

TOWN OF BRIDGEWATER, NEW HAMPSHIRE

LAND SUBDIVISION REGULATIONS

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April 2007

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ARTICLE I: PURPOSE

As a means to retaining the scenic beauty of our Town and for the purpose of protecting the health, safety, convenience, prosperity and welfare of our inhabitants and to promote the harmonious, orderly and coordinated development of the Town, the following land subdivision regulations are hereby enacted.

These subdivision regulations will serve as a guide and blueprint for securing impartial handling of all subdivision plans by providing uniform procedures and standards for observance by both the subdivider and the Planning Board.

ARTICLE II: AUTHORITY

Pursuant to the authority vested in the Town of Bridgewater Planning Board by the voters of the Town of Bridgewater on June 21, 1972 and in accordance with the provision of Chapter 36, Sections 19–29, New Hampshire revised Statutes annotated 1955, and as amended, the Town of Bridgewater Planning Board adopts the following regulations governing the subdivision of land in the Town of Bridgewater, New Hampshire.

ARTICLE III: EFFECTIVE DATE

These regulations shall become effective after a public hearing as required by RSA 675:6 and upon the vote of the majority of the Board.

ARTICLE IV: JURISDICTION

1. This ordinance shall pertain to all land within the boundaries of the Town of Bridgewater.

2. For subdivisions that involve land designated as “Special Flood Hazard Areas” (SFHA) BY THE National Flood Insurance Program (NFIP):

A. The Planning Board shall review the proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C 1334.

B. The Planning Board shall require that all proposals for development greater than 50 lots or 5 acres, whichever is the lesser, include the Base Flood Elevation (BFE) data within such proposals (i.e. floodplain boundary and 100 year flood elevation).

C. The Planning Board shall require the applicant to submit sufficient evidence (construction drawings, grading and land treatment plans) so as to allow a determination that:

- (i) all such proposals are consistent with the need to minimize flood damage;
- (ii) all public utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage; and
- (iii) adequate drainage is provided so as to reduce exposure to flood hazards.

ARTICLE V: VALIDITY

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

ARTICLE VI: CONFLICTING PROVISIONS

Whenever the regulations made under the authority hereof differ from those prescribed by any state statute, Town ordinance or other regulations, that provision which imposes the higher standard shall govern.

ARTICLE VII: REQUIRED APPROVAL OF SUBDIVISION PLAN

Before any person may subdivide any land within the Town, or construct any street, or install any services, he shall obtain the approval of the final plan from the Board.

ARTICLE VIII: DEFINITIONS

1. **Board:** shall mean the Planning Board of the Town of Bridgewater.
2. **Subdivision:** means the division of a lot, tract or parcel of land into two or more lots, plots, sites or other divisions of land for the purpose, whether immediate or future, of sale, lease, building or condominium development.

It includes re-subdivision, and when appropriate to the context, relates to the process of subdivisions, or to the land, or to the territory to be 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.

3. **Street:** means and includes street, avenue, boulevard, road, alley, highway or other way exclusive of driveway serving not more than two adjacent lots. A discontinued street shall not constitute an existing approved street.

4. **Sketched layout:** means pencil line plan of the proposed subdivision.
5. **Preliminary layout:** means a detailed layout of the proposed subdivision and supporting information required by the Board.
6. **Final plat:** shall mean the final plan on which the subdivider's plan of subdivision is presented to the Bridgewater Planning Board for approval and which if approved shall be submitted to the Registry of Deeds of Grafton County for recording.
7. **Abutter:** means any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration by the local land use board. For purposes of receiving testimony only, and not for purposes of notification, the term "abutter" shall include any person who is able to demonstrate that his land will be directly affected by the proposal under consideration. For purposes of receipt of notification by a municipality of a local land use board hearing, in the case of an abutting property being under a condominium or other collective form of ownership, the term abutter means the officers of the collective or association, as defined in RSA 356-B:3, XXIII. (In the Town of Bridgewater land on the opposite side of the Pemigewasset River should be included as an abutter.)
8. **Lot:** an area of land in one ownership with definite boundaries ascertainable or to be ascertainable on record and used or set aside and available for use as the site of one or more buildings and building accessory thereto.
9. **Performance guarantee:** before approval of a subdivision by the Planning Board there must be filed with the Board of Selectmen, by the subdivider, an insurance performance bond, suitable escrow deposit or first lien on property within the subdivision by the subdivider or other real property in amount sufficient to cover the cost of construction of the streets, and extension of public water and sewer lines if required. Estimates of cost shall be filed with the street plans and may be reviewed by the Board of Selectmen, their consulting engineer or Road Agent as to amount. Any bond must be approved as to form and sureties by the legal counsel of the Town of Bridgewater and conditioned on the completion of such improvements within five years of the date of the bond.

