

SUBDIVISION REGULATIONS TOWN OF WARREN, NH

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Amended June 3, 2024

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of Subdivision Regulations

Town of Warren, NH

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Article 1 – ADOPTION AND AMENDMENT

1.01 - Authority

Pursuant to the authority granted by the voters of the Town of Warren and in accordance with the provisions of Chapter 674: Section 35, N.H. Revised Statutes Annotated, the Warren Planning Board adopts the following Regulations governing the subdivision of land in the Town of Warren, New Hampshire.

1.02 - Title

These regulations shall be known as the Warren, N.H. Subdivision Regulations.

1.03 - Purpose

The purposes of these Regulations are to:

- Provide uniform procedures and standards for subdivisions and street design.
- Discourage the scattered and premature subdivision of land.
- Prevent poorly designed or inadequate subdivisions which might endanger health, safety, and prosperity because of inadequate drainage, sewage, water supply, or streets.

1.04 - Validity

If any portion of these 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 these Regulations.

1.05 - Amendment

These Regulations may be amended whenever such action is deemed advisable by the Board following a duly noticed public hearing on the proposed amendment. All amendments to these Regulations shall become effective when adopted by the Board, after the completion of the Public Hearing, by an affirmative vote of a majority of its members, and copies of the amendments are certified by a majority of the Board and filed with the Town Clerk. The amendment shall be filed in a central file with the Office of State Planning.

Article 2 – ADMINISTRATION AND ENFORCEMENT

2.01 - Administration

The administration of these Subdivision Regulations shall be by the Planning Board or its designated agent.

2.02 - Approval by Planning Board

All subdivision of land in the Town of Warren requires approval by the Planning Board in accordance with these Regulations.

2.03 - Definitions

If a term is used within these Regulation but not defined herein, refer to the Warren Floodplain Management Ordinance.

ABUTTER:

Any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration by the Planning Board. For purposes of receiving testimony only, and not for purposes of notification, the term “abutter” shall also include any person who is able to demonstrate that such person's land will be directly affected by the proposal under consideration. For purposes of receipt of notification of a meeting, in the case of an abutting property being under a condominium or other collective form of ownership, the term “abutter” means the officers of the collective or association, as defined in RSA 356-B:3, XXIII. For purposes of receipt of notification of a hearing, in the case of an abutting property being under a manufactured housing park form of ownership as defined in RSA 205-A:1, II, the term "abutter" includes the manufactured housing park owner and the tenants who own manufactured housing which adjoins or is directly across the street or stream from the land under consideration by the Planning Board.

ACCEPTANCE:

Recognition by a majority of the Planning Board by members present at a meeting that an application is complete and ready for further consideration.

APPLICANT:

The owner(s) of record or the duly authorized agent of the owner(s) of record of any land, which is proposed to be developed through the subdivision process.

APPROVAL:

Recognition by the Planning Board, certified by written endorsement on the subdivision plat, that the subdivision plat meets the requirements of these Regulations and in the good judgement of the Board, satisfies all criteria of good planning and design.

BEST MANAGEMENT PRACTICE:

A proven or accepted structural, non-structural, or vegetative measure the application of which reduces erosion, sediment, or peak storm discharge, or improves the quality of stormwater runoff.

BOARD:

The Planning Board of Warren, New Hampshire.

BUILDING DEVELOPMENT:

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 or buildings thereon.

CONCEPTUAL CONSULTATION:

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 or buildings thereon.

CONDITIONAL APPROVAL:

Recognition by the Planning Board, certified in a written Notice of Decision, that the subdivision is not finally approved until all the conditions precedent set forth in the Notice of Decision are met.

CONDOMINIUM:

Real property and interest therein, where the undivided interests in the common area are vested in the unit owners or in cooperative or corporate association consisting of the unit owners. It includes, but is not limited to multifamily, group, clustered or single-family housing wherein units are individually owned but wherein open space and other facilities are held in common ownership. Condominiums shall be considered a subdivision plan as outlined in RSA 356: B, as amended and reviewed accordingly.

CONTIGUOUS LOT:

Means adjacent or abutting lots which have a common boundary line.

DESIGN REVIEW:

This is the second step in the pre-application review process following the optional Conceptual Consultation step and prior to the required Final Subdivision application.

DRIVEWAY:

Shall be defined as any path of access serving less than three dwelling units that is used by motor vehicles to gain entry upon private property from a public right-of-way. This includes: parking pads, private roads, and any other means of access to public or private property from a public highway.

EASEMENT:

An acquired privilege which one party may have in the land of another such as a water line, a driveway, a connection with or location of a septic system, the preservation of a view, a right-of-way for ingress and egress, etc.

ENGINEER:

Shall mean the duly designated registered engineer, consultant, or official assigned by the Warren Planning Board.

FRONTAGE:

That portion of a lot bordering on a highway, street, or right-of-way.

LOT:

A single parcel or unit of land with defined, fixed boundaries, represented and identified by a recorded plat or deed that meets the minimum requirements for use, coverage, and area.

LOT OF RECORD:

A legally created parcel, the plat, or descriptions of which has been recorded at the registry of deeds for the county.

MASTER PLAN:

The Master Plan adopted by the Town of Warren Planning Board, pursuant to RSA 674:2, as amended.

NON-CONFORMING LOT:

The use of land which is not a use permitted by the provisions of this ordinance for the district in which such land is situated.

PLAT:

An accurately scaled map, plan, drawing, or chart prepared by a licensed land surveyor depicting the subdivision plan which is presented to the Board for recording in the Grafton County Registry of Deeds.

PRE-APPLICATION:

The two steps, Conceptual Consultation and Design Review, prior to filing a complete final application.

RIGHT OF WAY:

Any area of land used for, or intended to be used for a street, road, or public use. The usage 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.

ROADWAY:

The traveled way of a street including the shoulders.

STREET:

A road, avenue, boulevard, lane, or highway, designated for purposes of vehicular travel, exclusive of driveways. “Street” shall mean the entire width of the right-of-way whether unimproved or improved. A street may be public or private.

SUBDIVIDER:

The owner of record of the land to be subdivided, or the agent of any such owner.

SUBDIVISION:

The division of the lot, tract, or parcel of land into 2 or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale, rent, lease, condominium conveyance or building development. It includes resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided.

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 title.

The grant of an easement in gross to a public utility for the purpose of placing and maintaining overhead and underground facilities necessary for its transmission or distribution network such as poles, wires, cable, conduit, manholes, repeaters and supporting apparatus, including any unstaffed

structure which is less than 500 square feet, shall not be construed as a subdivision under this title, and shall not be deemed to create any new division of land for any other purpose.

The rent, lease, development, or grant of an easement to a person for the purpose of placing and maintaining a wireless communications facility shall not be construed as a subdivision under this title and shall not be deemed to create any new division of land for any other purpose. For purposes of this paragraph, "wireless communications facilities" means any towers, poles, antennas, or other unstaffed structure of less than 500 square feet intended for use in connection with licensed transmission or receipt of radio or television signals, or any other licensed spectrum-based transmissions or receptions. This paragraph shall not be deemed to affect other local zoning, site plan, or regulatory authority over wireless communications facilities.

