

**TOWN OF RINDGE**

**NEW HAMPSHIRE**

**SUBDIVISION REGULATIONS**

**2011**

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## **SECTION I - AUTHORITY**

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

## **SECTION II - PURPOSE**

The purpose of these regulations is to provide for the orderly present and future development in the Town of Rindge by promoting the public health, safety, convenience and welfare of its residents.

Consistent with RSA 672:14, these regulations are adopted for the following purposes:

1. To protect and provide for the public health, safety and general welfare of the Town of Rindge;
2. To guide the present and future growth and development of the Town, in accordance with the Master Plan;
3. To provide for adequate light, air and privacy; to secure safety from fire, flood and other danger; to prevent overcrowding of the land and undue congestion;
4. To protect and conserve the value of land throughout the Town and the value of buildings and improvements upon the land; to minimize the conflicts among uses of land and buildings;
5. To provide for suitably located streets, sidewalks and access ways of sufficient width to accommodate existing and prospective traffic (both vehicular and pedestrian); to afford access for firefighting equipment and to be so coordinated as to provide a safe and convenient circulation system;
6. To establish reasonable standards of design and procedures for subdivisions in order to further the orderly layout and use of land; to insure proper descriptions and monumentation of subdivided land;
7. To prevent the pollution of air, land, watercourses, water bodies and wetlands; to assure the adequacy of drainage facilities; to safeguard the water table; to encourage the prudent use and management of natural resources in order to preserve the integrity, stability and beauty of the community and the value of the land.

### SECTION III - DEFINITIONS

1. **Abutter:** Shall mean any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the property under consideration by the Planning Board. For purposes of receiving testimony only, and not for purposes of notification the term "abutter" shall include any person who is able to demonstrate that his/her property will be directly affected by the proposal under consideration.
2. **Applicant:** The owner of record of the land to be subdivided, or his/her designated agent.
3. **Application, Submitted:** Information submitted by an applicant to the Planning Board, which may or may not be complete enough to warrant acceptance by the Board.
4. **Application, Complete:** The application form and all supporting documents, as specified in these Regulations, that contain all the information the Planning Board needs in order to review a subdivision proposal and make an informed decision.
5. **Application, Accepted:** An application that has been accepted by a majority vote of the members at a regular Planning Board meeting.
6. **Approved Plan:** The final drawing or drawings on which the subdivider's plan of subdivision is indicated, prepared as required under the provisions of Section V.
7. **Board:** The Planning Board of the Town of Rindge, New Hampshire.
8. **Driveway:** Any vehicular access point, along the frontage of a lot.
9. **Easement:** An acquired privilege or right of use which one party may have in the land of another; the right or privilege that a person, corporation or other entity may have in another's land for the purpose of access or installing and/or maintaining utilities and drainage ways.
10. **Engineer:** A person registered and licensed as a Professional Engineer under the laws of the State of New Hampshire.
11. **Flood Plain:** Any land area susceptible to being inundated by flood waters from any source.
12. **Frontage:** The uninterrupted length of a lot bordering a public right of way maintained by the town or state, or in a subdivision approved by the Planning Board, to which the lot has legal right of access.
13. **Local Service Road or Service Road:** Any public or private road that functions solely to provide interior access to the Commercial and Business Light Industry Districts and circulation for two or more lots.

- 14. Major Entrance:** Any driveway that is subject to site plan review.
- 15. Private Way:** A road or driveway on or over privately-owned property, limited to the use of the owner or a group of owners who share the use and maintain the road without help from a government agency. A private way has not been given to or accepted by the Town for public use.
- 16. Public Street:** Any highway, street, road, avenue, land, or other right-of-way over which the public has the right to pass and re-pass and which the state, county, or town has a responsibility to maintain. The phrase "public street" shall include the entire right-of-way.
- 17. Subdivider:** The owner of record of the land to be subdivided, or his/her designated agent.
- 18. Subdivision:** The division of a lot, tract, or parcel of land into two (2) or more lots, plats, sites, or other divisions of land. It includes re-subdivision and, when appropriate to the context, relates to the process of subdividing or to the land subdivided.
- 19. Subdivision, Major:** Any subdivision of land within the Gateway, Commercial, or Business-Light Industry Districts; or the subdivision of land into four (4) or more lots or sites within any of the Zoning Districts in the Town.
- 20. Subdivision, Minor:** The subdivision of land into no more than three lots or sites within the Residential, Residential-Agricultural, Village or College Districts on an existing public street where no new streets are created.
- 21. Subdivision, Technical:** The relocation of a property boundary line that involves the exchange of abutting land among two or more parcels without increasing the number of lots or creating new buildable lots. Such technical subdivision may not create a non-conforming lot and may not increase a non-conformity.
- 22. Surveyor:** A person registered and licensed as a Professional Surveyor under the laws of the State of New Hampshire.
- 23. Wetlands, Vegetated:** Fresh water wetlands as defined by Corps of Engineers Wetlands Delineation Manual, Technical Report Y-87-1, Environmental Laboratory, Department of the Army, 1987 and current regional supplements. These areas may or may not border or contain surface waters.

## **SECTION IV - SUBDIVISION APPLICATION PROCEDURE**

### **1. General Procedure:**

Before 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 a subdivision plat may be filed in the Office of the Register of Deeds of Cheshire County, the subdivider shall apply for and secure approval of such proposed subdivision from the Planning Board.

The Subdivision review procedure in no way relieves the applicant/developer or his/her agent from compliance with the Zoning Ordinance, Subdivision Regulations or any other ordinance or regulation which pertain to the proposed development. A subdivision application shall not be considered incomplete solely because it is dependent upon the issuance of permits or approvals from other governmental bodies, however, the Planning Board may condition approval upon the receipt of such permits.

### **2. Preliminary Conceptual Consultation (*Optional*):**

The applicant may request a meeting with the Board to discuss a proposal in conceptual form and in general terms. Although this phase is strictly optional, the Board highly recommends that the applicant avail him/herself of the opportunity to resolve any issues at this early stage that might become a problem later. To arrange for a preliminary conceptual consultation, the applicant should contact the Planning Department. The applicant will be scheduled to meet with the Board at a regularly scheduled meeting of the Planning Board. Such pre-application consultation shall be informal and directed toward:

- A.** Reviewing the basic concepts of the proposal.
- B.** Reviewing the proposal with regard to the Town Master Plan and Zoning Ordinance.
- C.** Reviewing the Town's subdivision regulations as they may apply to the proposal and determining whether the proposal is a major or minor subdivision.
- D.** Guiding the Applicant relative to state and local requirements.

