

TOWN OF JEFFERSON, NEW HAMPSHIRE

SUBDIVISION PROCEDURES

AND

REGULATIONS

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SUBDIVISION PROCEDURES AND REGULATIONS

I. AUTHORITY AND PURPOSE

1.1 Authority

Pursuant to the authority vested in the Jefferson Planning Board by the voters of the Town of Jefferson and in accordance with the provisions of Chapter 36: Sections 19-29, and 34, NH Revised Statutes Annotated, 1955, as amended, the Jefferson Planning Board adopts the following regulations governing the subdivision of land in the Town of Jefferson, New Hampshire.

1.2 Purpose

The purpose of these regulations is: (1) to avoid scattered and premature subdivision of land which would involve danger or injury to health, safety, or prosperity by reason of the lack of water supply, drainage, transportation, or other public services, (2) to avoid an excessive expenditure of public funds for the supply of such public services, and (3) to provide for the harmonious development of the municipality and its environs in general, and to create conditions favorable to health, safety, convenience, and prosperity.

2. DEFINITIONS

For the purpose of these regulations, certain terms used herein are defined as follows:

2.1 Abutter:

Any person whose property is located in New Hampshire and adjoins or is within 200(two hundred) feet from any point of the parcel under consideration, or is directly across the street, stream or other body of water from the land being considered for subdivision by the Planning Board. For purposes of receiving testimony only, and not for purposes of notification, the term "abutter" shall include any person who is able to demonstrate that his land will be directly affected by the proposal under consideration. For purposes of receipt of notification by a municipality of a local land use board hearing, in the case of an abutting property being under a condominium or other collective ownership, the term abutter means the officers of the collective or association, as defined in RSA 356 B:3, XXIII.

2.2 Easement:

The land area created through authorization by a property owner for the use by another and for a specified purpose of any designated portion of his property.

2.3 Lot:

The word "lot" shall mean land occupied, or to be occupied by a building with or without an accessory building and including such open spaces as are required by the Zoning Ordinance of the Municipality, and having its principal frontage upon a public street or officially approved place. The word "lot" includes the word "plot" or "parcel".

2.4 Street:

Shall mean a publicly approved road maintained for vehicular travel, or a road that appears on a subdivision plat approved by the Planning Board. The word street shall include the entire right-of-way, and have a minimum right-of-way width of 50.0' (fifty feet).

2.5 Shared Driveway:

A single driveway serving no more than two adjoining lots.

2.6 Right-of-Way:

(a) Shall mean a strip of land used for or intended to be used for a street, road, crosswalk, water main, sanitary or storm sewer main, or for other special use including public use.

(b) The usage of the word "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 be included within the dimensions or areas of such other lots or parcels.

(c) Generally the deeded right of one to pass over the property of another which is not to be used to satisfy frontage requirements.

2.7 Road, Private:

Shall mean a highway, street, road, avenue, driveway (named or unnamed), or way not open to public use as a matter of right for vehicular travel. A private road cannot be used to satisfy road frontage requirements.

2.8 Subdivider:

An individual, firm, association, syndicate, partnership, corporation, trust, or any other legal entity, or agent thereof, that undertakes the activities governed by this ordinance. The term "subdivider" is intended to include the term "developer" and "builder".

2.9 Subdivision:

The division of a lot, tract or parcel of land into two or more lots, plots, 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. The division of a parcel of land held in common and subsequently divided into parts among the several owners shall be deemed a subdivision under this chapter. The grant of an easement in gross to a public utility for specific facilities, including an unmanned structure that is less than 200 square feet, is not a subdivision.

2.10 Utility:

To include, but not limited to, water, sewer, electricity, telephone, cable, and gas

2.11 Subdivision, Minor:

Any subdivision containing not more than three (3) lots and not adversely affecting the development of the remainder of the parcel or adjoining property and not in conflict with any provision of these regulations or any other duly accepted existing or future plan, map or ordinance.

If any lot is re-subdivided, and if such resubdivision shall increase access on existing private road or right-of-way to more than three (3) lots, then the road must be improved to meet town road specifications. This statement should also be added to the plat and mylar of every minor subdivision.

2.12 Subdivision, Major:

Any subdivision containing more than three (3) lots.

3. GENERAL PROCEDURE AND PRELIMINARY CONSULTATION AND REVIEW

3.1 General Procedure

3.1.1 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 building in such proposed subdivision shall be granted, and before any subdivision plat may be filed in the office of the Register of Deeds of Coos County, the subdivider or his authorized agent shall apply for and secure approval of such proposed subdivision in accordance with the following procedure.