Subdivisions are further broken down into three categories: 1) Minor lot line adjustments and boundary agreements, 2) Minor subdivisions, and 3) Major subdivisions. See Article 4 - Types of Subdivisions.

This definition establishes the jurisdiction of the Planning Board.

WETLANDS:

An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal conditions does support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

2.04 - Prohibition of Construction Prior to Approval

No construction, land clearing, or building development shall be initiated until the Final Plat of the proposed subdivision has been approved by the Planning Board, as evidenced by the issuance of the Notice of Action (Article B.19).

2.05 - Prohibition of Sale Prior to Endorsement and Recording

No sale, rental, lease, or other conveyance of any part of a proposed subdivision shall be entered into by the subdivider until an approved Final Plat has been endorsed by the Planning Board and recorded in the Grafton County Registry of Deeds.

- A. In the event the Planning Board accepts a performance bond, in a form acceptable to the Selectmen after review by Town Counsel, the Final Plat shall be endorsed by the Planning Board at the time of approval and thereupon recorded in the Grafton County Registry of Deeds.

- B. If construction for the subdivision is not secured by a performance bond, construction of said subdivision shall be fully completed in accordance with Article 15, following which the approved Final Plat shall be endorsed by the Planning Board and recorded in the Grafton County Registry of Deeds.

2.06 - Penalties

As provided In RSA 676:16, 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 and endorsed by the Planning Board and recorded in the Grafton County Registry of Deeds shall pay a penalty of five hundred dollars (\$500.00) for each lot or parcel so transferred or sold as assessed and imposed by the Planning Board. The Town may enjoin such transfer or sale and may recover the penalty by civil action. As may be ordered by the court, the prevailing party may recover reasonable court costs and attorneys' fees. In addition, action may be taken for any violation of these regulations as provided In RSA 676:17.

2.07 - Appeals

Any person aggrieved by any decision of the Board may appeal therefrom to the Superior Court as provided in RSA 677:15.

2.08 - Construction of Subdivision

A subdivider shall construct the subdivision in compliance with the approved Final Plat and all requirements set forth In the Notice of Action (Article 8.19). Construction of improvements shall be in accordance with the provisions of Article 15.

2.09 - Acceptance of Streets

Any new street within a subdivision shall be completed as shown on the Final Plat in accordance with the Regulations and the Town Road Construction Specifications and subject to any conditions imposed by the Board at the time of approval of the Final Plat. The construction and completion of a private street or highway shall not obligate the Board of Selectmen to accept the offer to dedicate the street or private highway as a public street or public highway.

Article 3 – WAIVERS OF COMPLIANCE

3.01 - Relaxation of Requirements

Upon the written request by the applicant, the Board may grant a waiver or relaxation of the provisions of the Regulations as it deems appropriate per NH RSA 674:36, II(n), by majority vote of the Board. Reasons for the waiver shall be recorded in the meeting minutes. The requirements of these Regulations may only be modified or waived by the Board when:

- A. Strict conformity would pose an unnecessary hardship to the applicant and a waiver would not be contrary to the spirit and intent of the regulations; or
- B. Specific circumstances relative to the subdivision, or conditions of the land in such subdivision, indicate that the waiver will properly carry out the spirit and intent of the regulation.

In approving waivers, the Planning Board may require such conditions as will, in its judgment, substantially secure the objective of the standard or requirement of these Regulations that is being waived.

Article 4 – TYPES OF SUBDIVISIONS

For the purpose of these Regulations, three types of subdivisions are defined. All types may involve residential, commercial, or industrial development.

4.01 - Minor Lot Line Adjustments, and Boundary Agreements which Create No New Lots

The procedure for minor lot line adjustments and boundary agreements which create no new lots is set forth in Article 6.

4.02 – Voluntary Merger

The voluntary merger of two or more contiguous pre-existing approved or subdivided lots, which share the same owner, for the purposes of municipal regulation and taxation (RSA 674:39-a).

4.03 - Minor Subdivision

A subdivision resulting in no more than three (3) lots and requiring no new streets or public improvements. The procedure requiring only the Final Plat, is set forth in Article 7.

4.04 - Major Subdivision

Any subdivision resulting in four (4) or more lots or requiring new streets or public improvements. Applications are normally processed in three steps: an informal discussion, a review of the preliminary layout, and a review of and public hearing on the Final Plat. Procedures and requirements are set forth In Article 8.

Article 5 – SUBDIVISION APPLICATION: GENERAL INFORMATION

5.01 - Submission of Application

Application for subdivision approval, and subsequent submission of required information, shall be made to the Planning Board. Inquiries for advice concerning procedures or requirements should be made through a Pre-Application meeting with the Planning Board.

5.02 - Notice

When Notice is required in the Regulations, the Board shall give Notice as follows:

- A. The Notice shall include a general description of the proposed subdivision which is the subject of the Application; shall identify the subdivider and the location of the proposed subdivision; and shall state the day, time, and place of the public meeting/hearing.
- B. Abutters: A copy of the Notice shall be sent by certified mail to abutters, easement holders, the subdivider and any engineer, architect, land surveyor or soil scientist whose professional seal appears on the plat, at least ten (10) days prior to the public meeting/hearing. For proposals in which any structure or building site will be within 500 feet of the top of the bank of any lake, pond, river or stream, notice shall also be given to the NHDES Dam Bureau.
- C. For the purpose of the Regulations, in counting days, the day on which Notice is given and the day of the public meeting/hearing shall be excluded.
- D. Public: Notice to the general public shall be given by publication of a copy of the Notice in a newspaper of general circulation and posting a copy of the Notice described herein in two public places, at least ten days prior to the public meeting/hearing.
- E. The application shall include the names and addresses of the subdivider and all abutters of the entire parcel as indicated in the Town records not more than five days before the day of filing. Abutters shall also be identified on any plat submitted

to the Board. Subdivider shall provide the list and a verification from the Tax Collector that the addresses are the same as shown on the Town tax records.

- F. The subdivider shall pay, in advance, all costs of Notice to abutters. Failure to pay costs may be the basis for disapproval of the Application.
- G. If notice of public hearing has been included in the notice of submission of the application, or any prior notice, additional notice is not required. In the case of an adjourned of a public meeting/hearing, additional notice is not required if the date, time, and place of the adjourned session is made known at the prior meeting/hearing.

5.03 - Filing Fees, Administrative Expenses, and Other Costs Incurred by the Town and Board

The subdivider shall pay the filing fees according to the Schedule of Fees adopted by the Board. In addition, the Board may require the subdivider to pay additional 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 applications (RSA 676:4(g)). Such additional fees may also include an appropriate allocation of legal fees incurred by the Board.

Article 6 – PROCEDURES

6.01 Planning Board Approval Required

All minor lot line adjustments, boundary agreements, voluntary mergers of lots, and major and minor subdivisions, including development of condominium units, as defined in these Regulations, require approval by the Board in accordance with these Subdivision Regulations. Approval shall be obtained before any construction, land clearing or building development is begun, before the erection of any building in such proposed subdivision shall begin, before any contract or offer for sale, rent, condominium conveyance or lease of lots in the subdivision shall have been negotiated, before converting a property to condominium or time-share ownership, and before any subdivision plat may be filed in the Grafton County Registry of Deeds. The owner(s) or authorized agent shall apply in writing to the Board on a form provided by the Board and secure approval of such proposed subdivision, condominium development, minor lot line adjustment, boundary agreement or lot merger in accordance with these Regulations.

