

**LAND SUBDIVISION REGULATIONS  
FOR THE UNINCORPORATED PLACES  
OF  
COÖS COUNTY, NEW HAMPSHIRE**

**February 26, 2015**

Adopted by the Planning Board on September 21, 1988  
Amended March 15, 1989  
Sections 8.03 and 8.05 Amended February 13, 2009  
Amended February 26, 2015

LAND SUBDIVISION REGULATIONS  
FOR THE UNINCORPORATED PLACES  
OF  
COÖS COUNTY, NEW HAMPSHIRE

THE UNINCORPORATED PLACES:

Atkinson & Gilmanton Academy Grant  
Bean's Grant  
Bean's Purchase  
Cambridge  
Chandler's Purchase  
Crawford's Purchase  
Cutt's Grant  
Dix Grant  
Dixville  
Erving's Grant  
Green's Grant  
Hadley's Purchase  
Kilkenney  
Low & Burbank's Grant  
Martin's Location  
Millsfield  
Odell  
Pinkham's Grant  
Sargent's Purchase  
Second College Grant  
Success  
Thompson & Meserve's Purchase  
Wentworth Location

All inquiries and correspondence regarding these regulations should be addressed to:

Clerk, Coös County Planning Board  
PO Box 10  
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603-246-3321



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SUMMARY STEPS FOR SUBDIVISION REVIEW

**OPTIONAL**

Preliminary Conceptual Consultation Phase (Section 4.04) <i>Applicant may discuss proposal in conceptual terms only at a posted meeting.</i>	For both optional pre-application phases there should be NO decisions, NO formal submissions, NO time limits and NOTHING binding.
Design Review Phase (Section 4.05) <i>Consultation beyond general discussion. Abutters and public must be notified.</i>	

**REQUIRED**

Submission and Acceptance of Completed Application (Section 4.07 and Section 5)	This chart is meant to show only the generalized steps involved in the subdivision review process. All applications must meet all applicable requirements.  * Public hearing may not be required for a minor subdivision (Section 4.06).  *** Not required if no new roads or road improvements or other shared utilities/ improvements.
Public Hearing* (Section 4.09)	
Decision (Section 4.08)	
Performance Guarantee*** (Section 5.02)	
Record Plat (4.08.b.)	
Performance and Inspection of Work*** (Section 8.01)	

## **SECTION 1: AUTHORITY AND PURPOSE**

Pursuant to the authority vested in the Coös County Planning Board by the Coös County Delegation in accordance with the provisions of NH RSA 674:35, 676:6 and 676:4, the Coös County Planning Board adopts the following regulations governing the subdivision of all land in the Unincorporated Places of Coös County, New Hampshire. These regulations are designed to accomplish the purposes set forth in NH RSA 674:36 and for the purposes of protecting the health, the safety, the convenience and the economic and general welfare of our citizens.

## **SECTION 2: TITLE**

These regulations shall be known and cited as the “LAND SUBDIVISION REGULATIONS FOR THE UNINCORPORATED PLACES OF COÖS COUNTY, NEW HAMPSHIRE.”

## **SECTION 3: DEFINITIONS**

- 3.01 **Abutters**: Shall mean any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration by the Board. For purposes of receiving testimony only and not for the purpose of notification, the term “Abutter” shall include any person who is able to demonstrate that his/her land will be directly affected by the proposal under consideration. For purposes of receipt of notification by a municipality of the Board’s hearing, in the case of an abutting property being under a condominium or other collective form of ownership, the term abutter means the officers of the collective or association, as defined in RSA 356-B:3.XXIII.
- 3.02 **Board**: Shall mean the Planning Board of Coös County.
- 3.03 **Cluster**: Shall mean the division of land into lots for use as building sites where each lot has an area and dimensions less than the minimum required for the district. However, the total number of lots in the tract shall not exceed the number permitted in a conventional subdivision for that district.
- 3.04 **Condominium**: Shall mean multi-family or group housing, wherein dwelling units are individually owned, but wherein open space and group facilities are held in common ownership. Condominiums shall be considered a subdivision of land as outlined in NH RSA 356-B and reviewed accordingly.
- 3.05 **Drainage Right-of-Way**: Shall mean land required for the installation of stormwater sewers or drainage ditches, or required along a natural stream or water course for preservation of the channel and providing for the flow of water therein to secure safety from flood damage and to preserve natural amenities.

