



## **Town of Enfield**

Planning Board

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### **ENFIELD PLANNING BOARD MEETING AGENDA May 27, 2015 - 7:00 PM**

- I. CALL MEETING TO ORDER
- II. APPROVAL OF MINUTES – May 13, 2015
- III. SELECTMEN'S REPORT
- IV. CITIZENS FORUM
- V. PUBLIC HEARING - None
- VI. CONCEPTUAL HEARING – None scheduled
- VII. BUSINESS DISCUSSIONS
  - a. Continue review of draft Update of Subdivision Regulations.
- VIII. COMMUNICATION
- IX. INFORMATIONAL ITEMS
  - a. Lot 44 – 46
  - b. Conkey subdivision of 2006
  - c. Intent to cut – Map 6 Lot 5
- X. NEW BUSINESS
- XI. NEXT MEETING
  - a. Regular Planning Board Meeting – May 27, 2015

Town of Enfield  
Planning Board  
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## **SUBDIVISION**

## **REGULATIONS**

**Current update mtg of May 13**

Adopted:	October 15, 1974
Amended:	May 23, 1979
	September 9, 1981
	August 11, 1982
	August 14, 1985
	February 26, 1986
	July 28, 1993
	June 28, 1995
	June 12, 1996

**TABLE OF CONTENTS**

**SECTION 1: AUTHORITY AND STATEMENT OF PURPOSE..... 4**

**SECTION 2: DEFINITIONS ..... 6**

**SECTION 3: APPLICATION PROCEDURE ..... 6**

3.01 GENERAL ..... 6

3.02 APPLICATION FOR APPROVAL: ..... 7

3.03 FILING OF APPLICATION:..... 7

3.04 NOTICE OF APPLICATION: ..... 7

3.05 FEES:..... 8

3.06 SUBMISSION OF COMPLETED APPLICATION: ..... 8

3.07 NOTICE OF PUBLIC HEARING FOR REVIEW OF APPLICATION:..... 8

3.08 PUBLIC HEARING FOR REVIEW OF APPLICATION: ..... 9

3.09 FORMAL CONSIDERATION; TIME LIMITS:..... 9

3.10 NOTICE OF DECISIONS: ..... 9

3.11 COMPLIANCE HEARINGS:..... 10

**SECTION 4: PLAN REQUIREMENTS AND STANDARDS..... 10**

4.01 COMPLIANCE WITH REGULATIONS, MASTER PLAN, OFFICIAL MAP, OTHER ORDINANCES AND REGULATIONS: ..... 10

4.02 CHARACTER OF PROPERTY PROPOSED FOR SUBDIVISION: ..... 11

4.03 PREMATURE SUBDIVISION DEVELOPMENT: ..... 11

4.04 PRESERVATION OF EXISTING FEATURES: ..... 12

4.05 SUBDIVISION DESIGN, GENERAL:..... 12

4.06 MINIMUM LOT SIZES: ..... 12

4.07 LOT AND SITE LAYOUT: ..... 12

4.08 ON-SITE SEWAGE DISPOSAL DESIGN STANDARDS:..... 13

4.09 STREET DESIGN STANDARDS: ..... 13

4.10 STREET IMPROVEMENTS: ..... 18

4.11 PARKING:..... 18

4.12 PEDESTRIAN WALKS:..... 18

4.13 FLOOD HAZARD AREAS: ..... 18

4.14 DRAINAGE AND UTILITIES: ..... 19

4.15 SEDIMENT AND EROSION CONTROL STANDARDS:..... 21

4.16 OPEN SPACE..... 22

4.17 TREES AND PLANTING: ..... 22

4.18 PUBLIC SCHOOLS: ..... 23

4.19 FIRE PROTECTION: ..... 23

4.20 SUBDIVISION WITH WATER ACCESS: ..... 24

4.21 MONUMENTATION: ..... 24

4.22 PERFORMANCE AND MAINTENANCE BONDS: ..... 25

4.23 ACCEPTANCE OF STREETS AND OPEN SPACE: ..... 26

**SECTION 5: SUBMISSION REQUIREMENTS ..... 26**

5.01 PHASE I: NON-BINDING CONSULTATION AND CONCEPTUAL REVIEW: ..... 26

5.02	PHASE II: PRELIMINARY REVIEW: .....	26
5.03	MAJOR SUBDIVISION: PHASE III; FINAL REVIEW: .....	27
5.04	MINOR SUBDIVISION: PHASE III; FINAL REVIEW: .....	36
<b>SECTION 6: ADMINISTRATION AND ENFORCEMENT.....</b>		<b>39</b>
6.01	INTERPRETATION: .....	39
6.02	CONFLICT WITH OTHER REGULATIONS: .....	39
6.03	WAIVERS AND VARIANCES: .....	39
6.04	EXEMPTIONS: .....	40
6.05	ACCEPTANCE OF STREETS AND/OR UTILITIES: .....	41
6.06	COMPLIANCE HEARINGS: .....	41
6.07	ENFORCEMENT: .....	41
6.08	PENALTIES: .....	41
6.09	APPEALS .....	43
6.10	AMENDMENTS: .....	43
6.11	SEVERABILITY .....	45
6.13	CERTIFICATION: .....	45

**SUBDIVISION REGULATIONS  
OF  
THE TOWN OF ENFIELD, NEW HAMPSHIRE**

**SECTION 1: AUTHORITY AND STATEMENT OF PURPOSE**

Pursuant to the authority vested in the Enfield Planning Board by the voters of the Town of Enfield and in accordance with the provisions of Chapter 674: Section 35, New Hampshire Revised Statutes Annotated, 1985 as amended, the Enfield Planning Board, hereinafter referred to as the Board, adopts the following regulations governing the subdivision of land in the Town of Enfield, New Hampshire.

It is the purpose of the Regulations to safeguard and protect the interests of the Town of Enfield, of the Public, and of the general Taxpayer by:

1. Providing against such scattered or premature subdivision of land as would involve danger of injury to health, safety, or prosperity by reason of the lack of water supply, drainage, transportation, schools, fire protection or other public services, or necessitate the excessive expenditure of public funds for the supply of such services;
2. Providing for the harmonious development of the municipality and its environs and preserve the town's natural rural character.
3. Requiring the proper arrangement and coordination of streets within subdivisions in relation to other existing or planned streets.
4. Providing for open spaces of adequate proportions;
5. Requiring suitably located streets of sufficient width to accommodate existing and prospective traffic and to afford adequate light, air, and access for firefighting apparatus and equipment to buildings, and be coordinated so as to compose a convenient system;
6. Requiring, in proper cases, that plats showing new streets or narrowing or widening of such streets submitted to the planning board for approval shall show a park or parks suitably located for playground or other recreational purposes;
7. Requiring that proposed parks shall be of reasonable size for neighborhood playgrounds or other recreational uses;
8. Requiring that the land located on plats submitted to the planning board shall be of such character that it can be used for building purposes without danger to health;
9. Prescribing minimum areas of lots so as to assure conformance with local zoning ordinances and to assure such additional areas as may be needed for each lot for on-site sanitary facilities.

10. Including provisions which will tend to create conditions favorable to health, safety, convenience, or prosperity.

11. Encourage the installation and use of solar, wind, or other renewable energy systems and protect access to energy sources by the regulation of orientation of streets, lots, and buildings; establishment of maximum building height, minimum set back requirements, and limitations on type, height, and placement of vegetation; and encouragement of the use of solar skyspace easements under RSA 477.

12. Provide for efficient and compact subdivision development which promotes retention and public usage of open space and wildlife habitat, by allowing for village plan alternative subdivision as defined in RSA 674:21, VI.

13. Require innovative land use controls on lands when supported by the master plan.

14. Include provision for waiver of any portion of the regulations. The basis for any waiver granted by the planning board shall be recorded in the minutes of the board. The planning board may only grant a waiver if the board finds, by majority vote, that:

(1) Strict conformity would pose an unnecessary hardship to the applicant and waiver would not be contrary to the spirit and intent of the regulations; or

(2) 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 regulations.

III. These regulations shall require as a condition precedent to the approval of the plat, the extent to which and the manner in which streets shall be graded and improved and to which water, sewer, and other utility mains, piping, connections, or other facilities shall be installed. The regulations or practice of the planning board:

(1) May provide for the conditional approval of the plat before such improvements and installations have been constructed, but any such conditional approval shall not be entered upon the plat.

(2) Shall provide that, in lieu of the completion of street work and utility installations prior to the final approval of a plat, the planning board shall accept a performance bond, irrevocable letter of credit, or other type or types of security as shall be specified in the subdivision regulations; provided that in no event shall the exclusive form of security required by the planning board be in the form of cash or a passbook. As phases or portions of the secured improvements or installations are completed and approved by the planning board or its designee, the municipality shall partially release said security to the extent reasonably calculated to reflect the value of such completed improvements or installations. Cost escalation factors that are applied by the planning board to any bond or other security required under this section shall not exceed 10 percent per year. The planning board shall, within the limitations provided in this subparagraph, have the discretion to prescribe the type and amount of security, and specify a period for completion of the improvements and utilities to be expressed in the bond or other security, in order to secure to the municipality the actual construction and installation of such improvements and utilities. The municipality shall have the power to enforce such bonds or other securities by all appropriate legal and equitable remedies.

(3) May provide that in lieu of the completion of street work and utility installations prior to the final approval of the plat, the subdivision regulations may provide for an assessment or other method by which the municipality is put in an assured position to do

said work and to make said alterations at the cost of the owners of the property within the subdivision.

## **SECTION 2: DEFINITIONS**

For the purpose of these Regulations all definitions are included in the Enfield Zoning Ordinance Appendix.

## **SECTION 3: APPLICATION PROCEDURE**

### **3.01 General**

There are three phases in the subdivision process; non-binding consultation and conceptual review (Phase I), preliminary review, (Phase II), and final application (Phase III). Phase I and II are intended to help the applicant by providing guidance and feedback prior to submission of the final application, thereby helping to avoid major alterations in the final plat. Phase II requires a public hearing. Phase III is mandatory for all developments and modifications subject to subdivision review. It involves the submission and review of the final application for which a public hearing is required.

A. Phase I: Conceptual Consultation: In order to save expense and unnecessary changes later on, a person may request to be on the agenda of a regular meeting of the Board for a discussion of the proposed concept in general terms and for a review of applicable Subdivision Regulations, application forms, necessary supporting maps, and documents. There is no time limit for this nor is this consultation a review binding in any way on either the applicant or the Board.

