and applicant.
- G. When a completed application is submitted to the Town it will be reviewed by Planning Department Staff. Comments will be made in writing and forwarded to the applicant. If the plans are re-submitted by the applicant without addressing the original comments and requests or if design does not conform to the Town’s adopted standards the applicant will be charged an additional fee of thirty-five dollars (\$35) per hour. Said fee to be paid by the applicant prior to final approval.
- H. A plan digitization fee of twenty dollars (\$20) for the first sheet and two dollars (\$2) for each additional sheet in the plan set shall be assessed to facilitate digitizing the final approved plans.

- I. A twenty-five dollar (\$25) Land and Community Heritage Program (LCHIP) Surcharge Fee shall be assessed for any plans to be recorded. This fee shall be submitted in the form of a check payable to the Carroll County Registry of Deeds.

123-9. Submission of Application Materials. All materials to be submitted to the Planning Board for consideration shall be submitted prior to the meeting so that staff, Board members and abutters may have sufficient opportunity to review the application without unnecessarily delaying the proceeding of the meeting. The following shall apply:

- A. Application Acceptance. In accordance with RSA 676:4,I(b), all materials required to constitute a Complete Application shall be submitted to the Town at least twenty-two (22) days prior to the meeting at which it will be considered for Application Acceptance.
- B. Other Public Hearings. New materials shall be submitted to the Town at least twenty-two (22) days prior to a meeting when a new public notice is required.
- C. Continued Meetings. When consideration of an application is continued and new information is required, the Board shall specify the deadline for filing this new information. In no case shall it be less than ten (10) days prior to the meeting. The deadline shall be stated in the motion to continue.

123-10. Application to Other Governmental Units. The Planning Board shall not grant a final approval to an application until all other government permits and approvals are obtained. The only exception to this requirement shall be when State or Federal permits require prior local approval. All applicants are advised to apply early for these other approvals to avoid unnecessary delays in obtaining Town final approval. (Note: Applicants unfamiliar with the Town of Conway should be aware that there are eight independent and sometimes overlapping municipal precincts within the Town, and that each may require permits or approvals for matters such as fire safety and water/sewer service.)

123-11. Public Notice. Public notice pursuant to RSA 676:4, I (d) shall be required for Site Plan Reviews. The Public Notice shall identify the property owner, the location, and a general description of the proposal.

- A. Public notice shall be required for the following:
 - 1. design review meetings;
 - 2. meetings at which an application is considered for acceptance; and
 - 3. meetings at which a public hearing is conducted.
- B. Public notice shall be mailed to the applicant, holders of conservation, preservation or agricultural preservation restrictions, the applicant's authorized representative, and each abutter at least 10 days prior to the meeting for which the notice is required. Such notification shall be mailed by certified mail.

SUBDIVISION OF LAND**ARTICLE I
GENERAL PROVISIONS****131-1. Legislative Authority.**

Pursuant to the authority vested in the Conway Planning Board by the voters of the Town of Conway and in accordance with the provisions of New Hampshire Revised Statutes Annotated (RSA) Chapters 672-677, and subsequent amendments, and the Condominium Act of 1977 (RSA 356-B), the Planning Board adopts the following regulations governing the subdivision of land in the Town of Conway, New Hampshire.

131-2. Purpose.

The purpose of these regulations shall be to promote the development of an economically sound and stable community by protecting property values, the natural beauty and environment which provides the primary basis for the town's tourist economy and the unique character of the area and residents; by encouraging subdivision that is in harmony, visually and aesthetically, with rural living and a recreational economy based on our natural resources; by preventing such scattered or premature subdivision of land as would involve danger or injury to health, safety or prosperity by reason of the lack of water supply, drainage, sewage disposal, transportation or other public services or necessitate excessive expenditure of public funds for the supply of such services; to assure the adequate provision of safe and convenient traffic access and circulation, both vehicular and pedestrian, through proper arrangement and coordination of streets and ways within a subdivision in relation to other planned streets; to promote the amenities of the town through the provisions for parks, playgrounds and other recreation areas, preservation of trees and natural or historic features; and secure equitable handling of all subdivision plans by providing uniform procedures and standards for observance, both of the subdivider and the Planning Board.

131-3. Definitions. [Amended 8/86, 5/89, 6/94, 5/98, 1/02, 08/04]

As used in this chapter, the following terms shall have the meanings indicated:

AASHTO -- American Association of State Highways and Transportation Officials.

AGGREGATE BASE - The layer of crushed gravel immediately below the pavement and above the aggregate subbase.

AGGREGATE SUBBASE – The layer of gravel immediately below the aggregate base and above subgrade.

ABUTTER -- Any person whose property is located in New Hampshire or Maine and adjoins or is directly across the street or stream from the land under consideration by the Planning Board. For purposes of receiving testimony only, and not for the 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 the purposes of receipt of notification, in the case of an abutting property being under a condominium or other collective form of ownership, the term abutter means the officers of the collective or association, as defined in RSA 356-B:3, XXIII.

ACCESS ROAD -- A private road or private roads for a subdivision, which provide ingress and egress for owners of lots or dwelling units in a subdivision to a public road. A network of private roads merging or interconnected so as to permit only one (1) entry to a public road shall be construed as one (1) access road.

APPROVAL -- Recognition by the Planning Board, certified by written endorsement on the plat, that the final plat submission meets the requirements of these regulations and all other applicable ordinances and regulations.

APPROVAL, CONDITIONAL -- An expression by the Planning Board that the preliminary layout appears to satisfy all requirements established herein for the preliminary layout submission phase. "Conditional approval" does not constitute, nor should it be construed as, approval, either implied or granted, of the final plat; nor does it bind the Planning Board to approval of the final plat; nor does it allow for the issuance of any municipal building permit; nor does it allow for any commencement of construction or development.

Arterial Roads - Major roads carrying traffic from collector and local roads and providing a means of travel from one part of Town to another.

~~**AVERAGE DAILY TRAFFIC** — The number contained in the 1987 ITE manual based on development type or, if the 1987 ITE manual does not address specific land use or if the sample size is less than two (2), the "average daily traffic" shall be based on local traffic counts of similar uses.~~

Average Daily Traffic - An estimate of the daily volume of traffic utilizing a street. The value shall be determined by the Institute of Transportation Engineers (ITE) and will be no less than 8 trips per household in residential areas.

BOARD -- The Planning Board of the Town of Conway, New Hampshire.

BOUNDARY (LOT) LINE ADJUSTMENTS – The exchange of abutting land among two or more owners, which does not increase the number of owners or the number of lots and does not create a nonconforming lot or add to the degree of non-conformity of existing lots.

BUILDING -- Any combination of any materials, whether portable, movable or fixed, having a roof and enclosed within exterior walls built to form a structure.

Build Out - Is intended to mean that point in time when all approved lots and/or units along a street have been completed and occupied.

Collector Road - Roads which service a number of local roads and/ or convey traffic to/ from arterial roads.

Common Fill - Earth material from either on-site or off-site that is free from frozen material, foreign debris, clay pockets, peat, organic matter, perishable rubbish and other deleterious materials. Material shall contain no rocks larger than half the compacted thickness of each lift, with a maximum rock of six inches, remove rocks as required.

Crown - The elevation of a road surface at its center above its elevation at its edges. high point in the road cross-section, typically at the center of the road unless superelevated.

Curb - The granite edging of a sidewalk or paved street.

Curb Radius - That radius which pavement must obtain when a street flares into an intersection.

Dead End Street - A minor street with entrance and exit at the same end. Such streets have a cul-de-sac at the end of the street. Dead end streets are a type of local street.

Drainage - All drainage systems, catch basins, drains, ditches, culverts, pipes, mains and other similar structures.

Driveway - An area located on a lot, tract or parcel of land and built for access to a garage or off-street parking space, serving not more than two single-family dwellings. Driveways may be allowed for access to parking lots to serve multifamily buildings and such driveways shall meet commercial standards and may be a maximum of two hundred feet in length.

DWELLING -- A building containing a dwelling unit or dwelling units.

DWELLING UNIT -- One (1) or more rooms arranged for the use of one (1) or more individuals living as a single housekeeping unit, with cooking, living, sanitary and sleeping facilities.

~~**EASEMENT** -- The land area created through authorization by a property owner for the use of another and for a specified purpose of any designated portion of his property.~~

EASEMENT - That land area created through authorization by a property owner for the use by another and for a specified purpose of any designated portion of his property.

EMBANKMENT – Generally common fill between the grubbed ground surface and subgrade.

ENGINEER -- The Town Engineer, consultant or advisor, duly designated by the Planning Board, the Board of Selectmen or their appointed agent.

FINAL PLAT -- The final drawing or drawings on which the subdivider's plan of subdivision is indicated, prepared as required under the provisions of 131-25 and 131-26.

FLOOD -- A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of streams or rivers or abnormally rising lake waters resulting from severe storms.

FLOODPLAIN, ONE-HUNDRED-YEAR -- A land area adjoining a river, stream, watercourse, bay or lake which is likely to be flooded once every hundred years or has a one-percent chance of occurring each year as designated in the Town of Conway Zoning Ordinance.

Grade - The slope of a road, channel or natural ground.

HEALTH OFFICER -- The Health Officer of the Town of Conway, New Hampshire.

Headwall - A structure protecting the exposed ends of drainage structures from erosion and directing the flow of water into the structure. Headwalls for road culverts are typically required to be constructed of reinforced concrete, mortared stone or granite slabs. Headwalls for driveway culverts may also consist of pre-fabricated end-sections with toe plate extensions.

Intersection - That location where more than one street intersects. In no case shall more than two streets meet at an intersection.

Invert - The elevation at which the bottom of a pipe is to be set.

Limits of Roadbed - Shall be defined as that area which the travel way, shoulders, sidewalks, ditches and slope grading encompass.

Local Road - Roads that provide access to dwellings and businesses.

LOT -- A parcel of land or any part thereof designated on a plat to be filed with the Register of Deeds by its owner or owners as a separate lot. For purposes of these regulations, a lot shall have boundaries identical to those recorded with the Register of Deeds.

LOT LINE -- The property line dividing a lot from a street, right-of-way, a body of water or adjacent property.

LOT SIZE -- The total horizontal land area within the boundaries of a lot, exclusive of any land area designated for street purposes.

MASTER PLAN -- The comprehensive plan or plan of development for the municipality, as defined in RSA 674:2.

PARKING SPACE -- An off-street space for exclusive use as a parking area for one (1) motor vehicle, with a minimum size of nine by eighteen (9 x 18) feet to conform to the Town of Conway Site Plan Review Regulations.

Pavement - For the purpose of these regulations, pavement refers to hot laid bituminous pavement.

PLAT -- A map or representation of land subdivided into lots, which shows the planned or mapped lines of future streets, street extensions, street widenings or street narrowings.

PRIVATE ROAD -- Any road, which has not been accepted as a town road by the Town of Conway.

~~**RIGHT-OF-WAY** -- A general term denoting land, property or interest therein, usually in a strip, acquired for or devoted to transportation purposes. Road "right-of-way" shall include all construction, excavation or fill and all cut and fill slopes with a maximum slope of two to one (2:1).~~

Right of Way - A general term denoting land, property or interest therein, usually in a strip, acquired for or devoted to transportation purposes.

ROAD -- A public way designated for purposes of vehicular travel or vehicular and pedestrian travel, including the entire area within the right-of-way, avenues, boulevards, highways, streets and all other ways.

SEDIMENT -- Solid material, both mineral and organic, that is in suspension, is being transported or has been moved from its site of origin by air, water or gravity as a product of erosion.

Shoulder - That portion of a roadway between the edge of the wearing course and the top of the foreslope of a ditch or fill slope.

Sidewalk - That portion of a street between the curblines, or the lateral lines of a roadway, and the adjacent property lines intended for use of pedestrians.

Sight Distance, Minimum - That distance, achieved for both vertical and horizontal curves at which a driver, whose eyes are at a height of three and one half feet above the road surface, can see an object one half of a foot in height on the road.

SITE -- That portion of a lot, tract or parcel of land upon which a structure is placed, including all physical improvements.

SLOPE -- The steepness of land surface. "Slope" is expressed in percent by dividing the change in elevation by a given horizontal distance and multiplying by one hundred percent (100%).

SOIL TYPE -- As defined by the Soil Survey of Carroll County, New Hampshire or as found by an on-site inspection by a soil scientist.

~~**STREET** -- A state highway or a highway, road, avenue, lane and/or any other way which exists for vehicular travel, exclusive of a driveway serving not more than two (2) adjacent lots or sites. The word "street" shall include the entire right of way.~~

Street - A state highway or a highway, road, avenue, lane and/or any other way which exists for vehicular travel, exclusive of a driveway serving not more than two adjacent lots or units. The word "street" shall include the entire right of way.

STREET, ARTERIAL -- A street or highway used primarily for heavy and/or through traffic.

