

Town of Allenstown New Hampshire



ALLENSTOWN PLANNING BOARD SUBDIVISION REGULATIONS

Adopted

JUNE 20, 2001; Updated June

17 December 06, 2023

6.02(n) For subdivisions that involve land designated as "Special Flood Hazard Areas" (SFHA) by the National Flood Insurance Program (NFIP):

- A. The Planning Board shall review the proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
- B. The Planning Board shall require that all proposals for development greater than 50 lots or 5 acres, whichever is the lesser, include Base Flood Elevation (BFE) data within such proposals (i.e. floodplain boundary and 100-year flood elevation).
- C. The Planning Board shall require the applicant to submit sufficient evidence (construction drawings, grading and land treatment plans) so as to allow a determination that:
 - a. all such proposals are consistent with the need to minimize flood damage;
 - b. all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage; and,
 - c. adequate drainage is provided so as to reduce exposure to flood hazards.

6.02(~~no~~) 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(~~ep~~) 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(~~pq~~) 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(~~qr~~) 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(~~fs~~) 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(~~st~~) 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(~~tu~~) 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(~~uv~~): 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.

6.02(vw) All proposed subdivisions are encouraged to incorporate the use of "Green Infrastructure" and/or Low Impact Development (LID) elements where practical.

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;