B. Phase II: Design Review An applicant or authorized agent wishing a review of their subdivision project which goes beyond discussion of the proposed subdivision in conceptual form, may apply to the Board for a public hearing. They shall apply in writing and include all other applicable materials as specified in Section 5 of these Regulations. The Board shall then give public notice as specified in Section 3.04 of these Regulations of the public hearing for preliminary review of the application in accordance with these Regulations.

The preliminary review shall be conducted only at regular meetings of the Board. The Board may review the proposal in detail and receive testimony in person or in writing from any applicant, abutter or any other person as permitted by the Board. Preliminary review shall bind neither the applicant nor the Board. A regular meeting on a particular preliminary review may be adjourned to continue at a specific date and time with no further notice of the reconvened meeting required.

C. Phase III: Final Review: An applicant or authorized agent wishing a final review of the project shall apply to the Board in writing and shall include all other applicable materials as specified in Section 5 of these Regulations. The Board shall then give public notice as specified in Section 3.04 of these Regulations of the final subdivision application submission and review hearings in accordance with these Regulations.

There are two steps to Phase III, Submission of Application and Review of Application. The Board first holds a public hearing to determine whether or not the submitted application is complete. If the Board determines that the application is complete, they then hold a public hearing to review the application for approval or denial.

The final submission and review of the application shall be conducted only at regular meetings of the Board. The Board may review the proposal in detail and receive testimony in person or in writing from any applicant, abutter or any other person as permitted by the Board. A regular meeting at which any portion of a particular final review may be adjourned to continue at a specific date and time with no further notice of the reconvened meeting.

### **3.02 Application for Approval:**

The completed application shall be on the form designated by the Board and conform to the requirements and specifications outline in these Regulations. Submission requirements are listed in Section 5.

### **3.03 Filing of Application:**

The applicant or authorized agent shall file the application by delivering the application to the duly authorized agent of the Board at least fifteen (15) calendar days prior to the regularly scheduled public meeting of the Board at which the applicant shall formally submit the application to the Board.

### **3.04 Notice of Application:**

The Board shall notify the abutters and the applicant by certified mail of the date upon which the completed application will be formally submitted to the Board. Such notice shall be mailed at least ten (10) calendar days prior to the meeting. Notice required shall not include the day notice is posted or the day of the public meeting. At the same time the notice is mailed to the applicant and abutters, such notice shall also be posted in two public places in the Town. Notice shall also be given to the general public by publication of the notice in a newspaper of general circulation prior to the meeting. The notice shall include a general description of the proposal which is the subject to the application and shall identify the applicant and the location of the property which is the subject of the application. The Board may also give notice by regular mail to other landowners in the vicinity of the tract.

(d)(1) Notice to the applicant, holders of conservation, preservation, or agricultural preservation restrictions, abutters, and the public shall be given as follows: The planning board shall notify the abutters, the applicant, holders of conservation, preservation, or agricultural preservation restrictions, and every engineer, architect, land surveyor, or soil scientist whose



professional seal appears on any plat submitted to the board by certified mail of the date upon which the application will be formally submitted to the board. Notice shall be mailed at least 10 days prior to submission. Notice to the general public shall also be given at the same time by posting or publication as required by the subdivision regulations. The notice shall include a general description of the proposal which is the subject of the application and shall identify the applicant and the location of the proposal. For any public hearing on the application, the same notice as required for notice of submission of the application shall be given. If notice of public hearing has been included in the notice of submission or any prior notice, additional notice of that hearing is not required nor shall additional notice be required of an adjourned session of a hearing with proper notice if the date, time, and place of the adjourned session was made known at the prior hearing. All costs of notice, whether mailed, posted, or published, shall be paid in advance by the applicant. Failure to pay such costs shall constitute valid grounds for the planning board to terminate further consideration and to disapprove the plat without a public hearing.

(2) For those proposals in which any structure or proposed building site will be within 500 feet of the top of the bank of any lake, pond, river, or stream, the planning board shall also notify the department of environmental services by first class mail at the same time that notice is provided to abutters, cost to be paid in advance by the applicant consistent with subparagraph 676:4d(1)

### **3.05 Fees:**

The applications for Conceptual, Design Review and Final Review shall be accompanied by fees set forth in the Board's current fee schedule. The application will not be accepted for review until the fees set forth in the Board's current fee schedule are paid. Additional fees may be imposed by the Board to cover fees for consultants to the Board including, but not limited to, engineers, surveyors, lawyers, and community planners. When a submitted application is determined not to be complete or is denied at a public hearing, the hearing, mailing and advertising fees will not be returned.

### **3.06 Submission of Completed Application:**

The completed application shall be submitted to and accepted for review by the Board at the public meeting of the Board specified in the notice. The Board shall give the applicant a receipt certifying acceptance of the application BUT ONLY IF the application is complete. This step is not required for Boundary Line Adjustments.

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 the requirements of subparagraph (b), 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, which shall describe the information, procedure, or other requirement necessary for the application to be complete.

### **3.07 Notice of Public Hearing for Review of Application:**

No accepted application will be approved or denied without a public hearing. Notice of the hearing for review of the application shall be given in the same way and with the same time limits as notice of submission of the application under these Regulations. The Board may give

notice of submission and of the review of the application in the same notice for the same meeting.

### **3.08 Public Hearing for Review of Application:**

The public hearing for final review of the application shall be conducted as described in Section 3.01, C of these Regulations. Additional public hearings may be held at the discretion of the Board, with proper notification.

Except as provided in this section, no application may be denied or approved without a public hearing on the application. At the hearing, any applicant, abutter, holder of conservation, preservation, or agricultural preservation restriction, or any person with a direct interest in the matter may testify in person or in writing. Other persons may testify as permitted by the subdivision regulations or the board at each hearing. Public hearings shall not be required, unless specified by the subdivision regulations, when the board is considering or acting upon:

(1) Minor lot line adjustments or boundary agreements which do not create buildable lots, except that notice to abutters and holders of conservation, preservation, or agricultural preservation restrictions shall be given prior to approval of the application in accordance with subparagraph (d) and any abutter or holder of conservation, preservation, or agricultural preservation restrictions may be heard on the application upon request; or

(2) Disapprovals of applications based upon failure of the applicant to supply information required by the regulations, including identification of abutters or holders of conservation, preservation, or agricultural preservation restrictions; or failure to meet reasonable deadlines established by the board; or failure to pay costs of notice or other fees required by the board.

### **3.09 Formal Consideration; Time Limits:**

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 as provided in subparagraph Section 3:10 676: (4) (i), or disapprove within 65 days, subject to extension or waiver as provided in subparagraph 676:4(f). Upon failure of the board to approve, conditionally approve, or disapprove the application, the selectmen or city council 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 or city council shall certify on the applicant's application that the plat is approved pursuant to this paragraph, unless within those 40 days the selectmen or city council 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 under RSA 674:37 and 676:18, and court review under RSA 677:15.

### **3.10 Notice of Decisions:**

The Board shall issue a written decision on all applications for Final Review subdivision. If the application is approved, the Board shall issue a written decision which includes any and all conditions which have been required by the Board as a part of the approval decision. If the application is denied, the Board shall state the reason or reasons for denial. The decision of the

Board (approval or denial) shall be mailed or given to the applicant. The decision shall be placed on file in the Board's office and shall be made available for public inspection within 72 hours, after the decision is made.

A planning board may grant conditional approval of a plat or application, which approval shall become final without further public hearing, upon certification to the board by its designee or based upon evidence submitted by the applicant of satisfactory compliance with the conditions imposed. Such conditions may include a statement notifying the applicant that an approval is conditioned upon the receipt of state or federal permits relating to a project, however, a planning board may not refuse to process an application solely for lack of said permits. Final approval of a plat or application may occur in the foregoing manner only when the conditions are:

(1) Minor plan changes whether or not imposed by the board as a result of a public hearing, compliance with which is administrative and which does not involve discretionary judgment; or

(2) Conditions which are in themselves administrative and which involve no discretionary judgment on the part of the board; or

(3) Conditions with regard to the applicant's possession of permits and approvals granted by other boards or agencies or approvals granted by other boards or agencies, including state and federal permits.

### **3.11 Compliance Hearings:**

If the completed application is approved with one or more conditions to be fulfilled, the Board may hold a compliance hearing to determine whether the applicant has complied with and fulfilled the conditions previously set by the Board. Notice requirements, time limitations and hearing, mailing, and advertising fees for compliance hearings shall be the same as for public hearings of final review of the application. The plat will not be signed and recorded until all conditions have been met.

All conditions not specified within this subparagraph as minor, administrative, or relating to issuance of other approvals shall require a hearing, and notice as provided in Section 3.04 of these regulations except that additional notice shall not be required of an adjourned session of a hearing with proper notice if the date, time, and place of the adjourned session were made known at the prior hearing.

## **SECTION 4: PLAN REQUIREMENTS AND STANDARDS**

This section of the Subdivision Regulations sets forth the minimum standards to which all subdivisions shall conform.

### **4.01 Compliance with Regulations, Master Plan, Other Ordinances and Regulations:**

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 until a final plat, prepared in accordance with the requirements of these regulations, has been approved by the Board, other required permits have been issued, and the approved plat has been recorded with the Register of Deeds of Grafton County. The penalty for transferring lots in an unapproved subdivision shall be as prescribed in Section 6.08

All subdivisions shall conform with and give effect to the purposes of these Regulations and any pertinent Federal, State or local laws, ordinances, bylaws or regulations and with the Master Plan for the Town and Official Maps when adopted. No building permit shall be granted with respect to property involving a subdivision prior to review and approval of said subdivision by the Board and the recording in the Grafton County Registry of Deeds of the approved plat.

The applicant shall be familiar with all Federal, State and Town regulations relative to health, water supply, sanitary sewerage disposal, building, roads and other pertinent data so that the applicant is aware of the obligations and standards with which the proposed subdivision must comply.

#### **4.02 Character of Property Proposed for Subdivision:**

The Board shall not approve a proposed subdivision if it finds that the proposed subdivision would create, or risk the creation of, conditions unfavorable to health or safety, due to rock formations, poor drainage, flood or fire hazard, inadequate water supply, inadequate access, damage to or negative effect on 1) air quality; 2) ground or surface water resources.

