



TOWN OF GRANTHAM, NH

**SUBDIVISION
REGULATIONS**

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SECTION 1. ADOPTION

- 1.01 Authority: Pursuant to the authority vested in the Grantham Planning Board by voters of the Town of Grantham and in accordance with the provisions of Chapter 674: Section 35, N.H. Revised Statutes Annotated, 1975, the Grantham Planning Board adopts the following Regulations governing the Subdivision of land in the Town of Grantham, New Hampshire, for the purpose of creating conditions favorable to the health, safety, convenience and prosperity of the Town.
- 1.02 Title: These Regulations shall be known as the Town of Grantham Subdivision Regulations, and hereinafter referred to “these Regulations”.
- 1.03 Waivers: The Board reserves the right to waiver requirements of these Regulations in the course of reviewing any proposed Subdivision or Annexation when such requirement are not applicable and when such waiver will not demean the purpose of the regulation. Any waiver granted must be in writing.

SECTION 2. APPLICATION PROCEDURE

- 2.01 General: Any owner wishing to carry out a Subdivision or Annexation, as defined in these Regulations, (Sections 5.05 for Annexation and 5.35 for Subdivisions), must file an application for approval with the Board on the appropriate form and follow required procedures, including, for Annexations, sections 2.04 through 2.09.
- 2.02 Non-Binding Consultation & Review: In order to save expense and unnecessary changes later on, an owner may appear at any meeting of the Board for a discussion of his proposed concept in general terms and for a review of applicable Subdivision regulation, application forms, necessary supporting maps and documents. There is no application fee or time limit for this nor is this consultation and review binding in any way on either the applicant or the Board.
- 2.03 Subdivision Review and Hearing
- A. General: There are two (2) types of Subdivision review and hearings; preliminary and final. Only the latter is obligatory. Each requires the prospective Subdivider to apply to the Board in writing on the appropriate application (see Sections 2.04 and 2.05) and to pay the necessary costs (see Section 2.06). Each requires the Board to notify and hold at least one public hearing (see Section 2.09).
- B. Preliminary: If an owner wishes a review of his project which goes beyond discussion of the proposed Subdivision in conceptual form, he may apply to the Board in writing on the appropriate application form (see Exhibit A), and pay the required fees (Section 2.06). The Board shall then give public notice

of the Preliminary Subdivision Review in accordance with Section 2.06 of these Regulations.

The Preliminary Review shall be conducted only at meetings of the Board. The Board may review the proposal in detail and receive testimony in person or in writing from any applicant, any abutter or any other person permitted by the Board. The Board may, but is not required to, give a response to the applicant with respect to the proposal as a whole or any portion of the proposal. Such Preliminary Review shall bind neither the applicant nor the Board. A meeting on a particular Preliminary Review may be adjourned to continue on a specific date with no further notice of the meeting required.

- C. Final: Any owner desiring approval for Subdivision of land or for building development, as defined in these regulations, MUST apply to the Board in writing on the designated application form (Exhibit A or B) and pay the required fees (Section 2.06).

The Board shall: 1) give public notice and notify the abutters, 2) the person who have signed or sealed any plan to be considered (Amended 1/4/96), 3) the applicant, 4) and anyone holding conservation, preservation and agricultural preservation restrictions on land abutting the property being considered for Subdivision (Amended 10/02/97) of the Meeting (Hearing) at which the Application will be considered for acceptance; (give the applicant receipt certifying acceptance of the application BUT ONLY IF the application is voted to be complete and all costs of notice of the application have been paid. A hearing on the particular Final Review may be adjourned to continue on a specific date with no further notice of the re-convened hearing required.

- 2.04 Application for Subdivision or Annexation Approval: The completed application shall 1) be in the form attached to these Regulations as Exhibit B for Minor Subdivision, Exhibit C for Annexations, or Exhibit A for all other Subdivisions; 2) conform to the requirements and specifications outlined in these Regulations and 3) specify the regularly scheduled meeting of the Board at which consideration of the application will be requested.
- 2.05 Filing of Application: The applicant shall file an application by delivering the application with the appropriate checklist, the names and addresses of the abutters, any persons who have signed or sealed any plan to be considered (Amended 01/04/96), and the names of all holders of conservation, preservation and agricultural preservation restrictions on land abutting the property being considered for Subdivision and the necessary material, to the designated agent of the Board a minimum of fifteen (15) days (not including holidays and weekends) days prior to the application will be requested. If the agent finds the application to be complete and timely in her (his) opinion, (s)he shall schedule a date for submission to the Board according to Section 2.07. The Board may request that

additional information be submitted prior to voting to accept the application as complete.

- 2.06 Notice of Application: Costs: The Board shall notify the abutters, the persons who have signed or sealed any plan to be considered (Amended 01/04/96), the Applicant, and any who hold conservation, preservation and agricultural preservation restrictions on land abutting the property being considered for Subdivision (Amended 10/02/97) by certified mail, of the date upon which the completed application will be submitted to the Board. Such notice shall be mailed at least ten (1) days prior to such submission. Such notice shall also be given to the general public by posting a copy of the notice in two (2) public places in the town at the same time that notice is mailed to the applicant and the abutters. The notice shall include a general description of the proposal which is the subject of the application. The Board may also give notice by regular mail to other landowners in the vicinity of the Subdivision. The Board may also give notice to the general public by publication in a newspaper of general circulation in the Town with notice to be in such form and published as often as the Board shall determine. All costs of such notice shall be paid in advance by the applicant. Failure to pay such costs shall constitute valid grounds for the Board to terminate further consideration and to disapprove the plat without a public hearing.
- 2.07 Submission of Completed Application: The completed application shall be submitted to an accepted for review by the Board at the public meeting of the Board specified in the notice provided for in Section 2.06. The Board shall give the applicant a receipt certifying acceptance of the application but only if the application is voted complete and all costs of notice of the application have been paid.
- 2.08 Formal Consideration: Time Limits: The Board shall begin consideration of the final application within thirty (30) days after the date of the regular public meeting at which the completed application is submitted to and accepted by the Board pursuant to Section 2.07. The Board shall act to approve or disapprove the application within ninety (90) days from the time the application is received by the Board or its designee (Amended 10/02/97), provided, however, that the Board may apply to the Selectmen of the Town for an extension not to exceed an additional ninety (90) days before acting to approve. Upon failure of the Board to approve or disapprove the application within the foregoing time periods, the applicant may obtain from the Selectmen an order directing the Board to act within fifteen (15) days. Failure of the Board to act upon such order of the Selectmen shall constitute grounds for the Superior Court, upon petition of the applicant, to issue an order approving the application, if the Court determines that the proposal complies with existing Subdivision Regulations and zoning and other ordinances.
- 2.09 Public Hearings: Notice of Public Hearing: Except as provided in this Section, no application may be denied or approved without a public hearing on the

application. Notice of the hearing shall be given in the same way and with the same time limits as notice of submission of the application under Section 3.06 of these Regulations. The Board may give notice of submission and notice of the public hearing in the same notice. Additional notice of an adjourned session of a Public Hearing is not required if the date, time and place of the adjourned session is made known at the prior hearing. At the hearing, the applicant, any abutter or any person with a demonstrable interest in the matter may testify in person or in writing. Other persons may testify as permitted by the Board at each hearing. Public Hearings shall not be required when the Board is considering or acting upon 1) Minor lot line adjustments or boundary agreements which do not create buildable lots, except that notice to abutters and the persons who have signed or sealed any plan to be considered (Amended 01/04/96) shall be given prior to approval of the application in accordance with Section 2.06 and any abutters may be heard on the application upon request to the Board; or 2) disapproval of applications based upon failure of the applicant to supply information required by the Regulations or upon failure to meet reasonable deadlines established by the Board; or failure to pay cost of notice or other fees requires by the Board.

