

**LAND SUBDIVISION CONTROL REGULATIONS**

**SECTION 1.0 AUTHORITY**

Pursuant to the authority vested in the Sanbornton Planning Board by the voters of the Town of Sanbornton at Town Meeting on March 12, 1957, in accordance with State law then in effect, and in accordance with current State laws including, but not limited to Chapters 672 through 677 inclusive of the Revised Statutes Annotated of the State of New Hampshire, and as subsequently amended, the Sanbornton Planning Board adopts the following regulations governing the subdivision of land in the Town of Sanbornton, New Hampshire.

**SECTION 2.0 TITLE**

These regulations shall be known and may be cited as the "Town of Sanbornton Land Subdivision Control Regulations" hereinafter referred to as the "Subdivision Regulations".

**SECTION 3.0 PURPOSE**

These Subdivision Regulations are adopted for the following purposes:

1. To protect and provide for the public health, safety and general welfare of the Town of Sanbornton.
2. To guide the future growth and development of the municipality, in accordance with the Master Plan.
3. To provide for adequate light, air and privacy; to secure from fire, flood, and other danger; and to prevent overcrowding of the land and undue congestion and population.
4. To protect and conserve the value of land throughout the town and the value of buildings and improvements upon the land; and to minimize the conflicts among the uses of land and buildings.
5. To provide adequate and efficient transportation, water, sewage disposal, schools and other public requirements and facilities.
6. To provide for suitably located streets of sufficient width to accommodate existing and future traffic; to afford access for firefighting equipment to buildings; and to be coordinated so as to create a convenient and coordinated traffic system.
7. To establish reasonable standards of design and procedures for subdivision in order to further the orderly layout and use of land; and to insure proper descriptions and monumenting of subdivided land.
8. To insure that public facilities are available and will have a sufficient capacity to serve proposed subdivisions.
9. To prevent the pollution of air, land, watercourses, and waterbodies; to assure the adequacy of drainage facilities; to safeguard groundwater supplies; and to promote the conservation of natural resources throughout the Town in order to preserve the integrity, stability and beauty of the community and the value of land.
10. To provide for open spaces through the most efficient design and layout of the land, while preserving the density of land as established in the Zoning Ordinance.

**SECTION 4.0 DEFINITIONS**

**(NOTE: Where there is a difference in the definition between the definition in this section of the Land Subdivision Regulations versus the definition as defined in the Zoning Ordinance, the definition in the Zoning Ordinance shall apply)**

1. Abutter shall mean any person whose property adjoins or is directly across the street or stream from the land under consideration by the Planning Board.
2. Applicant shall mean the owner of record or an agent authorized by the owner of record in writing at the time of application.
3. Approval shall mean recognition by the Planning Board, certified by written endorsement on the plan, that the plan meets the requirements of these Regulations and in the judgment of the Board satisfies all conditions of approval.
4. Approval, Conditional shall mean recognition by the Planning Board that the plan is not finally approved nor ready for filing with the Belknap County Registry of Deeds until such time as certain conditions are met, as set forth by the Board.
5. Board shall mean the Planning Board of the town of Sanbornton.
6. Building Lot shall mean a parcel of land meeting the size and frontage requirements set forth in the Sanbornton Zoning Ordinance and capable of being occupied by one dwelling or commercial structure, where appropriate, and accessory structures.
7. Common Area shall mean land set aside within a subdivision and owned and used in common by the owners of lots within the subdivision.
8. Completed Application shall mean the application form provided by the Planning Board with all the information completed as requested on the form, all attachments, plans and fees as prescribed by these regulations.
9. Engineer shall mean a qualified, registered, professional engineer licensed to practice in the state of New Hampshire.
10. Fee shall mean the filing fee as prescribed on the application form and additional sums imposed by the Planning Board to cover its administrative costs and costs of special investigative studies, review of documents, and other matters which may be required by particular applications.
11. Frontage shall mean the length of the lot bordering on the public right-of-way.
12. Health Officer shall mean the Health Officer of the town of Sanbornton.
13. Land Conservation Area shall mean an area or parcel of land through which the use is restricted by conservation covenants in deed, as approved under these regulations for the purpose of protecting environmentally sensitive and ecologically important areas; maintaining development that is consistent with the natural topography of the landscape; and preserving cultural and historic features of the landscape.
14. Lot shall mean any parcel of land or any combination of lots of record created by subdivision to fulfill the minimum lot size requirements in which there is unity of ownership in one or more deeds.

15. Lot Line Adjustment shall mean adjustments to the boundary between adjoining properties, where no new lots are created.
16. Master Plan shall mean the adopted comprehensive plan or plan of development for the community as prescribed by law in RSA 674:2 - 674:4.
17. Official Town Maps shall mean the adopted official maps of the Town as prescribed by law in NH RSA 674:9-674:11 and 674:20.
18. Plan shall mean the maps, drawings and charts on which the applicant's plan of subdivision is indicated, prepared as required by the Planning Board, and which, if approved by the Board, will be submitted by the Board to the Beknap County Registry of Deeds for recording at the applicant's expense.
19. Right-of-Way shall mean a strip of land for which legal right of passage has been granted by the landowner.
20. Road shall mean a state highway, or a highway, road, or street, which is lawfully existing and maintained by the State or Town for vehicular travel. The word "road" shall include the entire right-of-way.
21. Subdivision shall mean the division of a tract or parcel of land into two or more lots for the purpose, whether immediate or future, of sale, rent, lease, or building development. It includes resubdivision, condominium and other cooperative forms of ownership, and when appropriate to the context, related 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 several owners shall be deemed a subdivision under this chapter.
22. Subdivision, Minor shall mean be the division of a lot, tract or parcel which would create no more than two building lots.
23. Surveyor shall mean a surveyor registered and licensed to practice in the state of New Hampshire.

