

# Town of Allenstown New Hampshire



## SUBDIVISION REGULATIONS

Adopted  
JUNE 20, 2001; Updated October,  
2015



## Certificate of Adoption

In accordance with New Hampshire RSA, 675:6 and 675:7, the Allenstown Planning Board, having held a duly noticed public hearing on June 20, 2001 hereby adopts and certifies these "Subdivision Regulations".

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Member

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Selectmen's Representative

This document was received and recorded by the Town Clerk on

\_\_\_\_\_, 2015.

Signed:

\_\_\_\_\_  
Allenstown Town Clerk

Seal:

# **Town of Allenstown New Hampshire**

## **Subdivision Control Regulations**

as amended October, 2015

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### **ARTICLE I – Authority**

In accordance with the provisions of New Hampshire Revised Statutes Annotated, Chapter 36, Sections 19 – 29, and the authority granted by the voters of the Town of Allenstown at Town Meeting assembled, the Planning Board adopts the following regulations governing the subdivision of land in the Town of Allenstown.

### **ARTICLE II – Title**

These regulations, as amended from time to time, shall be known and may be cited as “Town of Allenstown Subdivision Control Regulations” and are hereinafter referred to as “subdivision regulations”.

### **ARTICLE III – Definitions**

Abutter – shall mean any owner of record of a parcel of land which is contiguous, at any point, to the parcel being subdivided, or which has frontage on a common road at any point within that portion defined by the perpendicular extensions across the road, from the points of intersection between the edge of the road right-of-way and the property lines of the parcel being subdivided, or anyone 200 feet from the parcel of land being subdivided. For purposes of receiving testimony only, and not for purposes of notification, the term “abutter” shall include any person who is able to demonstrate that his land will be directly affected by the proposal under consideration. For purposes of notification by the Town of a Planning Board or Zoning Board of Adjustment hearing or advertised meeting, in the case of an abutting property being under a condominium or other form of collective ownership, the term “abutter” means the officers of the collective or association, as defined in RSA 356-B:3, XXIII.

Applicant – the owner of record of the land to be subdivided, including any subsequent owner of record making any subdivision of such land or any part thereof, or the agent of any such owner.

Approval – for the purposes of receipt of notification of a meeting or hearing convened by the Planning Board shall mean recognition by the Planning Board, certified by written endorsement the plat, that the final

plat submission meets the requirements of these regulations and satisfied, the judgement of the Planning Board, all criteria of good planning and design. For the purposes of receipt of notification of a meeting or hearing convened by the Planning Board, in the case of an abutting property being under a condominium or other collective form of ownership, the term "abutter" shall mean the officers of the collective or association as defined in RSA 356-B:3XXIII. For the purposes of testimony, only the term "abutter" shall mean any person who is able to demonstrate that his land will be directly affected by the subdivision.

Board – shall mean the Planning Board of the Town of Allenstown.

Bond – shall mean any form of security including a cash deposit, escrow account, surety bond or other instrument of credit in an amount and form satisfactory to the Board.

Buffer or Buffer Strip – shall mean a strip of land along a property line or zone district boundary line which shall be free of any building or use other than natural woody growth, landscaping or screening.

Building Inspector – shall mean the Building Inspector of the Town of Allenstown, if any; if none, the Selectmen.

Business Day – shall mean a day in which the Town Hall is open for a majority of the day.

Conceptual Consultation - shall mean a recommended pre-application phase during which a prospective applicant and the Board may discuss the basic concept of a proposal in very general terms only, advise the applicant of submittal requirements and provide appropriate Town of Allenstown Subdivision Regulations.

Conditional Approval – shall mean an expression by the Planning Board that the materials that were submitted in the Design Review, appear to satisfy all requirements established herein for the Design Review phase. Conditional Approval does not constitute, nor should it be construed as approval either implied or granted, of the final plat, nor does it bind the Planning Board to the final plat.

Dedication – shall mean a gift by the owner of his property to another party without any consideration being given for the transfer. Since a transfer of property is included, the dedication is made by written instrument and is completed with an acceptance.

Design Review – shall mean meeting to discuss materials submitted by the applicant and will in general review the submitted materials relative to

proposed street profiles in connection with topography in the area, the existing requirements of the applicable zoning ordinance and relative to the general requirements of the community and the best use of land to be subdivided and the best use of lands adjoining the proposed subdivision.

Engineer – shall mean the engineer or agent appointed by the Selectmen of the Town of Allenstown, from time to time, for the purpose of these regulations or in the absence of such appoint, the Selectmen.

Final Plat – the final drawing or drawings which the applicant's plan of a subdivision is indicated, prepared as required under these subdivision regulations and which, if approved by the Board, will be submitted to the Registry of Deeds of Merrimack County for recording.

Free and clear days – shall mean the number of specified days not counting the day of the meeting or hearing, nor the day material is received or for which notice is published

Health Officer – shall mean the Health Officer of the Town of Allenstown, if any and if none, the Selectmen of said Town.

Lot Line Adjustment – is the adjustment of a lot line between two or more legally existing lots of record that, while reconfiguring the shape and size of the existing lots, conforms to current zoning requirements, and does not create any additional lots; and which, in the event of a non-conforming lot(s), does not result in the expansion of an existing non-conformity.

Master Plan – shall mean the comprehensive plan of development for the community.

Official map – shall mean the adopted street or base map of the municipality, as defined in RSA 36:16-18, as amended.

Planner - shall mean the planner for the Town of Allenstown and shall include planning consultant(s) or a circuit rider planner from the Central New Hampshire Regional Planning Commission, as applicable.

Preliminary Layout – shall mean a plan prepared as required by the subdivision regulations and submitted to the Planning Board during the design review prior to preparing the final plat.

Special Flood Hazard Area – shall mean the area designated in the current Flood Insurance Rate Maps and Flood Boundary and Floodway Maps, as amended.

Street, Public – a public way or a proposed public way upon acceptance by the Town. The word “street” shall include the entire right-of-way.

Street, Private – A way not intended to be accepted or maintained by the Town.

Subdivision – the division of the lot, tract or parcel of land into two (2) or more lots, plats, sites or other divisions of land for the purpose, whether immediate or future, of sale, rent, lease, condominium conveyance or building development. It includes re-subdivision and, when appropriate to the context, relate 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 amount the several owners shall be deemed a subdivision. The grant of an easement in gross to a public utility for the purpose of placing and maintaining overhead and underground facilities necessary for its transmission or distribution network such as poles, wires, cable, conduit, manholes, repeaters and supporting apparatus, including any unmanned structure which is less than 200 square feet, shall not be construed as a subdivision and shall not be deemed to create any new decision of land for any other purpose.

(a) Subdivision, Minor – the subdivision of land into not more than three lots for building development purposes or for proposals which do not involve creation of lots for building development purposes, with no potential for re-subdivision, requiring no new roads, utilities or other municipal improvements.

