

Town of Francestown
Land Subdivision Regulations
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**LAND SUBDIVISION REGULATIONS
TOWN OF FRACESTOWN, NH**

SECTION I. PURPOSE. To provide for the harmonious development of the Town of Fracestown; to promote the health, safety, convenience and general welfare of the Town and to make it a more attractive place in which to live; to provide for the safety and enjoyment of present and future generations by protecting the purity of water supplies, by providing open space of adequate proportions, by minimizing the adverse impact to the land of developmentally related erosion and sedimentation and by otherwise assuring that land shall be of such character that it can be used for building purposes without danger to health or to the environment; to require suitably located streets of sufficient width to accommodate existing and prospective traffic and to provide adequate light, air and access for firefighting equipment; to secure adequate and safe provision for water, sewerage, drainage and other requirements where necessary in a subdivision; to coordinate the roads in a subdivision with each other, with the public streets in the Town and with ways in neighboring subdivisions in a manner which will not require an excessive expenditure of Town funds; and to ensure compliance and conformance with federal, state and local laws, regulations, ordinances and plans, including the Town's Master Plan and Capital Improvements Program. In furtherance of said purposes, the Planning Board shall not approve such scattered or premature subdivisions of land as would involve danger or injury to health, safety or prosperity by reason of lack of water supply, drainage, transportation, school, fire protection or other public services, or necessitate expenditures of public funds for the supply of such services.

SECTION II. AUTHORITY. Pursuant to the authority vested in the Fracestown Planning Board by the voters of the Town of Fracestown and in accordance with the provisions of Chapters 672-677, NH Revised Statutes Annotated, and as amended, the Fracestown Planning Board adopts the following regulations governing the subdivision of land in the Town of Fracestown, NH.

SECTION III. DEFINITIONS. Definitions as listed in the Fracestown Zoning Ordinance shall be considered as part of these regulations.

ABUTTER. Any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration by the Planning Board. For purposes of receiving testimony only, and not for the purpose of notification, the term abutter shall include any person who is able to demonstrate that his land is to be directly affected by the proposal under consideration. For purposes of notice, the term abutter may include adjacent municipalities as provided in Section IV.B.5 of these regulations.

ACCEPTANCE. The determination by the Board that an application is sufficiently complete to invoke the Board's jurisdiction.

ANNEXATION. The sale, transfer or other conveyance that involves merely an exchange of land among two or more adjoining owners and which does not increase the number of parcels, lots or owners.

APPLICANT. An owner or his representative, agent or assigns.

BOARD. The Planning Board of the Town of Francestown, NH.

BOUNDARY LINE AGREEMENT. The establishment of a lost boundary by agreement between adjoining landowners as specified by RSA 471:1-4.

BOUNDARY LINE ADJUSTMENT. The establishment of a new boundary line between two or more adjoining landowners to add to the mutual convenience and enjoyment of their respective land usage, such establishment being followed by annexation.

BUILDING SITE. That portion of a lot, tract or parcel of land upon which a principal building and all accessory buildings thereto are placed or are to be placed.

COMMON DRIVEWAY. A common way servicing not more than two single-family dwelling units on adjoining lots, each of which has frontage capable of providing separate access.

CONSOLIDATION. The combination of two or more adjoining lots so that the assemblage will henceforth be considered as one lot for conveyancing and assessing purposes.

DEVELOPMENT. Any construction or grading activities on improved or unimproved real estate.

DISTURBED AREA. An area where the ground cover is destroyed or removed leaving the land subject to accelerated erosion.

DRIVEWAY. A private way servicing no more than two single-family dwelling units or one two-family dwelling unit.

EASEMENT. The authorization by a property owner for the use by another, for a specific purpose, of any designated part of his property.

ENGINEER. An engineer, licensed in the State of NH, employed by the Town or engaged from time to time by the Planning Board on behalf of the Town; or as made clear by the context, a licensed engineer employed by the applicant.

EROSION. The detachment and movement of soil or rock fragments by wind, water, ice or gravity.

FILING. The placement on file with the Chairperson of the Planning Board, or his designee, of an application for subdivision approval, and related materials, as provided in Section IV.B.1 of these regulations. Also, as made clear by the context, the recording of a plat with the Registry of Deeds or the fees charged for such recording.

FLOOD LIMIT. The land-water boundary of a watercourse flowing at its 1% frequency (“100 year flood level”) as defined by a responsible public agency such as the U.S. Army Corps of Engineers or the U.S. Dept. of Agriculture Soil Conservation Service or by a private engineering firm qualified in hydraulics.

FRONTAGE. The width of a lot measured along the line of a Class V Town road, a State highway, other than limited access highways, or a private road within a subdivision approved by the Planning Board and recorded in the Hillsborough County Registry of Deeds.

GRADING. Any excavating, grubbing, filling (including hydraulic fill) or stockpiling of earth materials or any combination thereof, including the land in its excavated or filled condition.

HIGH INTENSITY SOILS (HIS) MAP. A soils map of a parcel of land being considered for development on a perimeter survey, with a scale of 1 inch = 100 feet, where soils are mapped and identified in accordance with the high intensity soils mapping standards as defined by the Society of Soil Scientists of Northern New Hampshire’s “High Intensity Soils Maps for New Hampshire, Standards and Origins”, Publication No. 1, and as amended, or with HIS mapping standards as may be adopted by the State of NH.

LOT LINE ADJUSTMENT. A consolidation, annexation, boundary line adjustment or boundary line agreement.

MINOR SUBDIVISION. A subdivision that creates not more than 3 lots for building purposes or lot line adjustments that do not involve the creation of new lots.

PLAT. The map, plan, drawing or chart on which a subdivision of land is shown. Final plat means the final plan on which the subdivider’s plan of subdivision is presented to the Board for approval and which, if approved, shall be submitted to the Hillsborough County Registry of Deeds for recording.

QUALIFIED SOIL SCIENTIST. A person qualified in soil evaluation and mapping whose education and experience meet the qualification requirements of the Hillsborough County Conservation District or the State of NH.

RIGHT-OF-WAY. A strip of land occupied or intended to be occupied by a street, walkway, railroad, utility line or other similar special uses.

SEDIMENT. Solid material, either mineral or organic, that is in suspension, is transported, or has been moved from its site of origin by erosion.

SOIL. Any unconsolidated mineral or organic material of any origin.

STREET. Any public or private way, except a driveway or a common driveway.

SUBDIVISION. Except as provided in RSA 672:14 III-IV, and as amended, the division of a lot, tract or parcel of land into two or more lots, plats, sites or other divisions of land for the purpose, whether immediate or future, of sale, rent, lease, condominium conveyance or building development. It includes resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided. This division of a parcel of land held in common and subsequently divided into parts among several owners shall be deemed a subdivision.

SUBMISSION. The formal process by which an application is presented to the Planning Board at a public meeting for which public notice has been properly given and is reviewed by the Board to determine if the application is sufficiently complete to invoke the Board's jurisdiction.

TOWN. The Town of Fracestown, NH.

WATER FRONTAGE. The width of a lot measured along a lake or a pond at the mean high water level, such frontage, if any, being in addition to the required street frontage.

WETLANDS. Areas of land where water is so abundant that it is the major factor which dictates the nature of plant growth on the site or where soils are delineated as poorly drained or very poorly drained, as defined in "High Intensity Soils Maps for New Hampshire, Standards and Origins" Publication No. 1 and as amended. In addition to identification of wetlands by soil classification, identification can be made by vegetation, plant communities or water samples.

SECTION IV. - APPLICATION PROCEDURES. Whenever any subdivision of land is proposed, before any construction, land clearing or building development is begun, before any permit for the erection of any structure is issued and before any plat may be filed with the Hillsborough County Registry of Deeds, the subdivider or the subdivider's authorized agent shall apply for, and secure, approval of the proposed subdivision. The procedure, including the optional preliminary review provisions for securing such approval, is as follows:

A. PRELIMINARY REVIEW. In order to save time, as well as the unnecessary expense of otherwise avoidable later changes, two levels of preliminary review are available. Subdividers, other than those seeking approval for lot line adjustments or minor subdivisions, are encouraged to avail themselves of one or both of the following review phases.

1. Conceptual Consultation Phase. Without the requirement of formal public notice, a subdivider may arrange to meet with the Board at a regularly scheduled meeting for a preliminary consultation. Such consultation shall be directed at a review of the basic concept of the proposal and at a review of procedural requirements. Discussions shall be of a general nature only and no decisions shall be made. No application form is required and no time limit is imposed for the conceptual consultation. The review is not binding in any way on either the Board or the applicant. The subdivider shall incur a nominal fee as specified in Appendix A.

2. Design Review Phase. In order to engage in discussions concerning the specific details of a proposed subdivision, a subdivider may file an application for preliminary design review with the Board. The application shall be filed at least 30 days prior to the regular meeting of the Board and the Board shall give formal notice of the design review meeting according to the procedures provided in Section IV.B.5. Meetings will be publicized as public hearings to facilitate maximum public input at the earliest stages of the project. During the design review, the Board, or its designee(s), may engage in non-binding detailed discussions with the applicant and may confer, in person or in writing, with any applicant, abutter or other person as permitted by the Board. The Board, or its designee, may make suggestions or recommendations in regard to the proposal, but no decisions shall be made. The design review is not subject to any time limits. Submission requirements are listed in Section VII.B and fees are stipulated in Appendix A.

B. FINAL PLAN AND APPLICATION.

1. Filing of Application.

- **Subdivisions, annexations, boundary line adjustments/agreements.** Applications shall be filed with, and all pertinent expenses paid to, the Board's Chairperson, or his designee, 30 days prior to the regular meeting of the Board. The subdivider, for his convenience, may file an application more than 30 days prior to the regular meeting, but this will not result in earlier consideration by the Board.
- **Consolidations.** Applications shall be filed with, and all pertinent expenses paid to, the Board's Chairperson, or his designee, 15 days prior to the regular meeting of the Board. Earlier filings are permitted but will not result in earlier consideration.

2. Filing Requirements. Submission requirements are listed in Sections VI. and VII.C and are reiterated in the checklist attached to the appropriate application form found in the appendices. While the checklist is provided to assist the applicant, the applicant is instructed to consult the subdivision regulations to ensure a completed application. Where there is any doubt, the regulations shall control.