STREET, COLLECTOR -- 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 average daily traffic count.

STREET, LOCAL -- A street used primarily to give access to abutting properties.

SUBDIVIDER -- 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 agent of any such owner.

SUBDIVISION -- The division of a lot, tract or parcel of land into two (2) or more lots, plats, sites or other divisions of land for the purpose, whether immediate or future, of sale, rent, lease, condominium conveyance or building development. It includes 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.". A boundary (Lot) line adjustment shall be deemed a "subdivision".

SUBBASE GRADE – ~~The~~ That elevation which ~~subbase materials~~ the embankment must be brought up to prior to the installation of ~~aggregate base materials and pavement~~.

Terrain Classification - As there is a wide variation of existing slopes in this region, streets must be designed to work with the existing topography. The terrain classification is representative of existing topography of the area on which a street is to be constructed. The existing grade is measured perpendicular to the existing contours, averaged over a distance of approximately 1,000 feet centered on the road. When a question arises as to which classification a street should be, the Planning Board shall make the final determination.

- a. Level - Existing grades of 0 - 8%
- b. Rolling - Existing grades of 8.1 - 15%
- c. Hilly - Existing grades of > 15%

Unsuitable Materials - Those materials which tend to deteriorate a street if left in place, such as loam, peat, vegetative or organic matter, roots, stumps, boulders, ledge, clay, muck and other material deemed unsuitable by the Town in the field.

Valuation - Shall be as per the assessment records of the Town of Conway, factored up to 100 percent value.

ARTICLE II
Application and Approval Procedure

131-4. Approval required prior to commencement of work.

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 Registry of Deeds of Carroll County, the subdivider or his authorized agent shall apply for and secure approval of such proposed subdivision in accordance with the following procedure.

131-5. Conceptual consultation. [Amended 5/89,08/04]

- A. 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 consultation shall be informal and directed towards:
 - (1) Reviewing the basic concepts of the proposal.
 - (2) Reviewing the proposal with regards to the desirability of types of development and proposals under the town's Master Plan and Zoning Ordinance.
 - (3) Guiding the applicant relative to necessary state and local requirements.
- B. Conceptual consultation and review shall not bind the applicant or the Board. Such discussion may occur without formal public notice as provided in 131-11 and 131-12. However, no discussions beyond the conceptual and general review shall take place as described in 131-12.
- C. Conceptual consultation and review shall be separate and apart from formal consideration under 131-8 and 131-9, and the time limits for acting under 131-10 shall not apply until a formal completed application is submitted.

131-6. Reserved [Amended 5/89,08/04]

131-7. Design review. [Amended 5/89, 10/07]

- A. The applicant may submit a plan for design review to the Secretary of the Board not less than twenty-two (22) days before any regular meeting of the Board. This optional step may aid both the applicant and the Board in reviewing the proposal. The design review submission shall include:
 - (1) A list of all abutters and their addresses and mailing labels.
 - (2) A check to cover mailing and advertising costs as stated in 131-13.
 - (3) A preliminary plan in accordance with 131-23 stamped "design review" to distinguish it from a completed application.

- B. The Board, before taking action on 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. The Board may inform the applicant of any special studies required by the subdivision regulations that may be required in a completed application, such as the impact of the proposal on waters, sewers, roads, traffic, schools, fire protection or other municipal services.
- C. Notice of the submission of a preliminary layout shall be given as provided in 131-12.
- D. Time limits for consideration and action shall not apply to this submission. Public hearing notice requirements shall apply.

131-8. Information required for completed application. [Amend 5/89 and 3/30/2000]

- A. A completed application sufficient to invoke jurisdiction of the Board must include sufficient information to allow the Board to proceed with consideration and to make an informed decision.
- B. The following shall be required for and constitute a completed application:
 - (1) An application for subdivision approval properly filled out and executed by the applicant and filed with the Board in accordance with 131-9 and one (1) set of such names and addresses typed on adhesive mailing labels.
 - (2) Using the Abutters List form provided by the Town, the applicant shall prepare a current list of abutters no sooner than 5 days prior to the submission the application. In the case of an abutting property being under condominium or other collective form of ownership, the term abutter means the officers of the collective or association. It shall be the Applicant's responsibility to ensure that the names and addresses regarding officers of a collective or association noticed under this article are current and complete. In the case of an abutting property being in another municipality it shall be the Applicant's responsibility to ensure that the names and addresses regarding those properties are current and complete.
 - (3) A check, payable to the Board, to cover filing fees, mailing, advertising, recording and other costs as provided in 131-13.
 - (4) Four (4) paper print copies of the preliminary layout in accordance with and accompanied by the information required in 131-24.

131-9. Filing and submission of application. [Amended 10/07]

- A. The completed application shall be filed with the Secretary or the Chairman of the Board at least twenty-two (22) days prior to a scheduled public meeting of the Board. When consideration of an application is continued and new information is required, the Board shall specify the deadline for filing this new information. In no case shall it be less than ten (10) days prior to the meeting. The deadline shall be stated in the motion to continue.

- B. The completed application shall be formally submitted for acceptance by the Board only at a regularly scheduled public meeting after due notification to the applicant, abutters and the general public of the date the completed application will be submitted and received by the Board.
- C. An incomplete application filed by the applicant will not be formally accepted by the Board nor will notices of a public meeting be mailed, posted or published as provided under 131-12.
- D. Applications may be disapproved by the Board without public hearing on grounds of failure of the applicant to supply information required by these regulations, including:
 - 1. Abutters' identification and information required for preliminary layout.
 - 2. Failure to pay costs of notices or other costs and fees required by these regulations.
 - 3. Failure to meet any reasonable deadline established by these regulations.
 - 4. Failure to provide the appropriate plans.
- ~~E. When a completed application is accepted by the Board, the Board shall provide a receipt to the applicant indicating the date of formal acceptance.~~

131-10. Action on completed application [Amended 12/07]

- A. The Board shall consider the completed application within thirty (30) days of its acceptance. After review of the completed application and after a duly noticed public hearing, as provided in 131-11, the Board may grant a conditional approval of the completed application and request the applicant to prepare a final plat as provided for in 131-25 and 131-26. The Board shall act to approve or disapprove the completed application and final plat within sixty-five (65) days after submission of the completed application, subject to extension or waiver as provided in accordance with RSA 676:4-I(f).
- B. Conditional approvals shall be assigned an expiration date which is coincident with a regularly scheduled meeting not more than 90 days from the date when the conditional approval is granted. The Planning Board may, at its discretion, extend the expiration date beyond 90 days. However, in no case shall the expiration date be extended beyond one year from the original date when the conditional approval was granted unless the Planning Board for good cause agrees to extend the conditional approval for an additional period of time beyond that one year period.
- C. Approval of the final plat shall be certified by written endorsement of the final plat and signed by the Chairman or Secretary of the Board. The Chairman or Secretary of the Board shall transmit a copy of the final plat with such approval endorsed in writing therein to the Registry of Deeds of Carroll 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.

- D. If the Planning Board has not obtained an extension as provided in 131-10.A and has not taken action to approve or disapprove the completed application within sixty-five (65) days of its acceptance, the applicant may obtain from the Selectmen an order directing the Board to act within fifteen (15) days. Failure of the Board to act upon such order of the Selectmen shall constitute grounds for the applicant to petition the Superior Court as provided in RSA 676:4.

131-11. Public Hearing. [Amended 08/04]

Prior to approval of a subdivision, a public hearing shall be held as required by RSA 676:4-I(e) and notice to applicant and abutters and the public shall be given in accordance with 131-12. The public hearing shall be held within thirty (30) days after submission of the completed application.

131-12. Notices.

- A. Notice of the submission of a preliminary layout or a completed application shall be given by the Board.
- B. Public notice shall be mailed to the applicant, holders of conservation, preservation or agricultural preservation restrictions, the applicant's authorized representative, and each abutter at least 10 days prior to the meeting for which the notice is required. Such notification shall be mailed by certified mail.
- (1) Using the Abutters List form provided by the Town, the applicant shall prepare a current list of abutters no sooner than 5 days prior to the submission the application. In the case of an abutting property being under condominium or other collective form of ownership, the term abutter means the officers of the collective or association. It shall be the Applicant's responsibility to ensure that the names and addresses regarding officers of a collective or association noticed under this article are current and complete. In the case of an abutting property being in another municipality it shall be the Applicant's responsibility to ensure that the names and addresses regarding those properties are current and complete; and
- (2) The applicant shall provide an adhesive mailing label for each party on the Abutters List, including the applicant and authorized representative.
- C. Public notice shall be posted at Town Hall and one other public place at least 10 days prior to the meeting.
- D. Public notice shall be published in a newspaper of general circulation. This notice shall be sent to the newspaper at least 10 days prior to the meeting.
- E. Continuation of a meeting or public hearing shall not require new public notice provided that, at the prior hearing, the Board shall state the location, date, time at which the continued session will resume, and deadlines for the submission of new or updated materials.

131-13. Fees and costs. [Amended 5/89,08/04,11/04, 07/05]

- A. An application for a subdivision shall not be considered complete unless it includes a filing fee of one hundred and forty dollars (\$140), plus thirty dollars (\$30) per lot over four (4) and thirty dollars (\$30) per unit over one (1);. The applicant shall also submit a recording fee of thirty dollars (\$30) per plan sheet to be recorded and fifteen dollars (\$15) for each 8.5” by 11” page to be recorded.
- B. An Application for a boundary line adjustment shall not be considered complete unless it includes a filing fee of seventy dollars (\$70). The applicant shall also submit a recording fee of thirty dollars (\$30) per plan sheet to be recorded and fifteen dollars (\$15) for each 8.5” by 11” page to be recorded.
- C. All costs of notices, whether mailed, posted or published, shall be paid in advance by the applicant. Failure to pay costs shall constitute valid grounds for the Board to terminate further consideration and to disapprove the application without a public hearing. The notice cost shall be five dollars (\$5) per abutter (or any other party notified) and thirty dollars (\$30) for the published notice.
- D. A tax Map amendment fee of fifty dollars (\$50) shall be assessed for each plan sheet to be used to amend the Town’s Tax Maps. Said fee to be paid by the applicant prior to final approval.
- E. Applications that require an engineering review shall be assessed a fee of forty dollars (\$40) per hour. Said fee to be paid by the applicant prior to final approval. In the event that the Town Engineer is not available to review an application, said review shall be performed in accordance with §131-13.F.
- F. The Board may require special investigative studies, environmental assessments, a legal review of documents, administrative expenses and other matters necessary to make an informed decision. The cost of such studies and investigations shall be paid by the applicant prior to final approval or disapproval. The applicant shall submit funds based on the estimated costs to the Town prior to the Town procuring such studies and investigations. The individual or company engaged shall work for, and report directly to the Town. The individual or company chosen shall be agreeable to both the Town and applicant.
- G. When a completed application is submitted to the Town it will be reviewed by Planning Department Staff. Comments will be made in writing and forwarded to the applicant. If the plans are re-submitted by the applicant without addressing the original comments and requests or if design does not conform to the Town’s adopted standards the applicant will be charged an additional fee of thirty-five dollars (\$35) per hour. Said fee to be paid by the applicant prior to final approval.
- H. A plan digitization fee of twenty dollars (\$20) for the first sheet and two dollars (\$2) for each additional sheet in the plan set shall be assessed to facilitate digitizing the final approved plans.
- I. A twenty-five dollar (\$25) Land and Community Heritage Program (LCHIP) Surcharge Fee shall be assessed for any plans to be recorded. This fee shall be submitted in the form of a check payable to the Carroll County Registry of Deeds.

131-14. Performance guaranty or bond. [Amended 2/85, 6/94]

- A. As a condition precedent to final approval of any subdivision, the subdivider shall file with the Board at the time of submission of the final plat a certified check payable to the Town of Conway, or a faithful performance bond running to the town and issued by a surety company acceptable to the Selectmen, or cash in an escrow account in the name of the developer and the town, in an amount of money equal to the total of the cost of construction of all streets, utilities and improvements plus a 15-percent contingency, as specified on the final plat.
- B. The Planning Board may waive the requirement to post bond for infrastructure, but not for site stabilization and erosion control and grant approval of the final plat on condition that no lot in the subdivision shall be sold and that no permit to build shall be issued by the Town of Conway until:
- (1) All street and utility requirements have been installed and completed at the subdivider's expense in accordance with all applicable provisions of the final plat.
 - ~~(2) A certificate of compliance covering all the applicable provisions of the final plat or portion thereof has been signed by the board of Selectmen and the Planning Board Chairman and a copy of such certificate has been recorded with the Carroll County Registry of Deeds.~~

131-15. Filing plat with County Registry of Deeds.

An approved subdivision plat shall be recorded with the Carroll County Registry of Deeds prior to any sale or transfer of land within the subdivision.