(b) Subdivision, Major – the subdivision of land which does not meet the definition of a minor subdivision, above.

Technical Review Committee (TRC) - shall mean the committee of Town department heads engaged in the formal application review process following formal submittal of an application by an applicant and prior to the Checklist Review Meeting conducted by the Planner and Building Inspector. The purpose of the TRC is to advise Planning Board Applicants of potential issues with regard to their applications prior to meeting with the Planning Board. The TRC’s membership shall include the following:

- a) Town’s planner (paid for by applicant if applicable)
- b) Building Inspector
- c) Town’s Engineer (if engineering proposed; paid for by applicant)
- d) Town Administrator
- e) Police Chief
- f) Fire Chief
- g) Pembroke Water Works
- h) Allenstown Sewer Department
- i) Allenstown Highway Department

j) Conservation Commission Representative

Town – shall mean the Town of Allenstown, NH.

**Article IV – Application Procedure**

**4.01** General – whenever any subdivision is proposed to be made and before any contract for the sale of, or offer to sell, such subdivision or any part thereof shall be made, and before any required application for a permit for the erection or placing of a structure thereon shall be made, the owner thereof, or his agent, shall apply in writing to the Board for approval of such subdivision. The application procedure as described in this Article, is a three-phase process as follows:

Conceptual Consultation – strongly encouraged by the Board, but the decision to participate in a conceptual consultation rests with the applicant. The intent of a conceptual consultation is to enable the applicant and Board time to review, discuss and evaluate a proposed subdivision at a time when modifications will not result in substantial loss of engineering or surveying costs to the applicant. The Board will conduct an initial review and will coordinate with other agencies as needed, and will indicate to the applicant the Board's initial reactions and recommendations.

Design Review – strongly encouraged by the Board, but the decision to participate in a design review rests with the applicant. That phase of the recommended pre-application process during which the specific design and engineering details are reviewed by the Board.

Final Plat Procedure – required by the Board. The applicant is required to submit a completed subdivision application to the Board.

Each of these three phases are more specifically described below.

**4.02** Conceptual Consultation – the conceptual consultation is a strongly encouraged pre-application phase during which a prospective applicant and the Board may discuss the basic concept of a proposal in very general terms only, advise the applicant of submittal requirements and provide appropriate Town of Allenstown subdivision regulations. The Board may offer suggestions and advice dealing with the subdivision process, *but shall not review design plan(s) or information of any kind, no matter how sketchy it/they may be.* Such consultation (review of preliminary plans and any other information) may occur only during a formal meeting of the Board. All consultations held during the conceptual consultation shall be non-binding with respect to the applicant and the Board.

**4.03** Design Review – the applicant is required to submit design plans, related information and a fee of \$25.00 plus fees for mailing and posting to the Board at least 26 days prior to a regularly scheduled meeting of the Board, if the applicant desires a design review by the Board. The Board will then notify abutters via certified mail and publish notices of the design review. At least seven days after notice of the design review is published and abutters notified, the Board will hold a public design review meetings to discuss materials submitted by the applicant. The public that may attend the design review meeting and may listen or record proceedings, but is not allowed to speak unless permitted to do so by the Chairman of the Board. At the design review meeting, the Board will in general, review the submitted materials relative to proposed street profiled in connection with topography in the area, the existing requirements of the applicable zoning ordinance relative to the general requirements of the community, the best use of land to be subdivided and the best use of lands adjoining the proposed subdivision. At the design review meeting, the board will advise the applicant of State/Local approvals that may be needed. The applicant is advised to submit design review materials to appropriate State agencies at the same time as, or prior to, submission of materials to the Board.

403(a) The Board, before and/or after the design review meeting, reserves the right to retain the services of a licensed professional engineer, at the cost of the applicant and to confer with local agencies, to review the application and associated materials.

4.03(b) After the design review meeting, the Board may forward copies of the design review materials to appropriate local agencies. The Board may also forward related materials to State agencies for their input. Local and State agencies will submit their comments to the Planning Board. After the design review meeting, the Board will communicate in writing to the applicant, the specific changes, if any which it may require to the design plans and the amount of construction or improvements it may require as a prerequisite to the subsequent review of the subdivision plans, within 30 days of the design review meeting. The Board may disapprove the design plans in their entirety, but will adequately, upon the records of the Board, state its grounds for such disapproval.

4.03(c) All consultation held during the design review shall be non-binding with respect to the applicant and the Board.

**4.04** Final Plat Procedure – the applicant is required to submit its completed subdivision plans to include the Final Plat plans and related plans and related information as described in ARTICLE V --Plan Requirements and fees in accordance with Article II of the Allentown Planning Board By-Laws and Rules Procedures to the Board at least 28 days prior to a regularly scheduled meeting of the Board (not counting the day of the



meeting). The entire submittal package must be submitted electronically at allenstownnh.gov. Two full scale paper copies of the plans and any checks shall be submitted to the Building Inspector. Material submitted subsequently shall be submitted to the Planning Board via email at planning@allenstownnh.gov. The Board will provide a receipt of the Final Plat to the applicant indicating the date of receipt thereof. Submittal of appropriate fees (including escrow fees), complete and signed application forms, a current abutters list and a signed Fee Acknowledgement less than 28 days in advance of the next regularly scheduled Planning Board meeting will result in the entire application package automatically being deemed incomplete.

4.04(a) The applicant shall tender offers of cession in a form certified and satisfactory by Town Counsel, of all land included in streets, highways or parks not specifically reserved by the applicant, but approval of the final plat by the Board shall not constitute acceptance by the Town of the dedication of any street, highway, park or any other open space.

4.04(b) The applicant shall be required to file a bond in an amount and with surety and conditions satisfactory to the Board providing for and securing to the Town, the actual construction and installation of such improvements and utilities within a period specified by the Board and expressed in the bond. All work shall be completed and all utilities shall be installed by the applicant, and to insure the completion thereof, the applicant shall post a 100% performance bond covering all such work, said bond to be procured from a Bonding Company licensed to do business in the State of New Hampshire. Such bond or other method shall be approved as to form and sureties by the legal counsel of the Town and conditioned on the satisfactory completion, as determined by Town Agencies, of such improvement within five years of the date of the bond or within a period of time mutually agreed to by the Board and the applicant.

4.04(c) The applicant will forward final subdivision plans to the Building Inspector who will then forward them to the Town Planner/Circuit Rider Planner (AKA Planner) and will begin the public notification process. The Planner will then schedule a Technical Review Committee (TRC) meeting with the Applicant, the Building Inspector, and the other department heads within the Town. This meeting will be scheduled within seven (7) business days of the Applicant's submittal. Following the TRC meeting, the Applicant, Building Inspector, and the Planner will review checklist items and administrative requirements for the application. This "checklist review meeting" may take place either directly after the TRC meeting or on a separate day.