### **3. Design Review Phase (*Optional*):**

An applicant may request a Design Review with the Planning Board. The Design Review Phase is an optional non binding discussion between the Planning Board and the applicant beyond conceptual review and general discussions, which involve more specific design and engineering details. A public hearing is not required. Those applicants who formally engage in the Design Review process will receive the benefit of a twelve (12) month “safe harbor” period during which the applicant’s proposal is protected from changes in the Zoning Ordinance, Subdivision Regulations and Site Plan Regulations,

provided that a formal application for approval of such proposal is filed with the Planning Board within twelve (12) months of the end of the design review process.

- A. Prior to submission of a Design Review application for Board action, an applicant may request to meet with the Board or its designee for non-binding discussions beyond the conceptual and general stage, involving more specific design and engineering details of the potential application.
- B. The design review phase may proceed only after identification of and notice to abutters and the general public as required by RSA 676:4, I (d).
- C. Persons wishing to engage in a design review shall submit a Design Review Application to the Board not less than 21 days before the regularly scheduled meeting of the Board.
- D. Statements made by Board members shall not be the basis for disqualifying said members or invalidating any action eventually taken on the application.
- E. At the end of the Design Review meeting, the Planning Board shall declare the process to have ended or that it is continued to a time and date certain.

#### **4. Completed Application (*Required*):**

To apply for consideration of a SUBDIVISION the applicant shall fill out the appropriate application (available at the Town Office) and submit it, together with all supporting documentation (as outlined in section V of these regulations) to the Board not less than twenty-one (21) days prior to the scheduled meeting date.

All application fees (refer to Appendix B) must be paid at the time of filing of the application. Failure to do so is cause for disapproval of an application. Reasonable fees in addition to fees for notice may be imposed by the Board to cover its administrative expenses and costs of special investigative studies, review of documents and other matters which may be required by particular situations.

#### **5. Action by the Board:**

- A. Upon the timely receipt of a completed application, consisting of the appropriate application form and the required submission documents for that particular application for subdivision, the Board shall inform the applicant and abutters by certified mail, at least ten days prior to the public hearing which the application is to be acted upon. Notice of the impending action will also be posted in three prominent places in the Town of Rindge at least ten days prior to the date on which the application is to be acted upon. The notice shall contain a general description of the proposal, location of the property and the name of the owner(s) of record.

- B.** At its next regular meeting or within 30 days from the date of the filing of the application, the board will consider formal acceptance of the application. All plans will be reviewed for completeness by the Planning Board. If the plans are incomplete, the applicant will receive a written determination of the decision stating what information, procedure, or other requirement is necessary for the application to be complete.
- C.** Upon determination that the application is complete the Planning Board may move into formal consideration of the application, including the public hearing. Consideration of the application shall continue from month to month or as otherwise noticed by the Board until final action by the Board.
- D.** The Board shall not approve a subdivision if:

  - 1. The applicant fails to meet reasonable deadlines established by the Board.
  - 2. The applicant fails to supply information required by the regulations.
  - 3. The applicant fails to pay reasonable fees or costs of notices as required by the Board.
  - 4. The subdivision does not conform to the Ordinances as adopted by the Town and the applicant has not obtained relief from the Board of Adjustment.
  - 5. The subdivision does not conform to the Regulations as adopted by the Town and the applicant has not obtained a waiver there from.
- E.** The Board shall act to approve or disapprove the subdivision within ninety (90) days of formal acceptance, unless:

  - 1. The applicant waives the requirement for Board action as set forth herein and consents to a mutually agreeable extension; or
  - 2. The Board applies to the Selectmen for an extension not to exceed an additional ninety (90) days.
- F.** Upon failure of the Board to act to approve or disapprove an application within ninety (90) days of its acceptance, and subject to waivers and extensions as provided for in paragraph E above, the applicant may obtain from the Selectmen an order directing the Board to act within thirty (30) days. If the Planning Board does not act on the application within that 30 day time period, then within 40 days of the issuance of the order, the Selectmen shall certify on the applicant's application that the plat is approved pursuant to this paragraph, unless within those 40 days the Selectmen have identified in writing some specific subdivision regulation or zoning or other ordinance provision with which the application does not comply. Failure of the

Selectmen to issue the order to the Planning Board or to certify approval of the plat shall constitute grounds for the Superior Court.

- G.** The Board may continue a hearing without further notice if the date, time and place of the continued hearing are made known at the time the hearing is continued.
- H** In case of disapproval of any application submitted to the Board, the grounds for disapproval shall be stated in the records of the Board.
- I.** Upon final approval of a subdivision, the Chairman shall sign the mylar and four copies of the final plat, stating the date of the Board's action. The mylar copy and the Board's written decision shall be transmitted by the Board to the Registry of Deeds, Cheshire County for recording. The applicant shall pay the registry fee to record the approved plan. Three signed copies shall be filed permanently with the Board's records, and the other signed copy shall be transmitted to the Board of Selectmen. If provided by the applicant, an additional copy may be signed for the applicant's records.

## **SECTION V - SUBMISSIONS REQUIREMENTS**

### **1. Technical Subdivision**

#### **A. General Submission Documents.**

##### **1. Scale and Dimensions for the Subdivision Plan:**

- a.** The subdivider shall file with the Board four paper copies of the proposed subdivision. The map scale may vary, depending on the size of the subdivision or depending on the part of the subdivision shown on the plan, in accordance with the following table:

Fifty (50) feet to the inch up to five (5) acres.

One hundred (100) feet to the inch up to ten (10) acres.

Two hundred (200) feet to the inch up to two hundred (200) acres.

Four hundred (400) feet to the inch over two hundred (200) acres.

- b.** The dimensions of the sheets on which plats are presented shall be 8 & 1/2" x 11", or 11" x 17", or 22" x 34" except as may be otherwise specified by the Cheshire County Registry of Deeds with separate sheets numbered and showing their relationship to one another. A margin of at least one (1) inch shall be provided outside ruled borderlines on three (3) sides and of at least two (2) inches along the left side for binding.

2. All subdivision plans shall contain the following information:
  - a. Name of the proposed subdivision; names and addresses of owner(s) of record; names and addresses of Licensed Land Surveyor and/or Professional Engineer; and date.
  - b. Boundaries and area of the entire parcel being subdivided. The plan shall include a map inset which shows the entire parcel being subdivided. In whatever manner is practicable, the subdivision boundary shall be referenced to a U.S.G.S. Benchmark. A north arrow, bar scale, and dates of any revision(s) shall be included.
  - c. Names and addresses of owners of record of abutting properties, streets, existing and proposed easements and state lines, where applicable.
  - d. An overall site location map (locus) that shows the exact location of the proposed subdivision.
  - e. Name and seal of the Professional Engineer and/or Licensed Land Surveyor, both licensed to practice in the State of New Hampshire.
  - f. The location of existing structures, driveways, well(s) and septic system(s), if applicable.