3. Incomplete applications shall not be accepted by the Board. Notwithstanding this condition, an applicant may and, when there is good and sufficient cause, is encouraged to request a waiver of any requirement(s) that may not be appropriate to his particular project. All requests for waivers shall be submitted in writing with the final application and shall include the reasons such a request should be considered, as well as the following acknowledgment: "If the Planning Board denies the requested waiver(s), I understand that (i) if I do not agree to provide the required information, my application shall not be accepted, and (ii) if I do agree to meet the requirement(s), the Board shall proceed according to procedures outlines in Section IV.B.6 of the subdivision regulations.

4. Completeness Review of Application. Applications may be subject to a completeness review by a designee(s) of the Board between the time of filing and the

time of formal submission to the Board. Such reviews shall be public meetings subject to a minimum of 24-hour public notice as required by RSA 91A. Records of these meetings shall be limited to the completed form letters found in Appendix I.

- a. In determining whether an application is complete, the Board relies upon the representations of the professional preparer(s). The lack of the signature, license number and seal of a surveyor registered in the State of NH on the plat shall automatically disqualify an application from further completeness review either by the Board's completeness review designee, or by the Board itself.
- b. As a result of the completeness review, the designee shall recommend to the Board, in writing, that it either accept the application as complete or that it not accept the application until such time as all required information has been submitted. (Appendix I)
- c. The designee shall also advise the applicant of any deficiencies in the application with respect to completeness. The applicant may then i) proceed in disregard of the notice, in which case, the application may be rejected, ii) provide the missing information at the public meeting at which his application has been scheduled for formal submission, in which case the Board may postpone consideration of the merits of the application or iii) request, in writing, a postponement of submission of his application to a subsequent meeting, the date of which shall be specified. The duration of the postponement shall be a reasonable estimate of the time required to secure the needed information. (Appendix I)
- d. If applications are not reviewed for completeness, as provided for in this section, the Board shall conduct the completeness review at the public meeting, or hearing, at which the application is formally submitted.
- e. Regardless of the review procedure, it may be beyond the expertise of both the Completeness Review Committee and the Planning Board to evaluate the completeness and adequacy of technical documents, including but not limited to sediment and erosion control plans, road construction plans and impact studies. When such information is part of an application, it is strongly recommended that the applicant avail himself of design review where the need for, and details of, a professional review may be discussed. Otherwise, the applicant may choose one of the following options:
 - The applicant may submit with the final application, at the time of filing, a sum sufficient to cover the cost of a professional review – by an expert(s) of the Board's choosing -to determine if the information is complete prior to the application being formally submitted to the Board. In this case, the amount of deposit shall be determined, prior to filing, by the Chairperson based on written quotes from the appropriate professional(s).
 - Provided that a mutually agreeable extension of the period for Board deliberations can be arranged and provided that there are other aspects of the application that can be reviewed independently of the technical information, the applicant may request that the Board waive professional review of technical information as a submission

requirement. In this case, the review, paid for by the applicant, will be conducted during the Board's discussion of the merits of the case.

5. Public Notice.¹ The following shall be notified by certified mail of the general nature of any proposed subdivision, annexation, boundary line agreement or boundary line adjustment and of the date on which the application is to be formally submitted to the Board (Appendix F):

- Applicant and/or owner of the property
- Holders of conservation, preservation, or agricultural preservation restrictions
- Abutters
- Any other party designated by the applicant
- All engineers, architects, land surveyors or soil scientists whose professional seal appears on the plat
- The Planning Board of an abutting town whenever the application involves land with a municipal boundary
- The Southwest Regional Planning Commission and area towns, if necessary, as specified below

Notice shall be mailed at least ten days, excluding the day of the meeting and the day of notice, prior to the date of formal submission. A minimum of ten days notice shall also be given to the general public by publication of a notice in a newspaper of general circulation and by posting a copy of the notice in two public places in the Town. Notice for a public hearing on the merits of the application, as required in Section IV.B.8, may be included with the notice of submission, and such public hearing may be conducted at the same meeting at which the application is submitted, if the application is accepted.

In addition, for the purpose of timely notice only, the Chairperson, or his designee, shall notify the Southwest Regional Planning Commission and any affected area towns by certified mail as required above, if in the opinion of the Chairperson, or his designee, there is any possibility that the subdivision may be considered a development of regional impact.

The Chairperson, or his designee, shall similarly notify the planning board of an abutting town if the plat involves land whose only maintained public highway access is via a Class IV or V highway maintained by the adjacent community. (Other formal communications with adjacent towns may be required if the applicant's proposal involves land with a municipal boundary line. See Sections IV.B.7 and IV.D.

Public notice is not required for applications for consolidation unless the proposed merger would create a violation of current ordinances or regulations.

¹ Public notice is not normally required for applications for consolidation.

6. Formal Submission of Application. A final application shall be formally submitted to, and accepted or denied by, the Board at the regularly scheduled meeting for which proper notice has been given.

a. Incomplete applications shall not be accepted, but consideration of such applications may be adjourned to a subsequent meeting, at the discretion of the Board, and no additional filing fees shall be required. Notwithstanding this condition, if any application is twice submitted to the Board and found to be incomplete, the application shall be rejected and the applicant shall be required to reapply and to pay new filing fees.

b. Before accepting any application, the Board shall grant, or deny, any request(s) for a waiver(s) that have been submitted in writing with the application. If a waiver for a given requirement is granted, the requirement shall be considered to have been satisfied. If the request for a waiver is denied and if the applicant does not agree to furnish the required information, the application shall be denied. If the request for a waiver is denied, but the applicant agrees to provide the required information, the Board may, at its discretion:

i.) proceed normally with the application, if the fact that the required information is missing will not impede the review process, and if the applicant, or his representative, is present, waives the requirement for the Board to provide him with written itemization of any deficiencies and also grants a mutually agreed upon extension of the time required for a Board decision, or

ii.) accept, but table, the application if consideration of the application cannot reasonably proceed without the missing information. In such case, the Board shall not review the application and the “65 day clock” shall not commence until the required information has been submitted, or

iii) refuse to accept the application until the missing information has been submitted or until all professional reviews have been completed.

In the case of (ii) or (iii), above, the Board shall, within 72 hours, notify the applicant of its decision and provide an itemization of all deficiencies in the application. A copy of the notice shall also be filed with the Town Clerk.

Site inspection, as provided in Section IV.B.9, shall be a prerequisite for granting or denying the request for waiver of certain types of requirements, such as HIS maps, erosion and sedimentation control plans and other requirements, the need for which can only be determined by firsthand observation.

If the Board grants a waiver for a requirement on the basis of applicant representations that subsequently prove to be erroneous, the Board shall require that the information be provided prior to approval of the final plat.

7. Determination of Regional or Abutting Municipal Impact. The Board shall determine whether the proposed project might be considered a development of regional impact for reasons including, but not limited to, the following:

- The relative size or number of dwelling units as compared with the existing housing stock
- The proximity to the borders of a neighboring community
- Transportation networks
- Anticipated emissions such as light, noise, smoke, odor or particles
- Proximity to aquifers or surface waters which transcend municipal boundaries
- Shared facilities such as schools or solid waste disposal facilities

In a case where the application involves land whose sole access is via a private road or Class IV, V or VI highway located in the adjoining municipality, the Board shall also inquire, in writing, of the appropriate administrative officials as to the existence of facts or regulations that would preclude approval of the proposal.

If a regional or neighboring impact is suspected, the Board shall continue to recognize the regional planning commission and/or affected communities as abutters for purposes of all notices and testimony. If, due to some oversight, such parties have not previously been properly notified of the public hearing, a continuation of the hearing will be required.

8. Public Hearing(s). Except as provided in this section, no application may be approved or denied without a public hearing on the application. Notice of the hearing shall be given in the same manner required in Section IV.B.5, unless such notice was previously included with the notice of submission of the application. Notice of any adjourned session of a public hearing shall not be required if, at any previous hearing for which proper notice was given, the date, time and place of the adjourned session was clearly announced.

At such hearing, the applicant and abutters may testify in writing or in person. Any other person who can demonstrate that his or her land will be directly affected by the proposal under consideration may also testify in like manner. Members of the general public may be heard, if, in the opinion of the Chairperson of the Board, the best interests of the town will be served by permitting such testimony.

In the following situations public hearings are not required:

- A public hearing is not required for applications for consolidation unless the proposed merger would create a violation of current ordinances or regulations.
- Applications may be disapproved by the Board without a public hearing on the grounds of failure of the applicant to supply information required by these regulations, failure to pay costs of notice or other costs and fees as required by these regulations, and failure to meet any reasonable deadline of the Board.

9. Site Inspection of the Property. Unless previously conducted during the design review phase, the Board, or its designee, shall conduct at least one on-site inspection of the property, if the subdivision results in the creation of any new lot, or if, in the case of boundary line adjustments or annexations, a septic system is to be sited on any land affected by the subdivision. Even if an inspection was conducted during design review, another viewing may be required if the March turnover of the board has since occurred, if the information required in Section VI.C was not provided at that time or if the Board otherwise determines that such an inspection is necessary or desirable. The Francetown Conservation Commission shall be notified of all site inspections conducted during the design or final review process.

Between April 1st and October 1st, inspections shall be scheduled within 30 days of acceptance of an application and, at the discretion of the Board, may be scheduled between the time the application is filed and the time the application is accepted by the Board. During the rest of the year, inspections shall be scheduled if, and when, the Board determines that ground conditions are suitable for adequate observation as well as for the taking of soil samples. Subdividers submitting applications during the winter months should be prepared to agree to extensions of the 65 day time period in order that a site inspection under appropriate conditions may be scheduled. Final applications shall not be approved unless a site inspection, as required above, has been conducted.

Prior to any site inspection, lot corners shall be staked and the following clearly marked on the ground: the 4,000 square foot leachfield areas, proposed roadways and curb cuts, test pit locations and any other area recommended during design review. All stakes shall be at least 3 feet high and the color code for any tapes shall be provided. All ground controls shall be keyed to a plat in such a way as to allow the layperson to readily identify where he is on the property. Where HIS maps are required, ground controls shall be provided as required in Section V.G.9.

10. Review Procedures, Other. In addition to Planning Board review, all applications, except lot line adjustments, shall be reviewed by the Conservation Commission. The Commission shall notify the Board, verbally or in writing, at the Planning Board meeting or hearing following the site inspection whether it has concerns about the project. Additional time, as needed, may be allowed for pursuit of the concern by the Board or Commission, provided however that the processing of an application shall not be delayed because of any failure of the Conservation Commission to respond on a timely basis.