4.04(d) Plan Review by Town Staff:

i. Prior to the meetings described in section 4.04(c) above, the Planner and Building Inspector will informally review the application for completeness, and, at the checklist review meeting the Planner and Building Inspector will review the application in the presence of the Applicant to identify items needed for completeness that are missing from the submittal package.

ii. Following the conclusion of the TRC and the checklist review meetings the Planner will issue a review memorandum to the Applicant and the Planning Board outlining the missing items identified at the meeting and as a result of Planner and Building Inspector reviews. This memorandum will be issued within five (5) business days of the checklist review meeting. The Building Inspector or other town staff designated by the Town Administrator will cause notice of the application in a paper of general circulation for no less than ten (10) days not counting the day posted and the day of the meeting, and shall mail, via certified mail, a copy of the abutter notice provided by the Planner as well as a reduced 11 x 17 copy of the proposed plan provided by the Applicant.

iii. From the conclusion of the checklist review meeting described above, the Applicant will be able to submit revised changes to the application package up to fifteen (15) free and clear days in advance of the Planning Board Meeting. Items submitted less than 15 days in advance of the meeting shall be processed at the next regularly scheduled meeting in accordance with Article 5.7.C of the Town of Allenstown Planning Board By-Laws and Rules Procedure.

iv. The Planner will issue a second memorandum to the Applicant and Planning Board outlining any remaining items that may render the application incomplete no later than ten (10) days before the meeting.

4.04(e) The Board, at any point in the final plat procedure, reserves the right to retain the services of a licensed professional engineer, at the cost of the applicant and to confer with local agencies, to review the application and associated materials.

4.04(f) At any point in the final plat procedure, the Board may require satisfactory compliance with “construction precedents”, at the discretion of the Board, before the Board approves the final plat. Examples of a “construction precedent” would be that a drainage easement to be obtained before final approval can be granted. A public hearing as described in 4.05 is required to determine satisfactory compliance with “construction precedents”.

4.04(g) At any point in the final plat procedure, the Board may require satisfactory compliance with “condition precedents”, at the discretion of the Board, before the Board approves the final plat. An example of a condition precedent would be proof of septic system approval or obtaining a driveway permit. A public hearing is not required to determine satisfactory compliance with “administrative conditions”.

4.04(h) At the Planning Board meeting for which the application was received by the Board it will vote, whether or not to accept the application as complete. If the Board accepts the application as complete, the Board may enter into a public hearing immediately after (if so noticed) or schedule it for a future meeting.

4.04(i) The public hearing shall be held within 30 days after the meeting that was held to receive the completed application if it is not held at the same meeting. Notice of the public hearing, if not included in the notice for the meeting to receive the completed application, will be accomplished by notifying abutters via certified mail and publishing notices of the public hearing at least 10-days in advance of the public hearing. If due to time and/or other considerations, the public hearing is recessed, no additional notice of continued session will be accomplished over that accomplished for the first session of the public hearing. The time and date of the recommended public hearing will be announced at that time unless deemed necessary by the Board. Applicant shall be responsible for any costs incurred regarding notices.

4.04(j) Any applicant, abutter or any person with a direct interest in the application may testify in person or in writing at the public hearing. Others may testify as permitted by the Board.

**4.05** Action of the Board – the Board shall, within 65-days from the submission of the final plat, act to approve, modify and approve or disapprove the plat in accordance with statutory requirements as amended, and shall specifically state its reasons for its action. If conditional approval has been granted, the Chairman or *designee of the Chairman* shall so endorse in writing on the final plat, noting when the requirements of the conditional approval shall be met. If “construction precedents” are upon which conditional approval of the final plat has been granted, the Board shall convene a public hearing as such described in 4.04(i). The purpose of this public hearing is to determine if “construction precedents” imposed on the applicant by the Board have been satisfactorily complied with.

**4.06** Failure to Act – if the Board has not taken action on a final plat within 65-days after receipt thereof and any required accompanying submissions, such plat shall be deemed to have been approved, unless an extension of such time shall have been granted by the Selectmen as provided by

statute. The Town Clerk is hereby specified as the municipal officer who shall issue on behalf of the Planning Board a certificate of failure on the part of the Planning Board to take action on approval or disapproval of a final plat submitted to it, as provided by statute. The applicant may waive the provisions hereof and consent to an extension of the period within which the Board is required to act.

- 4.07** Filing with Registry of Deeds – an approved subdivision plat shall be recorded with the Registry of Deeds of Merrimack County prior to any sale, rent, lease or other transfer of land within the subdivision.
- 4.08** Official map – the recording of such approved plats shall without further action modify any official map of the Town, but shall not constitute acceptance by the Town of any street, easement, open space or other area dedicated to public use. The Board will not recommend acceptance thereof by the Town until all improvements have been carried out as shown on the approved final plat, in accordance with these subdivision regulations and in compliance with any conditions established by the Board in its approval of the final plat.

## **ARTICLE V – Plan Requirements**

- 5.01** Preliminary Layout – each applicant desiring to participate in the design review phase shall file with the Board five black and white copies of preliminary layout at a horizontal scale suitable for recording and adequate to show all pertinent details as determined by the Board. The overall sheet size shall be 30 inches by 40 inches with separate sheets numbered and showing their relationship to each other. The plan shall show or be accompanied by the following information:
- 5.01(a) Proposed subdivision name; name and address of owner of record; applicant and engineer or surveyor; date; north arrow and written graphic scale;
- 5.01(b) Names of owners, abutting properties identified by Town of Allentown tax map page and lot number, area in acres and square feet of each abutting property, names of abutting subdivisions, streets, grantees of easements, purpose of easements, setbacks, alleys, parks and public open spaces;
- 5.01(c) Location of property lines and their approximate dimensions, existing easements, buildings, water courses, ponds or standing water, rock ledges and other essential features and soil types and characteristics;

5.01(d) Location and size of existing and proposed water mains, sewers, culverts, cisterns, drains and proposed connections or alternative means of providing water supply and disposal of sewerage and surface drainage. Location of each *existing* percolation test hole and the results, each proposed septic system component, each proposed well, and *typical* designs of the proposed on-lot water and sewerage system;

5.01(e) Location, name and widths of existing and proposed streets and highways with their grades and profiles and the elevations of sufficient points on the property.

5.01(f) Proposed lots, setback lines, required easements and approximate square foot size of each lot;

5.01(g) Location of all parcels of land proposed to be dedicated to public use and the conditions of such dedication, and a copy of such private deed restrictions are intended to cover part or all of the tract;

5.01(h) Preliminary location and size of any bridges or culverts which may be required (culverts over 10' diameter are marked as bridges);

5.01(i) Date and signature block for the Chairman, Allentown Planning Board;

5.01(j) Where the preliminary layout submitted covers only a part of the applicant's entire holding, a sketch of the prospective future street system of the unsubmitted part shall be furnished and the street system of the submitted part will be considered in the light of adjustments and connections with the street system of the part not submitted;

5.01(k) Any landscaping, lighting and signage shall be shown on the plan.