**B. Submission Documents concerning Zoning.**

1. Designation of zoning district(s) lying within the subdivision. Town boundary and Zoning District boundary shall be shown if within fifty (50) feet of subject parcel(s).
2. A statement as to the compliance of the proposed lots with zoning requirements. If any lots do not comply but are covered by zoning variances, the statement should include reference to such variance.
3. Existing and proposed lot lines, bearings and distances, lot sizes in square feet and acres, consecutive numbering of lots and building setback lines with distances.
4. The numbering of proposed lots shall be consistent with Map and Lot numbers in the "Tax Maps of the Town of Rindge" and shall include the number of the "original lot" followed by a hyphen and new consecutive lot numbers (i.e., Map 1 Lot 47 would be divided into Lots 47-1, 47-2, and so on). The land to be transferred by a Technical Subdivision shall be denoted by letter (i.e., Parcel "A").

## **2. Minor Subdivision**

- A.** All of the requirements as set forth in Section V.1 (Technical Subdivision) of these regulations.
- B.** Submission Documents concerning Natural and/or man-made features.
  - 1.** Location of water bodies, watercourses, wetlands, ledge outcrops, stonewalls, existing foliage lines, existing storm water drainage lines, drainage structures, and drainage ways.
  - 2.** A contour map of existing grades at intervals of not more than two (2) feet.
  - 3.** Location of test pits for sanitary sewage disposal and proposed well location. When a proposed subdivision contains lots of less than five (5) acres, the plan shall show State Subdivision Approval number(s) and supporting documents shall be submitted.
  - 4.** Location of all existing utilities.

## **3. Major Subdivision**

- A.** All of the requirements as set forth in Section V.2 (Minor Subdivision) of these regulations.
- B.** Submission Documents concerning proposed streets including grading, drainage and utility plans. Construction plans shall be prepared, sealed and submitted at a scale of not more than fifty feet per inch by a New Hampshire Professional Engineer and must be in compliance with the minimum road standards of the Town of Rindge (refer to Appendix A).
  - 1.** Plan and Profile construction plans shall include the following:
    - a.** Proposed street right-of-way lines, widths of streets and proposed names of new streets.
    - b.** Street stationing at every fifty (50) feet.
    - c.** Roadway center line profiles showing existing and proposed grades of all proposed streets at a scale of not more than fifty (50) feet per inch horizontally and ten (10) feet per inch vertically.
    - d.** Horizontal and vertical curve data at the street center line.
    - e.** Intersection, turn-around, and/or cul-de-sac radii.

- f.** A minimum of one benchmark for construction purposes.
  - g.** Contours of existing and proposed grades at intervals of not more than two (2) feet.
  - h.** Location of proposed foliage lines for roadway construction.
  - i.** Location of proposed storm water drainage lines, drainage structures (including invert and rim elevations) and drainage ways.
  - j.** Identification and location of proposed soil erosion and sediment control and storm water control measures and structures.
  - k.** Location of proposed sanitary sewers, including invert elevations and rim elevations, if applicable.
- 2.** Cross Section construction plans shall include the following:
- a.** Cross sections shall be shown at every one hundred (100) foot station along the proposed center line of roadway.
  - b.** Cross sections shall extend for at least twenty five (25) feet on either side of the centerline (as identified on the profile) and for any additional distance necessary to include all planned cuts and fills.
  - c.** Cross sections shall show existing and proposed grade and drainage.
- 3.** Construction Detail construction plans shall include the following:
- a.** Typical Roadway Cross Section.
  - b.** Drawings and specifications for each proposed soil erosion and sediment control measure and structure in accordance with guidelines of the town and Best Management Practices (BMP's).
  - c.** Drawings, details, and specifications for proposed storm water control measures and structures and for proposed storm water retention and/or detention basins.
  - d.** Drawing, details, and specifications for proposed sanitary sewers, if applicable.
  - e.** Slope stabilization details and specifications.
  - f.** A timing schedule indicating the anticipated starting and completion dates of the subdivision roadway and related improvements.

**NOTE:** The subdivider and/or successors shall bear the 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.

**NOTE:** A written acknowledgement 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.

**C.** Submission Documents concerning drainage analysis. A complete drainage analysis of the site shall be completed by a New Hampshire Professional Engineer and shall follow the Roadway Construction Standards as outlined in Appendix A unless sound Engineering practices deem otherwise.

**1.** The drainage report shall include the following:

- a.** A narrative that includes a project description which describes the existing conditions of the property as well as a description of the proposed use of the property.
- b.** A description of the calculation methods used in the analysis.
- c.** A site location map.
- d.** A soils map based on the soils information from the "Soil Survey of Cheshire County New Hampshire" by the United States Department of Agriculture and the Soil Conservation Service.
- e.** A description of the proposed treatment methods and methods of reducing storm water runoff.
- f.** A description of the temporary and permanent methods proposed for erosion control.
- g.** Pre- and Post-Development drainage calculations.
- h.** Calculations for sizing of piping, structures and water quality measures.

**D.** Additional Submission Documents, if applicable.

If a proposed subdivision is part of a larger tract of land, a non-binding statement regarding future development plans shall be submitted.

#### 4. Approved Plan

The approved plan shall be drawn on mylar and be submitted to the Planning Department for signatures. If more than one sheet of mylar is required to show the entire subdivision, an additional plan must also be drawn that shows the entire subdivision. In addition, four (4) paper copies of each mylar shall also be submitted. Adequate space shall be available on the plan for the following signature block:

Approved by the Planning Board on \_\_\_\_\_

Certified by the Chairperson \_\_\_\_\_ and by  
the Director of Planning \_\_\_\_\_

### SECTION VI – SUBDIVISION STANDARDS

#### 1. General

**A. Character of Land for Subdivision:** Land that is unsafe 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. Land that does not have the capacity for sanitary sewage disposal shall not be subdivided for residential, commercial, or industrial subdivision purposes.

**B. Premature Subdivision Development:** The Board shall not approve scattered or premature subdivision of land or subdivisions which would involve danger or injury to health, safety, or prosperity by reason of the lack of water supply, drainage, transportation, schools, fire protection, or other public services, or necessitate the excessive expenditure of public funds for the supply of such services.

