

SUBDIVISION REGULATIONS

of the

TOWN OF GRAFTON, NEW HAMPSHIRE

Adopted by the Grafton Planning Board 1979

Section 1: AUTHORITY	6
Section 2: TITLE	6
Section 3: JURISDICTION	6
Section 4: PURPOSE	6
Section 5: GENERAL REGULATIONS	6
<i>5.01 Compliance with State Law:</i>	<i>6</i>
<i>5.02 Approval of Planning Board Required:</i>	<i>6</i>
<i>5.03 Compliance with Other Ordinances and Regulations:</i>	<i>6</i>
<i>5.04 Performance and Maintenance Bond:</i>	<i>7</i>
<i>5.05 Status of Plats Approved:</i>	<i>7</i>
<i>5.06 Acceptance of Streets or Open Spaces:</i>	<i>7</i>
<i>5.07 Reserve Strips:</i>	<i>7</i>
<i>5.08 Character of Land for Subdivision:</i>	<i>7</i>
<i>5.09 Premature Subdivision Development:</i>	<i>8</i>
<i>5.10 Filing with Register of Deeds:</i>	<i>8</i>
Section 6: DEFINITIONS	8
<i>6.01 Abutter:</i>	<i>8</i>
<i>6.02 Approval:</i>	<i>8</i>
<i>6.03 Approval - Conditional:</i>	<i>8</i>
<i>6.04 Board:</i>	<i>8</i>
<i>6.05 Building:</i>	<i>8</i>
<i>6.06 Building Development:</i>	<i>8</i>
<i>6.07 Building Site:</i>	<i>8</i>

6.08 Diversion:	8
6.09 Driveway:	9
6.10 Dwelling:	9
6.11 Dwelling Unit:	9
6.12 Easement:	9
6.13 Erosion:	9
6.14 Final Plat:	9
6.15 Flood Limit:	9
6.16 Flood Prone Area:	9
6.17 Health Officer:	9
6.18 Lot:	9
6.19 Lot Line:	9
6.20 Lot Size:	9
6.21 Master Plan:	9
6.22. Official Map:	9
6.23 Parking Space:	9
6.24 Plat:	10
6.25 Preliminary Layout:	10
6.26 Reserve Strip:	10
6.27 Resubdivision:	10
6.28 Right-of-Way:	10
6.29 Sediment:	10
6.30 Street:	10
6.31 Street - Arterial:	10
6.32 Street - Collector:	10

6.33 Street - Local:	10
6.34 Subdivider:	10
6.35 Subdivision:	10
6.36 Subdivision - Minor:	11
Section 7: APPLICATION PROCEDURE	11
7.01 General Procedure:	11
7.02 Phase I - Site Evaluation:	11
7.03 Phase II - Preliminary Layout:	11
7.04 Phase III - Final Plat:	12
Section 8: SUBDIVISION PLAN REQUIREMENTS	13
8.01 Phase I - Site Evaluation:	13
8.02 Phase II - Preliminary Layout:	14
8.03 Phase III - Final Plat:	15
8.04 Subdivision "As Built" Plans:	18
Section 9.00: MINOR SUBDIVISION	18
9.01 For a minor subdivision, the following documentation is required:	19
Section 10.00: STANDARDS	20
A. Lot and Size Layout Standards:	20
B. Sewage Disposal Design Standards and Soil Tests:	20
C. Street Standards:	21
G. Utilities Installation Standards	24
H. Sediment and Erosion Control Standards;	25
I. Open Space and Landscaping;	25
7. Trees and Planting	26

<i>K. Survey Monument Standards;</i>	<i>26</i>
Section II: ADMINISTRATION AND ENFORCEMENT	27
<i>11.01 Waivers and Variances:</i>	<i>27</i>
<i>11.02 Interpretation:</i>	<i>27</i>
<i>11.03 Validity:</i>	<i>27</i>
<i>11.04 Other Regulations:</i>	<i>27</i>
<i>11.05 Acceptance of Streets and/or Utilities:</i>	<i>27</i>
<i>11.06 Enforcement:</i>	<i>27</i>
<i>11.07 Penalty:</i>	<i>27</i>
<i>11.08 Amendment:</i>	<i>27</i>
<i>11.09 Appeals:</i>	<i>28</i>
<i>11.10 Exhibits;</i>	<i>28</i>
<i>11.11 Effect:</i>	<i>28</i>

SUBDIVISION REGULATIONS
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TOWN OF GRAFTON, NEW HAMPSHIRE

Section 1: AUTHORITY

Pursuant to the authority vested in the Grafton Planning Board by the voters of the Town of Grafton on March 12, 1967, and in accordance with the provisions of RSA 674:35 of the New Hampshire Revised Statutes Annotated, and as amended. the Grafton Planning Board adopts the following regulations governing the subdivision of land in the Town of Grafton, New Hampshire.

Section 2: TITLE

These regulations shall be known as the Subdivision Regulations of the Town of Grafton. New Hampshire, and hereby referred to as "these regulations".

Section 3: JURISDICTION

These regulations shall pertain to all land within the boundaries of the Town of Grafton, New Hampshire.

Section 4: PURPOSE

For the purpose of protecting the health, safety, convenience, prosperity, and welfare of our inhabitants; for the purpose of protecting the economic investments of homeowner residents of subdivisions; for the protection of our town's scenic beauty and for the harmonious development of the Town of Grafton and its environs and to further promote those purposes set forth in RSA 674:36, II, as amended, which purposes are specifically incorporated herein by reference, the following land subdivision regulations are hereby enacted. The authority granted to the Planning Board shall be exercised with due regard for adequate access to all lots in a subdivision by streets that will be safe and convenient for travel; for lessening congestion on such streets and in adjacent public ways; for reducing danger to life and limb in the operation of motor vehicles; for securing safety in the case of fire, flood, panic and other emergencies; for insuring compliance with applicable ordinances or by-laws and State laws; for securing adequate and safe provisions for water, sewage, drainage, transportation, schools, fire department and other public services and other requirements where necessary in a subdivision; and for coordinating the streets in a subdivision with each other and with the public ways in the Town and with the streets in neighboring subdivisions in a manner that will not necessitate an excessive expenditure of public funds for the supply of such services. The subdivision shall give due regard to the preservation and protection of existing features, trees, scenic points, brooks, streams, parks, open spaces, rock out-croppings, water bodies and other natural resources and historic landmarks.

Section 5: GENERAL REGULATIONS

5.01 Compliance with State Law:

The provisions of RSA 672-RSA 677 and as from time to time amended are incorporated in and form a part of these regulations.

5.02 Approval of Planning Board Required:

No subdivision of land shall be made, and no land in any proposed subdivision shall be sold, transferred, rented, leased, altered or developed, and no street or utility construction shall be started, and no building permits, for building related to a proposed subdivision, shall be granted until a final plat, prepared in accordance with the requirements of these regulations, has been approved by the Board and other required permits have been issued.

5.03 Compliance with Other Ordinances and Regulations:

All subdivision plats shall conform to other regulations of the Town, and to the subdivision

regulations herewith prescribed; and they shall be guided in their layout by any comprehensive plans the Planning Board may have adopted covering the area involved, before receiving final approval.

5.04 Performance and Maintenance Bond:

The Planning Board shall prescribe the extent to which and the manner in which all streets, existing and proposed, shall be improved and other utilities provided. The costs of said street improvements and such other utilities as required by the Planning Board shall be borne by the developer or subdivider. Prior to receiving final approval of the subdivision plan, the Planning Board, before affixing signatures of approval to a subdivision plat, may require of subdivider a bond or escrow agreement with surety and conditions satisfactory to it securing to the Town the actual construction and proper installation of such improvements and utilities, if any are required. The subdivider shall have filed with the Board an engineer's estimate of costs of streets, public improvement, drainage structures, and other utilities, together with maps, plans and supporting data and such other data that will aid the Board in determining the amount of the performance bond.