As a substitute for the performance bond, money for the full amount of the construction cost may be deposited in escrow in a savings account entitled as such and held by the Town in the Town's name. As an alternative to both of the above, the owner may build the road for its full length in accordance with these standards to be accepted by the Selectmen before the subdivision plan is released for recording by the Planning Board, or any lots are sold.

10. **Engineer:** means the duly designated engineer of the Town of Bridgewater or if there is no such official the Planning Board consultant or official assigned by the Bridgewater Board of Selectmen.

ARTICLE IX: PROCEDURE—PRE-APPLICATION

1. Previous to the formal submission of a subdivision preliminary layout, a subdivider, in order to save himself the cost of needless changes at a later date, may appear at a regular meeting of the Board and submit a sketch plan for discussion with the Board.
2. Application – Formal application shall be made to the Board on a prescribed form (see section XIX –Subdivision Application Checklist). Fees shall be as follows:
 - (1) Fee for subdivision of a parcel of land into less than four (4) lots \$80.00
 - (2) Fee for subdivision of a parcel of land into less than ten (10) lots and non-commercial \$110.00
 - (3) Fee for subdivision of a parcel of land into ten (10) or more lots and all commercial subdivision \$300.00
 - (4) In addition, upon approval of the subdivision, the applicant is required to pay to the Town the Filing Fee for recording of the deed \$100.00

The application shall be filed with the Secretary of the Board not less than fifteen (15) days before the regular meeting of the Board, at which time the application is to be considered. Applicants are responsible for complete abutter lists and all mailing fees.

ARTICLE X: PRELIMINARY LAYOUT

The preliminary layout consists of all working information necessary for the Board to grant tentative approval on the proposed subdivision. Submission of the preliminary layout shall include the following:

1. Subdividers shall file with the Board four (4) paper print copies of the proposed subdivision at a scale of not greater than 100 feet to the inch, containing the following information:
 - a. Location and dimensions of property lines.

- b. Location, names and width of all existing streets, buildings, easements, water courses, standing water, rock ledge and other essential site features.
 - c. A general location map at a scale equal to the Townwide base map showing the proposed subdivision in relation to surrounding property.
 - d. Existing topography at not greater than twenty (20) foot intervals, although ten (10) foot intervals may be required, if, in the opinion of the Board, greater accuracy is necessary.
 - e. Location, name and width of all proposed streets. Where the preliminary layout as submitted covers only a part of the proposed subdivision, a plan of future lots and the street system will be indicated.
 - f. Proposed system of water supply and sewerage disposal.
 - g. Proposed subdivision name.
 - h. Proposed subdivision use.
 - i. Name of subdivider.
 - j. Names of all abutters.
 - k. Date, north arrow, and bar scale.
2. Subdividers shall present detailed description of all proposed streets. When average grades of proposed roadways exceed 9% and/or 120 cars per day, the Board of Selectmen may require the applicant to include a profile of the entire length of the proposed roadway together with drainage layouts and underground utilities. The profile and drainage layout to be on a separate plat and designed by a licensed designer in the State of New Hampshire. Refer to Guidelines for the Construction and Design of Roads in Excess of 120 Vehicles per Day and/or 9% Grades - Town of Bridgewater which is shown as Appendix A to this Regulation.
3. Subdividers shall present written approval for subdivision from the New Hampshire Water Supply and Pollution Control Division, and, as required under the circumstances by the Planning Board, from the Special Board for Dredge and Fill, Department of Public Works and Highways, and Department of Health and Welfare. The Board may give the preliminary layout its Tentative Approval with or without modifications within forty-five (45) days of its submittal to the Board. Such approval does not constitute final approval of a subdivision, but does facilitate the procedure in securing final plat approval. The preliminary layout shall become void one (1) year after tentative approval, unless, in the opinion of the Board, substantial progress has been made.