3.2 Preliminary Consultation and Review

3.2.1 The applicant may appear at a regular meeting of the Planning Board to discuss a proposal in conceptual form and in general terms. A request to meet with the Planning Board on such a proposal must be made at least seven (7) days prior to the meeting date at which the applicant wishes to appear. Such preliminary discussion shall be informal and directed toward:

- a) Reviewing the basic concepts of the proposal,
- b) Reviewing the proposal with regard to the Town Master Plan.
- c) Reviewing the Town's subdivision regulations as they may apply to this proposal and determination of the proposal as a major or minor subdivision, and
- d) Guiding the Applicant relative to necessary state and local requirements.

3.2.2 Preliminary consultation and review shall not bind the applicant or the Board and requires no formal public notice. Notice to the public, however, and the identification and notices to abutters are required if the discussion is to proceed beyond preliminary consultation and review.

3.2.3 Preliminary consultation and review shall be separate and apart from formal consideration, and the time limits for acting shall not apply until a formal application is submitted and accepted.

3.2.4 A copy or copies of a preliminary plan may be used as a visual aid during the preliminary consultation and review phase.

**4. APPLICATION, NOTICE AND PUBLIC HEARING REQUIREMENTS
FOR ALL SUBDIVISIONS**

4.1 In order to invoke the jurisdiction of the Planning Board, all applications for subdivision approval shall be made on the applicable Subdivision Application form and shall include:

- (a) 4 (four) copies of the plat which shall be a 22" x 34" sheet,
- (b) 10 (ten) copies of a reduced size plat of a 11" x 17" sheet,
- (c) a check or money order as covered in 4.3, and
- (d) a copy of the most current deed and associated covenants or restrictions.

4.1.1 Upon final approval of the subdivision a 22" x 34" mylar copy of the plat will be provided by the developer and will be filed with the Registry of Deeds by the Planning Board.

4.2 The subdivision plat(s) shall include information as follows:

- 4.2.1 Name of the Subdivision
- 4.2.2 Name and address of the subdivider
- 4.2.3 Name and address of the surveyor and/or professional engineer
- 4.2.4 Seal and signature of a surveyor or professional engineer registered in NH
- 4.2.5 Date of the survey
- 4.2.6 Tax map page and parcel number; deed reference
- 4.2.7 Scale of subdivision plan with bar scale (1"=50' desirable)
- 4.2.8 Number of lots in Subdivision and total acreage of subdivision
- 4.2.9 Acreage of individual lots and lot numbers noted on their respective lots; number of lots under 5 acres
- 4.2.10 Orientation of the subdivision plat with north arrow

- 4.2.11 Small scale location map to same orientation
- 4.2.12 Metes and bounds of the area to be subdivided and of the individual lots
- 4.2.13 Location of all existing and/or proposed permanent monuments
- 4.2.14 Topography of the subdivision in 5'(foot) contours of elevation-at the Planning Board's discretion.
- 4.2.15 Easements and right-of-ways, located and dimensioned; utility easements to include installations, if any, such as under ground conduit, poles, transformers, valve pits, manholes, etc.
- 4.2.16 Water courses, seasonal, year round, and anything within the jurisdiction of the Comprehensive Shoreline Protection Act; wetlands, major vegetation boundaries, and other natural features
- 4.2.17 Existing springs, wells, and water lines
- 4.2.18 Names of abutters indicated on subdivision boundaries where their properties abut, plus names of property owners within 200'; names of abutters as defined in Section 2.1 are also to be provided on a separate list.
- 4.2.19 Soils information from the Soils Conservation Service on plat overlay (may be on separate print)
- 4.2.20 Notation on plat with regard to existence, location, and extent of hydric soils.
- 4.2.21 Location of test pits for septic systems with percolation data as required by New Hampshire Department of Environmental Services for approval of lots of less than 5 acres.
- 4.2.22 Structures on the subdivision to remain, to be relocated or to be removed
- 4.2.23 Structures within 200' of the subdivision boundaries.
- 4.2.24 Zoning, if any

4.3 A check or money order shall be provided to cover fees and charges by the Planning Board, which include, but are not necessarily limited to, costs of notifying abutters, applicant, and public of the proposed subdivision and its public hearing; estimated costs for engineering studies, soils investigation, environmental impact, etc.; fees for filing the application with the Planning Board and for filing the plat(s) with the Registry of Deeds (to be accomplished by the Planning Board).