6.02 Optional Pre-Application Meetings

The Board encourages applicants to take advantage of the Preliminary Consultation and Preliminary Plan steps of the application process. It may be in the best interest of the applicant, as well as the Board, to discuss the proposed subdivision, minor lot line adjustment or boundary line agreement on an informal basis prior to actual submission of the application.

A. Preliminary Consultation

- a. Procedures: IF the applicant so requests, the Board shall place on its agenda a for a regularly scheduled meeting a Preliminary Consultation between the applicant and the Board. This phase in the review process is optional for the applicant to discuss a proposed subdivision in conceptual form and to ask specific questions regarding application procedures and requirements. It is made available by the Board in order to save on expenses and unnecessary changes later on. There is no application fee for this phase and no public notice is required.
- b. Information Requested: A sketch plan may be utilized when necessary to show the location and type of the proposed development, with additional information, such as general topography, including prominent natural features of the tract. If the subdivider brings a detailed plan of any type to the Board meeting, the Board will recess any consideration until notice has been given as provided in Section 5.02.
- c. No Action of the Board: The Preliminary Consultation between the between the subdivider and the Board shall be limited to a discussion as to concept and in general terms for the limited purpose of familiarizing the Board with the location and type of development, and the subdivider with general requirements of the Board as set forth in the Regulations. Such consultation shall not result in any decision, agreement or action binding upon the applicant or the Board. Following the Preliminary Consultation, and after determining the general character of the proposed subdivision, the Board shall advise the subdivider concerning subsequent procedures, classification of proposed subdivision as either minor or major, submission requirements for final review, and the necessity to obtain other local and state permits.

B. Preliminary Plan / Design Review

- a. Procedure: The subdivider may, but is not required to, submit to the Board for review a Preliminary Plan of the proposed subdivision. Applications to the Board for review of preliminary plans shall be filed with the Board or its designated agent on the appropriate form as approved by the Board, at least twenty-one (21) days before the Board meeting at which the plan will be discussed. The Board shall give notice, at the applicant's expense, as provided in Section 3.02, of the Preliminary Plan review as required under RSA 676:4, I (d). The review of the Preliminary Plan shall be conducted only at formal 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 as permitted by the Board. Again, this phase in the subdivision review process is optional for the applicant and is made

available by the Board in order to save expense and unnecessary changes later on.

- b. Information Requested: The Preliminary Plan may be drawn in pencil or ink and shall be submitted in three (3) copies. Preliminary plans should show substantially the same information as required for Final Plan; however, dimensions may be approximate and data may be tentative. The preliminary plans should be sufficiently clear to establish the basis of and to clarify the design requirements for the subdivision final plat. Maps shall be at a scale of no more than 100 feet per inch unless an exception is granted by the Board or its agent.
- c. No Action of the Board: Such preliminary review shall bind neither the applicant nor the Board.

6.03 Submission of Final Application

The completed application shall be formally submitted to and accepted by the Board only at a regularly scheduled public meeting after due notification as provided in Section 5.02 of the date the completed application will be submitted to and received by the Board. The Board shall, within 30 days or at the next public meeting for which notice can be given, review the application for completeness, as required by these Regulations. If determined to be complete, and all required fees and costs of notice have been paid, then the Board shall, by motion, accept the application as complete relative to jurisdiction of the Board per RSA 674:4, I(b). If the Board finds the application to be incomplete, the subdivider shall be notified of the deficiencies in writing. The Board may reject an application with no further action based upon failure to supply information required by the Regulations, failure to meet reasonable deadlines established by the Board, or failure to pay cost of notice or other fees required by the Board.

6.04 Board Action on Completed Application

- A. The Board shall act to approve, approve with conditions, or disapprove the final plat or completed application within 65 days, subject to extension or waiver as provided in RSA 676:4.
- B. The Board may require special investigative studies, environmental assessments and a legal review of documents, administrative expenses, and other matters necessary to make an informed decision. The cost of such studies and investigations shall be paid by the applicant.
- C. Failure to pay any fee shall constitute valid grounds for the Board to terminate further consideration and to disapprove the application without a public hearing.
- D. Prior to approval of a subdivision, a public hearing shall be held as required by RSA 676:4(1)e, and notice shall be given in accordance with Section 5.02. At the discretion of the Planning Board Chair, a public hearing may be held at the same meeting as the submission of the application, provided the hearing has been noticed

and the application is accepted as a complete application for subdivision approval by the Board.

- E. The Board shall notify the applicant in writing, signed by the Chair, of its actions on the final plat, including Written Findings of Fact to support its decision. In case of disapproval, the grounds for such disapproval shall be set forth in the Findings of Fact within the Notice of Action, which shall become part of the public records of the Board. The Notice of Action shall set forth the following as applicable:
- a. A statement that the subdivision shall be completed and constructed in conformity with the approved final plat and these Regulations.
 - b. Any waivers granted by the Board from the requirements of these Regulations, of any modifications of Standards.
 - c. Any Conditions of Approval required prior to signing and recording final plat, such as Legal Documents, Security to guarantee performance, amounts to be provided in escrow for inspection fees, other approvals from the municipality, state, or federal entities that must be received.
 - d. Any Conditions of Approval which must appear of the final plat to be signed and recorded, such as long-term responsibility for maintenance of roads, stormwater and other facilities, restrictions on use of open space, natural features to remain, requirements regarding utilities or fire protection.
 - e. A statement that all improvements, including off-site improvements, required by the Planning Board shall be completed and constructed at the sole expense of the applicant or the successors and assigns of the applicant.
 - f. A statement that if the subdivider and Planning Board have agreed that any road(s) are to remain private, the landowners shall be required to conduct, at no expense to the Town, maintenance, repairs and/or repaving deemed necessary by the Town prior to any future dedication and acceptance or petition to layout a town road over said private road.
 - g. All agreements, if any, between the applicant and Board concerning matters not required by these Regulations, but to be performed by the applicant.

Unless all of the above information appears on the final plat to be recorded, the Notice of Action shall be recorded in the Grafton County Registry of Deeds with the final plat.

- F. The applicant shall provide a final mylar plat in permanent black ink suitable for recording together with the recording fee within one year of the Board's decision unless the Board has provided an extension. Approval of the final plat shall be certified by written endorsement on the plat and signed by the Chairman or Secretary of the Planning Board. The Town shall transmit the mylar to the Grafton County Registry of Deeds for recording along with the Notice of Action unless all of the information listed in Paragraph E above is contained on the plat. In case of

disapproval of any plat submitted, the grounds for such disapproval shall be adequately stated in the records of the Planning Board and written notice given to the applicant.

6.05 – Expedited Review

A. Minor Lot Line Adjustments and Boundary Line Agreements

Minor lot line adjustments and boundary agreements require the approval of the Board to make certain that no new or nonconforming lots will be created. An application for a minor lot line adjustment or boundary agreement shall not require notice to the general public or a public hearing. Submission of the final application and approval may take place at the same meeting, provided that notice has been given to the abutters and easement holders who may be heard upon request. Application requirements are provided in Article 7.