Any performance guarantee required of a subdivider shall not be released until the Board of Selectmen has certified completion of the public utilities, streets (existing or proposed) and improvements in substantial accordance with the requirements of the Planning Board and deeds covering land to be used for public purposes, easements, and rights-of-way over property to remain in private ownership, and rights-to-drain onto or across private property are submitted in a form satisfactory to the Town Attorney. All recording fees shall be borne by the subdivider.

Upon completion of streets and other improvements and approval by the Board of Selectmen, surety covering the maintenance of streets and improvements for a period of two (2) years from completion may be required in an amount based on the cost of such improvements, as approved by the Board of Selectmen.

5.05 Status of Plats Approved:

Every plat approved by the Planning Board shall, by virtue of such approval, be deemed to be an amendment of, or an addition to, or a detail of, the Official Map and a part thereof. Approval of a plat shall not be deemed to constitute or effect an acceptance by the municipality or the public of the dedication of any street or other ground or open space shown upon the plat.

5.06 Acceptance of Streets or Open Spaces:

No streets or open space will be accepted by the Town until such time as all improvements have been carried out as shown on the approved final plat, in accordance with the requirements of these regulations, and subject to any conditions established by the Board at the time of final plat approval. (See Section 8.04) Open spaces for proposed schools, parks and/or playgrounds or other purposes in places deemed proper by the Planning Board shall be indicated on the preliminary subdivision plan in order that it may be determined when and in what manner such areas may be dedicated or otherwise conveyed to the Town.

5.07 Reserve Strips:

Reserve strips controlling access to land dedicated or to be dedicated to public use will not be permitted, nor will reserve strips of land which may prove to be untaxable for improvements be permitted. Additionally, no privately owned reserve strip, except an open space area, shall be permitted which controls access to any part of the subdivision or to any other parcel of land from any street.

5.08 Character of Land for Subdivision:

Land of such character that it cannot, in the judgment of the Board, be safely used for building development purposes because of exceptional danger of health or safety or peril from fire, flood, poor drainage, excessive slope, or other hazardous conditions, shall not be platted for residential, commercial or industrial subdivision, nor for such other uses as may increase danger to life or property, or aggravate the flood hazard. Land with inadequate characteristics or capacity for sanitary sewage disposal shall not be subdivided for residential, commercial or industrial subdivision purposes unless connected to a municipal sewage system. In areas contiguous to brooks, rivers, or other bodies of water subject to flooding, proper provision shall be made for protective flood control measures.

5.09 Premature Subdivision Development:

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

5.10 Filing with Register of Deeds:

Immediately after final plat approval, and in no event later than thirty (30) days after date of final approval, the subdivider shall transmit to the Register of Deeds of Grafton County a copy of the final plat for recording. The recording of the final plat must be made prior to any sale, rental lease or transfer of land or construction of any building or other improvement within or on the subdivided land. The Board's approval of the final plat shall be attested on the original drawing and on the copy, which is recorded by a stamp of approval, provided by the Board and signed by the Chairman and/or Secretary of the Board and showing the date of approval.

Section 6: DEFINITIONS

6.01 Abutter:

Shall mean the owner of record of a parcel of land which is contiguous at any point to the parcel being subdivided, or which lies directly across a public right-of-way from the parcel being subdivided, or which lies within two hundred (200) feet of the boundaries of the parcel being subdivided.

6.02 Approval:

Shall mean recognition by the Planning Board, certified by written endorsement on the plat, that the final plat submission meets the requirement of these regulations and all other applicable ordinances and regulations.

6.03 Approval - Conditional:

Shall mean an expression by the Planning Board that the preliminary layout appears to satisfy all requirements established herein for the preliminary layout submission phase. Conditional approval does not constitute, nor should it be construed as approval, either implied or expressed, of the final plat nor does it bind the Planning Board to approval of the final plat, nor does it allow for the issuance of any municipal building permit, nor does it allow for any commencement of construction or development.

6.04 Board:

Shall mean the Planning Board of the Town of Grafton, New Hampshire.

6.05 Building:

Shall mean any combination of any materials, whether portable, movable or fixed, having a roof and enclosed within exterior walls, built to form a structure for the shelter of persons.

6.06 Building Development:

Shall mean the process of changing the character of the land from its existing condition to a more usable condition by the construction or placement of a building thereon.

6.07 Building Site:

Shall mean that portion of a lot, tract or parcel of land upon which a single building is placed.

6.08 Diversion:

Shall mean a channel with or without a supporting ridge on the lower side constructed across or at the bottom of a slope.

6.09 Driveway:

Shall mean an area located on a lot, tract or parcel of land, and built for access to a garage, dwelling, or off-street parking space, serving not more than two (2) lots or sites.

6.10 Dwelling:

Shall mean a privately or publicly owned building containing a dwelling unit or dwelling units.

6.11 Dwelling Unit:

Shall mean one (1) or more rooms arranged for the use of one (1) or more individuals living as a single housekeeping unit, with cooking, living, sanitary and sleeping facilities.

6.12 Easement:

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

6.13 Erosion:

The wearing away of the land surface by the action of wind, water or gravity.

6.14 Final Plat:

Shall mean the final drawing or drawings on which the subdivider's plan of subdivision is indicated, prepared as required under the provisions of Section 8.03 hereof.

6.15 Flood Limit:

Shall mean the land-water boundary of a watercourse flowing at its 100-year frequency as defined by a responsible public agency such as the U.S. Army Corps of Engineers or the U.S. Department of Agriculture Soil Conservation Service.

6.16 Flood Prone Area:

Shall mean the area of land lower in elevation than the land-water boundary along a watercourse flowing at its 100-year frequency or those soils classified by the National Cooperative Soil Survey as "soils subject to flooding".

6.17 Health Officer:

Shall mean the Health Officer of the Town of Grafton, New Hampshire.

6.18 Lot:

Shall mean a parcel of land or any part thereof designated on a plat to be filed with the Register of Deeds by its owner or owners as a separate lot. For purposes of this Ordinance, a lot shall have boundaries identical with those recorded with the Register of Deeds.

6.19 Lot Line:

Shall mean the property line dividing a lot from a street right-of-way, a body of water or adjacent property.

6.20 Lot Size:

Shall mean the total horizontal land area within the boundaries of a lot, exclusive of any land area designated for street purposes.

6.21 Master Plan:

Shall mean the comprehensive plan or plan of development for the municipality as defined in RSA 674:2.

6.22. Official Map:

Shall mean the adopted street or base map of the municipality as defined in RSA 674:9 - RSA 674:11.

6.23 Parking Space:

Shall mean an off-street space for exclusive use as a parking area for one motor vehicle, with a

minimum size of 10' x 20'.

6.24 Plat:

Shall mean final plat.

6.25 Preliminary Layout:

Shall mean a plan prepared as required in Section 8.02 and submitted to the Board prior to preparing the final plat.

6.26 Reserve Strip:

Shall mean an area of land retained by the seller of the land, which can be used to control access to any land within the subdivision, or access from the subdivision to any neighboring property.

6.27 Resubdivision:

Shall mean a change in a map of an approved or recorded subdivision or resubdivision if such change accomplishes any of the following:

- a) changes any Street layout shown on such map
- b) effects any area thereon reserved for public use
- c) diminishes the size of any lot shown thereon, if any of the lots have been conveyed after the approval of such map

6.28 Right-of-Way:

Shall mean the right of a person or party to pass over the land of another, and also the total land area subject to such right.

