

2021

**TOWN OF RINDGE  
NEW HAMPSHIRE**

**PLANNED UNIT RESIDENTIAL DEVELOPMENT  
REGULATION**

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## TABLE OF CONTENTS

	Page:
1. Authority .....	3
2. Purpose .....	3
3. Definitions.....	3
4. Procedure .....	4
4.A. Review Process .....	4
4.B. Layout Proposal .....	5
4.C. Plot Plan .....	6
4.D. Performance Security .....	6
4.E. Waiver Provision .....	6
5. Development Regulations .....	6
5.A. Minimum Tract Size .....	6
5.B. Density and Design .....	6
5.C. Frontage and Setback Regulation .....	7
5.D. Uses Permitted .....	8
5.E. Uses Restricted.....	8
5.F. Approval of Water and Septic System.....	8
5.G. Buffer Zone .....	8
5.H. Parking .....	9
5.I. Emergency Vehicle Access.....	9
5.J. Common Land/Open Space .....	9
5.K. Use of Common Land.....	9
5.L. Protective Covenant .....	9

**RINDGE, NEW HAMPSHIRE**  
**PLANNED UNIT RESIDENTIAL DEVELOPMENT REGULATION**

**SECTION 1. AUTHORITY**

Pursuant to the authority vested in the Rindge Planning Board by the voters of the Town of Rindge, Article III, Section I of the Zoning Ordinance, and in accordance with the provisions of RSA 674:21 of the New Hampshire Revised Statutes, the Town of Rindge hereby adopts the following Regulation.

**SECTION 2. PURPOSE**

The Planned Unit Residential Development (“PURD”) provisions are intended to reflect the goals of the Master Plan, to encourage flexibility in the design and development of land, to promote the most efficient use of land, preserve natural features and open space and provide opportunities for a diverse mix of housing unit types that can accommodate the changing demographics of Rindge:

- A. By preserving the natural beauty of existing rural roads, topography, and wooded areas, and providing usable open space and recreation facilities in close proximity to dwelling units;
- B. By encouraging a less sprawling form of development which makes more efficient use of land, requires shorter networks of streets and utilities and fosters less consumption of rural and/or agricultural land;
- C. By providing an efficient procedure which can insure appropriate, high quality design and site planning, and a high level of environmental amenities;
- D. By avoiding development of portions of sites which have poor soil conditions, high water tables, are subject to flooding, or have excessive steep slopes; and
- E. By providing a variety of housing opportunities for a wide range of ages, incomes and need.

**SECTION 3. DEFINITIONS**

The following definitions specifically apply to this Regulation:

- A. Buffer Zone: A designated and approved area of undeveloped land devoted to, or capable of, growing trees and other native vegetation being left in its natural state without interference with the natural ecological process.
- B. Common Land: That portion of a PURD that is not used for residential buildings, residential building lots, public or private rights-of-way, or required parking for residential units. The Common Land is designed for the benefit and enjoyment of the residents of the PURD as well as for the conservation and preservation of open space and environmentally sensitive

land. The Common Land may contain accessory structures and improvements necessary and appropriate for educational, recreational, cultural, social, or other non-commercial uses, plus any utility services and facilities utilized by the owners of the Common Land.

- C. Conventional Lot Area: Refers to the existing lot area requirements as set forth in the Town of Rindge Zoning Ordinance.
- D. Dwelling Unit: One (1) or more rooms, including cooking facilities and sanitary facilities in a structure, designed as a single unit for occupancy for living and sleeping purposes.
- E. Mandatory Homeowners Association: A private non-profit corporation, association or other non-profit legal entity established by the developer to manage and support the activities of the PURD. The Mandatory Homeowners Association shall own all private roadways and all Common Land and be responsible for maintenance and payment of taxes on same.
- F. Open Space: The undeveloped and un-fragmented land areas that have important ecological functions, natural resources, or cultural resources that are worthy of conservation and protection. Such areas may contain, but are not limited to, forests, farmland, floodplains, wetlands, shoreland and historic and archaeological sites. Per RSA 674:21-a, Open Space is deemed to have an enforceable conservation restriction.
- G. Planned Unit Residential Development: A residential development and/or subdivision of a tract of land, where a number of housing units may be clustered or grouped on sites, and/or lots with dimension, frontages, and setbacks reduced from conventional sizes. Each structure that contains dwelling unit(s) shall be on a separate lot, with the exception of Accessory Dwelling Units.
- H. Vegetated Wetland: 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 4. PROCEDURE**

##### **A. Review Process:**

A PURD shall be treated as a subdivision for review and public hearing purposes. Multi-family developments shall also be subject to Site Plan Review Regulations. The procedure shall be as follows:

1. A PURD is subject to approval by the Planning Board.
2. Any required covenants or cooperative agreements or similar forms shall be reviewed by Town Counsel to ensure legal form and enforceability. The cost of this review shall be paid by the applicant.