- 2.10 Disapproval: In case of disapproval of any application, the grounds for such disapproval shall be adequately stated upon the records of the Board and a copy thereof shall be mailed to the applicant within seventy-two (72) hours after the decision is made.
- 2.11 Review Fees: In addition to the fees for notice of submission of a Subdivision application and of the public hearing on such application as provided for in Section 2.06, the Board may impose reasonable fees to cover its administrative expenses and costs of special investigative studies, review of documents and other matters which may be required by particular application. Such fees may be imposed by the Board to cover fees and disbursements of consultants to the Board, including, but not limited to, engineers, surveyors, lawyers, and community planners. Such fees shall be paid or provided for in advance to the satisfaction of the Board.
- 2.12 Filing with the Register of Deeds and Division of Water Supply and Pollution Control (Amended 01/04/96): An approved Subdivision or Annexation plat shall be recorded by the Planning Board within ten (10) days of approval with the Sullivan County Register of Deeds prior to any sale, resale or transfer of land within the Subdivision or Annexation. All recording expenses shall be paid by the owner. A copy of any approved Subdivision plan which created one or more buildable lots shall also be forwarded by the Board to the Division of Water Supply and Pollution Control within 30 days of its approval (Amended 01/04/96).
- 2.13 Acceptance of Streets and Open Space: No streets or open space may be accepted by the Town until such time as all improvements have been carried out as shown on the final plat, in accordance with the requirements of these Regulations and

subject to any conditions established by the Planning Board at the time of final plat approval.

- 2.14 Land Divided by Public Rights-of-Way: Any transfer, conveyance or sale of land held in one ownership but already divided into lots or parcels of land by an existing public right-of-way shall not be considered a Subdivision for the purpose of these Regulations and shall not be required to conform to the procedures set forth herein.
- 2.15 Annexation Procedure: Any Annexation as defined in Section 5.05 shall be submitted to the Board for review. The following conditions shall be met in all cases:
- A. A general map shall be prepared and submitted to the Board showing the original boundaries of the adjacent parcels in question.
 - B. A detailed survey map shall be prepared and submitted to the Board showing the new property line or lines created as a result of the Annexation, and shall be recorded as in Section 2.12.
 - C. The following language shall be included on every Annexation plan: (one party) If the Annexation involves a deed transferring ownership of the premises to be annexed, the following language shall be included in said deed: “The owner(s) agree(s) that by the recordation of this plan, the described premises shall be regarded as merged and made integral parcel(s) so that each lot shall hereafter be a single lot of record.” (two parties) “The grantee(s) by virtue of acceptance of this deed agree that the premises hereby conveyed shall not be deemed or considered a separate lot of record, but shall be regarded as merged into and made an integral part of the contiguous lot of land previously owned by the grantee(s) so that the same shall hereafter be one combined single lot of record.”
 - D. The applicant files application for approval of the Annexation with the secretary of the Planning Board and requests meeting with the Board to submit same. The application shall be filed with the secretary a minimum of fifteen (15) (not including holidays and week-ends) days prior to the above meeting. The application shall include the names and addresses of the applicant and all abutters as indicated in Town records not more than five (5) days before the date of filing.
 - E. Accompanying the application shall be a signed written agreement between the parties relative to the Annexation if more than one party is involved.
 - F. The applicant is responsible for obtaining the list of immediate abutters and the persons who have signed or sealed any plan to be considered [Amended

1/4/96] and paying the fees for notification of the same [Amended 1/4/96] and advertising the meeting at which the Annexation request shall be considered.

SECTION 3. PLAN REQUIREMENTS

General:

3.01 Compliance with Master Plan, Other Ordinances and Regulations: All Subdivisions shall be in harmony with the Master Plan, when such exists; shall be in conformance with all other applicable State and local by-laws, ordinances and Regulations relative to health, building, roads and other pertinent data. The Subdivider is to be aware of the obligations and standards with which the proposed Subdivision must comply.

No Subdivision of land shall be made, and no land in any proposed Subdivision shall be sold, transferred, leased, altered or developed, and no street or utility construction shall be started until a final plat, prepared in accordance with the requirements of these Regulations, has been approved by the Board and other required permits have been issued. The penalty for transferring lots in an unapproved Subdivision shall be as prescribed in RSA 676:16.

The Subdivider may avail himself of the assistance of the Board before preparation of applications or plans. No building permit, for building related to a proposed Subdivision, shall be granted prior to review and approval of said Subdivision by the Planning Board.

All driveways and similar accesses to any Class I or Class III highway or the state-maintained portion of a Class II highway shall conform to the regulations specified in New Hampshire RSA 236:13. All other driveways and other similar accesses to any Town of Grantham highway shall conform to the Town of Grantham Driveway Regulations as passed by the Town Meeting on March 11, 1980. Furthermore, if the judgment of the Planning Board is that proposed private road(s) in a proposed Subdivision may become the Town's responsibility in a foreseeable future time frame, the Planning Board may require, at its discretion and as a condition for approval of such Subdivision, that all driveways within the proposed Subdivision will conform to the Town of Grantham Driveway Regulations. [Added August 5, 1993]

3.02 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. All proposals shall be consistent with the need to minimize flood damage. Land with inadequate characteristics or capacity for sanitary sewage disposal shall not be subdivided for residential, commercial or industrial Subdivision purposes, unless connected to an approved sewage system.

3.03 Premature Subdivision Development: Scattered or premature Subdivision of land as would involve danger or injury to health, safety, or prosperity by reason of lack of water supply, drainage, transportation, school, fire department, or other public services, or necessitate an excessive expenditure of public funds for the supply of such services shall not be approved by the Board.

Submission may contain or be accompanied by the following maps and information:

- A. Property survey map for the entire are of the parcel being subdivided plus an additional area one hundred (100) feet deep completely around said parcel, showing perimeter boundary of said parcel, topography, water area (both permanent and intermittent streams, rivers, ponds, lakes and wetlands), existing roads, easements, structures, and other existing physical features;
- B. Property location map showing proposed Subdivision in relation to major roads, community facilities and utilities of the Town;
- C. The Board may request further detailing of information and additional meeting before advising the Subdivider to proceed with preliminary layout design. All material submitted in this phase will be included with subsequent preliminary layout and final plat submissions.

3.05 Submission Requirements – Preliminary Review: The preliminary layout may be drawn in pencil, and eight (8) paper print copies submitted. Dimensions may be approximate; the data may be tentative, but shall be sufficiently clear to illustrate all conditions and establish the basis and clarify the design requirements for the Subdivision final plat. Maps shall be at a scale of not more than one hundred (100) feet per inch unless otherwise specified by the Board.

The following information shall be required unless otherwise specified, in writing, by the Board:

- A. Name of municipality and Subdivision, name and address of the Subdivider and agent;
- B. Boundaries and area of entire parcel, whether or not all land therein is to be subdivided, north point, bar scale, data and dates of any revisions;
- C. Names and addresses of abutting property owners and the persons who have signed or sealed any plan to be considered [Amended 1/4/96], and anyone holding conservation, preservation and agricultural preservation restriction on land abutting the property being considered for Subdivision [Amended 10/02/97], Subdivision(s) and buildings within two hundred (200) feet of the parcel to be subdivided, and intersection roads and driveways with two hundred (200) feet of the parcel to be subdivided.

- D. Existing and proposed street right-of-way lines, street profiles, widths of streets, proposed names of new streets, existing and proposed lot lines, with angles and dimensions.
- E. Location of existing and proposed easements, deed restrictions, water courses, flood prone areas, significant natural and manmade features, sanitary sewers, storm water drainage lines, drainage structures, drainage ways, and when applicable, existing buildings, accessory buildings, parks and open space.
- F. Boundaries and designations of zoning districts, if any, lying within the Subdivision, municipal boundary, if any, and land use designation from Master Plan.
- G. Methods of sanitary sewage disposal and water supply information.
- H. Soil mapping units and boundaries, soil tests as required.
- I. A statement of conditions of land as to soil suitability for development.
- J. A statement of work required on existing streets to meet the minimum standards set herein.
- K. Existing and future Subdivisions, if any, in and adjacent to the subject Subdivision.
- L. A statement and contours in sufficient detail to indicate clearly the method of storm water drainage on and off the Subdivision.
- M. Watershed areas, preliminary drainage analysis and preliminary drainage computations.

3.06 Submission Requirements – Final Layout: The final plat shall be original or wash-off mylars only, (Diaz will not be accepted). It shall be submitted in one (1) polyester film copy and eight (8) paper print copies. Sheet sizes shall be in accordance with requirements of the Registrar of Deeds, which are: 8.5x11, 11x14, 17x22, 22x34. Maps shall be at a scale of not more than one hundred (100) feet per inch. Space shall be reserved on the plat for endorsement by the Planning Board and all appropriate agencies. The final plat shall be consistent with the approved preliminary layout, if such preliminary layout is required.

