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TOWN OF BROOKLINE, NEW HAMPSHIRE

June 30, 1974

ZONING AND LAND USE ORDINANCE

BUILDING CODE

SUBDIVISION REGULATIONS

PRICE \$ 1.00

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Adopted	March 12, 1968
Amended	March 11, 1969
Amended	March 7, 1972
Amended	March 6, 1973

BUILDING CODE

Adopted	March 9, 1971
Amended	March 7, 1972

SUBDIVISION REGULATIONS

Approval Granted	March 6, 1973
Adopted	March 18, 1974

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ZONING AND LAND USE ORDINANCE

for the

TOWN OF BROOKLINE. NEW HAMPSHIRE

An ordinance to promote the health, safety, convenience, and general welfare of the community by regulating the use of land in the Town of Brookline, New Hampshire.

ARTICLE I

Preamble

In pursuance of authority conferred by Chapter 31, Sections 60 - 89, N.H. Revised Statutes Annotated, 1955, and for the purpose of promoting the health, safety, morals, property, convenience of general welfare, as well as efficiency and economy in the process of development, of the inhabitants of the incorporated Town of Brookline, New Hampshire, by securing safety from fire, panic, and other dangers, providing adequate area between buildings and various rights of way, by preserving the rural charm now attached to our town, the promotion of good civic design and arrangements wise and efficient expenditure of public funds, and the adequate provision of public utilities and other public requirements, and by other means, now therefore the following ordinance is hereby enacted by the voters of the Town of Brookline, New Hampshire in official annual meeting convened.

ARTICLE II

Districts

For the purpose of this ordinance the entire Town of Brookline shall be divided into two districts which shall be called:

- A. The Industrial-Commercial District
- B. The Residential-Agricultural District

ARTICLE III

General Provisions

A. No junk yard or place for the storage of discarded machinery, vehicles, glass, paper, cordage, garbage, refuse, or other waste or discarded materials shall be maintained in the Town, exclusive of the area known as the Town Dump.

B. No owner or occupant of land shall permit fire or other ruins to be left, but shall remove same to ground level within one year.

C. Sanitary Protection

1. No waste waters or sewage shall be permitted to run free into a public water body or be discharged in any way that may be offensive or detrimental to health.

2. All dwellings and sanitary systems should be constructed and maintained in accordance with standards set and enforced by the New Hampshire Water Supply and Pollution Control Commission.

D. Land Requirements for Dwellings

1. Frontage - Every building lot shall have a minimum frontage of 200 feet.

2. Front Yard - There shall be between the nearest right of way and the extreme front of any building a minimum depth of 30 feet.

3. Side and Back Yard - No building shall be located nearer than 15 feet to the property lines of any abutter.

4. Minimum Land Area - No lot shall have an area less than 80,000 square feet.

5. Only one dwelling unit shall be permitted per minimum land area. A two-family house shall require two times the minimum land area.

ARTICLE IV Industrial-Commercial District

A. Location

1. The Industrial-Commercial Districts shall be the area within 500 feet of Route 13 from the Massachusetts State Line as far north as Bond Street on the easterly side and as far north as Mason Road on the westerly side of said Route 13 and the area within 500 feet of Route 13 from a point 500 feet south of Route 130 North to Old Mason Road, on both sides of said Route 13.

B. Uses Permitted

1. All uses permitted in the Residential-Agricultural District shall be permitted in the Industrial-Commercial District.

2. Any Industrial or Commercial use which does not offend by emission of smoke, dust, gas, noise, odor, or fumes and (a) is located at least 30 feet from the edge of the right of way and not less than 20 feet from each side and rear boundary. (b) Provides adequate parking facilities for freight and delivery trucks, employee parking and for vehicles attracted to the business.

ARTICLE V Residential-Agricultural District

A. Location

1. All areas of the town not designated as Industrial-Commercial District shall be the Residential-Agricultural District.

B. Uses Permitted

1. Single Family and Two-Family dwellings.

2. Churches, synagogues, parish houses, convents, hospitals, sanatoriums, day nurseries and kindergartens, recreational and community center buildings and grounds for games and sports.

3. Municipal buildings, schools and institutions of higher education.

4. Residences may be used to house uses by the owner or tenant as offices for doctor, engineer, architect, lawyer, real estate and insurance, or other recognized profession or home occupation such as hair-dressing, barber shops, dress-making, manufacture of craft products for sale, or manufacture of food products except that the number of persons employed at any one location shall not number more than four persons in addition to the owner or tenant.

5. Farming and forestry activities are permitted when incidental to primary residential use, but any use injurious, obnoxious, or offensive to the neighborhood is prohibited.

6. Home produce and products may be bought and sold and exposed for sale.

ARTICLE VI Mobile Homes

A. No Mobile Home dwelling shall be permitted in the Town of Brookline.

B. The provisions of this section shall not apply to the continued use and occupancy of any mobile home used as a dwelling as of the date of the passage of this section, nor to a mobile home hereafter acquired as a replacement by the owner of a mobile home so used.

ARTICLE VII Non-Conforming Uses and Buildings

A. Any non-conforming use of land or building (other than uses specified) may continue in their present use, except that any non-conforming use or building may not be:

1. Changed to another non-conforming use.
2. Be re-established after discontinuance for one year except to use conforming to this ordinance.
3. Extended or enlarged except by approval of the Board of Adjustment.
4. Rebuilt after damage exceeding 50% of its value.