All applications for major subdivisions may also be reviewed by a professional consultant who, in the judgment of the Planning Board, has the requisite planning and/or engineering qualifications and who shall be engaged by the Board at the applicant's expense. Such consultant(s) may have non-binding discussions with, and make recommendations to, the applicant, but any formal direction to the applicant shall be made only by the Board at a public meeting. The Board may also engage, at the applicant's expense, such other professionals, including, but not limited to, lawyers, qualified soil scientists and

surveyors, as may be necessary for review of a particular application. The final interpretation of expert information shall rest with the Planning Board.

In the case of minor subdivisions, the Board shall determine what outside services, if any, are necessary for the review of the particular proposal.

11. Board Action on Completed Application. The Board shall act to approve or disapprove the application within 65 days after acceptance. If necessary, the Board may apply to the Selectmen for an extension not to exceed an additional 90 days before taking action on any application. The applicant may waive the requirements for Board action within these specified time periods and consent to such extension as may be mutually agreeable.

12. Conditional Approvals and Compliance Hearings. The Planning Board may grant conditional approval of a plat or application, which approval shall become final without further public hearing, upon certification to the Board by its designee or based upon evidence submitted by the applicant of satisfactory compliance with the conditions imposed. Final approval of a plat or application may occur in the forgoing manner only when the following conditions are met:

- Minor changes, whether or not imposed by the Board as a result of a public hearing, compliance with which is administrative and which does not involve discretionary judgment; or
- Conditions which are in themselves administrative and which involve no discretionary judgment on the part of the Board; or
- Conditions with regard to the applicant's possession of permits and approvals granted by other boards or agencies or approvals granted by other boards or agencies.

All other conditions shall require a public hearing and public notice as provided in Sections IV.B.5 and IV.B.8.

13. Decision on Completed Application.

a. Within 72 hours of any decision on a subdivision application, a notice of decision (Appendix G) shall be placed on file in the offices of the Planning Board, the Town Clerk, and the Board of Selectmen, and shall be posted in two public places in the Town. The notice of decision shall include the reasons for the action, the conditions of approval, if any, and those conditions, if any, which shall be subject to a subsequent compliance hearing. A copy of the notice of decision shall also be mailed to the subdivider.

In addition, in the case of projects of regional impact, a copy of the notice of decision, along with a copy of all relevant minutes, shall be sent to Southwest Regional Planning Commission and the planning boards of affected towns.

b. Approval of the final plat shall be certified by written endorsement of the Chairperson and Secretary of the Planning Board on the final plat. The Board shall be responsible for recording a copy of the final plat and any related documents in the Hillsborough County Registry of Deeds. The Board shall also transmit a copy of the final plat to the Board of Selectmen. The applicant shall be responsible for the payment of all recording fees, in addition to mailing and administrative costs.

14. Plat Revisions. No changes, modifications or revisions shall be made **to** any subdivision plat unless said plat is resubmitted to the Board and the Board approves any modifications.

15. Application Fees. All fees and review expenses shall be paid prior to the rendering of services:

- Administrative and public notice fees, as specified in Appendix A, shall be submitted when an application is filed or prior to the public notice being given for additional hearings, as the case may be.
- Fees for technical review of submission requirements shall also be submitted when an application is filed.
- A deposit sufficient to cover the cost of other review services shall be paid prior to any work being authorized by the Board. For activities where work orders are deemed appropriate by the Board such authorizations shall be signed by both the Board and the applicant.
- Recording fees shall be paid prior to any plat being recorded with the Hillsborough County Registry of Deeds.

C. INTRA-TOWN JOINT HEARINGS. An applicant, or any Francetown land use board, may petition other land use boards to hold a joint meeting or hearing when the subject matter of the proposal is within the responsibilities of those boards. In such case, all Section IV.B procedures apply and the Planning Board shall not participate in a joint hearing related to a subdivision application until that application has been accepted by the Board as complete. The Planning Board Chair shall chair joint meetings and each board shall make its decisions on the subject matter independently.

D. LAND AFFECTED BY MUNICIPAL BOUNDARIES (RSA 674:53). Property owners with contiguous land in more than one municipality have the following options:

- 1. Such an owner** may treat a municipal boundary line as an existing boundary between lots, tracts, sites or other divisions of land and may file his application with just one municipality if:

- the existing or proposed use of land or arrangement of structures in one of the municipalities does not require and is not dependent upon land or improvements located in the other municipality to fulfill the land use ordinances/regulations of the first municipality with respect to such matters as lot size, density, frontage, uses or accessory uses, setbacks or access, or in order to comply with applicable state or federal regulations, and
- the sole street access or sole maintained street access is not via a private road or class IV, V or VI highway in an adjoining municipality, and
- there is no development proposed for the acreage in the abutting town.

If the Fracestown Planning Board is in receipt of such an application, it shall inquire, in writing, to the appropriate officials in the abutting town(s) as to the existence of facts or regulations – in that town – which would preclude or affect the proposal. The abutting town shall respond within 65 days of the date on which Fracestown accepts the application as complete. If the regulatory authority of the abutting town is invoked, the applicant must obtain the approval of that town as provided in IV.D.2 below.

On the other hand, if the property owner makes his initial application to a town with a common boundary line with Fracestown, such owner is required to assure that the Fracestown Planning Board is notified in accordance with the provisions of RSA 674:53.

2. Such an owner - who a) wishes to ignore the municipal boundary and treat such contiguous land as a single lot, tract, site, or other division of land, and/or b) whose property can be accessed only by an existing private road or Class IV, V or VI highway in a town(s) abutting Fracestown, and/or c) where development will occur on either side of the municipal boundary line - must receive the approval of the planning boards of both Fracestown and its neighboring town(s). In such cases:

- All uses of land, buildings, or structures shall comply with the regulations or ordinances of the municipality in which they are located.
- When an owner proposes to fulfill Fracestown's requirements through the inclusion of land or improvements located in an adjoining town, such land/improvements may not subsequently be used in a manner that would violate Fracestown's development ordinances/regulations. This shall be a condition of any approval.
- The Board may waive its regulations with respect to access or interior roads in order to provide better harmony with the regulations of the abutting municipality.
- The Planning Board may not deny an application solely for the reason that land in abutting towns is needed to meet the requirements of Fracestown's ordinances/regulations.

- Approval by the Francetown Planning Board shall be contingent upon approval of all matters within its jurisdiction by the planning boards in adjacent towns.

3. When local land use boards from more than one municipality have jurisdiction over a proposed use, development or subdivision, the applicant may petition the respective boards to proceed with the application on a joint basis. In such case, the following procedures shall apply:

- Joint hearings or meetings shall be held throughout the application process, although each board may meet separately to confer or to take final action on the application.
- Each board shall render its own decision on those matters within its jurisdiction. No board may condition final approval upon the receipt of information not previously requested at a joint hearing or meeting.
- No less than a quorum of each involved board shall attend joint sessions. Those present shall select an interim chair and follow rules of procedure consistent with RSA 676.

SECTION V. SUBDIVISION PLAN REQUIREMENTS

A. GENERAL REQUIREMENTS.

1. Compliance with Regulations. The proposed subdivision shall conform to the Zoning Ordinance of the Town of Francetown. Notwithstanding this condition, conformance to zoning requirements is but one consideration in the approval of a subdivision and the Board may look beyond the issue of zoning compliance and consider other issues, including, but not limited to, the community's future needs and the current and future fitness of the land for development purposes.

Where strict conformity to the Subdivision Regulations would cause undue hardship or injustice to the owner of the land, and where a deviation from these standards would clearly be more in keeping with the preservation of the attractiveness of the Town, a subdivision plan substantially in conformity with the Regulations may be approved by the Board, provided that the spirit of the Regulations and public convenience and welfare will not be adversely affected.

Subdivisions must also conform with any pertinent federal, state or local laws, ordinances or regulations and with the Town's Master Plan and Capital Improvements Program. It is the responsibility of the applicant to be aware of all federal, state and local obligations and standards with which the proposed subdivision must comply.

2. Premature Subdivisions. Scattered or premature subdivisions of land which, in the opinion of the Planning Board, would involve danger or injury to health, safety or prosperity of the Town by reasons of lack of water supply, proper drainage, proper

sewage disposal, transportation, school, adequate roads, fire protection, police protection or other services necessitating an excessive expenditure of public funds for the supply of such services, shall not be approved.

3. Character of Land for Subdivision. Land of such character that it cannot, in the judgment of the Board, be safely used for building development purposes because of exceptional danger to health or peril from fire, flood, poor drainage, excessive slope, or other hazardous conditions, shall not be platted for residential, commercial or industrial subdivision, nor for such other uses as may increase danger to life or property, or aggravate the flood hazard, unless appropriate measures are taken by the subdivider to correct and overcome such dangers, perils or hazards.

4. Preservation of Existing Features. The subdivider shall identify and give due regard to the preservation and protection of existing features such as trees, scenic points, brooks, stone walls, streams, rock outcroppings, water bodies, aquifers, public areas, historic landmarks and other natural resources.

5. Lots.

a. Lot sizes and configurations shall meet all requirements of the Francestown Zoning Ordinances. Irregular lot configurations involving extremely acute angles between boundary lines, abnormally narrow strips of land or other arrangements limiting normal utilization of the lot area shall be avoided.

b. All lots shall have their minimum frontage on a state highway, excluding limited access highways, a Class V road or a street within an approved subdivision. Subdivisions will not be approved on roads shown on Town records and plans as “Discontinued”, “Discontinued Subject to Gates and Bars” or Class VI.

Frontage requirements for all lots, including corner lots, must be satisfied on one road. In the case of lots having the minimum frontage on two, or more, roads, the Planning Board shall determine where the access and frontage, for land use purposes, shall be – based upon factors including, but not limited to, highway safety, scenic road considerations and location of the buildable acreage. When appropriate, the Board may choose to restrict access on the road(s) not providing frontage for land use purposes.

c. Reserve strips of land, which in the opinion of the Planning Board, show an intent on the part of the subdivider to control access to land dedicated, or to be dedicated, to public use shall not be permitted.

d. Intersecting property lines at street intersections shall be provided with a curve with a radius of at least 20 feet.

e. Where extra width has been dedicated for widening of existing streets, lots shall begin at such extra width line and all setbacks will be measured from such line.