After final approval is given, the mylar will be held and not recorded until the Town has received the accompanying deed and can record them both at the same time with the Grafton County Registry of Deeds.

B. Voluntary Merger

Any owner of two or more contiguous pre-existing approved or subdivided lots or parcels who wishes to merge them for municipal regulation and taxation purposes may do so by applying to the Board at least seven (7) days prior to a scheduled public meeting of the Board.

Except where such merger would create a violation of the current ordinances or regulations, all such requests shall be approved, and no public hearing or notice shall be required. No new survey plat needs to be recorded. A notice of merger containing a description of the two lots merged into one lot including tax map and lot number and signed by the Board shall be filed in the Grafton County Registry of Deeds under the name of the owner or owners as grantors and a copy shall be attached to the Town's tax assessing card.

If there is any mortgage on any of the lots, the applicant shall give written notice to each mortgage holder at the time of the submission of the application. The written consent of each mortgage holder shall be required as a condition of approval of the merger and shall be recorded with the notice of the merger. Upon recordation of the notice and each consent, the mortgage or mortgages shall be deemed by operation of law to apply to all lots involved in the merger. The municipality shall not be liable for any deficiency in the notice to mortgage holders.

Any future subdivision of the merged lot shall require subdivision approval.

C. Minor Subdivisions

An application meeting the requirements of Article 7 as deemed necessary by the Board may be submitted and approved at one or more Planning Board meetings following notice as required in Section 5.02. A hearing, with notice as provided in Section 5.02, shall be held if requested by the applicant, abutters, or easement holders any time prior to approval or disapproval. The Planning Board may also determine to hold a hearing at its own discretion.

If, in the judgment of the Board, the subdivision as initially presented does not meet the requirements for a Minor Subdivision as stated in the Section 4, the Board may require a subdivision to be processed as a Major Subdivision.

In the event a parcel of land has been divided in accordance with a minor subdivision procedure, a further subdivision of the same parcel of land shall not be eligible for five years for minor subdivision procedure. The calculation of lots shall include the prior minor subdivision as well as the proposed additional subdivision. This requirement may be waived by the Board for good cause.

6.06 - Failure of the Board to Approve or Disapprove the Application Within the Specified Time Limit

The board shall, within 30 days, determine if a submitted application is complete according to the board's regulation and shall vote upon its acceptance. Upon determination by the board that a submitted application is incomplete according to the board's regulations, the board shall notify the applicant of the determination in accordance with RSA 676:3. Upon determination by the board that a submitted application is complete according to the board's regulations, the board shall begin formal consideration and shall act to approve, conditionally approve, or disapprove within 65 days, subject to extension or waiver. In the case of a determination by the board that the application is a development of regional impact requiring notice, the board shall have an additional 30 days to act to approve, conditionally approve, or disapprove.

Upon failure of the board to approve, conditionally approve, or disapprove the application, the Selectmen shall, upon request of the applicant, immediately issue an order directing the board to act on the application within 30 days. If the Planning Board does not act on the application within that 30-day time period, then within 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 40 days the

Selectmen has identified in writing some specific subdivision regulation or zoning or other ordinance provision with which the application does not comply. Such a certification, citing this paragraph, shall constitute final approval for all purposes including filing and recording.

Failure of the Selectmen to issue an order to the Planning Board, or to certify approval of the plat upon the Planning Board's failure to comply with the order in the time frame listed above, 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.

Article 7 – PLAN REQUIREMENTS

7.01 General Requirements

A completed application sufficient to invoke jurisdiction of the Board pursuant to RSA 676:4, I(b) must include sufficient information to allow the Board to proceed with consideration and to make an informed decision. The completed application for subdivision, minor lot line adjustment or boundary line agreement shall be filed with the Chairman of the Board or designee at least twenty-one (21) days prior to a scheduled public meeting of the Board.

The following shall be required for and constitute a completed application:

- A. A completed application form properly filled out and signed by all owners of record. In the case of an agent, the application material shall include certification from all owners that the agent is authorized to act on their behalf. The following information shall be contained in the application:
 - a. Map title
 - b. Subdivision location
 - c. Name and address of person submitting the application
 - d. Name and address of engineer, surveyor, or designer
 - e. Tax map number(s)
 - f. Lot numbers and their area in acres and square feet
 - g. Description and location of any structures on the property
 - h. Letter stating reason for any waiver requests from these Regulations
 - i. Signatures of landowner(s) or their agent

- B. The names and addresses of the applicant and all abutters as indicated in Town records not more than five (5) days before the day of filing, along with any easement holders, and any engineer, architect, land surveyor or soil scientist whose professional seal appears on the plat.
- C. A check payable to the Board to cover filing fees, mailing, advertising, and other costs.
- D. Three (3) paper print copies accompanied by the information listed below.
- E. Requests for waivers, if any, pursuant to Article 3.
- F. Any additional information which the Board deems necessary to evaluate the application in relation to these Regulations. Such additional information may include, but not be limited to, a study of the availability and impact on community services and facilities, impacts on natural resources, and engineering studies.

7.02 Reduced Plan Requirements for Minor Lot Line Adjustments or Boundary Line Agreements

- A. Plat Requirements for a Minor Lot Line Adjustment or Boundary Line Agreement shall include:
 - a. A locus map indicating parcels in relation to major streets and intersections
 - b. The tax map and lot number of lots involved
 - c. New property line or lines created in solid lines, and dotted lines showing the original
 - d. Lot areas and dimensions before and after the change
 - e. All existing buildings and other structures, septic systems and wells with protective radii, rights-of-way, driveways
 - f. Abutter's names and addresses and tax map and lot numbers, and
 - g. The following statement: "The land within the area of the boundary adjustment shown on this plat shall be conveyed to the owners of the abutting parcel, identified as lot ____, shall merge with that abutting parcel, and may not thereafter be separately transferred without prior subdivision approval from the Warren Planning Board."
- B. A completed application shall be submitted to and accepted by the Board only at a regular Board meeting after due notification has been given as required by RSA 676:4, I(d).
- C. The Board shall, at the next regular meeting or within 30 days following the delivery of the application, for which notice can be given in accordance with Sections 5.02 and 6.05.A., determine if a submitted application is complete. Acceptance that an application is complete will be by affirmative vote of a majority of the Board members present.

- D. Before acceptance, the Board may determine that additional information is necessary in order to make an informed decision. The Board can require that additional reports or studies be submitted before it will vote to accept the application as complete.
- E. An incomplete application filed by the applicant will not be formally accepted by the Board and review will be held.
- F. The applicant will be notified in writing of the information requirements or procedure necessary for the application to be complete.
- G. When a completed application has been accepted by the Board, the Board shall provide a receipt to the application indicating the date of acceptance which is the start of the 65-day review.
- H. An incomplete application submitted by the applicant shall not be accepted for review by the Board. An application may be disapproved by the Board without public hearing on the grounds of failure of the applicant to supply required information or pay fees as required by these Regulations.