ARTICLE XI: THE FINAL PLAT

1. The final plat submitted for approval and subsequent recording shall be submitted in quintuplicate (5) sets, one of which shall be in mylar. The size of the sheets shall conform to the requirements of the Registry of Deeds, of Grafton County, for filing. A margin of at least one inch (1") shall be provided outside ruled border lines on three (3) sides and of at least two inches (2") along the left side for binding. Adequate space shall be available on the map for necessary endorsement by the proper authorities. The drawings shall be at a scale of not more than 100 feet to the inch.
 - a. No final plat shall be approved or disapproved by the Planning board without affording a hearing thereon as prescribed by RSA 676:4.
 - b. Notice shall be sent to all abutters by certified mail, by the applicant, stating the time and the place of the hearing, not less than ten (10) days before the day fixed thereof.
2. The final plat shall show:
 - a. Proposed subdivision names or identifying title, the name and address of owner of record and subdivider, and the name, license number and seal of the designer, date, scale and north point.
 - b. Street lines, building lines, pedestrian ways, lot lines, reservations, easements and areas the title to which is reserved by the developer.
 - c. Sufficient data acceptable to the Planning Board and/or Board of Selectmen to determine readily the location, bearing and length of every street line, lot line, boundary line to reproduce such lines upon the ground. All dimensions shall be shown to hundredths of a foot and bearings to at least half minutes. The error of course not to exceed 1 to 10,000. The final plat shall show the boundaries of the property and adjoining owners.
 - d. Permanent monuments shall be set as required by the Selectmen or designate.
 - e. Street names shall be chosen so as not to duplicate any other street or way in the Town of Bridgewater.
 - f. Names of all abutters.

ARTICLE XII: STREET SYSTEM

Construction of streets, drainage facilities, sidewalks and curbs must be done under the supervision or with the approval of the Board of Selectmen or Consulting Engineer for the Town of Bridgewater.

1. Provision shall be made for the proper **projection of streets**, if adjoining property is not subdivided.
2. No **street right-of-way** shall be less than fifty feet (50') in width and may be required to be more if a greater width is warranted in the opinion of the Board of Selectmen. The apportioning of the width among road ways, sidewalks and possible grass strips shall be subject to approval of the Board of Selectmen. In general, a traveled width of not less than twenty feet (20') plus four feet (4') of gravel shoulder on each side shall be required. Roads in excess of 120 vehicles per day or 9% grade may require more stringent criteria and shall be considered individually by the Selectmen and their appointed designate. (To determine traffic, use 6 vehicle trips per day per dwelling unit for the projected traffic.) Refer to Guidelines for the Construction and Design of Roads in Excess of 120 Vehicles per Day and/or 9% Grades - Town of Bridgewater which is shown as Appendix A to this Regulation.
3. All **curved streets** must be designed to permit safe vehicular travel. The minimum center line radius of curved streets up to 7% grade is 115' centerline of the road radius; 7.1% to 8% grade, 200' centerline radius; 8.1% to 9% grade, 250' centerline radius; greater than 9%, 300' centerline radius; although at the Board's request greater radii may be required for principal streets.
4. **Streets** shall be laid out so as to intersect as nearly as possible at right angles. No street shall intersect any other street at an angle of less than sixty (60) degrees. Property lines at street intersections shall be rounded to provide for a property line radius of not less than twenty feet (20').
5. **Grades** of all streets shall conform in general to the terrain and shall so far as practicable, not exceed twelve percent (12%), unless this requirement is specifically waived by the Board of Selectmen. No street shall have a center line grade of less than 0.5%.
6. General **crowns** of the road shall be not less than three inches (3"). Shoulder slopes shall be not less than two horizontal for one vertical. The elements of the typical cross section shall conform to the New Hampshire Public Works and Highways guidelines for TRA Projects which shall be considered minimum standards. Construction material specifications shall be those shown in the Standard Specification for Road and Bridge Construction by the State of New Hampshire.