ARTICLE VIII Definitions

1. Accessory Building - A subordinate building located on the same lot with the main building or use, the use of which is customarily incidental to that of the main building or to the use of land.

2. Accessory Use - A use customarily incidental to that of the main building or to the use of the land, not including the exterior storage of junk, dismantled or abandoned cars or any other storage detrimental to the health, safety or general welfare.

3. Alteration - Any change or modification to a building which modifies the structural plan, manner of construction, or the kind of material used, or in any way varies the character of its use.

4. Apartment Building - A building intended to be occupied by three or more families living independently of each other.

5. Camp - A building of such a nature that it may only be used for recreational and dwelling purposes during seasonal parts of the year.

6. Dwelling - A structure that is designed or used as a place of residence for one or more families.

7. Dwelling Unit - A dwelling or portion thereof designed for use by one family for residential purposes.

8. Family - One or more persons related by blood, marriage or adoption occupying the premises and living as a single housekeeping unit.

9. Floor Area - The gross horizontal area of a floor of the building excluding areas used for accessory garage purpose and basement areas. All horizontal dimensions shall be taken from the exterior faces of walls, including walls or other enclosures.

10. Front Yard - A yard extending across the full width of the lot and lying between the front line of the lot and the nearest line of the principal building.

11. Frontage - The distance between side lot lines measured along the street or way line.

12. Home Produce and Products - Everything of an agricultural nature grown, produced, conditioned or otherwise carried on the property of a resident, also such articles as are manufactured or altered by members of the household of a resident.

13. Junk - Unregistered motor vehicles no longer intended or in condition for legal use on the public highways; used parts of motor vehicles or old or used iron, metal, glass, paper, cordage, plastic, rubber, cotton, or woolen wastes or discarded or second-hand material which has been a part or intended to be a part of any motor vehicle; or any machinery, scrap metal or other worn out, cast off, or discarded articles or materials ready for destruction or collected or stored for salvage or conversion to some use. Any article or material which unaltered or unchanged and without further reconditioning can be used for its original purpose as readily as when new, shall not be considered junk. Farm trucks, tractors and machinery are excluded from the above definition.

14. Lot - A lot is a registered or recorded parcel of land, occupied or capable of being occupied by one building or use and the building or uses accessory thereto, including such open spaces and yards as are required by this ordinance. A lot may or may not be the land shown or described as a lot on a recorded deed or plan.

15. Lot Line - The established division line between lots or between a lot and a street.

16. Mobile Home - Any vehicle used or designed to be used as a conveyance on the public streets and highways and for occupancy as a dwelling or sleeping place for one or more persons and equipped with running water, a toilet, bathtub or shower, and cooking facilities, whether on a permanent foundation or not.

17. Motel - A building or buildings containing units consisting of a room or a suite of rooms; each unit having a separate exterior entrance, to be offered as sleeping accommodations for transient guests for compensation, and where a general kitchen and dining room may be provided within the central building, or in an accessory building.

18. Non-Conforming Lot - A lot which does not conform to the frontage or area requirements of the district in which it is located.

19. Non-Conforming Use - A non-conforming use is the use of any building or land lawfully occupied at the time of the passage of this ordinance which does not conform to the regulations of the district in which it is located.

20. Public Right-of-Way - All town, state, and federal highways and roads and the land on either side of the same as covered by statutes to determine the width of rights-of-way.

21. Rear Yard - A yard extending across the full width of the lot and lying between the rear lot line of the lot and the nearest line of the principal building.

22. Set Back - The minimum horizontal distance between the street or way-line and the line of the building.

23. Side Yard - A yard extending between the side lot line of the lot and the nearest line of the principal building and then extending from the front yard to the rear yard.

24. Sign - A structure, building wall, or other outdoor communication used to bring the subject thereof to the attention of the public or to display, identify and publicize the name and product or service of any person.

25. Structure - Anything constructed that is of necessity attached directly or indirectly to the ground.

26. Tourist Home - A dwelling in which accommodations are provided or offered for transient guests for compensation.

27. Two-Family House - A dwelling occupied by two families with two separate housekeeping units.

28. Tourist or Motor Courts - Two or more overnight cabins operated as part of a single business.

ARTICLE IX Earth Removal

The removal of sand, gravel, clay, peat, quarried stone, sod and loam from the Town of Brookline, New Hampshire, shall be prohibited. The removal from any premises within the Town of Brookline of more than 500 cubic yards of the above earth products in any one year shall be prohibited except when incidental to and in conjunction with the construction of a town road or an excavation for the lawful construction of a building or except where such removal may be authorized by permit as an exception to this ordinance by the Board of Selectmen. Permits may be authorized at Selectmen's regular meetings with prior notice given by certified mail to the abutters and notices posted in three public places. Said permit shall be valid for a period not to exceed one year and may be renewed annually upon application. The Board of Selectmen may require submission of such plans, topographical surveys, drainage proposals, estimates and other information as said Board deems necessary, including without limitations:

- a. Control of the unfinished level and grading.
- b. Control of the placing of topsoil upon completion of excavation, seeding, and planting with approved materials to restore the area to a usable condition, protected from erosion and reforested as necessary.
- c. Control of temporary and permanent drainage.
- d. Disposition of boulders, vegetation stumps, and other debris including unused material and any structures used in connection with the operations.
- e. The construction of necessary fencing to protect against hazards.
- f. Vegetation to remain as a visual barrier.