All lots shall conform with the existing Enfield Zoning Ordinance or the Board shall not approve it as a building lot.

Flood prone areas, marsh, wet peat areas and wetlands may be included as part of a lot but may not be altered, dredged, drained, filled, or relocated and may not be used for building sites, sewage disposal areas, driveways or otherwise. Natural water courses, ponds or lakes may not be altered, dredged, drained, filled or relocated. Minor alterations may be permitted in such areas or water bodies at the discretion of the Board if: such alterations are authorized by all Federal and State agencies having jurisdiction with and/or the Board finds that the alterations will not have significant negative environmental impact when analyzed in the context of the subdivision as a whole.

Special flood hazard area is the land in the flood plain within the Town of Enfield subject to a one-percent or greater possibility of flooding in any given year (refer to current FIRM – Flood Insurance Rate Map for the Town of Enfield).

Land with inadequate characteristics or capacity for sanitary sewage disposal shall not be subdivided for residential, commercial or industrial subdivision purposes unless connection to a municipal sewage system is available.

#### **4.03 Premature Subdivision Development:**

Scattered, premature or inappropriate subdivision of land that would involve danger or injury to health, safety, or prosperity by reason of lack of water supply, sanitary sewage disposal, drainage, transportation, school, fire highway, police, or other public services, or necessitate excessive expenditure of public funds for the supply of such services shall not be approved by the Board.

#### **4.04 Preservation of Existing Features:**

The sub divider shall give due regard to the preservation and protection of existing features, i.e. scenic points, brooks, streams, rock out-cropping, water bodies, wetlands, resources, landmarks, slopes, wildlife habitat and trails. Where possible the boundary lines should follow existing stone walls

#### **4.05 Subdivision Design, General:**

Subdivision design and lot sizes within a subdivision shall be established by giving due regard to all of the factors outlined in these Regulations including water supply, sewage disposal, soil conditions, ground and surface water conditions, drainage, topography, the road system which serves or leads to the subdivision and the general area in

which the subdivision is located (including the condition of the roads and the present and prospective use of the roads), the need for off-street parking, the need to avoid scattered or premature subdivision, the nature and extent of existing development patterns in the area of the subdivision, the impact of the subdivision on Town services, availability of water supply for fire protection, protection of agriculture land, and the preservation of natural, unique, fragile, or historic features.

#### **4.06 Minimum lot Sizes:**

In the absence of municipal or community waste water system minimum lot sizes within all subdivisions shall, in addition to meeting the requirements of the Zoning Ordinance for the district the subdivision is proposed in, demonstrate that the proposed lots can have a septic system built to the New Hampshire State Standards built on them.

#### **4.07 Lot and Site Layout:**

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

- A. The lot size, width, depth, shape and orientation shall be appropriate for the parcel being subdivided, for the location of the subdivision and for the type of development and use contemplated.
- B. All lots shown of the final plat must conform to the minimum area and dimension requirements of these Regulations and Zoning Ordinance.
- C. Where there is a question as to the suitability of a lot or lots for their intended use due to factors such as rock formation, water conditions, soil stability, or similar circumstances, the Board may require modification of such lot or lots or require a

study of the proposal by outside consultant(s) to the Board, including, but not limited to engineers, surveyors, lawyers and community planners.

- D. Where extra right-of-way width has been indicated for widening of existing streets, lots shall begin at such extra width line and all setbacks shall be measured from such line.
- E. Block length and width or acreage within bounding roads shall be such as to provide for safe access, circulation control and safety of street and pedestrian traffic.
- F. In order to provide adequate corner visibility, corner lots shall have sufficient width to permit a front yard setback on each street.
- G. All lots or sites shall abut on a Class V or better highway, or a street shown on an approved subdivision plan, built in conformity with these regulations.
- H. Access to lots abutting existing Town or State Streets may require common driveways, or a subdivision street, to minimize the number of driveways and/or new streets entering onto existing street.
- I. Driveways shall be designed to provide safe, convenient access to control surface water runoff in accordance with Town Regulations.
- J. Engineered entrance-turning, acceleration and deceleration lanes along major routes may be required by the Board so through traffic flow will not be impeded.

**4.08 On-Site Sewage Disposal Design Standards:**

**CLD REVIEW**

- A. All on-site Sewage Disposal Systems shall follow the State of New Hampshire Subdivision and Individual Sewage Disposal System Design Rules

**CLD REVIEW**

**4.09 Street Design Standards:**

Proposed streets shall be in harmony and conformance with existing and proposed streets, the AASHTO “Green Book”- *Policy for Geometric Design of Highways and Streets*, the Town Master Plan and Official Map. Street patterns shall give due consideration to contours and natural features so as to blend with topography. Where required by the Board, provision shall be made for the extension of the street pattern to abutting undeveloped property. Every proposed street in a subdivision shall be laid out and constructed as required by the following standards:

- A. **ROAD CLASSIFICATION:** The classification of existing streets shall be as defined in the Town Master Plan or by the Board.
- B. **MINIMUM ROAD STANDARDS:** All streets 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 minimum standards and specifications set forth in Table II.
- C. **RIGHT-OF-WAY:** The Board may require greater width of right-of-way where the demands of present or future traffic, sidewalks, and/or utilities make it desirable, or where topographic conditions create a need for greater width for grading. Where a proposed subdivision abuts an existing street with an inadequate alignment, or right-of-way width, the subdivision plat shall include a street dedication of all land needed to meet the standards established by these regulations.
- D. **INTERSECTION LAYOUT:** Streets shall be laid out so as to intersect at right angles as nearly as possible and no street shall intersect another at less than 60 degrees. Local and collector streets shall not intersect with arterial streets less than eight hundred (800) feet apart, measured from centerline to centerline. Local/collectors shall not intersect each other at a distance of less than 300'. Intersections involving a junction of more than two streets shall be prohibited. Grades shall be constructed downward from the highway surface at a grade of not more than 6 percent, for at least 20 feet and shall slope up or down not more than 6 percent for a distance of 100 feet or as recommended by a traffic engineer.
- E. **SIGHT DISTANCE:** No structure signs, planting, or embankment shall impair sight distance at the intersection. All season safe sight distance is defined as a line which encounters no visual obstruction between all combinations of 2 points, between 3 feet and 10 feet, inclusive about the pavement, and so located as to represent the critical line of sight between the operator of a vehicle using the access and the operator of a vehicle approaching from either direction and shall maintain the minimum sight distances shown in Table III.

**TABLE II  
CLASSIFICATION AND STANDARD FOR ENFIELD STREET DESIGN**

**20-Mar-07**

Average Daily Traffic (veh/day) <sup>1</sup>	0-50	50-100	50-200	200-750	750-1,500	1,500+
Right-Of-Way Width (feet) <sup>2</sup>	50	50	50	50	50	50
Minimum Pavement (Gravel) Width (feet)	18	18	20	20	22	24
Minimum Shoulder Width (feet)	2	2	2	4	4	4
Center of Road to Ditch Line (feet)	15	15	16	18	19-21	Varies
Minimum Horizontal Curve Radius (feet)	80	80	100	100	100	100
Cross Slope of Roadway	4%	4%	3%	2%	2%	2%
Maximum Grade	12%	12%	10%	8%	8%	5%
Pavement Type	Gravel or Hardpack		Hot Bituminous 2.5" Base/ 1" Wear			
Base Course Depth (gravel) <sup>3</sup>	18"	18"	18"	18"	24"	24"
Finish Course Depth (crushed gravel) <sup>4</sup>	12"	12"	6"	6"	10"	10"
Minimum Sidewalk Width	5'	5'	5'	5'	5'	5'
Public or Private Street <sup>5</sup>	Private	Private	Public	Public	Public	Public
Rate of Vertical Curve	4	4	4	9	14	14

Notes

- 1) Trip per Day Formula: 10 Trips per day x number of dwelling units
- 2) Slope easements shall be given if cuts and fills exceed ROW
- 3) Base Course gravel shall not have aggregate which exceeds 6" diameter
- 4) Gravel Finish Course for gravel road shall be 14% fines and shall be replaced if road is to be paved with gravel that meets the NHDOT Road and Bridge Specification
- 5) The Planning Board may require paving or hardpack on steeper portions of private roads

**TABLE III**

Design Speed (mph)	Stopping Sight Distance (feet)	Intersection Sight Distance (feet)
15	80	170
20	115	225
25	155	280
30	200	335
35	250	390
40	305	445
45	360	500
50	425	555



- F. **CONNECTIVITY**: The plan of any proposed subdivision may be required to 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. Where a proposed subdivision abuts an existing subdivision, the design of the proposed subdivision street system will connect with dead end or “stub” streets of existing subdivisions if it permits safe and reasonable traffic flow. Local residential streets shall be designed so as to discourage through traffic.
- G. **SHARED ACCESS**: Developments will share access where reasonable to minimize curb cuts on collector and arterial streets.
- H. **NO OUTLET**: The following standards shall apply to dead-end streets:
1. No outlet streets shall not exceed two thousand (2000) feet in length and shall terminate in a turnaround having an inside radius of at least fifty (50) feet or a “T” turnaround thirty (30) feet wide extending fifty (50) feet on either side of the centerline. No driveway entrance, exit or approach shall be constructed for a “T” turnaround at the end of highway.
  2. The cul-de-sac at the end of a no outlet street shall be located so that it drains away from its center.
  3. The center of a cul-de-sac shall be free of all structures.
  4. A cul-de-sac shall not be brought to the subdivision property boundary line, but shall be placed so that the new lots can back on the property line of the subdivision.
- I. **STREET NAMES**: No street shall have a name which will duplicate or closely duplicate the names of existing street. The continuation of existing street shall have the same name. All streets shall be named to comply with the provisions of the “Enhanced 911 System” (RSA 106-H:10,I; RSA 106-H:7, VII) and the Town of Enfield Street naming and Numbering Ordinance.
- J. **LIGHTING**: Cul-de-sacs, t-turnarounds and Town road intersections may be required to be lighted, per recommendation by the Planning Board or Director of Public Works.
- K. **REQUIRED IMPROVEMENTS**: the developer shall pay for traffic signs, street signs, and traffic signals or intersection improvements shown to be warranted by a professional traffic engineering study.
- L. **DRAINAGE**: Surface water shall be disposed of by means of culverts of sufficient capacity at water courses as determined by standard hydraulic design methods and by the construction of longitudinal storm drainage systems whenever required to relieve water in the ditch sections. Construction shall be in accordance with New Hampshire Standard Specifications, 2002, Sections 603, 604 and 605. Where culverts are required, the minimum diameter is 18”. Proper sizing shall be established by current engineering practices.
- M. **UTILITIES**: Where utilities are on or near paved streets, roads or walkways, such utilities will be installed before pavement is in place to insure against damage to paved surfaces and the immediate areas.