## **SECTION 5.0 SUBDIVISION REVIEW PROCEDURE**

### **5.1 Pre-application Review**

#### **A. Preliminary Conceptual Consultation**

Prior to the formal submission of a completed application, the applicant may ask to meet with the Board to discuss a proposal in conceptual form and in general terms. The meeting will be by appointment only and will take place at a regularly scheduled meeting of the Board.

The purpose of the preliminary conceptual consultation shall be to review the basic concept of the proposal and suggestions which might be of assistance in resolving problems with meeting requirements during final consideration. Such consultation shall not bind either the applicant or the Board (including time constraints) and statements made by Planning Board members shall not be the basis for disqualifying said members or invalidating any action taken. The Board may limit the number of preliminary conceptual consultations granted to a applicant, and the time allotted per discussion.

B. Design Review

The Planning Board may engage in non-binding discussions with the applicant beyond conceptual and general discussions which involve more specific design and engineering details; provided, however, that the design review phase may proceed only after identification of and notice to abutters and the general public as required by RSA 676:4, I, (d). Statements made by Board members shall not be the basis for disqualifying said members or invalidating any action.

**5.2 Formal Application**

A. Filing of Completed Application

Before any subdivision is made, or the transfer or sale of any part thereof, or before the construction of streets, or before the installation of municipal services therein, or before any application for a permit for the erection of a structure thereon shall be made, the owner thereof or their authorized agent, shall apply in writing to the Board for approval of such subdivision. The application shall be made on the form provided by the Planning Board.

A completed application shall be filed with the Town Clerk, or designee, and be accompanied by all required fees and documents as prescribed in these regulations. The Town Clerk, or designee, will give the applicant a receipt for the application on which the time, date and list of items received are noted.

Applications for subdivision shall be reviewed by the Board or their designated representative to determine if the application is complete. Applicants will be notified of any deficiencies which must be corrected in order for the application to be considered complete. If the application is incomplete in any manner, the applicant will need to provide the missing submission items before it can be placed on the Board's agenda for formal consideration. After such notice, the applicant may revise the plans. The revised plans, which must meet the requirements of a completed application, shall be resubmitted at least 14 days before a regularly scheduled meeting of the Planning Board.

B. Submission

A completed application shall be submitted to and accepted, by the Board only at a public hearing for which notice has been given to the applicant, abutters and the general public. The applicant or the applicant's authorized agent must be present at the public hearing to submit the completed application. The Board may decide to continue the hearing until a later date, or hold additional hearings. As a result of the hearing, the Board may require that additional information be provided by the applicant. Requirements for additional information will be stated in the Board's records.

C. Notification

Abutters and the applicant will be notified by certified mail, of the date and time of the meeting at which the application will be formally submitted to the Board for acceptance. Notice will be mailed out at least 10 days prior to the meeting. Notice to the general public shall also be given at the same time by posting in two (2) public places in the town of Sanbornton at least ten (10) days prior to the meeting. The notice of formal submission shall also include the date, time, and place of the general public hearing on the proposal. If the time, date and place of an adjourned session of any properly noticed public hearing is made known at the hearing, additional notice for the continuance of the hearing is not required. All costs of notice for hearings shall be paid, in advance, by the applicant.

D. Board Action

The Board shall begin formal consideration of a subdivision application within thirty (30) days after submission and acceptance of the completed application. This consideration may begin on the same night the completed application is accepted by the Board.

Within ninety (90) days after submission and acceptance of a completed application, the Board will act to approve, approve with conditions, or disapprove the application. Approval shall be contingent upon receipt of all required permits from the state of New Hampshire, and receipt from the applicant of all fees for recording of the subdivision.

If the application is disapproved, the reasons for such disapproval shall be adequately stated in the Board's records. All approved subdivisions shall be recorded by the Board at the Belknap County Registry of Deeds.

E. Conditional Approval

The Board may grant conditional approval of an application following a public hearing. Final approval may be granted without further public hearing, provided the applicant submits evidence or information which satisfies the conditions imposed by the Board and is certified to the Board by its designee. The plan will not be signed or recorded until all of the conditions have been met. Final approval of an application may occur when the following conditions, as specified under RSA 676:4 (i), are met:

1. The plan reflects minor changes which may or may not have been imposed by the Board as a result of a public hearing. The changes are administrative and do not involve discretionary judgment;
2. The conditions are administrative and do not involve discretionary judgment on the part of the Board;
3. The condition is that the applicant supply copies of permits and approvals granted by other boards or agencies.

F. Extensions

The Board may apply to the Selectmen for an extension not to exceed an additional 90 days before acting to approve, approve with conditions or disapprove an application. The applicant may waive the requirement for Planning Board action within the time period specified in Section 5.2, Subsection D (Board Action), and consent to such extensions as may be mutually agreeable.

G. Failure to Take Action

Upon failure of the Board to approve, conditionally approve or disapprove an application within 90 days after the application is accepted, subject to Section 5.2, Subsection F (Extensions), the applicant may request the Selectmen to immediately issue an order directing the Planning Board to act on the application within 30 days.