4.4 The completed application must be filed with the Planning Board or its designated agent at least fifteen (15) days prior to the Planning Board meeting at which the application will be considered for acceptance. An incomplete application filed with the Planning Board will not be formally accepted or considered by the Planning Board, nor will the required notices outlined below be posted or mailed or a public hearing on the same be held.

4.5 Acceptance and Approval of Subdivision Applications

4.5.1 No completed application may be denied or approved without a public hearing before the Planning Board during which said application shall be considered. Said public hearing shall be held within thirty (30) days of the submission of the completed application to the Planning Board. Notice of the submission of a completed application for subdivision approval shall be given by the Planning Board to the applicant and the abutters by certified mail at least ten (10) days prior to the date upon which the application will be formally submitted to and considered by the Planning Board at a public hearing. Notice of said public hearing shall be given at the same time to the general public by posting a copy of the notice sent to the applicant and abutters in two (2) public places within the town limits and by publishing a copy of said notice in a newspaper of general circulation in the area. The notices shall include a general description of the proposed subdivision which shall include the identification of the applicant and the approximate location of the land proposed for subdivision.

4.5.2 An application for subdivision review will not be accepted conditionally. When the completed subdivision application has been submitted to the Planning Board, it must first be accepted, then approved, disapproved, or conditionally approved within sixty-five (65) days of submission. If it is approved conditionally, the conditions to be met must be given to the applicant in writing, both as to subject and time for completion. Unless the given conditions for approval are of an administrative nature which may be completed by the Planning Board, an additional hearing must be held. In either case the applicant must be informed in writing.

4.6 Abutters and others with a direct interest in the matter may testify in person or in writing at any public hearing held by the Planning Board during which said matter is being considered.

4.7 Public hearings need not be held under the following circumstances:

4.7.1 The applicant requests a boundary line adjustment or conveyance to an abutter, neither event creating a new or separate lot but becoming part of an existing tract or parcel of land. Plans showing such adjustments or conveyances shall be signed by the Planning Board stating that no formal subdivision is required, said plans to be recorded in the Coos County Registry of Deeds by the Planning Board at the expense of the applicant. If, however, such boundary line adjustment or conveyance to an abutter, renders an existing lot to be of insufficient size under these Planning Board regulations, then said plans shall not be signed by the Planning Board, and any conveyances or boundary line agreements pursuant to said plans shall be considered a violation of these regulations. Notice to abutters and to the public in accordance with Section 4.5.1 is required.

4.7.2 Disapprovals of applications based upon failure of the applicant to supply information to the Planning Board required herein, failure of the applicant to meet reasonable deadlines established by the Board or failure of the applicant to pay all fees or costs required herein.

5. ADDITIONAL REQUIREMENTS FOR MAJOR SUBDIVISION APPLICATION

5.1 In addition to the requirements listed in Section 4 above, the plat(s) for a major subdivision shall include, as applicable:

5.1.1 Existing and proposed streets--names, location, widths, profiles, radii of curves on centerline, angles of change in direction, centerline lengths, and other detail to meet standards for street design. Street names are to be approved after checking local records.

5.1.2 Existing and proposed surface water drainage-type, location, profile, and cross-section; structures such as catch basins, aprons, headwalls, culverts, etc.

5.1.3 Existing and proposed sanitary sewer system--sizes, cross-sections, profiles, elevations; structures such as manholes, pump stations, etc.

5.1.4 Existing and proposed septic systems--percolation tests and any other tests or data required for approval by the WSPCC and, if needed, by the local health officer or other authorized official.

5.1.5 Proposed uses of the subdivision

5.1.6 Proposed public areas, if any, and acreages of same

5.1.7 Indication of the location, size, planting, and landscaping of such parks, esplanades, or other open spaces as may be specified or proposed.

5.2 In addition to the fees and charges covered by 4.3 above, and any arising from special circumstances of a given subdivision, there shall be a per lot unit charge for each lot of the subdivision.

6. SUBDIVISION PLAN REVIEW

In reviewing a proposed subdivision plan submitted to the Planning Board for final approval, the Planning Board shall consider the following general requirements and design standards:

6.1 Any proposed subdivision shall be in conformity with the provisions of all pertinent State and local codes and ordinances.