**C. Preservation of Existing Features:** The subdivider shall identify and take suitable steps as required by the Board to preserve and protect significant existing features such as trees, scenic points, brooks, streams, rock outcroppings, water bodies, other natural resources, and historic landmarks.

**D. Coordination of Access and Circulation:** The Board shall assure the applicant has properly designed and coordinated access and circulation within the proposed subdivision and in relation to existing or planned streets or other features indicated by the official map of the Town.

#### 2. Soil Data:

ALL SUBDIVISIONS, excluding TECHNICAL SUBDIVISIONS, shall have the soil types for the entire parcel of land delineated on the plan in accordance with the “Soil Survey of Cheshire County New Hampshire” by the United States Department of Agriculture and the Soil Conservation Service. A legend shall be provided and show map symbols and soil names. The Board, at its discretion, may require further soils data

as it deems necessary for completion of its review process. The cost of securing all such data shall be at the applicant's expense.

**3. Lots:**

- A. All proposed lots shown on the plan must conform to the minimum area and dimension requirements of the Zoning Ordinance. However, if allowed in the zoning regulation, a subdivision may be designed for a Planned Unit Residential Development, provided all requirements of these regulations and the Planned Unit Residential Development Regulations are met.
- B. Where extra width has been dedicated for widening of existing streets, lots shall begin at such extra width line and all setbacks shall be measured from such line.
- C. Permanent monuments shall be set to mark the intersection of all road right of way boundaries.

**4. Sewage Disposal:**

- A. Safe disposal of all human and domestic wastes is necessary to protect the health of the individual family and the community and to prevent the occurrence of nuisances. To accomplish satisfactory results, such wastes must be disposed of in compliance with the State of New Hampshire Department of Environmental Services "Subdivision and Individual Sewage Disposal System Design Rules" as amended from time to time.
- B. Where a proposed subdivision of land creates a lot or site that will not meet the minimum standards and design requirements imposed by the State of New Hampshire Department of Environmental Services and/or the applicable Town of Rindge regulations and ordinances it shall not be approved by the Board.
- C. Test pits and percolation test:
  - 1. A minimum of one test pit and one percolation test is required for each proposed lot which is less than five (5) acres to prove that a suitable location exists for an Individual Sewage Disposal System (ISDS).
  - 2. Test Pit and percolation test requirements shall be as specified in the State of New Hampshire Department of Environmental Services "Subdivision and Individual Sewage Disposal System Design Rules" as amended from time to time.
- D. Soils and Slope Specifications:

The setbacks from septic systems to structures, wells, wetlands and the like shall be in accordance with the State of New Hampshire Department of Environmental Services requirements and the Town of Rindge Wetland Conservation District Ordinance.

Where there is a conflict between the N.H.D.E.S. requirements and the Town of Rindge requirements the more stringent shall apply.

## **5. Proposed Streets**

- A.** Road right-of-ways shall meet the minimum width criteria established in Table 1 in Appendix A. Additional right-of-way or slope easement shall be dedicated where necessary to allow for maintenance and repair of: 1) the roadway structural prism (which for the purposes of this regulation shall mean the toe of all 2:1 fill slopes), and 2) drainage ditches to a elevation on the ditch back-slope equaling the elevation of the adjacent roadway shoulder minus 1/2 foot.
- B.** When there is potential for development of an adjoining property, a right-of-way shall be provided from the proposed subdivision road to the adjoining property line. Dead-end streets with future extension potential shall be constructed to conform to the established criteria as outlined in Table 1 and Figure 1 in Appendix A.
- C.** No street shall have a name which will duplicate or closely duplicate the names of existing streets. The continuation of an existing street shall have the same name.
- D.** Standards for street design shall conform to the criteria as established in Table 1 and Figure 1 in Appendix A.
- E.** Dead-end streets are only permitted for major subdivisions. Dead-end streets shall terminate with a cul-de-sac of 40 feet minimum inside pavement radius, 60 feet minimum outside pavement radius, 40 feet minimum inside return radius and 75 feet minimum right-of-way radius. Cul-de-sac streets shall be a minimum length of 400 feet and maximum length of 1,500 feet, except as allowed below, as measured from the edge of pavement of the connecting street to the cul-de-sac center. Cul-de-sac pavement shall be super elevated at 2% slope and shall drain into the center island. Drainage shall be conveyed out of the center island by appropriate drainage facilities designed and installed in accordance with Appendix A.III. Drainage/Erosion.

When the maximum length of a cul-de-sac is greater than 1,000 feet, a pull off area must be provided a minimum of every 1,000 feet. This pull off area must provide an area where the roadway is a minimum of 28 feet in width including shoulders (24 feet of pavement with 2 foot shoulders) for a minimum length of 30 feet not including the flares. The cul-de-sac length may be increased beyond 1,500 feet providing that pull-off areas are provided as outlined above and the director of public and life safety is satisfied with the fire protection water supply (either existing or proposed) for the proposed subdivision.

- F.** Streets shall be laid out to intersect as nearly as possible at right angles and in no case less than seventy-five (75) degrees.

- G. Streets entering opposite sides of another street, within the same subdivision, shall be laid out with a minimum distance between centerline offsets of not less than one hundred and fifty (150) feet unless the streets are directly across from each other.
- H. Major Subdivisions being proposed within the Commercial District, Gateway Districts or Business-Light Industry District shall be required to provide a comprehensive layout of local service roads whenever vehicular circulation is provided between lots. Roads shall be designed in accordance with the street design standards identified in Table 1 and Figure 1 in Appendix A.

## **SECTION VII – CRITERIA FOR DETERMINING REGIONAL IMPACT**

1. In Accordance with RSA 36 the Planning Board, upon receipt of an application for development, shall review it promptly and determine whether or not the development, if approved, reasonably could be construed as having the potential for regional impact. Doubt concerning regional impact shall be resolved in a determination that the development has a potential regional impact.
  - A. In these Subdivision Regulations “development of regional impact” means any proposal before the Planning Board which in the determination of the Board could reasonably be expected to impact on a neighboring municipality, because of such factors as, but not limited to, the following:
    1. Relative size or number of dwelling units as compared to the existing stock.
    2. Proximity to the borders of a neighboring community.
    3. Transportation networks.
    4. Anticipated emissions such as light, noise, smoke, odors, or particles.
    5. Proximity to aquifers or surface waters which transcend municipal boundaries.
    6. Shared facilities such as schools and solid waste disposal facilities.
    7. Any industry that deals in hazardous materials and/or has the potential for accidents which would require evacuation of a large area.
2. Upon determination that a proposed development has a potential regional impact, the Planning Board shall afford the regional planning commission and the affected municipalities the status of abutters as defined in RSA 672:3 for the limited purpose of providing notice and giving testimony.
3. Not more than 5 business days after reaching a decision regarding a development of regional impact, the Planning Board shall, by certified mail, furnish the regional planning

commission and the affected municipalities with copies of the minutes of the meeting at which the decision was made. The Planning Board shall, at the same time, submit an initial set of plans to the regional planning commission, the cost of which shall be borne by the applicant.