If the Planning Board does not act on the application within that thirty (30) day time period, then within forty (40) days of the issuance of the order, the Selectmen shall certify on the applicant's application that the plat is approved pursuant to this paragraph, unless within those forty (40) days the Selectmen have identified in writing some specific subdivision regulation or zoning or other ordinance provision with

which the application does not comply. Such certification, citing this paragraph, shall constitute final approval for all purposes including filing and recording under NH RSA 674:37 and 676:18, and court review under NH RSA 677:15.

Failure of the Selectmen to issue an order to the Planning Board according to the preceding paragraph or to certify approval of the plat upon the Board's failure to comply with the order, 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 or other ordinances. If the Court determines that the failure of the Selectmen to act was not justified, the Court may order the municipality to pay the applicant's reasonable costs, including attorney's fees incurred in securing such order (NH RSA 676:4, I, (c) as amended 1990).

**5.3 Procedure for Minor Subdivisions**

The application for the approval of minor subdivisions shall be submitted and processed in the same manner as the submission of an application for subdivision approval.

**5.4 Procedure for Lot Line Adjustments**

The application for the approval of lot line adjustments shall be submitted and processed in the same manner as the submission of an application for subdivision approval.

**SECTION 6.0 SUBDIVISION PLAN**

**A. Application Requirements**

At the time of application, the applicant shall file a completed application consisting of the following items, unless a written waiver from the applicant has been filed with the Board:

1. A completed subdivision application form;
2. Three (3) black and white copies of the plat; The horizontal scale of the plan shall be preferably 1" = 50' but shall not be greater than 1" = 100'. The overall sheet size shall be one of the following:

C size	17" x 22"
D size	18" x 24"
E size	22" x 34"
F size	24" x 36"

If more than one sheet is used, sheets shall be numbered and show their relationship to each other. A margin of at least one (1) inch shall be provided outside ruled border lines on three sides and of at least two (2) inches along the left side of the sheets.

3. The applicant shall also file, at the time of application, two tax map sketches on separate sheets at a scale of 1" = 200' for any subdivision that is within 2,000 feet of Lake Winnisquam, Sanbornton Square, Hermit Lake or Plummer Pond and at a scale of 1" = 400' for subdivisions located in other parts of Sanbornton.
4. The subdivision fee, as prescribed by the Planning Board, refer to Appendix A.

5. One unsealed envelope addressed to each of the abutters, and the applicant, with the Sanbornton Planning Board return mailing address on the upper left hand corner of the envelope; the envelopes shall have sufficient certified mail postage (stamps) affixed, and properly completed certified mail forms. Envelopes stamped by a postage meter will not be accepted. The names and addresses of abutters shall be current within five (5) days of the date the completed application is filed with the Planning Board.
6. All impact statements or studies required by the Planning Board.
7. All required state approvals, including but not limited to, applicable Department of Environmental Services permits and Department of Transportation driveway permits.

**B. Plan Requirements**

The subdivision plan shall contain the following information:

1. Proposed subdivision name or identifying title, name and address of the owner of record and the applicant, if other than the owner.
2. North arrow, scale, date of preparation, zoning district(s), and Planning Board signature block.
3. Name, address, license # and seal of engineer, architect, land surveyor or soil scientist.
4. Names and mailing addresses of owners of record of abutting properties.
5. A location key sketch at an approximate scale of 1" = 2000', showing the general location of the total tract within the Town, the proposed subdivision as a solid shaded area and nearby roads and intersections. The orientation of the location key sketch shall be the same as the plan.
6. Boundary survey including bearings, distances and the location of permanent markers.
7. The minimum linear closure of error shall be stated on the plan in accordance with the current standards for instrument surveys or if utilizing other equipment such as Global Positioning System (GPS) then require additional statement that GPS units have approval by the Federal Geodetic Control Committee (FGCC).
8. The location of existing and proposed easements, including utility transmission line easements, driveways, buildings and other structures, roads (names and widths) and bridges within the subdivision and within 100 feet of the subdivision.
9. Existing and proposed cemeteries and cemetery right-of-ways within the subdivision.
10. The location of property lines, lot areas in acres and square feet. Each lot shall be numbered according to the Town tax map numbering system.
11. Location and profiles with elevations of existing and proposed water mains, sewers, wells, culverts, drains and proposed means of providing water supply and disposal of sewage and surface drainage.
12. The location of permanent and seasonal water courses, wetlands, ponds, standing water, rock ledges, stone walls, existing and proposed trees lines and other significant natural features.

13. Existing and proposed or upgraded streets, bridges, and culverts with names, classification, travel surface widths and right-of-way widths.
14. The location of percolation tests and test results including the date the test was performed.
15. Contour lines shall be at 20' intervals unless otherwise requested by the Board.
16. Soil data based on the Belknap County Soil Survey, including wetland delineation and flood hazard areas.
17. Base flood elevations.
18. Location, dimensions, boundaries and areas of all parcels of land proposed for common ownership or for common use, or for conservation easement. A copy of the proposed agreement, easement, conditions and deed restrictions associated with such parcels shall be attached to the plan.