- f. Access shall be over the minimum frontage required in the district, except in the case of common driveways.
- g. Lots shall have a minimum of two contiguous buildable acres, excluding wetlands and slopes over 25% as defined in the Conservation Overlay District.
- h. There shall be adequate width and area on every lot after the erection of a residence, well and septic system to permit the parking within the lot of at least two cars per dwelling unit.
- i. All lots shall have land suitable and adequate for a driveway that will extend the entire length from the curb cut to a suitable building site.
- j. For reasons specific to lot characteristics or to the characteristics of roads fronting on the property, whether or not the road provides frontage for land use purposes, or to the protection of viewsheds or to the nature of the information provided by the subdivider, the Planning Board may designate a building envelope in which development must take place. This area must be buildable, although if appropriate it may be smaller than the buildable acreage requirement – and it may be located further from any road(s) than the normal setback requirement.
- k. Where the application covers only a part of the subdivider's entire holding, the prospective type of development and approximate number of lots or units shall be provided for the unsubmitted part.

6. Streets. All private roads within a subdivision shall be properly arranged and coordinated with other existing or planned streets to provide a safe, convenient and harmonious infrastructure compatible with the rural character of the community. Streets shall be of sufficient width and length to accommodate existing and proposed traffic, to afford adequate light and air, to provide adequate access for firefighting equipment and to allow cost-efficient maintenance.

7. Acceptance of Streets and Open Space. No street or open space shall be submitted to the Town for acceptance until such time as all improvements have been carried out as specified in the conditions of approval or as shown on the final plat. Streets shall be accepted by the Town only by vote of Town Meeting or by action of the Board of Selectmen.

8. Impact Studies and Fees. The Board may require the subdivider, at his expense, to provide a study, or studies, to determine the impact of the subdivision on public services and facilities, such as, but not limited to, schools, water supply, fire protection, drainage, and transportation. Regardless of the size and location of a proposed subdivision, a subdivider may be required to provide a road impact study and to pay his fair share of impact fees as determined by the Board. Road impact studies will include, but are not

limited to, determination of the existing and proposed traffic levels, of the nature and cost of improvements required to bring the road up to adequate standards and of the pro-rata shares of expense for all interested parties, including future subdividers with property fronting on the road in question. Such studies may be reviewed by a qualified engineer designated by the Planning Board.

The need for an impact study can only be determined during the design review or after a final application has been accepted as complete.

9. Phased Development. The Planning Board may require that a subdivision/development plan be approved in phases, according to a schedule which will be consistent with the capacity of public services and facilities, including, but not limited to, schools and transportation, and with the building and capital improvement plans to provide those services as developed by the Town of Francestown and the Contoocook Valley School District.

B. STREETS.

1. Proposed streets shall be in harmony and conformance with existing and proposed streets as provided in the Town's Master Plan or shown on the Town's Official Map, if any.

2. The arrangement of streets in the subdivision shall provide for the continuation of the principal streets in adjoining subdivisions or for their proper projection when adjoining property is not yet subdivided, and shall be a width at least as great as that of such existing connecting streets.

Where the application covers only a part of the subdivider'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 light of adjustments and connections with the street system of the part not submitted.

3. Streets that join or are in alignment with streets of abutting or neighboring properties shall bear the same name. Names of new streets shall not duplicate, or closely resemble, the names of existing streets within the Town of Francestown. Any street signs shall be approved by the Board of Selectmen and shall be installed and paid for by the subdivider.

4. Streets shall be logically related to the topography so as to produce useable lots, reasonable grades and safe intersections, and shall take into account aesthetic and scenic considerations.

5. Local residential streets shall be designed so as to discourage non-local through traffic.

6. For subdivisions which front on or which have lots with direct access to public roads, common driveways or access roads may be required at the discretion of the Planning Board.

7. No street or highway right-of-way shall be less than fifty feet in width and may be required to be made more if a greater street width is warranted, in the judgment of the Planning Board.

8. Cul-de-Sac and Dead End Streets.

a. Cul-de-sacs are not considered to be conducive to the proper coordination of streets and will be approved only in unusual situations. When there is the possibility of connecting a cul-de-sac to another street, the full length of the right-of-way connector shall be reserved.

b. When allowed, cul-de-sacs shall be a minimum of 1,000 feet and a maximum of 2,500 feet and shall be designed in accordance with the standards in Appendix J.

c. If a dead end street is of a temporary nature - i.e. no more than one year before connection to other streets and when a construction bond has been posted - a turnaround shall be provided. Frontage for all lots abutting the turn-around shall be sufficient to remain conforming lots once the turnaround is removed and the street extended.

d. The interiors of cul-de-sacs shall be left in their natural state or landscaped

9. Street Design Standards. The following standards (see page 19) of design shall apply to all streets within a subdivision and may apply to existing Town or private roads where the Board determines that such roads must be widened or otherwise approved prior to subdivision. Additional information, in the form of typical road cross-sections, may also be found in Appendix J.

10. Intersections.

a. Multiple intersections having a junction of more than two streets shall be prohibited.

b. Streets should be laid out to intersect, as nearly as possible, at right angles. No street shall intersect another with an angle of less than 75 degrees. Streets entering opposite sides of one another shall be laid out either directly opposite one another or with a minimum offset of 200 feet between their center line.

c. Any intersections of roads and drives to individual lots that utilize a state road shall have, in writing, all permits noting locations, drainage improvements and widths allowed. A copy of the state permit, along with the application itself and all related correspondence shall be submitted when the application for final subdivision is filed with the Board.

Section V.B.9 Street Standards				
<u>Vehicles/Day¹</u>	<u>0-50</u>	<u>50-200</u>	<u>200-750</u>	<u>750+</u>
R.O.W. Width	50'	50'	50'	50'
Pavement Width	20'	22'	22'	24'
Gravel Shoulder Width	2'	2'	3'	4'
Pavement Type ²	C.G.	C.G.	H.B. ³	H.B. ³
Subbase Depth ⁴				
gravel	12"	12"	15"	18"
crushed gravel	4"	4"	4"	6"
Hot Bituminous Depth ⁵	-	-	-	-
Maximum Grade ⁶	8%	8%	8%	8%
Maximum Vertical/Horiz. Sight Distance	150'	200'	200'	250'

Footnotes:

1. The computations of vehicles per day shall be based on maximum possible development: for dead end streets, consideration shall be given to possible future extension or through connection. Computations shall also be based on one single family dwelling unit = 10 vehicle trips per day for new residential lots. Computations for new commercial or industrial development shall reflect the nature of the proposed project.
2. C.G. = crushed gravel, H.B. = hot bituminous
3. After proper curing, and within one year, a seal coat consisting of a minimum of 1/4 gallon of asphalt per square yard of traveled way surface, with sand blotter shall be applied.
4. In ledge cuts and areas of poor soils, a subbase of sand or construction fabric, or additional base course depth may be required.
5. Completed thickness: 2" of Type B base course, plus 1" of Type E wearing course.
6. Grades in excess of 8%, but not greater than 10%, shall be allowed in certain topographic situations, as long as that section of the road is paved.
7. Road Material specifications: Unless otherwise noted, references below are based on the latest edition of Standard Specifications for Road and Bridge Construction" of the NHDOT, and as amended: Sand: Section 304, paragraph 2.1.1; gravel: Section 304, paragraph 2.1.2; crushed gravel: Section 304, paragraph 2.1.3; hot bituminous: Section 401.

- d. Subdivision roads intersecting with existing Town roads or existing private subdivision roads shall be directly opposite any existing curb cut or shall be offset from any existing road by at least 200 feet and from any existing driveway by at least 50 feet.
- e. Intersecting streets shall have a minimum radius of 20 feet and a maximum radius of 30 feet at all corners to accommodate turning movements.
- f. For intersections of streets or driveways with a Town road, the subdivider shall obtain a written opinion and/or sketch of the intersection from the Town Road Agent. (This is not the same as a driveway permit which must be obtained after the Board approves the curb cut.) A copy of this opinion shall be submitted when the final application for subdivision is submitted. Notwithstanding this condition, the final location of the curb cut shall be at the discretion of the Planning Board.

Obtaining driveway permits for curb cuts approved by the Board shall be a condition of approval of a subdivision application.

11. Grades and Grade Changes.

- a. No grade in excess of 3% shall be permitted within 200 feet of any intersection with a Town road.
- b. No grade in excess of 6% shall be permitted within 200 feet of any intersection within a subdivision.
- c. Vertical alignment shall conform, in general, to the terrain and shall, as far as practical, not exceed 8%. In no case shall any portion of the vertical alignment be greater than 10% or less than one half of one percent (.5%).
- d. All changes in grade shall be connected with vertical curves to provide a smooth transition and proper sight distance. Minimum length of each vertical curve shall conform to the following table:

<u>Algebraic Difference In Grade, Percentage</u>	<u>Vehicles/Day</u>	
	<u>200 or less</u>	<u>200 or more</u>
0-4	100'	100'
4-6	100'	150'
6-8	100'	200'
8-10	150'	250'
10-12	200'	300'
12-14	250'	400'
14-16	300'	500'
16-18	350'	600'

12. Horizontal Geometry. Horizontal geometry shall conform to the following table:

	Vehicles/Day	
	200' or less	200' or more
Minimum center line radius for curves	150'	240'
Minimum tangent distance between reverse curves	50'	80'

13. Drainage.

- a. An adequate surface storm water drainage system for the entire subdivision area shall be provided. No increase in surface runoff shall be permitted if such increased runoff passes beyond the property lines of the parcel upon which such development occurs, unless it is within an approved public storm drainage system.
- b. Design of storm sewers and subdivision drainage facilities shall be in accordance with the Soil Conservation Service handbook entitled “Urban Hydrology for Small Watersheds, Technical Release #5”, as amended.
- c. All drainage calculations shall be submitted to the Planning Board at the time the final application is filed. At the discretion of the Board, an independent professional engineer may be hired, at the applicant’s expense, to review the submitted calculations.
- d. The design of drainage structures and ditches shall include an analysis of any adverse affects they may have on upstream and downstream public and private lands or facilities including, but not limited to, the following: i) contamination of public and private water supplies, ponds, pools and wells; ii) increased flows in existing drainage channels; iii) new drainage outlets on public or private property; iv) disruption of existing public or private surface or subsurface drainage systems; v) temporary or permanent flooding of public or private property, and vi) erosion of, or deposition on, public or private property.
- e. Where a subdivision is traversed by or requires the construction of a water course or a drainage way, an easement of adequate width shall be provided for such purpose.
- f. All drainage structures will be designed to handle a rainstorm with a duration of 24 hours in accordance with the following return frequency table:

Culverts	25 years
Storm sewers for depressed sections	25 years
Curbed roadway and roadside ditches	10 years
Storm sewers	10 years
Detention/retention areas	10 years

- g. When the computed outlet velocity of a drainage structure is greater than 10 feet/second, outlet protection, in addition to stone-lined swales, shall be installed.
- h. Roadside drainage ditches shall be designed to provide for proper flow of storm runoff and shall be protected by appropriate erosion control measures that shall be incorporated into the roadway design system. Appropriate erosion and sediment control measures are found in the “Erosion and Sediment Control Design Handbook for Developing Areas of New Hampshire,” 1981, and as amended.