7.03 Minor Subdivision Final Plat Requirements

- A. Plat Requirements for a Minor Subdivision shall include:
 - a. A Final Plat shall be in permanent black ink on a permanent reproducible polyester film. It shall be submitted in two (2) polyester film copies and three (3) paper prints. Sheet sizes shall be in accordance with the requirements of the Grafton County Registry of Deeds (11x17, 17x22, or 22x34). Space shall be reserved on the Plat for endorsement by the Board. For Minor Subdivisions, the Final Plat shall contain or be accompanied by the following maps and information. Maps shall be drawn at a scale of no more than one hundred feet (100') per inch, unless otherwise specified by the Board. The Final Plat shall contain the following statement:
 - b. "The Subdivision Regulations of the Town of Warren are a part of this Plat, and approval of the Plat requires the completion of all the requirements of said Subdivision Regulations excepting only any relaxation of requirements granted in writing by the Board."
 - c. Name of municipality and subdivision; names and addresses of the subdivider and designer.
 - d. Names and addresses of abutting property owners.
 - e. Name and seal of engineer and/or land surveyor licensed by the State of New Hampshire who prepared the Final Plat.
 - f. A general site location map locating the proposed Minor Subdivision boundaries in relation to major roads.
 - g. Boundaries and areas of the entire parcel referenced to a public street intersection or USGS benchmark, north point, scale, date, and dates of any revisions. The Board may waive the requirement of a perimeter survey for the

entire parcel and may require specific data only for lots for which sale or lease is contemplated; in such instances, the Final Plat shall include a general map insert which indicates approximately the size and shape of the entire parcel to be subdivided.

- h. Existing and proposed building sites, if known, and lot lines, angles and dimensions, lot sizes in square feet and acres, consecutive numbering of lots.
- i. Location of existing and proposed easements, deed restrictions, other open spaces, water courses, and significant natural and man-made features.
- j. Flood hazard areas as indicated on the National Flood Insurance maps available in the Town Office.
- k. Where individual on-lot sewage disposal systems are proposed, the subdivider shall present evidence of State approval of the suitability of each lot for on-site sewage disposal for building purposes.

For lots greater than five (5) acres, an opinion by N.H. Licensed Subsurface Designer that a suitable site for subsurface disposal system exists may be substituted for state approval.

For lots greater than ten (10) acres, a request for a waiver from this requirement may be made when supported by appropriate soil data. In all instances where state review is not available, the plat shall specifically indicate on each such lot that state approval for an on- site subsurface/disposal system has not been granted.

7.04 – Major Subdivision Final Plat Requirements

Three copies of the proposed Final Plat shall be submitted to the Planning Board Chairman. The Final Plat shall contain the following maps and information. Maps shall be drawn at a scale of no more than one hundred feet (100') per inch, unless otherwise specified by the Board.

- A. Name of municipality and subdivision, name and address of subdivider and designer or engineer, names, and addresses of abutters (all of these items shall appear on the Layout).
- B. General site location map locating the subdivision boundary and proposed streets in relation to major roads or other features shown on the Town base map.
- C. Boundaries and area of the entire parcel owned by the subdivider, whether or not all land therein is to be subdivided, referenced to a public street intersection of USGS benchmark, north point, bar scale, date, and dates of revisions.
- D. Approximate contours at 5-foot intervals taken from a standard USGS map or Town base map.

- E. Soil mapping units and boundaries as classified by the NRCS (Natural Resource Conservation Service).
- F. Subdivision and buildings within one hundred feet (100') of the parcel to be subdivided; roads, streets, and driveways within two hundred feet (200') of the parcel to be subdivided.
- G. Location of parks and other open space, watercourses, boundaries of areas in the Special Flood Hazard Area, significant natural and man-made features.
- H. Existing and proposed lot lines; existing and proposed easements, and deed restrictions.
- I. Preliminary road profiles showing grades, existing and proposed street right-of-way lines (including side slopes), widths of streets, proposed names of new streets.
- J. Location of existing and proposed storm drainage lines, drainage structures and drainage ways; existing and proposed facilities and/or utilities.
- K. Preliminary drainage analysis and computations, watershed areas.
- L. Recommendations on Preliminary Layout from the Fire Chief, the Police Chief, and any other Town Board or official as requested by the Planning Board.
- M. A boundary survey certified by a land surveyor licensed to practice in the State of New Hampshire.
- N. Soil test data, sewage disposal information, and approvals as required to demonstrate compliance with this ordinance.
- O. Existing and proposed lot lines and building sites, lot sizes in square feet and acres, consecutive numbering of lots.
- P. Existing and proposed street right-of-way lines; dimensions of tangents, chords, and radii; location of all monuments to be set at street intersections; points of curvature and tangency of curved streets and angles of lots; names of existing and proposed streets.
- Q. The base flood elevation data if the proposed subdivision is located in the Flood Plain.

7.05 – Additional Information for Final Plat

As part of the Final Plat submission to the Board, the subdivider shall submit any or all of the following Information if required by the Board by Its action on the preliminary layout:

A. Subdivision 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 or sites numbered consecutively.

- b. Location of all existing buildings and approximate location of proposed buildings, if known.

B. Subdivision Street Plan:

This Plan shall be submitted on a separate sheet or sheets and shall provide the following information: Complete plans and profiles of all proposed streets, including but not limited to horizontal and vertical curve data at the street centerline, street stationing every fifty feet and turnaround radii, and typical sections of proposed streets.

C. Request for Waivers:

All requests for relaxation of requirements (as described in Article 3) shall be included in the Application.

D. Information If a Performance Guarantee is Requested of the Subdivider:

If a performance guarantee is to be requested, the subdivider shall furnish an estimate of the full cost of all improvements and a description of the surety or *security* to be offered to secure the performance guarantee.

E. Other Plans:

The Board may require other information as it deems necessary to serve the purposes of the Regulations during the public hearing stage.

7.06 - Notice of Action on the Final Plat

The board shall notify the subdivider, by Notice in writing signed by the Chairman, of its actions on the Final Plat. In case of disapproval, the grounds for such disapproval shall be set forth in the Notice which shall become part of the records of the Soard. In case of approval, the Notice of Action shall set forth the following:

- A. A copy of any deed restrictions submitted by the subdivider and accepted by the Board.
- B. All requirements for off-site improvement.
- C. A description of land, if any, to be dedicated to widen existing streets.
- D. A description of any relaxation of requirements granted to the subdivider.
- E. When applicable, the statement described in Article 9.08 concerning liability for public use of land.
- F. All agreements, if any, between the subdivider and the Board concerning matters not required by these Regulations, but to be performed by the subdivider.
- G. A statement that the subdivision shall be completed and constructed in conformance with the Final Plat and the Regulations.
- H. A reference to any performance guarantee provided by the subdivider for construction of the subdivision as set forth in Article 15.03 of these Regulations.

7.07 - Acknowledgement of Receipt of Notice

Until the subdivider shall acknowledge receipt of the Notice and acceptance of all provision set forth therein and shall return a signed copy of same to the Board, no further action shall be taken with regard to the Final Plat. Failure to acknowledge receipt of Notice of Action and acceptance within ninety (90) days of mailing of the Notice of Action will cause approval to lapse.