ARTICLE III
Concurrent Subdivision and
Site Plan Consideration

131-16. Request for concurrent consideration.

Any applicant requiring both subdivision and site plan approval may request concurrent consideration of the proposed subdivision and development after a meeting with the Planning Board for preliminary consultation and review. This request shall be presented in written form to the Planning Board at a regular meeting. The Planning Board may, at its discretion, approve or deny this request, but shall inform the applicant of its decision, in writing, within thirty (30) days.

131-17. Submission for design review.

An applicant may submit a preliminary subdivision layout for design review to the Planning Board for its review as described in 131-7.

131-18. Information required for concurrent application. [Amended 12/90, 5/94]

- A. A completed concurrent application sufficient to invoke jurisdiction of the Board must include sufficient information to allow the Board to proceed with consideration and to make an informed decision.
- B. The following shall be required for and constitute a completed concurrent application: a concurrent application for subdivision and site plan approval properly filled out and executed by the applicant and filed with the Board in accordance with 131-19, together with the following:
- (1) The names and address of the applicant and all abutters as indicated in town records not more than five (5) days before the day of filing. In the case of an abutting property being under condominium or other collective form of ownership, the term abutter means the officers of the collective or association. It shall be the Applicant's responsibility to ensure that the names and addresses regarding officers of a collective or association noticed under this article are current and complete at the time of application submission. In the case of an abutting property being in another municipality it shall be the Applicant's responsibility to ensure that the names and addresses regarding those properties are current and complete at the time of application submission.
 - (2) All fees as specified in Section 131-22.
 - (3) Four (4) paper print copies of the site plan layout in accordance with and accompanied by the information required in 123-14, Site Plan Review Regulations, Town of Conway.
 - (4) Four (4) paper print copies of the preliminary sub-division layout in accordance with and accompanied by the information required in 131-24.

131-19. Filing and submission concurrent application. [Amended 10/07]

- A. The completed concurrent application shall be filed with the Board or its agent at least twenty-two (22) days prior to a scheduled public meeting of the Board.
- B. The completed concurrent application shall be formally submitted to and accepted by the Board only at a regularly scheduled public meeting after due notification to the applicant, abutters and the general public of the date the completed concurrent application will be submitted and received by the Board.
- C. An incomplete concurrent application filed by the applicant will not be formally accepted by the Board nor will notices of a public meeting be mailed, posted or published as provided under 131-12.
- D. Concurrent applications may be disapproved by the Board without public hearing on the grounds of failure of the application to supply information required by these regulations, including:
 - (1) Abutters' identification.
 - (2) Failure to pay costs of notices or other costs and fees required by these regulations.
 - (3) Failure to meet any reasonable deadline established by these regulations.
 - (4) Failure to provide the appropriate plans or information required.
- E. When a completed concurrent application is accepted by the Board, the Board shall provide a receipt to the applicant indicating the date of formal acceptance.

131-20. Action on completed concurrent application.

- A. The Board shall consider the completed concurrent application within thirty (30) days of its submission. The Board shall evaluate the subdivision and site plan separately, each on its own merits. After review of the completed concurrent application, and after a duly noticed public hearing as provided in 131-11, the Board may grant a conditional approval of the subdivision layout and request the applicant to prepare a final plat as provided for in 131-25 and 131-26. The Board may grant a conditional approval or a final approval of the site plan. The Board shall act to approve or disapprove the completed concurrent application within sixty-five (65) days of acceptance of the completed concurrent application, subject to extension or waiver as provided in accordance with RSA 676:4-I(f).
- B. Approval of the final plat and site plan shall be certified by written endorsement on the final plat and site plan and signed by the Chairman or the Secretary of the Board. The Chairman, Secretary of the Board or its agent shall transmit a copy of the final plat and site plan with such approval endorsed in writing therein to the Register of Deeds of Carroll County. The applicant shall be responsible for the payment of all recording fees. In case of disapproval of any plat or plan submitted, the grounds for such disapproval shall be adequately stated in the records of the Planning Board and written notice given to the applicant.

- C. If the Planning Board has not obtained an extension as provided in 131-10.A, and has not taken action to approve or disapprove the completed concurrent application within sixty-five (65) days of its acceptance, the applicant may obtain from the Selectmen an order directing the Board to act within fifteen (15) days. Failure of the Board to act upon such order of the Selectmen shall constitute grounds for the applicant to petition the Superior Court as provided in RSA 676:4.
- D. Conditional approval shall be valid for a period as determined by the Planning Board, but in no case shall it be valid for a period greater than ninety (90) days from the date conditional approval is granted, unless extended in writing by the Board.

131-21. Public hearing.

A public hearing shall be held with notice given as described in 131-11 and 131-12.

131-22. Fees. [Amended 12/90]

Under concurrent subdivision and site plan review application, a check payable to "Town of Conway" to cover filing fees specified in Section 131-13. or 123-8, whichever is greater, plus all other applicable fees for public notice, recording, special studies, and so forth as specified in these regulations.

ARTICLE IV
Submission Requirements

131-23. Information and documents for optional pre-application reviews; conceptual consultation and design review. [Amended 5/89].

A. The following items are required for conceptual consultation:

(1) A base map, Tax Map or United States Geological Survey Map to show the location of the proposal.

B. The following items are required for design review:

(1) A site location map.

(2) A site survey showing natural and man-made features of site.

(3) Other existing or proposed subdivisions in the area adjacent to the site.

(4) A topographic map of the area.

(5) Soils information, percolation and boring data.

(6) A sketch showing proposed lots or building sites, layout of streets, recreation areas, watercourses, natural features and easements and abutters' names and addresses.

131-24. Information required for completed application acceptance. [Amended 2/85, 5/89, 6/94, 08/04,10/04, 10/06]

The preliminary layout for a subdivision shall be prepared to a scale of no more than one (1) inch equals one hundred (100) feet or at greater detail as directed by the Board to indicate clearly existing and proposed features of the site. Said plat shall be prepared on standard sheets of twenty-two by thirty-four (22 x 34) inches, measured from the cutting edges. If one (1) sheet is not of sufficient size to contain the entire area of the site and environs, the plant shall be divided into sections to be shown on separate sheets of equal size with references on each sheet to the adjoining sheets. The preliminary layout for a subdivision shall, at the discretion of and in a manner prescribed by the Planning Board or it's designee, show or be accompanied by the following:

A. The date, name and location of the subdivision on a vicinity or site location map showing the relation of the proposed subdivision to existing streets or roads, name of the record owner and subdivider, graphic scale and reference meridian and the name of the engineer or surveyor.

B. Boundaries and area of the entire parcel, whether or not all land therein is to be subdivided; date and dates of any revisions.

C. The names and addresses of abutting property owners and tax map number, subdivisions and building 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. Proposed lots shall be numbered consecutively.

- 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 spaces to be reserved or dedicated to public use, watercourses, flood-prone areas (one-hundred-year flood limit line), foliage lines and significant natural and man-made features, water mains, sanitary sewers, storm-water drainage lines, drainage structures and drainage ways within the subdivision and all existing structures and wooded areas within two hundred (200) feet of the boundaries of the proposed subdivision.
- F. The purpose of any easements or land reserved or dedicated to public use shall be designated, and the proposed use of sites other than residential shall be noted.
- G. Existing and proposed plans for telephone, electricity and other utilities.
- H. Boundaries and designations of zoning districts, if any, lying within the subdivision; municipal boundary, if any; land use designation from the Master Plan.
- I. A general site location map locating the subdivision boundary and proposed streets in relation to at least two (2) existing intersecting streets, adjacent or future subdivisions or other features.
- J. Soil mapping units and unit boundaries.
- K. A statement of conditions of land as to soil suitability for development, including a map showing the required minimum contiguous area of eight thousand (8,000) square feet of less than fifteen percent slope per lot or single-family detached unit or four thousand (4,000) square feet or less than fifteen percent (15%) slope per unit for multifamily attached units. This shall not include buffer or setback areas.
- L. 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.
- M. 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 variances.
- N. A statement and two-foot contours in sufficient detail to indicate clearly the method of stormwater 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. Duplicate copies of all data submitted to all state agencies requesting subdivision approval or necessary permits, including, but not limited to, subdivision approval from the Water Supply and Pollution Control Commission, an alteration of terrain permit, driveway permits, a dredge/fill permit, etc.

- R. A statement that the proposed street center lines and lot locations have been adequately flagged on the ground at the site to allow on-site evaluation of the proposed subdivision by the Board.
- S. A copy of the application(s) or approval(s), as prescribed by law, from any other municipal, state or federal agency, which may have jurisdiction.
- T. A test pit with description of soil layers, depth to seasonal high water table, depth to observed water table or hardpan, ledge, etc.
- U. Percolation test and date.
- V. A four-thousand-square-foot site suitable for sewage disposal (in accordance with NH DES Env. Wq. 1000).
- W. At least one (1) benchmark, plainly marked in the field and shown on the plan with its elevation. Ties to National Geodetic Survey, United States Geological Survey or Soil Conservation System benchmarks may be required.
- X. If a subdivision is to be served by a public municipal water supply or public municipal sewers, a statement from the municipal department ~~or company~~ involved attesting to the availability of such services.

131-25. Final plat; information and materials required. [Amended 2/85, 8/86, 10/86, 7/94, 10/06]

Four (4) copies of the final plat shall be submitted as line paper prints in blue ink. Sheet sizes shall be ~~in accordance with requirements of the Register of Deeds but not smaller than~~ twenty-two ~~four~~ four six (22 x 346) inches. 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. The final plat shall be consistent with the conditionally approved preliminary layout. The plat shall contain the following statement: "The Subdivision Regulations of the Town of Conway 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 waivers of modifications made in writing by the Board and attached hereto." The final plat or map of a subdivision shall, at the discretion of and in a manner prescribed by the Planning Board or its designee, contain or be accompanied by the following information:

- A. Date, 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 (In whatever manner is practical, the subdivision boundary shall be referenced to the Town of Conway street right-of-way monuments, state highway right-of-way monuments, National Geodetic Survey horizontal control points, state plane grid coordinates or a road intersection), North point, bar scale, date and dates of any revisions.

- C. Names and addresses of abutting property owners, tax map number, 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, dimensions of center line radii, tangents, deflection angles, stationing and chords, dimensions of right-of-way line radii and arc length, accurate locations and descriptions of all monuments to be set at street intersections, points of curvature and tangency of curved streets and at angles of lots, names of existing and proposed streets.
- E. Existing and proposed lot lines and/or unit locations, bearings and dimensions, lot sizes in square feet and acres, consecutive numbering of lots and/or units, monuments at lot corners, lots and/or units shall be numbered consecutively as instructed by the Engineer.
- F. Location of existing and proposed easements, deed restrictions, building setback lines, parks and other open space to be dedicated to public use, watercourses and significant natural and man-made features.
- G. The purpose of any easement or land reserved or dedicated to public use shall be designated, and the proposed use of sites other than residential shall be noted.
- H. A general site location map locating exactly the proposed subdivision boundary in relation to major roads and community facilities in the immediate area of town.
- I. Name and seal of engineer and/or land surveyor licensed by the State of New Hampshire.
- J. Certification of the engineer or surveyor as to the accuracy of plat details (e.g. "The information shown on and the standards and calculations used to produce this plan are correct and complete."
- K. Certification that the applicant is the agent for the owner or is the owner of the land or that the owner has given consent under an option agreement.
- L. 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 by the town.
- M. When approval of a plat is required by an officer or body of such a municipality, state or county, approval shall be certified on the plat in the appropriate space provided therefore on the plat.
- N. If a subdivision is to be served by public water supply or by public sewers, a statement from the municipal department or company involved, attesting to the availability of such service.
- O. Final State of New Hampshire approvals when appropriate from the Department of Public Works and Highways, RSA 249. The Special Board on Dredging and Filling, RSA 149:8-a and RSA 482-41e-i and the Water Supply and Pollution Control Commission, RSA 149-E.

- P. All surveying must conform to the procedural and technical standards of the New Hampshire Land Surveyors Association, as adopted December 4, 1981.
- Q. Plan for recreational development of open space (if appropriate).
- R. Boundary line adjustment plans must clearly state the original property line that is to be abandoned and the proposed property line, and the area to be adjusted must be delineated: "To be combined with (the other lot) and not to be considered a separate lot of record."
- S. One (1) set of proposed subdivision plan shall be submitted to the Fire Chief of the appropriate fire district or precinct for his review and comment. If the proposed lot to be subdivided is not in a district or precinct, the plans shall be reviewed by the Fire Chief of the district or precinct which covers that area. No subdivision plan shall be approved without a letter from the appropriate Fire Chief stating that he has reviewed the plans and listing any comments he may wish to offer.
- T. If there are any plans, which supplement the subdivision plan, a note shall be placed on the subdivision plan listing all supplemental plans.
- U. The landscaping of the site depicted on this plan is integral to the approval by the Conway Planning Board and shall be reasonably maintained and when dead or removed, must be reasonably replaced.
- V. The owner has represented to the Conway Planning Board and depicted or noted hereon all known restrictions and easements applicable to this land. All applicable restrictions and easements of record for this land, whether or not depicted or noted hereon, shall not be affected or modified by the approval hereunder.