C. Other Required Studies

The Planning Board may require the applicant to perform additional impact studies and/or plans at their expense. The study shall be performed by qualified professionals acceptable to the Planning Board. Examples of such plans and/or studies include but are not limited to the following:

1. Stormwater management and drainage plan
2. Hydrogeologic study
3. Environmental impact study
4. Traffic impact analysis
5. Any other study which the board may reasonably request as necessary in order to make an informed decision on the applicant's proposal

## SECTION 7.0 GENERAL REQUIREMENTS

The applicant shall observe the following general requirements:

- A. The subdivision shall conform with the Town Master Plan, Official Maps of the Town, the Zoning Ordinance and any other pertinent State or local laws or regulations.
- B. Character of Land -- Land to be subdivided shall be of such character that it can be used for building purposes without danger to public health, safety, damage of surrounding property, or potential threat to environment. Land subject to periodic flooding, poor drainage or other hazardous conditions, shall not ordinarily be subdivided. Land with inadequate capacity for sanitary sewage disposal shall not be subdivided for building purposes unless connected to the municipal sewage disposal or a publicly approved private sewage disposal system.
- C. Preservation of Natural Features -- The subdivision plan shall be designed, in so far as possible, to preserve such natural features as wetlands, water courses, waterbodies, floodplains, steep slopes, aquifer recharge areas, large or unique trees, wildlife habitats and scenic views. The street and lot layout shall bear logical relationship and be adapted to the topography of the site. Extensive grading and filling is discouraged and should be avoided to the greatest extent possible.

- D. Building Lot Design and Access -- Each building lot shall be designed, in so far as possible, to provide adequate use of the parcel and have direct and adequate street access.
  
- E. Environmental Impact -- The Planning Board shall consider the impact of the proposed subdivision upon the environment including, but not limited to, water and air pollution, noise, wildlife habitat, scarce or endangered species of flora or fauna, and critical, scenic or historic areas. If as a result of accepting a proposed subdivision, there would be an adverse impact on the environment, the Planning Board may disapprove the subdivision or require such modification as it deems necessary.
  
- F. Scattered or Premature Development -- The Planning Board, in its discretion, will not approve such scattered or premature development as would create danger or injury to the general public health, safety and welfare due to the lack of water supply, drainage, sewage and rubbish disposal, transportation or other public services such as fire and police protection, schools and recreational services; nor will the Board approve such development which will necessitate the excessive expenditure of public funds for the supply of such services. The Planning Board shall consider the following items when determining whether a proposed subdivision is scattered or premature:
  - 1. Distance of the proposed subdivision from the nearest public school.
  - 2. Existing and projected capacity of the school district and the effect of the subdivision on school bus transportation.
  - 3. Adequacy of existing access streets.
  - 4. Adequacy of water for domestic needs and firefighting purposes.
  - 5. Potential health problems regarding the relationship between on-site sewage disposal systems and the soil conditions of the parcel, as well as the potential impact on the surrounding water quality.
  - 6. Potential problems with the delivery of municipal services including but not limited to fire protection, ambulance, and police services.
  - 7. Potential drainage problems both on-site and downstream.
  - 8. Other issues which, in the view of the Planning Board, may cause the proposed subdivision to be scattered or premature.

**SECTION 8.0      DESIGN STANDARDS**

A. Survey Standards

- 1. All surveys shall be prepared in accordance with NH Code of Administrative Rules Lan 100-500 and according to the minimum standards for instrument surveys adopted by the NH Land Surveyors Association for Standard Property Surveys. The minimum linear closure of error shall be stated on the plan. Surveys prepared using Global Positioning System (GPS) shall use GPS units which currently have approval by the Federal Geodetic Control Committee (FGCC).
  
- 2. Minor Subdivisions -- In the case of minor subdivisions that involve large acreages from which one building lot is being subdivided, the Board may, upon written request, waive the requirement for a complete boundary survey, when it is apparent that the remaining lot can meet existing frontage and lot size requirements and is suitable for building. If such requirements can not be determined to the satisfaction of the Planning Board, the Board reserves the right to require a complete boundary survey.

**B. Monuments and Benchmarks**

1. Granite bounds shall be set at all property corners along existing and/or proposed roads and at rights-of-way intersection along existing and/or proposed roads. Additional granite bounds may be required by the Planning Board, at points of curvature and points of tangency along existing and/or proposed roads.  
The size of such bounds shall be four inches by four inches by thirty inches (4" x 4" x 30"), with a three-eighths inch (3/8") drill hole in the center. The bounds shall be properly placed securely in the ground not to exceed six (6") above the surface. Other proposed monuments may be considered and accepted by the Planning Board when conditions warrant.
2. Iron pipes or drill holes shall be furnished at all other property line corners. Additional iron pipes or drill holes may be required by the Planning Board, along property angles and/or lot lines.  
The size of such pipes shall be half an inch by thirty inches (1/2" x 30"). Pipes shall be driven into the ground at accurate locations, leaving two inches (2") exposed. All newly installed iron pins shall include a surveyor's "cap" in an effort to facilitate their location in the field. Other proposed monuments may be considered and accepted by the Planning Board when conditions warrant.
3. The locations of all bounds and pipes shall be shown on the subdivision plan, along with a note on the plan stating the date of installation.
4. All benchmarks shall be referenced on the subdivision plan.

**C. Road Design Standards**

1. Logical Placement - Roads shall be logically related to the topography so as to produce usable lots, reasonable grades and safe intersections in relation to the proposed use of the land to be served by such roads. Where practical, lots shall be graded towards the ditch line of the roads; where not practicable, adequate provision shall be made to control the drainage of each lot by an adequate stormwater system.
2. Intersections - Minimum angle of intersection shall comply with the standards as stated in Table 8.1.
3. Arrangement of Streets - The arrangement of roads in the subdivision shall provide for the continuation of the principal roads in adjoining subdivisions or for their proper projection when adjoining property is not subdivided, and shall be as wide as the existing connecting roads
4. Street Intersections - Streets entering the opposite side of other streets shall be laid out either directly opposite one another or with a minimum offset of 125 feet between their centerlines.  
The intersection of any street shall have a corner rounding at the property line with a radius of one-half (1/2) the width of the right-of-way.
5. Rights-of-Way - Minimum road right-of-way widths shall comply with standards stated in Table 8.1.
6. Street Names - Roads which join or are in alignment with roads of abutting or neighboring properties shall bear the same name. Names of new roads shall not duplicate, nor bear phonetic resemblance to the names of existing roads within the Town. Where practical, names shall have a historical connection. Proposed road names for new subdivisions shall be submitted to the Planning Board and are subject to final approval by the Board of Selectmen.