6.2 Land designated for public use may not be subdivided for any other purpose.

6.3 Any proposed subdivision shall be reviewed by the Board with respect to its effect upon existing community services and facilities including schools and recreational areas. The Board shall advise the municipality and the developer regarding the designation of space for future community facilities and may withhold approval of Final Plans pending such designation.

6.4 Any proposed subdivision shall be so designated that every lot has access to a public or dedicated street.

6.5 Land susceptible to flooding, and land not suitable for development because of soils characteristics, which may also be hazardous to life, health or property shall not be accepted as part of a proposed subdivision but may be used, subject to approval by the Board and other pertinent authorities, for open space purposes, public or otherwise.

6.6 Any natural drainage ways and their easements shall be so incorporated that no flooding will occur and all storm water can be disposed of properly.

6.7 The Board may require that a proposed subdivision design show respect for such features as trees, streams, topography and other natural assets.

6.8 As a condition of approval of the final plat, the Board may require that an area of open space be offered for dedication to the Town.

The Board shall not require such dedication in excess of 15 percent of the total area of the subdivision without reasonable compensation, and if the Town does not take steps within a period of one year from the date of approval of the subdivision plat to acquire the portion of the open space in excess of said 15 percent, the subdivider may submit to the Board a plan for subdivision of such portion, provided such additional subdivision meets requirements of these subdivision regulations.

In the case of cluster subdivision or planned unit development, open space shall have sufficient legal restriction recorded in the Town's land records to assure permanence of use as open space. Open space land in private ownership shall be deeded in such a way that will ensure operation or maintenance of the land in an orderly manner suitable for the purpose intended.

6.9 The following are required improvements: monuments, street signs, streets, sidewalks, water supply, sewage disposal and storm drainage, except where the Board may waive or vary such improvements in accordance with the provisions of these regulations.

6.10 The size, type and location of public utilities, such as street lights, electricity, telephones, gas lines, fire hydrants, etc. shall be approved by the Board and installed in accordance with local practice.

6.11 Utilities shall be installed underground except as otherwise approved by the Board.

6.12 Permanent monuments shall be set at all corners and angle points of the subdivision boundaries; and at all street intersections and points of curve.

6.13 Developer shall, as part of the application for subdivision approval, provide a proposal for the financial and physical maintenance of all subdivision roads until their acceptance by town meeting, if the roads are intended to be town roads, or indefinitely if the roads are not. The board may refer any such proposal to Town Counsel for review. The proposal for road maintenance shall become a condition of approval which is ultimately granted, and failure to comply with said proposal shall be the basis for an enforcement action.

6.14 For subdivisions and site plans that involve land designated as "Special Flood Hazard Areas" (SFHA) by the National Flood Insurance Program (NFIP):

- a. The Planning Board shall review the proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

- b. The Planning Board shall require that all proposals for development greater than 50 lots or 5 acres, whichever is the lesser, include Base Flood Elevation (BFE) data within such proposals (i.e. floodplain boundary and 100-year flood elevation).
- c. The Planning Board shall require the applicant to submit sufficient evidence (construction drawings, grading and land treatment plans) so as to allow a determination that:
 - (1) all such proposals are consistent with the need to minimize flood damage;
 - (2) all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage; and,
 - (3) adequate drainage is provided so as to reduce exposure to flood hazards. (amended March 2012)

7. STANDARDS

7.1 Monuments shall be stone or concrete with a one-inch diameter metal pipe at least two feet long set in the center, located in the ground at final grade level, and indicated on the Final Plat.

7.2 Streets which join or are in alignment with streets of abutting or neighboring properties shall bear the same name. Names of new streets shall not duplicate, nor bear phonetic resemblance to the names of existing streets within the municipality.

7.3 Street name signs shall be furnished and installed by the subdivider. The type, size and location shall be to the approval of the Board.

7.4 STREETS - GENERAL Subdivision streets (roads and roadways) or the Town of Jefferson are to be designed in accordance with the following guidelines, as applicable:

- a) Safe and easy vehicle circulation with minimum drive through traffic and allowance for safe pedestrian circulation.
- b) Minimum disturbance of existing terrain and natural features.
- c) Visibility at intersections.

d) Continuation of streets from adjacent subdivisions or built-up areas and projection of streets into adjacent unsubdivided or open area.

e) Access for Town fire-fighting equipment.

f) Cost of maintenance by Town of roadway system pavements, drainage structures, culverts and bridges.