4. At least 14 days prior to public hearing, the Planning Board shall notify, by certified mail, all affected municipalities and the regional planning commission of the date, time, and place of the hearing and their right to testify concerning the development.

## **SECTION VIII – LEGAL DATA REQUIRED**

Where applicable to a specific subdivision, the following are required of the subdivider in a form acceptable to the town attorney and the Board, prior to approval of the application.

1. Deeds and/or easements conveying to the town land to be used for streets, open space, and other public purposes, with transfer of title of such interests to be effective on such date as the town accepts such land.
2. Easements and rights-of-way over property to remain in private ownership.
3. Rights for drainage onto or across other property, whether public or private, including a street.
4. Performance bond, described in Section IX hereafter.
5. Public liability insurance for off-site public improvements as required by the Board, with the town as the named insured for a commercially reasonable amount, shall be provided to cover any period prior to completion of and acceptance by the town.

## **SECTION IX – PERFORMANCE BONDS**

1. The Board may require the subdivider to file with the Board an Engineer's estimate of costs of streets, public improvements, drainage structures, and other utilities or improvements, together with maps, plans and supporting data.
  - A. A surety bond issued by a surety company authorized to do business in the State of New Hampshire to be filed with the Board of Selectmen in form and amount satisfactory to the Board.
  - B. Cash, certified or bank checks, savings bank book properly endorsed to the town, or letter of credit in an amount to be determined by the Board of Selectmen and to be deposited with it.

The amount of such performance guarantees shall include fees for inspection of improvements by the appropriate town agents. The Board may require or allow alternative methods of security.

2. In case of electric lines or other utilities to be installed by a public utility, corporation or a town department, a statement shall be received in writing from such public utility, corporation, or town department that the work will be done within a reasonable time and without expense to the town and that the utilities will be placed underground if this has been agreed.
3. The performance guarantee shall not be released until the Board of Selectmen or its agent has inspected and approved completion of the road, public utilities and improvements in accordance with the approved plan.

## **SECTION X - ADMINISTRATION AND ENFORCEMENT**

1. **Interpretation:** The interpretation of these regulations shall be the sole province of the Planning Board, who may at their discretion waive any regulation they determine inappropriate for an application, and may seek legal advice and counsel as they deem necessary.
2. **Acceptance of Streets and/or Utilities:** Nothing herein is intended to modify the requirements of law with reference to the layout of streets as provided in New Hampshire Revised Statutes Annotated, and as amended, Chapter 231. Nothing herein is intended to modify or control the construction, reconstruction, or extension of streets and /or utilities by the town or state.
3. **Other regulations:** Where these regulations conflict with other local ordinances, the more stringent requirements shall apply.
4. **Enforcement:** These regulations shall be enforced by the Board of Selectmen acting by and through its duly authorized representative if any.
5. **Penalties:** As provided in New Hampshire Revised Statutes Annotated, and as amended, Chapter 676, Section 16, any owner, or agent of the owner, of any land located within a subdivision who transfers or sells any land before a plat of the subdivision has been approved by the Planning Board and filed with the Office of the Registry of Deeds shall forfeit and pay a civil penalty of \$1,000.00 for each lot or parcel so transferred or sold; and the description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties. The town may enjoin a transfer or sale and may recover the penalty imposed by civil action. In any action to recover a penalty, the prevailing party may recover reasonable court costs and attorney's fees as may be ordered by the court.

- 6. Appeals:** Any person aggrieved by an official action of the Board may appeal to the superior court as provided in New Hampshire Revised Statutes Annotated, Chapter 677, Section 15.
- 7. Validity:** If any section, sub-section, or phrase of these subdivision regulations is found for any reason to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of these regulations.
- 8. Amendment:** These regulations may be amended, changed, altered, added to, or rescinded from time to time whenever deemed necessary or advisable by the Board. A public hearing on the proposed change(s) and the concurring vote of the majority of the Board are required before any changes are made. Following this, the regulation must be signed by the Board and filed with the Town Clerk.
- 9. Waivers:** The requirements of these regulations may be waived by the Planning Board when, in its judgment: (1) strict conformity therewith would pose an unnecessary hardship to the applicant and such waiver would not be contrary to the spirit and intent of these Regulations; and (2) specific circumstances relative to the site plan or conditions of the land in such site plan indicate that the waiver will properly carry out the spirit and intent of these Regulations. Waiver requests must be submitted in written form with sufficient reasons for why the waiver should be granted.
- 10. Effective Date:** The effective date of these regulations shall be December 6, 1976, and as amended.

# APPENDIX A

## ROADWAY CONSTRUCTION STANDARDS

### I. Roadway construction

1. At least ten (10) days prior to start of road construction, a pre-construction meeting must be held with subdivider/developer, road contractor, and the Board of Selectmen and/or their agent. The developer/contractor shall submit a schedule of construction phasing, which will provide that no area shall be left in a disturbed condition for more than sixty (60) days. This schedule must be approved by the Board of Selectmen or their agent.

During construction, periodic inspections will be required for the following various phases of work upon notification by the contractor to the Board of Selectmen and its agent at least forty-eight (48) hours prior to the completion of each phase.

- A. Following completion of subgrade preparation to include areas of cut and fill.
  - B. Installation of drainage pipe and structures.
  - C. Installation of gravel lifts.
  - D. Paving.
  - E. Final inspection.
2. The roadway shall be constructed in accordance with the following specifications and standards and as outlined in Table 1 and Figure 1.
    - A. Clear, grub, strip and remove all trees, brush, organic matter, topsoil, and unstable/unsuitable subgrade material within the proposed roadway grading limits. Boulders and ledge shall be broken off and removed to a depth not less than thirty (30) inches below finished grade. Upon completion of stripping and removal of unstable, unsuitable subgrade materials, fill areas at elevations below subgrade with granular fill (no more than 15% shall pass the 200 sieve) to proposed subgrade elevation.
    - B. The sub-base shall consist of bank run gravel, free from organic matter and stones greater than six (6) inches in largest dimension. Bank run gravel shall meet the following gradation requirements: One hundred (100) percent shall pass the 6 inch sieve; twenty-five (25) to seventy (70) percent shall pass a No. 4 sieve and not more than twelve (12) percent of the portion which passes the No. 4 sieve shall pass a No. 200 sieve. The subbase shall be placed in no more than twelve (12) inch lifts and rolled and compacted (to 95% maximum density - ASTM D1557 Method C) to a nominal thickness of twelve (12) to eighteen (18) *inches* as determined by a licensed engineer. Each layer shall be compacted with a vibratory drum roller.