**5.02** Final Plat – the final plat shall be submitted on five (5) blue/black line prints on paper and one (1) print on 11" x 17" paper at the meeting at which final approval is granted. Sheet sizes shall be in accordance with requirements of the registry of deeds but not smaller than 20" x 30". Space shall be reserved on the plat for endorsement by all appropriate agencies. The subdivision plat shall be consistent with the approved preliminary layout. Two reproducible mylars will be required for signature by the Planning Board Chair once all conditions of approval have been met.

The plat shall contain the following statement: *"The Subdivision Regulations of the Town of Allentown are a part of this plat, and approval of this plat is contingent on completion of all the requirements of said*

*Subdivision Regulations, excepting only any variances or modifications and subject to any conditions made in writing by the Board and attached hereto.*” together with the following information:

5.02(a) All data required for preliminary layout submission;

5.02(b) Name and seal of engineer and of land surveyor licensed by the State of New Hampshire;

5.02.(c) Final disposition of land into lots, streets, open spaces, drainage courses and any easements running with the land. The subdivision plat shall be based on a boundary survey with a maximum error of closure of 1 in 10,000 certified by a surveyor registered in the State of New Hampshire. Distances shall be to the nearest 100<sup>th</sup> of a foot and bearings to the nearest 10 seconds. Primary horizontal and vertical control points shall be included on the plat. Topographic contours shall be depicted at a maximum contour interval of 2 feet or as required by the Board. All survey shall be ties to the New Hampshire State Plane coordinate system (1988 Datum) at the discretion of the Board, as soon as appropriate reference control points have been set by the Town and notice of same has been published;

5.02(d) Station, Radii, Curve data and paving widths for proposed streets; lot and parcel dimensions, areas in square feet and acres, consecutive numbering of lots;

5.02(e) Accurate locations of all easements, either on or off the site. Easements of at least twenty (20) feet in width shall be provided for all storm water and sanitary sewer pipes that are located other than in the streets. Easements shall also be provided for the full width of the channel of any stream or drainage ditch which will carry drainage runoff from any proposed street, existing street or street which may be constructed in the future on the undeveloped land within the watershed area. Easements shall also be provided for storm water and sanitary sewer pipes that may need to be installed in the future to serve undeveloped land within the watershed that drains across the area of the proposed subdivision. A written acknowledgment of the applicant's responsibility for maintenance and the assumption by the applicant 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.

5.02(f) Approved names of proposed streets;

5.02(g)(1) A notation is required on the plan signed by the surveyor certifying that the monuments and bounds shown thereon have been found or set or will be set under his supervision prior to

any conveyance of approved lots. Monuments or bounds set with regard to a subdivision which is not approved shall be removed;

5.02(g)(2) Street monuments for new streets shall be granite or concrete, shall be dimensioned and located on street right-of-way lines at every change in horizontal direction, at PC and PT of every curved lines, and at the point of intersection if right-of-way lines where there are no curved corners. In subdivision of land on an existing street, the plan shall show reference data to an existing street monument or one that has been set for reference purposes. Monuments or durable bounds shall also be set to identify the sidelines of public easements and in such other locations as may be specified in the review and consideration process;

5.02(g)(3) In addition, for all subdivisions, durable lot bounds shall be set at all corners and/or changes in direction of all lot boundary lines, or of off-set reference lines as appropriate, and shall be of such material and set in such a manner as recognized land survey procedures may recommend for durability and future usefulness;

5.02(h) Existing and proposed plans for telephone, electricity and gas utilities, all proposed electrical lines shall be underground;

5.02(i) The Board shall require the installation of sanitary sewers in any subdivision within the limits as set by the Allenstown Sewer Commission, to the public sanitary sewer system of the Town. Sanitary sewers shall be located within streets rights-of-way unless topography dictated otherwise. When located in easements on private property, the applicant shall deed access to the Town and shall indemnify the sanitary sewer easement on the final plan. Where private sewage disposal systems are proposed, the plan shall be referred to the Health Officer and or/Water Supply and Pollution Control Division of the New Hampshire Department of Environmental Services prior to subdivision approval;

5.02(j) The proposed storm drainage shall be accompanied by a drainage analysis map. Computations for methods of controlling runoff, and the drainage analysis map shall be stamped by a professional engineer licensed by the State of New Hampshire.

5.02(j)1 All stormwater management standards and provisions within Section VII of the Allenstown Site Plan Regulations are adopted by reference into the Allenstown Subdivision Regulations.

5.02(j)2 All major subdivisions, as well as all minor subdivisions depicting roadways or other significant impervious coverage to topography changes, shall require a drainage study depicting stormwater flow rates and volumes at each property line. Such study shall show both pre and post development stormwater calculations and shall be prepared, stamped and signed by a Professional Engineer.

5.02(j)3 All erosion and sedimentation control provision standards and provisions within Section VII of the Allenstown Site Plan Regulations are adopted by reference into the Allenstown Subdivision Regulations.

5.02(j)4 All proposed subdivisions shall comply with the Allenstown Stormwater Management Ordinance Standards for all design.

5.02(k) Notation of soil types including delineation of difference soil types including depth to seasonal water table, depth to bedrock, permeability and identification of poorly drained soils;

5.02(l) Final road profiles and cross sections at 50 foot intervals: If the subdivision abuts a state highway, or if a proposed street intersects a state highway, a copy of the driveway permits from the New Hampshire Department of Transportation Bureau of Highway Maintenance approving any proposed driveway or street access to such state highway pursuant to *Administrative Rules for the Permitted of Driveways and Other Accesses to the State Highway System, adopted by the New Hampshire Department of Transportation on January 1, 1993, as amended.*

5.02(m) If a subdivision is to be served by public water supply or by public sewers, a statement from the Municipal Department/Company involved, attesting to the availability of such services, or Municipal Department/Company concurrence with the feasibility of extending such services so as to serve the applicant's subdivision.

5.02(n) All materials submitted to the Board as part of the subdivision application shall be initialed by the applicant and a representative of the Board. All conditions placed on the applicant by the Board shall be included on the plans filed with the Merrimack County Registry of Deeds.

**5.03** Minor Subdivision – for a minor subdivision, the Board may waive the requirements described in Section 5.02 for Final Plat. All state and local approvals shall be obtained as required in Section 5.06, prior to final approval by the Board.



**5.04** Lot Line Adjustment – for a lot line adjustment defined in Section 3, the Board may waive the requirements described in Section 5.02 for Final Plat. All state and local approvals shall be obtained as required in Section 5.06, prior to final approval by the Board.

**5.05** Building Inspector – prior to issuing building permits, it shall be the duty of the Building Inspector to consult with the Board to determine if subdivision regulations have application to the building permit requested.