7.5 RIGHT-OF-WAY. No street shall have a right-of-way of less than a 50 foot width except service roads to buildings having principal access by way of approved streets. Right-of-way standards are given on the Street Design Standards, page 14-a. Right-of-way width must be 50 feet unless approved by the planning board.

7.6 GRADES of streets shall be not less than 0.5% nor more than 8% unless approved by the Planning Board.

7.7 INTERSECTIONS shall be at right angles, where practicable, but not less than 60 degrees unless approved by the Planning Board.

7.8 "T" INTERSECTIONS formed on the opposite sides of a collector street shall be not less than 200 feet center-to-center unless approved by the Planning Board.

7.9 CURB-CUT-BACKS at street intersections shall be effected by providing curb radii of no less than 25 feet.

7.10 CURVES shall have a minimum centerline radius of 250 feet unless exception is made by the Planning Board.

7.11 DEAD-END STREETS, or cul-de-sacs, planned to be permanent, shall be no more than 500 feet in length unless exception is made by the Planning Board. They shall be provided with a suitable turn-around -- circular or hammerhead; as determined by the town road agent. If circular, the turn- round shall have a curb radius of no less than 50 feet. If a hammerhead, the dimensions shall be no less than 30 feet by 90 feet with the entrance to the hammerhead in the middle of the longer side.

7.12 STREETS CONSTRUCTION Clearing and Grubbing and the removal of trees and stumps shall be carried out in accordance with the provisions of the State of New Hampshire Department of Transportation Standard Specifications for Road and Bridge Construction, approved and adopted 1990 (hereinafter referred to as "Std. Specs. 1990") Sect. 201.3.1, 3.2, 3.3._ See also Street Design Standards, page 14-a.

7.12.1 Excavation and Embankment shall be carried out in accordance with the provisions of Std. Specs. 1990 Sect. 203.1.1, 2.1-2.5, 3.1, 3.1.1-3.1.3 incl. The town

road engineer shall determine the necessity of lining of ditches and the material to be used.

7.12.2 Subgrade and Slopes preparation shall be carried out in accordance with the provisions of Std. Specs. 1990 Sect. 203.3.6, 3.7.1-3.7.5, incl. 3.7.7.

7.12.3 Disposal of Surplus and Waste Material shall be carried out in accordance with the provisions of Std. Specs. 1990 Sect. 203.3.9, 3.9.1-3.9.7 incl.

7.12.4 Road Base shall consist of gravel or crushed gravel, or a combination of the two, meeting the specifications of Std. Specs. 1990 Sect. 304.2, or as approved by the Planning Board or its agent. Placing of road base material shall be done in accordance with the provisions of Std. Specs. 1990 Sect. 304.3.4.1., 3.4.2., 3.4.3., 3.4.9., 3.6.

7.12.5 Shoulders section of the roadway shall be constructed at the same time as the base as an extension of the base and compacted with the base.

7.12.6 Backfill not covered in 6.26 above shall be accomplished with suitable waste material or other suitable material. Area to be backfilled shall be brought to level of surrounding terrain or to elevations called out on project drawings.

7.12.7 Gravel Surface Course shall consist of crushed gravel meeting the gradations of Std. Specs. Sect 304.3. It shall be compacted and fine-graded to a uniform smooth surface at the grade levels called out on the drawings. When hot bituminous surface treatment is specified the guidelines of Std. 1990 Sect. 403.1.1-3.7 incl. as applicable and determined by the Planning Board or its agent shall be followed.

7.12.8 Plant mix Pavements materials and placement shall follow the guidelines of Std. Specs. 1990 Sect. 401, as applicable and determined by the Planning Board or its agent.

7.12.9 Culverts. Excavations for culverts and drainage structures shall be carried out in accordance with Std. Specs 1990 Sect. 206.1.1., 2.1., 2.2., 2.3., 3.1., 3.2., 3.3. Culverts and storm drains shall meet the requirements of Std. specs. 1990 Sect. 603, as applicable.

7.12.10 Erosion shall be controlled by placing mulch or matting on the finished area in accordance with the guidelines of Std. Specs. Sect. 645, as applicable.

7.12.11 Sidewalks shall be no less than 4 feet in width and of a design and location determined by the Planning Board. Sidewalks are to be installed by the subdivider.

7.12.12 Any departure from the Std. Specs. 1990 cited above must be approved by the Planning Board or its agent. Work unforeseen in the foregoing and found necessary will be referred to the Std. Specs.1990 for solution whenever possible. The Planning Board or its agent will make final determination.