- g. Hours of operation except that hours of operation will not be limited during the normal working day.
- h. Routing and means (including load limits) for transportation of materials.
- i. Posting of a performance bond with sufficient sureties or other security in an amount sufficient to cover items "a" through "f" above, and any other conditions said Board may require.

1A. The proposed removal shall not extend within 100 feet of a way open to public use, whether public or private, or 50 feet from an adjacent property; and provided further that removal of topsoil from the premises or use in rough grading the slopes of the excavation is prohibited.

1B. Said removal activities in lawful operation at the time this amendment is adopted may continue unless or until abandoned for more than twelve (12) consecutive months however, unless specifically authorized by a new permit;

(a) The depth of excavation shall not be increased below the grade of the lowest point excavated on the effective date of this amendment, and

(b) The total horizontal area of excavation within the property shall not be increased by more than twenty-five (25) percent of its area on said effective date.

1C. The Board of Selectmen shall make investigation annually, or more frequently, if deemed necessary, to compliance with earth removal permits, a report of their investigations shall be kept on record at the Selectmen's office.

ARTICLE X Lot of Record

Where a lot in separate ownership, the deed to which is duly recorded on or before 12 March 1968 and which is recorded and taxed according to the 1972 tax records of the Town of Brookline, N.H., does not conform to the area and frontage requirements of the zone in which it is located, such lot may be used for any purpose permitted in that zone on said date provided that such use conforms with the requirements of the Water Supply and Pollution Control Commission (WSPCC). Any lot in separate ownership the deed to which is duly recorded between 13 March 1968 and 29 October 1971 and which is recorded and taxed according to the 1972 tax records of the Town of Brookline, N.H., may be used for any purpose permitted between said dates in the zone in which it is located provided that it contains an area of 40,000 square feet and has a frontage of not less than 150 feet and complies with the requirements of the WSPCC.

An application requesting a permit to occupy a lot not conforming in size and/or frontage as otherwise required under this ordinance shall be accompanied by the original or a certified copy of the recorded deed in question.

ARTICLE XI Enforcement

A. It shall be the duty of the Board of Selectmen and the Board is hereby given power and authority to enforce the provisions of this ordinance.

B. Upon well-founded information that this ordinance is being violated, the Selectmen shall take immediate steps to enforce the provisions of this ordinance by seeking an injunction in the Superior Court or by any other legal action.

ARTICLE XII Board of Adjustment

Within thirty days after the adoption of this ordinance and thereafter as terms expire or vacancies occur, the Board of Selectmen shall make appointments to a Board of Adjustment of five members conforming in duties to the provisions of Chapter 31 of the New Hampshire Revised Statutes Annotated, 1955. Thereafter as terms expire or vacancies occur, the Board of Selectmen shall be responsible for filling vacancies and maintaining full membership on the Board of Adjustment. The Board of Adjustment here provided shall conform in membership and terms of office to the provisions of Section 37, New Hampshire Revised Statutes Annotated, 1955. In addition to the general powers granted, said Board of Adjustment by said Chapter 31, it may, in harmony with and subject to its provisions:

A. Permit a non-conforming temporary use for an initial period of not more than one year. A permit may be renewed by the Board of Adjustment for a period of not more than one year (total period not to exceed two years).

B. Permit in the Residential-Agricultural District an Industrial or Commercial use which at public hearing demonstrates that it can meet the requirements of Article IV, paragraphs B-2; B-2a; and B-2b, and is not otherwise detrimental to the neighborhood.

ARTICLE XIII Amendments

This ordinance may be amended when the proposed amendments have been given at least two public hearings at least fifteen days apart, notice of which has been published in a paper of general circulation in the town and notice thereof also posted in at least three public places in town. Copies of the proposed amendments shall be on file, and copies shall be made available at the office of the Town Clerk two weeks prior to the date of the meeting at which action is to be taken and a copy of the proposed amendment shall be on display the day of the meeting. The following question shall be placed on the official ballot by the Town Clerk: "Shall the zoning amendments as proposed by the Planning Board be adopted for this town?"

ARTICLE XIV
Penalty

Every person, persons, firm or corporation violating any of the provisions of this ordinance shall be fined not more than ten dollars upon conviction for each day such violation may exist.

ARTICLE XV
Saving Clause

The invalidity of any provisions of this ordinance shall not effect the validity of any other provision.

ARTICLE XVI
When Effective

This ordinance shall take effect upon its passage.

(This ordinance was passed at the annual Town Meeting of March 12, 1968, and was amended by a vote of the townspeople at the annual Town Meetings of March 7, 1972, and March 6, 1973. Amendments have been incorporated in this ordinance as printed.)

BROOKLINE BUILDING CODE

Pursuant to the authority granted and subject to the provisions thereof by Chapter 156, Sections 1, 2, 3, 3a, 4b, 4c, and 5, and 156-A of the N.H.R.S.A. as amended the following ordinance is hereby enacted by the voters of the Town of Brookline, New Hampshire in official Town Meeting convened.