**5.06** Necessary Approvals – the State and/or local reviews and approvals that are necessary in most instances, and evidence of which must be submitted to the Board before the final plat approval will be approved by the Board include, *but not limited to*, the following:

5.06(a) The New Hampshire Water Supply and Pollution Control Division must grant certificates of “Subdivision Approval” and “Construction Approval”. The only exemption involves a subdivision of land exclusively into lot of five or more acres. This only exempts the requirement for “Subdivision Approval” certificates. “Construction Approval” must still be issued before a building permit can be granted (RSA 149-E:3);

5.06(b) New Hampshire Department of Transportation must issue a “Construction Permit” for any subdivision or development which would substantially affect the size or grade of any driveway, entrance, exit or approach within the limited of the right-of-way of any Class I or II highway of the State-maintained portion of a Class II highway (RSA 236:13);

5.06(c) State of New Hampshire Water Resources Board;

5.06(d) Board approval for a driveway permit to obtain access to a road maintained by the Town;

5.06(e) Water Commission and Sewer Commission approvals if required by the Commissions;

5.06(f) Police and Fire Department of proposals as required by Town ordinance, or at the discretion of the Board regarding the need for traffic control devices, access for fire equipment, hydrant installation, etc.

**5.07** Construction and Design Requirements – plans specifications, construction and design requirements shall conform to the applicable requirements of State and local agencies described in 5.06, above.

**ARTICLE VI** – General Subdivision Requirements to be Observed by the

## Applicant

### **6.01** Impact of Subdivision on Town Services – if the Board feels that a proposed subdivision may have an adverse impact on Town services, the Board may require;

6.01(a) A fiscal impact study conducted by an independent consultant, approved by the Board, at the cost of the applicant;

6.01(b) A traffic impact study;

6.01(c) A communities facilities impact study by an independent consultant approved by the Board, at the cost of the consultant;

6.01(d) A site impact analysis by the applicant or applicant's consultant either of which must be approved by the Board, at the cost of the applicant;

6.01(f) Other studies as required by the Board by the Applicant or Applicants consultant either of which must be approved by the Board at the cost of the applicant.

6.01(g): Plan and Document Review by Outside Professionals: The Planning Board shall have the right to engage independent experts, including but not limited to planners, engineers, soil scientists, consultants, and legal counsel to review plans, studies, deeds, easement documentation, and other similar documents during the course of reviewing applications.

For site improvements proposed by an applicant, the Board reserves the right to employ the services of an independent consulting planner or civil engineer to review plans submitted by the applicant to ensure that proposed improvements, including, but not limited to:

- (a) Conformance with Federal, State, and Local regulations;
- (b) Road design and construction;
- (c) Utility design and installation;
- (d) Drainage structures design and installation; and,
- (e) Erosion and sedimentation control proposals and installation.

**THE COST OF SUCH REVIEWS SHALL BE BORNE BY THE APPLICANT.** Payment in full by the Applicant must be provided before plans are signed and recorded by the Town.

### **6.02** General Requirements and Principles - the applicant shall observe the following general requirements and principles of land subdivision:

- 6.02(a) The arrangement of streets in the subdivision shall provide for the continuation of the principal streets in adjoining subdivisions for their proper projection when adjoining property is not subdivided, and shall be of a width at least as great as that of such existing connecting streets.
- 6.02(b) No street or highway right-of-way shall be less than 50 feet in width and may be required to be more if a greater street width is warranted in the opinion of the Board. The apportioning of the street widths among roadway, sidewalks and possible grass strips shall be subject to the approval of the Board.
- 6.02(c) Except where near-future connections may be possible, cul-de-sac streets shall not, in general, exceed 400 feet in length, and shall be equipped with a turn-around roadway at the closed end with a minimum radius of 60 feet from the center to the outside edge of the right-of-way with a minimum paved radius of 50 feet. Hammerheads shall not be allowed.
- 6.02(d) Reserve strips of land which, in the Board's opinion, show an intent on the part of the applicant to control access to land dedicated or to be dedicated to public use shall not be permitted.
- 6.02(e) The widths of blocks, in areas zoned residential, shall not be less than 200 feet, nor shall the length exceed 1,200 feet.
- 6.02(f) Intersection property lines as street intersections shall be joined by a curve of at least a 20-foot radius.
- 6.02(g) Lot shape and configuration requirements:
- 6.02(g)1 There shall be adequate width and area on every lot after the erection of a residence, to permit the parking within the lot of at least two cars for each family dwelling unit.
- 6.02(g)2 Lot dimensions and building setback lines shall meet the requirements of the Zoning Ordinance for the district or districts in which the subdivision is located unless a variance has been granted by the Allentown Zoning Board of Adjustment.
- 6.02(g)3 If a tract of land is subdivided into larger parcels than ordinary building lots, such parcels shall be so arranged as to allow the opening of future streets and logical future re-subdivisions.

6.02(g)4 Side lot lines shall be substantially (within 10 degrees) at right angles or radial to the street lines for a minimum one-hundred (100')-foot distance beginning at the R.O.W.

6.02(g)5 All lots shall be laid out in a *reasonably* symmetrical manner. "Pork chop," "flag lots" or other highly irregularly shaped lots shall be prohibited. "Pie-shaped" lots that meet frontage and other zoning requirements shall not be considered irregular. A "pork chop" or "flag" lot is a lot that's only access to a public right-of-way is by means of a narrow strip of land. The lot is so shaped and designed that the main building site area is set back from the street on which it fronts and includes an access strip connecting the main building site with the frontage street

6.02(g)6 All lots shall be approximately rectangular in shape, and should not have a depth in excess of four (4) times their width, except where extra depth or non-rectangular shape is necessary due to topography and/or natural conditions.

6.02(g)7 All required easements, within and/or beyond the limits of the project, shall be provided where necessary and shall be of an adequate shape and size.

6.02(h) Grades of all streets shall conform in general to the terrain and shall, so far as practicable, not exceed 5% for arterial and collector streets and 8% for local streets. No street shall have a downgrade of less than ½ of 1%.

6.02(i) All topsoil or loam must be removed from the limits of the roadbed. Topsoil shall be removed from areas that will be filled. All unsuitable material must be excavated and replaced with a suitable clean fill as approved by the Allenstown Road Agent. The roadway shall be constructed in accordance with the current revision to the *New Hampshire Department of Transportation Minimum Design Standards for Rural Subdivision Streets*.

6.02(k) Trench Backfill, Roadway Bases and Embankment Compaction Testing & Materials – after site plan approval and after obtaining a building permit, the applicant, through its contractor, shall provide samples of each backfill material from the proposed sources of supply. The applicant through its contractor, shall allow sufficient time for testing and evaluation of results before material is needed. Samples from

alternate sources shall be submitted if required. The Highway Department and/or Building Inspector will be the sole and final judge of the suitability of all materials.