The plat shall contain the following statement: “The Subdivision Requirements of the Town of Grantham are a part of this plat, and approval of this plat is contingent on completion of all the requirements of said Subdivision Regulations, excepting only any variances or modifications made in writing by the Grantham Planning Board and attached hereto.” The final plat Subdivision shall contain the following maps and information:

A. Plat

1. Names and addresses of abutting property owners and persons who have signed or sealed any plan to be considered [Amended 1/4/96], and anyone holding conservation, preservation and agricultural preservation restriction on land abutting the property being considered for Subdivision, [Amended 10/2/97] Subdivision(s) and buildings within two hundred (200) feet of the parcel to be subdivided, and intersection roads and driveways with two hundred (200) feet of the parcel to be subdivided.
2. Boundaries and area of the entire parcel, whether or not all land therein is to be subdivided (in whatever manner is practical, the Subdivision boundary shall be referenced to some point, i.e. public street intersection of U.S.G.S. bench mark); north point, bar scale, date and dates of any revisions.
3. Names and addresses of abutting property owners, and persons who have signed or sealed any plan to be considered (Amended 1/4/96), and anyone holding conservation, preservation and agricultural preservation restriction on land abutting the property being considered for Subdivision. (Amended 10/02/97) Subdivision(s) and building within two hundred (200) feet of the parcel to be subdivided, and intersection roads and driveways with two hundred (200) feet of the parcel to be subdivided.
4. Existing and proposed lot lines, angles and dimensions, lot sizes in square feet and acres, consecutive numbering of lots, suitable markers at lot corners.
5. All requirements A-M under Section 3.05 unless specifically waived by the Board.

B. Final Subdivision Application: The following plans and documents must be submitted with the application or the requirement of submission must be waived by the Board; otherwise the application will not be complete and will not be accepted by the Board for review. Provide a minimum of two (2) copies of each item except as otherwise specified.

1. Maps

- a. Final Plat: The final plat will show the following information and shall conform to the following specifications:
 - i. Be in permanent black ink on permanent reproducible polyester film, submitted in one (1) polyester film copy and a minimum of eight (8) blue or black line paper prints;

- ii. Have sheet sizes (final plat) in accordance with requirements of Sullivan County Registrar of Deeds;
- iii. Have scale no smaller than one hundred (100) feet per inch unless otherwise permitted by the Board;
- iv. Be prepared, signed and sealed by a New Hampshire Registered Surveyor or Engineer;
- v. Include the name of municipality and Subdivision, name and address of the Subdivider;
- vi. Show boundaries and area of the entire parcel, whether or not all land therein is to be subdivided (in whatever manner of practical, the Subdivision boundary shall be referenced to some point, i.e. public street, intersection or U.S.G.S. benchmark); north point, bar scale, date and dates of any revisions;
- vii. Show names and addresses of abutting property owners and persons who have signed or sealed any plan to be considered (Amended 1/4/96), and anyone holding conservation, preservation and agricultural preservation restriction on land abutting the property being considered for Subdivision, (Amended 10/02/97) Subdivision(s) and buildings within two hundred (200) feet of the parcel to be subdivided, and intersection roads and driveways with two hundred (200) feet of the parcel to be subdivided.
- viii. Show existing and proposed street right-of-way lines, dimensions of tangents, chords and radii; have points of curvature and tangency of curved streets; and angles to lot lines; have names of existing and proposed streets;
- ix. Show existing and proposed lot lines, angles and dimensions, lot sizes in square feet and acres; consecutive numbering of lots, suitable markers at lot corners;
- x. Show location of existing and proposed easements and areas affected by existing and proposed covenants, reservations and restriction, benefiting or burdening the property;
- xi. Show location of existing and proposed parks and other open space if any, and significant natural and man-made features;
- xii. Show location of existing and proposed utilities, wells, septic systems, buildings, drives, parking areas, storm water drainage

lines, drainage structures, and drainage ways;

- xiii. Show location and type of all proposed and existing survey monuments;
- xiv. Space shall be reserved on the plat for endorsement by the Planning Board;
- xv. The plat shall contain the following statements; “The Subdivision Requirements of the Town of Grantham are a part of this plat, and approval of this plat is contingent on completion of all the requirements of said Subdivision Regulations, excepting only any variances or modifications made in writing by the Grantham Planning Board and attached hereto.”
- xvi. All final plats will be filed at the Sullivan County Registry of Deeds in person by the Planning Board Chairman or his/her designated alternate. There will be no exceptions to this procedure. [Added July 7, 1994]

- b. Site Location Map: The site location map shall show the location of the proposed Subdivision in relation to the general area of the Subdivision, including all public and private roads and utility lines within two hundred (200) feet of the Subdivision and all parcels of land and, whenever possible, building, wells and private driveways within two hundred (200) feet of the Subdivision.
- c. Topographic Map: The topographic map shall be drawn to the same scale as the site survey and shall show existing topography and proposed changes in topography. Also, all low points, high points and other areas needing spot elevations shall be shown. Contours shall be shown in dashed lines. Contour lines shall extend a minimum of two hundred (200) feet beyond the Subdivision boundary. Contour lines are to be actual and not interpretations of USG maps.
- d. Soils Map: The soils map shall be drawn to the same scale as the site survey and 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.
- e. Hydrology Map: The hydrology map shall be drawn to the same scale as the site survey and shall show all surface water on and within two hundred (200) feet of the site including rivers, streams, intermittent streams, lakes, ponds, marshes, wetlands, areas of high and moderate ground water

favorability, flood prone areas (see Section 2.24 of the Subdivision Regulations), and drainage ditches and swales.

2. Traffic: An analysis of the traffic to be generated by the proposed Subdivision including direct and indirect volume of traffic, impact on the area surrounding the Subdivision and the Town as a whole, capacity of the public roads leading to the area of the Subdivision to serve the Subdivision safely and efficiently, and statement of work required on existing roads serving or leading to the Subdivision to meet the minimum road standards set forth in the town's Subdivision Regulations shall be presented.
3. Soils: Results of all soil tests including dates, locations by reference to soil map, percolation rates, soil profile with depth to ledge, clay, hard pan and existing and seasonal high water table, and analysis of suitability of soils in areas proposed for septic systems, roads, drives, and buildings including U.S. Soil Conservation Service rating of the affected soils for the proposed uses taking topography into account. If the property is presently being farmed, describe the effect of the proposed Subdivision on the farming activity.
4. Sewage Disposal: Septic systems must be designed and constructed, at a minimum, in compliance with State Design Criteria; more stringent standards may be imposed in specific cases, including but not limited to the protection of the water quality of wells, wetlands, water bodies and aquifers.
5. Water Supply: All proposed water supply plans, in detail, with a description and analysis of proposed water supply including computation of requirements and analysis of source in terms of flow rates and quality.

Public Water Supply systems (systems which will serve more than twenty-five (25) persons for sixty (60) days or more per year) must be designed and constructed, at a minimum, in compliance with State Design Criteria. For hook-up to existing water supply systems, provide two (2) copies of a statement of acceptance into the system by system management.

6. Surface Water Run-off, Sedimentation, and Erosion: All plans to control surface water run-off so as to protect surface water quality and prevent sedimentation and erosion. Such plans should include the following information:
 - a. Identification of all easements, express or implied, for the drainage of surface water onto or across the property from other properties, and from the property onto or across the properties. Cross reference the easements to the documents provided in response to Item LXVI of this application.
 - b. Identification of the complete watershed area within which the property is located with boundaries marked on the applicable U.S.G.S. Topographic

Maps.