131-26. Additional information for final plat. [Amended 5/89, 6/94, 10/06]

As part of the final plat submission, the subdivider or his agent may be required, at the discretion of and in a manner prescribed by the Planning Board or its designee, to submit any or all of the following:

- A. Subdivision grading and drainage plan. Where appropriate, 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.
- (1) Basic street and lot layout, with all lots numbered consecutively.
 - (2) Location of all existing and proposed buildings.
 - (3) Contours of existing grade at intervals of not more than two (2) feet. Contour lines shall extend a minimum of one hundred (100) feet beyond the subdivision boundary.
 - (4) Plan showing the direction of flow of the runoff.

- (5) The engineering calculations used to determine the drainage requirements.
 - (6) Final identification, location, elevation, grades and/or contours at intervals of not more than two (2) feet (less interval may be required depending on topography) for the existing and proposed drainage ways, drainage easements, drainage structures and water bodies.
 - (7) Final identification and location of proposed soil erosion and sediment control measures and structures.
 - (8) Final drawings and specifications for each proposed soil erosion and sediment control measure and structure in accordance with formal and informal guidelines acceptable to the town.
 - (9) Final drawings, details and specifications for proposed flood hazard prevention measures and structures and for proposed stormwater retention basins.
 - (10) Final slope stabilization details and specifications.
 - (11) A timing 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 soil erosion and sediment control measures.
- B. Road design. Road design in compliance with the standards contained in Article X shall be submitted [four (4) sets of prints] on a separate sheet of plan and profile paper, twenty-two by thirty four (22 x 34) inches in size, and having a horizontal scale of one (1) inch equals fifty (50) feet and a vertical scale one (1) inch equals ten (10) feet to the Board of Selectmen for review and approval. In the case of a road, which is part of a subdivision, subdivision approval will not be granted until a satisfactory street design is approved. The plan(s) submitted shall show the information listed in Article X, Section 131-68.H [Minimum Data Required on Street Design Plans].
- C. Subdivision utility plan. This plan shall be submitted on a separate sheet or sheets and provide the following information: the location of sewer and drain Y-branches, laterals, manholes, catch basins, hydrants, valves, curb shut-offs and final grading showing swales and ditches.
- D. Subdivision as-built plans. Before the final inspection and acceptance of a road or other improvements by the town, the owner(s) shall have prepared and submitted an as-built plan to the Planning Board. These plans should show as-built locations and elevations in a contrasting color (preferably red ink) on a print of the original road design or final plat. The as-built road plan shall show the as-built centerline of street elevations, as-built drainage systems, including culverts, catch basins, drainage easements, as-built guardrail and sign locations and road profiles and final grading showing swales and ditches. The as-built utility plan shall show the location of sewer and drain Y-branches, laterals, manholes, catch basins, hydrants, valves, curb shut-offs and final grading showing swales and ditches. Plan shall also show easements and dedication roadways.

E. Other professional services the Planning Board deems necessary at the developer's expense.

ARTICLE V Design Standards

131-27. Compliance, approval and permits required.

No subdivision of land shall be made and no land in any subdivision shall be sold or offered for sale or lease, and no street or utility construction shall be started until a final plat, prepared in accordance with the requirements of these regulations, has been approved by the Board and other required permits have been issued.

131-28. Character of land to be considered.

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 the 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 sewerage system. Land intended for either on-site sewage disposal or on-site water supply shall conform to the standards of 131-29, Factors for determining suitability of land.

131-29. Factors for determining suitability of land. [Amended 5/85, 2/85]

According to the provisions of RSA 674:36-II(4i), each lot shall include sufficient contiguous land to meet the minimum lot size requirements prescribed in the Town of Conway Zoning Ordinance (§147) be in conformance with Tables 1 and 2 of this section in order to assure such that each lot has additional area as may be needed for on-site development, such as driveways, buildings, landscaping, grading, septic facilities, alternate septic facilities, drainage and other alterations or changes of land use. Each lot shall also comply with NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES CHAPTER Env-Wq 1000.

A. The subdivider shall submit a map identifying the specific soil types present on each proposed lot. The soil map shall also show the portions of each soil type that have a slope of zero percent (0%) to three percent (3%), three percent (3%) to eight percent (8%), eight percent (8%) to fifteen percent (15%), fifteen percent (15%) to twenty-five percent (25%), twenty-five percent (25%) to thirty-five percent (35%) and over thirty-five percent (35%). The soil types shown shall conform to the Soil Survey of Carroll County or as found by an on-site inspection by a soil scientist. The slope shall be determined by a field survey or by controlled aerial photogrammetry provided by a licensed land surveyor or professional engineer.

~~B. The net area of each soil/slope group shall be computed by dividing the actual area of the soil/slope group by the suitability factors listed in Table 1. The total net area is the summation of the net areas. The total net area must comply with the appropriate zoning requirements.~~

C. Wetlands, ~~and~~ floodplain and land with slopes greater than ~~thirty~~ twenty-five percent (~~35~~25%) may not be used to fulfill part of the minimum lot size, except that floodplain land in the area around Pequawket Pond between the one-hundred-year and the ten-year flood level [four hundred sixty-four and six-tenths (464.6) feet to four hundred sixty-one and five-tenths (461.5) feet], provided that it is serviced by precinct water and sewerage.

~~D. In a subdivision where a municipal water supply and a municipal wastewater system are to be provided, the minimum lot size shall conform only to the zoning requirements, and 131-29 shall not apply.~~

~~E. Soils in all groups have certain limitations, which must be taken into account when they are considered for development. Certain additional requirements may be set forth before the Board approves development of them.~~

~~F. Soils in Group D as defined in Table 2 may not be plotted for residential buildings or for such other uses as may cause danger to health, life or property, but land in this category shall be set aside for such uses as shall not produce unsatisfactory living conditions.~~

G. ~~Table 1. Table of Suitability Factors for Determining Minimum Lot Sizes.~~

Table 1
Suitability Factors for Determining Minimum Lot Sizes
 (NP=Not permitted in lot size calculations)

Percent Slope	Soil Group			
	A	B	C	D
0 to 8	1.00	1.10	1.15	2.00
8+ to 15	1.10	1.22	1.28	NP
15+ to 25	1.20	1.42	1.48	NP
25+ to 35	1.50	1.65	1.73	NP
35+	NP	NP	NP	NP

H. Reserved. Table 2, Soil Groups.

Table 2
Soil-Groups

GROUP A		GROUP B		GROUP C		GROUP D	
Am	Adams	Ae,Ad	Aeton	Cy	Croghan	Hv,Hx	Hollis-Charlton
Ca	Colton	Be	Becket	De	Deerfield	Ln,Lv,Ly	Lyman-Berkshire
GI,Gi,Gs	Gloucester	Ma,Md	Marlow	Dn	Duane	LDB	Leicester-Ridgebury
Hs,Hm,Hn	Hermon	MI,Ms	Millis	MFC	Marlow-Peru	Lf	Leicester-Walpole
Hs	Hinekley	Pa,Pd	Paxton	Ne	Nicholville	Na	Naumberg
Wd	Windsor	Sn,Wu	Sutton	Pe	Peru	Ra	Raynham
Bs,Bt	Berkshire	Wa	Waumbek	Sd	Seituate	Rg,RI	Ridgebury
Cf,CI	Charlton			Se	Skerry	AW	Alluvial land
Sa	Salmon			Wo,Wf	Woodbridge	CM	Chocorua mucky peat
				Ht	Hollis-Charlton	FA	Freshwater marsh
				Ln	Lyman-Berkshire	GW	Greenwood mucky peat
						Ha	Hadley
						Lk,Lm	Limerick
						MU	Ondawa
						Of,Oh,Os	Muck and Peat
						OF	Ossipee
						Pe	Podunk
						Sf	Suncook
						We	Whitman
						Wn	Winooski

131-30. Lot and site layout. [Amended]

The layout of lots and sites shall conform to the specifications and the requirements of the zoning regulations 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 that all requirements of these and such zoning regulations are met. The layout of lots and sites shall be in conformance with the following conditions:

- A. The lot size, width, depth, shape, 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 must front on a street.

- C. Lot dimensions and area shall not be less than the requirements of the zoning ordinance and as required by soil or topography conditions. Lots shall be sized according to the land suitability standards set forth in 131-29.
- D. Where there is a question as to the suitability of a lot or lots for its or their intended use due to the presence of such factors as rock formations, steep slopes, unusual surface configurations, tendency to periodic flooding, poor drainage, unsuitable soil or soils and inadequate capacity for sanitary sewer disposal, even if the lot complies with the size requirements in 131-29, the Planning board may, after adequate investigation, withhold approval of such lot or lots or require modifications to such lots.
- E. The lot length-to-width ration should generally not exceed three-to-one (3:1).
- F. Corner lots should have extra width sufficient to permit a setback on each street.
- G. Where extra width has been dedication for widening of existing streets, lots shall begin at such extra width line, and all setbacks shall be measured from such line.
- H. Sidelines of lots shall generally be at right angles to straight streets and radial to curved streets.
- I. Lots fronting on two (2) parallel streets will not, in general, be approved.
- J. Where lots abut existing roads with a high traffic volume, at the discretion of the Planning Board, marginal access roads or reversed frontage approach may be required to minimize the number of driveways and/or streets, which have access to the high volume streets.
- K. Existing nonresidential-use or multifamily-dwelling use land shall not be subdivided into a shape or size, which will not enable the existing (and assumed to be continued) use to conform to the standards of the Site Plan Review Regulations.
- L. The clustering of lots may be permitted and is encouraged for the preservation of open space, to promote efficient use of land and to provide flexibility in subdivision design. Where clustered lots are proposed, the minimum lot size shall be as determined by the Planning Board, based upon the character of the land involved, the type of housing proposed and other pertinent factors, provided that the total number of lots shall remain at substantially the same overall density as required in a conventional subdivision layout, with all requirements of the Subdivision Regulations being met.
- M. The area, which is not designated for lots, shall be consolidated into open space. The common space shall be designed as an integral part of the development and used for recreation, conservation or park purposes and be accessible to at least the owners and occupants of the lots in the cluster development. The common open space shall be so defined on the subdivision plan and shall be made subject to a deed restriction, which shall thereafter prohibit further subdivision of open space or the use of the open space for purposes other than originally designated.

131-31. Lands divided by public rights-of-way.

Any transfer, conveyance or sale of land held in one (1) ownership but already divided into lots or parcels of land by an existing public right-of-way shall not be considered a subdivision for the purposes of these regulations and shall not be required to conform to the procedures set forth herein.

131-32. Nonconforming adjoining lots.

Nonconforming adjoining lots of record, which become the property of one (1) lot person after January 21, 1982, shall be considered a single lot.

131-33. Plats and access crossing municipal boundaries.

Whenever access to the subdivision is required across land in another local government, the Planning Board may request assurance from the local government attorney that access is legally established and from the Engineer that the access road is adequately improved or that a performance bond has been duly executed and is sufficient in amount to assure the construction of the access road. In general, lot lines should be laid out so as not to cross municipal boundary lines.

131-34. Reserve strips controlling access to subdivision or other parcels.

Privately owned reserve strips, except an open space area, shall not be permitted which control 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 so be dedicated.

131-35. Rights-of-way.

Rights-of-way shall be kept clear of buildings, parking lots or similar obstructions. A right-of-way shall not be used as a method to connect two (2) nonadjacent lots to make a single lot nor shall a right-of-way be considered as part of an adjacent lot when determining minimum lot size.

131-36. Names of subdivision and streets.

The name of the subdivision or roads shall not duplicate or too closely approximate the name of any other subdivision or road within the Town. Street names require the approval of the Planning Board. Streets obviously in alignment with existing streets shall be given the name of the existing street. New street names shall not duplicate or closely resemble those of existing streets.

131-37. Preservation of existing features; landscaping.

- A. 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.
- B. 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 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) All disturbed areas, which are not covered by structures or paving, shall be properly seeded or replanted by the subdivider.

131-37.1. Additional landscaping. [Amended 12/88]

- A. Suitable hardwood shade trees (such as Sugar Maple, Norway Maple, Red Maple, Ash or Oak) shall be planted at sixty-foot intervals, on the average, along both sides of the streets or private ways unless waived by the Planning board due to an adequate number of existing trees that will be saved. All trees shall be at least two and one-half (2-1/2) inches in diameter measured at a point four (4) feet above the finished grade level. The Planning Board shall have the final choice of tree species and exact planting locations.
- B. Performance bonds shall be posted with appropriate surety or security to cover the full costs of all landscaping. The amount of the bond shall be recommended by the Town Planner, and the form and execution of such bond shall be approved by the Board of Selectmen. The bond shall run for a term determined by the Planning Board but in no event shall it exceed three (3) years nor be less than one (1) year to ensure survival through a complete growing season.