1. After passage of this ordinance any person intending to erect or make an alteration to a building shall, before doing so, obtain a building permit from the building inspector. Repairs, general upkeep and minor interior alterations of existing buildings shall be exempt from the provisions of this ordinance.

2. The building inspector shall be appointed by the Board of Selectmen to serve for a term of three years. He shall issue any and all building permits requested within fifteen days after receiving written application for such permit accompanied by a plan of the proposed building or alteration, provided such plans are in accordance with the provisions of this ordinance. Such permits shall expire and become invalid if construction has not been started within six months from the date of issuance. He shall also inspect the building during its construction for compliance with the terms of this ordinance and report any violations to the Board of Selectmen.

3. The building permit fees are as follows:

<u>Construction Cost</u>	<u>Fee</u>
under \$1,000	\$ 2.00
\$1,000 to \$15,000	\$ 5.00
\$15,000 and over	\$10.00

This fee shall be paid to the building inspector when the permit is issued. The building inspector will remit \$1.00 and a copy of the permit to the Selectmen for the records. This fee will then be put into the town treasury. The balance of the fee shall be retained by the building inspector as compensation for his duties.

4. Buildings and alterations shall comply with the following specifications:

A. No permit for a new dwelling shall be issued unless it contains at least 576 square feet of first floor living area.

B. Foundations: All structures shall be set on solid foundations of concrete, brick, stone or other acceptable masonry except in special cases where buildings are to be used for accessory use, industrial use, warehouse, and the like, the building inspector may waive the requirement of this section and permit the use of metal or masonry piers.

C. Buildings: Must be framed according to good building practices and outside walls shall be covered with permanent materials customarily used such as wood, fire resistant shingles, siding, cinderblock, or other acceptable materials. In determining good building practices, the National Building Code shall be used as a standard.

D. Chimney Construction:

(a) No chimney shall be built, erected, or altered below the roof unless containing a tile or brick lining and with an iron clean-out door at or near its base, and shall extend at least two feet above the highest point where it passes through the roof. No chimney shall be built, erected or altered

below the roof having wood or combustible materials within one inch of the chimney and shall be supported on foundations of masonry, concrete, or other non-combustible material. Prefabricated or factory-built chimneys that are approved by a nationally recognized testing laboratory shall be installed in accordance with the conditions of approval. An outside chimney shall have at least four inches of masonry between the lining and the abutting walls to which it is attached. Each source of combustion shall have its own separate flue.

(b) No smoke pipes shall be installed or erected so as to be within twelve inches of any combustible floor, ceiling, wall or partition unless amply protected with noncombustible material. No smoke pipes shall be installed or erected which pass into or through partitions or walls or combustible material except when guarded by a double collar of metal with an air space of at least six inches or by at least six inches of brick or other non combustible material.

(c) Fireplaces shall have hearths of brick, stone, tile, or other approved non-combustible material supported on fire-proof slab. Such hearths shall extend at least 16 inches outside the face of the fireplace opening. The combined thickness of the hearth and supporting construction shall not be less than six inches at any point.

E. Roofs: No roof of any building shall be covered or recovered in whole or in part save with non-combustible or fire-resistant roofing material.

F. Electrical Wiring: All electrical wiring shall conform with approved methods and practices for safety to life and property. Compliance with the National Electrical Code shall be the prima facie evidence of such approved methods and practices.

G. Sewerage: All dwellings and all commercial public or industrial buildings shall be connected to a private sewerage disposal system, construction of which shall comply with the requirements for individual sewerage disposal systems prescribed by the New Hampshire Water Supply and Pollution Control Commission.

H. Plumbing: All materials and methods shall conform with the National Plumbing Code.

5. This ordinance may be amended by a majority vote of any legal Town Meeting when such amendment is included in the official Town Warrant.

6. Enforcement: It shall be the duty of the Board of Selectmen and the Board is hereby given power and authority to enforce the provisions of this ordinance.

7. Separability Clause: The invalidity of any provisions of this ordinance shall not affect the validity of any other provisions.

8. Exculpatory Clause: The building inspector shall not in any case be liable for any damage resulting from construction done under his permit whether or not such construction is in conformity with the provisions of this ordinance.

9. Penalty: Every person, persons, firm, or corporation violating any of the provisions of this ordinance shall be fined not more than ten dollars upon conviction for each day such violation may exist.

10. Board of Appeals: Any person aggrieved by a decision of the building inspector may appeal to the Board of Adjustment as set up in the Brookline Zoning and Land Use Ordinance, Article XII, said Board shall have the power by a vote of a majority of its members, upon an appeal to vary the application of any provision of the Building Code to any particular case, when, in its opinion, the enforcement thereof would do manifest injustice and would be

contrary to the spirit and purpose of such building regulations or public interest.

11. Effect: This ordinance shall take effect upon its passage.

LAND SUBDIVISION
for the
TOWN OF BROOKLINE, NEW HAMPSHIRE

PURPOSE AND INTENT

To insure orderly and harmonious growth and to protect and promote the public health, safety and welfare of the Town of Brookline, New Hampshire, no land shall be subdivided except in accordance with the following regulations.