- C. The base shall consist of four (4) to six (6) inches of crushed gravel as determined by a licensed engineer. Crushed Gravel shall meet the following gradation requirements: One hundred (100) percent passing a 3- inch sieve; ninety-five (95) to one hundred (100) percent passing a 2-inch sieve; fifty-five (55) to eighty-five (85) percent passing a 1-inch sieve; twenty-seven (27) to fifty-two (52) percent passing a No. 4 sieve and not more than twelve (12) percent of the portion which passes the No. 4 sieve shall pass a No. 200 sieve. The base shall be compacted with a vibratory drum roller and compacted to 95% maximum density - ASTM D1557, Method C.
- D. The surface shall be *gravel, or* hot bituminous pavement as *set forth in* Table 1. The pavement shall be placed in two courses, a base course (NHDOT Type B: 3/4") and a wearing course (NHDOT Type F: 3/8"). Compaction for each layer shall be accomplished by a roller weighing not less than ten (10) tons. Finish crown of the road surface shall be one quarter (1/4) inch per foot for straight road sections not in super-elevation transition and not more than one (1) inch per foot for curved road super-elevated section.
- E. Following pavement wear course placement, the road shoulders shall be leveled with gravel to indicted cross-slope and matching the pavement edge elevation. Crushed gravel for shoulder leveling shall meet the following gradation requirements: One hundred (100) percent passing a 1-1/2 inch sieve; ninety (90) to one hundred (100) percent passing a 1-inch sieve; thirty (30) to sixty five (65) percent passing a No. 4 sieve; and zero (0) to ten (10) percent passing a No. 200 sieve.
- F. The Board of Selectmen and/or their agent may at their discretion require the developer / subdivider to withhold placement of the final bituminous surface (wear course) and shoulder leveling crushed gravel until all or the majority of the building lots have been developed. In such cases, the developer/subdivider shall be required to furnish a bond or other suitable security in an amount to insure final completion of the roadway project. No building permits shall be issued on any road until said road is constructed at least to the minimum specifications as determined by the Board of Selectmen and/or their agent and an irrevocable letter of credit or other suitable security is supplied for any balance of work to be completed.
- G. Earthen cut slopes shall not be steeper than two horizontal to one vertical (2:1). Flatter cut slopes and/or slope stabilization measures may be required dependent on water table and soil stability conditions. Fill slopes shall be four horizontal to one vertical (4:1) or flatter wherever possible. In areas where a 4:1 down-slope is not attainable or practical, the down-slope may be steepened to three horizontal to one vertical (3:1). The fill slopes may be steepened to two horizontal to one vertical (2:1) in certain situations (minimization of wetland impacts or large fills) provided that the vertical drop (shoulder grade break to toe of slope) does not exceed five (5) feet. Guard rails shall be provided for all 2:1 fill slopes with a

vertical drop greater than five (5) feet. Guard rails may be required in other critical areas as determined by the Professional Engineer of record. Faces of guard rails shall be a minimum of five (5) feet from the edge of pavement.

- H. All slopes shall be graded, raked, loamed a minimum of 4 inches deep, hay mulched and seeded with a seed mix recommended by the USDA - Soils Conservation Service, Cheshire County District. No roadway shall be accepted by the Town until there is evidence of significant vegetation growth.
- I. Roadway drainage ditches shall be constructed to the down-slope, depth, width and back-slope indicated on the typical street cross-section (Figure 1). The Board /Road Agent may permit a reduction in ditch depth in locations where the Applicant's engineer demonstrates (by submitted calculations) that: a) peak stormwater discharges can be conveyed via a ditch of lesser depth without causing erosive velocities (while reserving the top one (1) foot of depth as freeboard), b) the seasonal high water table will be below the street sub-grade elevation, and c) that the required ditch depth is not necessary for the proper installation of driveway culverts (15" minimum diameter, 12" minimum cover). In such instances, the Board shall require that the driveway locations for all lots be recorded on the plan.
- J. All proposed drainage facilities and culverts shall be designed and installed in accordance with Section III of this Appendix under Drainage/Erosion.
- K. Street and traffic control signs shall be provided by the developer/subdivider as determined by the Board of Selectmen.
- L. Acceptance of any roadway shall be in accordance with Article III.K of the Town of Rindge Zoning Ordinance.

## **II. Existing Streets:**

1. For subdivisions that require construction of new streets, any existing streets, which provide frontage to new lots or access to new streets shall meet the minimum standards established in this section for such streets.
2. Where a subdivision requires improvement of existing streets for conformance with minimum requirements, such improvements will be at the developer/subdivider's expense.

## **III. Drainage/Erosion:**

1. An adequate surface storm water drainage system for the entire subdivision area shall be provided. The storm water drainage system shall be designed so that the post-development rate of runoff does not exceed the pre-development rate of runoff for the ten (10), twenty five (25), and fifty (50) year / twenty four (24) hours storm events.

In rare cases where it can be shown by sound Engineering practices that maintaining a post-development rate of runoff less than or equal to the pre-development rate of runoff for the immediate site will actually increase the rate of runoff for the overall drainage area and create a more hazardous situation the post-development rate of runoff may be increased for the immediate site. The system shall be designed by a NH licensed Professional Engineer.