7.12.13 Water Supply. If a public water supply system is a requirement for subdivision, it shall be installed at the expense of the subdivider. If a public water system is not a requirement for the subdivision, assurance of a water supply is the responsibility of the individual lot owner.

7.12.14 Sanitary Systems. If a sanitary sewer system is a requirement for the subdivision, it shall be installed at the expense of the subdivider. If a sanitary sewer system is not a requirement for the subdivision, the individual lot owner is responsible for obtaining Water Supply and Pollution Control Commission approval of a septic system.

7.12.15 Storm Water Drainage. Where a subdivision is traversed by a watercourse, drainage way or future sewer line, or where the Board feels that surface water drainage to be created by the subdivision should be controlled for the protection of the subdivision and owners of property abutting it, there shall be provided an easement or drainage right-of-way and culverts, catch basins or other means of channeling surface water within such subdivision and over the property of owners abutting upon it of such nature, width and location as the Board deems adequate.

8. MISCELLANEOUS REQUIREMENTS AND INFORMATION CONCERNING FINAL APPROVAL

8.1 The Final Plan shall be accompanied by certification from authorized local officials and/or agencies that the design of sewer and drainage facilities, streets and utilities in the proposed subdivision conform to the requirements of all pertinent State and local codes and ordinances. The cost of certification and/or inspection shall be borne by the subdivider.

8.2 The subdivider shall tender offers of cession in a form certified as satisfactory by the municipal counsel of all land included in streets, highways or parks not specifically reserved by him.

8.3 The approval of a Final Plan by the Board shall not be deemed an acceptance by the Public of the dedication of any street or other public ways or grounds.

8.4 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 that a lack of these facilities would be a hazard, or necessitate an excessive expenditure of public funds for the supply of such services shall not be approved by the Board. The Planning Board may, if the situation warrants, approve an entire subdivision, allowing only a portion thereof to be developed each year. This phased development would help an orderly expansion within the Town of its services to match growing needs.

8.5 Causes. The following items shall be considered in determining whether the proposed subdivision is scattered or premature and the subdivider may be required to have studies made under guidelines established by the Planning Board to determine the effect that the proposed subdivision may have:

- a) Distance from nearest elementary school.
- b) Capacity of school system and effect on school bus transportation
- c) Adequacy of access street(s) and/or sidewalk(s).
- d) Potential health problems due to on-site sewage systems and for water supply.
- e) Adequacy of water supply for domestic and fire fighting purposes.
- f) Potential fire protection problems due to location and/or special conditions relative to type of use.
- g) Potential special policing problems.
- h) Potential drainage problems on the site and downstream.
- i) Cause an excessive expenditure of public funds.
- j) Other potential problems within the meaning or the purpose of this section.

9. FLOOD HAZARD AREA REQUIREMENTS

9.1 Subdivisions having land designated as "Special Flood Hazard Area" by the Federal Insurance Administration (HUD) are subject to the following submission requirements:

9.1.1 Sufficient evidence (construction drawings grading and land treatment plan) shall be submitted so as to allow the Board to determine that:

- a) All such proposals are consistent with the need to minimize flood damage.
- b) All public utilities and facilities, such as sewer, gas, electrical, and water systems are located, elevated constructed to minimize or eliminate flood damage, and
- c) Adequate drainage is provided so as to reduce exposure to flood hazards.
- d) All subdivision proposals and any other proposed development greater than 50-lots or 5-acres, whichever is the lesser, shall include within such proposals Base Flood Elevation (BFE) data.

9.1.2 Adequate design information shall also be submitted to the Board assuring that new or replacement water supply systems and/or sanitary sewerage systems are designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters, and that on-site waste disposal waste systems are located as to avoid impairment of them or contamination from them during flooding.

9.1.3 In riverine situations, prior to the alteration or relocation of a watercourse, the applicant for such authorization shall notify the New Hampshire Civil Defense Agency and Wetlands Board and submit copies of such notification to the Planning Board and the Federal Emergency Management Agency. Further, the applicant shall be required to submit copies of said notification to those adjacent communities as determined by the Planning Board.

9.1.4 Within the altered or relocated portion of any watercourse, the applicant shall submit to the Planning Board, certification provided by a registered professional engineer assuring that the flood carrying capacity of the watercourse has been maintained.