131-38. Topsoil.

Topsoil moved during the course of construction shall be redistributed so as to provide at least four (4) 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.

131-39. Scattered or premature development.

- A. Scattered or premature subdivision of land 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 that a lack of these facilities would be a hazard or necessitate an excessive expenditure of public funds for the supply of such services shall not be approved by the Board. The Planning Board may, if the situation warrants, approve an entire subdivision, allowing only a portion thereof to be developed each year. This phased development would help permit an orderly expansion within the town of its services to match growing needs.

- B. The following items shall be considered in determining whether the proposed subdivision is scattered or premature and the subdivider may be required to have studies made under guidelines established by the Planning Board to determine the effect that the proposed subdivision may have on:
- (1) Distance from nearest elementary school.
 - (2) Capacity of school system and effect on school bus transportation.
 - (3) Adequacy of access street(s) and/or sidewalk(s).
 - (4) Adequacy of water supply for domestic and firefighting purposes.
 - (5) Potential health problems due to on-site sewage systems and/or water supply.
 - (6) Potential fire protection problems due to location and/or special conditions relative to type of use.
 - (7) Potential special policing problems.
 - (8) Potential drainage problems, both on the site and down-stream.
 - (9) Causing an excessive expenditure of public funds.
 - (10) Other potential problems within the meaning or purpose of this section.

131-40. Flood hazard areas.

All subdivision proposals and proposals for other developments governed by these regulations having lands identified as special flood hazard areas in the Flood Insurance Study for the Town of Conway, NH, together with associated Flood Insurance Rate Maps and Flood Boundary and Floodway Maps of the Town of Conway, shall meet the following requirements:

- A. All subdivision proposals and proposals for other developments shall be located and designed to assure that all public utilities and facilities, such as sewer, electrical and water systems, are located and constructed to minimize or eliminate flood damage and adequate drainage is provided to reduce exposure to flood hazards.
- B. Subdivision proposals and other proposed new developments shall include one-hundred-year flood elevation data when any portion of the development is within the floodplain.
- C. In riverine situations, prior to the alteration or relocation of a watercourse, the applicant for such authorization shall notify the New Hampshire Office of State Planning and Wetlands Board and submit copies of such notification to those adjacent communities as determined by the Planning Board. Within the altered or relocated portion of any watercourse, the applicant shall submit to the Planning Board certification provided by a New Hampshire registered professional engineer assuring that the flood-carrying capability of the watercourse has been maintained.

D. Where new replacement water and sewer systems (including on-site systems) are proposed in flood-prone areas, the applicant shall provide the Planning Board with assurances that new and replacement sanitary sewerage systems are designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters and on-site disposal systems are located to avoid impairment to them or contamination from them during flooding.

131-41. Commercial/industrial and multiple-dwelling units. [Amended 3/89, 03/03]

Each building used for commercial/industrial purposes without dwelling units shall be considered a single unit. In a building containing both commercial/industrial and dwelling units, each dwelling unit shall be counted as one (1) unit, and all of the commercial/industrial occupants shall be counted as one (1) unit. In a proposed development of mixed commercial and residential uses, there shall be adequate lot size to accommodate any existing structures and uses, required parking areas, septic areas and required greenspace prior to calculating the available acreage balance for additional units.

ARTICLE VI
Road Construction and Design

131-42. Compliance required.

Proposed streets shall be in harmony and conformance with existing and proposed streets as shown on the Town Master Plan or Official Map. Street patterns shall give due consideration to contours and natural features. Where required by the Board, provisions shall be made for the extension of the street pattern to abutting undeveloped property. Every proposed street in a subdivision shall be laid out and constructed as required by the regulations contained in Article X, which are the standards adopted by the Selectmen for town roads.

131-43. Private roads. [Amended 8/86, 10/86]

- A. Private roads ~~servicing four (4) or more lots or units~~ shall conform to the standards of this chapter since residents on private roads, as taxpayers, are entitled to the same quality as a town-accepted road and since, at some future date, the taxpayers may petition the town for acceptance of the road. Paving may be waived by the Planning Board for private roads with low traffic volumes and moderate grades. Before an unpaved private road may be accepted as a town road, it shall be paved and brought up to town standards in effect at that time.
- B. The subdivider shall supply to the Planning Board acceptable evidence of legally imposed requirements designating a reasonable and enforceable manner and procedure in perpetuity for the collection of contributions to ensure proper maintenance of all private roads and common facilities of the subdivision by owners of lots having rights thereto. The subdivider shall also supply acceptable evidence to the Planning Board determining legal responsibility and time schedules for completion of construction of all roads and common facilities of the subdivision, provided that phasing of the same concurrently with the phasing of the subdivision may be permitted.
- C. Any private road constructed within the town will be inspected as described in Article X of this chapter. This evaluation will apprise the Planning Board and owner(s) of deviation(s) from the minimum standards of road design and construction as adopted for the town and provide the Planning Board and owner(s) with a base from which to start should work be required to bring the road up to minimum design and construction standards should the road ever be considered for acceptance as a town road.
- D. It is the policy of the town that no private road will be accepted as a town road unless its design and construction meet the standards set forth in this chapter.
- ~~E. The road construction standards may be waived in whole or in part by the Planning Board for private roads servicing two (2) or three (3) lots, provided that such roads comply geometrically with the road standards. Any subdivision road which has had construction standards waived by this Planning Board at any time may not be used as access for any additional residential units until such road has been reconstructed to comply with the then applicable road construction standards of this Planning Board. A note regarding the stipulation above as well as a note stating what was waived shall be placed on the final plat to be registered.~~

131-44. Bridges. [Amended 5/89, 6/94]

On stream crossings of ten (10) feet or more span, the structure shall be designed to SHS-20 loading (AASHTO specifications). The minimum roadway width shall be twenty-six (26) feet. All bridge designs shall be done and stamped by a professional engineer.

131-45. Sidewalks. [Amended 6/94]

See Section 131-67.C(3)

131-46. Highway bounds and signs.

- A. Highway bounds of concrete or stone at least twenty-four (24) inches in length and four (4) inches square shall be installed at all intersections of streets, at all points of change in direction and at any other points the Planning Board may deem necessary to designate the street lines.
- B. Signs shall conform to the Manual of Uniform Traffic Control Devices.

131-47. Off-street parking.

All subdivision development shall contain 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, snowplowing and access by emergency, police and fire vehicles, no parking of vehicles within the street shall be permitted.

131-48. Installation of utilities.

- A. All subdivisions shall make adequate provisions for water supply, sanitary sewage disposal and required utilities and improvements. All such utility system installations and any damages shall be at the expense of the subdivider. All utility systems shall be installed under the supervision of the appropriate town precinct or utility agent.
- B. The Board may require an extension of public water and sewers to and within a proposed subdivision, without cost to the town, where existing lines are, in the sole judgment of the Board, within a reasonable distance of the proposed subdivision.
- C. The Board may require the installation of street lighting in any subdivision where it deems necessary.
- D. Water and sewer mains should be constructed beyond the road and shoulder. Manholes shall not be located on the crown (typically the centerline) or in wheel paths.
- E. 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.
- F. All utility systems shall be placed underground in conformity with the terms and specifications of the utility company involved.

- G. 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.

ARTICLE VII Erosion Control

131-49. Purpose.

The purpose of this Article is to control soil 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.

131-50. Subdivider's responsibilities.

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

131-51. Standards.

The following standards shall be observed by the subdivider in the design, layout and engineering of the proposed subdivision in both the preliminary layout phase and the final plat phase:

- A. ~~The Erosion and Sediment Control Design Handbook for Developing Areas of New Hampshire prepared by USDA Soil Conservation Service, May 1981~~ Except where modified herein, the Stormwater Management and Erosion Control Handbook for Urban and Developing Areas In New Hampshire prepared by the New Hampshire Department of Environmental Services, Rockingham County Conservation District, and USDA Soil Conservation Service, latest edition, will be used in design of all control measures.
- B. Stripping of vegetation, regrading or other development shall be done in such a way that will minimize soil erosion first and capture potential sediment second.
- C. Whenever practical, natural vegetation shall be retained, protected and supplemented. Upon final grading, vegetation shall be re-established except where to be covered with hard surfaces.
- D. The disturbed area and duration of exposure shall be kept to a minimum ~~and the duration of exposure shall be under a maximum of six (6) months.~~ Disturbed areas not worked for two or more weeks shall be stabilized by applying and maintaining mulch. Disturbed areas not being worked for six or more weeks shall be stabilized by applying seeding, mulch, and tackifier, and maintaining vegetation.
- E. ~~Temporary seeding and/or mulching shall be used to protect exposed critical areas during development.~~ Upon permanent seeding, slopes steeper than 2.5 horizontal to 1 vertical (2.5:1) shall be stabilized with a degradable erosion control matting designed to last 12 to 24 months. Upon permanent seeding, an organic tackifier shall be applied to mulch on disturbed slopes between 4:1 and 2.5.

- F. ~~Provisions shall be made to accommodate the increased runoff caused by changed soil and surface conditions during and after development.~~ All disturbed work areas shall be stabilized prior to October 15.
- G. Sediment in the runoff water shall be trapped until the disturbed area is stabilized by the use of sediment basins or other acceptable methods. Drainage channels and earthen basins shall be stabilized with seed and mulch/erosion control fabric, sod, or riprap or other hard surfacing (where allowed) prior to directing flow to them.
- H. The inlet to subsurface infiltration devices shall be plugged until the vegetation is established in the areas tributary to the devices.
- I. Provide a construction sequence on the plans, including the earthwork and flow diversion sequence as well as the timing for the installation of the erosion control measures.

ARTICLE VIII
Open Space

131-52. Provision to be made for community open space.

- A. Where a proposed community 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.
- B. As a condition of approval of the final plat, the Board shall require that the area shown thereon as open space be offered for dedication or for sale to the town. The Board shall not require such in excess of fifteen percent (15%) of the total area of the subdivision. If the open space area does not front on a road, the Board may require that reasonable access be offered to the town. Reasonable compensation, confirmed by the Selectmen, will be provided, and the town will acquire the land within a period of one (1) year from the date of approval of the subdivision plat.
- C. If no such community open space, park or playground is shown on the Town Master Plan within the boundaries of a proposed subdivision, the Board may, where it deems essential, require that the plat show one (1) or more sites of character, size, shape and location suitable to be used by the future residents of the subdivision as open space or park, in an 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 not be less in area than as provided in the Zoning chapter. Such areas of open space, whether privately or publicly owned, shall have a sufficient legal restriction recorded in the town land records to assure permanence of use as open space. Open space land in private ownership shall be deeded in such a way that will assure operation or maintenance of the land in an orderly manner suitable for the purpose intended. In making such a request, the Planning Board shall consider the impact on the existing community recreational facilities given the number and type of households in the proposed subdivision, the distance to existing recreational facilities and the suitability of the land for open space.

131-53. Use of open space.

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, removing 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 plans for recreation development of said open space have been reviewed and approved by the Board as part of the final plat submission. 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.

ARTICLE IX
Administration

131-54. Review of plats by other officials.

Before approval of the final plat is given, the Planning Board may require that the applicant obtain written statements that the proposed subdivision plat is satisfactory to town officials as follows:

- A. The Board of Selectmen and/or precinct commissioners or their agent(s) as to the relationship of the proposed water and drainage facilities to the water and drainage lines in existing public ways.
- B. The Selectmen or their agent as to the design of the street system, location of easements and design of the water and drainage systems, including appurtenances.
- C. The Chief of the Fire Department as to the location and spacing of hydrants, where they are provided.
- D. The Chief of the Police Department as to vehicular and pedestrian traffic safety and access for emergency vehicles.

131-55. Performance and inspection of work.

- A. All work necessary for the construction and required improvements shall conform to the requirements of these regulations. Such work shall be performed in a good and workmanlike manner and shall be free from faults and defects. All materials incorporated in such construction shall conform to the requirements of these regulations and shall be of good quality. Any work or materials not conforming to the foregoing standards may be considered defective and rejected by the Engineer. All work and materials rejected by the Engineer as defective shall be removed and corrected by the subdivider.
- B. The Engineer will be the town's representative during the construction of required improvements. He shall at all times have access to the site when the work is in preparation and progress. He will make periodic visits to the site to familiarize himself generally with the progress and quality of the work and to determine in general if the work is proceeding in accordance with the requirements of these regulations. The subdivider shall provide the Engineer in advance with a schedule of work to be performed outside of the Engineer's normal office hours and give the Engineer timely notice of the completion of each major stage in the construction of any required improvement so that the Engineer may inspect the work completed prior to the covering thereof, and the Engineer shall make all such inspections with reasonable promptness so as to cause no delay in the work. In particular, as described in Article X, the subdivider shall, in the case of the streets, give timely notice to the Engineer of the completion of subgrades, drainage base course and base and final surfacing.