1. All ditch-line velocities in excess of 3 feet/second or in excess of a 5% grade shall be stone-lined or paved.
2. In all cases, the flowline of the ditch shall be a minimum of 18” below the centerline elevation of the finish grade. If the backslopes of drainage ditches extend outside the right-of-way in intermittent areas, a recorded slope easement shall be granted to the landowners’ road maintenance association; in the event that the private subdivision road is accepted by the Town, the easement shall be transferred to the Town. If the backslope extends beyond the right-of-way consistently, then the right-of-way shall be widened as necessary to include the entire width of the slope.
3. In order to keep a ditch self-cleaning, a minimum grade of 0.5% shall be employed. Where RSA 149:8-A treatment swale is being utilized in a roadside ditch, the flowlines shall be 3’ below center line finish grade.
4. Ditches shall be used at the top of cut slopes when excessive off-site runoff could damage slopes and/or overtax on-site systems.

i. Pipe culverts shall be designed as open flow channels. They will either be under inlet or outlet control, according to procedures outlined in “Hydraulic Charts for the Selection of Highway Culverts”, published by the Bureau of Public Roads as H.E.C. No. 5.

1. In mountainous terrain and areas of flash runoff, culvert pipe sizes shall be determined by special design considerations.
2. As a guide, the following tables may be used under “normal conditions”:

Pipe Size	Maximum Allowable Headwater
12-30”	2 times pipe diameter
36-48”	1 1/2 times pipe diameter
54” +	1 times pipe diameter

3. The maximum headwater depth of flow immediately upstream from a pipe culvert shall be controlled by the following: I) potential damage to adjacent

property; ii) potential damage to the culvert and the roadway; iii) possible traffic interruption; iv) evaluation of the hazard to human life, and v) damage to stream and floodplain environments.

4. Culvert pipes shall consist of heavy gauge aluminized steel corrugated metal pipe having a minimum interior diameter of 15". Reinforced concrete shall be used if specified by the Town Engineer.
5. All culvert pipes shall be placed with a minimum of 48" of cover at the roadway centerline and have reinforced concrete and masonry headwalls conforming to the standard specification or have culvert end sections extended to the face of the ditch-line or slope.
6. Culverts in an embankment over 10 feet high at the centerline shall be of reinforced concrete pipe.
7. A maximum length of 400 feet for a ditch to a catch basin or drop inlet is desirable. Local conditions may require variations.

j. Closed Drainage Systems.

1. The minimum grade of closed drainage system pipes will be 0.4% or be able to maintain a minimum velocity of 2 feet/second while flowing one-third full.
2. Minimum pipe sizes for closed systems under main roadways are as follows: under pavement: 15"; parallel to roadway: 12"; slope drainage: 12". Pipe size downstream from a 15" pipe shall not be reduced.
3. Minimum cover over closed system pipes shall be as follows: under pavement: 4' to top of pipe; other: 2' to top of pipe.
4. In general, catch basins, rather than drop inlets, shall be used. Drop inlets shall be allowed only where no pipe inlet occurs and where soils and other debris are not liable to wash in.
5. Catch basin outlet pipes should be at least 3" lower than the lowest inlet pipe. Increases in pipe size in a catch basin should be accomplished by matching elevations.
6. Manholes shall be placed wherever a change in grade or alignment of a storm drain occurs. Maximum distance between structures, such as manholes, catch basins or drop inlets, shall be 400 feet.

k. In all areas of excavation for roadway construction, underdrain shall be considered and shall be shown on plans, if needed. The designer shall take into account all soils

information, test pits and borings to determine if underdrain is needed. The Board's designee shall have the right to request underdrain at the time of the subgrade inspection if he deems it necessary, even if such under-drainage was not previously provided for.

l. In areas where detention or retention basins are utilized, the land required for the storage volume shall be part of an existing lot with easement rights granted to the landowners' road maintenance association. The easement area shall not be used in the calculation of the minimum lot size. A 12' wide, 12" deep gravel drive will be provided to all areas of the basin as approved by the Board or its designee. The slopes shall not exceed a 3:1 pitch and the outlet pipe, if used, shall be reinforced concrete or ductile iron pipe, both with seep collars. The bottom shall be pitched so as to not create large wet areas. A defined thread shall be a minimum of 18" deep in the bottom for flows to the outlet control pipe. An emergency spillway shall be provided and be stonelined to its natural runoff location. All state permits required for construction shall be submitted to the Board at the time the application for subdivision is filed with the Board. Fencing of the basin shall be at the discretion of the Board.

14. Site Preparation.

a. To facilitate inspections, construction stakes shall be placed by a surveyor or engineer at each of the three stages of construction (sub-base, gravel base and finish grade). Stakes shall clearly depict grades and widths and shall be maintained until the roadway has been approved by the Board or its designee.

b. All topsoil, stumps, brush, roots, boulders and like materials shall be excavated. Excavation caused by grubbing operations shall be filled with suitable material which shall be compacted to conform to the surrounding ground and to provide a stable sub-base. All stumps and large roots within the limits of the road bed shall be completely removed to a depth of three feet below sub-grade unless a greater depth is specified in the plans. Stumps under embankments or outside the road bed shall be cut off within 6 inches of the existing ground surface, except in the area to be rounded at the bottom of fill slopes where stumps are to be cut off flush with the surface of the final slope line, or removed. Where practical, natural vegetation of the slope lines shall be retained, protected and supplemented. Topsoil removed during the course of construction will be stockpiled and used within the subdivision, as necessary, to landscape or cover. Redistributed topsoil shall be stabilized by seeding and mulching or planting.

15. Site Cleanup. Before the Board, or its agent, certifies that the street has been completed according to all required plans, the street shall be cleaned and left in a neat condition acceptable to the Board or its agent. All construction stakes, dead brush, rubbish, etc. shall be removed from within the limits of the right-of-way, stones shall be removed from shoulders and ditches, and other cleanup activities directed by the Board or its agent shall be completed.

16. Inspections. Unless otherwise specified in writing by the Planning Board, it shall be the obligation of the subdivider to:

- a. Request inspection of stumped and grubbed areas prior to excavation or embankment construction for approval by the Board or its agent.
- b. Request inspection and approval of the right-of-way, drainage and subgrade before base gravel is applied.
- c. Request inspection and approval of the right-of-way subgrade after finish gravels have been brought to grade but before a bituminous concrete pavement is installed.
- d. Request inspection of the completed street. At such time the subdivider shall also provide a record plan. All deviations from the approved road plan shall be clearly identified.
- e. Request a final inspection of the street for the purpose of releasing any holdover security as stipulated in the performance bond or irrevocable letter of credit.
- f. Inspections, sampling, materials testing and core tests may be taken by an agent of the Town at any time during construction and before final approval to determine compliance with plans and standard specifications. All costs shall be reimbursed by the subdivider. In the event of unsatisfactory material or workmanship, the Selectmen, at the request of the Planning Board, may order all work ceased until the matter has been resolved.

17. Design Changes and Questions. The Planning Board, or its agent, shall have final say over all questions arising during construction of new roads. All changes must be approved in writing by the Board or its agent. A copy of the approved design changes shall be incorporated in the Board's minutes.

18. Guard rails are required if fill slopes are steeper than 4:1 or if the vertical drop from the road centerline to the toe of the slope exceeds 10 feet. Guard rails shall be single-beam galvanized steel with wood posts in conformance with NHDOT specifications, Section 606.

19. Landowners' Road Maintenance and Access Agreement. The maintenance of private roads within a subdivision shall be the responsibility of the landowners within the subdivision. Landowners shall also be responsible for assuring that their curb cuts onto the private road are installed and maintained according to the standards specified in Section V.C. The subdivider shall provide a Road Maintenance and Access Agreement, satisfactory to Town Counsel, which will provide both for road maintenance and curb cut regulation, as well as for the mechanics of assuring both objectives. Such obligations shall be noted on the final plat, shall be included in the deed(s) and shall be recorded in the Hillsborough County Registry of Deeds.

If there is a resubdivision of a lot(s) fronting on the private road or if the road is extended in order to support a new subdivision or to connect with a road in an adjacent subdivision, the Planning Board shall approve any new curb cut locations and the landowners of new lots shall become parties to the Road Maintenance and Access Agreement.

20. Existing Streets. The Board may require that any existing street which provides either minimum frontage to new lots or access to new streets shall meet the minimum standards established in Section V.B.9. In such cases, a road impact study shall normally be required to determine the pro-rata shares of the cost of the road improvements. In certain situations involving Town roads, the Board and the subdivider may agree upon an appropriate impact fee without the necessity of an impact study.

The Board may disapprove a subdivision if:

- In the judgment of the Board, the road improvements will require an excessive expenditure of Town funds.
- In the case of private subdivision roads, landowners with frontage on the private road, either individually or as provided in the Landowners' Road Maintenance and Access Agreement, are unwilling or unable to assure their share of the road improvement funds.

If public or private funds are not currently available, the subdivider may bring the street(s) into conformance with these regulations at his own expense.

21. Performance Guarantee. Before approval of a subdivision, or as a condition of approval, the necessary improvements, such as streets and storm drains, shall be guaranteed by the subdivider by one of the following alternatives. The Board shall determine which option is more appropriate to the particular project.

- a. Posting of a performance bond or other security as provided in Section V.M. The performance guaranty shall not be released until the Planning Board, or its designee, has certified completion of all improvements in substantial accordance with the plan requirements. To protect against latent defects, an amount equal to at least 20% of the original value of the security shall be retained for a period of at least 12 months after the work has been complete.
- b. Construction of all agreed upon improvements prior to recording of the final plat in the Hillsborough County Registry of Deeds. Construction shall not commence prior to i) the granting of a conditional approval by the Planning Board, and ii) the posting of a bond or other security, in a form approved by Town Counsel, and in an amount sufficient to cover the cost of all inspections and engineering oversight and to provide for the correction of latent defects. The performance guaranty shall be retained for a period of at least 12 months after the work has been completed.