3. Prior to final approval, the Planning Board shall ascertain that adequate provisions have been made by the applicant, including but not limited to the following:
  - a. Traffic circulation and access including adequacy of adjacent streets, entrances and exits, traffic flow, sight distance, curb cuts, turning lanes, and existing or recommended traffic signalization.
  - b. Pedestrian safety and access.
  - c. Off street parking and loading. Number and configuration of spaces shall be shown.
  - d. Emergency vehicles access.
  - e. Fire protection as it applies to the proximity of the buildings to one another and to the existence of fire fighting water sources.
  - f. Storm water drainage based upon a minimum of twenty-five (25) year storm frequency, utilizing on-site absorption and /or temporary detention.
  - g. Snow storage and trash disposal areas.
  - h. Recreational facilities.
  - i. Provisions for adequate water and sewage with approvals as required by the New Hampshire Department of Environmental Services.
  - j. Environmental factors such as protection against pollution, noise, odor, and the protection of natural features.
  - k. Landscaping in keeping with the general character of the surrounding areas.
  - l. Location and style description or sketch of all signs and exterior lighting.
  - m. Names and addresses of all abutting property owners.
  - n. The Subdivision Plan Set shall be drawn to scale and prepared by a Professional Engineer and/or Licensed Land Surveyor, both licensed to practice in the State of New Hampshire. Submission documents shall be prepared as required by the Subdivision Regulations of the Town of Rindge.
  - o. Building locations and all elevations for multi-family units.

**B. Layout Proposal:**

The PURD plan shall show the layout of all roads and shall differentiate between service roads and collector roads, which provide access to the dwelling units. The Planning Board reserves the right to make the final determination of which roads are deemed to be collector roads.

1. All collector roads shall be built to the town roadway specifications for new public roads as outlined in the Subdivision Regulations of the Town of Rindge.
2. Service roads shall be built to the town roadway specifications for new public roads as outlined in the Subdivision Regulations of the Town of Rindge. Where deemed applicable, the Planning Board may modify the specifications for the construction of service roads.

C. Plot Plan:

A plot plan showing the entire tract at the scale used for the Town of Rindge Tax maps shall be prepared by a Professional Engineer and/or Licensed Land Surveyor, both licensed to practice in the State of New Hampshire. Lot lines and lots numbers, as well as location of Common Land(s) and Open Space shall be shown on the plan.

D. Performance Security:

A performance bond or other acceptable security shall be submitted as required by the Planning Board to ensure the completion of streets, drainage system, Buffer Zone, and amenities in accordance with the accepted plans and Subdivision Regulations of the Town of Rindge.

E. Waiver Provision:

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.

## **SECTION 5. DEVELOPMENT REGULATIONS**

A. Minimum Tract Size:

1. The entire tract of land, being under single or consolidated ownership at the time of application, shall be at least ten (10) contiguous acres.

B. Density and Design:

The maximum density of a PURD shall be the smaller of one dwelling unit (attached or detached) per Conventional Lot Area (in acres) of the entire tract of land or one dwelling unit (attached or detached) per 1.50 acres of developable area. The average lot size for single family homes within a PURD shall be no less than 1.00 acres with no lot being less than 0.50 acres.

1. Planned Unit Residential Development: The permitted maximum density shall be calculated as follows:

$$\text{the smaller of } D(1)_{\max} = \frac{A_{\text{developable}}}{1.5 \text{ acres}} \text{ or } D(2)_{\max} = \frac{A_{\text{total}}}{A_{\text{lot}}}$$

where;

$D(1,2)_{\max}$ : The maximum number of dwelling units permitted in the PURD (rounded down to the nearest whole number for 0.49 and below and rounded up to the nearest whole number for 0.50 and above).

$A_{\text{developable}}$ : The total area of the parcel minus the undevelopable areas and all Right of Way areas.

$$A_{\text{developable}} = A_{\text{total}} - A_{\text{undevelopable}} - A_{\text{row}}$$

$A_{\text{total}}$ : Area (square feet or acres) of parcel.