6.29 Sediment:

Solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin, by air, water or gravity as a product of erosion.

6.30 Street:

Shall mean a state highway, or a highway, street, road, avenue, lane and/or any other way which exists for vehicular travel, exclusive of a driveway serving not more than two (2) adjacent lots or sites. The word street shall include the entire right-of-way.

6.31 Street - Arterial:

Shall mean a street or highway used primarily for heavy and/or through traffic.

6.32 Street - Collector:

Shall mean a street which serves primarily to carry traffic from local streets to arterial streets and to public and other centers of traffic concentration.

6.33 Street - Local:

Shall mean a street used primarily to give access to abutting properties.

6.34 Subdivider:

Shall mean the owner of record of the land to be subdivided, including any subsequent owner of record making any subdivision of such land or any part thereof, or the agent of any such owner.

6.35 Subdivision:

Shall mean the division of a lot, tract, or parcel of land into two (2) or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale or of building development or of condominium conveyance. 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..

The following shall not be considered a regulated subdivision for the purpose of these Regulations and shall not be required to conform to the procedures set forth herein:

1. Any transfer, conveyance or sale of land in one ownership but already divided into lots or parcels of land by an existing public street;
2. Any transaction for the purpose of correcting or conforming boundary lines;

3. Any transaction where land is exchanged between abutters and no building is contemplated on the exchanged land;
4. Any transfer, conveyance or sale of land previously and separately recorded with the Grafton County Register of Deeds, and involving the establishment of no new boundaries (other than error corrections), even though such a parcel be held in common ownership with another contiguous parcel also previously and separately recorded with the Grafton County Register of Deeds, provided, however, that the boundaries of said parcels were not established by the subdivision of a larger tract or parcel of land;
5. The first transfer, conveyance or sale of a single parcel of land five (5) or more acres in area, providing that the remaining parcel shall be at least five (5) acres in area, and further providing that no new streets, utilities or other public improvements are required.

6.36 Subdivision - Minor:

Shall mean the division of a lot, tract or parcel of land into no more than three (3) lots or sites, all of which abut a fully maintained town or state owned street, road or highway, each lot having a minimum road frontage of two hundred (200) feet and each lot having a minimum area of two (2) acres, and requiring no new streets, utilities, or other municipal improvements, or any grading, filling or other physical modification. The classification Minor Subdivision may not, however, be applied to the subsequent subdivision of any tract or parcel of land which was itself established by minor subdivision, unless application for approval of said subsequent subdivision shall be filed at least twelve (12) months from the date of approval by the Board of the initial Minor Subdivision by which the lot, tract or parcel of interest was established.

Section 7: APPLICATION PROCEDURE

7.01 General Procedure:

Whenever any subdivisions of land is proposed, before any construction, land clearing or building development is begun, before any permit for the erection of any building in such proposed subdivision shall be granted and before any subdivision plat may be filed in the Office of the Register of Deeds of Grafton County, the subdivider or his authorized agent shall apply for and secure approval of such proposed subdivision in accordance with the following procedure. In general, the subdivider and the Planning Board shall follow the procedures outlined in Exhibit "A" of this regulation, except where minor subdivision procedures (Exhibit "B") are permitted by the Board

7.02 Phase I - Site Evaluation:

The applicant for subdivision approval shall request a meeting with the Board to discuss the proposed subdivision and shall submit the required site evaluation phase information required in Section 8.01. He shall be guided by the Board as to the need for further detailing of information, further meetings and the advisability of entering into the preliminary layout phase. There is no time limit or application fee for the site evaluation phase.

7.03 Phase II - Preliminary Layout:

Application for approval of a preliminary layout shall be submitted to the Board by the subdivider or his authorized agent on a form to be supplied by the Board. The application shall be accompanied by all required documentation as set forth in Section 8.02 and payment of a filing fee of \$5.00.

- a) The submission of the preliminary layout documentation to the Board shall be made after the applicant has submitted the said preliminary layout documentation to all local, county, regional, state or federal agencies whose review is required by law or by these subdivision regulations and received approval of the preliminary layout from the said agencies.
- b) The Board shall communicate in writing to the applicant the specific changes or modifications, if any, which it will require in the preliminary plan and the amount of construction or improvements it may require as a prerequisite to the subsequent review of the final subdivision plat and shall further specify such changes or modifications in its official records.
- c) The Board may, at any time during the preliminary layout review process, require changes or

modifications in addition to those changes or modifications originally communicated to the applicant or his agent. The Board shall, in reference to such additional changes or modifications, inform the applicant or his agent in writing of the additional changes or modifications and shall specify such changes or modifications in its official records.

- d) If the applicant is permitted by the Board to submit a final plat of only a portion of the total land to be subdivided, the preliminary layout submission shall cover the entire area of the tract, and shall indicate the approximate outline and sequence of those portions of the tract for which subsequent final plats will be submitted.
- e) Approval of a preliminary layout shall be valid for a maximum period of one (1) year from the date of such approval, and thereafter shall become void, unless extended in writing by the Board for such additional time as the Board, in its sole discretion, deems reasonable.

7.04 Phase III - Final Plat:

Application for approval of the final plat shall be filed with the Board by the subdivider or by his authorized agent on a form to be supplied by the Board. Such application shall be made within one (1) year after official notification by the Board with respect to the preliminary layout and the changes and modifications, if any, to be made therein. The Board shall issue to the subdivider a receipt of final plat when all required documentation and fees have been submitted as required by Section 8.03. The basic filing fee shall be \$20.00. If land is to be subdivided into more than ten (10) lots or sites, a fee of \$3.00 per lot or site in excess of ten (10) lots or sites shall be submitted in addition to the basic filing fee. Such fees are charged to defray expense of administering these regulations, and include costs for publishing notices and holding public hearings and for periodic inspections during the installation of public improvements. The Board shall place the matter on its agenda for consideration within thirty (30) days of receipt.

- a) Town Attorney Review: The subdivider shall, at the time of submission of his application for approval of the final plat, tender offers of cession in a form certified as satisfactory by the Town Attorney of all land included by him, in streets, highways, or open spaces, but approval of the final plat by the Board or recordation thereof shall not constitute an acceptance by the Town of Grafton of any dedication until such time as all improvements have been carried out as shown on the final plat, in accordance with the requirements of these regulations, and subject to any conditions established by the Planning Board at the time of final plat approval.
- b) Public Hearing: No plat shall be approved or disapproved by the Board without affording a hearing thereon. All abutters shall be notified of said hearing by certified or registered mail not less than ten (10) days before the date fixed therefore. The applicant shall be notified of said hearing by certified or registered mail, with return receipt requested, stating the time and place of such hearing no less than ten (10) days before the date fixed therefore. Public notice of such hearing shall be posted in at least two (2) public places in town and in a newspaper of general circulation in the town at least five (5) days prior to said hearing.
- c) Action of the Board: In accordance with New Hampshire RSA 676:4, I(c)(1), within sixty-five (65) days of receipt of all material required in Section 8.03 for the final plat and issuance of receipt of final plat, the Board shall approve, modify and approve, approve with conditions, or disapprove the final plat, unless the time for action has been extended an additional ninety (90) days by the Selectmen upon application by the Board. The reasons for disapproval of a final plat shall be specifically set forth in the records of the Board and the Board shall notify the applicant in writing of its disapproval and the specific grounds therefor.
- d) Approval of Board: Approval of the Board shall be certified by a stamp of approval provided by the Board on the original final plat and the copy which is to be recorded at the Grafton County Registry of Deeds and signed by the Chairman and/or Secretary of the Board and showing the date of approval.
- e) Time Limits for Improvements: Each approval of a final plat shall contain a time limit within streets and public improvements shall be completed, not to exceed two (2) years, unless extended with the subdivider's consent by the Board. In the event of the subdivider's non-compliance with the time limits established by the Board for completion of streets and other public improvements, the final plat approval shall, without further action of the Board, become null and void and the Board shall notify

the subdivider of this consequence in writing by certified mail at the address stated in his application for final plat approval.