7. Street Signs - Street signs shall be installed, as required by the Road Agent.
8. Alignment - Roadway centerline horizontal radius of curvature shall comply with standards as stated in Table 8.1.
9. Grade - Road grade shall comply with minimum and maximum grade standards as stated in Table 8.1.
10. Drainage - All roads shall be provided with adequate drainage facilities (culverts and ditches) to allow for the removal of stormwater runoff and to maintain natural drainage patterns. Drainage swales at least 3 feet in width and 16 inches in depth at its midpoint below centerline grade shall be constructed in the street right-of-way on both sides of the paved roadway. Construction of such facilities shall be in accordance with New Hampshire Standard Specifications, 1990, Sections 603-605, as amended. All proposed drainage facilities and culverts shall be installed.
11. Dead-end Roads/Cul-de-Sacs - Dead-end roads shall not exceed one thousand (1,000) feet in length and shall comply with standards as stated in Table 8.1 and Figure 8.2.
12. Construction Standards
  - a. As a minimum, roadway construction shall conform to the typical cross section included within these regulations, specifically with standards as shown in Figure 8.1. Where specifications relative to materials and construction requirements are not included in these regulations, the specifications found in the most recent edition of the Standard Specifications for Road and Bridge Construction shall be used.
  - b. Width - The surfaced roadway shall have a width which shall comply with standards as stated in Table 8.1. Existing roads shall be widened as if they were new roads; the road shall be widened equally on either side of the road, or as determined appropriate by the Road Agent.
  - c. Shoulder Width and Type – Shoulder width shall comply with standards as stated in Table 8.1. Shoulder construction shall comply with construction standards as stated in Figure 8.1.
  - d. Subgrade - All trees, roots, brush, stumps, loam and forest litter shall be cut, excavated and removed from the full length and width of the road and shoulders. All soft spots, peat, organic material, spongy soil and other unsuitable materials shall be removed and replaced by suitable fill material below the full length and width of the road and shoulders to a depth of two (2) feet below the finished roadbed grade as shown on the final road profile. Where loam or improper road foundation material, as determined by the Road Agent, exceeds 2 feet in depth, such material must be excavated and replaced with suitable well compacted material. The subgrade shall be compacted in lifts not exceeding 12 inches in depth.
  - e. Base Course - Road base construction and specifications shall comply with standards as stated in Table 8.1 and in Figure 8.1.
  - f. Pavement Material – Road pavement construction and specifications shall comply with standards as stated in Table 8.1 and Figure 8.1.

### 13. Road Profiles

Final road profiles shall contain center lines stationing and latitudinal and longitudinal cross sections for the entire road including drainage channels and banks. For road grades less than 2%, elevations shall be at all breaks in grade and at selected points not more than 200 feet apart. For grades greater than 2%, contours and road elevations with an interval of not more than 10 feet shall be shown if the ground is uniform in shape, and at intervals of not more than 5 feet, if the ground is irregular in shape.

#### D. Drainage

The construction area of a lot shall be graded to prevent ponding of surface water and provide for proper drainage. No water shall be directed to run across a road on the surface, but shall be graded into catch basins and/or piped underground.

#### E. Sewage Disposal

It shall be the responsibility of the applicant to provide adequate information to prove that the area of each lot is adequate to permit the installation and operation of an individual sewage disposal system.

Such information shall consist of a report showing the results of a series of percolation tests taken in the subdivision in accordance with the New Hampshire Department of Environmental Services Subdivision and Individual Sewage Disposal System Design Rules, Chapter Env-Ws 1000, as amended.

Based on these tests, the engineer shall locate the best position for each private septic system and shall submit a typical design for each system, also done in accordance with the above State regulations.

#### F. Water Supply

Unless a community water system is to be provided for the subdivision, it shall be the responsibility of the applicant to provide adequate information to prove that the area of each lot is adequate to permit the installation and operation of both individual on-site water and septic systems. Each on-site water and septic system shall be constructed in accordance with the New Hampshire Department of Environmental Services Subdivision and Individual Sewage Disposal System Design Rules, Chapter Env-Ws 1000, as amended, and the Town of Sanbornton Subsurface Disposal Health Regulations.

#### G. Flood Hazard Areas

Proposed subdivisions having land designated as "Special Flood Hazard Areas" by the National Flood Insurance Program, shall be reviewed to determine whether such proposals will be reasonably safe from flooding and shall meet the following requirements.

1. The Planning Board shall review the proposal 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.
2. 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 and constructed to minimize or eliminate flood damage; and
  - c. Adequate drainage is provided so as to reduce exposure to flood hazards.

H. Land Conservation Area Standards

1. Purpose

The purpose of the Land Conservation Area Standards is to protect environmentally sensitive and ecologically important areas including streams, wetlands, ponds, wildlife habitat, agricultural land and forestlands; to maintain development that is consistent with the natural topography of the landscape; and to preserve cultural and historic features of the landscape such as scenic vistas and scenic roads.