6.02(k)1        Compaction shall be performed to not less than ninety-five percent (95%) maximum density as determined in a laboratory compaction test, performed under the specifications of ASTM D1557-64T, Method "A", (Backfill material of a stony nature shall be tested under Method "C" or "D" of the same ASTM Designation) or other approved ASTM or American Association of State Highway and Transportation Officials (AASHTO) specifications. Such tests shall also be used for establishing the optimum moisture content of the materials. The in-place dry unit weight of the compacted materials shall be determined by methods specified under ASTM "D" 1556-58T or other approved ASTM or AASHTO specifications. The in-place compaction test to be consistent with the approved laboratory compaction test.

6.02(k)2        At least one laboratory compaction test shall be performed for each distinctive type of material to be incorporated. These laboratory tests to be taken at the suggestion of the testing laboratory and/or as directed by the Highway Department and/or the Building Inspector. A minimum of two in-place moisture density determinations shall be made for each 500 linear feet of trench backfilled. The actual number of compaction tests, their locations and depths shall be determined by the Highway Department and/or Building Inspector. The percentage compaction of the fill at the point of the in-place moisture density test shall be computed as follows:

$$\text{Percentage Compaction} = \frac{DF}{DL} \times 100$$

*in which:*

**DF** = Unity dry weight in lb./cubic feet of sample used in field moisture-density determinations.

**DL** = Maximum unit dry weight in lb./cubic feet obtained in the specified laboratory compaction test on a sample of the same type of material.

6.02(k)3        If the percentage compaction at any point is found to be unacceptable, additional compaction with or without modification of the field moisture content as directed shall be performed and

additional moisture-density determinations made. This procedure shall be repeated until satisfactory compaction is obtained.

6.02(l) If public water and/or sewer system(s) exist within 3,000 feet of a major subdivision, the Board may require that those systems be extended to the subdivision.

6.02(m) Land of such character that it cannot be safely used for building purposes because of exceptional danger to health or peril from fire, flood or other menace shall not be platted for residential occupancy, nor for such other uses as may increase danger to health, life or property or aggravate the flood hazard, or diminish any environmental quality until appropriate measures have been taken by the applicant or his agent to lessen such hazards, to the satisfaction of the Board.

6.02(n) Major subdivisions that are not serviced by town water must be provided with a fire cistern system in accordance with the current Fire Protection Cistern Specifications in effect at the time of construction.

6.02(o) Area set aside for parks and playgrounds to be dedicated or to be reserved for the common use of all property owners by covenant in the deed, whether or not required by the Board, shall be of reasonable size and character for neighborhood playgrounds or other recreational uses.

6.02(p) Streets which join or are in alignment with streets of abutting or neighboring properties shall bear the same name. Names of new streets shall not duplicate, nor bear phonetic resemblance's to the names of existing streets within the Town of Allenstown.

6.02(q) In areas not currently served by the public sewer systems it shall be the responsibility of the applicant for his agent to provide adequate information to prove that the area and soils of each lot are adequate to permit the installation and operation of an individual sewage disposal system (septic tank and drain field).

6.02(r) Pavement and paved drainage facilities shall be installed and constructed under the supervision of the engineer. Curbs and sidewalks shall be installed in accordance with the Allenstown Comprehensive plan under the supervision of the Planning Board.

6.02(s) The proposed subdivision shall conform to any zoning ordinance adopted by the Town of Allenstown. Where strict conformity to the Subdivision Regulations would cause an 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 opinion

of the Board, the spirit of the regulations and public convenience and welfare will not be adversely affected.

6.02(t) Subdivisions on Class VI Highways: Subdivision on a Class VI highway is generally discouraged. The purpose of this section is to allow conditional approval of subdivisions located on Class VI highways. Any such approval shall only be granted when denial of the project would cause the applicant unusual hardship or would serve no public purpose. Any subdivision fronting a Class VI, or proposing new lots to access a Class VI road, shall be required to upgrade said Class VI road to Town Minimum Road Standards. The Board shall require a performance guarantee (in accordance with these regulations).

6.02(u): Subdivisions Creating / Extending Private Roadways: Subdivisions creating new private roadways shall be permitted by the Board, in order to encourage interior development of property, and to discourage strip development that may occur on primary or major roadways in the community. The Planning Board, at its discretion, shall approve the layout of roads to be built and maintained exclusively by said roadway owner(s) according to the following conditions:

1. Before final approval of a private subdivision road, the Applicant shall post a surety acceptable to the Board and Town Attorney to cover the cost of construction and maintenance of the roadway and associated drainage, in accordance with Section 7 of these regulations.
2. A maintenance agreement shall accompany the plan to be recorded at the Merrimack County Registry of Deeds. Said agreement shall stipulate to what extent is each lot created, or each lot existing, is responsible for maintenance of said private road. Said agreement shall run with the land, and upon any future conveyance of property, the agreement shall be incorporated in and made part of the conveyance binding upon the parties thereto, their successors and assignees.
3. The applicant shall sign a "Statement of Agreement" with the Town, indicating that he/she understands that the Town is under no obligation to take over maintenance or other responsibility associated with said roadway.
4. Applicants must provide 50-foot rights-of-way, or vehicular easements, to be associated with proposed private roadways. Roadways shall be centered within said easement.
5. No private roadway shall be approved without adequate provisions for utilities and drainage. Utility and drainage easements shall be provided as necessary.
6. Under circumstances where a roadway physically becomes private at a given location, the applicant shall install a turn around or modified cul-de-sac.

Subdivisions will not be permitted to occur on existing private roadways or other private rights of way unless the following provisions are made:

The applicant, or his agent, must present to the Board the Deed to the parcel to be subdivided. Said deed must specifically state that new lots to be created from the subdivision of the parcel may be given the right to utilize the existing right of way for access for proposed properties. Without such indication, a subdivision will not be permitted unless:

1. Required: A written contract or agreement has been secured between the party owning the private ROW or roadway, and the party wishing to created a subdivision, granting permission for the newly proposed lots to access said Right-of-way
2. Required: A maintenance agreement shall accompany the plan to be recorded at the Merrimack County Registry of Deeds. Said agreement shall stipulate to what extent is each lot created, or each lot existing, is responsible for maintenance of said private road. Said agreement shall run with the land, and upon any future conveyance of property, the agreement shall be incorporated in and made part of the conveyance binding upon the parties thereto, their successors and assignees.
3. Required: A "Letter of Authority" from the private roadway owner which grants the applicant permission to upgrade said roadway to conditions specified by the Board.
4. The Board in accordance with these regulations shall require a performance surety for any road, drainage, or utility work.

Any such agreements shall be a condition of approval for all subdivisions created on private ROW or roadways.

## **ARTICLE VII – Matters to be Considered by the Planning Board in Acting on Subdivision Applications**

### **7.01 Scattered or Premature Development**

7.01(a) Purpose – the purpose of this section is to provide against such scattered or premature subdivision of land as would involve danger or injury to health, safety or prosperity by reason of the lack of water supply, drainage, transportation, schools, fire department, or other public services, or necessitate an excessive expenditure of public funds for the supply of such services. Therefore, the Board shall not allow such



scattered or premature subdivision of land to take place unless the applicant shows: (1) through studies approved by the Board and concurred at the expense of the applicant that the type and/or scope of the proposed subdivision and/or (2) through both on and off-site improvements made at the expense of the applicant that the conditions on whether the subdivision is premature or scattered are not valid, and/or are overcome by remedial action of the applicant.