- N. **TRIP GENERATION:** Daily trip generation rates shall be based on ten (10) trips per day per single-family dwelling. Trip generation rates for other uses will be based on trip rates defined in the most recent Trip Generation Manual (Institute of Transportation Engineers), or the results of a professional traffic engineering assessment.
- O. **SUBGRADE PREPARATION:** All loam, humus and unsuitable material such as, but not limited to, stumps, vegetation, demolition debris, and structures shall be removed from the roadway and replaced with suitable fill material. All boulders and ledge shall be removed to a uniform cross sectional depth of not less than 300 mm (12 in.) below the subgrade and replaced with sand or gravel.
- P. **BRIDGES:** Bridges, as defined by State Law (RSA 234:2), are all structures of 3.048 m (10.0 ft.) or greater clear span, and shall be designed to MS-18 (HS-20) loading (AASHTO Specifications). The minimum roadway width shall be 7.2 m (24 ft.).
- Q. **SIDEWALKS:** Sidewalks shall be of 2 in. thick asphalt, or 4" of concrete on a 4 in. gravel base, not less than 5 ft. in width. Sidewalks shall be offset a minimum of 4 feet with no curbing from the outside edge of the required shoulder and shall be constructed on one or both sides of the street, as directed by the Board of Selectmen when in the opinion of the Selectboard such sidewalks are necessary.
- R. **CENTERLINE OFFSET:** The minimum distance between centerline offsets at street jogs shall be one hundred fifty (150) feet.
- S. **ROAD ASSOCIATION:** The applicant or developer shall provide for and establish a Mandatory Road Owners' Association (a private, non-profit corporation, association, or other non-profit legal entity established by the applicant or developer for the purposes of managing, maintaining and repairing the private road.) Membership in said association shall be mandatory for all property owners with lots fronting on the private road and made a required covenant in any deed issued or passed as a legal entity under the laws of the State of New Hampshire. The Planning Board shall approve its articles in writing after review by the Town Attorney, prior to subdivision approval. The cost of such legal review shall be borne by the applicant or the developer. Any changes in such articles of association or incorporation shall require the prior written approval of the Planning Board. It shall be responsibility of the road association to maintain the road in a condition to allow the reasonable access of the lot owners and emergency vehicles. A road association wishing to make their road a public street shall have a majority vote of the lot owners belonging to the association and file a resubdivision application with the Planning Board and provide a new road design.
- T. **MODIFICATION OF STANDARDS:** The Board may allow Engineered modifications to the street design standards 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.

#### **4.10 Street Improvements:**

Any existing Town owned street which provides either frontage to new lots, or access to new streets shall meet the standards established by these regulations. The sub divider shall bear the expense to provide that the said existing street or streets meet these standards.

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

#### **4.11 Parking:**

All subdivision development shall make provision for safe and convenient off-street parking in order to provide for the most efficient road maintenance, snow plowing and access by public safety vehicles. In the case of commercial subdivision, including commercial building development, and multi-unit residential building development, parking area shall include landscaping and screening.

#### **4.12 Pedestrian Walks:**

Right-of-ways for sidewalks or walkways for pedestrian travel and access shall be required. The Board may require these sidewalks or walkways to be constructed. The Board shall require that walkways or walks be constructed to be handicap accessible in accordance with State and Federal Regulations.

#### **4.13 Flood Hazard Areas: CALL JENNIFER AT OEP**

- 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 1978 33 U.S.C. 1334.

#### **CHECK THIS**

- B. **( No changes made here )**The Planning Board shall require that all proposals for development greater than 50 lots or 5 acres, whichever is the lesser, include Base Flood Elevation (BFE) data within such proposals (i.e. floodplain boundary and 100-year flood elevation).

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

Limit of review May 13, 2015

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#### **4.14 Drainage and Utilities:**

- A. All subdivisions shall make adequate provisions for water supply, storm water, sanitary sewage disposal, and other required utilities and improvements. The Board may require the installation of street lighting and underground installation of electrical and telephone lines, the extension of public water, sewers, and storm drains to and within a proposed subdivision. All utilities shall be installed before pavement is in place to insure against damage to paved surfaces and the immediate areas.
- B. All public utilities and facilities, such as sewer, gas, electric, telephone and water systems shall be located, and constructed to eliminate flood damage and shock hazards. All new or replacement water supply systems and/or sanitary sewage systems shall be designed to eliminate infiltration of flood waters into the system and discharges from the systems into flood waters.
- C. The sub divider 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.
- D. All such drainage and utility system installations shall be at the expense of the sub divider and shall be installed under the supervision of the appropriate Town agency.
- E. 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 to existing watercourses, connect to existing watercourses, or connect to existing storm drains. No storm water drainage system may create any additional flow over any property unless the sub divider has obtained easements(s) from all owners whose property the additional flow will cross, and those owners shall hold the Town of Enfield harmless from any claims for damage resulting there from.
  - 2. For the purposes of preparing drainage plans, the following basic design and construction criteria shall be utilized:

- a. Storm sewers and subdivision drainage facilities shall be based upon a design flow with a minimum return interval of twenty-five (25) years.
- b. The design of natural watercourse channels shall depend upon the drainage area according to the following table:

TABLE III  
DESIGN RETURN INTERVALS FOR NATURAL WATERCOURSE

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

- c. Established engineering practice as determined to be acceptable by the Board shall determine the need for the installation of catch basins and a storm sewer system or under-drains. The determination shall be made on the basis of but not be limited to, the following considerations: high ground water; soil conditions; topography; road grades; maintenance considerations; safety.
- d. Culverts or other drainage facilities shall in each case be large enough to accommodate potential runoff from the entire subdivision. The minimum size culvert installed shall be 18". The minimum storm sewer pipe shall be 12" in diameter. Proper sizing shall be established by engineering practices as determined to be acceptable by the Board.
- e. Pipes for storm sewers or culverts shall be corrugated galvanized steel pipe or better.
- f. Cover over all pipes shall be at least two (2) feet.
- g. Culvert headwalls shall be either concrete or mortar rubble masonry or better.
- h. Erosion protection of ditches or pipe outlets shall be provided by paving or use of stone where soil and velocity conditions warrant protection.
- i. No storm water pipe, catch basin, drainage outlet or other pipe floor drain, draining surface water, shall be connected to any sanitary sewer system, pipe or part of said system.
- j. Drainage from any spring or surface water in the right of way, that may exist either prior to or as a result of the subdivision, shall be routed within the road right-of-way.
- k. All storm water pipe installations shall be inspected and approved by an agent of the Town before being covered.

#### **4.15 Sediment and Erosion Control Standards:**

- A. General: The purpose of this section is to control soil erosion and the resulting sedimentation from occurring in subdivision areas by requiring proper provisions for water disposal and the protection of soil surfaces during and after construction in order to promote the public health, safety, convenience and general welfare of the community. Land shall be subdivided and improved in reasonable conformity to existing topography in order to minimize grading, cut and fill, and to retain, insofar as possible, the natural contours, limit storm water runoff and conserve the natural cover and soil.
- B. Standards: The following standards shall be observed by the sub divider in the design, layout and engineering of the proposed subdivision.
1. Stripping of vegetation, regarding or other development shall be done in such a way that will minimize soil erosion.
  2. Whenever practical, natural vegetation shall be retained, protected and/or supplemented.
  3. The disturbed areas shall be kept to a minimum and the duration of exposure shall be a maximum of six (6) months. In no case shall completed areas be left after October 1 of the current year without being seeded and mulched.
  4. Temporary seeding, stabilization, and/or mulching shall be used to protect any exposed areas during development.
  5. Provision 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 by the use of sediment basins, siltation fences, or other acceptable methods. Adequate maintenance of the systems shall be provided at all times.
  7. Necessary diversions, sediment basins and other erosion control structures shall be installed prior to any on-site grading and disturbance of existing surface vegetation and maintained during all stages of construction until the area has stabilized.
  8. Buildings, streets, drives and parking areas shall be located no closer than fifty (50) feet from any surface water with the distance measured horizontally to the top of the bank above the surface water.

#### 4.16 Open Space **DO WE WANT TO KEEP THIS ?**

- A. Open Space Shown on Town Master Plan: Where a proposed park, playground, or other open space shown on the Master Plan is located in whole or in part in a proposed subdivision, the Board shall require substantial compliance with such Master Plan. As a condition of approval of the final plat, the Board may require that the area shown thereon as open space be offered for dedication to the Town. The Board shall not require such dedication in excess of fifteen (15) percent of the total area of the subdivision without reasonable compensation, and if the Town does not take steps within a period of one year from the date of approval of the subdivision plat to acquire the portion of the open space in excess of said fifteen (15) percent, the sub divider may submit to the Board a plan for subdivisions of such portion, provided such additional subdivision meets the requirements of these and all other regulations.
- B. Other Open Space: Subdivisions with ten or more lots or units will be required to set aside at least 15% of the total area for recreational purposes. The following standards and requirements apply:
1. All areas to be reserved for open space or recreations shall be of reasonable size, shape slope, and character for neighborhood playground, park or other recreational uses.
  2. Such areas of open space, whether privately or publicly owned, shall have a sufficient legal restriction (recorded on the approved plat mylar) 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, storage or waste, 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 rural characteristics of open space land be altered from the original condition, until the Final Plat has been approved.

#### 4.17 Trees and Planting:

Due regard shall be given to preservation of existing trees, shrubbery, vegetation and other landscaping appropriate to the area being subdivided. The sub divider shall comply with the following requirements.

- A. To the fullest extent possible, all existing trees and shrubbery shall be protected and preserved by the sub divider during the construction of roads, utilities and development of the lots. Special consideration shall be given to the arrangement, ultimate improvement or development of the lots to this end. **KEEP THIS ?**

- B. Where any land other than that included in public use, the sub divider shall not change the site without prior written permission from the Board.
- C. All topsoil moved during the course of construction shall be redistributed to cover all disturbed areas of the subdivision. At no time shall topsoil be removed from the site without prior written permission from the Board.
- D. All disturbed areas which are not covered by structures or paving shall be property seeded or replanted by the sub divider at the first opportunity for growth.