2. Configuration

Subdivisions greater than 10 acres, whether done at one time or in a series, shall set aside at least 5 percent of the total land area as a Land Conservation Area. The Land Conservation Area(s) shall be either:

- a. A separate parcel of land within the subdivision restricted by conservation covenants in deed. It shall be reserved for common use of all property owners within the subdivision. Provisions for access shall be assured to all property owners within the subdivision. An equal, unspecified, undivided interest shall be included in the deeds of each lot owner in the subdivision. Ownership of the undivided interest in the Land Conservation Area shall not be severed from the lot to which it is appurtenant; or
- b. Included as an overlay within one or more parcels of land within the subdivision restricted by conservation covenants in deed. The boundaries of the Land Conservation Area(s) shall be clearly outlined and the conservation restrictions shall be placed on the subdivision plat. A description of the area(s) restricted by conservation covenants shall be placed in the deed of each of the appropriate lot owner(s) for their individual enjoyment; or
- c. Other options provided by the applicant to preserve land areas as approved by the Planning Board.

3. Conservation Restrictions

The Planning Board shall determine the conservation restrictions to be placed on the Land Conservation Area(s) by covenants in the appropriate deed at the time of application. The conservation restrictions shall be designed to leave the area(s) in its natural state unless approved by the Planning Board to be used for the purposes of agriculture, silviculture or recreation. Any change in use shall be approved by the Planning Board.

The area, configuration and location of the Land Conservation Area(s) shall be approved by the Planning Board. Land Conservation Areas do not necessarily need to be contiguous, but consideration shall be given to purpose and intent of the Land Conservation Area Standards. Land Conservation Area(s) shall not be further subdivided.

4. Planning Board Approval

The Planning Board reserves the right to determine which Land Conservation Area configuration option is most appropriate for the proposed subdivision.

**SECTION 9.0 REQUIRED IMPROVEMENTS/PERFORMANCE GUARANTEE**

1. Required Improvements -- The applicant shall complete all work required by the Board under the Subdivision Regulations relative to the installation, paving and grading of streets and drainage ditches, and the installation of water, sewer and other utility mains or other facilities which are required to be installed as a condition to final approval and as specified in the final approved plan.
2. Performance Guarantee -- The final plan may be approved prior to the completion of all required improvements, provided the applicant submits a performance guarantee, in an amount sufficient to cover the cost of the construction and installation of all improvements as required by the Board as shown on the final plan.

The Board shall set the amount of the performance guarantee prior to the final approval of the subdivision plan. The developer shall post such guarantee with the Town prior to recording the subdivision plan with the Belknap County Registry of Deeds and prior to the issuance of any cost of constructing and installing all required site improvements, including but not limited to: street work, drainage facilities, water mains sewer lines and other utilities.

The basis for determining the performance guarantee shall be one hundred percent (100%) of the cost of all required site improvements, plus any other funds necessary for the completion of ancillary site work as conditioned by the Board's approval. The Board will accept the following methods of posting a performance guarantee:

- a. Cash or a savings passbook held in the Name of the Town and deposited with the Town Treasurer;
- b. A bond issued by a guarantee company authorized to do business within the state of New Hampshire, in an amount and manner prescribed by the Board; or
- c. A letter of credit in an amount and manner acceptable to the Board after consultation with Town Counsel.

**SECTION 10.0 WAIVERS**

The Planning Board may grant a waiver if the Board finds that strict conformity to the Subdivision Regulations would cause undue hardship, injustice to the owner of the land, or would not be in the best interest of the Town. A waiver would be considered if the result of strict compliance with the regulations or the purposes of these regulations may be served to a greater extent by an alternative proposal. The Board shall approve waivers provided a majority of the Board finds that the:

1. The granting of the waiver will not be detrimental to the public safety, health, or welfare or injurious to the property owners and will promote the public interest.
2. The waiver will not in any manner vary the provisions of the Sanbornton Zoning Ordinance, Master Plan or Official maps; and
3. Such waivers will substantially comply with the objectives, standards and requirements of these regulations.

**SECTION 11.0 REVOCATION OF PLANNING BOARD APPROVAL**

An approved and recorded subdivision plan may be revoked by the Board in whole or in part, under the procedures in RSA 676:4-a and following circumstances:

1. At the request of or by agreement with the applicant;
2. When any requirement or condition of approval has been violated;
3. When the applicant has failed to perform any condition of approval within the time specified or within four years;
4. When four years have elapsed without the vesting of rights and the plan no longer conforms to applicable regulation; or
5. When the applicant has failed to provide for the continuation of adequate security.

**SECTION 12.0 ADMINISTRATION AND ENFORCEMENT**

These regulations shall be administered by the Planning Board. The enforcement of these regulations is vested with the Board of Selectmen. Any violation of the Town of Sanbornton Subdivision Regulations shall be subject to a civil fine or other penalties as provided in NH RSA 676:15 - 676:17, as amended.

**SECTION 13 .0 AMENDMENTS**

The Subdivision Regulations may be amended or rescinded by the Board, but only following a public hearing on the proposed changes. Copies of any change must be certified by a majority of the Board members and filed with the Town Clerk and Selectmen.