7.01(b) Causes – the following items shall be considered in determining whether the proposed subdivision is scattered or premature and the applicant may be required to have studies made under guidelines established by the board to determine the effect that the proposed subdivision may have on:

- 7.01(b)1 Distance from the nearest elementary school;
- 7.01(b)2 Capacity of school system and effect on school bus transportation;
- 7.01(b)3 Adequacy of access street(s) and/or sidewalks;
- 7.01(b)4 Adequacy of water supply for domestic and fire fighting purposes;
- 7.01(b)5 Potential health problems due to on-site sewage disposal systems and water supply;
- 7.01(b)6 Potential fire protection problems due to location and/or special conditions relative to type of use;
- 7.01(b)7 Potential special policing problems;
- 7.01(b)8 Potential drainage problems both on the site and downstream;
- 7.01(b)9 Excessive expenditure of public funds;
- 7.01(b)10 Other potential problems within the meaning of the purpose of this section as stated in Part 1, above;

7.01(c) Improvements – if it is determined by the Board that the proposed subdivision is scattered or premature, unless special on and off site improvements are made to the satisfaction of the Planning Board, the Planning Board may require the applicant to, satisfactorily accomplish “Construction Precedents” prior to or as a condition of approval of the

subdivision. These “Construction Precedents” may consist of, but not be limited to the following:

- 7.01(c)1 Improvement of any access street to the subdivision to the appropriate street standards if such access would otherwise be inadequate provided the Town owns or provides the right of way;
- 7.01(c)2 Extension of the public water and/or sewer system(s) if either or both existing within 3,000 feet of the subdivision provided that the subdivision provided that the subdivision serves, or can potentially serve 12 or more lots;
- 7.01(c)3 Construction or reconstruction of sidewalks on any access streets where potential increase in pedestrian traffic will occur provided the Town owns or provides the right of way;
- 7.01(c)4 Construction of static water supplies (cisterns) with dry hydrants for fire protection;
- 7.01(c)5 Provision of traffic signals and/or signs at intersections and reconstruction of intersections within the immediate area of the proposed subdivision and in the immediate area of the subdivision, if such intersection would otherwise be inadequate provided the Town owns or provides the right of way;

7.01(d) Phasing of subdivisions – as an alternative to making the studies and/or improvements as required by this section, the applicant may propose to develop the subdivision in stages. This may be approved by the Board if the Town and/or school district have plans to make public improvements and a schedule to implement these improvements so that the various phases of the subdivision will not take place until the relative public improvements are scheduled.

## **7.02 Requirements to be considered by the Board.**

The Board may consider and condition its approval of a subdivision application upon any of the following requirements:

- 7.02(a) That proposed parks shall be of reasonable size for neighborhood playgrounds or other recreational uses;

- 7.02(b) That the land indicated on plats submitted shall be of such character that it can be used for building purposes without danger to health;
- 7.02(c) Those requirements which tend to create conditions favorable to health, safety, convenience or prosperity.

**7.03 Performance Bond, Maintenance and Improvements Requirements.**

7.03(a) Improvements – all applicants shall be required to complete, in accordance with the Planning Board's decision to the satisfaction of the Town Engineer, Road Agent and the Board of Selectmen, all the street, sanitary, and other improvements of the subdivision as required in these regulations, specified in the final plat and construction plans of Sections 4.04, 5.02 and 6.01 of these regulations, as approved by the Planning Board, and to dedicate same to the Town of Allenstown, free and clear of all liens and encumbrances on the property and public improvements thus dedicated.

7.03(b) Performance Bond – the Board shall require that the applicant post a bond or satisfactory surety at the time of the application for final plat approval in an amount estimated by the engineer and approved by the Board as sufficient to secure the Town of Allenstown, the satisfactory construction, installation, and dedication of the required improvements delineated in the construction plans of Section 5.02 of these regulations.

7.03(b)1 Such performance bond shall comply with all statutory requirements and shall be satisfactory to the Board's Attorney as to form, sufficiency, and manner of execution as set forth in these regulations. The period within which required improvements must be completed shall be specified by the Board in the resolution approving the final subdivision plat and shall be incorporated in the bond and shall not in any event, exceed two (2) years from the date of the final plat approval. Such bond shall be approved by the Board of Selectmen as to the amount and surety and conditions satisfactory to the Board of Selectmen. The Board, may upon proof of difficulty, recommend to the Board of Selectmen, an extension of the completion date set forth in such bond for a maximum period of one (1) additional year.

7.03(b)2 Temporary Improvements – the applicant shall build and pay for all costs temporary improvements

required by the Board and shall maintain same for a period specified by the Board. Prior to the construction of any temporary facility or improvement, the application shall file with the Board of Selectmen, a separate suitable bond for temporary facilities, which bond shall insure that temporary facilities will be properly constructed, maintained and removed.

7.03(b) 3      Section 7.03(b) 3: Construction Inspections

- A.      For all site improvements required as part of site plan or subdivision approval by the Board, an inspection fee, to be determined by the Board or its designee, shall be deposited into a Town account, prior to final plan approval, in accordance with RSA 673:16. This fee shall cover the cost of inspection to be provided by the Town Engineer, a Town appointed inspector, or designated Engineering Firm or other designee, to ensure that the improvements are constructed to the specifications of the Planning Board, or other applicable Town ordinances and/or regulations. The Planning Board reserves the right to engage any independent engineer of its choice.
- B.      During the construction process, the Town's inspector shall inspect the site to ensure improvements comply with the approved plans and required engineering standards. The amount of the said fee shall be determined by the Planning Board based upon a reasonable estimate of the anticipated inspection costs as provided by the Consulting Engineering Firm contracted with the Town of Allentown. Site inspections shall be conducted up to the amount of the fee collected. Should the inspection fee collected be insufficient to cover the remaining required site inspections, the Town will notify the applicant to cease further site development until additional funds have been received and deposited with the Town. Once all required site development and all site inspections have been conducted, any unused

portion of the inspection fee shall be returned to the applicant.

C. Inspection Schedule:

1. The Planning Board, or their designated agent, shall provide for the inspection of required improvements during the construction stage and shall certify their satisfactory completion. During the construction stage of any new street or, the developer or his agent must notify the Town's Inspector at least 2 business days in advance before starting each phase of street / improvement construction as noted below.