**4.18 Public Schools: KEEP THIS or ENACT IMPACT FEES ?**

Where a development composed of one or more plats will accommodate a total of more than fifty (50) dwelling units, the Board may require the designation of necessary public school sites and/or a payment in lieu thereof whichever is deemed most appropriate by the Board.

**4.19 Fire Protection: FIRE CHIEF TO REVIEW**

The following standards shall be observed to provide protection to life and property for all developments of three (3) or more lots or buildings:

- A. For each dwelling unit there shall be at least two thousand (2,000) gallons of usable water available. Total content of tank, reservoir, pond, or cistern shall not be less than ten thousand (10,000) gallons of usable water.
- B. Water supply shall be located to be available at all seasons of the year so that no more than fifteen hundred (1,500) feet of hose has to be laid to the furthest building to be protected.
- C. When questions develop not covered by this standard, the National Fire Protection Associated Standard 1231, 22, 24, 1141 or the most recent Town approved Standard (whichever is more stringent) will be used to determine the occupancy hazard and the fire protection required.
  - (1) N.F.P.A. 22 - Water tanks for private fire protection.
  - (2) N.F.P.A. 24 - Installation of private fire service mains and their appurtenances.
  - (3) N.F.P.A. 1141 - Fire protection in planned building groups.
  - (4) N.F.P.A. 1231 - Suburban and rural fire fighting.
- D. All plats shall include complete fire protection plans and/or fire suppression plans.
- E. All roads, driveways, and turn-arounds shall be built to accommodate fire apparatus.



#### **4.20 Subdivision with Water Access:**

Subdivisions with water access will meet these requirements:

- A. A single dwelling unit on a waterfront lot shall have a minimum of seventy-five (75) feet of water frontage.
- B. For shared water access and/or Right-of-Way:
  - 1. There will be seventy-five (75) feet water frontage for the first dwelling unit and an additional, adjoining ten (10) feet of water frontage for each dwelling unit planned over one.
  - 2. For Hotels, Motels, Bed and Breakfasts, Inns, Motor Courts, etc., there will be seventy-five (75) feet water frontage plus an additional adjoining ten (10) feet water frontage per unit for when the facility is proposed and/or an adjoining ten (10) feet per camping unit.
- C. In addition to the above requirements, there shall be a minimum of seventy-five (75) linear feet water frontage for every boat slip or boat mooring over one.
- D. Boating areas shall be adequately signed and shall be separated from the swimming area by appropriate safety devices.
- E. All boating and swimming areas must comply with standards of the State of New Hampshire, and all regulations of agencies of the State of New Hampshire applicable thereto.
- F. The same water frontage may not be allocated more than once.
- G. One public toilet facility each for males and females shall be provided for each 25 lots or dwelling units granted rights of access to water frontage, located within a reasonable distance to the waterfront.
- H. Parking spaces will be provided for all individuals using shared waterfront access, located within a reasonable distance to the waterfront.

#### **4.21 Monumentation:**

**All Monumentation shall at a minimum follow the NH Land Surveyors Administrative Rules**

**KEEP THE REST or NOT?** 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 drill 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 the recovery. Iron pipes shall not be considered permanent monuments for the purpose of these Regulations.

Permanent survey monuments may be set in the boundary of right-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 (s) shall be placed on one side of the street only and at one corner of intersecting streets. Adjacent monument points shall be intervisible.

Monuments shall be tied in to a public street intersection, (United States Geological Survey (USGS) benchmark or other recognized existing monuments. Monument locations shall be shown and properly dimensioned on the Final Plat.

#### **4.22 Performance and Maintenance Bonds:**

No subdivision plat filed with the Board shall be accepted until the sub divider shall have filed with the Board an engineer's estimate of costs of all improvements, together with maps, plans and supporting data.

As a condition precedent to the approval of the subdivision plan, the extent to which and the manner in which streets shall be graded and improved and to which water, sewer and other utility mains, piping, connections, fire protection systems, fire suppression systems or other facilities and landscaping shall be installed, the Planning Board shall, in lieu of the completion of street, utility and landscaping improvements and installations prior to the final approval of the subdivision plan, ~~require cash escrow,~~ performance bond, or irrevocable Line of Credit in an amount to cover the full cost of all improvements plus an amount to cover the full costs of all improvements at the subdivision completion date name in the Board's approval with surety and conditions satisfactory to the Board providing for and securing the Town the actual construction and completion of the improvements and installations within a period specified by the Board and expressed in the ~~escrow,~~ performance bond or irrevocable Line of Credit and, further, the Town shall enforce such securities by all appropriate legal and equitable remedies. All improvements shall be completed within a period of two years unless extended by the Planning Board. The security requirement may be released in phases as determined by the Board or when the road is accepted by the Town.

The amount of the security shall include fees for inspection of improvements by the appropriate Town agents or their designated consultants.

In case of electric lines or other utilities to be installed by a public utilities to be installed by a public utility corporation or a municipal department, a statement shall be received in writing from such public utility, corporation or municipal department that the work will be done within a reasonable time, without expense to the Town, and prior to final road surfacing.

Any escrow or security required of an applicant shall not be released until the Selectmen and Planning Board have certified completion of the public utilities and improvements in accordance with the requirements, 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 and Planning Board at no expense to the Town. All recording fees shall be borne by the sub divider.

#### **4.23 Acceptance of Streets and Open Space:**

No street or open space will be accepted by the Town for public ownership 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 for construction by the Board at the time of Final Plat approval.

## **SECTION 5: SUBMISSION REQUIREMENTS**

### **5.01 Phase I: Non-binding Consultation and Conceptual Review:**

There are no submission requirements in the **Conceptual Phase** ~~Phase I~~ other than a description of the developers proposed concept in general terms.

### **5.02 Phase II: Design Preliminary Review:**

The following plans, documents, and materials shall constitute the application for **Design Preliminary** Review and shall be submitted unless the requirement of the submission is waived by the Board. If components of the application are missing without a waiver or are inaccurate, the Board may not review the application.

- A. Plats: Ten (10) copies of plans shall be submitted. The drawings may be in pencil, dimensions may be approximate, and the data may be tentative. However, the plans shall be sufficiently clear to illustrate all conditions as well as to establish the basis and clarify the design requirements for the subdivision's Final Plat. The following information shall be included on the plans:
  1. Name of municipality and subdivision.
  2. Name and address of sub divider and any designer/consultant.
  3. Boundaries and size in acres of the entire parcel or parcels being subdivided, whether or not all land therein is to be subdivided.
  4. North point and bar scale with drawing at a scale of no more than one hundred (100) feet per inch.
  5. Date of preparation.
  6. Names of property owners and the Tax Map and lot numbers of those properties (as shown in the Town records not more than five (5) days before the filing date) within two hundred (200) feet of the subdivision boundary.

7. General Site location map, shown as in inset, locating the subdivision boundary and proposed streets in relation to at least two existing intersecting streets.
  8. Existing and proposed:
    - a. lot lines
    - b. street right-of-way lines and widths of those streets
    - c. proposed easements and deed restrictions
    - d. dwellings and accessory buildings (existing only)
    - e. building setback lines
    - g. parks and other open space
    - g. water courses and flood prone areas
    - h. foliage lines
    - i. significant natural and manmade features
  9. Municipal and Zoning District boundaries which lie within the subdivision.
  10. Any land-use designation from the Town's Master Plan.
  11. A statement as to the compliance of the proposed lots with Zoning requirements.
  12. Most recent soil mapping units and unit boundaries.
  13. A statement of the conditions of the land as to soil suitability for development; revised Soil Maps as needed for supplementary data.
  14. Topographic contours at intervals of twenty (20) feet.
  15. Statement of deed restrictions and covenants.
- B. **Abutters:** Names and addresses of all abutters (as shown in the Town records not more than five (5) days before the filing date) shall be provided.
- C. **Fees:** The applicant shall pay all appropriate fees as specified in the Board's fee schedule.

**5.03 Major Subdivision: Phase III; Final Review:**

The following plans, documents, and materials shall constitute the application and shall be submitted unless the equipment of the submission is waived by the board. If any component of the application is missing without a waiver or is inaccurate, the application will not be complete and will not be accepted by the Board for review. All dimensions and documents must be accurate, current and exact.

- A. **Plats:** Twelve (12) paper copies of site survey maps plus one (1) paper copy per lot shall be submitted. One (1) copy in permanent black ink on permanent reproducible film (wash off or original plans on Mylar) must also be submitted but may be submitted after final approval has been granted. The plats

shall include the following information and shall conform to the following specifications:

1. Blue or back line paper prints (twelve plus one per lot) and one (1) Mylar.
2. Sheet size in accordance with Grafton County Register of Deeds requirements, but not smaller than 8 ½" x 11" or larger than 22" x 34".
3. Scale no smaller than one hundred (100) feet per inch.
4. Prepared, signed, and sealed by a New Hampshire registered surveyor.
5. Name of municipality and subdivision.
6. Name and address of sub divider and any designer/consultant.
7. Boundaries of the entire parcel of parcels being subdivided, whether or not all land herein is to be subdivided.
8. Boundary of subdivision registered to USGS benchmark in whatever manner practical if the subdivision is in the 100-year floodplain.
9. North point and bar scale.
10. Date or dates of any revisions.
11. Any of the following which are within 200 feet of the boundaries of the subdivision:
  - a. names of property owners and the Tax Map and lot number of their property (as shown in the Town records not more than five (5) day before the filing date)
  - b. locations of buildings
  - c. locations of roads and driveways
12. Municipal and Zoning Districts boundaries which lie within the subdivision.
13. Any land-use designations from the Town's Master Plan.
14. A statement as to the compliance of the proposed lots with Zoning requirements. If any lots do not comply with Zoning but are covered by a Zoning Variance or if any proposed use requires a Zoning Special Exception, the statement shall include the number of the Zoning Board of Adjustment file in which such Variance or Special Exception was granted.
15. Existing and proposed streets including all existing and proposed:
  - a. widths
  - b. right-of-way lines
  - c. stationing and dimensions of tangents, chords, and radii
  - d. points of curvature and tangency of curved streets
  - e. angles to lot lines

- f. intersection, turn-around, and/or cul-de-sac radii
  - g. names (names of existing streets shall be according to the Towns' Master List of Street Names and all new street names shall first be approved by the Planning Administrator per the Street Naming and (Numbering Ordinance)
  - h. iron pins and/or monuments at street intersections and points of curvature or tangency of curved streets
16. Existing and proposed lot lines including angles and dimensions and all existing and proposed iron pins and/or monuments at lot corners and points of curvature or tangency or curved lot lines.
  17. Area of existing and proposed lots in acres or square feet.
  18. Tax Map and lot numbers of existing and proposed lots (proposed lot numbers shall be consecutive).
  19. Numbers for each existing primary building and assigned building numbers for each new vacant lot per the Street Naming and Numbering Ordinance.
  20. Show location of existing and proposed easements and areas affected by existing and proposed covenants, reservations, and restrictions.
  21. Space reserved for endorsement by the Planning Board and all appropriate agencies providing places to record file number, date, and signature(s).
  22. The plat shall contain the following statement: "The Subdivision Regulations of the Town of Enfield are a part of this plat, and approval of this plat is contingent on completion of all requirements of said Subdivision Regulations."
  23. General Site Location map, shown as in inset, locating the subdivision boundary in relation to major roads and community facilities in the town.