7. **Culverts** must be concrete and shall be fifteen (15) inches in diameter or more and must conform to TRA standards. Contributing draining for all ditches and culverts shall be identified and appropriate flow rates be determined using the “Rational Formula”, the S.C.C. TR-55 method or other acceptable method. Both permanent and temporary erosion control shall be provided in roadside ditches and at drainage structure outlets. Generally, no paved ditches will be allowed.
8. Subdivision on **Class 6 roads** will not be permitted until the following conditions have been met:
 - a. Class 6 roads must be upgraded to meet TRA Class 5 specifications, according to the Town’s existing regulations and ordinances. The complete section of a Class 6 which serves as access to a subdivision shall be included. All costs to be the responsibility of the developer.
 - b. The Planning Board may approve a subdivision prior to completion of (a) above if a sufficient Performance Bond is provided for completion.
 - c. No building permit will be issued for construction on a Class 6 road until the owner acknowledges in writing to the Selectmen that he is aware the Town has no responsibility to maintain said road.
- 8-A. All roads to be built to **Town Specifications**. See Appendix A and B. The twenty foot (20’) paved section shall be hard surfaced with two and one-half inches (2½”) compressed course of bituminous concrete using three quarters of an inch (¾”) asphalt binder over the required gravel base. Mix and paving to be approved by the Town Road Agent.
9. The entire **traveled area**, twenty-eight feet (28’) in width, of each street shall be cleared of all stumps, brush, roots and like material, and all trees not intended for preservation. All loam and other yielding material shall be removed from the roadway and replaced with a suitable material. All boulders shall be broken off to a depth of not less than twelve inches (12”) below the subgrade. All streets shall have a base course of not less than twelve inches (12”) of good bank run gravel, with stone no larger than six inches (6”) in diameter, to a width of no less than twenty-eight feet (28’). The top two inches (2”) of traveled area to be top dressed with one and one-half inches (1½”) crushed gravel. Gravel to be crushed using a two way screen.
10. **Dead end** streets shall be equipped with a turn-around roadway at the closed end with a minimum radius of fifty feet (50’) from the center. See Appendix B. When conditions peculiar to a particular intended subdivision so dictate, the Selectmen may, in its discretion, authorize a traveled width of less than twenty feet (20’).

11. **Inspections:** There shall be a minimum of three inspections by the Selectmen or their appointed designate. The initial inspection shall take place upon the submission of the proposed road plans. The Selectmen or designate shall notify the owner of the date of inspection and it shall be the responsibility of the owner to see that the road is laid out and described sufficiently on the ground.

Inspection shall take place periodically during construction. It shall be the responsibility of the owner to notify the Selectmen or designate at least forty-eight (48) hours in advance of any covering of laid pipes, placing of gravel and grading, and paving operations.

The final inspection shall take place after the presentation of as built plans” and before final acceptance of the road by the Selectmen.

If at any time during construction the Selectmen feel that it is necessary to have more extensive inspection or engineering than they are capable of providing, the cost of such inspection shall be paid by the Town and reimbursed in full by the owner.

12. **As Built or Record Plan:** Before the final inspection and acceptance of the road by the Selectmen the owner shall have prepared a final “As Built or Record Plan.” This plan should show as built locations and elevations in a contrasting color (preferably red ink) on a print of the original subdivision or road design. It should show the following: as built centerline of street elevations, as built culvert locations, manhole locations, guard rail locations and underground utilities.

In addition to the as built plan a metes and bounds legal description shall be furnished by the owner (prepared by the surveyor, licensed in New Hampshire) of that portion of the road to be deeded 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 plans.

13. With the approval of the Board of Selectmen or Consulting Engineer, permit variations in details of construction specified in the above article may be granted.
14. All of the foregoing shall have the intent of creating Class V highways by State standard.
15. All driveways shall conform to the driveways specifications as published by the Selectmen or their designate.