Inspections of improvements shall conform with the following schedule:

- Inspection #1: Initial layout of roadway and flagging of wetlands.
- Inspection #2: After clearing, stumping, and grubbing, installation of temporary erosion control devices, prior to placement of any fill materials or base gravel.
- Inspection #3: Installation of underground utilities and drainage devices/stormwater management facilities (catch basins, underdrains, etc.)
- Inspection #4: Completion of subgrade and slope work
- Inspection #5: Installation of bankrun gravel and compaction
- Inspection #6: Installation of crushed gravel and compaction
- Inspection #7: Final ditchwork, slope work, landscaping, and permanent erosion control devices (i.e. retention / detention ponds, swales, etc)
- Inspection #8: Installation of headwalls

- Inspection #9: Installation of binder course of pavement.
  - Inspection #10: Installation of wear course of pavement
  - Inspection #11: Remaining work
  - Inspection #12: Final walk through inspection. Preparation of punch list.
  - Inspection #13: Follow up inspections as required.
2. The Planning Board in consultation with the Town's Engineer must approve any reductions in the number of inspections.
  3. The Town Engineer shall approve testing schedule and methods used to test the materials.
  4. The Town Engineer may require additional inspections based on construction methods used, materials, time of year, or other variables.

If, upon inspection, any of the required improvements have not been constructed in accordance with the Planning Board's construction standards and specifications, the developer shall be responsible for completing the improvements. Wherever the cost of improvements is covered by a performance guarantee, surety provider and the developer shall be severally and jointly liable for completing the improvements according to Planning Board specifications. Any costs incurred by the Town as a result of the inspection procedures shall be borne by the developer and failure to pay such costs may result in calling of the financial guarantee by the Town.

7.03(b)4 Maintenance of Improvements – the applicant shall be required to maintain all improvements to and on the individual subdivided lots and provide for snow removal on streets until acceptance of said improvements by the Town. The local government may, on twelve (12) hours notice, plow the street or effect emergency repairs and charge same to said applicant, if upon notification of said applicant of the need to carry out such work, it is not completed by the applicant.

7.03(b)5 Failure to Complete Improvements – If the Board finds that the applicant has not installed improvements satisfactorily or has not completed those improvements within the approved time of completion, or has not maintained those improvements in a satisfactory condition, the Board may provide notice to the applicant and may take further action or make such use of the bond as may be appropriate in the judgement of the Board to complete those improvements.

7.03(c) Release or Reduction of Performance Bond.

7.03(c)1 Certificate of Satisfactory Completion – the Board of Selectmen and Planning Board will not accept dedication of required improvements, nor release nor reduce a performance bond until:

- a. The applicant has submitted a certificate stating that all the required improvements have been satisfactorily completed;
- b. Approval by the applicable Town departments has been obtained;
- c. The project is free and clear of any and all liens and encumbrances;
- d. The applicant's engineer and/or surveyor has submitted a detailed "as built" survey plan of the subdivision, indicating the locations,

dimensions, materials, and other information required by these regulations, and that the layout of the line and grade of all public improvements and lot monuments is in accordance with the final plat and construction plans for the subdivision, and;

- e. A title insurance policy has been furnished to and approved by the Board.

Upon approval and recommendation, the Town may thereafter accept the improvements for dedication in accordance with the established procedure.

7.03(c)2 Reduction of Performance Bond – a performance bond may be reduced upon actual dedication of public improvements and then only to the ratio that the public improvement dedicated bears to the total public improvements for the subdivision. In no event shall a performance bond be reduced below twenty-five (25%) of the principal amount.

7.03(d) Warranty – applicant shall warranty, in writing, all roads, drainage, roadside landscaping, and like improvements for a minimum of one (1) year after acceptance of the road by the Town. The warranty shall include a performance bond equivalent to 20% of the original construction cost of the roads and improvements.

7.03(d) 1: Issuance of Building Permits and Certificates of Occupancy on New Roadways.

*Authority of Building Inspector*

This section shall not be construed as inhibiting the authority of the Building Inspector. This section simply stipulates when new lots are eligible for building permits and certificates of occupancy. This section does not inhibit the Building Inspector for denying the issuance of such permits or certificates for reasons not related to provision of these regulations.

*Issuance of Building Permits*

Per RSA 676:12, IV, no building permit shall be issued for new lots fronting on a new subdivision road, as approved by the Planning Board, until the applicant, or his/her successor, has provided the Town with a



bond or other form of performance surety, in the amount of 110% of anticipated cost of constructing new road and utilities, pursuant to RSA 674:36, III or RSA 674:44, IV. All sureties must be acceptable to the Town Attorney.

As an alternative, applicant(s), or successor(s) in ownership, may forego bonding requirements. However, in such cases, no building permit shall be issued for new lots in developments for which no surety has been provided until all required improvements have been constructed to the satisfaction of the planning board's consultant engineer, Town Road Agent, and the Planning Board.

*Issuance of Certificate of Occupancy*

Per RSA 676:12, IV, no building shall be used or occupied prior to the completion of required utilities and road construction through installation of base (binder) course of pavement in accordance with Town road standards. All improvements must be constructed to the satisfaction of the Town's Consultant Engineer and Road Agent. In the case of gravel roadways, no building shall be used or occupied prior to the completion of required utilities and road construction through installation of 6" crushed gravel base.

Above work must be completed for the entire frontage of the lot for which a certificate of occupancy is requested, unless otherwise approved by the Planning Board. Furthermore, no certificate of occupancy shall be issued unless a bond for remaining work to be completed has been provided to the Town and is acceptable to the Town Attorney.

**7.04** Submittal of digital documents is required as follows:

- 7.04(a) Shape Files/CAD Files shall be provided to the Town for new infrastructure development.
- 7.04(b) Formal applications made to the Planning Board shall be done digitally via email to the Planning Board per Section 4.04 of these Regulations.
- 7.04(c) All materials for final submittal shall also be made via email to the addresses mentioned in 7.04(b) above. Paper copies of the plans and mylars to be signed shall be submitted to Town Hall.

**ARTICLE VIII – Conflict with Other Ordinances**

- 8.01** In any case where a provision of these regulations is found to be in conflict with a provision of any other ordinance or code of the municipality existing

upon the effective date hereof, the provision which establishes the higher standards for the promotion and protection of community health, safety, convenience and prosperity shall prevail.

#### **ARTICLE IX – Severability**

**9.01** The invalidity of any section, subsection, paragraph, sentence, clause, phrase or word of these regulations shall not be held to invalidate any other section, subsection, paragraph, sentence, clause, phrase or work thereof and to this end, the provisions of these regulations are hereby declared to be severable.

#### **ARTICLE X – Court Reviews, Amendments and Penalties**

**10.01** Court reviews of the decisions of the Board under these regulations, amendments to these regulations and penalties for violations of these regulations shall be in accordance with the statutes governing the same as from time to time amended.

#### **Amendment History:**

- August, 2015:
  - II
  - 4.04(c)
  - 4.04(d)
  - 5.02(c)
  - 5.02(h)
  - 5.02(j)
  - 6.02(g)
  - 7.03(b).3.c.1 #3
  - 7.04

~ NOTES ~