- 3.06 Driveway: Shall mean an area located on a lot, tract, or parcel of land, and built for access to a garage or off-street parking space, serving not more than two (2) adjacent lots or sites.
- 3.07 Engineer: Shall mean the designated, duly licensed professional or civil sanitary engineer, as required by New Hampshire licensing laws.
- 3.08 Lot: Shall mean a parcel or portion of land separated from other parcels or portions of land by a description as on a subdivision or record of survey map or by metes and bounds.
- 3.09 Major Subdivision: Shall mean any subdivision not classified as a minor subdivision.
- 3.10 Master Plan: Shall mean the comprehensive plan to guide the long-range development of the Unincorporated Places as defined in NH RSA 674:2.
- 3.11 Minor Subdivision: Shall mean any subdivision involving three (3) lots or less fronting on an existing street with no potential for re-subdivision and which require no new roads, shared utilities or other improvements. Minor subdivision also includes minor lot line adjustments or boundary agreements which do not create buildable lots.
- 3.12 Plat: Shall mean a map, plan, drawing or chart on which the subdivider's plan or subdivision is presented to the Board for approval and which, if approved, will be submitted to the County Registry of Deeds.
- 3.13 Performance Guarantee: Shall mean any security which may be accepted in lieu of the requirement that certain improvements be made before the Board approves a plat, including performance bonds, escrow agreements, letters of credit, and other similar collateral or surety agreements.
- 3.14 Street: Shall mean a highway, street, road, avenue, or other way which exists for vehicular travel, exclusive of a driveway serving not more than two (2) adjacent lots or sites. The term "street" shall include the entire right-of-way.
- 3.15 Subdivider: Shall mean any individual, firm, association, syndicate, co-partnership or corporation, trust or other legal entity having commenced proceedings under these regulations to effect a subdivision of land hereunder for himself/herself or for another.



3.16 Subdivision:

- a. Shall mean the division of the lot, tract, or parcel of land into 2 or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale, rent, lease, condominium conveyance or building development. It includes resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided.
- b. The division of a parcel of land held in common and subsequently divided into parts among the several owners shall be deemed a subdivision.
- c. The grant of an easement in gross to a public utility for the purpose of placing and maintaining overhead and underground facilities necessary for its transmission or distribution network such as poles, wires, cable, conduit, manholes, repeaters and supporting apparatus, including any unstaffed structure which is less than 500 square feet, shall not be construed as a subdivision, and shall not be deemed to create any new division of land for any other purpose.
- d. The rent, lease, development, or grant of an easement to a person for the purpose of placing and maintaining a wireless communications facility shall not be construed as a subdivision, and shall not be deemed to create any new division of land for any other purpose. For purposes of this paragraph, "wireless communications facilities" means any towers, poles, antennas, or other unstaffed structure of less than 500 square feet intended for use in connection with licensed transmission or receipt of radio or television signals, or any other licensed spectrum-based transmissions or receptions. This paragraph shall not be deemed to affect other local zoning, site plan, or regulatory authority over wireless communications facilities.

**SECTION 4: APPLICATION PROCEDURE**

- 4.01 General Procedure: Whenever any subdivision of land is proposed, before any construction, land clearing or building development is begun, before any permit for the erection of any building in such proposed subdivision shall be granted, before any contract or offer for sale, rent, condominium conveyance or lease of lots in the subdivision shall have been negotiated, before converting a property to condominium or time-share ownership, and before any subdivision plat may be filed in the Office of the Registrar of Deeds of Coös County, the subdivider or authorized agent shall apply in writing to the Board on a form provided by the Board and secure approval of such proposed subdivision in accordance with these regulations.
- 4.02 Certificate by Owner: Prior to the submission to the Board of any application material relative to a subdivision of a parcel of land under these regulations, the owner(s) will certify to the Board by letter that they are the owner(s) by title of record and that consent for such application for subdivision has been given.

4.03 Pre-application Phases: The applicant may elect to forego or engage in pre-application review (preliminary conceptual consultation and design review) or either phase thereof as provided in section 4.04 and 4.05. Pre-application shall be separate and apart from formal consideration, and the time limits for acting under 4.08 shall not apply until a formal application is submitted under 4.07.