C. DRIVEWAYS. All proposed curb cuts shall be shown on the final plat. Where driveways intersect with State and Town roads, driveways shall be built and maintained in accordance with the applicable regulations. Driveways intersecting with private subdivision roads shall be built and maintained in accordance with the following standards. Where the subdivider intends to sell unimproved lots accessing the private subdivision road, these standards shall be incorporated in the Landowners' Road Maintenance and Access Agreement, provided for in Section V.B.19.

1. In essence, driveways cannot interrupt the natural or ditch line flow of drainage water. In some cases where shallow ditch lines or natural drainage courses exist, driveways may be swaled at a point beyond the shoulder to accommodate the flow of storm water. In all other cases, driveways shall have sufficiently sized culverts installed and maintained by the landowner.
2. If a culvert is required for proper drainage, the culvert shall be a minimum of 12" in diameter and 30' in length and shall be of 16-gauge aluminum or galvanized steel. The culvert shall be long enough to maintain the driveway width dimensions and each end of the culvert shall be marked with a concrete or stone header.
3. A minimum of a 200-foot all-season safe sight distance in each direction shall be provided.
4. Driveways shall intersect the roadway at a preferred angle of 90 degrees, but in no case shall the intersecting angle be less than 60 degrees.
5. No driveway shall be constructed within 50 feet of an intersecting street and 100 feet is preferred.
6. When two proposed driveways on the same side of the street are within 50 feet of each other or where backlots are involved, a common driveway may be required.
7. The last 20 feet of the driveway, at the edge of the right-of-way, shall have a slope of between plus 5% and minus 5%.
8. The grade of the driveway shall be constructed to slope away from the road surface for a distance equivalent to the existing ditch line. This slope shall be a minimum of 1/2 inch per foot.
9. Any driveway crossing a wetland shall have all permits required by State regulations and by the Town's Zoning Ordinance.
10. Any driveway crossing slopes in excess of 15% shall have a certified erosion and sedimentation control plan as provided in Section V.H.

11. If adequate access for fire equipment cannot be achieved by following the normal driveway standards in this section, the driveway shall have a minimum width of 20 feet at the intersection of the street and for a distance of 20 feet from the traveled way.

12. A person purchasing a lot within an unimproved subdivision may change the location of his driveway, provided that the new driveway location meets the above standards. The Landowners' Road Maintenance and Access Agreement may stipulate additional specifications, as well as an approval mechanism for driveway relocations.

D. PEDESTRIAN WALKWAYS. Where necessary, in the judgment of the Board, rights-of-way for pedestrian travel and access may be required between subdivisions or their parts or between a subdivision and public property.

E. UTILITIES, GENERAL. All subdivisions shall have adequate provisions for water supply, storm water and sanitary sewage disposal, and required utilities.

1. The plan of any proposed subdivision shall show all work required to connect and complete utilities and improvements between the proposed street pattern and any connecting street.
2. Where it deems necessary or appropriate, the Board may require the installation of street lighting and the underground installation of utility lines.

F. LAND CHARACTERISTICS. To assure compliance with the conservation overlay provisions of the Zoning Ordinance, subdividers shall provide the following information for all proposals other than lot line adjustments:

1. A topographic map, interpreted from USGS maps and drawn to the same scale as the site survey, shall be provided with all subdivision proposals, unless a map with actual contour lines, prepared by a licensed surveyor has been submitted. The latter shall be provided for any area of a subdivision where a) there is to be any road construction; b) any proposed driveway will cross slopes in excess of 14%, and c) there are slopes in excess of 14% on any part of the two contiguous acres of buildable land required for each lot. In such cases, existing topography and proposed changes in topography shall be shown at the following intervals:

<u>Grade</u>	<u>Contour Interval</u>
0-2%	2' plus spot elevations
2-5%	2'
5+ %	5'

All low points, high points and other areas needing spot elevations shall be shown and contour lines shall extend a minimum of 200 feet beyond the questionable area.

2. Unless a HIS map is submitted, a soils map, drawn to the same scale as the site survey, shall be submitted at the same time the application for subdivision is filed. The map shall show the location of all percolation test sites, soil test pits and borings and soil mapping units and boundaries as classified by the U.S. Soil Conservation Service with such corrections as are required to reflect the results of all soil tests. A legend on the soils map shall identify soil mapping unit symbols and soil names.

HIS maps shall be provided as required in Section V.G.9.

G. SEWAGE DISPOSAL.

1. A 4,000-square-foot leachfield area, or an area two times the required leachfield bed area, whichever is greater, shall be designated and reserved on the following lots:

- all lots of 5 acres or less, and/or
- any lot with questionable or minimal soil types or other land characteristics which might impose limitations on the siting of sewage disposal systems.

2. Ground controls for all required leachfield areas shall be marked, by the applicant, both on the site and on the plat map(s) to provide easy identification for parties examining the site.

3. The designated leachfield area shall be left open and is not to be used for the siting of any incompatible purpose, including, but not limited to, a driveway or structures of any type. Parking areas may be located over the designated leachfield area when chambered systems are to be used.

4. The perimeter of the designated leachfield area shall be set back according to the following requirements:

- a. 125 feet from open water bodies and perennial streams;
- b. 100 feet from i) poorly and very poorly drained soils, and ii) naturally deposited soils which have a seasonal high water table less than 6 inches from the surface;
- c. If the designated leachfield area is entirely located in well-drained soil, without a restrictive layer, or well-drained soil with a restrictive layer and slopes of less than 8%, 75 feet from:
 - drainage ways, natural or manmade, perennial or intermittent,
 - open drainage structures intended to convey water, intermittently or perennially, including but not limited to roadside ditches, culvert openings, diversions and swales,

- naturally deposited soils which have an impermeable layer closer than two feet to the surface, and
- naturally deposited soils which have bedrock less than three feet below the surface.

If the designated leachfield area is entirely or partially located in other soil conditions, a 100-foot setback shall be required.

5. The designated leachfield area may not be placed on areas with finished slopes of over 25 percent. If the designated leachfield area is located on an area with finished slopes from 15-25%, the septic systems shall be designed by a registered professional engineer.

6. Where required by State regulation, the subdivider shall obtain approval for his final plat from the State Water Supply and Pollution Control Commission. A copy of the application and permit, along with all related correspondence, shall be submitted to the Board at the time the subdivider files an application.

7. For any lot for which the designation of a leachfield area is required, at least one test pit and percolation test shall be required. A certified record of these tests made by an individual, licensed to make such tests, shall be submitted to the Board at the time an application for final approval is filed. Test results shall be indicated on, or clearly keyed to, a plat. The Board reserves the right to a) have its agent present at the time the tests are performed, b) reject any such tests, and c) make independent tests, at the applicant's expense, whenever circumstances warrant such a procedure.

8. On lots where feasible sites for septic systems are limited, the leachfield area shall be shown on the final plat.

9. For the purpose of assuring compliance with the above regulations and/or with wetland zoning ordinances, high intensity soil (HIS) maps shall be provided for all subdivisions, except lot line adjustments, according to the following specifications:

a. Maps shall be prepared for those areas of a subdivision that are to be designated for: road construction, the two contiguous acres of buildable land and an area, including the setback area, surrounding the leachfield area, if different from the foregoing. Depending upon the characteristics of the land in question, HIS maps for more extensive areas of the land may be appropriate and may be required.

b. Ground control shall be marked both on the site and on the plat. The ground control shall consist of numbered flags, stakes, walls, trees or other easily identifiable points on the property. These points shall be well distributed throughout the site at a density of not less than four points per acre. The numbered points shall be identified, by number, on the plan.

c. The plan shall show the location of all existing and proposed buildings, accessory buildings, driveways, sewer lines, water lines and streets within 100 feet of the subdivision boundaries.

d. The HIS maps shall be prepared by a soils scientist who has been qualified by Hillsborough County Conservation District or by the State according to standards found in “High Intensity Soils Maps for New Hampshire, Standards and Origins”, publication No. 1, et. seq. or with HIS mapping standards as may be adopted by the State of NH.

e. In addition to the soils information provided by the survey, the HIS map shall have on it the signature, and any qualifying notes of the preparer.

f. The Board may request an independent review of the HIS plan by a qualified soil scientist.

10. In areas where the HIS survey indicates bedrock at less than three feet from the surface, sufficient test pits shall be made to ensure that the setback requirements established in Section V.G.4 can be met.

11. Applicants who wish to request a waiver for part or all of the HIS map requirement shall do so in writing at the time they file their applications for final approval. Before deciding whether to grant or deny the request for waiver, the Board shall conduct a site inspection.

H. SEDIMENT AND EROSION CONTROL. Land shall be subdivided and improved in reasonable conformity to the topography in order to minimize grading, as well as cut and fill areas, to retain, insofar as possible, the natural contours, to limit storm water runoff and to conserve the natural cover and soil.

1. The following standards shall be observed by all subdividers during all phases of the proposed subdivision:

a. Post-development runoff shall not exceed predevelopment runoff.

b. Stripping of vegetation, re-grading or other development shall be done in such a way that will minimize soil erosion.

c. Whenever practical, natural vegetation shall be retained, protected and/or supplemented.

d. The disturbed area shall be kept to a minimum and the duration of the exposure shall be a maximum of six months. In no case shall areas be left exposed after

October 1 of the current year without adequate erosion and sedimentation measures being taken.

e. Temporary seeding and/or mulching shall be used to protect critical areas during development.

f. Sediment in the runoff water shall be trapped by the use of sediment basins or other acceptable methods.

g. Necessary diversions, sediment basins and other erosion control structures shall be installed prior to an onsite grading or disturbance of existing surface vegetation.

2. A certified sediment erosion control plan shall be provided for all subdivision proposals where:

a. there will be any environmental disturbance on slopes in excess of 15% or within 75 feet of wetland areas, drainage ways or open water and/or;

b. there will be earthmoving of an area of 1 acre or more and/or

c. there will be any road construction.

3. Soil erosion and sediment control plans shall result in a development that

- minimizes erosion and sedimentation during construction;
- is stabilized and protected from erosion when completed; and
- does not cause off-site erosion and/or sedimentation.

To be eligible for certification, plans shall adhere to the principles, methods and minimum standards found in the "Erosion and Sediment Control Design Handbook for Developing Area of New Hampshire", 1981, and as amended. The plan shall contain, but is not limited to:

1. A narrative describing:

- the development
- the schedule for grading and construction activities including start and completion dates, the sequence of grading and construction activities, the sequence for installation of soil erosion and sediment control measures and the sequence for final stabilization of the project site and
- the design and construction criteria, as well as the installation/application procedures, for proposed soil erosion and sediment control measures and storm water management facilities.