**TABLE 8.1 / TABLE OF GEOMETRIC ROADWAY DESIGN STANDARDS**

<b>TABLE 8.1 / TABLE OF GEOMETRIC ROADWAY DESIGN STANDARDS</b>			
<b>ITEM</b>	<b>COLLECTOR ROAD</b>	<b>LOCAL ROAD</b>	<b>ACCESS ROAD</b>
1. Maximum Number of House Lots and/or Dwelling Units (Note #1)	41+	40	20
2. Minimum Width of Right-of-Way / "R"	60'	60'	60'
3. Minimum Pavement Width / "W"	22'	20'	18'
4. Minimum Centerline Grade	1.00%	1.00%	1.00%
5. Maximum Centerline Grade	8.00%	10%	12%
6. Minimum Angle of Intersections	90 degrees	80 degrees	80 degrees
7. Width of Shoulders / "S"	2'	2'	2'
8. Minimum Centerline Radius of Curvature	600'	400'	150'
9. Minimum Tangent Length between Reverse Curves	300'	200'	100'
10. Minimum Road Base (Note #2)			
Crushed Gravel (Item No. 304.3)	8"	6"	6"
Bank Run Gravel (Item No. 304.2)	12"	12"	12"
Sand (Item No. 304.1) (Note #2)	12"	12"	12"
11. Bituminous Pavement (Item No. 403.11) (Note #3)			
Binder Course	2.5"	2.0"	2.0"
Wearing Course	1.5"	1.5"	1.5"
12. Minimum Road Crown	0.02	0.03	0.03
13. Cul-de-Sac Roads (See Figure 8.2)			
Radius of Curvature at Outer Edge of R.O.W. (See Figure 8.2)	N/A	75'	75'
Radius of Curvature at Outer Edge of Pavement (See Figure 8.2)	N/A	62'	62'
<b>FOOTNOTES:</b>			
#1. Access Roads shall not serve more than 20 House Lots or Dwelling Units and shall be either a dead-end road or a loop road			
#2. Minimum thickness of sand blanket specified shall be required over ledge (See Figure 8.1)			
#3. Requirement for Bituminous Pavement on Access Roads and Local Roads may be omitted with Planning Board approval			
#4. Geo-textile installation may be required when recommended by Town Engineer and required by Planning Board			