SECTION I - AUTHORITY

Pursuant to authority vested in the Brookline Planning Board by the voters of the Town of Brookline and in accordance with the provisions of Chapter 36, Sections 19 & 20 to 29, inclusive, New Hampshire Revised Statutes Annotated, 1955, as amended, the Brookline Planning Board adopts the following regulations governing the subdivision of land in the Town of Brookline, New Hampshire.

SECTION II - DEFINITIONS

- A. Board means the Planning Board of the Town of Brookline, New Hampshire.
- B. Subdivision shall mean the division of a lot, tract, or parcel of land into two or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale or of 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.
- C. Subdivider: The owner of record of the land to be subdivided, including any subsequent owner of record, or any agent of the owner.
- D. Street: A public way. The word street shall include the entire right of way.
- E. Abutter means any owner within 150 feet of the subdivision.
- F. Subdivision, Minor: The subdivision of land into two lots with no potential for resubdivision and requiring no new streets, utilities or other municipal improvements.

- G. Approval shall mean recognition by the Planning Board, certified by written endorsement on the plat, the final plat submission meets the requirements of these regulations and satisfies in the judgment of the Planning Board, all criteria of good planning and design.
- H. Local Street: A street used primarily to give access to abutting properties.
- I. Principal Street: A street which, in addition to giving access to abutting properties serves to carry traffic from local streets to highways used primarily for heavy or through traffic and to other centers of traffic concentration.

SECTION III - PROCEDURE

A. Application

Whenever any subdivision is proposed to be made, the subdivider shall apply in writing to the Planning Board of the Town of Brookline for approval of such subdivision. The application shall conform to the specifications contained in these regulations.

B. Preliminary Layout

The application and the preliminary layout as described in Section V shall be filed with the Board. The Board will study the preliminary layout and proposed street profiles in relationship to the topography of the area and the existing zoning regulations and shall take into consideration the general requirements of the community and adjoining areas and the best use of the land to be subdivided.

~~C. Revision of Preliminary Layout~~

The Board shall within sixty days of receipt of application and preliminary layout and before taking formal action hold discussion with the subdivider and interested parties. After such discussions the Board shall communicate to the subdivider or his agent, in writing, specific changes, if any which the Board will require as a prerequisite to the subsequent approval of the subdivision plan. The Board may disapprove of a preliminary layout in its entirety but must state its reasons, in writing, for disapproval.

D. Final Plat

The subdivider after official notification by the Board of its response to the preliminary plan including changes, if any, shall within a six month period file with the Board three (3) sets of drawings of the final plat and street profiles as described in Section IV.

Prior to approving or disapproving a Final Plat, the Board shall hold a hearing on the plan. Notice of hearing shall be sent to the subdivider and abutters by certified mail with return receipt requested stating the time and place of the hearing not less than ten (10) days before the date fixed thereof.

Posting to the general public will be made in three public places with ten (10) days notice.

~~D~~ E. Approval

The Board shall within 90 days from the submission of the Final Plat approve or disapprove the plat in accordance with Section 23, Chapter 36, N.H. Revised Statutes Annotated, 1955. *The Board may extend to the selection of 90 days* Approval of the Final Plat by the Board shall not constitute an acceptance by the Town of Brookline of any street, easement, park, or other open space. *for*

~~E~~ F. Certificate of Failure to Take Action *not to exceed*

The Town Clerk is hereby specified as the municipal officer who shall issue on behalf of the Board a certificate of failure on the part of the Planning Board to take action on approval of the plat submitted to it, as provided by Chapter 36, Section 23, N.H. Revised Statutes Annotated, 1955.

SECTION IV - GENERAL REQUIREMENTS FOR THE SUBDIVISION OF LAND

A. Streets

1. Location and Alignment

- a. Proposed streets in the subdivision shall be coordinated with each other and with existing streets with due consideration given to contours and other natural features.
- b. Provisions may be made for the projection of streets to adjoining property which is not yet subdivided.
- c. Reserve strips prohibiting access to streets or adjoining property will not be permitted, except where, in the opinion of the Board such strips shall be in the public interest.
- d. Streets entering opposite sides of another street shall be laid out either directly opposite one another or with a minimum offset of 125 feet between their center lines.
- e. The minimum center line radii of curved streets shall be 125 feet for local and 300 feet for principal streets. All reverse curves shall be separated by a tangent of at least 100 feet.
- f. Streets shall be laid out so as to intersect as nearly as possible at right angles. No street shall intersect any other street at less than sixty (60) degrees.
- g. Property lines at street intersections shall be cut back to provide for a property line radius of not less than twenty-five (25) feet.
- h. Street right of way widths shall be a minimum of 50 feet.

2. Grade

- a. The minimum center line grade for any street shall not be less than 0.75%.
- b. The maximum center line grade shall not be more than 10% except where in the opinion of the Board a greater grade is required for short distances due to unusual topographic conditions.
- c. Where the grade of any street at the approach to an intersection or cul-de-sac exceeds 4%, a leveling area shall be provided with a maximum grade of 2% for a distance of at least 50 feet measured from the line of intersection.
- d. Maximum profile grade of a cul-de-sac must not exceed 4%.
- e. All changes in grade exceeding 1/2% shall be connected by vertical curves of sufficient length to provide a sight distance of at least 400 feet for local streets and 500 feet for principle streets.