$A_{\text{lot}}$ : The minimum lot size for the Zoning District in which the subject parcel is located as specified in the Zoning Ordinance.

$A_{\text{undevelopable}}$ : All undevelopable lands which shall include all surface waters on the parcel and all lands designated as wetlands or floodplains.

$A_{\text{row}}$ : Is the area of all public and /or private street and/or road rights-of-way within the development.

2. Each structure shall have no more than six (6) attached dwelling units.
3. The design of the units shall recognize the need for natural light, ventilation, amenity, space, privacy, maintenance, and fire protection.

#### C. Frontage and Setback Regulation:

Structures may be located in any manner on the site to meet the Purpose of Section 2 of this Ordinance providing that the following dimensional standards are met:

1. Tract Dimensional Requirements:
  - a. Frontage: One hundred (100) contiguous feet along an existing town road (Class V or higher) or a state highway is required as the minimum frontage for the entire tract being considered for the PURD. Frontage requirement is further subject to Article XIII.E of the Town of Rindge Zoning Ordinance which only allows for a single family dwelling or accessory structure(s) to be erected on a lot having less than the minimum requirements for frontage.

- b. Front, Side and Rear Setbacks: No structures, roadways or parking areas shall be located within the Buffer Zone as described in Section 5.G of this regulation. The exception is for the area to be used for the proposed road(s) that accesses the PURD.

## 2. Internal Dimensional Requirements:

The following dimensions shall apply for the layout of the structures:

- a. Internal Front Setback: Thirty (30) feet from the edge of access roadway pavement.
- b. Internal Side and Rear Setbacks: Structures shall be at least twenty five (25) feet apart and shall be a minimum of fifteen (15) feet from property lines.

## D. Uses Permitted:

The following uses shall be permitted subject to being permitted in the underlying zoning district: single-family structures, two-family structures, multi-family structures consisting of up to six (6) attached dwelling units, accessory buildings including accessory dwelling units, and incidental private recreational uses.

## E. Uses Restricted:

No PURD shall include mobile homes, trailers, campers, or similar semi-permanent housing, whether provided with foundations or not.

## F. Approval of Water and Septic System:

The development may be served by common water and septic system, the design and construction of which must be approved by the state and local authorities and meet the requirements of Section 4.A.3.i of this regulation. All pertinent local regulations regarding the placement and construction of septic shall be applicable, including the requirement for the incorporation into the project design of alternative, backup leach field areas. Any common septic system or common backup system may be located within the Common Land. Any on-site well may be located within the Common Land and shall have a protective radius as required by the New Hampshire Water Supply and Pollution Control Commission. Such radius shall be wholly contained within the parcel's property lines.

## G. Buffer Zone:

A PURD shall have a Buffer Zone to provide an adequate transition between the development and existing town roads and abutting properties unless otherwise directed by the Board. A minimum Buffer Zone of fifty (50) feet is required along the entire perimeter of the PURD. PURD's which have multi-family structures shall have a minimum Buffer Zone of one hundred (100) feet adjacent to the multi-family structures. If a Buffer Zone of one hundred (100) feet or greater is provided in areas without multi-family structures, fifty percent (50%) of the Buffer Zone may be counted towards the minimum Common Land requirement of this regulation.



#### H. Parking:

All parking within a PURD shall be provided at a rate of not less than two (2) spaces per dwelling unit.

#### I. Emergency Vehicle Access:

Emergency vehicle access shall be provided to all structures within the PURD.

#### J. Common Land/Open Space:

The Common Land shall be comprised of at least 25% of the acreage of the overall tract or tracts that comprise the PURD. Furthermore, at least fifty percent (50%) of the Common Land must consist of Open Space as defined in this regulation. The Common Land may not consist principally of land that is difficult to utilize such as wetlands or steep slopes (defined by the Soil Conservation Service, U.S. Department of Agriculture, as greater than or equal to 25% slope). Such land may be included as part of the Common Land but shall not consist of more than 50% of the total Common Land for the development.

#### K. Use of Common Land:

Common Land shall be restricted to recreational uses such as parks, swimming pools, tennis courts, playgrounds, playfields, nature trails, agriculture uses, and land designated as Open Space.

#### L. Protective Covenant:

Open Space, Common Land, common facilities and other features within a PURD shall be protected by covenants running with the land and shall be conveyed to the Mandatory Homeowners Association. Such covenants shall be enforceable by the Mandatory Homeowners Association and/or the Town of Rindge.