7.08 - Performance Guarantee

When the Board agrees to accept a performance guarantee, the subdivider shall submit a performance guarantee providing for and securing to the Town the completion of the actual construction and installation of all improvements and utilities within three years from the date of acknowledgement and acceptance of the Notice of Action. The bond shall be in an amount acceptable by the Planning Board and in conformity with the requirements of Article 15.03.

7.09 - Description and Recording of Final Plat

The subdivider shall submit to the Board two (2) mylar copies and three (3) paper prints of the approved Final Plat. Sheet sizes shall be in accordance with the requirements of the Grafton County Registry of Deeds. Space shall be reserved on the Plat for endorsement by the Board. The Final Plat shall contain the following statement:

"The Subdivision Regulations of the Town of Warren are a part of the Plat, and approval of this Plat requires the completion of all the requirements of the Subdivision Regulations excepting only any relaxation of requirements granted in writing by the Board."

The Board shall cause one copy of the approved and endorsed Final Plat to be recorded in the Grafton County Registry of Deeds. The subdivider shall be responsible for the payment of all recording fees. The second copy will be retained by the Town for its records. All graphic material and presentations shall be on that surface of the mylar Plat which is suitable for writing. The act of recording an approved subdivision Plat shall not in itself constitute acceptance by the Town of any street or easement shown thereon.

Article 8 – GENERAL PROVISIONS

8.01 - Compliance With Other Ordinances

All subdivisions shall be in harmony with the Master Plan and shall be in conformance with other applicable federal, state, and local by-laws, ordinances, and regulations.

Where the Regulations are in conflict with such other ordinances or regulations. the more stringent of those setting the higher standard shall apply.

8.02 - Character of Land for Subdivision

Land of such character that It cannot, in the opinion of the Board, be safely used for building development because of 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, not for such other uses as may increase danger to life or property. All proposals for subdivision of land shall be consistent with the need to minimize flood damage. Land with inadequate characteristics or capacity for on-site sanitary sewage disposal shall not be subdivided for residential, commercial, or industrial subdivision purposes.

8.03 - Prohibition of Premature or Scattered Subdivision

Scattered or premature subdivision of land as would involve danger or injury to health, safety, or prosperity by reason of inadequate water supply, drainage, transportation, school, fire protection, or other public services, or would necessitate an expenditure of public funds for the supply of such services, shall not be approved by the Board.

8.04 - Preservation of Existing Features

Prominent natural features within a subdivision, such as trees, scenic points, brooks, streams, rock outcroppings, water bodies, stone walls, boundary markers, and historic landmarks, shall be preserved and protected to the maximum extent possible by the subdivider. The subdivider shall demonstrate to the satisfaction of the Board the manner by which the subdivider intends to protect existing features.

8.05 - Off-Site Improvements

If, upon the finding of fact, the Board determines that the proposed subdivision will adversely affect existing public facilities, such as streets, causing them to be inadequate to meet the additional needs created by the subdivision, then the subdivider shall pay for such upgrading of the public facilities to an extent necessary to protect the public interest. If other properties benefit from the upgrading of such off-site public Improvements, the Board shall determine the portion of the cost to be paid by the subdivider, taking into consideration the following elements:

- A. The character of the area.
- B. The extent that other public and private property will benefit from the upgrading.

- C. Any other factors that the Board deems appropriate to establish a rational connection between the needs created by the subdivision and the amount to be paid by the subdivider.

8.06 - Fire Protection Requirement

All subdivisions shall meet the approval of the Fire Chief relative to fire prevention and protection and emergency access.

8.07 - Sewage Disposal Requirements

- A. No subdivision of land will be approved by the Board where it creates a lot or site that will not meet the minimum design and construction standards and requirements imposed by the State of New Hampshire Department of Environmental Services (NHDES). All proposed lots or sites shall include an "approval for subdivision for building purposes" for at least one subsurface disposal system on each such lot or site, In accordance with the most recent regulations of the New Hampshire Department of Environmental Services (NHDES) Subsurface Systems Bureau.
- B. For lots greater than five (5) acres in minor subdivisions only, an opinion by a registered Sub-Surface Designer that a suitable site for a subsurface disposal system exists may be substituted for state approval. For lots greater than ten (10) acres in minor subdivisions only, a request for a waiver from this requirement may be made when supported by appropriate soil data. In all instances where state review is not available, the plat shall specifically indicate on each such lot that state approval for an on-site subsurface disposal system has not been granted.
- C. Common Systems proposed by a subdivider shall be of sufficient capacity to serve the subdivision. All such facilities shall meet the requirements of and be approved by the New Hampshire Department of Environmental Services.

A septic system must be set back at least seventy-five feet (75') from any year-round open water.

8.08 - Liability for Public Use of Land

On land required to be dedicated for public use, the subdivider shall file a statement in writing accepting liability for personal injuries and/or property damage arising from any negligence of the subdivider, or agents of the subdivider suffered by any person or to the property of any person until such offer of dedication is accepted by the Town. In addition, the Subdivider's statement shall acknowledge responsibility for the maintenance of any easement areas until such time as the areas are dedicated and accepted by the Town or transferred to an association of owners or the like. The

subdivider shall furnish evidence of sufficient insurance coverage with regard to such liability in an amount and form satisfactory to the Town legal counsel and Selectmen.

8.09 - Minimum Lot Size

Minimum lot size will be established based on the suitability of the soils to accept subsurface sewage disposal with additional area for a replacement system. Other factors affecting lot size will include well location and provisions for light, air and harmony with the surrounding area. As well as presence of unsuitable land such as rock formations, steep slopes, unusual surface configurations, tendency to period flooding, shoreline erosion, or poor drainage. After adequate investigation the Board may require additional lot area be provided due to the presence of such features.

Article 9 – LOT AND SITE LAYOUT

9.01 - Lot Frontage

All lots in major subdivisions shall front on a regularly maintained public street (Class V highway), or on a street planned, built, and maintained to Town specifications and standards and shown on the subdivision plan.

Lots with frontage on bodies of water shown on the Master Plan map shall have a minimum of one hundred feet (100') frontage on the water.

9.02 - Marking of Lots

At the earliest practical stage during the application, the subdivider shall place on the ground clearly observable survey stakes or ribbons marking the corners of all proposed lots or sites. At the time of submission of the Final Plat, the subdivider shall place iron pins at the corners of all lots.

Article 10 – OPEN SPACE REQUIREMENT

10.01 - Reservation of Land

When deemed necessary in the judgment of the Board, land for open space and recreation areas within a subdivision shall be reserved for the benefit of the subdivision. The Board shall determine whether such land shall be deeded to the Town or shall be reserved for the common use of all property owners of the subdivision covenant in the deeds to the lots. 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.

Article 11 – STREET LAYOUT AND DESIGN

11.01 - General Design

All streets in a major subdivision shall be designed to provide safe vehicular travel. Consideration shall also be given to the street layout blending in with the topography and other natural features.

All streets in any future subdivision shall meet the minimum standards set forth herein.