4.04 Preliminary Conceptual Consultation Phase:

- a. The applicant may request a meeting with the Board to discuss a proposal in conceptual form and in general terms. Such pre-application consultation shall be informal and directed toward:
  1. reviewing the basic concepts of the proposal,
  2. reviewing the County's subdivision regulations as they may apply to this proposal and determination of the proposal as a major or minor subdivision, and,
  3. guiding the Applicant relative to state and local requirements.
- b. Preliminary conceptual consultation shall not bind the Applicant or the Board. Such discussion may occur at a regular meeting without formal public notice as provided under Sections 4.09 and 4.10. However, no discussions beyond the conceptual and general discussion shall take place without identification of and notice to abutters and the general public as described in Section 4.10.

4.05 Design Review Phase:

- a. Prior to submission of an application for Board action, an applicant may request to meet with the Board for nonbinding discussions beyond the conceptual and general, involving more specific design and engineering details of the potential application.
- b. To appear on the agenda the applicant must notify the Board not less than fifteen (15) days prior to any regularly scheduled meeting and shall provide:
  1. Name and address of the applicant, signature of all owners, a current list of abutters and their addresses as indicated in County records not more than five days before filing, names and addresses of all holders of conservation, preservation, or agricultural preservation restrictions, and all names and business addresses of every engineer, architect, land surveyor or soil scientist whose professional seal appears on any plat.
  2. A check to cover the mailing and advertising costs as stated in 4.11b.

- c. Statements made by the Board members shall not be the basis for disqualifying said members or invalidating any action eventually taken on the application.
- d. The Board shall not accept any final application materials from the applicant at this time.
- e. The Board will notify abutters and the public pursuant to RSA 676:4, I(d) as provided in Section 4.10.

4.06 Minor Subdivision:

- a. The applicant may first meet the Board for pre-application consultation of his/her proposal as discussed in Section 4.04 to determine if it is a Minor Subdivision. If it is determined to be a Minor Subdivision (as defined in Section 3.11), the applicant shall submit:
  - 1. A completed application as required in Section 5.01.
  - 2. Notice of Submission shall be given as provided in Section 4.10 and may be combined with the Notice of Public Hearing.
- b. The completed application under this Section may be submitted and approved at one or more Board meetings but no application shall be approved without the full notice of abutters and public as required under Section 4.10. A public hearing, duly noticed as described in Section 4.09, shall be held only if requested by the applicant, abutters, or easement holder, or if the Board determines to hold a hearing (RSA 676:4, III).
- c. There will only be one minor subdivision allowed from a given parcel every three (3) years.

4.07 Filing and Submission of Completed Application:

- a. The completed application, as required in Section 5 (Plan Requirements) and including all information necessary for the Board to determine conformance with Sections 6 and 7 (Required Improvements and Design Standards), shall be filed with the Clerk of the Board at least fifteen (15) days prior to a scheduled public meeting of the Board.
- b. The completeness of the application shall be reviewed by the Clerk of the Board according to criteria in Section 5.01. The completed application will then be formally submitted to the Board at a public meeting after due notification to the applicant, abutters, easement holders, professionals whose seal appears on the plat, and the general public, and, if deemed complete, accepted for review by the Board. Submission to the Board will take place within 30 days of when the

application is filed with the Clerk, or at the next public meeting for which notice can be given.

- c. An incomplete application filed by the applicant will not be formally accepted by the Board nor will notices of a public meeting be mailed, posted or published as provided in Section 4.10.
- d. Applications shall be disapproved by the Board without public hearing on the grounds of failure of the applicant to supply information required by these regulations.
- e. When a completed application has been accepted by the Board, the Board shall provide a receipt to the applicant indicating the date of formal acceptance.
- f. Pursuant to RSA 36:56, upon receipt of an application for subdivision, the Board shall review it and determine whether or not the development, if approved, could reasonably be construed as having the potential for impact beyond the boundaries of the specific Unincorporated Place. This regional impact could result from a number of factors, such as, but not limited to, the following:
  - 1. relative size or number of lots or units compared with existing stock;
  - 2. transportation networks;
  - 3. proximity to the borders of a neighboring community;
  - 4. anticipated emissions such as light, noise, smoke, odors or particles;
  - 5. proximity to aquifers or surface waters which transcend municipal boundaries; and
  - 6. shared facilities such as schools and solid waste disposal facilities.