Note: The following shall not be on the film copies; they shall be on overlay maps the same size and same scale as the Mylar copies of the site survey map.

24. Show location of existing and proposed parks and other open space, flood prone areas, special flood prone areas, foliage lines, and significant natural and manmade features;
25. Show location of existing and proposed utilities, including, but not limited to, telephone, electricity and gas, wells, water mains, hydrants, service entrances, septic systems, buildings, accessory buildings, building setback lines, drives, parking areas, storm water drainage lines, drainage structures, and drainage ways;
26. Show existing topography and proposed changes in topography at five (5) foot intervals. All low points, high points and other areas needing spot elevations shall be shown. Contours shall be shown in dashed lines.

The Board may require verification that contour lines are accurate.

27. Show the location of all percolation test sites, soil test pits, borings; and soil mapping units with boundaries as classified the most recent USDA Soil Conservation Service soils map with such corrections as are required to reflect the results of all soil tests. The legend on the soils map shall use the same soil mapping unit symbols and soil names as the US Soil Conservation Service.
  28. Show all surface water on and within two hundred (200) feet of the site including but not limited to, rivers, streams, intermittent streams, lakes, ponds, marshes, wetlands, flood prone areas, special flood hazard areas, drainage ditches and swales.
- B. Cover Sheet: Application cover sheet shall be completed which includes (but is not limited to) the name and address of the applicant and his or her agent, location of the subdivision, Tax Map and Lot number of the subdivision, Zoning District (s) in which the subdivision lies, signatures of applicant and agent, date of filing, and Planning Board file number.
  - C. Abutters: Names and addresses of all abutters (as shown in the Town records not more than five (5) days before the filing date) shall be provided.
  - D. Fees: The applicant shall pay all appropriate fees as specified in the Board's fee schedule.
  - E. Access: A written analysis of the traffic to be generated by the proposed subdivision including direct and indirect volume of traffic, impact on the public roads leading to the area of the subdivisions to serve the subdivision safely and efficiently, and statement of work required on existing roads serving or leading to the subdivision to meet the road standards in these Regulations.
  - F. Soils: Results of all soil tests including dates, locations by reference to soil map, percolation rates, soil profile with depth to ledge, clay, hard pan and existing seasonal high water table, and analysis of suitability of soils in the areas proposed for septic systems, roads, drives, and buildings, including the most recent US Soil Conservation Service rating of the affected soils for the proposed uses taking topography into account.
  - G. Sewage Disposal: All proposed sewage disposal plans, including but not limited to type, class, and grades of proposed materials, all computations and an analysis and description of impacts on surface and ground water quality, invert elevations, original and finished ground profiles above those sewers and top of manhole elevations, proposed number of units and anticipated sanitary sewer flow, adequacy of site for septic system sewage disposal, identification of area(s) proposed for backup leach fields (s) in the event of field failure, and provisions for an adequate buffer zone between all portions of a septic system (including area(s) reserved for backup leach field(s) and surface water (see Section 4.08G of these Regulations). Septic systems must be designed and constructed, at a minimum, in compliance with State design criteria; more stringent standards may be imposed in specific cases. If applicable, a written statement from the

municipal department or company attesting to the availability of sewer service is required.

- H. Water Supply: All proposed water supply plans, in detail, with a description and analysis of proposed water supply including computation of requirements and analysis of source in terms of flow rates and quality. If applicable, a statement from the municipal department or company involved, attesting to the availability of water services is required.

Public water supply systems must be designed and constructed, at a minimum, in compliance with State design criteria. For hookup to existing water supply systems a statement of acceptance into the system by system management will be required.

- I. Utilities: Location and details of all existing and proposed utilities, including water mains, gas mains, telephone and electric lines, on and adjacent to the land to be subdivided. 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 Enfield. Where utilities are on or near paved streets, roads or walkways, such utilities will be installed before pavement is in place to insure against damage to paved surfaces and the immediate areas.

- J. Surface Water Runoff, Sedimentation, and Erosion: All plans to control surface runoff so as to protect surface water quality and prevent sedimentation and erosion. Such plans should include the following information:

1. Written identification of all easements, expressed or implied, for the drainage of surface water onto or across the property from other properties, and from the property onto or across other properties. Cross-reference the easements to the documents provided in response to Item R of this application;
2. Written identification of all easements expressed or implied, for changing slopes of the property or properties of others to accommodate surface water runoff, sedimentation and/or erosion;
3. Identification of the complete watershed area within which the property is located with boundaries marked on the applicable USGS Topographic maps;
4. Computation of rate of runoff before and after completion of the subdivisions for a twenty-five (25) year, twenty-four (24) hour rainfall;
5. Computation of storm water drainage capacity based on estimated rate of runoff for a twenty-five (25) year, twenty-four (24) hour rainfall following completion of all phases of the subdivision including impact on downstream drainage structures;
6. Drawings, specifications, calculations, maintenance estimates and



agreements for each proposed runoff, erosion and sediment control measure, including identification of and location of natural drainage ways on the property and surrounding area; the location of the proposed measures for runoff, profiles, grades of storm lines, inlets, outlets; type, class and grades of proposed materials. There will be buffer zones at least **one hundred (100) fifty (50)** feet measured horizontally, between developed area (e.g. ) roofs, drives, parking areas, etc.) and surface water; with the distance measured to the top of the bank above the surface water; and

7. Written analysis and description of the impact of the proposed subdivision on surface and ground water quality.

K. Grading and Drainage Plan: This plan shall be presented on a separate sheet(s) keyed to the Phase III Mylar 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:

1. Basic street and lot layout, with all lots numbered consecutively;
2. Exact location of all existing buildings and location of proposed buildings;
3. Contours of existing and proposed grade at intervals of five (5) feet. Intervals at less than five (5) feet may be required depending on the character of the topography. USGS contour lines shall extend a minimum of two hundred (200) feet beyond the subdivision boundary.
4. Final identification, location, elevation, grades and/or contours at intervals of five (5) feet for the existing and proposed drainage ways, drainage easements, drainage structures and water bodies;
5. Final identification and relative location of proposed soil erosion, sediment control measures and structures;
6. Final drawings and specifications for each proposed soil erosion and sediment control measure.
7. Final drawings, details, and specifications for proposed flood hazard prevention measures and structures and for proposed storm water retention facilities;
8. Final slope stabilization details and specifications;
9. A timing schedule indicating the anticipated starting and completion dates of the development. Time of exposure of each area prior to the completion of effective soil erosion and sediment control measures.

NOTE: The sub divider shall bear the final responsibility for the installation and construction of all required drainage, slope stabilization, soil erosion and sediment control measures and structures.

- L. Solid Waste: A written description and analysis of solid waste to be generated by the proposed subdivision and plan for disposal of wastes, including hazardous wastes, other than ordinary residential waste.
- M. **KEEP or DELETE ?** Open Space: A written description of areas to be set aside for park or playground use, open space, or other public or private reservation, with designation of the purpose thereof, and conditions, if any, of the dedication or reservation. The Board may, where it deems essential, require that the plat show one or more sites of character, size, shape and locations suitable to be used as community open space or park, in area not to exceed 15 percent of total area of the subdivision. The sub divider may of his volition exceed the above area requirements.
- N. Police Protection: A written description of any feature of the proposed subdivision which may require more than routine police protection. (i.e. high density, second and retirement home development, developments in isolated areas of town).
- O. Fire Safety: A written analysis of and plans to assure the fire safety all year including fire safety of buildings, access to the site and buildings, fire detection and suppression systems, and adequate water supply for fire fighting. Depending on the nature of the subdivision, an analysis of forest fire danger may be required.
- P. **KEEP or DELETE ?** Existing and Planned Land Use: A written description of existing land use in the area of the proposed subdivision and any proposed changes or subdivisions planned by the applicant. Comment on the relationship, compatibility and impact of the proposed subdivision on existing and proposed land use in the area. Describe plans for screening, building placement, and visual impact.

**SEE SEPARATE NOTE FOR PARAGRAPH ON REGIONAL IMPACTS.**  
***Does the Board want this in these regs, or not ? ( ref page 45 of 2009 version)***

- Q. Impact of Subdivision: Analysis of the proposed subdivision's direct and secondary fiscal impacts and direct and secondary impacts on population growth and school enrollment. The analysis should cover the development period on a year-by-year basis plus the fifth year following completion of the development. Fiscal impacts should be calculated on the basis of constant dollars and tax rates and assessment ratios in effect at the time the analysis is prepared. For subdivisions which are being carried out in phases, the analysis should reflect the timing and cumulative impact of all phases. 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, parking, water supply, sewage disposal, solid waste disposal, storm water and surface runoff disposal, traffic control, recreation, and fire, police, and ambulance 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.
- R. Construction Plans:

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

S. Cost estimates:

Engineer's **stamped** estimate of costs of all improvements including but not limited to costs of streets, public improvements, drainage structures and other utilities.