- f) Failure to Act: If the Planning Board has not obtained an extension from the Selectmen of Grafton, as described in Section 7.04 herein, and has not taken action to approve or disapprove the plat, such plat shall be deemed to have been approved, and the certificate of the municipality, as to the date of submission of the plat for approval and the failure to take action within such time, shall be issued on demand and shall be sufficient in lieu of the written endorsement, described in Section 9.04 herein; provided, however, that the applicant for the Board's approval may waive this requirement and consent to an extension of such period.
- g) Certificate of Failure to Act: The Town Clerk is hereby specified as the municipal officer who shall issue on behalf of the Planning Board a certificate of failure on the part of the Planning Board to take action on approval of a plat submitted to it, as provided by Chapter 36, Section 23, N.H. Revised Statutes Annotated, 1955.

Section 8: SUBDIVISION PLAN REQUIREMENTS

This section of the Subdivision Regulations of the Town of Grafton, New Hampshire sets forth the general requirements pertaining to the preparation of subdivision plans and the documentation requirements pertaining to their submission to the Board

- a) All subdivisions shall be in harmony with the Master Plan, when such exists; shall be in conformance with the Official Map, when such exists; and shall be in conformance with all other applicable State and local by-laws, ordinances and regulations, including, but not limited to, regulations relative to health, buildings, roads and other pertinent data, and it is the obligation of the subdivider to familiarize himself with all such regulations and data so that he is aware of the standards with which the proposed subdivisions must comply.
- b) The subdivider shall give due regard to the preservation and protection of existing features, trees, scenic points, brooks, streams, rock outcroppings, estuaries, open-spaces, water bodies, wetlands, and other natural and historic landmarks.

8.01 Phase I - Site Evaluation:

The Site Evaluation submission shall contain:

- a) A Site Survey Map which shall show:
 - 1. The entire area of the parcel being subdivided plus an additional one hundred (100) foot strip completely around said parcel, showing perimeter boundary of said parcel; north point and bar scale;
 - 2. Name of town and subdivision; name and address of the subdivider and designer/consultant, if any;
 - 3. Topographic contours at not more than twenty (20) foot intervals;
 - 4. Names and addresses of abutting owners;
 - 5. Water areas (both permanent and intermittent streams, rivers, ponds, lakes, wetlands, marshes); foliage lines;
 - 6. Area of parcel in square feet and acres;
 - 7. Existing roads, easements and structures and other existing physical features;
 - 8. Location of percolation tests and soil test pits
- b) A Site Location Map, shown as an inset on the Site Survey Map, which shall show the proposed subdivision in relation to major roads, community facilities and utilities of the town;
- c) A log of all percolation tests, including dates and reference to locations shown on Site Survey Map;
- d) A log of all soils tests, including dates and reference to locations of test pits shown on the Site Survey Map, and showing depth to ledge, clay, hardpan layers and the existing and seasonal high water table;
- e) A Soils Map which shall show the location of the soil mapping units and soil mapping unit boundaries as indicated on the most recent Town or County Soil Survey as prepared by the U.S.

Department of Agriculture Soil Conservation Service. A legend on the Soils Map shall identify soil mapping unit symbols and soil names;

- f) Two (2) copies of the Site Survey Map (including the Site Location Map) and two (2) copies of the Soils Map shall be submitted. Maps shall be at a scale of not more than two hundred (200) feet per inch.

8.02 Phase II - Preliminary Layout:

The Preliminary Layout shall be submitted on four (4) paper print copies. The data may be tentative, but shall be sufficiently clear to illustrate all conditions and establish the basis and clarity the design requirements for the subdivision final plat. Maps shall be at a scale of not greater than one hundred (100) feet per inch, unless otherwise determined and agreed to by the Board.

- (a) The Preliminary Layout submission shall contain or be accompanied by the following maps, information and data:

- 1) Name of town and subdivision; name and address of the subdivider and of the designer/consultant, if any;
- 2) Boundaries and area of the entire parcel, whether all land therein is to be subdivided or not; north point, bar scale, date and dates of any revisions;
- 3) Names and addresses of abutting property owners;
- 4) Boundaries and designation of Zoning Districts, if any, lying within the subdivision; municipal boundaries, if any; land use designation from Master Plan, if any;
- 5) Topographic contours at not greater than twenty (20) foot intervals, although more frequent intervals may be required, if, in the opinion of the Board, greater accuracy is necessary.
- 6) Subdivisions and buildings within one hundred (100) feet of the parcel to be subdivided;
- 7) Intersecting roads and driveways within two hundred (200) feet of the parcel to be subdivided;
- 8) Existing and proposed street right-of-way lines, widths of streets, proposed names of new streets;
- 9) Existing and proposed lot lines; where the preliminary layout as submitted covers only a part of the proposed subdivision, a plan of future lots and the street system will be indicated.
- 10) Location of existing and proposed easements, deed restrictions, land to be dedicated to public use, buildings, accessory buildings, building setback lines, parks and other open space, watercourses, flood prone areas, large trees, foliage lines and significant natural and man-made features, water mains, sanitary sewers, storm water drainage lines, drainage structures, drainage ways and watershed areas.
- 11) Existing and proposed plans for telephone, electricity, and gas utilities;
- 12) Statement of proposed subdivision use and copy of such private deed restrictions as are intended to cover part or all of the tract and conditions of public dedication.
- 13) Location of percolation test and soil test pits;
- 14) A general site location map, shown as an inset, locating the subdivision boundary and proposed streets in relation to at least two (2) existing intersecting streets;

- 15) Soil test and sewage disposal information as required in Section 10.0.
- 16) A statement of conditions of land as to soil suitability for development;
- 17) A statement of the work required on existing streets to meet the minimum standards set forth herein, including cost estimates and the method of meeting such costs;
- 18) Statement presenting detailed descriptions of all existing and proposed streets, including, but not limited to, widths and grades.
- 19) Preliminary road profiles;
- 20) A statement and contours in sufficient detail to indicate clearly the method of storm water drainage on and off the subdivision, methods of sanitary sewage disposal and water supply and watershed areas.
- 21) Preliminary drainage analysis.
- 22) Approval, as prescribed by law, from any other municipal, state or federal agency, which may have jurisdiction.

8.03 Phase III - Final Plat:

Four (4) copies of the Final Plat as drawn by a land surveyor registered in the State of New Hampshire shall be submitted, on a material acceptable to the Planning Board and to the Register of Deeds. Sheet sizes shall be in accordance with requirements of the Register of Deeds, but not smaller than 20" x 30". Maps shall be at a scale of no more than one hundred (100) feet per inch unless otherwise determined and agreed to by Board. Space shall be reserved on the plat for endorsement by the Planning Board and all appropriate agencies. The plat shall contain the following statement: "The Subdivision Regulations of the Town of Grafton, are a part of this plat, and approval of this plat is contingent on completion of all the requirements of said Subdivision Regulations, excepting only any variances or modifications made in writing by the Board and attached hereto."

Resubmission in Phase III is required only in those cases where it is necessary to update, revise or otherwise supplement the corresponding Phase II item or items.