Doubt concerning regional impact shall be resolved in a determination that the development has a potential regional impact. Upon determination that a proposed development has a potential regional impact, the Board shall afford the Regional Planning Commission and the affected municipalities the status of abutters for the limited purpose of providing notice and giving testimony. Within five (5) business days of reaching a decision that a development has regional impact, the Board shall, by certified mail, furnish the Regional Planning Commission with copies of the minutes of the meeting at which the decision was made and copies of the initial project plan and the affected municipalities with copies of the minutes of the meeting at which the decision was made. At least fourteen (14) days prior to the public hearing, the Board shall notify, by certified mail, all affected municipalities and the Regional Planning Commission of the date, time and place of the hearing and the right to testify concerning the development.

4.08 Board Action on a Completed Application:

- a. Within sixty-five (65) days of acceptance of the completed application, and after a duly noticed public hearing, the Board shall act to approve, approve with conditions, or disapprove the application, subject to extension or waiver as provided in accordance with NH RSA 676:4.
- b. Approval of the plat shall be certified by written endorsement on the plat and signed by the Chairman or Clerk of the Board. The Clerk shall transmit a copy of the plat with such approval endorsed in writing thereon to the Registry of Deeds of Coös County. The subdivider shall be responsible for the payment of all recording fees. In the event the Board disapproves any plat submitted, the grounds for such disapproval shall be adequately stated in the records of the Planning Board and written notice given to the applicant.
- c. If the Planning Board has not taken action to approve or disapprove the completed application within sixty-five (65) days of its acceptance and has not obtained an extension or waiver, the applicant may obtain from the County Commissioners an order directing the Board to act within thirty (30) days. If the Board does not act on the application within that thirty (30) day time period, then within forty (40) days within issuance of the order, the County Commissioners shall certify on the application that the plat is approved pursuant to RSA 676:4 I (c) (1) unless during that period the Commissioners have identified in writing that the proposed subdivision does not comply with some specific provision of the subdivision regulations or Zoning Ordinances.
- d. Conditional Approval: The Board may grant conditional approval of an application, which shall become final approval 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. Final approval may occur in this 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; and
  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 the other boards or agencies, such as the N.H. Department of Transportation and N.H. Department of Environmental Services.

4.09 Public Hearing:

Prior to the approval of a subdivision, a public hearing shall be held as required by NH RSA 676:4 and notice to the applicant, abutters and the public shall be given in accordance with Section 4.10. For minor subdivisions, as defined in Section 3.11, a public hearing shall be held if requested by the applicant, abutter, or easement holder, or if the Planning Board determines that a hearing should be held.

4.10 Notices:

- a. Notice of the design review phase or submission of a completed application shall be given by the Board to the abutters, easement holders, any professional whose seal appears on the plat, and the applicant by certified mail, mailed at least ten (10) days prior to the submission, and to the public, at the same time, by posting in at least two (2) appropriate public places in the County and publication in a newspaper of general circulation. The notice shall give the date, time and place of the Planning Board meeting at which the application or other item(s) will be formally submitted to the Board, and shall include a general description of the proposal which is to be considered and shall identify the applicant and the location of the proposed subdivision.
- b. For any public hearing on the completed application, the same notice as required for notice of submission of the completed application shall be given. If the notice of public hearing was included in the notice of submission or any prior notice, additional notice of the public hearing is not required. Additional notice is not required of an adjourned session of a hearing provided that the date, time and place of the adjourned session was made known at the prior meeting.

4.11 Fees:

- a. A completed application shall include all required fees, including application fees, public notices, and recording fees.
- b. All costs of notices, whether mailed, posted or published, shall be paid by the applicant. Failure to pay costs shall constitute valid grounds for the Board to terminate further consideration of the application and to disapprove the plat without a public hearing.
- c. Pursuant to NH RSA 676.4.I(g), it shall be the responsibility of the applicant, if the Board deems it necessary, to pay reasonable fees for special investigative studies, environmental assessments, legal review of documents, administrative expenses and other matters which may be required to make an informed decision on a particular application.