- c. Computation of rate of run-off before and after completion of the Subdivision for a ten (10) year, twenty-four (24) hour rainfall.
 - d. Computation of storm water drainage capacity based on estimated rate of run-off for a ten (10) year, twenty-four (24) hour rainfall following completion of all phases of the Subdivision including impact on downstream drainage structures.
 - e. Drawing, specifications and calculations for each proposed run-off, erosion and sediment control measure, including identification of and location of natural drainage ways on the property and surrounding area and the location of the proposed measures for run-off, erosion and sediment control including provision for adequate buffer zones (not less than one hundred (100) feet measured horizontally) between developed areas (e.g. roofs, drives, parking area, etc.) and surface water, with the distance measured to the top of the bank above the surface water.
 - f. Analysis and description of the impact of the proposed Subdivision surface water quality.
7. Grading and Drainage Plan: This plan shall be submitted on a separate sheet or sheets and shall provide the following information for the entire area of the proposed Subdivision, unless there is a determination by the Board that a lesser area is sufficient:
- a. Basic street and lot layout, with all lots numbered consecutively.
 - b. Location of all existing buildings and approximate location proposed buildings.
 - c. Contours of existing grade at intervals of not more than five (5) feet. Intervals less than five (5) feet may be required depending on the character of the topography (see Section 5.03, I.C.) Contour lines shall extend a minimum of two hundred (200) feet beyond the Subdivision boundary. Contour lines are to be actual and not interpretations of U.S.G.S. maps.
 - d. Final identification, location, elevation, grades and/or contours at intervals of not more than two (2) feet (less interval may be required depending on topography) for the existing and proposed drainage ways, drainage easements, drainage structures and water bodies.
 - e. Final identification and relative location of proposed soil erosion and sediment control measures and structures.

- f. Analysis and description of the impact of the proposed Subdivision on surface water quality.
- g. Final drawing, details, and specifications for proposed flood hazard prevention measures and structures and for proposed storm water retention facilities.
- h. Final slope stabilization details and specifications.
- i. A timing schedule indicating the anticipated starting and completion dates of the Subdivision development and time of exposure of each area prior to the completion of effective soil erosion and sediment control measures.

NOTE: The Subdivider shall bear the final responsibility for the installation and construction of all required drainage, slope stabilization, soil erosion and sediment control measures and structures according to the provisions of these Regulations.

- 8. Solid Waste: Description and analysis of solid waste to be generated by the proposed Subdivision and plan for disposal of wastes, including hazardous wastes, other than ordinary residential waste.
- 9. Open Space: Description of areas to be set aside for park or playground use, open space, or other public or private reservation, with designation of the purpose thereof, and conditions, if any, of the dedication or reservation.
- 10. Police Protection: A description of any feature of the proposed Subdivision which may require more than routine police protection.
- 11. Fire Safety: An analysis of and plans to assure fire safety including fire safety of building, access by men and equipment to the site and to buildings on the site, and availability and adequacy of water supply for fire fighting. Depending on the nature of the Subdivision, an analysis of forest fire danger may be required.
- 12. Existing and Planned Land Use: A description of existing land use in the area of the proposed Subdivision and any proposed changes known to the applicant. Comment on the relationship, compatibility and impact of the proposed Subdivision on existing and proposed land use in the area. For commercial Subdivision describe plans for screening and building placement.
- 13. Impact of Subdivision: Analysis of the proposed Subdivision's direct and secondary fiscal impacts and direct and secondary impacts on population growth and school enrollment. The analysis should cover the development period on a year by year basis plus the fifth year following completion of the development. Fiscal impacts should be calculated on the basis of constant

dollars and tax rates and assessment ratios in effect at the time the analysis is prepared. For Subdivisions which are being carried out in phases, the analysis should reflect the timing and cumulative impact of all phases.

14. Construction Plans:

- a. Plans: Plans of all areas to be disturbed for construction of streets, drives, drainage ways, and structures; sewer, water and electric lines, erosion and sediment control structures, and other areas to be disturbed for the construction of improvements shall be made with existing topography shown in dashed lines and proposed contours shown in solid lines at a contour interval no greater than two (2) feet plus spot elevation, soil types and boundaries shown in dotted lines, existing tree lines and proposed trees and all other plantings, edge of all paved or gravel areas, location and size of all structures, piping and other materials, horizontal curve data at street center lines, center line stationing of all proposed roads at fifty (50) foot intervals and the location of all adjacent lot lines with the lot numbers of each lot taken from the site survey. Plans shall be drawn at a scale of not more than one (1) inch equals fifty (50) feet.
- b. Profiles: Profiles of all proposed roadways (including rivers) showing existing and proposed elevations along the center lines; and all structure, piping and other materials. Profiles shall be drawn at a scale of one (1) inch equals fifty (50) feet horizontal scale and one (1) inch equals five (5) feet vertical scale.
- c. Cross Sections: Cross-sections of all areas to be disturbed for the construction of all proposed roadways shall be required at one hundred (100) feet intervals showing existing grades, proposed subgrades, proposed final grades, and all utilities and other structures. Cross-sections shall be drawn to a convenient scale of not more than one (1) inch equals ten (10) feet, both the horizontal and vertical scales shall be the same.
- d. Details: Construction details of all roadways, curbing, sidewalks, drainage structures, sediment and erosion control structures and any other required improvements shall be shown at a convenient scale.

15. Performance and Maintenance Bond:

- a. Submit (2) copies of the proposed performance bond or irrevocable letter of credit or other type or types of surety and security providing for an securing to the town the completion of the actual construction and installation of all improvements and utilities and their maintenance for one (1) year.

- b. Subdivider's engineer shall furnish to the Board an estimate of the full cost of all improvements.
- c. The Board may endorse acceptance of the performance bond or surety and security in the form endorsed by the legal counsel to the Town. Documents establishing the bond or surety or security to be prepared and reviewed at Subdivider's expense and approved by Town Counsel.

16. Title Matters and Legal Data:

- a. All present or proposed easements, covenants, reservations or restrictions benefiting or burdening the property. The location of all areas affected or to be affected thereby shall be clearly identified by appropriated reference to the site survey.
- b. Names and addresses of all persons having a beneficial interest in the property.
- c. Copy of most recent recorded deed to the property.
- d. Agreement to convey to the Town land to be used for streets, open space and other public purposes, with transfer of title to such interests to be effective on such date as the Town accepts such land.
- e. Description of easements and rights-of-way for public purposes over property to remain in private ownership.
- f. Descriptions of easements to drain onto or across other property, whether public or private, including a street.
- g. Performance and maintenance bonds, described in Section XV.
- h. A written acknowledgement of the Subdivider's responsibility for maintenance of easement areas, and the assumption by the Subdivider liability for injuries and damages that may occur on lands to be dedicated for public use, until such land has been legally accepted by the Town.

17. Agency Approvals: Submit (2) complete copies of all applications submitted to, communications with, and approvals from any Federal, State, or Town Agency have jurisdiction over any aspect of the proposed Subdivision including the following:

- New Hampshire Water Supply and Pollution Control Commission
 - Significant Alteration of Terrain
 - Septic Systems
 - Water Supply Systems

New Hampshire Department of Highways
- Driveway Permit

New Hampshire Fish & Game Department
New Hampshire Water Resources Board
New Hampshire Wetlands Board
- Dredge and Fill Permit

The Grantham Planning Board reserves the right of review and approval, as it deems necessary, of all plans submitted to, and approvals granted by any Federal, State or Town Agency having jurisdiction over any aspect of the proposed Subdivision.

3.07 Minor Subdivision Requirements:

- A. A proposed Subdivision shall be classified as a Minor Subdivision if it meets the following requirements:
1. The land shall be subdivided into no more than three lots or sites, (except as provided in subparagraph 2 below).
 2. Any lots created which are to be used for woodlots or open space and which are restricted by deed against any habitable building shall not be counted toward the three (3) lot limitation.
 3. No streets or roads, other than private roads are to be created, extended or widened.
 4. On-lot sewage disposal and water supply are planned.
 5. The property has not been subdivided in the last ten (10) years.
 6. The Board determines that the proposed Minor Subdivision is not an attempt to evade the general Subdivision Regulations by series of Minor Subdivisions.
- B. Procedures: (See Exhibit B) A Subdivider may make application for approval of Minor Subdivision by submitting to the Board a map showing the boundaries and dimensions of the proposed Subdivision and its lots, access, the improvements thereon and topographical features, abutters, the proposed uses of the lots and applying for classification of the proposed Subdivision as a Minor Subdivision. The Board may require additional information. If the Board determines that the proposed Subdivision should be so classified it shall so notify the Subdivider who shall submit a final plat. Submission procedure and hearing document for Minor Subdivisions shall be in accordance with

these Regulations, with the following exceptions:

1. The following Sections shall not apply:
 - 3.04 Survey Phase
 - 3.05 Preliminary Layout
 - 3.10 Performance Bond
2. The final plat need only cover those lots for which transfer is contemplated.

3.08 Legal Data Required: Where applicable to a specific Subdivision, the following are required, in form as approved by the Town Attorney, prior to approval of the final plat:

- A. Easements and rights-of-way over property to remain in private ownership;
- B. Performance bond, described in Section 3.10 hereafter.