- (a) The Final Plat Submission shall contain or be accompanied by the following maps, information and data:
 - (1) Name of town, and subdivision; name and address of the subdivider and of the designer/consultant, if any;
 - (2) Names and addresses of abutting property owners;
 - (3) Boundaries and designations of Zoning Districts, if any; lying within the subdivision; municipal boundaries, if any; land use designation from Master Plan, if any;
 - (4) Topographic contours at not greater than twenty (20) foot intervals, although more frequent intervals may be required, if, in the opinion of the Board, greater accuracy is necessary.
 - (5) Boundaries and area of the entire parcel, whether all land therein is to be subdivided or not, referenced to a permanent point acceptable to the Board, such as a U.S.G.S. benchmark; north point, bar scale, date and dates of any revisions.
 - (6) Subdivisions and buildings within one hundred (100) feet of the parcel to be subdivided;
 - (7) Intersecting roads and driveways within two hundred (200) feet of the parcel to be

subdivided;

- (8) Plans of existing and proposed streets including widths, street right-of-way lines, stationing and dimensions of tangents, chords and radii including intersection, turn-around and/or cul-de-sac radii;
- (9) Accurate locations of all monuments to be set at street intersections, at points of curvature and tangency of curved streets and at angles of lots;
- (10) Existing and proposed lot lines, bearings and dimensions; lot areas in square feet and acres; consecutive numbering of lots; location of iron pins at lot corners;
- (11) Location of existing and proposed easements, deed restrictions, land to be dedicated to public use, buildings, accessory buildings, building setback lines, parks and other open space, water-courses, flood prone areas, large trees, foliage lines and significant natural and man made features, water mains, sanitary sewers, storm water drainage lines, drainage structures, drainage ways and watershed areas.
- (12) Existing and proposed plans for telephone, electricity and gas utilities;
- (13) Location of all percolation test and soil test pits;
- (14) A general Site Location Map, shown as an inset, locating the subdivision boundary in relation to major roads and community facilities of the town;
- (15) Name and seal of engineer and/or land surveyor licensed by the State of New Hampshire.
- (16) If the subdivision abuts a state highway or if any street therein intersects a state highway, a written statement approving any proposed driveway or street access with such state highway shall be obtained by the subdivider from the New Hampshire Department of Transportation.
- (17) A written acknowledgment of the subdivider's responsibility for maintenance of easement areas, and the assumption by him of liability for injuries and damages that may occur on any land to be dedicated for public use, until such land has been legally accepted by the Town.
- (18) If a subdivision is to be served by public water supply or other public improvements or by public sewers, a statement from the municipal department or company involved, attesting to the availability of such service.
- (19) Statement of proposed subdivision use and copy of such private deed restrictions as are intended to cover part or all of the tract and conditions of public dedications.
- (20) Logs of percolation test data and soil test data, if any, that are supplementary to those contained in the Site Evaluation Submission:
- (21) A statement of conditions of land as to soil suitability for development; revised Soils Map if needed for supplementary data;
- (22) A statement of the work required on existing streets to meet the minimum standards set forth herein including cost estimates and the method of meeting such costs;
- (23) A final statement and contours in sufficient detail to indicate clearly the method of storm water drainage on and off the subdivision, methods of sanitary sewage disposal and water supply and watershed areas.
- (24) Final drainage analysis.
- (25) Final road profiles.

- (26) Final approval, as prescribed by law, from any other municipal, state or federal agency, which may have jurisdiction.
- (27) A statement either oral or written as required by Board of the estimated economic impact of the proposed subdivision of the Town of Grafton in each of five (5) consecutive years, of which the first year shall be the calendar year following the date of application for subdivision approval. This statement shall consist of an estimate of the tax revenue to be derived in each year from the subdivision and estimates of the cost to the Town, in each of these years, of new requirements by the subdivision for municipal services which shall include, but need not be limited to schools, road maintenance, water supply, sewage disposal, solid waste disposal, traffic control and fire and police protection. The statement shall show all computations and detail all data (and their source) on which calculations are based along with explicit statement of all assumptions made.
- (28) In the case of electric lines or other utilities to be installed by a public utility corporation or a municipal department, a statement in writing from such public utility, corporation or municipal department that the work will be done within a reasonable time and without expense to the Town of Grafton.
- (29) An estimate, in accordance with the Planning Board's requirements of costs of streets, public improvements, drainage structures and other utilities together with maps, plans and supporting data;
- (30) The following legal data, in form as approved by the Town Attorney, where applicable to a specific subdivision:
- a. Agreement to convey to the Town land to be used for streets, open space and other public purposes, with transfer of title to such interests to be effective on such date as the Town accepts such land;
 - b. Easements and right-of-way over property to remain in private ownership;
 - c. Rights to drain onto or across other property, whether public or private, including a street;
 - d. Performance bond as described in Section 5.04.
- b. As part of the Final Plat Submission, the subdivider or his agent may be required by the Board to submit any or all of the following if the information is considered by the Board to be necessary in order to make a decision on the application:
31. 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 numbered consecutively;
 - b) Location of all existing and proposed buildings;
 - c) Contours of existing and proposed grades at intervals of not more than five (5) feet. Intervals less than five (5) feet may be required depending on the character of the topography. Contour lines shall extend a minimum of one hundred (100) feet beyond the subdivision boundary.
 - d) Final identification, location, elevation, grades and/or contours at intervals of not more than two (2) feet (less interval may be required depending on topography) for the existing and proposed drainage ways, drainage easements, drainage structures, and water bodies;
 - e) Final identification and relative location of proposed soil erosion and sediment control measures and structures;
 - f) Final drawings and specifications for each proposed soil erosion and sediment

control measure and structure;

- g) Final slope stabilization details and specifications;
- h) Final drawings, details, and specifications for proposed flood hazard prevention measures and structures and for proposed storm water retention basins;
- i) A timing, schedule, indicating the anticipated starting and completion dates of the subdivision development and the time of exposure of each area prior to the completion of effective soil erosion and sediment control measures.

32. A subdivision utility plan. This plan shall be submitted on a separate sheet or sheets and provide the following information:

A. Complete plans and profiles of all proposed streets including but not limited to:

- 1) Horizontal and vertical curve data at the street centerline;
- 2) Street stationing every fifty (50) feet;
- 3) Intersection, turnaround, and/or cul-de-sac radii;
- 4) Statements and/or typical sections of proposed streets.

B. Complete plans and profiles of all proposed sanitary and storm sewers, including the following:

- 1) Invert elevations, original and finished ground profiles above these sewers and top of manhole elevations.
- 2) Profiles and grades of storm sewer lines and inlets.
- 3) Type of material and class, used and proposed grades.

Location and details of all existing and proposed utilities, including water mains, gas mains, telephone, electric, on and adjacent to the land to be subdivided.

A statement as to:

- 1) The flow available on existing water mains.
- 2) The proposed number of units and anticipated sanitary sewer flow.
- 3) The available storm water facilities downstream of this subdivision.

Any other details pertinent to street and/or utility construction.

8.04 Subdivision "As Built" Plans:

Prior to the acceptance of streets or utilities by the Town, the subdivider shall submit an "As Built" plan. This plan shall be drawn to scale and shall indicate by dimensions, angles, and distances, as applicable, the actual "As Built" location of sanitary and storm sewer and drain Y-branches, laterals, manholes, catch basins, hydrants, valves, curb shut-offs, road profiles and centerline elevations and final grading plan showing swales and ditches. Plans shall show easements and dedicated roadways. Two (2) copies of the "As Built" Plans shall be submitted by the subdivider to the Board.

Section 9.00: MINOR SUBDIVISION

The following procedure shall be followed by any person contemplating minor subdivision:

- a) Contact the Planning Board for an appointment to discuss the requirements for obtaining approval, including any required documentation.
- b) Upon receipt by the Secretary of the Board of an application fee of \$5.00 and all documentation from the applicant, the Board shall place the Proposed minor subdivision on its agenda for consideration no later than thirty (30) days from date of receipt and shall act to approve or disapprove the application within ninety (90) days.