3. Dead-end Streets

with a minimum diameter of 150 ft

- a. Permanent dead-end streets shall not exceed 1200 feet in length and shall terminate in a turn around ~~150 feet in diameter~~, with an outside paved diameter of 138 feet. The width of the paved roadway shall not be diminished at the turn around.
- ^{minimum} b. Temporary dead-end streets, where future extension to another outlet is approved by the Board, or where indicated on the plan, may exceed 1200 feet in length. In such cases a temporary turn around located directly adjacent to the subdivision boundary shall be provided as noted in paragraph a.

B. Easements

1. Easements for storm drains, water courses, utilities and other purposes shall be provided where such are located outside the right of way and shall be at least 25 feet wide.
2. Where possible easements shall be on rear or side lot lines.
3. All lines of all easements will be calculated and described on the final plat with bearing and distance.

C. Open Spaces

1. The location of all parcels of land proposed to be dedicated to public use and the conditions of such dedication shall be accompanied by a copy of such private deed restrictions as are intended to cover part or all of the tract.

D. Protection of Natural Features

1. Due regard shall be shown for all natural features such as trees, water courses, scenic points, historic spots and similar community assets, which, if preserved, will add attractiveness and value to the subdivision.

E. ROADWAYS

1. Construction

- a. Roadway construction shall conform to the Typical Cross Section of Streets included with these rules and regulations.
- b. The entire area of each right of way shall be cleared of all stumps, brush, roots and trees not designated for preservation.
- c. The full length and width of the proposed roadway pavement area and shoulders shall be excavated or filled as necessary, to a depth of at least 14-1/2 inches below the finished grade as shown on the profile. However, if the soil is soft and yielding, or contains undesirable material such as loam, peat, soft clay, or any other material detrimental to the subgrade, such material shall be removed and replaced with suitable well compacted material. In fill area no boulder greater than one (1) foot in largest dimension shall be placed within two (2) feet of the gravel base.
- d. The center line of the paved roadway area shall coincide with the center line of the right of way unless a minor variance is specifically approved by the Board.
The bottom 8 inches of
- e. The paved roadway area shall be provided with a foundation consisting of at least 12 inches of compacted gravel. Gravel shall be hard, durable stone and coarse sand practically free from loam and clay uniformly graded and containing no stone having a dimension greater than 6 inches or more than 10% fines passing the 200 sieve. *The top 4 inches shall consist of washed bank run gravel containing no stone having a dimension greater than 1 1/2 inches or more*
- f. The gravel shall be spread and then rolled true to line and grade with a roller of proper size. Any depressions that appear during or after rolling shall be filled with additional gravel and re-rolled until the surface is true and even. *then 10% fines passing the 200 sieve.*
- g. The wearing surface shall consist of 2-1/2" plant mixed bituminous concrete. It shall be applied in two courses, 1-1/2" base course and 1" top course.
- h. Stabilized shoulders having a width of 4 feet shall be constructed on each side of the paved roadway as follows: the first foot of shoulder off the paved roadway shall consist of 4-1/2" of rolled and seeded loam on top of at least 10" of well compacted gravel; the last 3' shall consist of 4-1/2" of seeded loam on top of at least 8" of well compacted gravel.

- i. The area in back of the shoulders shall be sloped no steeper than a rate of two feet horizontal to one foot vertical to a point where it coincides with the finished grade of abutting lots. Loam shall be applied to a depth of 4 inches, rolled and seeded or covered with other suitable mulching materials.
- j. Guard rails shall be provided in back of the shoulder above fill areas greater than six feet.

2. Drainage

- a. Storm drains, culverts, and related installations, including catch basins, gutters and manholes shall be installed within the subdivision as necessary to adequately dispose of surface water. Where ground water conditions necessitate it, the Board may require the use of subdrain to drain the base course of the road.
- b. Storm drains shall be reinforced concrete pipe, asphalt coated steel, or plain aluminum corrugated pipe. The minimum size of pipe shall be 12 inches inside diameter and shall be of greater size when required by the Board.
The minimum pitch shall be 0.5%.
All drains shall be laid to uniform grades and carefully back filled so that the pipe is supported throughout its entire length with compacted earth.
- c. Catch basins, where required, shall be installed on both sides of the roadway at intervals of not more than 350 feet, at low points, and near the corners of the roadway at intersecting streets. Any change in alignment or grade, if not normally the location of a catch basin, shall be made by using a manhole.
- d. Catch basins shall have a 2 foot sump and manholes of shaped concrete bottom to allow for a smooth flow of water through the structure.
- e. Where adjacent property is not subdivided, provision shall be made for the extension of the drainage system by continuing appropriate drains to the exterior boundaries of the subdivision, at such size and grade as will allow for their proper projection.

3. Monuments

- a. Monuments shall be installed on both sides of the right of way, at all street intersections, at all points of change of direction or curvature of streets and at other points where in the opinion of the Board, permanent monuments are necessary. Such monuments shall be of granite or reinforced concrete not less than 4 inches square and not less than 4 feet long set flush with the finished grade. When surface ledge is encountered, a one foot by three quarter inch (1' x 3/4") iron pin inserted in the ledge may be substituted.

b. No monuments shall be installed until all construction which would destroy or disturb the monument is completed.

c. The setting of the monuments shall be supervised by a registered land surveyor.