3.09 Filing Fee: A filing fee of \$50.00 shall be submitted by all prospective Subdividers as part of the final plat submission requirements, including Annexation. If land is to be divided into more than three lots or sites, a fee of \$10.00 per lot or site shall be submitted prior to any action by the Board to approve or disapprove the final plat. All reasonable costs incurred by the municipality in excess of the above mentioned fees shall be paid by the Subdivider prior to any action by the Board to approve or disapprove the final plat.

3.10 Performance and Maintenance Bonds: No Subdivision plat filed with the Board shall be approved until the Subdivider shall have filed with the Board an engineer's estimate of costs of streets, public improvements, drainage structures and other utilities, such as water and sewer together with maps, plans and supporting data, accompanied by a surety, acceptable to the Town, to be filed with the governing body, and to be deposited with the Selectmen. The amount of the performance bond shall include fees for inspection of improvements by the appropriate Town agents.

Each approval of a final plat shall contain a time limit within which streets and public improvements shall be completed, not to exceed three years, unless extended with the owner's consent by the Planning Board.

The performance guarantee shall not be released until the governing body has certified completion of the public utilities and improvements in substantial accordance with the requirements, and deeds covering land to be used for public purposes, easements and rights-of-way over property to remain in private ownership, and rights-to-drain onto or across private property are submitted in a form satisfactory to the Town Attorney.

All recording fees shall be borne by the Subdivider.

- 3.11 Soil Tests and Sewage Disposal: Sewage Disposal Design – Where individual, on-lot sewage disposal is proposed, the Subdivision shall conform to the following submission and design requirements regarding soils and sewage disposal:
- A. No Subdivision of land will be approved by the Board where it creates a building site that will not meet the minimum standards and design requirements imposed by the most recent regulations and standards of the State of New Hampshire Water Supply and Pollution Control Commission.
 - B. The Board may require the written approval of the New Hampshire Water Supply and Pollution Control Commission before approving any final plat.
- 3.12 Street Design: Proposed streets shall be in harmony and conformance with existing and proposed streets and the Town Master Plan and Official Map. Street patterns shall give due consideration to contours and natural features so as to avoid a grid pattern. Every proposed street in a Subdivision shall be laid out and constructed as required by the following standards:
- A. All streets shall be constructed, and all bridges, culverts, drainage structures, storm sewers, gutters, drainage ditches, and other improvements required by the Subdivision plat and accompanying documents, shall be installed in conformance with the standards and specifications set forth in Section 3.13.
 - B. The plan of any proposed Subdivision shall show all work required to connect and complete the improvements and utilities between the proposed street pattern and any connecting street in an existing Subdivision.
 - C. Where a proposed Subdivision abuts an existing street with an inadequate alignment, or right-of-way width, the Subdivision plat shall include a street dedication of all land needed to meet the standards established by these Regulations or as approved by the Board.
 - D. Streets shall intersect so that within seventy-five (75) feet of the intersection (measures at the right-of-way lines) the street lines are at right angles or at no time less than seventy-five (75) degrees. The grades of streets at intersections shall drop at the rate of one (1) foot in fifty (50) feet for a distance of fifty (50) feet from the edge of the traveled way of the existing street. No structure, planting or embankment shall impair corner visibility.
 - E. Multiple intersections involving a junction of more than two streets shall be prohibited.

F. The following standards shall apply to dead-end and cul-de-sac streets:

1. Streets may not exceed two thousand (2000) feet in length unless future extension is approved by the Board. [Amended August 4, 1994]
2. Turnarounds shall have a minimum of sixty (60) feet measured from the center point of the circle to the inside edge of the roadway.

G. Street shall be named in accordance with Town policy as adopted by the Selectmen. No street shall have a name which will duplicate or closely resemble the name of an existing street. The continuation of an existing street shall have the same name.

H. Minimum distance between center line and offsets at street jogs shall be one hundred and fifty (150) feet.

3.13 Street Design Standards: The classification of existing streets shall be as defined in the Town Master Plan or Official Map. The following standards of design shall apply to all streets: (see Exhibit D).

3.14 Street Improvements: In urban or village areas, the Board may require a greater width of right-of-way and paving, together with curbs and sidewalks.

In the case of a Subdivision involving the construction of one or more new streets, any existing streets which provides either frontage to new lots or direct or indirect access to new streets shall meet the minimum standards established in Section 3.13 for such streets except when special exceptions have been approved by both the Planning Board and the Selectmen for such streets. Where a Subdivision requires undue expenditures by the Town to improve existing streets to conform to minimum requirements, the Board shall disapprove such Subdivision until the Selectmen shall certify that funds for the improvements have been assured to the Town.

The Board shall impose reasonable limitations on the Subdivision of areas served by existing streets which do not meet the minimum standards established in Section 3.13. Factors to be considered in establishing such limitations may include, but are not limited to, the following: the standard to which the Town presently maintains such streets, the frontage and size of the proposed development of the area served by such streets, the present and potential traffic on such streets and compliance with Town's Master Plan. Such limitations shall be removed at such time as the Selectmen shall certify to the Board that funds have been assured to the Town to upgrade such streets to meet such standards.

3.15 Parking: All Subdivision development shall make provision for adequate, safe and convenient off street parking in order to provide for the most efficient road

maintenance, snow plowing and access by emergency, police and fire vehicles.

- 3.16 Pedestrian Walks: 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 Subdivision and public property.
- 3.17 Utilities and Drainage: All Subdivisions shall make adequate provisions for water supply, storm water and sanitary sewage disposal, and required utilities and improvements.

All public utilities and facilities, such as sewer, gas, electrical, telephone and water systems shall be located, elevated, and constructed to eliminate flood damage. All new or replacement water supply systems and/or sanitary sewage systems shall be designed to eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters. On-site waste disposal systems shall be located so as to avoid impairment of the water supply system and/or sanitary sewage or contamination from them during flooding.

All such utility system installations shall be at no expense to the Town.

An adequate surface storm water drainage system for the entire Subdivision area shall be provided. Adequate drainage shall be provided so as to reduce exposure to flood hazards. Storm drainage shall be carried to existing water courses, or connect to existing storm drains. If the storm water drainage system creates any additional flow over any adjacent owner's property, the Subdivider shall also provide the Town with a drainage easement.

For the purposes of preparing drainage plans, the following basic design criteria shall be utilized: storm sewers and Subdivision drainage facilities shall be based upon a design flow with a minimum return interval of ten (10) years. The design of natural watercourse channels shall depend upon the drainage area according to the following table:

DESIGN RETURN INTERVALS FOR NATURAL WATERCOURSES

<u>Drainage Area</u>	<u>Recurrence Interval</u>
Above 20 square miles	100 years
Between 4 and 20 square miles	50 years
Less than 4 square miles	25 years

Culverts or other drainage facilities shall in each case be large enough to accommodate potential run-off from the entire Subdivision. The minimum size culvert installed shall be fifteen (15) inches. There shall be at least twenty-four (24) inches cover over culverts crossing roadways.

Where it deems necessary or appropriate, the Board may require the installation of street lighting and the underground installation of electrical and telephone lines. Appropriate plans shall be submitted to the Town prior to final approval being granted by the Board.

Where underground utilities are to be furnished from a public source, all necessary mains, branch offsets to each lot, and fire hydrants shall be installed by the Subdivider, as approved by the corporation or municipal department having jurisdiction, and to the satisfaction of the governing body, and without expense to the Town.

3.18 Sediment and Erosion Control:

- A. General: The purpose of this section is to control soil erosion and the resulting sedimentation from occurring in Subdivision areas by requiring proper provisions for water disposal and the protection of soil surfaces during and after construction in order to promote the public health, safety, convenience and general welfare of the community. Land shall be subdivided and improved in reasonable conformity to existing topography in order to minimize grading, cut and fill, and to retain, insofar as possible, the natural contours, limit storm water run-off and conserve the natural cover and soil.
- B. Standards: The following standards shall be observed by the Subdivider in the design, layout and engineering of the proposed Subdivision:
1. Stripping of vegetation, re-grading or other development shall be done in such a way that will minimize soil erosion.
 2. Whenever practical, natural vegetation shall be retained, protected and/or supplemented.
 3. The disturbed area shall be kept to a minimum and the duration of exposure shall be a maximum of six (6) months. In no case shall completed areas be left after October 1 of the current year without being seeded and mulched.
 4. Temporary seeding and/or mulching and/or other acceptable means shall be used to protect exposed critical areas during development.
 5. Provision shall be made to accommodate the increased run-off caused by changed soil and surface conditions during and after development.
 6. Sediment in the run-off water shall be trapped by the use of sediment basins or other acceptable methods.