T. Security for Completion of Improvements:

1. The applicant shall submit a copy of the proposed **cash escrow**, performance bond, or irrevocable Line of Credit providing for and securing to the Town the completion of the actual construction and installation of all improvements and utilities and their maintenance for two (2) years.
2. In cases where the Planning Board stipulates, as a condition precedent to the approval of the subdivision plan, the extent to which and the manner in which streets shall be graded and improved and to which water, sewer and other utility mains, piping, connections or other facilities and reasonable

landscaping shall be installed, the Planning Board shall, in lieu of the completion of street, utility and landscaping improvements and installations prior to the final approval of the subdivision plan, require ~~cash-escrow~~, performance bond, or irrevocable ~~le~~ Line of Credit in the amount to cover the full cost of all improvements plus an amount to cover the full costs of all improvements at the subdivision completion date named in the Board's approval, and with surety and conditions satisfactory to the Board providing for and securing the Town the actual construction and completion of the improvements and installations within a period specified by the board and expressed in the ~~escrow or~~ other security and, further, the Town shall enforce such securities by all appropriate legal and equitable remedies. All improvements shall be completed within a period of two years unless extended by the Planning Board.

The amount of the security shall include fees for inspection of improvements by the appropriate Town agents or their designated consultants.

In case of electric lines or other utilities to be installed by a public utility Corporation or a municipal department, a statement shall be received in writing from such public utility, corporation or municipal department that the work will be done within a reasonable time, without expense to the Town, and prior to final road surfacing.

Any ~~escrow~~, performance bond, or irrevocable Letter of Credit required of an applicant shall not be released until the Selectmen and Planning Board have certified completion of the public utilities and improvements in accordance with the requirements, deeds covering land to be used for public purposes, easements and rights-of-ways 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 and Planning Board at no expense to the Town.

All recording fees shall be borne by the sub divider.

3. Documents establishing the ~~cash-escrow~~, performance bond, or irrevocable Letter of Credit to be prepared and reviewed at sub divider's expense and approved by the Board.

U. Title matter and legal Data: The following shall be furnished to the Board in a form approved by the Board and/or Town Attorney.

1. All present or proposed easements, covenants, reservations or restrictions benefiting or burdening the property the location of all areas affected or to be affected thereby shall be clearly identified by appropriate reference to the site survey;
2. Names and addresses of all persons having a beneficial interest in the property;

3. Most recent deed to the property; and proposed deed to all lots;
  4. Deed to convey the Town, land to be used for streets, open space and other public purposes, with transfer of title to such interest to be effective on such date as the Town accepts such land;
  5. Written easements and rights-of-ways for public purposes over property to remain in private ownership;
  6. Written easements to drain onto or across other property, for changing slopes of the property or properties of others to accommodate surface water runoff, sedimentation, and/or erosion, whether public or private, including a street;
  7. Performance and maintenance bonds as previously described.
  8. A written acknowledgement of the sub divider's responsibility for maintenance of easement areas, and the assumption by the sub divider to liability for injuries and damages that may occur on lands to be dedicated for public use, until such land has been legally accepted by the Town.
- V. Zoning Compliance: If a Zoning Variance or Special Exception is necessary for the new lots to comply with Zoning, then a copy of the granted Variance or Special Exception shall be provided.
- W. Agency Approvals: Submit copies of all applications and data submitted to, communications with, and approvals from any FEDERAL, STATE, or MUNICIPAL AGENCY having jurisdiction over any aspect of the proposed subdivision including but not limited to the following:
- o Significant Alteration of Terrain
  - o Septic Systems
  - o Water Supply Systems
  - o Driveway Permit
  - o Wetland Permit
- X. Additional Information: The Board reserves the right to request that the applicant provide additional information in the course of reviewing the proposed subdivision.

#### **5.04 Minor Subdivision: Phase III - Final Review:**

The following plans, documents, and materials shall constitute the application and shall be submitted unless requirement of the submission is waived by the Board. If any component of the application is missing without a waiver or is inaccurate, the application will not be complete and will not be accepted by the Board for review. All dimensions and documents must be accurate, current, and exact.

- A. Plats: Five (5) paper copies of site survey maps plus one (1) paper copy per lot shall be submitted. One (1) copy per lot shall be submitted. One (1) copy in

permanent black ink on permanent reproducible film (wash off or original plans on Mylar) must also be submitted but may be submitted after final approval has been granted. The plats shall include the following information and shall conform to the following specification:

1. Blue or black line paper prints (five plus one per lot) and one (1) Mylar
2. Sheet size in accordance with Grafton County Register of Deeds requirements, but not smaller than 8 ½ “ x 11” or larger than 22” x 34”
3. Scale no smaller than one hundred (100) feet per inch
4. Prepared, signed, and sealed by a New Hampshire registered surveyor
5. Name of municipality and subdivision
6. Names and address of subdivider and any designer/consultant
7. Boundaries of the entire parcel or parcel being subdivided, whether or not all land therein is to be subdivided
8. Boundary of subdivision registered to USGS benchmark in whatever manner practical if the subdivision is in the 100 year floodplain
9. North point and bar scale
10. Date or dates of any revisions
11. Any of the following which is within a 200 feet of the boundaries of the subdivision:
  - a. names of property owners and Tax Map and lot number of their property (as shown in the Town of records not more than five (5) days before the filing date)
  - b. approximate locations of buildings and driveway (not required for boundary line adjustments)
  - c. locations of roads
12. Municipal and Zoning District boundaries which lies within the subdivision.
13. Any land-use designations from the Master Plan.
14. A statement as to the compliance of the proposed lots with Zoning requirements. If any lots do not comply with Zoning but are covered by a Zoning Variance or if any proposed use requires a Zoning Special Exception, the statement shall include the number of the Zoning Board of Adjustment file which such Variance or Special Exception was granted.
15. Existing streets including all existing:
  - a. widths
  - b. right-of-way lines

- c. stationing and dimensions of tangents, chords, and radii
- d. points of curvature and tangency of curved streets
- e. angles to lot lines
- f. intersection, turn-around, and/or cul-de-sac radii
- g. names according to the Town's Master List of Street Names
- h. iron pins and/or monuments at street intersections and points of curvature or tangency of curved streets

(Items A, B, C, D, E, F, and H are not required for boundary line adjustments)

- 16. Existing and proposed lot lines including angles and dimensions and iron pins and/or monuments at lot corners and points of curvature of tangency or curved lot lines.
  - 17. Area of existing and proposed lots in acres or square feet.
  - 18. Tax Map and Lot numbers of existing and proposed lots (proposed lot numbers shall be consecutive)
  - 19. Numbers for each existing primary building and assigned building numbers for each new vacant lot per the Street Naming and Numbering Ordinance.
  - 20. Location of existing and proposed easements and areas affected by existing and proposed covenants, reservation, and restrictions.
  - 21. Space shall be reserved for endorsement by the Planning Board and all appropriate agencies providing places to record file number, date, and signature (s).
  - 22. The plat shall contain the following statement: "The Subdivision Regulations of the Town of Enfield are a part of this plat, and approval of this plat is contingent on completion of all requirements of said Subdivision Regulations."
  - 23. General Site Location map, shown as an inset, locating the subdivision boundary in relation to major roads and community facilities in the town.
- B. Cover Sheet: Application cover sheet shall be completed which includes (but is Not limited to) the name and address of the applicant and his or her agent, location of subdivision, Tax Map and Lot number of the subdivision, Zoning District(s) in which the subdivision lies, signatures of applicant and agent, date of filing, and Planning Board file number.
  - C. Abutters: Names and addresses of all abutters (as shown in the Town records not more than five (5) days before the filing date) shall be provided.
  - D. Fees: The applicant shall pay all appropriate fees as specified in the Board's fee schedule.

- E. Deeds: A copy of the most recent deed to each parcel being subdivided shall be provided.
- F. Covenants: A copy of any proposed deed restrictions or covenants shall be provided.
- G. Zoning Compliance: If a Zoning Variance or Special Exception is necessary for the new lots to comply with Zoning, then a copy of the granted Variance or Special Exception shall be provided.
- H. Agency Approvals: Submit copies of all applications and data submitted to, communications with, and approvals from any FEDERAL, STATE, or MUNICIPAL AGENCY having jurisdiction over any aspect of the proposed subdivision including but not limited to the following:
  - Significant Alteration of Terrain
  - Septic Systems
  - Water Supply Systems
  - Driveway Permit
  - Wetland Permit
- I. Additional Information: The Board reserves the right to request that the applicant provide additional information in the course of reviewing the proposed subdivision.

## **SECTION 6: ADMINISTRATION AND ENFORCEMENT**

### ***6.01 Interpretation:***

In matters of interpretation and application of these Regulations, the opinion of the Board shall prevail.

### ***6.02 Conflict with Other Regulations:***

Where these regulations are in conflict with other Federal, State or local laws, ordinances, statutes, rule, easement, agreement, bylaws or regulations, the more stringent shall apply.

### ***6.03 Waivers and Variances:***

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 if 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 meeting, waive or vary such requirements subject to appropriate conditions. The Board reserves the right to waive or vary the requirements of these regulations in the course



of reviewing any proposed subdivision or annexation when such requirements are manifestly applicable and when such waiver or variance will not demean or nullify the intent or purposes of the Regulations.

- A. 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.
- B. No such waiver or variance may be granted if it would have the effect of nullifying the intent and purposes of the Town Master Plan, Zoning Ordinance, these regulations or any other town regulations, ordinances, rules or agreements.
- C. The Board may waive the requirement of a perimeter survey of the entire parcel. Whenever the Board waives the requirement for a perimeter survey of the entire parcel, there shall be submitted instead a perimeter sketch which shall indicate the size and shape of the entire parcel, the location of any structures thereon, the names of all abutters, the location of the proposed lot lines, the location and names of existing roads, the location and nature of important topographical features and other such information as will assist the Board in reviewing the subdivision requests.