4. Street Signs

a. The subdivider shall furnish and erect street signs at all street intersections. These signs shall be of the same type being used in the Town at the time the subdivision is approved.

b. The subdivider shall also furnish and set such other traffic control signs as the Board shall require.

5. Clean-up

a. Upon completion of all work on the ground, the subdivider shall remove from the streets and adjoining property, all temporary structures and all surplus material and rubbish which may have accumulated during construction, and shall leave the work in a neat and orderly condition.

6. Other

1. Land of such character that it cannot be safely used for building purposes because of exceptional danger to the health or peril from fire, flood, or other menace shall not be plotted for residential occupancy, nor for any other uses as may increase danger to health life or property or aggravate the flood hazard until appropriate measures have been taken by the owner or his agent to lessen such hazards.

2. It shall be the responsibility of the subdivider or his agent to provide adequate information to prove that the area of each lot is adequate to permit the installation and operation of sewage disposal systems (septic tank and drain field). Such information shall consist of the report of the health officer, regarding seepage and other tests ~~he may required~~. The subdivider or his agent shall be required to provide the necessary equipment and labor for the making of these tests. *WSPEC and*

if necessary,
3. Whenever natural water supply is not available for fire protection and the fire engineers recommend it, the Board may require water holes with dry hydrant installed and of at least 50,000 gal. capacity, properly fenced.

3. All proposed subdivisions shall conform to the Zoning and Land Use Ordinance of the Town of Brookline. Where strict conformity to the subdivision regulations would cause undue hardship or injustice to the owner of the land, a subdivision plan substantially in conformity with the regulations may be approved by the Board provided that the intent of the regulations and public convenience and welfare will not be adversely affected.

4. Covenant and Guarantee

- a. Except in the case of a subdivision in which each lot is on an existing improved road, no subdivision plat filed with the Board shall be approved except as follows:
 1. Before the Board endorses its approval on the Final Plat, the subdivider shall execute an agreement with the Board which shall be recorded with the Subdivision Plan, stipulating that no lot of the land shown on the plat shall be sold or building permits issued until the covenant or guarantee is released by the Board unless such lots are sold subject to the following provisions:
 - a. The street(s) shown on the subdivision plan and profile have been brought up to subgrade level per these regulations, including all necessary drainage.
 - b. The subdivision plan, bearing the Board's signature and a signed copy of such agreement have been recorded at the registry of deeds.
 - c. The subdivider has executed a contract with the Board accompanied by:
 1. Cash or savings bank book properly endorsed to the Town of Brookline, N.H., in an amount to be determined by the Board.
 2. The subdivider must file with the Board an engineer's estimate of costs of finished surface treatment, drainage, monuments, street signs, clean-up, public improvements and other utilities together with maps, plans, and supporting data.
 3. The amount of #1 and #2 above is to include fees for all inspections by the appropriate Town of Brookline agents.
 4. The subdivider has recorded in the registry of deeds a certificate that the conditions set forth in a. to c. of this paragraph have been met.
 - d. The street(s) shown on the subdivision plan and profile have been completed per these regulations and accepted by the Town agent(s).
 - b. In the case of electric lines or other utilities to be installed by a public utility corporation or a municipal department, a statement shall be received in writing from such public utility, corporation or municipal department that the work will be done within a reasonable time and without expense to the Town of Brookline and that the utilities will be placed underground, if this has been agreed upon by all parties.

- c. Each approval of a plat shall contain a time limit within which streets and public improvements shall be completed, not to exceed 3 years, unless extended with the owner's consent by the Planning Board.
- d. Upon completion of improvements and approval by the Town agent, guarantee covering maintenance of roads and improvements for a period of up to 1 year from issuance of last building permit may be required in an amount based on the cost of such improvements, as approved by the governing body.
- e. The performance guarantee shall not be released until the governing body has certified completion of the public utilities and improvements in substantial accordance with the requirements, and deeds covering land to be used for public purposes, easements and rights-of-way over property to remain in private ownership, and rights-to-drain onto or across private property are submitted in a form satisfactory to the Town Attorney. All recording fees shall be borne by the subdivider.

§ Inspection

- a. The Board shall provide inspection by an authorized inspector of all construction phases in an approved subdivision to insure full compliance with the foregoing rules and regulations. This inspector shall not authorize any changes from these regulations or from the approved record plan for the subdivision without specific approval of the Board. He will inspect the work in progress during reasonable hours as he will see fit; but in any case it will be the subdivider's responsibility to request his inspection at the following progress steps:
 - 1. After excavation and/or filling has been started but before the the gravel placement operation has been started.
 - 2. After drainage system is installed, but before it is covered. Inspector shall check the pipe alignment and any defective runs shall be corrected before approval is given.
 - 3. After gravel has been placed and shaped but before the bituminous concrete surface has been applied.
 - 4. After bituminous concrete surface has been placed and while shoulder work is in progress.
 - 5. Before acceptance by the Town of Brookline.
 - 6. At other specific times deemed necessary by the Board.
- b. The subdivider should give at least 24 hours notice to the inspector whenever an inspection is indicated. He shall also furnish the necessary baseline and grade stakes to allow the inspector to properly carry out his function.