For proposed residential and commercial development along town or state roadway frontage that exceeds six hundred feet (600'), the construction of an internal street system or service road outside of the roadway right-of-way will be required to provide greater safety for the development occupants, as well as the highway users. Unusual land conditions may provide the basis for an exception; however, the Planning Board must first review and approve the proposal.

11.02 - Naming

No street shall have a name which duplicates or which is substantially similar to the name of an existing street. The continuation of an existing street shall have the same name.

11.03 - Right of Way

All street right of way widths shall be a minimum of fifty feet (50').

11.04 - Alignment

Street intersections and curves shall be designed to permit adequate visibility for both pedestrian and vehicular traffic. Curves, in general, shall have a minimum radius of one hundred feet (100') and no Intersection shall be acceptable at less than sixty (60) degrees. Streets entering opposite sides of another Street shall be laid out directly opposite one another or with a minimum of one hundred twenty-five feet (125') between their center lines.

11.05 - Grade

Grades of all streets shall not be less than 0.5 percent or more than 10.0 percent. The Planning Board may modify the maximum grade for short lengths of streets where topographic conditions indicate such modification will result in the best subdivision of land and shall not endanger the safety of persons using such streets. All changes in grade exceeding 0.5 percent shall be connected by vertical curves of sufficient length to

provide adequate sight distances. A maximum grade of 2.0 percent will be allowed within fifty feet (50') of an intersection.

11.06 - Dead End Streets

All dead-end streets shall be provided with a cul-de-sac or turnaround providing adequate room for the movement of snowplows and fire equipment. Permanent dead-end streets shall not be longer than fifteen hundred feet (1500'). This limitation may be waived under the provisions of Section 3.01, Relaxation of Requirements. Temporary dead end streets, where future extension to another outlet is approved by the Planning Board, shall provide full width of the right of way to the subdivision property line. A turnaround shall be provided with provision for future extension to the adjacent property and reversion of the excess right of way to adjoining properties. Cul-de-sac turnarounds shall have a minimum radius of sixty feet (60').

11.07 - Design Criteria

Average Daily Traffic (ADT)	0-50	51-250	251-400	401 & Up
Pavement or Gravel Width (feet)	20	20	24	24
Shoulder Width (feet)	2	4	4	8-10
Pavement Type*				
Urban	Penetration & Sealer	2 1/2" A.C.	3" A.C.	Varies
Rural	Gravel	Penetration & Sealer	3" A.C.	Varies
Pavement Cross Slope	1/2" per foot	1/4" per foot	1/4" per foot	1/4" per foot
Crushed Gravel Top Course (Min.)	4"	4"	4"	4"
Base Course (Min.) (See Note B below)	12"	12"	18"	18"

Notes:

- A. Average Daily Traffic is based on eight (8) trips per day per dwelling unit.
- B. Material specifications shall conform to the latest edition of the Standard Specifications for Road and Bridge Construction (SSRBC) of the New Hampshire Department of Transportation.

- C. Design standards shall conform to geometric design guides by the American Association of State Highway and Transportation Officials.
- D. AC. Indicates asphaltic concrete or hot bituminous asphalt pavement in accordance with New Hampshire Standard Specifications 403.
- E. Gravel may be used as pavement only when grade of street is eight percent (8%) or less.
- F. * In general, new roads entering onto tar roads will be tarred; roads entering onto gravel can be gravel, subject to note E above.

11.08 - Culverts

All culverts shall be of approved quality and of sufficient capacity and placed where necessary to reduce exposure to flood hazards. The minimum culvert size shall be twelve Inches (12") in diameter. All culverts are subject to approval by the Planning Board.

11.09 - Driveways

A permit shall be required to connect any driveway to a town-maintained road. The Board appoints the Road Agent to act as its agent in this matter.

11.10 - Clearing and Grubbing

The entire right of way area of each street shall be cleared of all stumps, brush, roots, boulders and like material, and all trees not intended for preservation.

11.11 – Private Roads

The Planning Board's approval of a proposed street as part of a subdivision application does not constitute or imply any future acceptance of the road by the Town. All subdivision streets shall be noted on the plat as private unless already accepted by the Town. Acceptance of a street by the Town may be accomplished only by the Town Meeting or as provided by RSA 674:40-a; such acceptance shall be determined on an individual basis.

The developer, landowners, or homeowners' association shall be responsible for maintenance and repair of private roadways until or unless accepted by the Town. The applicant shall demonstrate that an entity (e.g., developer, landowners, or homeowners' association) will be in place having the responsibility and financial substance to ensure maintenance and repair of proposed roads in a manner which

provides safe access for all users, including residents, visitors, delivery, and emergency vehicles.

Article 12 – UTILITIES, DRAINAGE, AND SEWAGE DISPOSAL

12.01 - Provision for Water and Drainage

All subdivisions shall make adequate provision for water supply, drainage, and sanitary sewage disposal.

12.02 - Storm Water Drainage System

An adequate surface storm water drainage system for the entire subdivision shall be provided so as to reduce exposure to flood hazards. The subdivider shall provide a suitable designed on-site drainage retention system wherever possible. Otherwise, storm drainage shall be carried to existing watercourses or shall connect to existing storm drains. If the storm water drainage system creates an additional flow over any adjacent property, the subdivider shall hold the Town harmless from any claims for damage resulting therefrom.

For the purpose of preparing drainage plans, storm sewers and subdivision drainage facilities shall be based on a ten-year storm design flow.

12.03 - Sewage disposal Design

The design of sewage disposal systems for all subdivisions shall meet the requirements of Article 8.07.

Article 13 – SPECIAL FLOOD HAZARD AREAS (SFHA)

13.01 – Requirements

The following requirements are for subdivisions having 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 subdivisions proposals greater than 50 lots or 5 acres, whichever is the lesser, include Base Flood Elevation (BFE) data within such proposals (i.e., floodplain boundary and 100-year flood elevation.)

- C. The Planning Board shall require the applicant to submit sufficient evidence (construction drawings, grading, and land treatment plans) so as to allow a determination that:
 - a. All such proposals are consistent with the need to minimize flood damage;
 - b. All public utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage; and
 - c. Adequate drainage is provided so as to reduce exposure to flood hazards.

Article 14 – SEDIMENT AND EROSION CONTROL

14.01 - Purpose

The purpose of this section is to control soil erosion and to prevent the resulting sedimentation from occurring in subdivision areas by requiring property provision for water disposal and protection of soil surfaces during and after construction, in order to promote the public health, safety, convenience, and general welfare of the community.

14.02 - Standards

Stormwater management systems shall be designed to permit unimpeded flow of all natural watercourses, ensure adequate drainage of stormwater away from buildings and parking areas and off of streets, and prevent erosion and the resulting sedimentation. All subdivisions shall be developed in accordance with the NHDES *New Hampshire Stormwater Manual*, latest edition, to the extent practicable. This shall include but not be limited to the following measures:

- A. The smallest practical area of land should be exposed at any one time during the development.
- B. When land is exposed during development, the exposure should be kept to the shortest practical period of time, Land should not be left exposed during the winter months.
- C. Where necessary, temporary vegetation and/or mulching and structural measures should be used to protect areas exposed during development.
- D. Stormwater treatment should be provided to remove sediment from run-off waters and from land undergoing development.
- E. Provisions should be made to effectively accommodate and treat the increased run-off caused by the changed soil and surface conditions during and after development.
- F. The permanent, final vegetation and structures should be installed as soon as practical in the development.
- G. The development plan should be fitted to the topography and soils so as to

- create the least erosion potential.
- H. Whenever feasible, natural vegetation should be retained and protected.
- I. Flow volume and velocity shall not be increased, nor water quality decreased at the property line.
- J. The applicant shall bear final responsibility for the installation, construction, and establishment of provisions for ongoing maintenance of all stormwater and erosion control measures required by the Planning Board. Final approval will not be granted until the plan and a mechanism for ensuring ongoing maintenance are approved by the Planning Board.