7. Necessary diversions, sediment basins and other erosions control structures shall be installed prior to any on-site grading or disturbance of existing surface vegetation.
- 3.19 Open Space: When deemed appropriate in the judgment of the Board, land for open space and recreation areas within a Subdivision may be reserved. All areas to be reserved for open space or recreation shall be of reasonable size, slope and character for neighborhood playground or other recreational uses. In general, Subdivisions with ten (10) or more lots or units may be required to set aside adequate area for recreational purposes or contribute an equivalency in land off-site or money to the town for provision of necessary recreation facilities.
 - 3.20 Trees and Planting: Due regard shall be given to preservation of existing trees, shrubbery and other landscaping appropriate to the area being subdivided.
 - 3.21 Fire Protection: The purpose of this section is to specify minimum requirements for fire safety that will provide a reasonable degree of protection to life and property in the area. All proposals shall be reviewed by the Fire Department during the final plat phase and recommendations given to the Board. Reference is hereby made to Sprinkler Section of the Building Code.
 - 3.22 Monumentation: When the Subdivision is determined to be Major by the Planning Board, it shall be required as part of the approval process, that the Subdivider provide permanent survey monuments under the following guidelines:
 - A. Locations: Permanent survey monuments shall be set in the boundary of all property corners and of rights-of-way at the intersection of streets, points of curvature and points of tangency of curves; the point of intersection of short curves may be used instead, where such is practical, at the discretion of the Board. Adjacent monuments shall be in sight of one another by a standing person. Monuments shall be placed on both sides of the street.
 - B. Monuments: Monuments shall be stone, concrete, or other material acceptable to the Board, and not less than four (4) inches in diameter or square, and not less than forty-two (42) inches long. Concrete monuments shall be reinforced with steel rods. A plug, brass plate, or pin shall serve as a point of reference, and a magnetic rod or other suitable metal device shall be placed adjacent to the monument to allow for recovery. The monuments shall protrude four (4) inches above the natural ground surface if land is to be mowed; otherwise, six (6) inches. Other proposed monuments may be considered by the Board when conditions warrant.
 - C. Pipes: Iron pipes shall not be considered permanent monuments for the purpose of these regulations.

[Section 3.22 Amended on January 5, 1995 as above]

- 3.23 Layout of Lots: The lot size, width, depth, shape, orientation and the minimum building set-back lines shall be appropriate for the type of development and use contemplated and in conformity with the Zoning Ordinance of the Town of Grantham. Where there is a question of such appropriateness, the Board may, after investigation, require modification of the layout of such lots.
- 3.24 Lot Depth to Width Ratios: The Planning Board strongly recommends that the depth of any lot should not be more than four (4) times its width as measured at the frontage setback line (as required by the Grantham Zoning Ordinance). It must be understood clearly that the Planning Board may require such ratio as a condition of approval for any Subdivision. [Added January 5, 1995]

SECTION 4: ADMINISTRATION AND ENFORCEMENT

- 4.01 Modification: These Regulations shall be considered the minimum requirements for the protection of the health, safety and welfare of the inhabitants of the Town of Grantham. Any action taken by the Board hereunder shall give primary consideration to the welfare of the entire community.

The requirements of the foregoing Regulations may be modified when, in the opinion of the Board, after public hearing, specific circumstances surrounding a Subdivision, indicate that such modification will properly carry out the purpose and intent of the Master Plan and of these Regulations.

Notice of such hearing shall be given not less than fifteen (15) (not including holidays and week-ends) days prior to the date thereof by posting in two public places and publishing in a newspaper of general circulation the date, time and place of the hearing and shall designate the location of the land in question and the nature of the modification being sought.

Each proposed modification shall be judged on its own facts and no modification granted shall set a precedent for future modifications.

- 4.02 Interpretation: In the matters of interpretation of these Regulations the opinion of the Board shall prevail.
- 4.03 Entry Upon Lands: The Planning Board and its employees may, in the performance of its functions, enter upon any land and make such examinations and surveys as are reasonably necessary and place and maintain necessary monuments and marks.
- 4.04 Prior Subdivision: These Regulations do not apply to any Subdivision, a plan of which has been recorded prior to the effective date of these Regulations.

- 4.05 Acceptance of Streets and/or Utilities: Nothing herein is intended to modify the requirements of law with reference to the acceptance of street and/or utilities by the Town. Nothing herein is intended to modify or control the construction, reconstruction, or extension of streets and/or utilities by the Town or State.
- 4.06 Other Regulations: Where these regulations are in conflict with other local ordinances, the more stringent shall apply.
- 4.07 Enforcement: These Regulations shall be enforced by the Board or its duly authorized representative.
- 4.08 Penalties: As provided in RSA 36:27, any owner or agent of the owner, of any land located within a Subdivision, who transfers or sells any land, before a plat of the said Subdivision has been approved by the Planning Board and recorded or filed in the Office of the Registrar of Deeds shall forfeit and pay a penalty not to exceed five hundred (\$500) dollars 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, through its solicitor or other official designated by its council, may enjoin such transfer or sale and may recover the said penalty by civil action.
- 4.09 Expiration of Approval: If no active and substantial building shall have commenced on the site by the owner or his successor in interest in accordance with the approved plat within twelve (12) months after the date of approval, or, in accordance with said approval, such bond has not been posted with the Town at the time of commencement of such development, then approval of the Subdivision is automatically revoked and is null and void. [Added August 4, 1994]
- 4.10 Plat Void if Revised After Approval: No changes, measures, modifications or revisions shall be made in any Subdivision plat after approval has been given by the Board and endorsed in writing on the plat, unless the said plat is first resubmitted to the Board and the Board approves any modifications. In the event that any such plat is recorded without complying with these requirements, the same shall be considered null and void, and the Board shall institute proceedings to have the plat stricken from the records of Sullivan County Registry of Deeds.
- 4.11 Withdrawal of Approval: The Board may revoke approval upon determination that plan is no longer in conformance with Subdivision Regulations or zoning ordinance or failure to comply with Subdivision Regulations or construction is not in accordance with approval and conditions imposed by the Board or development has not occurred in accordance with RSA 674:39 or for any other good cause.

- 4.12 Appeals: Any person, aggrieved by an official action of the Board, may appeal there from to the Superior Court as provided by RSA 677.15.
- 4.13 Validity: If any section, subsection or phrase of these Subdivision Regulations is found for any reason to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of the Regulations.
- 4.14 Amendment: These Regulations may be amended by the Board but only following a public hearing on the proposed change. A majority vote of those present and voting will prevail. The Secretary of the Board shall transmit a record of any changes so enacted to the Town Clerk and Office of State Planning in accordance with RSA 675:8 and 675:9.
- 4.15 Effective Date: The initial, effective date of these Regulations shall be March 18, 1976. Dates of Amendments are noted on the final page of these Regulations.

SECTION 5: DEFINITIONS

- 5.01 Abutter: “Abutter” means any person whose property is located in New Hampshire and adjoins or is directly across the street or stream, or is within two hundred (200) feet from the real estate under consideration. For purposes of receiving testimony only, and not for purposes of notification, the term abutter shall include any person who is able to demonstrate that his real estate will be directly affected by the proposal under consideration.
- 5.02 Approval: Shall mean recognition by the Planning Board, certified by written endorsement on the plat, that the final plat submission meets the requirements of these Regulations.
- 5.03 Approval, Conditional: Shall mean an expression by the Planning Board that the preliminary layout appears to satisfy all requirements established herein for the preliminary layout submission phase. Conditional approval does not constitute, nor should it be construed as, approval, either implied or granted, of the final plat, nor does it bind the Planning Board to approval of the final plat, nor does it allow for the issuance of any municipal building permit, nor does it allow for any commencement of construction or development.
- 5.04 Agent: Shall mean a person retained by the owner to officially act on behalf of an in place of the owner or a person retained by the Town to officially act on behalf of the Town.
- 5.05 Annexation: Shall mean the sale, resale, transfer or other conveyance which involves combining two or more adjacent lots or portions thereof, and which does not increase the number of lots or owners.