## **SECTION 5: PLAN REQUIREMENTS**

### 5.01 Completed Application

The plat shall be submitted in permanent ink on polyester film with three (3) blue or black line prints on paper. Sheet size and margins shall be in accordance with the requirements of the Registry of Deeds, but shall not be smaller than 22" x 34". Space shall be reserved on the plat for all necessary endorsements.

The plat shall be based on "an on the ground" boundary survey with a maximum error of closure of 1 in 5,000, certified by a land surveyor registered in the State of New Hampshire. The plat shall show or be accompanied by:

- a. A letter of authorization signed by all owners if the applicant is not the sole owner of record.
- b. The names and addresses of all abutters as indicated in County records not more than five (5) days before the day of filing, names and addresses of all holders of conservation, preservation, or agricultural preservation restrictions, names and business addresses of every engineer, architect, land surveyor, or soil scientist whose professional seal appears on any plat, and payment to cover filing fees, mailing, advertising, recording and other costs as stated in Section 4.11.
- c. The Board may require additional reports or studies, including but not limited to traffic impact analysis and environmental impact analysis, to allow the Board to make an informed and educated decision concerning the proposal.
- d. The plat shall include:
  1. Proposed subdivision name or identifying title; name of Unincorporated Place; plan date and all revision dates;
  2. Name(s) and address(es) of the applicant and owner, if other than the applicant; tax map and lot number;
  3. Scale and north point;
  4. Boundary survey including bearings, distances; and the location of permanent markers;
  5. Final drainage system;
  6. Lot areas, dimensions and numbering; zoning districts;
  7. Final road profiles and cross sections;
  8. Topographic contour boundaries at five (5)-foot intervals;
  9. Location of soils, ground water and percolation tests using site-specific information;
  10. Deed restrictions;
  11. Open spaces;
  12. Buildings and other man-made structures to remain;
  13. Existing and proposed streets with names and right-of-way widths; all other existing easements or rights-of-way;

14. Water courses with accurate dimensions and associated flood hazard areas if any, and if mapped, erosion hazard areas;
15. Profiles of water mains, sanitary sewers, gas and other utility systems, including protective radii of proposed and adjacent existing water supply sources;
16. Soil types and delineation of wetlands ;
17. Seasonal high water;
18. Test pits including profiles of each test pit;
19. Total area in which the subdivision is located and locus;
20. Scale of 1" for 100';
21. Recreational trails such as snowmobile, hiking or cross country ski trails plotted on the plat; and
22. Identification of any known wildlife habitat; existing roads, including private roads and logging roads; stone walls and other monuments.

- e. Plan for stormwater management and erosion control if required.
- f. Any required state or federal permits, including application material submitted to state or federal agencies to obtain those permits.
- g. The following certifications will be affixed to the final plat together with the appropriate signatures and seals if available prior to final approval.
  1. I hereby certify that this map and survey has been made under my supervision. The date of the survey was \_\_\_\_\_.

\_\_\_\_\_  
Licensed Land Surveyor

2. This map is hereby approved by the Coös County Planning Board at an official meeting held on \_\_\_\_\_ and shall be filed on or before \_\_\_\_\_ with the Coös County Register of Deeds.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Chairman or Clerk  
Coös County Planning Board



5.02 Performance Guarantee:

As a condition to the approval of a plat, the Planning Board shall require the subdivider to post a performance guarantee in an amount sufficient to defray the costs of construction of streets; public improvements; drainage structures; the extension of water and sewer drains; storm drains; under drains; erosion control and other improvements of a public utility nature. The amount of the guarantee shall be based on an estimate of costs provided by the subdivider and, at the discretion of the Planning Board, reviewed by a registered/licensed engineer. The cost of such a review shall be borne by the subdivider.