2. Storm drain, roadside ditch and driveway culvert sizing shall be based on a design storm of 10 year return frequency. Roadway culverts shall be sized based on a design storm of 25 year return frequency. Potential hazard structures such as detention ponds, sedimentation ponds, small bridges, etc. shall be designed to experience no adverse impact from a fifty (50) year/twenty four (24) hour storm, in accordance with the USDA Soil Conservation handbook entitled "Urban Hydrology for Small Watersheds, Technical Release 55" and as amended.
3. Storm drainage shall be conveyed to existing water-courses or connect to existing storm drains. No new drainage ways shall be created unless necessary easements are obtained and granted to the Town.
4. Provisions shall be made to accommodate the increased run-off caused by changed soil and surface conditions during and after development. The drainage system shall be designed so that the post-development runoff rate does not exceed the pre-development runoff rate. This can be done using detention or retention basins (above ground or under ground) or other standard engineering practices as required. No appreciable increase in run-off shall be permitted if such increase passes beyond the property line of the parcel being subdivided or developed. Where detention or retention basins are necessary, they shall be designed so that the emergency spillway will pass the one hundred (100) year/twenty four (24) hour storm with no adverse impact to the detention basin structure and outlet. The initial outlet orifice shall be preceded by a serviceable trash rack.
5. Stripping of vegetation, earth moving, and other site work construction shall be done in such a way as to minimize the soil erosion. Sediment in the run-off shall be trapped by the use of sediment basins, silt fence, hay bale sediment barriers, stone check dams and other acceptable methods until the disturbed area is stabilized.
6. Diversions, storm water detention basins and sediment traps shall be constructed prior to commencing other on-site earth moving operations and regularly maintained. The disturbed area shall be kept to a minimum and the duration of exposure shall be under a maximum of six (6) months. Temporary seeding and/or mulching shall be used to protect exposed critical areas during development. Whenever practical, natural vegetation shall be retained, protected, and supplemented.
7. Drainage ditches with peak discharge design velocities greater than three and one half (3.5) feet per second shall be lined with a suitably sized and-erosion stone.

8. Storm drainpipes shall be twelve (12) inch minimum diameter. Roadway culverts shall be fifteen (15) inch minimum diameter. Peak discharge velocity shall not exceed twelve (12) feet per second. Depth of cover shall not be less than two (2) feet. Storm drain and culvert piping shall be High Density Polyethylene Pipe (HDPE), Reinforced Concrete Pipe (RCP), or riveted aluminized corrugated steel pipe (16 gauge for pipe diameters to twenty-four (24) inches and 14 gauge for pipe diameters greater than twenty-four (24) inches). Concrete or rubble masonry headers are required on both ends of culverts and on storm drain outfalls where flared end sections are not reasonable to use.
9. Drainage Structures – Manholes and other drainage structures shall be pre-cast concrete meeting H-20 loading requirements.
10. Bridging of any watercourses shall be designed by the developer/subdivider's engineer and approved by the Board of Selectmen.

**IV. Utilities:**

1. All utility system installations shall be at the expense of the subdivider and shall be installed under the supervision of the appropriate town agency.
2. The Board may require the installation of street lighting in any subdivision where it deems necessary.

**V. Other:**

1. All subdivision development shall require off-street parking to be provided at the rate of at least two parking spaces per dwelling unit.
2. Where necessary, in the judgment of the Board, right-of-way for pedestrian travel and access may be required between subdivisions or their parts or between a subdivision and a public property.
3. All lot corners shall have permanent markers.
4. No approvals shall be granted to any subdivision in which a common beach area is proposed. This restriction does not apply to any subdivision approved prior to the effective date of this amendment (September 11, 1978).
5. Driveway accesses must be constructed to meet the minimum standards as outlined in the Town of Rindge Driveway Access Regulations in order to obtain an Access Permit. Any deviations would require special permission from the Selectmen and /or their agent.
6. Sidewalks or walkways may be required by the Board to ensure safe and convenient pedestrian access to schools, parks, shopping areas, transit stops and other

destinations in the vicinity of the proposed development. Commercial and industrial developments may be required to construct sidewalks or walkways. Sidewalks and walkways shall be designed in a manner consistent with the requirements of the Americans with Disabilities Act (ADA) standards. Sidewalks should be horizontally sloped to drain toward roadside grass swales. Alternative pavements for sidewalks and walkways such as brick or stone pavers are encouraged.

7. A continuous or intermittent planting strip may be required by the Board along access to schools, parks, shopping areas and transit stops and other destinations in the vicinity of the proposed development. Planting strips shall be located between the curb and the unobstructed throughway of the sidewalk/walkway so that visual separation between pedestrians and vehicles is provided.

#### **VI. Class VI - Special Conditions:**

The purpose of this section is to allow conditional Board approval of subdivisions located on Class VI highways (as defined by RSA 230) in conformance to the Master Plan recommendations with respect to proximity to Village Centers.

If the Board does determine that such Class VI road subdivision is not premature by reason of close proximity to village centers, then in such event the Board may attach the following as a condition for approval.

1. It shall be the duty of the subdivider/developer in this subdivision to reconstruct any Class VI highway in accordance with Class V specifications as described herein.
2. All such roads so constructed shall provide adequate frontage on said road for the lot to be built upon, as required by town ordinances, and all such roads shall connect to existing public streets.

**TABLE 1 – STANDARDS FOR STREET DESIGN**

	<u>Local:</u>			<u>Collector:</u>
	<u>Very Low Volume:</u>			
Average Daily Traffic <sup>1</sup>	< 250 <sup>2</sup>	250 - 400	400 – 1,000	1,000 - 5,000
Minimum Right of Way (feet) <sup>3</sup>	50	50	50	60
Minimum Centerline Radii (feet)	200	200	200	325
Minimum Stopping Sight Distance (feet) <sup>4</sup>	175	225	250	325
Minimum Tangent Length (feet)	100	100	100	200
Minimum Street Grade	0.5%	0.5%	0.5%	0.5%
Maximum Street Grade	8.0%	8.0%	8.0%	8.0%
Max. Grade within 75 feet of Intersections	2.0%	2.0%	2.0%	2.0%
Minimum Crest Vertical Curve “K” <sup>5</sup>	25	40	50	80
Minimum Sag Vertical Curve “K” <sup>5</sup>	30	45	50	70
Pavement Width (feet) <sup>6</sup>	20	20	22	24
Shoulder Width (feet) <sup>7</sup>	2	4	4	4
Minimum Crown of Roadway	2.0%	2.0%	2.0%	2.0%
Minimum Depth of Bankrun Gravel (in.)	12	12	12	18
Minimum Depth of Crushed Gravel (in.)	4	4	6	6
Minimum Pavement Thickness (in.)	3	3	3.5	4
Base Course Thickness (in.)	2	2	2	2.5
Wearing Course Thickness (in.)	1	1	1.5	1.5

<sup>1</sup>Average daily traffic is the total two-way traffic past a given point. ADT shall be based on anticipated traffic twenty (20) years after completion. (Assuming 8 one-way trips or four (4) round trips per day per dwelling unit, ADT= # of houses served X 8 trips per house and through traffic.)

<sup>2</sup>For very low volume local roadways with an ADT between 100 – 250 vehicles per day in “high risk” locations the design standards for 250 – 400 vehicles per day shall be used. “High risk” locations are in areas of intersections, narrow bridges, sharp curves and / or steep downgrades.