2. A site plan map at a sufficient scale to clearly show:

- the location of the proposed development and of adjacent properties
 - the existing and proposed final topography
 - the existing structures, if any, on the property
 - the proposed area alterations, and
 - information sufficient to illustrate the items in section H.3.a, above.
3. Any other information deemed necessary and appropriate by the applicant or requested by the Planning Board or its agent.
 4. The Planning Board or its agent shall either certify that the soils erosion and sediment control plan complies with the requirements and objectives of these regulations or deny certification if the development proposal does not comply with these regulations. Professional review, if necessary, shall be at the applicant's expense.
 5. All sediment and erosion control plans shall be reviewed by the Francestown Conservation Commission, provided, however, that such review shall be completed within 30 days of receipt of the plan. The Planning Board may also seek the recommendations of the Hillsborough County Conservation District or other qualified professionals.
 6. The Planning Board may require that the estimated costs of measures needed to control soil erosion and sedimentation and of inspections be covered by a performance bond or other assurance acceptable to Town Counsel.
 7. Site development shall not begin unless those control measures scheduled for installation prior to site development are installed and functional and unless the performance bond, if any, has been posted.
 8. The Planning Board, or its designee, shall make inspections, at the applicant's expense during development to ensure compliance with the certified plan. The Board may require the subdivider to verify, through progress reports, that the certified plan is being complied with.

I. OPEN SPACE. When deemed necessary in its judgment, the Planning Board may require that the subdivider provide parks, playgrounds or other open space areas to be dedicated or reserved for common use and that said open spaces shall be of a reasonable size and character for neighborhood playgrounds or other recreational areas

J. FLOOD HAZARD AREAS. All subdivision proposals having land identified as special flood hazard areas by the "Flood Insurance Study for the Town of Francestown, NH" and/or by the associated Flood Insurance Rate Maps and Flood Hazard Boundary and Floodway maps of the Town of Francestown, dated June 14, 1974, and as revised, shall meet the following minimum standards:

- the proposal design is consistent with the need to minimize flood damage, and
- all utilities and facilities, such as sewer, gas, electrical and water systems, shall be located and constructed to minimize or eliminate flood damage, and
- adequate drainage systems shall be provided to reduce exposure to flood hazards, and
- base flood elevation data shall be provided for those portions of the subdivision within the Special Flood Hazard Area (100 year flood plain).

K. FIRE PROTECTION. All subdivisions shall have adequate access and water supply for the provision of a reasonable degree of fire protection. The Board may require, in appropriate cases, the provision of fire ponds, cisterns, hydrants and dry hydrants. All applications for subdivision shall be accompanied by a written statement from the Chief of the Francestown Fire Department, or his designee, indicating that the subdivision proposal appears to have made adequate provision for fire protection or specifying improvements, if any, which should be made within the subdivision to assure such protection. Either the Town Fire Chief or the Board may request additional information from the State Fire Marshal or other qualified experts.

L. MONUMENTATION. Prior to final Planning Board approval, the surveyor shall set monuments so that each corner of the property shall be physically monumented by a permanent monument of durable material. All catch basins shall also be permanently marked. Monuments shall be tied in to a public street intersection, USGS benchmark or other recognized existing monument. When it is impossible or impractical to set a boundary monument on a corner, the surveyor may set a reference permanent monument. When the permanent monument is within the right-of-way, an offset monument shall be provided. When monumentation is set on a stone wall, reference markers all also be provided.

The final plat shall show all monuments and shall include a notation by the surveyor that all monuments have been physically set.

M. PERFORMANCE BONDS. No subdivision plat shall be approved until the subdivider has filed with the Board an engineer's estimate of the costs of streets, public improvements, drainage structures and other utilities and sediment and erosion control measures, together with maps, plans and other supporting data. These materials will be accompanied by a cash deposit, performance bond or irrevocable letter of credit in a form satisfactory to Town Counsel and in an amount sufficient to cover the total anticipated cost of the improvements, as well as

- the cost of all required professional oversight, and inspection of the project, and
- an adequate contingency sum to cover those additional costs which might be incurred if the Town were required to complete the improvements.

The precise amount of the security shall be determined by the Planning Board.

Construction shall not commence until the performance bond has been received by the Town. The performance guaranty shall not be released until all improvements have been completed in substantial accordance with the requirements and until completion has been verified by the Planning Board, either by certification by an agent of the Town or as a result of a compliance hearing. To protect against latent defects, a percentage of the original value of the security shall be retained for a period of time to be determined by the Board.

The Board, at its discretion, may waive bonding requirements and may delay signing the final plat until all improvements are completed. In such cases, construction shall not commence prior to

- the granting of a conditional approval by the Board, and
- the posting of a bond or security in a form satisfactory to Town Counsel and in an amount sufficient to cover the cost of all professional oversight and to provide for the correction of latent defects.

N. OTHER REQUIRED APPROVALS AND LEGAL DOCUMENTS

1. Any and/or all of the following State agencies may have review or approval jurisdiction over any subdivision and it is incumbent upon the subdivider to ascertain if, and when, such jurisdiction prevails:

- Attorney General. Registration with the Attorney General's office is required for any subdivision of 50 or more lots. Condominium developments of more than 10 units will require approval of the condominium documents by the Attorney General. Those of 10 units or less will require approval by Town Counsel.)
- Fish and Game Department
- Department of Health and Welfare
- Water Resources Board
- Department of Public Works and Highways
- Department of Environmental Services. Any subdivision, any lot of which is less than five acres in area, must be approved by the Water Supply and Pollution Control Division.

2. Copies of all required Federal, State or local permits or approvals, along with copies of the applications for such permits and any correspondence related thereto, shall be submitted with the final application. Notwithstanding this condition, it is recommended that applicants who require such permits not apply for them until after presentation of a preliminary site development plan to the Board, in order to coordinate the various levels of review.

3. In order to minimize otherwise avoidable delays, copies of all legal documents, such as easements or performance bonds, shall also be submitted with the final application. Notwithstanding this condition, it is recommended that applicants not have such legal instruments drafted until after presentation of a preliminary site development plan to the Board. During preliminary consultation the appropriateness of a waiver for this, or any other, submission requirement may also be discussed.

O. CLUSTER OPTION. The Planning Board may, but is not required to, reduce conventional lot sizes, frontages, buildable acreage and setbacks for housing developments which meet the criteria outlined in Section V of the zoning ordinance, provided however that in no case shall

- Dimensional controls be reduced below the following minimums: 1 acre lot size, 1 acre contiguous buildable acreage, 40 foot front setback and 25 foot side and rear setback.
- The overall density of the development be greater than that allowed in the underlying district.

Applicants wishing to avail themselves of this option are encouraged to engage in preliminary consultations and, since cluster housing requires a special exception, to request a joint hearing with the Zoning Board of Adjustment.

P. OTHER REQUIREMENTS. The Board reserves the right to request additional information in the course of reviewing the proposed subdivision.

SECTION VI. APPLICATION SUBMISSION REQUIREMENTS : CONSOLIDATIONS

The following information shall be filed with all applications for consolidation at least 15 days prior to the regularly scheduled meeting at which the application will be formally submitted to the Board.

1. Copy of a property plan or, if not available, a copy of the relevant tax map.
2. A copy of a completed, properly signed application form along with all required filing fees or materials as specified in Appendix A.

In considering the merits of the application, the Board may request copies of deeds and other materials, depending upon the nature of the application.

Prior to final approval, an executed “Affidavit of Consolidation” must be submitted to the Board.

SECTION VII. APPLICATION SUBMISSION REQUIREMENTS: OTHER LOT LINE ADJUSTMENTS AND SUBDIVISIONS

A. PRELIMINARY REVIEW, CONCEPTUAL CONSULTATION PHASE. There is no application form and there are no submission requirements for a conceptual review. To make an

appointment for conceptual review the subdivider shall contact, and pay the required fee to, the Chairperson of the Planning Board, or his designee, at least 7 days before the regularly scheduled meeting of the Board. The scheduled review shall be published as part of the Board's agenda for that meeting.

B. PRELIMINARY REVIEW, DESIGN REVIEW PHASE. The following information shall be submitted with the design review application form:

1. Four copies of a plat with a good boundary survey showing the name of the applicant, the names of abutters, the location of all test pits and proposed leachfields, proposed lot boundaries, a location plan, the location of any proposed streets and driveways, the topographic and soils data required by Section V.F. and any other detail which the applicant wishes to discuss during the review process. Design review applications are subject to completeness review as described in Section IV.B. 4, and applicants may request waivers of submission requirements as provided in Section IV.B.3.
2. A statement that the critical features have been marked or flagged on the ground and that the site is ready for Board inspection. If, for any reason, all markings specified in Section IV.B.9 are not provided, other site inspections may be required.

The purpose of design review is to provide the subdivider with advice and direction in regard to his proposed subdivision in order to save time and to prevent otherwise avoidable changes during final review. If the design review is to achieve this objective, it is incumbent upon the subdivider to provide whatever additional information is necessary to allow full review of the key aspects of his particular proposal.

C. FINAL PLAT AND APPLICATION. The following information shall be filed with all applications for annexation, boundary line agreement, boundary line adjustment and/or subdivision approval 30 days prior to the regularly scheduled meeting at which the application will be formally submitted to the Board. **(Proposals for lot line adjustments shall note optional requirements, which are marked by asterisks as well as additional requirements in Section VII.C.4.)**

1. Five blue or black line paper prints that conform to the following specifications:
 - a. Show the name, address, license number and seal of the preparing surveyor.
 - b. Be a precise survey of lots of less than 20 acres (transit/theodolite/EDM/steel tape traverses); otherwise a tape and compass survey may be adequate. In all other respects, all surveys shall be prepared in strict adherence to the surveyors' ethics and standards specified in Chapter LAN 500, subchapter LAN 404, of the New Hampshire Code of Administrative Rules.
 - c. Have sheets that are 22" x 34" in size and which otherwise meet the requirements of the Hillsborough County Registry of Deeds.