- c. Records of inspection shall be kept on file at the Town Hall and shall be signed and dated by the authorized inspector.

SECTION V - PRELIMINARY LAYOUT

- A. Subdivider shall file with the Board seven copies of a Preliminary Layout prepared by a registered Land Surveyor, showing or accompanied by the following information.

1. Scale of not more than 100 feet/inch.

- a. Where the size of the parcel is too large to show the entire project conveniently on one sheet at 1" - 100 ft., the scale may be reduced to 1" - 200 ft.

2. Contours not greater than five foot intervals.

- 3. Proposed subdivision name; name and address of the owner of record; tax map #
subdivider and designer, date, magnetic and true north point, and location map.

- 4. Name and owners of record of abutting properties, tax map #, abutting subdivision names; streets, easements, building lines, alleys, parks, public open spaces and similar facts regarding abutting properties.

5. Location of property lines and their approximate dimensions existing easements, buildings, water courses, ponds or standing water, rock ledges and other essential features.

6. Existing sewers, culverts, drains and proposed connections of alternative means to provide water supply and disposal of sewage and surface drainage.

7. Location, name and widths of existing and proposed streets with their grades and profiles.

8. Where the topography is such as to make difficult the inclusion of any facilities mentioned above with the public area so laid out, the preliminary layout shall show the boundaries of proposed permanent easements over or under private property. Such easements shall not be less than 25 feet in width and shall have satisfactory access to existing or proposed public ways.

9. Location of all parcels of land proposed to be dedicated to public use and to the conditions of such dedication and a copy of such private deed restrictions as are intended to cover part or all of the tract.

10. Preliminary designs of any bridges or culverts which may be required.

11. Where the preliminary layout submitted covers only a part of the subdivider's entire holding, a sketch of the prospective future street systems of the unsubmitted part shall be furnished. The street system of the submitted part will be considered in the light of adjustment and connections with the street systems of the part not submitted.
12. Minor Subdivision
 - a. For a Minor Subdivision the Board may waive the filing of a preliminary layout. Submission documents for minor subdivisions shall be as required for final plat in Section VI of these regulations. All state and local approvals shall be obtained as required elsewhere herein, prior to final approval by the Board.
13. The preliminary plan shall show the location of flood hazard areas.
14. The preliminary plan shall show the filling of a portion of each lot to provide a safe building site to an elevation above selected flood heights.
15. The preliminary plan shall show the placement of streets and public utilities above a selected protection elevation.
16. No development shall be located in floodway areas (lands that may be covered by deep, high velocity water in the event of a flood).

SECTION VI - FINAL PLAT

- A. The Final plat submitted for approval and subsequent recording shall include one (1) permanent reproducible suitable for recording and three (3) blue or black line prints. The size of sheets shall conform to the requirements of the Registry of Deeds of Hillsborough County. The drawings shall be at a scale of not more than 100 feet to the inch.
- B. The Final Plat shall show:
 1. Proposed subdivision name or identifying title, the name and address of the owner of record, the subdivider, and the name and seal of the registered land surveyor, date, scale, and north point both true and magnetic.
tax map numbers.
 2. Street lines, lot lines, easements and areas to be dedicated to public use and areas the title to which is reserved by the developer. ←
 3. Sufficient data acceptable to the Board to determine readily the location, bearing and length of every street line, lot line, and boundary line, and to reproduce such lines on the ground. All dimensions shall be shown to hundredths of a foot and bearings to the nearest second. The error of closure shall not exceed 1 to 10,000. The final plat shall show the boundaries of the property.

22" x 34"

4. A separate permanent reproducible sheet, 24" x 36" in size with three prints thereof, for each street or way within the subdivision, said sheet to show a plan view and profile of the proposed street at the horizontal scale of ~~forty (40)~~^{fifty (50)} feet to an inch and a vertical scale of ~~four (4)~~^{five (5)} feet to an inch; existing center line grades in fine solid lines, existing exterior side line grades in fine dashed lines, proposed center line grades in a heavy solid line. Proposed elevations at fifty (50) foot stations, proposed gradient shall be shown by figures. Profiles shall also show the size, invert elevation and location of existing and proposed storm drains, and shall extend at least one hundred (100) feet into adjacent land. The plan view to show street or way dimensions, bearing, curve lengths, radii, center line stationing, proposed bound locations, lot numbers, a typical cross section, and the location of all existing and proposed utilities.

SECTION VII - EXPENSE

- A. Any expense involved in meeting the requirements of these regulations shall be borne by the subdivider or potential subdivider.

SECTION VIII SEPARABILITY

- A. The invalidity of any provision of these regulations shall not affect the validity of any other provision.

SECTION IX - PENALTY

- A. Whoever, being the owner or agent of the owner of any land located within a subdivision, transfers or sells any land by reference to, or exhibition of, or by other use of, a plat of a subdivision, before such plat has been approved by the Board and recorded or filed in the office of the appropriate Register of Deeds shall forfeit and pay a penalty of \$500.00 for each lot or parcel or parcels 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 of Brookline through its solicitor or other official designated by its selectmen may enjoin such transfer or sale or agreement and may recover the said penalty by civil action.

SECTION X

- A. These regulations may be amended or recinded by the Planning Board but only following a public hearing.