- C. The subdivider shall give the Engineer notice when any required improvement is completed and ready for final inspection. The Engineer will promptly make such inspection and, when he finds that the particular improvement has been fully completed in accordance with the requirements of these regulations, he shall approve the same in writing. Such approval, in the case of a street, shall not constitute the legal acceptance of the street by the town nor shall it modify in any way the requirements of law for the acceptance of streets by the town.
- D. The subdivider shall promptly remedy any defects in any required improvement due to faulty workmanship or materials, which appear within a period of one (1) year after approval thereof by the Engineer.
- E. Notwithstanding the on-site observations and inspections of the Engineer and any directions given by him, the subdivider shall be and remain fully responsible for the performance of the construction work in accordance with the requirements of these regulations, and the Engineer shall have no responsibility for the failure of the subdivider to carry out the work as required herein.

131-56. Interpretation of provisions.

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

131-57. Relation to other street and utility acceptance regulations.

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

131-58. More stringent provisions to prevail.

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

131-59. Enforcing officials.

These regulations shall be enforced by the Board or its duly authorized representatives.

131-60. Compliance required; violations and penalties.

No subdivision of land shall be made and no land in any subdivision shall be transferred, sold or offered for sale until a final plat prepared in accordance with the requirements of these regulations has been approved by the Planning Board. 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 plan of the said subdivision has been approved by the Planning Board and recorded or filed in the Registry of Deeds, shall forfeit and pay a penalty of five hundred dollars (\$500) for each lot or parcel transferred or sold, and the description of metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the transaction from such penalties. The Town of Conway, New Hampshire, may enjoin such transfer or sale and may recover the said penalty by civil action. In any such action, the prevailing party may recover reasonable court costs and attorneys' fees as the same may be ordered by the court.

131-61.1. Public Utility Applications. [Amended 2/88]

Pursuant to RSA 674:30, on application of a public utility company, the Planning Board may waive any requirements in its ordinances, including but not limited to subdivision and site plan regulations and the zoning ordinances of the town, to permit the construction, maintenance and operation of an unoccupied structure which is less than two hundred (200) square feet in surface area necessary for the furnishing of utility service so long as the Board shall make findings based on evidence presented to it in each specific case that:

- (1) The utility service provided by a public utility company and the proposed unoccupied structure of said company is for the public health, safety and general welfare of the town.
- (2) The siting options of the public utility company are reasonably limited due to the need to physically integrate the proposed structure as a component of the public utility's transmission or distribution apparatus.
- (3) The construction, maintenance and use of said unoccupied utility structure would not adversely affect the character of the area or create a hazard to the public.
- (4) The structure shall be adequately screened to reasonably limit sound and view of the unoccupied structure from abutters and/or public ways.
- (5) Notices for public hearings shall be given and held as otherwise may be required or permitted pursuant to RSA 674:30.

131-61.2. Waivers. [Amended 12/90]

The Board may grant waivers of any design requirement of the Subdivision Regulations in accordance with the following:

- A. The applicant shall provide a written request for waiver, on a form provided by the Town.
- B. In evaluating a request for waiver, the Board shall not grant the waiver unless it finds, based upon evidence presented to it, that:
 - (1) granting of the waiver shall not be detrimental to the public health, safety or general welfare;
 - (2) granting of the waiver shall not, in the opinion of the Board, be injurious to other parties;
 - (3) granting of the waiver shall not have the effect of nullifying the intent and purpose of these regulations; and
 - (4) strict compliance with the regulations would cause a hardship to the applicant solely because of unique physical characteristics of the site; or
 - (5) alternative design standards which are independently and scientifically derived are provided to the Board at least one week prior to the public hearing, and, in the Board's opinion, the alternative standard would better accomplish the intent of these regulations for this specific case or

(6) the Board determines that granting the waiver would result in substantial public benefit, and would not constitute a nuisance or hazard, nor be detrimental to other properties in the neighborhood.

C. A waiver request shall be considered only at or after a noticed public hearing by the Planning Board on the subject application is held and the waiver request is presented or discussed so that abutters have an opportunity to be made aware of all waiver requests.

131-62. Amendment of chapter.

These regulations may be amended by the Planning Board but only following a public hearing on the proposed changes. The Chairman or Secretary of the Planning Board shall transmit a record of any changes so authorized to the Registry of Deeds of Carroll County.

131-63. Appeals.

Any person aggrieved by any decision of the Planning Board concerning a plat or subdivision may present to the Superior Court a petition, duly verified, setting forth that such decision is illegal in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision in the office of the Planning Board.

ARTICLE X
Road Standards
[Rewritten/Adopted 5/98]

131-64. Legislative Intent of Street Standards.

In accordance with RSA Chapter 23 as amended, the Planning Board shall approve designs and Selectmen shall enforce the following road specifications. The intent of these standards is to provide all citizens of Conway with safe roads requiring a minimal amount of maintenance, while improving the circulation patterns of the Town.

131-65. Authority.

The Board of Selectmen shall enforce this ordinance with the lone exception being accepting private roads as Town roads, which shall be done by Town Meeting vote. (See Section 131-68-E, Street Acceptance) The Planning Board shall approve all new road designs for new projects.

131-66. ~~Definitions for Road Standards Reserved.~~

~~**Arterial Roads**—Major roads carrying traffic from collector and local roads and providing a means of travel from one part of Town to another.~~

~~**Average Daily Traffic**—An estimate of the daily volume of traffic utilizing a street. The value shall be determined by ITE and will be no less than 8 trips per household in residential areas.~~

~~**Base**—That elevation which base materials must be brought up to prior to installation of pavement. The base materials are comprised of 12" of bank run gravel and 6" of crushed gravel.~~

~~**Build Out**—Is intended to mean that point in time when all approved lots and/or units along a street have been completed and occupied.~~

~~**Collector Road**—Roads which service a number of local roads and/or convey traffic to/ from arterial roads.~~

~~**Common Fill**—Earth material from either on-site or off-site that is free from frozen material, foreign debris, clay pockets, peat, organic matter, perishable rubbish and other deleterious materials. Material shall contain no rocks larger than half the compacted thickness of each lift, with a maximum rock of six inches, remove rocks as required.~~

~~**Crown**—The elevation of a road surface at its center above its elevation at its edges.~~

~~**Curb**—The granite edging of a sidewalk or paved street.~~

~~**Curb Radius**—That radius which pavement must obtain when a street flares into an intersection.~~

~~**Dead End Street**—A minor street with entrance and exit at the same end. Such streets have a cul-de-sac at the end of the street. Dead end streets are a type of local street.~~

~~**Drainage**—All drainage systems, catch basins, drains, ditches, culverts, pipes, mains and other similar structures.~~

Driveway—An area located on a lot, tract or parcel of land and built for access to a garage or off-street parking space, serving not more than two single-family dwellings. Driveways may be allowed for access to parking lots to unit type developments to serve one multifamily building with a maximum of six units and may be a maximum of two hundred feet in length.

Easement—That land area created through authorization by a property owner for the use by another and for a specified purpose of any designated portion of his property.

Grade—The slope of a road, channel or natural ground.

Headwall—A structure protecting the exposed ends of drainage structures from erosion and directing the flow of water into the structure. Headwalls are typically constructed of reinforced concrete, mortared stone or granite slabs.

Intersection—That location where more than one street intersects. In no case shall more than two streets meet at an intersection.

Invert—The elevation at which the bottom of a pipe is to be set.

Limits of Roadbed—Shall be defined as that area which the travel way, shoulders, sidewalks and slope grading encompass.

Local Road—Roads that provide access to dwellings and businesses.

Pavement—For the purpose of these regulations, pavement refers to hot laid bituminous pavement.

Right of Way—A general term denoting land, property or interest therein, usually in a strip, acquired for or devoted to transportation purposes.

Shoulder—That portion of a roadway between the edge of the wearing course and the top of the foreslope of a ditch or embankment.

Sidewalk—That portion of a street between the curblines, or the lateral lines of a roadway, and the adjacent property lines intended for use of pedestrians.

Sight Distance, Minimum—That distance, achieved for both vertical and horizontal curves at which a driver, whose eyes are at a height of three and one half feet above the road surface, can see an object one half of a foot in height on the road.

Slope—The steepness of land surface. Slope is expressed in percent by dividing the change in elevation by a given horizontal distance and multiplying by 100 percent.

Street—A state highway or a highway, road, avenue, lane and/or any other way which exists for vehicular travel, exclusive of a driveway serving not more than two adjacent lots or units. The word "street" shall include the entire right of way.

Subbase—That elevation which subbase materials must be brought up to prior to the installation of base materials and pavement.

Terrain Classification—As there is a wide variation of existing slopes in this region, streets must be designed to work with the existing topography. The terrain classification is representative of existing topography of the area on which a street is to be constructed. When a question arises as to which classification a street should be, the Planning Board shall make the final determination.

d. Level—Existing grades of 0—8%

e. Rolling—Existing grades of 8.1—15%

f. Hilly—Existing grades of > 15%

~~**Unsuitable Materials**—Those materials which tend to deteriorate a street if left in place, such as loam, peat, vegetative or organic matter, roots, stumps, boulders, ledge, clay muck and other material deemed unsuitable by the Town in the field.~~

~~**Valuation**—Shall be as per the assessment records of the Town of Conway, factored up to 100 percent value.~~

131-67. Street Standards.

A. Construction of Streets

- (1) **Right of Way Width** - The minimum ROW width shall be ~~fifty six~~ sixty (60) feet for rural areas and ~~sixty-six (660)~~ feet for urban areas. Greater width may be required if, in the opinion of the Planning Board, it is needed to provide adequate room for the proposed street, sidewalks if required, street utilities, drainage, grading and snow storage.
- (2) **Clearing and Grubbing** - The entire right-of-way limits of the road-bed shall be cleared of all trees, stumps, roots, boulders and like materials. In addition, all topsoil and unsuitable materials must be removed from the limits of the road bed. ~~The road bed shall extend one foot beyond the shoulder, ditches or toe of fill slope. In no case shall the limit of clearing and grubbing extend less than 10 feet from the road shoulder.~~
- (3) **Geotextile Placement** – Except where both the native soil and embankment material contain less than 12-percent fines (#200 sieve or finer), a woven geotextile shall be placed at subgrade. Where the embankment material contains less than 12-percent fines, the geotextile shall be positioned at the base of the embankment. The geotextile shall be equivalent to, or stronger than Mirafi 500X.
- (4) **Subbase-Embankment Material** - In areas of ~~extreme~~ fill, unsuitable material or in the presence of water, the construction of an subbase embankment will be required to bring the level of the street up to that which is needed to place the aggregate subbase base materials. ~~Subbase~~ The embankment shall be brought to subgrade in horizontal lifts with common material which is suitable for road construction as approved by the Town. Testing of the materials shall be done at the applicant's expense.
- (5) **Aggregate Base and Subbase Materials** – The aggregate subbase course shall consist of twelve inches of gravel, N.H. DOT Item 304.2, and the aggregate base shall consist of six inches of crushed gravel, N.H. DOT Item 304.3. Testing of the materials' gradation (AASHTO T27 and T11) and proctor (AASHTO T99) shall be done at the applicant's expense. See Detail 1. These are minimum standards. The amount of aggregate base and subbase course materials shall be increased in areas of poor soils and for roads carrying commercial/industrial traffic. A geotechnical investigation may be required.

(6) **Compaction** - Compaction is required for the embankment, aggregate base and subbase ~~both the subbase and base~~ materials. It shall be performed by using vibrating rollers and water in lifts of no greater than twelve inches. Compaction shall be performed until the required density is achieved. Density shall be determined by AASHTO T238 method and shall not be less than 95 percent of the maximum density determined in accordance with AASHTO T99.

(7) **Pavement**

- a. **Binder Course** - A 2 to 3-inch lift of pavement (see details 1A and 1B) meeting New Hampshire Standard Specifications for Road and Bridge Construction, Division 400, Section 401, ~~Table 2, Type B, shall be installed and;~~
- b. **Wearing Course** - ~~A~~ 1 to 1 1/2-inch lift of pavement (see details 1A and 1B) meeting New Hampshire Standard Specifications for Road and Bridge Construction, Division 400, Section 401, ~~Table 2, Type E, shall be installed.~~
- c. **Pavement** shall not be installed when the outside air temperature is below 40 degrees Fahrenheit, nor when the road base temperature is below 40 degrees Fahrenheit. Temperature of pavement mix relative to road base temperature when spread shall be in accordance with Table #3. Pavement shall not fall below 185 degrees Fahrenheit prior to the completion of rolling. ~~Pavement shall not fall below 185 degrees Fahrenheit prior to the completion of rolling.~~ Pavement shall not be installed when the subgrade is frozen or the grades are incorrect. On newly constructed roads, the base course and the wearing course shall not be installed in the same season.