- c) The provisions of Sections 7.04 (b), (c), (d), (f) and (g) shall be applicable to minor subdivision applications and the applicant shall pay all expenses incurred for publication and notification of hearings.

9.01 For a minor subdivision, the following documentation is required:

- (a) A copy of the deed to the original parcel being subdivided;
- (b) A statement of proposed deed restrictions and covenants, if any;
- (c) A copy of all documentation required by the New Hampshire Water Supply and Pollution Control Commission.
- (d) A general location map showing the proposed minor subdivision in relation to surrounding property. Dimensions may be approximate, the map may be drawn freehand, but must be of sufficient scale and clarity to adequately represent the property.
- (e) A Site Survey Map which shall show:
 - 1. The entire area of the parcel being subdivided plus an additional one hundred (100) foot strip completely around said parcel showing perimeter boundary of said parcel; north point and bar scale;
 - 2. Name of town and subdivision; name and address of the subdivider and designer/consultant., if any;
 - 3. Topographic contours at not more than twenty (20) foot intervals;
 - 4. Names and addresses of abutting owners;
 - 5. Water areas (both permanent and intermittent streams, rivers, ponds, lakes, wetlands, marshes); foliage lines;
 - 6. Area of parcel in square feet and acres;
 - 7. Existing roads, easements and structures and other existing physical features;
 - 8. Location of percolation tests and soil test pits.
- (f) A Site Location Map, shown as in inset on the Site Survey Map, which shall show the proposed subdivision in relation to major roads, community facilities and utilities of the town;
- (g) A log of all percolation tests, including dates and reference to locations shown on Site Survey Map;
- (h) A log of all soils tests, including dates and reference to locations of test pits shown on the Site Survey Map, and showing depth to ledge, clay, hardpan layers and the existing and seasonal high water table.
- (i) A Soils Map which shall show the location of the soil mapping units and soil mapping unit boundaries as indicated on the most recent Town of County Soil Survey as prepared by the U.S. Department of Agriculture Soil Conservation Service. A legend on the Soils Map shall identify soil mapping unit symbols and soil names.
- (j) Two (2) copies of the Site Survey Map (including the Site Location Map) and two (2) copies of the Soils Map shall be submitted. Maps shall be at a scale of not more than two hundred (200) feet per inch.

- (k) A statement and contours in sufficient detail to indicate clearly the method of storm water drainage on and off the subdivision, methods of sanitary sewage disposal and water supply and watershed areas.

Section 10.00: STANDARDS

This section of the Subdivision Regulations of the Town of Grafton, New Hampshire sets forth the minimum standards to which all subdivisions shall conform.

A. Lot and Size Layout Standards:

When laying out or planning a subdivision, the following standards shall govern the layout of lots and sizes:

1. The minimum area or configuration of lots or sites shall be based on consideration of soil type, slope, sewage disposal techniques, and drainage plans, and shall conform to the recommendations of the New Hampshire Water Supply and Pollution Control Commission, if any.
2. Every lot or site shall abut on a street built in conformity with the requirements of these Regulations.
3. In order to provide adequate corner visibility, corner lots shall have sufficient width to permit a setback on each street.
4. Where there is a question as to the suitability of a lot or lots for their intended use due to factors such as rock formations, flood conditions, or similar circumstances, the Board may require modification of such lot or lots.
5. Block length and width or acreage within bounding roads shall be such as to provide a convenient access, circulation control and safety of street and pedestrian traffic.

B. Sewage Disposal Design Standards and Soil Tests:

Subdividers shall present written approval for subdivision from the New Hampshire Water Supply and Pollution Control Commission. In all such cases where approval of the said Commission is not required, the subdivider shall present satisfactory evidence to the Board that the subdivision lots will support individual sewage disposal systems. In all events, Section 5.08 shall be applicable.

1. The subdivider will adhere to the following standards for his subdivision lots:
 - a) They will not contaminate any drinking water supply.
 - b) They will not give rise to a public health hazard by being accessible to insects, rodents, or other possible carriers which may come into contact with flood or drinking water.
 - c) They will not give rise to a public health hazard by being accessible to persons.
 - d) They will not violate laws or regulations governing water pollution or sewage disposal or treatment.
 - e) They will not pollute or contaminate the waters of any bathing beach, shellfish breeding ground, or stream used for public or domestic water supply purposes, or for recreational purposes.
 - f) They will not give rise to a nuisance due to odor or unsightly appearance.
2. No septic system leaching bed or trench, or leaching cesspool or leaching pit shall be allowed on soils subject to flooding unless the individual or parties responsible for the system can prove the system will, during periods of flooding from adjacent streams and rivers, comply with the above six (6) basic standards of these regulations.
3. The Board may engage a qualified agent of the Grafton County Conservation District or other qualified person in behalf of and at the expense of the subdivider to inspect and make a report on each proposed lot or site as to the suitability for on-site sewage disposal. If any limitation is found such as excessive slopes, hardpan layers, shallow depth-to-ledge, existing or expected high water table or extreme porosity, said soil and/or site limi-

tations shall be noted in the report. Any lot or site with severe soil or site limitations noted from the on-site inspection shall not be approved unless:

- (a) The subdivider proposes appropriate site and engineering measures to overcome and alleviate those limitations to the satisfaction of the Board and;
 - (b) The subdivider carries out those site and engineering measures as proposed to the satisfaction of the Board or the subdivider shall have proposed site and engineering measures drawn up to the satisfaction of the Board as covenants to the deed for each lot or site to be transferred, conveyed, rented, or leased.
4. All subsurface sewage disposal systems must be designed and constructed in accordance with the most recent edition of the manual on "Septic Tank System of Sewage Disposal" as published by the New Hampshire Water Supply and Pollution Control Commission.

C. Street Standards:

Construction and/or installation of all streets, sidewalks, curbs, bridges, culverts, drainage structures, storm sewers, gutters, drainage ditches, and other improvements required by the subdivision plat and accompanying documents, must be done under the supervision or with the approval of the Planning Board, Board of Selectmen, and the Road Agent of the Town of Grafton.

Subdivision streets shall be laid out so that the street pattern conforms to the extent possible to natural topographic conditions.

All street construction as required by the Board shall conform to the following standards:

1. Provisions shall be made for the proper projection of proposed streets if adjoining property is not subdivided. Where a proposed subdivision abuts an existing subdivision, the subdivider shall make every attempt to design the street system of the proposed subdivision to connect with dead-end or "stub" streets of the existing subdivision.
2. No street right-of-way shall be less than fifty (50) feet in width and may be required to be more if a greater width is warranted in the opinion of the Board. The apportioning of the width among roadways, sidewalks and possible grass strips shall be subject to approval of the Board. In general, the Board shall require a traveled width of not less than twenty (20) feet plus two (2) feet of gravel shoulders on each side.
3. The minimum center line radii of streets shall be seventy five (75) feet, although at the Board's request greater radii may be required for principal streets. All curved streets must be designed to permit safe vehicular travel.
4. The plan of any proposed subdivision shall show all work required to connect and complete the improvements and utilities between the proposed street pattern and any connecting street in an existing subdivision.
5. Where a subdivision abuts an existing street with an inadequate alignment, or right-of-way width, the subdivision plat shall include in the street dedication all land needed to meet the standards established by these regulations, and as approved by the Board.
6. The layout of the street pattern shall be based upon a local street system connected to a collector street system connected to an arterial system.
7. Local residential streets shall be designed so as to discourage through traffic.
8. Local and collector streets shall not intersect with arterial streets less than eight hundred (800) feet apart, measured from center line to center line.
9. Except where it is impracticable, because of the character of the land, streets shall intersect so that the final seventy five (75) feet of the intersecting street lines are at right angles and in no case less than seventy-five (75) degrees. The grade within one hundred

(100) feet of an intersection shall not exceed 3% unless otherwise agreed to by the Board. No structure or planting shall impair corner visibility.