Article 15 – CONSTRUCTION OF SUBDIVISION

15.01 - Inspection

During construction of an approved subdivision, Inspection shall be made by the Board or its designated agent.

15.02 - Time for Completion of Construction

The subdivider shall construct the subdivision and shall comply with all requirements of the Final Plat as set forth in the Notice of Action within three (3) years from the date of acknowledgment and acceptance of the Notice of Action (Article 7.06). Upon written request of the subdivider, when the Board finds that conditions beyond the control of the subdivider prevent compliance within the three (3) year period, the Board may grant an additional period of time for compliance with the Notice.

15.03 - Performance Guarantee

As a condition of approval of the Final Plat, the Planning Board shall require the subdivider to post a performance guarantee in an amount sufficient to defray the costs of construction of streets; public improvements; drainage structures; the extension of water and sewer drains; storm drains; underdrains and other improvements of a public utility nature.

A. Amount of Bond:

The amount of the performance guarantee shall be based on an estimate of costs provided by the subdivider and subdividers engineer, and at the discretion of the Planning Board, reviewed by a licensed engineer. The cost of such a review shall be borne by the subdivider. The Board shall determine the amount of the guarantee.

B. Guarantee Approval:

This performance guarantee shall be approved as to form and sureties by the Planning Board and the Town counsel and conditioned on the completion of such

improvements within three (3) years of the date of final approval, or as described in a Performance Agreement and may be:

- a. A surety bond, issued by a surety company authorized to do business in the State of New Hampshire, to be filed with the Board in form and amount satisfactory to it,
- b. Irrevocable letter of credit payable to the Town of Warren, or
- c. Cash or savings account properly endorsed to the Town, in the amount to be determined by the Board, and to be deposited with the Town.

C. Reduction of Security:

The security may be reduced during the course of construction by the Board in such amounts as the Board deems to be in the best interest of the Town but on the condition that the remaining security shall be sufficient to complete all remaining construction.

D. Release of Guarantee:

The performance guarantee shall be released when the Board is satisfied that the subdivider has complied with all requirements as set forth in the Notice. The decision to release the guarantee shall be based upon an assessment of the plans, the engineers' preparatory work for construction, engineering inspection during construction, and the final plans on completed work. When all conditions of the guarantee have been performed, the Board shall release the guarantee.

E. Enforcement of Bond:

If the subdivider has not totally complied within three (3) years of the date of the recording of the Final Plat in the Grafton County Registry of Deeds, the Town shall enforce its rights under the performance guarantee and the surety or security given to secure it. In the event that the Town is required to enforce the guarantee, it shall be entitled to have reasonable attorney's fees paid by the subdivider and awarded by the Court.

15.04 - Modification of Design and Improvements

If at any time before or during the construction of the subdivision the Board determines that unforeseen conditions make it necessary or desirable to modify the location or design of any of the required Improvements or installations, the Board may authorize such modifications which shall be set forth in writing and signed by the Chairman of the Board.

15.05 - Inspection of Construction

Prior to commencing construction the subdivider shall pay to the Town an amount of money estimated by the Board to compensate fully the Town for all inspection and testing charges deemed necessary. The subdivider shall notify the Board in writing of

the time when construction is proposed to commence so the Board may cause an inspection to be made to ensure that all Town specifications and requirements shall be met.

15.06 - Certification of Compliance

The subdivider shall notify the Board in writing when all requirements of the Final Plat have been met. The subdivider's engineer shall certify compliance with the Notice' Including total recertification to the extent necessary of any original installation, the guarantee, and damage deficiencies.

15.07 - Correction of Deficiencies

If the Board determines that any of the required improvements have not been completed in accordance with the plans and specifications as filed by the subdivider and as required by the Town, the Board shall notify the subdivider in writing of any deficiencies. The subdivider shall rectify all deficiencies at the expense of the subdivider. If the subdivider does not substantially rectify all deficiencies within a reasonable time as determined by the Town, the Town shall take all necessary action to protect and preserve the Town's rights and interests. In the event of legal action, the Town shall be entitled to have reasonable attorney's fees paid by the subdivider and awarded by the court.

15.08 - Guarantee of Installation of Improvements

For a period of two (2) years after completion of all improvements or one (1) year after the correction of all deficiencies as described above, whichever occurs last, if the Board determines that the improvements have failed for any reason or do not meet the specifications as filed by the subdivider and as required by the Town, the Board shall notify the subdivider in writing of such failure and the subdivider shall rectify all failures at the expense of the subdivider. If the subdivider does not substantially rectify all deficiencies within a reasonable time as determined by the Town, the Board shall take all necessary action to protect and preserve the Town's rights and interests. In the event of legal action, the Town shall be entitled to have reasonable attorney's fees paid by the subdivider and awarded by the court.

15.09 - Damage to Adjacent Public and Private Property, Drainage

Facilities, Waterways, Streams, and Brooks If at any time before all public improvements are finally accepted by the Town and before the performance bond is totally released, should any condition within the approved subdivision cause damage to adjacent public or private property, drainage facilities and waterways, streams and brooks, including but not limited to soil erosion and damage to standing vegetation, the Board shall notify the

subdivider in writing of such damage and the subdivider shall correct all damage within a reasonable period of time as set forth In the notice by the Town, the Town shall take all action necessary to protect and preserve its rights and interests including injunctive relief. The Town shall be entitled to have reasonable attorney's fees paid by the subdivider and awarded by the court.

15.10 - Erosion Control After Construction

For a period of one year after completion of all improvements, the subdivider shall be responsible for the control of soil erosion and any resulting sedimentation, in accordance with the requirements of Article 14.

15.11 - Monuments

Permanent survey monuments shall be set in the boundary of rights-of-way at intersecting streets, point of curvature, and point 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.

Monuments shall be placed on one side of the street only and at only one corner of the intersecting streets. Adjacent monumented points shall be in sight of one another.

Monuments shall be referenced to a public street intersection, USGS benchmark, or other recognized existing monument.

Monuments shall be of stone, concrete, or 1' iron pipe. Concrete monuments shall be reinforced with steel rods. A plug, brass plate, or pin shall serve as the point of reference, and a magnetic rod or other suitable metal device shall be placed adjacent to the monument to allow for recovery.

15.12 - Conveyance of Easements and Rights-of-Way

Upon completion of the construction of the subdivision, the subdivider shall convey all easements and rights-of-way as may be required under the Notice of Action by deeds in a form and manner satisfactory to the Town Counsel.