#### **6.04 Exemptions: 5 Year Exemption (ref 674:39)**

- I. Every plat approved by the Board and properly recorded with the County Register of Deeds shall be exempt from all subsequent changes in subdivision regulations and zoning ordinances adopted by the Board, except those regulations and ordinances which expressly protect public health standards such as water quality and sewage treatment requirements, for a period of ~~four (4)~~ five (5) years after the date of recording, subject to each of the following conditions:
  - A. Active and substantial development or building shall have commenced on the site by the owner or his successor in interest in accordance with the approved plat within ~~twelve (12)~~ twenty four (24) months after the date of approval, or, in accordance with the terms of said approval and where ~~an escrow, a performance bond, or other security irrevocable Letter of Credit~~ to cover the costs of roads, drains, sewers or improvements are required in connection with such approval, such ~~bond, or other security escrow, performance bond, or irrevocable Letter of Credit~~ is posted with the Town prior to commencement of such development;
  - B. Development remains in full compliance with the public health regulations and ordinances;
  - C. At the time of approval and recording, the plat conforms to the subdivision regulations and zoning ordinances then in effect at the site of each plat.
- II. Once substantial completion of the improvements as shown on the subdivision plat or site plan has occurred in compliance with the approved subdivision plat or site plan or the terms of said approval or unless otherwise stipulated by the planning board, the rights of the owner or the owner's successor in interest shall vest and no subsequent changes in

subdivision regulations, site plan regulations, or zoning ordinances, except impact fees adopted pursuant to RSA 674:21 and 675:2-4, shall operate to affect such improvements.

- III. The planning board **SHALL?** ~~may~~, as part of its subdivision and site plan regulations or as a condition of subdivision plat or site plan approval, specify the threshold levels of work that shall constitute the following terms, with due regard to the scope and details of a particular project:
  - (a) "Substantial completion of the improvements as shown on the subdivision plat or site plan," for purposes of fulfilling paragraph II; and
  - (b) "Active and substantial development or building," for the purposes of fulfilling paragraph I.
- IV. Failure of a planning board to specify by regulation or as a condition of subdivision plat or site plan approval what shall constitute "active and substantial development or building" shall entitle the subdivision plat or site plan approved by the planning board to the 5-year exemption described in paragraph I. The planning board may, for good cause, extend the 24-month period set forth in subparagraph I(a).

#### **6.05 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 herein is intended to modify or control the construction, reconstruction or extension of streets and/or utilities by the Town or State.

#### **6.06 Compliance Hearings:**

In cases where the Board has placed conditions precedent there must be a noticed public hearing in which abutters have a chance to review and comment on compliance with the conditions precedent. Approval of a subdivision, subject to condition(s) precedent is conditional approval. It is not final approval. Subdivision plans shall not be signed by the board until all conditions precedent have been met. Cost and mailings and advertising, shall be paid in advance as set forth in the Board's current fee schedule.

#### **6.07 Enforcement:**

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

#### **6.08 Penalties:**

- A. **676:17 Fines and Penalties; Second Offense. –**
  - I. Any person who violates any of the provisions of this title, or any local

ordinance, code, or regulation adopted under this title, or any provision or specification of any application, plat, or plan approved by, or any requirement or condition of a permit or decision issued by, any local administrator or land use board acting under the authority of this title shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person; and shall be subject to a civil penalty of \$275 for the first offense, and \$550 for subsequent offenses, for each day that such violation is found to continue after the conviction date or after the date on which the violator receives written notice from the municipality that the violator is in violation, whichever is earlier. Each day that a violation continues shall be a separate offense.

Any violation of these Regulations may be made punishable, as determined by the Board of Selectmen, by:

1. A civil penalty of not more than \$100 for each day that such violation is found by a court to continue after the conviction date or after the date on which the violator receives written notice from the Town that said person is in violation of these Regulations, whichever date is earlier; or
2. A criminal penalty, which shall be:
  - a. A misdemeanor if the violation is committed by a natural person; or
  - b. A felony if the violation is committed by any other person.
3. As stated per RSA 676:17 A, B. (Cease and Desist Orders and local Land Use Citations: Pleas by mail).

- B. In any legal action brought by the Town to enforce, by way of injunctive relief as provided by RSA 676.15 or otherwise, these regulations, or to enforce any decision made by the Planning Board, or to seek the payment of any fine levied under paragraph (A), the Town may recover its costs and reasonable attorney's fees actually expended in pursuing the legal action if it is found to be a prevailing party in the action. Recoverable costs shall include all out-of-pocket expenses actually incurred, including but not limited to, inspections fees, expert fees, and investigatory expenses. **(Same as 676:17 II)**
- C. If any violation of these Regulations, or any decision of the Planning Board, results in the expenditure of public funds by the Town which are not reimbursed, the court in its discretion may order, as an additional civil penalty, that a violator make restitution to the Town for such funds so expended. **(Same as 676:17 III)**
- D. The Superior Court may, upon a petition filed by the Town and after notice and a preliminary hearing as in the case of prejudgment attachments under RSA 511:A, require an alleged violator to post a bond with the court to secure payment of any penalty or remedy or the performance of any injunctive relief which may be ordered or both. At the hearing, the burden shall be on the Town to show that there is a strong likelihood that it will prevail on the merits, that the penalties or remedies sought are reasonably likely to be awarded by the court in an amount

consistent with the bond sought, and that the bond represents the amount of the projected expenses of compliance with the injunctive relief sought. **. (Same as 676:17 IV)**

**F. 676:16 Penalties for Transferring Lots in Unapproved Subdivisions**

Any owner, or agent of the owner, of any land located within a subdivision in a municipality that has adopted subdivision regulations who transfers or sells any land before a plat of the subdivision has been approved by the planning board and filed with the appropriate recording official under RSA 674:35, II, shall forfeit and pay a civil penalty of **\$500 \$1,000** for each lot or parcel so transferred or sold; and the description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties. The municipality may enjoin a transfer **of or** sale which violates the provisions of this section and may recover the penalty imposed by civil action. In any action to recover a penalty, the prevailing party may recover reasonable court costs and attorney's fees as may be ordered by the court.

- G. **All New 676:17(V)** The building inspector or other local official with the authority to enforce the commence an action under paragraph A † either in the district court pursuant to RSA 502-A:11-a, or in the superior court. The prosecuting official in the official's discretion may, penalties to be imposed by the court shall be limited to those provided for a violation under RSA 651:2 and the civil penalty provided in subparagraph I(b) of this section. The provisions of this section shall supersede any inconsistent local penalty provision.

## **6.09 Appeals**

Any person, aggrieved by an official action of the Board, may appeal there from in accordance with the provisions of RSA 677:15.

## **6.10 Amendments:**

These regulations may be amended, for time to time whenever this action is deemed necessary or advisable by the board, but not until public hearing in compliance with RSA 675:6 and RSA 675:7 on the proposed amendment. A majority vote of those present and voting shall prevail. No subdivision regulations or amendment or exception thereto shall be legal or have any force and effect until copies of such, certified by a majority of the Board members, are filed with the Town Clerk.

**All new. Does the Board feel the needs to be added and delete the prior paragraph?**

**675:6 Method of Adoption.** – Every local master plan, subdivision regulation, site plan review regulation and historic district regulation referred to in this title shall be adopted or amended by the planning board or historic district commission, as appropriate, in the following manner:

- I. The board or commission, as appropriate, shall hold a public hearing prior to adoption or amendment. Notice for the time and place of the hearing shall be as provided in RSA 675:7.
- II. The board or commission, as appropriate, may adopt or amend the master plan or regulation upon completion of the public hearing by an affirmative vote of a majority of its members.
- III. No master plan, regulation, amendment or exception adopted under this section shall be

legal or have any force and effect until copies of it are certified by a majority of the board or commission and filed with the city clerk, town clerk, or clerk for the county commissioners.

IV. The historic district commission may adopt or amend regulations only after the commission has held a public hearing within the district. Notice for the time and place shall be as provided in RSA 675:7. The adopted regulations shall be certified by a majority of the historic district commission members and filed with the city clerk, town clerk, or clerk for the county commissioners.

### ***All New. Does the Board want to add this ?***

#### **676:4-a Revocation of Recorded Approval. –**

I. A subdivision plat, street plat, site plan or other approval which has been filed with the appropriate recording official under RSA 674:37 may not be revoked, in whole or in part, by the planning board, except pursuant to this section, and only under the following circumstances:

(a) At the request of, or by agreement with, the applicant or the applicant's successor in interest.

(b) When the applicant or successor in interest to the applicant has performed work, erected a structure or structures, or established a use of land, which fails to conform to the statements, plans or specifications upon which the approval was based, or has materially violated any requirement or condition of such approval.

(c) When the applicant or successor in interest to the applicant has failed to perform any condition of the approval within a reasonable time specified in the approval, or, if no such time is specified, within the time periods specified in RSA 674:39.

(d) When the time periods specified in RSA 674:39 have elapsed without any vesting of rights as set forth therein, and the plat, plan or other approval no longer conforms to applicable ordinances or regulations.

(e) When the applicant or successor in interest to the applicant has failed to provide for the continuation of adequate security as provided by RSA 674:36, III(b) and 674:44, III(d) until such time as the work secured thereby has been completed.

II. Prior to recording any revocation under this section, the planning board shall give notice, as provided by RSA 676:4, I(d), to the public, the applicant or the applicant's successor in interest, and all abutters and holders of conservation, preservation, or agricultural preservation restrictions. The notice shall include the board's reasons for the revocation. A hearing with notice as provided in RSA 676:4, I(d) shall be held at the request of any party receiving such notice, submitted within 30 days of receiving such notice, or if the planning board determines to hold a hearing.

III. A declaration of revocation, dated and endorsed in writing by the planning board, and containing reference to the recording information for the plat, plan or other approval being revoked, shall be filed for recording with the register of deeds, no sooner than 30 days after written notification of the revocation is served on the applicant or the applicant's successor in interest, in person or by certified mail, or 30 days after any public hearing, whichever is later. If only part of an approval is revoked, that portion of land subject to revocation shall be clearly identified in the declaration. The declaration shall be recorded under the same name or names as was the original approval, as well as the names of subsequent owners, if any, of the land or part thereof subject to revocation, as identified by the municipality.

IV. A revocation under this section may be appealed pursuant to RSA 677:15. Nothing in this section shall affect the municipality's ability, either before or after such a revocation, to pursue other remedies or penalties as set forth in RSA 676:15-17.

**6.11 Severability**

If any provision, section, or phrase of these Subdivision Regulations, or the application thereof to any person or circumstances, is found for any reason to be invalid by a court of competent jurisdiction, the invalidity does not affect other provisions or applications of these regulations.

**6.12 Effective Date:**

The effective date of these Regulations shall be October 15, 1974.

**6.13 Certification:**

Certification to be a true copy, attest:

_____	_____
_____	_____
_____	_____
_____	_____

Amended:	May 23, 1979	September 9, 1981	August 11, 1982
	August 14, 1985	February 26, 1986	July 28, 1993
	June 28, 1995	June 12, 1996	May 9, 2007