10. Grades of all streets shall conform in general to the terrain and shall, so far as practicable, not exceed 10 percent, unless this requirement is specifically waived by the Board. No street shall have a grade of less than 1/2 percent.
11. General crown of the road not less than three (3) inches. Shoulder slopes not less than two (2) horizontal for one (1) vertical.
12. Multiple intersections involving a junction of more than two (2) streets shall be prohibited. If at all possible, four-way intersections shall be avoided on all local and minor collector streets.
13. The minimum distance between center line offsets at street jogs shall be one hundred fifty (150) feet.
14. The entire travelled area of each street shall be cleared of all stumps, brush, roots and like material, and all trees not intended for preservation. All loam and other yielding material shall be removed from the roadway and replaced with a suitable material. All boulders shall be broken off to a depth of not less than twelve (12) inches below the subgrade. All streets shall be subgraded with at least twelve (12) inches of binding gravel to a width of not less than twenty-four (24) feet.
15. Permanent dead-end streets shall be posted as such.
16. If a dead-end street is of a temporary nature, a turnaround shall be provided and provisions made for future extension of the street through to adjacent property and reversion of the excess right-of-way to the adjoining properties.
17. The following standards shall apply to cul-de-sac streets:
 - (a) The turnaround at the end of a cul-de-sac street should be located with regard to proper drainage.
 - (b) Unless there is the expectation of extending the street through to the adjoining property, a cul-de-sac street should never be brought to the property boundary line, but should be placed so that the lots can back on the property line of the subdivision.
18. No street shall have a name which will duplicate or closely duplicate the names of existing streets. The continuation of an existing street shall have the same name.
19. Classification of Streets
The classification of existing streets shall be as defined in the Town Master Plan or Official Map or by the Board where such Master Plan or Official Map does not exist. The classification of new streets shall be as determined by the Board in accordance with the following table. The following standards of design shall apply to streets related to subdivision:

Standards for Street Design

	Local ¹	Collector	Arterial
Average Daily Traffic ²	0-100'	100-400'	Above 400'
Minimum Right-of-Way	50'	60'-80'	80'-100'
Minimum Travel Surface Width (Ft) ⁴	18'	20'-24'	Variable
Minimum Shoulder Width (Ft) Each Side ⁴	2'	4'	Variable
Minimum Distance from Road Centerline to Center of Ditch (Ft) ⁴	16'	18'	Variable
Minimum Horizontal Curve Radii (Ft)	100'	150'-300'	500'
Minimum Vertical Curve Radii (Ft)	100'	100'-200'	Variable
	In no cases less than 20' for 1% difference in grade	In no case less than 30' for 1% difference in grade	
Minimum length of Tangents Between Curves	100'	100'- 200'	Variable
Maximum Grade	10%	8%	5%
Minimum Grade	0.50%	0.50%	0.50%
Maximum Grade Within 50' of Intersection Centerlines	3%	3%	2%
Maximum Vertical Sight Distance ³	200'	250'	300'

¹ Local streets cover not only lightly developed through streets, but also dead-end, cul-de-sac and marginal access streets.

² Shall be future anticipated traffic. (Assuming 8 trips per day per dwelling unit.)

³ Sight distance shall be measured between two points along the centerline of the street on a straight line entirely within the street right-of-way and clear of obstructions, one of the points to be at the surface and the other 4 1/2 feet above the surface.

⁴ All cross-section horizontal distances shall be measured perpendicular to straight-line sections and radial to curved sections.

The Board may modify the maximum and minimum gradient for short lengths of streets where, in its judgment, existing topographic conditions or the preservation of natural features indicate that such modification will result in the best subdivision of land.

The Board may require greater width of right-of-way where, in its judgment, the demands of present or future traffic make it desirable or where topographic conditions create a need for greater width for grading.

- 20. Street Improvements - Any existing town owned street which provides either frontage to new lots, or access to new streets shall meet the minimum standards established in Section 10.c. 19 above for such streets insofar as possible. The Board may require as a condition of approval of the final plat that the subdivider shall bear the expense to provide that the said existing street or streets meet said minimum standards.

D. Parking Standards:

All subdivision development shall require off-street parking to be provided at the rate of at least two (2) parking spaces per dwelling unit. In order to provide for the most efficient means of road maintenance, snow plowing and access by emergency police and fire vehicles, no parking of vehicles within the street shall be permitted.

E. Pedestrian Walks: Where necessary, in the judgment of the Board, rights-of-way for pedestrian travel and access may be required between subdivisions or its parts, or between a subdivision and public property.

F. Drainage Standards: All bridges, culverts, drainage structures, storm sewers, gutters, drainage ditches, and other improvements required by the subdivision plat and accompanying documents, shall be installed in conformance with the following standards:

1) An adequate surface storm water drainage system for the entire subdivision area shall be provided. Storm drainage shall be carried as much as possible to existing watercourses, or connect to existing watercourses, or connect to existing storm drains. If the storm water drainage system creates any additional flow over any adjacent property, the subdivider shall obtain an easement therefor from the adjacent owner and shall hold the Town of Grafton harmless from any claims for damage resulting therefrom.

2) The need for the installation of catch basins and storm sewer systems or underdrains shall be determined on the basis of the following considerations: high ground water; soil conditions; topography; road grades; maintenance considerations; safety.

3) Proper siding of culverts, storm sewers etc. shall be by established engineering practice.

4) Pipes for storm sewers or culverts shall be reinforced concrete pipe, corrugated asbestos pipe, corrugated steel pipe or better.

5) Minimum storm sewer pipe size shall be 12" in diameter.

6) Minimum culvert size shall be 15" in diameter.

7) Cover over all pipes shall be at least two (2) feet.

8) Culvert headwalls, where required, shall be either concrete or mortar rubble masonry or other suitable matter.

9) Erosion protection of ditches or pipe outlets shall be provided by paving or use of stone where soil and velocity conditions warrant protection.

10) No storm water pipe, catch basin, drainage outlet or other or other pipe floor drain, draining surface water, shall be connected to any sanitary sewer system, pipe or part of said system.

11) The Board may require that all storm water pipe installations be inspected and approved by an agent of the Town before being covered.

G. Utilities Installation Standards

1) All subdivisions shall make adequate provisions for water supply, storm water and sanitary sewage disposal, and other required utilities and improvements. The Board may require the extension of public water and sewers to and within a proposed subdivision, without cost to the Town of Grafton.

2) The subdivider shall install laterals from all utilities in the street right-of-way to ten (10) feet beyond the street property line of each building lot. All such utility system installations shall be at the expense of the subdivider and, if the Board so requires, shall be installed under the subdivision of the appropriate Town agency.

3) The Board may require the installation of street lighting in any subdivision where it deems necessary.

- 4) Where underground utilities are to be furnished from a public source, all necessary mains, branch offsets to each lot, and fire hydrants shall be installed by the subdivider, as approved by the corporation or municipal department having jurisdiction, and to the satisfaction of the Planning Board and the Board of Selectmen, and without expense to the Town of Grafton.
- 5) All such utility system installations shall be at the expense of the subdivider and shall be installed under the supervision of appropriate Town agencies.