(8) **Shoulders** - In accordance with Detail 1. Shoulders shall be installed on both sides of the street and shall consist of modified crushed gravel, NHDOT Item 304.33. When curbs are installed this section shall not apply.

(9) **Loaming and Seeding**

- a. All remaining disturbed areas within the right of way shall have four inches of loam, which is free of stumps, roots and other unsuitable material, installed.
- b. All remaining disturbed areas within the right of way shall be fertilized and seeded in accordance with sec 646 of NHDOT specifications, except that all mulch shall be anchored with a tackifier at a minimum.
- c. The seeding of slopes and ditches shall require the use of erosion control matting.

(10) **Cross Sectional Grading of Slopes**

- a. Cross Sectional elements shall be in accordance with Details 1A and 1B.

B. Drainage

1. Adequate disposal of surface water shall be provided. Provisions must be made for maintaining natural watercourses and, unless a drainage easement is provided, limiting the peak runoff from new or improved roads to the existing conditions during both the 2-year and 25-year rainfall events. Road cross-culverts and water flow in the curb line shall be designed for at least the 25-yr event and driveway culverts for at least the 10-year event. Water flow along the curb line shall not extend more than 4 feet into the travel lane. Drainage calculations must be submitted to the Planning Board for their approval. For comparison of existing conditions and proposed conditions, or where hydrograph routing is necessary, the SCS TR-20 methods shall be utilized. For storm-drainage system sizing where the drainage areas is of less than 200 acres the Rational Method or SCS methods may shall be utilized, using a ten-year storm frequency, except for structures which are greater than thirty inches in diameter, in which case a twenty-five-year storm frequency shall be used. For storm-drainage system sizing where the drainage areas are of greater than 200 acres, the Potters Small Watershed Analysis, SCS methods, or other methods as approved by the Planning Board or their representative shall may be used.
2. ~~All culverts shall be at least twelve inches in diameter and shall be corrugated metal pipe (CMP) or reinforced concrete pipe (RCP), or HDPE plastic pipe (Hancor or ADS). No aluminum shall be allowed. See Detail 6. All road culverts shall be at least fifteen (15) inches in diameter and all driveway culverts shall be at least twelve (12) inches in diameter. Culverts shall be corrugated metal pipe (complying with AASHTO M36, Type III) or reinforced concrete pipe (Class III or higher complying with NHDOT Section 603), or HDPE plastic pipe (by Hancor or ADS complying with AASHTO M294, Type S). No aluminum shall be allowed. See Detail 6A.~~
3. When pipe systems are included in a street design, plan/ profile sheets shall be required for the systems showing proper sizing, slopes, inverts, etc.
4. ~~When drainage ditches are used, they shall be in accordance with Detail 1. Ditches shall not be permitted at grades above 8 percent, which require curbing, culverts and basins, or at grades above 6 percent when the developed length exceeds 250 feet. When roadside drainage ditches are used, they shall be in accordance with Details 1A and 1B. Riprap-lined roadside ditches are allowed only behind curbed roads. In such cases the riprap shall extend no closer than four feet from the back of the curb. Cross-culverts and/or closed storm-drain systems shall be used to limit the flow in ditches to 10 cfs and velocity to 3 fps in grass-lined ditches. In no case shall the ditch length exceed 600 feet. Refer to paragraph 131-67.C.2 for other conditions that require the use of curbing, catch basins and closed storm drains. Permanent turf reinforcement mats (TRMs) are not allow in roadside ditches.~~

5. The street crown, center to shoulder, shall be 1/4 inch per foot. When designing a superelevated street, the banking shall not exceed 3/4 inches per foot, and must be accompanied by engineering calculations. The street crown, center to shoulder, shall be 1/4 inch per foot. Superelevation shall be required where the ADT is greater than 400. When designing a superelevated street, the superelevation rate shall not exceed 3/4 inches per foot, and must be accompanied by engineering calculations.
6. Headwalls of proper design including stream damming shall be required at the inlet end of all culverts. See Detail 2. Headwalls with properly designed cut-offs shall be required at the inlet end of all culverts. See Detail 2. For driveway culverts, prefabricated end-sections with toe plates may be used in lieu of headwalls.
7. Underdrain shall be used in cut sections or where the seasonal high water table is within three feet of the sub-base elevation. Underdrain shall be installed in accordance with Detail 3. Underdrains shall be used under ditches where the seasonal high water table is within three feet of the subgrade elevation. Where the road runs nearly perpendicular to the existing contours, additional underdrains shall be installed laterally across the road and spaced no greater than 100 feet apart. Where the road runs nearly diagonal to the contours, underdrains shall be installed laterally across the road and spaced no greater than 200 feet apart. Underdrain shall be installed in accordance with Detail 3. Storm-drain pipes may be perforated in lieu of providing separate underdrain pipes. Perforations in storm-drain pipes shall be positioned at 10 and 2 o'clock, and the depth of flow in the pipe shall be kept below the perforations.
8. Infiltration devices shall require: pre-treatment of the storm water before infiltration; test pits demonstrating that the bottom of the devices are at least 3 feet above the seasonal high groundwater table; the bottom of the entire infiltration surface to be at least three feet below finished grade; and the infiltration area to be located outside the travel way and shoulder. In areas of SCS Adams soils, confirmed by test pitting, the exfiltration velocity may be assumed to be 0.0022 cfs/sf. In all other areas, the exfiltration velocity shall be determined by field permeability testing or established correlations to grain-size distributions, with a 1.5 factor of safety applied.
9. Drainage easements shall be provided where the peak rate of runoff will increase and/or where the runoff flow types changes to concentrated flow. Drainage easements shall extend from point of increased flow and/or the point the flow becomes concentrated to the point the runoff reaches an NHDES jurisdictional wetland /channel. Drainage easements are not required within the road right-of-way.
10. For subdivisions, the assumed impervious area per building lot shall not be less than 5,000 square feet and the assumed cleared area per building lot shall not be less than 10,000 square feet. The assumed impervious and cleared areas shall be stated on the subdivision plan with a note specifying that if the actual impervious and/or cleared areas exceed the assumptions, the lot owner shall revise the drainage analysis accordingly and provide measures to limit the flow to those assumed in the drainage design. Note, impervious area includes both paved and compacted gravel surfaces.

C. Street Design

1. Pavement Width

Pavement widths shall be in accordance with details 1A and 1B. The minimum pavement width is 18 feet. This width is only applicable to dead end roads with an ADT below 160 which do not have any truck traffic. If a road does not meet these conditions ~~than~~ then the minimum width shall be 20 feet. When curbing is required on rural roads such at intersections or steeper grades, then the pavement width shall be increased by ~~two~~ four feet. Roads in areas zoned commercial or industrial shall vary based on accepted methods of design, number of lanes, the need for bike lanes, etc. In general the minimum width for these roads shall be twenty-four feet.

2. Curbing

- a. ~~Use - Use of curbing requires basins and culverts for drainage. Curbing is required in all business districts, along any commercial driveway, all intersections with arterial or collector roads, and on any road that exceeds 8% grade or 6% when the developed length exceeds 250 feet. Curbing is required in all business districts, along any commercial driveway, all intersections with arterial or collector roads, and where any road or ditch grade exceeds 8% or 6% when the developed length exceeds 250 feet. Use of curbing requires basins and culvert for drainage.~~
b. **Type** - Granite curbing shall be utilized when curbing is installed. Bituminous or concrete curbing shall not be permitted as it is a substandard material for this use. If sidewalks are present vertical curbing is required. If there is no sidewalks than either vertical or sloped curbing is acceptable (See detail 7).

3. ~~**Sidewalks** - As a matter of pedestrian safety, sidewalks which are a minimum of five feet wide and shall be set ten feet back from the curb face is required in the vicinity of schools, and Village or Business District. Sidewalks shall be concrete poured at 4" thickness with a 4000 PSI mix and 5 to 7 percent air entertainment. Concrete shall be poured at no more than 4" slump. Acceleration ad mixtures shall not be used. The concrete shall be reinforced with 6 x 6 WWF #4 x #4. A seven-foot wide, one foot (12") deep subbase of 1.5" gravel (NHDOT Item 304.3) shall be used. Compaction of the subbase shall be in accordance with Section 131-67.A(5). Expansion joints shall be installed in accordance with NHDOT standards at 4' spacing. Sidewalks shall be treated with Silane-Siloxane or equal. Sidewalks shall have a broom finish.~~
As a matter of pedestrian safety, sidewalks are required in the vicinity of schools, and in the Village or Business District. Sidewalks are to be at least five feet wide and shall be set back ten feet from the curb face or road shoulder. Sidewalks shall be concrete poured at 4" thickness with a 4000 PSI mix and 5 to 7 percent air entrainment. Concrete shall be poured at no more than 4" slump. Acceleration ad mixtures shall not be used. The concrete shall be reinforced with ¾" fibrillated polypropylene fibers at 1.25 #/cy in accordance with the manufacturer's instructions. A seven-foot wide, one foot (12") deep subbase of 1.5" gravel (NHDOT Item 304.3) shall be used. Compaction of the subbase shall be in accordance with Section 131-67.A(5). Expansion joints shall be installed in accordance with NHDOT standards at 4' spacing. Sidewalks shall be treated with Silane-Siloxane or equal. Sidewalks shall have a broom finish.

Where sidewalks cross driveways they shall ramp down to the level of the driveway and comply with the ADA guidelines. The sidewalk shall be 6" thick concrete for the width of the driveway and ramps. The subbase for this width shall be 12" of 1 1/2" crushed gravel (NHDOT Item 304.3).

Sidewalks greater than five feet in width may be required in these areas.

4. **Sight Distance, Minimum** - All sight distances shall be computed for both vertical and horizontal curves.
 - a. **Level terrain** - A minimum sight distance of two hundred feet is required.
 - b. **Rolling and hilly terrains** - A minimum sight distance of one hundred and fifty feet is required.
5. **Dead End length and units, maximum** - A dead end street shall not serve more than 35 dwelling units.
6. **Cul-de-sac turn around radius, minimum** - See Detail 4.
7. **Off-Street Parking** - The pavement widths as detailed earlier are predicated on there being no on-street parking. As such off-street parking of two spaces per lot or unit shall be required.
8. **Driveways** - Driveways shall be located and their entrances designed as a part of street design. See Detail 5. The minimum standards which must be met are as follows:
 - a. ~~Drainage analysis may be required.~~ Drainage analysis, design, full paving and curbing may be required all the way to the building site if the driveway is likely to divert runoff to the roadside or cause flow into the street.
 - b. ~~Minimum width of ten foot driveway for residential and twenty feet for non-residential. Maximum width of eighteen foot driveway for residential and thirty six foot driveway for non-residential, fourteen feet for one-way non-residential, and twenty feet for two-way non-residential. Maximum width of eighteen foot driveway for residential and thirty-six foot driveway for non-residential..~~
Minimum width of ten foot driveway for residential and twenty feet for non-residential. Maximum width of eighteen foot driveway for residential and thirty six foot driveway for non-residential, fourteen feet for one-way non-residential, and twenty feet for two-way non-residential. Maximum width of eighteen foot driveway for residential and thirty-six foot driveway for non-residential..
 - c. 90 degree +/- 15 degrees intersection with street.
 - d. Intersection flares - at a minimum single family driveways shall provide a fifteen foot curb radii or five-foot wide by ten-foot long straight flare.
 - e. Driveway grades shall comply with Detail 5~~not exceed a sixteen percent grade and shall maintain a negative grade until it is beyond the ditch line.~~

- f. Commercial driveways require curbing and a minimum radius of 25 feet.
 - g. Unpaved driveways will require paved aprons ~~of 15-30 feet~~ extending at least to the ditch line but not less than 15 feet for residential driveways and 25 feet for commercial driveways.
 - h. No more than ~~2~~ 1 curb cuts is allowed for residential lots (see also 123-21).
 - i. Also see Table 2 for driveway site-distance requirements and location relative to intersections and other driveways and Detail 5 for other requirements.
9. **Utilities-** ~~All underground facilities and transformer slabs shall be located at the right of way line.~~ buried utilities shall be located beyond the ditch line. All above-grade utility facilities such as transformers, pedestals, and sector cabinets shall be located at the right of way line.
10. Water and Sewer Utilities – See 131-48. Hydrants to be located behind the ditch line but not less than 10 feet from the travel way.

131.68. Miscellaneous Standards.

A. Highway Bounds and Signs

Granite highway bounds, at least twenty-four inches in length and four inches square, shall be set at all points of street intersections, ~~and~~ at all points of change of direction (PC/PT), at points along tangents no more than 800 feet and as per proper surveying standards. Discs shall be set in the top of the bounds and shall be stamped with numbers corresponding to those indicated on the metes and bounds plan.