FIGURE 8.1 / TYPICAL ROADWAY CROSS SECTION

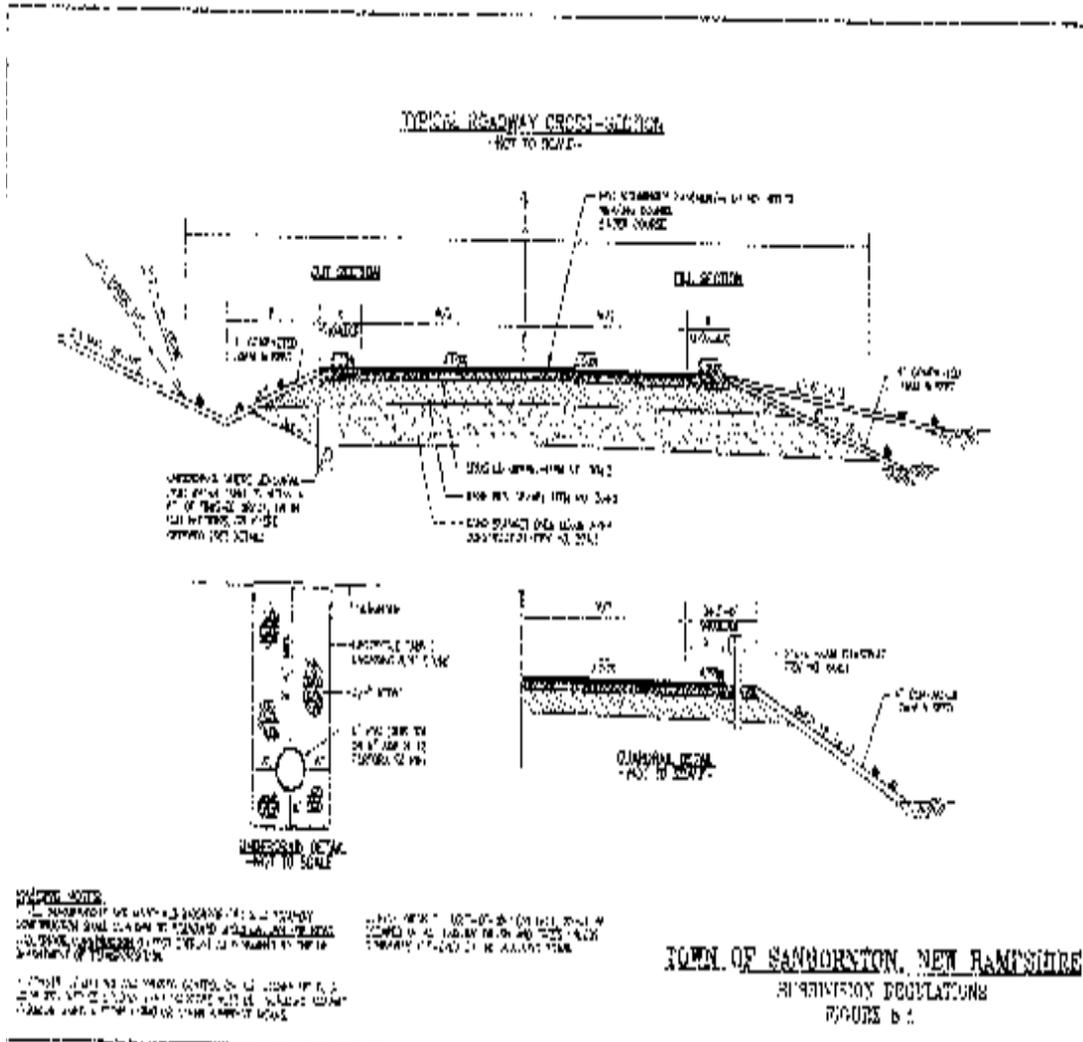
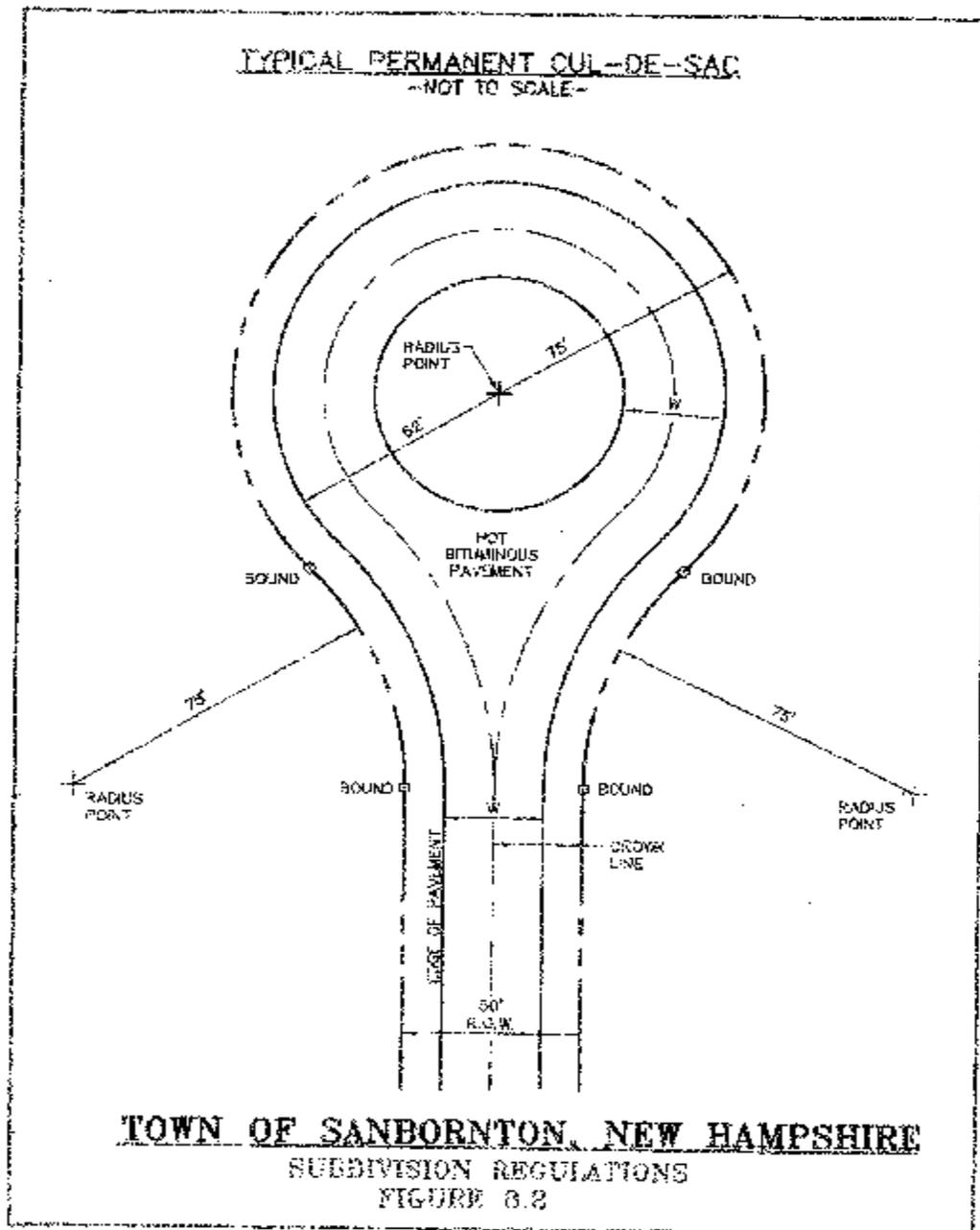


FIGURE 8.2 / TYPICAL PERMANENT CUL-DE-SAC



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**APPENDIX A: PROPOSED FEE SCHEDULE**

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Note: This schedule can be set and modified by the Planning Board at any time. A public hearing is not required.

LAST REVISION: MARCH 5, 1998

SUBDIVISIONS

The subdivision application fee is \$150.00 for a 2 lot subdivision. A boundary line adjustment shall be \$100.00. The fee for all other subdivisions shall be \$100.00 for each of the first two lots plus \$50.00 for each additional lot (not including set asides or other common areas). No additional fee shall be charged for a proposed private family cemetery provided it is proposed as part of a current subdivision proposal. A \$50.00 fee shall be charged for a proposed private family cemetery, with a maximum capacity of 25 plots. This fee is due as part of the completed application; other costs must be paid in full before final approval is granted.

RECORDING FEES

The recording fees for the Belknap County Registry of Deeds shall include the registry fee based on sheet size and/or the number of pages recorded, plus a registry surcharge of \$2.00 per document on all documents and a one-time charge of \$50.00 administrative charge to cover transportation and labor.

The recording fees are based on the registry fee schedule currently in effect and as adopted by the Belknap County Registry of Deeds, as amended. Recording fees must be paid in full at the time of final approval.

Documents:

Text will be billed at the rate of \$10.00 for the first page and \$4.00 for each additional page.