9.1.5 In addition to the Preliminary Plan, the Board may require the subdivider or others to undertake studies where deemed necessary or desirable to

protect the public convenience, safety, health and welfare. Such studies may include, but are not necessarily limited to, a drainage plan, sediment erosion control plan, and a utilities plan. A bond may be required to assure completion of any or all elements of the proposed project.

10. ADMINISTRATION AND ENFORCEMENT

10.1 The Planning Board of the municipality, hereinafter called "the Board", shall administer these regulations.

10.2 Whenever any subdivision is proposed and before any contract for the sale of, or offer to sell, rent or lease, such subdivision or any part thereof shall have been negotiated and before any permit for the erection of a structure within such subdivision shall be granted, the subdivider or his authorized agent shall apply in writing to the Board for Final Approval of such subdivisions.

10.3 The Planning Board shall place on its agenda for consideration any plat submitted to it within thirty (30) days and shall act to approve or disapprove thereof within sixty five (65) days; provided that the Planning Board may apply to the Selectmen for an extension not to exceed an additional ninety (90) days before acting to approve or disapprove, otherwise such plat shall be deemed to have been approved, and the certificate of the municipality as to the date of submission of the plat for approval and the failure to take action thereon within such time, shall be issued on demand and shall be sufficient in lieu of the written endorsement or other evidence of approval herein required; provided, however, that the applicant for the Board's approval may waive this requirement and consent to an extension of such period.

10.4 The Town Clerk is hereby specified as the municipal office who shall issue on behalf of the Board a certificate of failure on the part of the Board to take action on approval or disapproval of a plan submitted to it, as provided by Chapter 676, Section 4, New Hampshire Revised Statutes Annotated, 1983, as amended.

10.5 The municipal engineer, if one is available, shall make a report to the Planning Board with respect to the grades, drainage, sewerage, and road surfacing of a proposed subdivision before it may be approved.

10.6 In case of disapproval of any plat submitted, the ground for such disapproval shall be adequately stated upon the records of the Planning Board.

10.7 No plans of a subdivision of land within the municipal boundaries of the municipality shall be hereafter filed or recorded in the County Registry of Deeds until Final Plan thereof shall have been approved by the Board, in accordance with all of the requirements, design standards and specifications set forth in this ordinance, and until

such approval shall have been entered on such Final Plan by a legal majority of the Board. The recording of a plat without the approval required by these regulations is void.

10.8 Any person who causes or allows anything to be physically done to or on his land or executes any document or causes or allows any plan to be recorded which would amount to a subdivision as defined herein without written approval by the Planning Board, as made evident by the re-cording of a copy of a subdivision plan relevant to said land which includes approval of the Planning Board indicated thereon, shall be subject to a fine of up to \$500.00 for each above-defined action which would, on its own, amount to the creation of an unapproved subdivision. Furthermore, the Planning Board may request that the Town of Jefferson petition the Coos County Superior Court for injunctive and other equitable relief, whether it be to deem such unapproved actions legally void, to enjoin further unapproved actions by any such person or to require that any such person take certain steps which would eliminate the conditions which created the unapproved subdivision, if such person would not do so under his own volition after being so requested in writing by the Planning Board.

10.9 If any of the land shown on the plat of a subdivision proposal has been part of any previous subdivision which has been approved, constructed, or created by conveyance no more than 10 years prior to the new proposal, then any such previous subdivision will be treated as part of the new proposal for purposes of analyzing its effect and applying all review criteria.

This statement should also be added to the plat and mylar of every subdivision.

10.10 Acceptance of any subdivision application is conditioned upon the owner's allowing access to the property by both the Board and any interested abutters accompanying the Board, to whatever extent considered reasonable and necessary for obtaining information necessary for review of the application.

10.11 Bond Requirement:

10.11.1 The Subdivider shall file with the Board an estimate of the cost of public improvements made necessary by his subdivision. If one is required, the subdivider shall file with the Board at the time of the submission of the Final Plan a performance guarantee in an amount sufficient to defray the expenses of such needed public improvements. This may be tendered in the form of a faithful performance bond running to the municipality and issued by a Surety Company acceptable to the municipality. The condition and amount of such a performance bond shall be determined by the Planning Board of the municipality with the advice of the various municipal departments and agencies concerned. The amount shall be at least equal to the total cost of furnishing, installing, connecting and completing all of the street grading,

paving, storm drainage and utilities or other improvements within two (2) years of the date of the certified check or performance bond.