ARTICLE XIII: GENERAL REQUIREMENTS FOR THE SUBDIVISION OF LAND

1. Land of such a character that it cannot be safely used for building purposes because of exceptional danger to health or peril from fire, flood, topography, or other menace, shall not be platted for residential occupancy, or for such other uses as may increase danger to health, life, or property, or aggravate the flood hazard, until appropriate measures have been taken by the subdivider to eliminate such hazards; nor shall such land be left as a remainder to any subdivision. No floodway or water course shall be obstructed.
2. For the development of tracts of land in excess of twenty (20) acres, or involving in excess of ten (10) individual lots whether planned or completed at one time or in stages, not less than five percent (5%) of the area may be required to be reserved for suitable recreational or other non-residential use or purpose as may be determined by the Board. The prescribed five percent (5%) noted above shall be designated in the original plan prior to subdivision.
3. In subdivisions not served by public or approved community **sewer** systems, it shall be the responsibility of the subdivider to provide proof of subdivision approval by the New Hampshire Water Supply and Pollution Control Division.
4. The Board of Selectmen or its designate reserves the right to inspect any or all water and sewerage systems either during construction and/or prior to operational approval.
5. All lots shall conform to the lot sizes and frontage requirements of the Bridgewater Zoning Ordinance.
6. Subdivider shall give drainage releases to the Town of Bridgewater for the right to drain across certain specified lots.
7. Any landowner, desiring to excavate gravel or loam for commercial purposes, must have prior approval of the Bridgewater Planning Board. Compliance with RSA 155-E:2 is required.
8. **Fire Protection:** The purpose of this standard is to specify minimum requirements for water supply for fire fighting that will provide a reasonable degree of protection to life and property in the area. The following standards shall be observed for all developments of seven (7) or more lots or principal buildings (dwellings):
 - a. Water supply shall be by cistern, dry hydrant or pressurized hydrant. The cistern, dry hydrant or pressurized hydrant system shall have a minimum static capacity of thirty thousand (30,000) gallons of water on a year-round basis, with no dwelling unit in the subdivision over fifteen hundred feet (1500') distant.

- b. A cistern system shall be designed by a registered professional engineer. All plans shall be signed by same.
- c. The design of any of the above systems shall be submitted to the Planning Board and the Bridgewater Fire Chief before subdivision approval. Approval by the Fire Chief is mandatory.
- d. Any cistern or pressurized hydrant shall comply with National Fire Standard 1231 and Fire Department Regulations on file in the Town Office. Specifications may be adjusted, if necessary, from Standard 1231 for the temperate zone of the town. Any dry hydrant system shall comply with specification on file in the Town office.
- e. When questions develop not covered by this standard, NFPA Standard 1231 will be used to determine the occupancy hazard and the fire protection required.
- f. The developer shall reserve sufficient land, minimum one-half (1/2) acre, not deductible from subdivision acreage considerations, from the development to provide siting for a water supply as identified in (a) above. This land shall be deeded to the Town as a condition of subdivision approval, along with access from the nearest traveled way or Town road. Maintenance responsibility (of said supply) will then reside with the Town.

ARTICLE XIV: PENALTIES AND ENFORCEMENT; REVIEW PROCEDURE

- 1. **Penalties** and enforcement: These regulations shall be enforced pursuant to RSA 676:16 and any amendments thereto.
- 2. **Review Procedures:** The Planning Board shall place on its agenda for consideration any plats submitted to it within thirty days and shall act to approve or disapprove thereof within ninety (90) days. It shall be the duty of the Town Clerk to issue all certificates of failure when the Planning Board shall fail to take action as provided in Chapter 36, sections 19 through 29, and section 34, RSA 1955.

ARTICLE XV: VARIANCES

Where strict conformity with these regulations would cause undue hardship or injustice to the subdivider because of topography or other inherent limitation of the property, etc., a subdivision plan, substantially in conformity with these regulations may be approved by the Board, provided that the spirit of these regulations and public convenience and welfare will not be adversely affected.

ARTICLE XVI: AMENDMENTS

These regulations may be amended in whole or in part, or rescinded by the Board, but only following a public hearing on the proposed change. The Chairman or Secretary of the Board shall transmit a record of any changes so authorized to the Grafton County Register of Deeds (RSA 675:6).

ARTICLE XVII: APPEAL

Appeal of the Board's decision may be made pursuant with New Hampshire RSA 677:15.

ARTICLE XVIII: INTERPRETATION

In matter of judgment or interpretation of the above requirements, the opinion of the Board shall prevail.

ARTICLE XIX: SUBDIVISION APPLICATION CHECKLIST

Applications for subdivision and boundary line adjustments that will create a buildable lot shall be made on the form provided by the Planning Board titled Subdivision Application Checklist for Subdivision and Boundary Line Adjustments, a copy of which follows.

Minor lot line adjustments or boundary agreements which do not create buildable lots will require notice be given to abutters, and any abutter may be heard on the application upon request prior to approval of the lot line adjustment in accordance with RSA 676:4(e)(1).