- d. Have a plan scale no smaller than one hundred feet per inch (1"=100'), a bar scale, a complete map legend and a north arrow.
- e. Have a location plan of a scale adequate to clearly show the location of the subdivision.
- f. Show the name of the municipality and the name and address of the applicant in the title portion of the plat.
- g. Show the date of the survey, the type of survey and the date of the plat, as revised.
- h. Show the names of the owner and all abutters as indicated in the Town's records, accurate to not more than 5 days prior to the date of filing.
- i. Show all existing and proposed public and private rights-of-way and easements including those subject to conservation, preservation or agricultural preservation easements and/or restrictions, and the names and addresses of the holders of such easements.
- j. Show the Tax Map and Lot number, as well as the book and page number of all recorded deeds, for all lots within or abutting the subdivision.
- k. Show existing and proposed buildings and structures within 100 feet of the subdivision.
- l. Show existing and proposed lot lines, angles and dimensions, lot sizes in acres and square feet, consecutive numbering of lots (e.g. Lot 1, Lot 2, etc.) and number of feet of contiguous frontage for each lot.
- m. Indicate the zone of the property and show the zoning boundaries, if any.
- n. Show a minimum of two contiguous acres of buildable land for each lot (one contiguous acre for cluster proposals), excluding wetlands and slopes in excess of 25%.
- o. Show the names and right-of-way lines of existing and proposed streets within 100' of the subdivision.
- p. Show all existing and proposed monuments.
- q. Provide a signature block on every sheet to be recorded where the Board may affix its approval as follows:

Approved as a subdivision in accordance with the provisions of RSA 674 on _____ .

THE FRACESTOWN PLANNING BOARD

by _____, Chairperson
 by _____, Secretary

- r. Provide the statement: The approval of this subdivision is subject to the applicant complying with all applicable zoning and subdivision regulations, as well as with all conditions of approval as established by the Board and recorded in its minutes.
 - s.* Show all zoning setback lines in effect at the time of the application for subdivision.
 - t.* Show all existing and proposed public and private easements and right-of-ways.
 - u* Show existing and proposed driveways within 100 feet of the subdivision.
2. * Five copies of a map, or maps as determined by the size of the subdivision and the complexity of the required information, which are drawn to the same scale as the final plat (VII.C.1) and which clearly show the following:
- a. Topography as required in Section V.F.1.
 - b. Soils data as required in Sections V.F.2 and V.G.9.
 - c. A 4,000 square foot leachfield area for each lot as required in Section V.G.1.
 - d. The location of all test pits as required by Section V.G.7.
 - e. Location of existing and proposed 75’ well radii.
 - f. All open water, intermittent and perennial streams, wetland areas, wells and all existing and proposed drainage structures and ways within 100’ of the subdivision.
 - g. The location of all proposed curb cuts.
 - h. The location of any significant natural or man-made structures not specified in the above sections.

Maps shall contain no more information than can be clearly and easily read and interpreted.

The applicant may elect to show some of the above information on the final plat, rather than on back-up maps, and the Planning Board may require some of the supplemental information to be shown on the final plat, if, in the judgment of the Board, it is critical to the particular proposal.

3. Unless otherwise indicated in the text or noted parenthetically, one copy of the following information shall be submitted at the time the application is filed:

- a. Two copies of a completed, properly signed application form along with all required filing fees or materials as specified in Appendix A. Unless a request for waiver of professional review of technical information as a submission requirement is included with the application, fees for all necessary professional reviews. (See Section IV.B.4)
- b. Two copies of all required Federal or State permits or approvals, as well as copies of the applications for such permits and any correspondence related thereto. (1 copy for minor subdivisions.)
- c. A copy of all local permits or approvals, including any approvals of the Zoning Board of Adjustment required to bring the proposed subdivision into conformity with the Town's Zoning Ordinance.
- d. A written request for a waiver of any application submission requirement according to the specifications in Section IV.B.3.
- e. Two copies of all pertinent legal documents, such as easements or performance bonds, required by these regulations.
- f. One copy of a location plan drawn to the same scale as the applicable tax map(s).
- g.* A statement that all features specified in Section IV.B.9 have been properly marked on the ground and that the site is ready for Board inspection.
- h.* Two copies of the percolation and test pit results as specified in Section V.G.7. (1 copy for minor subdivisions)
- i.* A statement from the Chief of the Francestown Fire Department regarding the adequacy of fire protection as provided in Section V.K.
- j.* A written opinion from the Road Agent, as specified in Section V.B.10.
- k.* A statement indicating the future plans for that portion of the applicant's holdings which are not covered by the subdivision proposal, including the type of development, the estimated number of lots and the location of future roads.
- l.* If required by Section V.H, four copies of the erosion and sedimentation control plan plus fees for professional review.

m.* If any new streets are proposed, fees for professional review plus four copies of:

- A road engineering design plan showing all roads and drainage construction plans and profiles at a horizontal scale of 1" = 40' and a vertical scale of 1" = 4'.
- A construction proposal including construction material specifications, typical road cross-sections and construction methods, as well as an estimate of the full cost of the improvements.

n. Two copies of any required impact analyses along with fees for professional review.

4. In addition to the above submission requirements, the final plat for lot line adjustments shall include one of the following statements:

a. For boundary line adjustments and agreements: Only Lot #s _____ and _____ are, or shall be, recognized as lots of record. This subdivision is proposed solely for the purpose of establishing a new (or lost) boundary line and no new lots are being created.

b. For other lot line adjustments: Only lot #s _____ and _____ are, or shall be, recognized as lots of record. This subdivision is proposed solely for the purpose of annexing Lot # _____ to Lot # _____ and no new lots are being created.

Applications shall also be accompanied by a written statement indicating whether or not a septic system or driveway is, or is to be built, on any portion of the land which is being annexed or otherwise exchanged. Where septic systems or driveways are involved, the Board may require a site inspection prior to approving or denying the proposal.

5. No application shall be accepted until all the minimum submission requirements listed above have been submitted. Information that is inaccurately submitted, such as an improper plan scale, shall be judged to be incomplete.

Completion of all submission requirements does not necessarily mean that all requirements for subdivision approval have been met. The Board may request additional information during the course of the review or it may deny an application for reasons that shall be specified.

6. Waivers. As provided in Section IV.B, applicants may request a waiver of a submission requirement(s). The Board shall grant or deny a request for a waiver before acting to accept or reject an application. Requests for waivers of the following submission requirements shall be granted or denied only after a site inspection: high intensity soil maps, erosion and sedimentation control plans, road impact studies and other requirements, the necessity of which cannot reasonably be determined without an on-site inspection.

7. A mylar(s) for recording with the Hillsborough County Registry of Deeds is not an application submission requirement but must be submitted prior to the Board affixing its approval and must be accompanied by all required recording fees. The mylar, and the two final blue or black line

paper prints, shall include a notation by the surveyor that all permanent monuments, as required in Section V.L., have been physically set in the ground.

SECTION VIII. ADMINISTRATIVE, ENFORCEMENT AND MISCELLANEOUS

A. APPLICATION FEES. A fee schedule for the processing and review of an application, including applications for preliminary reviews, shall be set by the Planning Board and shall be periodically reviewed and updated. The fee schedule shall include reasonable fees to cover the cost of public notice(s), the Board's administrative expenses, recording fees and the costs of special investigative studies, review of documents and plans, compliance inspections and other matters that may be required by a particular application. The Board shall determine whether fees are to be paid to the Town or to a contractor or other agent for the Town and shall require that the estimated fees for any such services be paid prior to the service being rendered.

B. EXEMPTIONS. Every plat approved by the Planning Board and properly recorded in the Hillsborough County Registry of Deeds shall be exempt from all subsequent changes in subdivision regulations and zoning ordinances adopted by the town, except those regulations and ordinances which expressly protect public health standards, such as water quality and sewage treatment requirements, for a period of 4 years after the date of recording; provided, however, that once substantial completion of the improvements as shown on the plat have occurred in compliance with the approved plat, or the terms of said approval, the rights of the owner and his successor in interest shall vest and no subsequent changes in subdivision regulations or zoning ordinances shall operate to affect such improvements; and further provided that:

1. Active and substantial development of building has begun on the site by the owner or his successor in interest in accordance with the approved plat within 12 months after the date of approval, or in accordance with the terms of said approval, and, if a bond or other security to cover the costs of roads, drains or sewers is required in connection with such approval, such bond or other security is posted at the time of the commencement of such development
2. Development remains in full compliance with the public health regulations and ordinances as specified in this section; and
3. At the time of approval and recording, the plat conforms to the subdivision regulations and zoning ordinances then in effect at the site of such plat.

C. APPEALS. Any person aggrieved by an official action of the Board may appeal therefrom in accordance with the provisions of RSA 677:15.

D. PENALTIES. Any owner, or agent of the owner, of any land located within a subdivision who transfers or sells any land before a plat of said subdivision has been approved by the Planning Board and recorded with the Hillsborough County Registry of Deeds shall forfeit and pay a penalty of \$1,000.00 for each lot or parcel so transferred or sold: and the description by metes and bounds in the instrument of transfer or other document used in the process of selling

or transferring shall not exempt the transaction from such penalties. The Town may enjoin such transfer or sale and may recover the said penalty by civil action. In any such action the prevailing party may recover reasonable court costs and attorney fees as may be ordered by the Court.

Any violation of these regulations shall be subject to fines and penalties as provided in RSA 676:17, and as amended.

E. VALIDITY. If any section, subsection or phrase of these regulations is found for any reason to be invalid in a court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of these regulations.

F. AMENDMENTS. These regulations may be amended or rescinded by the Planning Board following a public hearing on the proposed change or changes. The Chairperson of the Board, or his designee, shall transmit a record of any changes so authorized to the Office of State Planning, the Board of Selectmen and the Town Clerk.

G. EFFECTIVE DATE. The effective date of these regulations shall be September 4, 2001.

Amended September 4, 2001

THE FRANCESTOWN PLANNING BOARD

In 1998 the legislature amended RSA 676:4 to require the Board act within 30 days of the filing of an application. Depending on when an application is filed in relationship to our regular meeting, it may be logistically impossible for us to act within that time frame without violating the procedural requirements of our regulations and/or other sections of RSA 676:4. Although we recommend that you follow our procedures outlined in Section IV of the Subdivision Regulations, you may request a waiver of those regulations. In that case, a special meeting of the Board would probably have to be scheduled. Further, because of time constraints, we will not conduct either a completeness review or a site walk prior to the formal submission to the Board and public notice will cover only the submission of the application. The entire Board will conduct the completeness review at the time of formal submission and set a date for an additional public hearing - for which additional notice will have to be provided - to discuss the merits of the case. It is also possible that the initial hearing will have to be continued because, in some cases, the Board cannot grant waivers for submission requirements unless it has first conducted a site inspection. In terms of time, money and the quality of discussion, we believe we can provide you with better service under our normal procedures than we can under those that would be necessitated by our strict compliance with state statutes.