- a. This performance guarantee shall be approved as to form and sureties by the County Commissioners and the Board's Counsel and conditioned on the completion of such improvements within two (2) years of the date of the guarantee, or as described in a Performance Agreement and may be:
  1. A surety bond, issued by a surety company authorized to do business in the State of New Hampshire, to be filed with the Board in form and amount satisfactory to it; or
  2. Cash or savings bank book properly endorsed to the County in an amount to be determined by the Board, and to be deposited with it;
  3. An irrevocable letter of credit; or
  4. Other security acceptable to the Board.
- b. Where electric lines or other utilities are to be installed by a corporation, municipal department, or public utility, a letter of intent shall be required stating that the work will be done in reasonable time and without expense to the County.
- c. Each approved plat shall contain a time limit for the completion of streets and public improvements.
- d. The performance guarantee shall be released in phases as portions of the secured improvements or installations are completed and approved by the Planning Board, or their designee, in accordance with the plan approved by the Board.
- e. Where so required by the Board, prior to the approval endorsement of the Board on the final plat, the subdivider shall pay the County an amount of money estimated by the Board to fully compensate the County for all inspections and testing charges deemed necessary by the Board relating to such improvements

required as conditions of approval. All inspection and testing shall conform in quality and quantity to accepted engineering and construction practices.

- f. All deeds covering land to be used for public purposes, easements and rights-of-way over property to remain in private ownership and rights-of-drainage across private property shall be submitted in a form satisfactory to the Board's Counsel. All recording fees shall be borne by the subdivider.

## **SECTION 6: REQUIRED IMPROVEMENTS**

The Coös County Planning Board may seek technical assistance from appropriate regional, state and federal resource agencies in its review of a plat.

- 6.01 **Streets**: Street designs shall comply with *New Hampshire Department of Transportation Suggested Minimum Design Standards for Rural Subdivision Streets*, as amended, and the following. Where these regulations pose a higher standard than the NHDOT Suggested Minimum Standards, these regulations shall apply.
- a. ***Subgrades***:
    1. All topsoil, stumps, brush, roots, boulders and like materials shall be stripped or removed from the proposed subgrade area and disposed of at the expense of the subdivider. The subgrade of all streets shall be constructed in such a way that they comply in every way with the "*New Hampshire Department of Transportation Suggested Minimum Design Standards for Rural Subdivision Streets*" as amended. All soft and spongy places shall be excavated to such depths as shall be necessary to stabilize the foundation of the road and refilled solidly with sub-base material.
    2. The center line of the new road shall be staked and sidestaked at fifty (50) foot intervals before any clearing is begun on the R.O.W.
    3. Limits of clearing shall be marked by stakes or flagging. Distances from the center line shall be obtained from the cross-sections.
    4. Elevations shall be taken on the tops of sidestakes after clearing is completed and before excavation is started. Cuts and fills shall be marked on sidestakes.
  - b. ***Embankments***: Embankments shall be formed of suitable material placed in successive layers of not more than twelve (12) inches in depth for the full-width of the roadway cross-section and shall be compacted uniformly and sufficiently to prevent settlement.
  - c. ***Base Course***: The base course shall not be laid until the subgrade has been inspected. Upon the completion of this inspection the base courses of all streets shall be applied in such a way that they comply in every detail with the

*“New Hampshire Department of Transportation Suggested Minimum Design Standards for Rural Subdivision Streets”* as amended. The completed base shall conform to the lines and grades of the profiles and cross-sections.

- d. *Shoulders*: Shoulders shall be constructed in the same manner as described above or as noted on approved cross-sections or as directed by the Board.
- e. *Maintenance*: The applicant shall demonstrate that an entity (e.g. developer, landowners, or homeowners association) will be in place having the responsibility and financial substance to ensure maintenance and repair of proposed roads in a manner which provides safe access for the residents, visitors, delivery and emergency vehicles.

6.02 Monuments: Concrete bound monuments shall be set on the right-of-way lines, at the beginning and end of curves, angle points and on tangents with a maximum distance of one thousand (1,000) feet between bounds. Such bounds shall be of stone or concrete 4"x4"x36" long. Concrete bounds shall be reinforced with one-half (½) inch diameter deformed bars. The bound shall be flush with the finished grade. No permanent monuments shall be set until all construction which might disturb or destroy the monuments is completed. Bounds shall be set by a land surveyor.

6.03 Water and Sewer Facilities:

- a. *Common Systems*: Such systems proposed by a subdivider shall be of sufficient capacity to serve the subdivision with a design that enables serving future phases. All such facilities shall meet the requirements of and be approved by the New Hampshire Department of Environmental Services.