H. Sediment and Erosion Control Standards:

The purpose of this section is to control soil erosion and the resulting sedimentation from occurring in subdivision areas by requiring proper provisions for water disposal and the protection of soil surfaces during and after construction in order to promote the public health, safety, convenience and general welfare of the community. The following standards shall be observed by the subdivider in the design, layout and engineering of the proposed subdivision in both the Preliminary Layout Phase (Section 8.02) and the Final Plat Phase (Section 8.03)

1. Stripping of vegetation, regrading, or other development shall be done in such a way that will minimize soil erosion.
2. Whenever practical, natural vegetation shall be retained, protected, and supplemented.
3. The disturbed area shall be kept to a minimum and the duration of exposure shall be under a maximum of six (6) months.
4. Temporary seedings and/or mulching shall be used to protect exposed critical areas during development.
5. Provisions shall be made to accommodate the increased runoff caused by changed soil and surface conditions during and after development.
6. Sediment in the runoff water shall be trapped, until the disturbed area is stabilized, by the use of sediment basins or other acceptable methods.
7. Diversions, sediment basins, and so forth, shall be constructed prior to any on-site grading or disturbance of existing surface material.

I. Open Space and Landscaping:

1. The Board may, where it deems essential, require that the plat show one (1) or more sites of character, size, shape, and location suitable to be used as community open space or park, in area not to exceed fifteen (15) percent of the total area of the subdivision. The subdivider may of his own volition exceed the above area requirements.
2. Such areas of open space, whether privately or publicly owned, shall have a sufficient legal restriction recorded in the Town land records to assure permanence of use as open space. Open space land in private ownership shall be deeded in such a way that will assure operation or maintenance of the land in an orderly manner suitable for the purpose intended.
3. On land to be used as active recreation open space, undesirable growth and debris shall be removed. Wooded and brook areas shall be left natural. There shall be no depositing, dumping or storage of waste, or other natural or man-made material, supplies, or equipment on any subdivision land designated as open space. No work, removal or filling shall be done, nor shall the existing natural characteristics of open space land be altered from the original condition, until the subdivider's plans for recreational development of said open space have been reviewed and approved by the Board as part of the Final Plat Submission.
4. In the event that the Board determines that suitable park, playground, or other open space cannot be properly located in a proposed subdivision, it may require as a condition of final plat approval that a payment be made by the subdivider to the Town and placed in a fund for acquisition and/or improvement of park and recreation land. Such payment shall be determined by the Board of Selectmen in

accordance with an equitable and standard fee schedule related to either the gross area of the subdivision or number of dwelling units proposed.

5. Where a development composed of one (1) or more plats will accommodate a total of more than one hundred (100) dwelling units, the Board may also require the designation of necessary public school sites or a payment in lieu thereof.
6. Due regard shall be given to preservation of existing trees, shrubbery and other vegetation within the subdivision. The Board may require additional tree planting and other landscaping appropriate to the area being subdivided. The subdivider shall comply with the following requirements:
 - a. Where any land other than that included in public rights-of-way is to be dedicated to public use, the subdivider shall not remove any trees from the site without approval of the Board.
 - b. Topsoil moved during the course of construction shall be redistributed so as to provide at least 6" of cover to all disturbed areas of the subdivision.
 - c. All disturbed areas which are not covered by structures or paving shall be properly seeded or replanted by the subdivider.

7. Trees and Planting

Due regard shall be given to preservation of existing trees, shrubbery and other vegetation within the subdivision. The Board may require additional tree planting and other landscaping appropriate to the area being subdivided. The subdivider shall comply with the following requirements:

- a. To the fullest extent possible, all existing trees and shrubbery shall be preserved by the subdivider. Special consideration shall be given to the arrangement and ultimate improvement or development of the lots to this end. Precautions shall also be taken to protect existing trees, shrubbery and vegetation during the construction of roads and utilities.
- b. Where any land other than that included in public rights-of-way is to be dedicated to the public use, the subdivider shall not remove any trees from the site without written permission from the Planning Board.
- c. Topsoil moved during the course of construction shall be redistributed so as to provide at least 6" of cover to all disturbed areas of the subdivision. At no time shall topsoil be removed from the site without written permission from the Planning Board.

All disturbed areas which are not covered by structures or paving shall be properly seeded or replanted by the subdivider.

K. Survey Monument Standards:

- 1) 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, though the point of intersection of short curves may be used instead where such is practical. Monuments shall be placed on one (1) side of the street only and at only one (1) corner of intersecting streets.
- 2) Adjacent monumented points shall be intervisible. Monuments shall be tied into a public street intersection, U.S.G.S. benchmark or other recognized existing monument. Monument locations shall be shown and properly dimensioned on the final plat. Monuments shall be of stone, concrete, or other material acceptable to the Board, and not less than 4" in diameter or square, and not less than 42" long. Concrete monuments

shall be reinforced with steel rods, and a plug, brass plate or pin shall serve as the point of reference. If stone, a drilled hole shall serve as the point of reference, and a magnetic rod or other suitable metal shall be placed adjacent to the monument to allow for recovery.

Section II: ADMINISTRATION AND ENFORCEMENT

11.01 Waivers and Variances:

- (a) Where the Board finds that due to the special circumstances of a particular plat, or because of exceptional and unique conditions of topography, access, location, shape, size, drainage, or other features of the parcel of interest in its judgment provision of certain requirements is not requisite in the interest of public health, safety and general welfare or is inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the proposed subdivision, it may, after public hearing, waive or vary such requirements subject to appropriate conditions. Notice of such hearing shall be given not less than fifteen (15) days prior to the date thereof by publishing in a newspaper of general circulation the date, time and place of the hearing and shall designate the location of the land in question and nature of the modification being sought.
- (b) In granting waiver or variance, the Board shall require such reasonable conditions as will, in its judgment, secure substantially the objectives of the requirements so waived or varied.

11.02 Interpretation:

In matters of judgment or interpretation of these regulations the opinion of the Board shall prevail.

11.03 Validity:

If any section, clause, provision, portion or phrase of these regulations shall be held to be invalid or unconstitutional by any court of competent authority, such decision shall not affect the validity of the remaining portion of these Regulations.

11.04 Other Regulations:

Whenever the Regulations made under authority hereof differ from those prescribed by any statute, ordinance or other regulations, that provision which imposes the more stringent standards shall govern.

11.05 Acceptance of Streets and/or Utilities:

- (a) Nothing herein is intended to modify the requirements of law with reference to the acceptance of streets and/or utilities by the Town.
- (b) Nothing therein is intended to modify or control the construction, reconstruction or extension of streets and/or utilities by the Town or State.

11.06 Enforcement:

These regulations shall be enforced by the Board or its duly authorized representative.

11.07 Penalty:

Any owner, or agent of the owner, who transfers or sells any land within a subdivision, before the final plat of said subdivision has been approved by the Planning Board and recorded or filed in the office of the Grafton County Register of Deeds shall forfeit and pay a penalty of five hundred (\$500) dollars for each lot or parcel so transferred or sold; and the description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the transaction from such penalties.

The Town may enjoin such transfer or sale and may recover the said penalty by civil action. In any such action, the prevailing party may recover reasonable court costs and attorneys fees as same may be ordered by the court.

11.08 Amendment:

These regulations may be amended, changed, altered, or rescinded by the Board but only following a public hearing on the proposed change. The Secretary of the Board shall transmit a record of any changes so enacted to the Register of Deeds.

11.09 Appeals:

Any person, aggrieved by an official action of the Board, may appeal therefrom to the Superior Court as provided by RSA 677:15.

11.10 Exhibits:

Incorporated herein and made a part of these Regulations are all Exhibits annexed hereto.

11.11 Effect:

These regulations shall be in effect from the time of their adoption by vote of a majority of the Board of the Town of Grafton, New Hampshire present and voting.

Date of Adoption: _____