- 5.06 Applicant: For the purpose of these Regulations the applicant shall not be limited to the owner, but shall include the owner's agent.
- 5.07 Application: Shall mean the application for Subdivision review on Minor or Major Subdivisions. It shall provide the information specified in the appropriate form and in the body of these Regulations, subject to such waivers as may be approved by the Board.
- 5.08 Board: Shall mean the Planning Board of the Town of Grantham, New Hampshire.
- 5.09 Boundary Line Adjustment: See Section 2.03 – Annexation
- 5.10 Building: Shall mean any combination of any materials, whether portable, movable or fixed, having a roof and enclosed within exterior walls, built to form a structure for the shelter of persons or property.
- 5.11 Building Development: Shall mean the process of changing the character of the land from its existing condition to a more usable condition by the construction or placement of a building thereon.
- 5.12 Building Site: Shall mean that portion of a lot, tract or parcel of land upon which a principal building and all accessory buildings thereto, are placed or to be placed. An accessory building shall mean a building for a use incidental to the principal building on the same lot. A principal building, therefore, together with its accessory building, if any, shall constitute a single building site.
- 5.13 Cluster Development: A residential Subdivision of a tract of land where housing units are grouped on lots of reduced dimensions. The remaining land in the tract, which does not have buildings or improvements thereon, shall be protected permanently as open, common land.
- 5.14 Condominiums: Shall mean multi-family, group/or clustered housing, wherein housing units are individually owned, but wherein open space and group facilities are held in common ownership. Condominiums shall be considered a Subdivision of land as outlined in RSA 356-B and as defined in RSA 672:14, and reviewed accordingly.
- 5.15 Day(s): Shall mean the calendar days not including holidays and week-ends between two (2) events. For example, in the case of a public notice for a hearing, the day the notice is made and the day the hearing is held shall not be included in the total number of days.
- 5.16 Driveway: Shall mean an area located on a lot, tract or parcel of land, and built for access to a garage or off-street parking space, serving not more than two (2) lots

or sites.

- 5.17 Dwelling Unit: One (1) or more rooms arranged for use as a separate, independent housekeeping unit established for owner occupancy or rental, and containing cooking, living, sleeping, and sanitary facilities.
- 5.18 Dwelling: Shall mean a privately or publicly owned residential building containing one or more residential units.
- A. Dwelling, One-Family or Single-Family: A single residential building containing one (1) dwelling unit designed for occupancy by not more than one (1) family.
- B. Dwelling, Two-Family: A single residential building containing two (2) dwelling units and designed for occupancy by two (2) families.
- C. Dwelling, Multi-Family: A single residential building containing three (3) or four (4) dwelling units and designed for occupancy by three (3) or four (4) families.
- 5.19 Easement: Is an interest in real property conveyed by a property owner for the benefit of another and evidenced by a legal document.
- 5.20 Final Plat: Shall mean the final drawings on which the Subdivider's plan of Subdivision is indicated, prepared as required under the provisions of Section 3.06 hereof.
- 5.21 Flood Hazard Area: Those areas which are shown by the Grantham Flood Insurance Rate Map, dated March 25, 1977, or those which may be shown by future amendments to such map.
- 5.22 Health Officer: Shall mean the Health Officer of the Town of Grantham, New Hampshire.
- 5.23 Lot: Shall mean a parcel of land or any part thereof designated on a plat to be filed with the Registrar of Deeds by its owner or owners as a separate lot. For the purposes of the Ordinance, a lot shall have boundaries identical with those recorded with the Registrar of Deeds.
- 5.24 Lot Line: Shall mean the property line dividing a lot from a street right-of-way, a body of water or adjacent property.
- 5.25 Lot Size: Shall mean the total horizontal land area within the boundaries of a lot, exclusive of any land area designated for street purposes.

- 5.26 Master Plan: Shall mean the comprehensive plan or plan of development for the municipality as defined in RSA 674:1&2.
- 5.27 Owner: Shall mean the owner of record at the time a Subdivision / Annexation is proposed.
- 5.28 Performance Bond: Shall mean cash, irrevocable letter of credit, surety bond or escrow deposit as approved by the Board to secure regulated improvements to subdivided property.
- 5.29 Plat: Shall mean final plat.
- 5.30 Preliminary Layout: Shall mean a plan prepared as required in Section 3.05 and submitted to the Board prior to preparing the final plat.
- 5.31 Right-of-Way: Shall mean a strip of land used for or intended to be used for a street, road, crosswalk, water main, sanitary sewer or storm main, or for other special use including public use. The use of the term “right-of-way” for land platting purposes in these Regulations shall mean that every right-of-way hereafter established and shown on a recorded plat is to be separate and distinct from the lots and parcels adjoining such right-of-way and not to be included within the dimensions or areas of such other lots or parcels. Public or private rights-of-way may be created.
- 5.32 Site: Shall mean building site.
- 5.33 Street: Shall mean a state highway, or a highway, street, road, avenue, land and/or any other way which exists for vehicular travel, exclusive of a driveway serving not more than two (2) adjacent lots or sites. The word “street” shall include the entire right-of-way.
- 5.34 Subdivider: Shall mean the owner of record of the land to be subdivided, including any subsequent owner of record making any Subdivision of such land or any part thereof, or the agent of any such owner.
- 5.35 Subdivision: Shall mean the division of a lot, tract or parcel of land into two (2) or more lots, plats, sites or other divisions of land for the purpose, whether immediate or future, of sale, rent, lease, and condominium conveyance or of building development. It includes re-Subdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided.

The division of a parcel of land held in common and subsequently divided into two (2) or more parts shall be deemed a Subdivision.

Subdivision includes: a) building development resulting in two (2) or more principal buildings on the same parcel; b) building development resulting in the

construction of a new building or the conversion of an existing building into more than two (2) rental units or condominiums.

Land held in one ownership but divided by a right-of-way other than a town-maintained or state-maintained street, water course, town boundary or other natural or created means, does not exempt land from these Regulations.

- 5.36 Subdivision, Minor: Shall mean a Subdivision which meets requirements of Section 3.07.
- 5.37 Surveyor: Shall mean a professional surveyor or engineer licensed by the State of New Hampshire to provide professional surveying services.
- 5.38 Wetland: An area in which standing water is retained for a portion of the year and in which vegetation unique to that kind of area has adapted to the environment. Wetlands include poorly drained and very poorly drained soils and all areas designated as swamps, marshes and bogs by the U.S. Department of Agriculture, Sullivan County Conservation Service. Unless the Planning Board specifically grants a waiver, no area of a Wetland may be included in the calculation of Open Space when such Open Space is required by a Condition of Approval or by an existing Ordinance or other regulation. [Amended 9/7/95]
- 5.39 A conservation restriction shall mean a right to prohibit or require, a limitation upon, or an obligation to perform, acts on or with respect to, or uses of, a land or water area, whether stated in the form of a restriction, easement, covenant or condition, in any deed, will, or other instrument executed by or on behalf of the owner of the area or in any order of taking, which right limitation, or obligation is appropriate to retaining or maintaining such land or water area, including improvements thereon, predominantly in its natural, scenic, or open condition, or in agricultural, farming, open space or forest use, or in any other use or condition consistent with the protection of environmental quality.
- 5.40 A preservation restriction shall mean a right to prohibit or require, a limitation upon, or an obligation to perform, acts on or with respect to, or uses of, a structure or site historically significant for its architecture, archaeology or associations, whether stated in the form of a restriction, easement, covenant or condition, in any deed, will or other instrument executed by or on behalf of the owner of the structure or site or in any order of taking, which right, limitation or obligation is appropriate to the preservation or restoration of such structure or site.
- 5.41 “Agricultural preservation restriction” means the restraint placed on the development rights of agricultural land whether stated in the form of a restriction, easement, covenant or condition, in any deed, will or other instrument executed by or on behalf of the owner of the land which is appropriate to retaining land or water areas predominantly in their agricultural use, to prohibit or limit construction or placement of buildings except those used for agricultural purposes

or for dwellings used for family living by the land owner, his immediate family or employees: excavation, dredging or removal of loam, sod, peat, gravel, soil, rock or other mineral substance in such a manner as to adversely affect the land's future agricultural potential; or other acts or uses detrimental to such retention of the land for agricultural use.