<sup>3</sup>The right-of-way width should be sufficient to accommodate the ultimate planned roadway, including median, shoulder, sidewalks, planting strips, bicycle facilities, public utilities, and outer slopes.

<sup>4</sup>Sight distance shall be measured on a straight line entirely within the street right-of-way and clear of obstructions between two points on street center line, one of the points to be at six (6) inches above the street surface and the other three and one-half (3-1/2) feet above the surface.

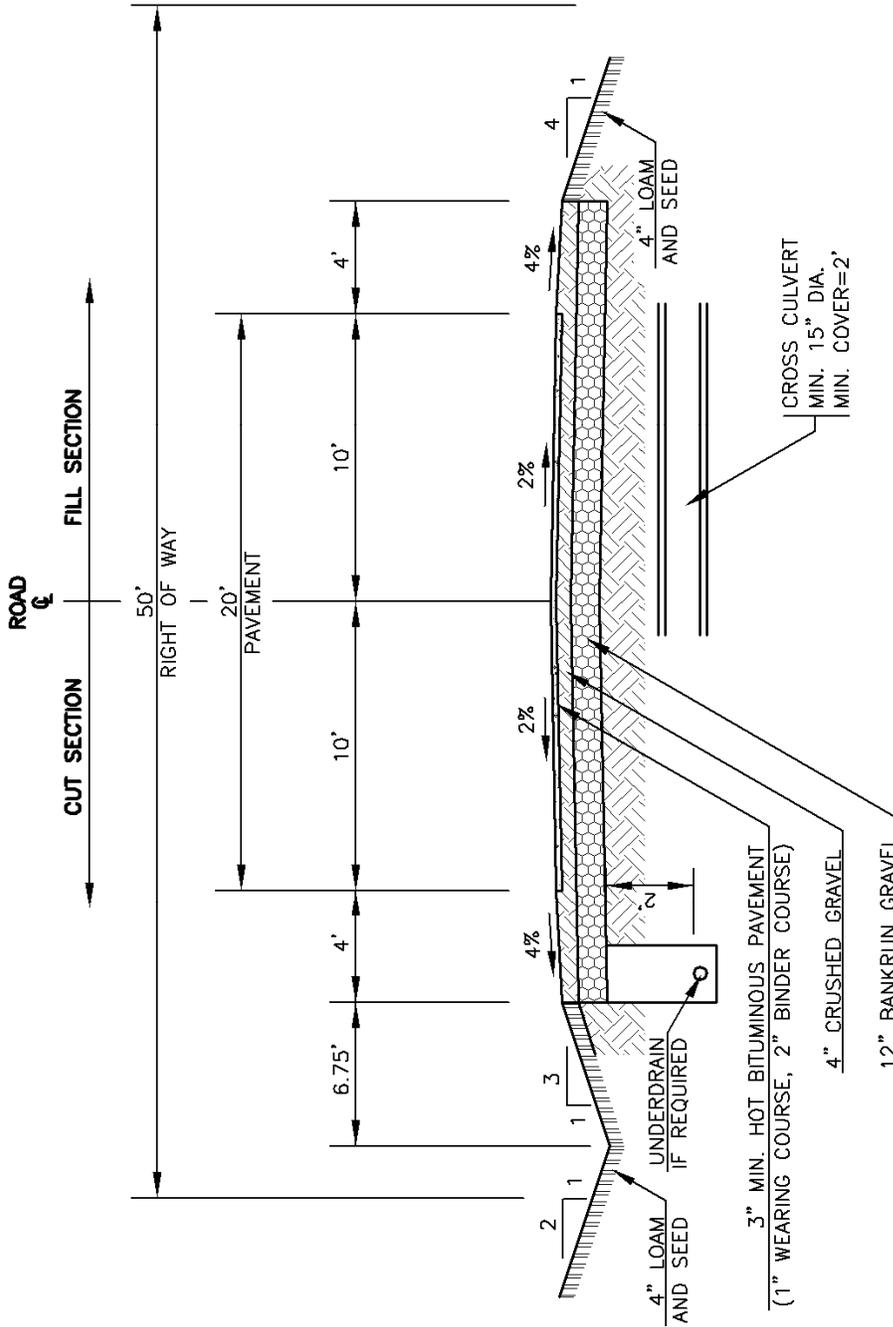
<sup>5</sup>"K" equals the length of vertical curve in feet divided by the algebraic difference between intersecting tangent grades. At the Board's discretion, the 'K' for a sag vertical curve within a stop-intersection approach may be reduced to 10 for dead-end very low-volume local roads and to 15 for a through very low-volume local road (or dead-end very low-volume local road with future extension potential) providing that: a) this does not result in a vertical curve length less than seventy-five (75) feet; b) that a "STOP AHEAD" sign precedes the intersection; c) that the above "Minimum Length at 2% or Less Grade From Intersection" criteria is met; and d) that adequate nearly-level vehicle stacking length is provided.

<sup>6</sup>For roadways with an ADT of less than 50 vehicles per day the Planning Board may allow a gravel surface roadway at its discretion with the input of the DPW director.

<sup>7</sup>For Collector Roads or roadways with an ADT over 1,000 vehicles per day paved shoulders should be considered.

<sup>8</sup>Roadways servicing commercial / industrial subdivisions or property shall be constructed to meet the collector roadway standards.

Figure 1.



- NOTES:
- UNDERDRAIN TO BE INSTALLED AS REQUIRED IN CUT SECTIONS.
  - PAVEMENT WIDTH, SHOULDER WIDTHS, DEPTH OF PAVEMENT AND DEPTH OF SELECT MATERIALS ARE SHOWN FOR A VERY LOW VOLUME LOCAL ROAD FOR ILLUSTRATION PURPOSES ONLY. REFER TO TABLE 1.

**TYPICAL ROAD CROSS SECTION DETAIL:**

NOT TO SCALE

## **APPENDIX B**

### **SUBDIVISION APPLICATION FEES**

TECHNICAL/LOT LINE ADJUSTMENT	\$ 75.00
MINOR - 3 LOTS OR LESS	\$100.00 + \$50.00 PER LOT
MAJOR - 4 TO 10 LOTS	\$250.00+ \$50.00 PER LOT
MAJOR - 11 OR MORE LOTS	\$500.00 + \$50.00 PER LOT
MAJOR – COMMERCIAL/BUSINESS LIGHT INDUSTRY/GATEWAY	\$250.00 + \$50.00 PER LOT

APPLICANTS ARE ALSO RESPONSIBLE TO PAY FEE FOR ADVERTISING AND POSTAGE FOR EACH ABUTTER THAT SHALL BE NOTIFIED BY CERTIFIED MAIL.