All projects shall conform with the Manual of Uniform Traffic Control Devices, latest edition.

B. Consultants

The Planning Board or Board of Selectmen may hire consultants to review plans, perform inspections and/or perform other duties related to the project as they deem appropriate. All costs of said consultants shall be paid by the applicant.

C. Inspections

Initial inspection shall take place upon submission of proposed road plans. It is the responsibility of the owner(s) to have roads laid out with centerline grade stakes at every half station. The Board of Selectmen will notify owner(s) of the date of inspection.

Prior to the start of the work, a pre-construction meeting will be held to review procedures, identify responsibilities and discuss Town requirements. The contractor and the contractor's superintendent shall attend the pre-construction meeting. The following items shall be submitted at or before the pre-construction meeting:

- a. Two (2) copies of the approved plans
- b. US EPA NPDES Notice of Intent (NOI) and Stormwater Pollution Prevention Plan (SWPPP).
- c. Surety of Work.
- d. Testing and inspection fees.
- e. Project schedule

The Town and the Town's representatives shall have full access to the site when the work is in preparation, during construction and after completion. They may observe the work on a periodic or full-time basis. The Town must be present during the installation of utilities, drainage pipes, geotextile and pavement and must observe the work at other specified stages.

~~During construction,~~ †The applicant shall notify the Office of the Town Engineer two business days prior to the required inspections. Upon notification of applicant, Town Engineer or designee shall perform the following inspections within 48 hours:

- a. Cleared and Grubbed - Roadway is clear and grubbed down to native soil, free of loam or

- other unsuitable materials prior to the placement of any fill.
- b. Drainage - Installation of pipe, culvert, basins, etc.
 - c. Embankment – Placing and compacting the embankment material.
 - d. Geotextile – Geotextile is laid.
 - e. Aggregate Subbase ~~gravel~~ - Aggregate Subbase ~~gravel~~ is installed and compacted.
 - f. Aggregate base ~~Crushed gravel~~ - ~~Crushed gravel~~ Aggregate base is installed and compacted.
 - g. Pavement installation - Applicant must notify the Town of date(s) which pavement will be installed. The Town must give approval prior to the placement of pavement. The Town must be present during the installation of pavement.
 - h. Utilities-Installation of conduits, cables, pipe, and warning tape for electric, water, sewage, etc. The Town must be present during the installation of utilities.
 - i. As built drawings- Shall be maintained on a daily basis, weekly inspections will be conducted.
 - j. Final inspection - After the submission of as built drawings and prior to the release of the surety the Town shall conduct a final inspection. All items from the Town's punch list shall be addressed prior to the acceptance of the work.

Failure to notify the Town or their designated representative of said inspection points shall give the Town the right to reject the work and require reconstruction.

The Town and/or their designated representative shall at all times have access to the site for the purpose of performing inspections.

The cost of inspection and testing shall be paid by the applicant(s).

D. Surety of Work

Proper surety in the form of cash, bonds must be submitted to the Town to insure the completion of work. No work shall start on the property until proper surety is in place. The surety amount shall be 115% of the current estimated cost.

A utilized cost estimates shall be submitted for approval prior to the surety being accepted. The cost estimate shall include the costs of inspection and testing. Surety may be drawn down no more often than monthly. In no case shall the surety be drawn below ten percent until the completed road has successfully stood for one year.

The surety may be used by the Town to repair work which has failed or was not performed in accordance with the plans and specifications, to restore the site should the project default, to cover the cost of testing and inspections and to cover legal or other fees the Town may incur during the collection process.

E. Street Acceptance

No street will be accepted by the town until such time as all improvements have been carried out as shown on the final plat, in accordance with the requirements of these regulations and subject to any conditions established by the Planning Board at the time of final plat approval. In addition, the following conditions shall be met prior to Selectmen recommending a street for acceptance:

1. At least ~~sixty~~ **eighty-five (85)** percent of all buildings to be built on lots fronting on the road shall be fully constructed and ready for occupancy.
2. The valuation along said street shall be a minimum of two million dollars per mile.
3. Street construction shall have been complete for a minimum of eighteen months.
4. The standards of this ordinance shall have been met.
5. At least one thousand feet of street shall be proposed for acceptance except when the proposal is for a generally straight extension of an existing Town street.
6. A fee simple deed shall be submitted prior to acceptance. A metes and bounds description, prepared by a New Hampshire licensed surveyor, shall be submitted to the Town. Accompanying the legal description shall be a certification by the Owner's surveyor that the right-of-way bounds have been set at the locations shown on the street design plan.
7. No road will be considered unless accessible via a Town or State roadway.
8. All petitions for road layout must be made before Oct. 1 of each year. Petitions shall be signed by at least twenty-five Conway registered voters.
9. When there are no records indicating that the Town witnessed the road construction (i.e. inspection reports, sieve analysis, compaction tests, etc.) road corings to investigate sub grade shall be performed and paid for by the applicant. Testing will not be done between November 1 and May 1. The following testing shall be performed: pavement and aggregate testing @ 100-ft spacing; aggregate base density and percent compaction @ 200-ft spacing; aggregate base sieve analysis @ 400ft spacing; subgrade sieve analysis @ 400ft-spacing; and aggregate base proctor tests @ 800-ft spacing (composite from corings).
10. Betterment projects shall conform to the provisions of RSA 231:28-33. All costs of betterment engineering shall be paid for by the applicant. Betterment periods shall be no longer than 10 years.

11. Upon acceptance of the road, a maintenance bond shall be provided to reserve funds to repair or reconstruct streets, which have become damaged due to latent defects in the street construction. The maintenance bond shall remain in effect until two (2) years after acceptance and the bond value shall generally be twenty dollars (\$20) per linear foot of roadway accepted. The bond value is intended to approximately equal 10 percent of the cost to fully reconstruct the road.

F. Waivers

Waivers to any section may be requested. All waiver requests must be submitted in writing. The Planning Board shall not approve waivers unless it shall make findings based upon evidence presented to it in each specific case that:

1. The granting of the waiver will not be detrimental to the public safety, health or welfare or injurious to other properties located nearby.
2. The granting of the waiver shall not permit construction of a lesser quality or create a structure requiring greater maintenance.
3. The granting of the waiver shall not have the effect of nullifying the intent and purpose of these regulations.

Upon receiving the request, the Planning Board shall evaluate the arguments, review the possible precedence, which the decision may set, and shall vote to approve or disapprove the request.

G. More Stringent Provisions

In all cases of conflict between this and other Town or State regulations, the stricter regulations shall apply.

H. Minimum Data Required on Street Design Plans

1. The applicant shall submit two complete sets of street design plans for the Planning Board's review. The applicant shall also submit two copies of any revisions made to the plans for approval. The plans shall be submitted on twenty-two by thirty-four inch plan/profile paper and shall be done with a horizontal scale of 1" = 40' and a vertical scale of 1" = 10'.
2. Data Requirements
 - a. Title showing the name of the subdivision, name of the street and name of the owner, date (day, month, year), revision history, scale and name and seal of an engineer licenses in the State of New Hampshire
 - b. Right-of-way lines
 - c. Slope and drainage easements
 - d. All centerline data (tangent lengths and bearings, curve data and stationing)

- e. Edge of pavement lines
- f. Cross sections at each half station
- g. Existing grade at each half station (on profile and cross section)
- h. Proposed grade at each half station (on profile and cross section)
- i. Length of vertical curves and data (on profile)
- j. Sight distance of horizontal and vertical curves
- k. Design speed
- l. Type of terrain considered to control design
- m. Average daily traffic (ADT) based on "ITE Trip Generation Manual, 1987"
- n. Design Year based on tenth year after opening year
- o. Drainage structure location and inverts, station, skew, length, slope and end treatment
- p. Benchmarks not more than five hundred feet apart
- q. Utility locations and details
- r. Specific material specification or reference
- s. A detailed engineer's estimate-opinion of construction cost
- t. A notarized letter fixing the legal responsibility for maintenance of the streets
- u. Grading plan showing existing and proposed contours at a minimum of two foot frequency within the right of way
- v. General notes for Inspections (see section 131.68c for inspection requirements).
- w. Driveway layout with the street right-of way and spot elevations at edge of pavement, ditchline/gutter, and right-of-way line.
- x. Erosion and Sediment control plan with project-specific construction sequence.

I. As-Builts

- 1. In order to ensure the proper construction of development streets, As-Built drawings shall be presented to the Selectmen or their designee for their review prior to final draw down of the surety for the project. These drawings must be maintained on a daily basis and will be inspected weekly.
- 2. Except for those referred to above, the Planning Board does not require as-built subdivision plans, nor will it stamp and sign such plans. The only as-built subdivision plans, which the Board will stamp and sign is the plan showing the location of structures on condominium property. Such plans shall:

- (a) Be certified to be correct and stamped by a N.H. Licensed Land Surveyor
 - (b) Be accompanied by Certificates of Occupancy, if applicable;
 - (c) Clearly identify in the title block exactly what the as-built plan is approving; and
 - (d) Have the following plat note printed on each sheet, “These as-built plans are pursuant to, and without modification of, the original Planning Board approval.
3. Submit metes and bounds plan prepared by a N.H. Licensed Land Surveyor showing the following items:
- a. Platted rights-of-way.
 - b. Bearing and distances of right-of-way tangents and other property lines.
 - c. Horizontal curve data for the right-of-way including radius, delta and length.
 - d. Numbered bounds.
 - e. Slope, drainage and other easements and encumbrances.
 - f. Edge of pavement and driveway entrances.
 - g. Other items required by the N.H. Code of Administrative Rules, Board of licensure for Land Surveyors, Rule Lan 503.09.

**TABLE 1
STREET DESIGN GUIDELINES**

<u>Description</u>	<u>Terrain</u>		
	Level	Rolling	Hilly
Terrain Classification			
Right of way (ft)	Section 131-67.A.(1)		
Pavement width (ft)	Section 131-67 .C.(1)		
Type of Curb	Section 131-67 .C.(2)		
Minimum sight distance ¹ (ft)	200	150	150
Maximum grade ²	<u>7.6%</u>	9%	11%
Minimum cul-de-sac radius	See Detail #4		
<u>Cross-Slope</u>	<u>2%</u>	<u>3%</u>	<u>4%</u>
Design Speed	25	25	20
Minimum centerline radius 4 Percent Superelevation	150	150	125
Without Superelevation	200	200	150
Minimum tangent- Between <u>Reverse curves</u> (ft)			
<u>4 Percent Superelevation</u>	<u>100</u>	<u>100</u>	<u>100</u>
<u>Without Superelevation</u>	75	75	50
Driveways	Section 131-67.C.(9)		

¹ For sight distance calculations, the height of the driver’s eye is considered to be 3.5 feet and the height of object 2.0 feet

² The maximum longitudinal length of grades in excess of 6% shall be 1,500 feet. However, such sections of road shall be separated by a minimum of 400 feet at a grade of 6% or less.

**TABLE 2
INTERSECTION DESIGN GUIDELINES**

Description	Terrain		
	Level	Rolling	Hilly
Terrain Classification			
Approach Speed (mph)	25	25	20
Clear sight distances ¹			
Approach	200	200	150
At intersection	IAW SSD for intersection Road, but not less than 200 ft.		
Vertical Alignment - Maximum grade			
New Roads	23%	23%	24%
Existing Roads	6%	6%	8%
Distance (ft) ²	100	100	100
Minimum angle of intersection	** 90 0 +/- 10 0 **		
Minimum curb radius (ft)			
Local – Local	25	25	25
Local – Collector	30	30	30
Collector – Collector	35	35	35
Collector – Arterial	40	40	40
Minimum centerline offset from Adjacent intersection ³			
Local – Local	125	125	125
Local – Collector	150	150	150
Collector – Collector	200	200	200
See Note 1			
Minimum tangent length			
Approaching intersection (ft)	50	50	50

¹ For intersection sight distance calculations, the height of the driver’s eye is considered to be 3.5 feet and located 10 feet from the edge of travel way, and the height of object is 3.5 feet.

² Measured from the centerline/centerline intersection along both the new side street and the new or existing thru-street.

³ ~~Note 1:~~ Residential driveways will be considered as local roads and commercial driveways as collector roads.

**TABLE 3
RECOMMENDED MINIMUM PLACEMENT TEMPERATURES**

Mat Thickness, in. (cm)

Base ¹						
Temp. F	½(1)	¾(2)	1(2.5)	1-½(4)	2(5)	3(7.5) ²
+40-50	---	---	310	300	285	275
+50-60	---	310	300	295	280	270
+60-70	310	300	290	285	275	265
+70-80	300	290	285	280	270	265
+80-90	290	280	275	270	265	260
+90	280	275	270	265	260	255
Rolling						
Time, min.	4	6	8	12	15	15

¹Base on which mix is placed [C=0.555 (F-32)]

²and greater