EXHIBIT A

SUBDIVISION REVIEW PROCEDURE OUTLINE

Normal Procedure

- STEP 1. Landowner decides to subdivide his land.
- STEP 2. Subdivider may attend a regularly scheduled meeting of the Planning Board to:
- (a) Discuss his Subdivision proposal.
 - (b) Determine review procedure.
 - (c) Obtain a copy of municipal Subdivision Regulations.
 - (d) Submit and/or discuss survey phase information in accordance with Section 3.04.

The Board and the applicant may discuss the proposal in conceptual form only and in general terms such as desirability of types of development and proposals under the Master Plan. Preliminary consultation and review beyond such conceptual and general discussion may proceed only after identification of, and notice to, abutters and the general public as required by RSA 676:4.

- STEP 3. Subdivider prepares preliminary layout submission in accordance with Section 3.05.
- STEP 4. Subdivider files application for approval of preliminary layout with the Secretary of the Planning Board and requests meeting with the Board to formally submit same. The preliminary layout should be filed with the Secretary a minimum of fifteen (15) days (not including holidays and week-ends) prior to the above meeting. The application shall include the names and addresses of the applicant and all abutters as indicated in Town records not more than five (5) days before the date of filing.
- STEP 5. The Board notifies the applicant, all abutters and the general public of the date on which the preliminary layout will be formally accepted by the Board at least ten (10) days (not including holidays and week-ends) prior to submission.
- STEP 6. Subdivider meets with the Board to formally submit his application for preliminary layout approval.

STEP 7. Subdivider submits preliminary layout to other appropriate local agencies for review and approval.

STEP 8. Subdivider submits Subdivision plans to appropriate State agencies for review, comment, and approval where applicable.

STEP 9. Planning Board notifies Subdivider, all abutters and the general public of public hearing in accordance with Section 2.05 (may be combined with Step 5).

STEP 10. Board conducts public hearing (may be combined with Step 6).

STEP 11. Planning Board decides whether or not to grant conditional approval of preliminary layout.

NOTE:

(a) If conditional approval granted, proceed with Step 12.

(b) If conditional approval NOT granted, return to Step 2.

STEP 12. Subdivider prepares final plat submission in accordance with Section 3.06.

STEP 13. Subdivider submits completed application for approval of final plat to the Secretary of the Board and requests meeting to discuss same. The final plat should be submitted a minimum of fifteen (15) days (not including holidays and week-ends) prior to the above meeting. The application shall include the names and addresses of the applicant and all abutters as indicated in Town records not more than five (5) days before the date of filing.

STEP 14. The Board notifies the applicant, all abutters and the general public of the date on which the final plat will be presented to the Board for acceptance.

STEP 15. Subdivider meets with the Board to formally submit his application for approval of final plat. The Planning Board must place the proposed Subdivision on its agenda for consideration within thirty (30) days of acceptance.

STEP 16. Planning Board notifies Subdivider, all abutters and the general public of public hearing in accordance with Section 2.05 (may be combined with Step 14).

STEP 17. Board conducts public hearing (may be combined with Step 15).

STEP 18. Within ninety (90) days of receipt of application for approval of final plat, the Planning Board decides whether or not to grant approval (subject to extension or waiver as provided in RSA 676:4). If final plat is approved,

it is then filed with the County Registrar of Deeds. If final plat is disapproved by the Board, the Subdivider may appeal to the Superior Court as provided by RSA 36:34.

EXHIBIT B

SUBDIVISION REVIEW PROCEDURE

Minor Subdivision Procedure

- STEP 1. Landowner decides to subdivide his land in a manner which conforms to the Minor Subdivision (Sections 5.23 and 3.07).
- STEP 2. Subdivider has first meeting with Planning Board to:
- (a) Confirm that his proposed Subdivision is eligible for Minor Subdivision waiver.
 - (b) Discuss his Minor Subdivision proposal.
 - (c) Determine review procedure.
 - (d) Obtain a copy of municipal Subdivision Regulations.
- STEP 3. Subdivider prepared final plat in accordance with Section 3.06 as modified by Section 3.07.
- STEP 4. Applicant files application for approval of Minor Subdivision with the Secretary of the Planning Board and requests meeting with the Board to formally submit same. The application should be filed with the secretary a minimum of fifteen (15) day (not including holidays and week-ends) prior to the above meeting. The application shall include the names and addresses of the applicant and all abutters as indicated in Town records not more than five (5) days before the date of filing.
- STEP 5. The Board notifies the applicant, all abutters and the general public of the date on which the application will be presented to the Board.
- STEP 6. Subdivider meets with the Board to submit his application for approval of Minor Subdivision. The Planning Board must place the proposed Subdivision on its agenda for consideration within thirty (30) days of acceptance of the application.
- STEP 7. Planning Board submits the final plat to other appropriate local agencies for review, comment and approval where applicable.
- STEP 8. Subdivider submits Subdivision plans to appropriate State agencies for review, comment and approval where applicable.
- STEP 9. Planning Board notifies Subdivider, all abutters and the general public of public hearing in accordance with Section 2.05 (may be combined with Step 5).

- STEP 10. Board conducts public hearing (may be combined with Step 6).
- STEP 11. Within ninety (90) days of acceptance of application, the Planning Board decides whether or not to grant approval (subject to extension or waiver as provided in RSA 676:4). If final plat is approved, it is then filed with County Registrar of Deeds. If final plat is disapproved by the Board, the Subdivider may appeal to the Superior Court as provided by RSA 677:15.

EXHIBIT C

ANNEXATION PROCEDURE

Annexation Procedure: Any application for Annexation as defined in Section 5.05 shall be submitted to the Board in accordance with Section 2.15. The following conditions shall be met in all cases:

- STEP 1. A general map shall be prepared and submitted to the Board showing the original boundaries of the adjacent parcels in question.
- STEP 2. A detailed survey map shall be prepared and submitted to the Board showing the new property line or lines created as a result of the Annexation.
- STEP 3. The following language shall be included on every Annexation plan:
- (one party) If the Annexation involves a deed transferring ownership of the premises to be annexed the following language shall be included in said deed: *“The owner(s) agree(s) that by the recordation of this plan, the described premises shall be regarded as merged and made integral parcel(s) so that each lot shall hereafter be a single lot of record.”*
- (two parties) *“The grantee(s) by virtue of acceptance of this deed agree that the premises hereby conveyed shall not be deemed or considered a separate lot of record, but shall be regarded as merged into and made an integral part of the contiguous lot of land previously owned by the grantee(s) so that the same shall hereafter be one combined single lot of record.”*
- STEP 4. Applicant files application for approval of Annexation with the Secretary of the Board and requests meeting with the Board to submit same. The application shall be filed with the secretary a minimum of fifteen (15) days (not including holidays and week-ends) prior to the above meeting. The application shall include the names and addresses of the applicant and all abutters as indicated in town records not more than five (5) days before the date of filing.
- STEP 5. Accompanying the application shall be a signed, written agreement between the parties relative to the annexation.
- STEP 6. The applicant is responsible for obtaining the list of immediate abutters and paying the fees for notification of the abutters, advertising the meeting at which the Annexation request shall be considered and for the recording of the approved plan.

EXHIBIT D

STREET DESIGN AND CONSTRUCTION

Streets shall be designed and constructed in accordance with the

Town of Grantham, New Hampshire
Design Criteria
Construction Specifications
Construction Details
For
Road and Drainage Construction

[Approved by the Grantham Planning Board – July 2003]

Certification: Certified to be a true copy, attest:

Carl Hunter
Allen G. Walker
Tammi N. Wilson
Constance A. Jones

John A. Weir
 CHAIRMAN

Grantham Planning Board

Date 5/13/98

Grantham Subdivision Regulations

- Adopted: March 18, 1976
- Amended: March 8, 1977
- Amended: March 11, 1980
- Amended: March 9, 1982
- Amended: May 8, 1986
- Amended: March 5, 1987
- Amended: August 6, 1987
- Amended: November 5, 1987
- Amended: April 7, 1988
- Rewritten: July 11, 1991
- Amended: September 5, 1991
- Amended: March 5, 1992
- Amended: July 2, 1992
- Amended: August 5, 1993
- Amended: July 7, 1994
- Amended: August 4, 1994
- Amended: January 5, 1995
- Amended: September 7, 1995
- Amended: January 4, 1996
- Amended: October 2, 1997