10.11.2 The Board may recommend a maximum extension of twelve (12) months to the guaranteed performance period when the subdivider can demonstrate, to the satisfaction of the Board and other interested officials or agencies, good cause for such extension. Such recommendation for extension shall be referred to the Governing Body of the municipality for official action.

10.11.3 Before a subdivider may be released from any obligation required by his guarantee of performance, the Board will require certification from the various departments and agencies concerned to the effect that all improvements have been satisfactorily completed in accordance with all applicable standards, State and local codes and ordinances.

10.12 A variation in the strict application of the Subdivision Regulations may be permitted when, in the opinion of the Board, topography or other consideration warrants such variation provided that public convenience, safety, health and welfare will not be affected adversely.

10.13 In any case where a provision of these regulations is found to be in conflict with a provision of any other ordinance or code of the municipality existing on the effective date of these regulations, the provision which establishes the higher standard for the promotion and protection of health and safety shall prevail.

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

10.15 These regulations may be amended, changed, altered, added to, or rescinded from time to time whenever this action is deemed necessary or advisable by the Planning Board, but only following public hearing on the proposed amendments, change, alteration, addition, or rescission and a statement, signed by the chairman or secretary of the Planning Board, indicating any variances thus authorized from such regulations as were previously filed, shall be transmitted to the County Register of Deeds.

10.16 Appeals. An appeal may be taken from the decision of the Planning Board to the Superior Court as provided in RSA 677:15.

11. DEVELOPMENTS OF REGIONAL IMPACT - This section is added to the Subdivision Procedures and Regulations to meet the purpose and provisions for Review of Development of Regional Impact as given in RSA 36:54-58

11.1 Applications for subdivisions in Jefferson having a potential impact on bordering municipalities are subject to regulation in addition to those contained in any of preceding sections.

11.2 The following (11.2(a) - 11.2(g) incl.) are guidelines for considering whether proposed projects have a potential impact on bordering municipalities. As guide lines only they do not limit or restrict any evaluation of potential impact.

- a) Proposed subdivisions where within five years or less a total of forty (40) or more dwelling units would be constructed and where the project abuts a municipal boundary;
- b) Proposed subdivisions where within five years or less a total of 15,000 square feet of commercial gross floor area, 50,000 square feet of office or medical gross floor area, or 80,000 square feet of industrial gross floor area would be constructed;
- c) Proposed subdivisions of one hundred (100) acres or more which abut a municipal boundary and which result in four (4) or more new lots or a new road, or roads;
- d) Proposed subdivisions where within five years or less a total of four (4) or more lots or dwelling units would be constructed within 1000 feet of a municipal boundary;
- e) Proposed subdivisions where within five years or less a total of four (4) or more lots or dwelling units abutting or involving rivers or perennial (year-round) streams which flow downstream across a municipal boundary one half (1/2) mile or less;
- f) Proposed subdivisions where within five years or less a total of four (4) or more lots or dwelling units would be constructed, said lots or dwelling units abutting or involving lakes or great ponds, the high water mark of which lies within 1000 feet of a municipal boundary;
- g) Proposals before the Planning Board which may reasonably be expected to contribute substantially to air or water pollution, school enrollment, solid waste disposal, demand for water supply or wastewater treatment, road deterioration, traffic safety, or otherwise substantially affect another municipality;

- h) Proposals before the Planning Board which in the sole discretion of the Planning Board may reasonably be expected to have a substantial effect on another municipality.

11.3 Determination whether a potential regional impact exists will be made solely by the Planning Board within its assigned responsibility. Determination of potential regional impact outside the Planning Board's jurisdiction will be made by the Board of Adjustment or the Board of Selectmen.

11.4 Upon determination that a proposed development has a potential regional impact, the Planning Board shall afford the North Country Council and the affected municipality(s) the status of abutters as defined in RSA 672:3 for the limited purpose of providing notice and giving testimony.

11.5 Within 72 hours of a determination by the Planning Board that potential regional impact exists, the North Country Council and the affected municipality(s) shall each be furnished a copy of the minutes of the meeting at which the determination was made.

11.6 At least 14 days prior to public hearing, the Planning Board shall notify by certified mail all affected municipalities and the North Country Council of the date, time, and place of the hearing and their right to testify concerning the development.

11.7 Any costs or fees other than those covered in Sect. 4.3 and 5.2 and which may be incurred in the determination of regional impact will be borne by the subdivider.