In addition to New Hampshire Department of Environmental Services approval, complete quality analysis for the well water as conducted by an accredited laboratory within the past six (6) months shall also be submitted.

- b. *Individual Service*: Individual well and subsurface disposal facilities shall comply with all applicable requirements including those of the New Hampshire Department of Environmental Services (NHDES). In areas not currently served by common sewer systems, it shall be the responsibility of the subdivider to provide adequate information to prove that the area of each lot which is to be built upon is adequate to permit the installation and operation of an individual sewerage disposal system meeting state requirements. The subdivider shall be required to provide the necessary equipment and labor for the making of these tests as required by NHDES.

## **SECTION 7: DESIGN STANDARDS**

The subdivision plat shall conform to the design standards set forth herein as well as the New Hampshire Department of Transportation *Suggested Minimum Design Standards for Rural Subdivision Streets*, as amended, to encourage good development patterns within the Unincorporated Places. Where these regulations pose a higher standard than the NHDOT Suggested Minimum Standards, these regulations shall apply.

### 7.01 Streets

- a. *General Design*: All streets in the subdivision shall be designed to provide safe vehicular traffic. Due consideration shall also be given to the attractiveness of the street layout in order to enhance the livability of the subdivision. Provisions shall be made for the future extension of streets to adjoining, unsubdivided property. Subdivisions that adjoin or include existing streets that do not conform to the widths shown in the comprehensive plan or official maps or the street width requirements of these regulations shall dedicate the differential width along either or both sides of said existing streets. If the subdivision is along one side only, one-half ( $\frac{1}{2}$ ) of the differential width shall be dedicated.
- b. *Naming*: No street shall have a name which duplicates or which is substantially similar to the name of an existing street. The continuation of an existing street shall have the same name.
- c. *Cross-sections*: All street right-of-way widths shall be a minimum of fifty (50) feet.
- d. *Alignments*: Street jogs at intersections with centerline offsets of less than one hundred twenty-five (125) feet shall be avoided. The minimum centerline radii of curved streets shall be one hundred fifty (150) feet. Streets shall be laid out as to intersect as nearly possible at right angles. No street shall intersect any other street at less than seventy-five (75) degrees.
- e. *Design of Intersecting Roadway Surfaces*: Intersecting roadways shall have a transitional area at all corners to accommodate turning movements to a radius of thirty (30) feet.
- f. *Grade*: Grade of all streets shall be reasonable but shall not be less than 0.5% or more than 10% to a maximum distance of fifty (50) feet unless specifically approved by the Board. The Board may modify the maximum and minimum gradient for short lengths of street where, in its judgment, existing topographic conditions or the preservation of natural features indicate that such mediation will result in the best subdivision of the land. All changes in grade exceeding .05% shall be connected by vertical curves of sufficient length to afford adequate sight distances.

7.02 Lots

- a. Lot dimensions and area requirements shall not be less than the requirements of the Zoning Ordinances or as required by soil or topographic conditions.
- b. Insofar as practical, side lot lines shall be at right angles to straight streets and radial to curved streets.
- c. Where extra width has been dedicated for widening of existing streets, lots shall begin at such extra width line and all setbacks shall be measured from such line.
- d. Where there is a question as to the suitability of a lot or lots for its (or their) intended use due to the presence of such factors as rock formations, steep slopes, unusual surface configurations, tendency to periodic flooding, poor drainage, unsuitable soils, or inadequate capacity for sanitary sewage disposal, the Board may, after adequate investigation, withhold approval of such lot.
- e. Lots should be graded in such a manner as to prevent the collection of water at low points.
- f. Long, narrow lots or lots with very irregular shapes shall not generally be approved by the Board, particularly if, in the opinion of the Board, such lots will create unusable or inaccessible areas of land.

7.03 Easements

- a. Easements for utilities across lots or centered on rear or side lot lines shall be provided where necessary, and are subject to the approval of the Board. The widths of these easements shall be based on the requirements of the various service agencies involved (power company, telephone company, etc.) with respect to the type of subdivision proposed and the type of service provided (overhead, underground, etc.)
- b. Where a subdivision is traversed by a water course, drainage way, channel or stream, the Board may require that there be provided a stormwater easement or drainage right-of-way of adequate width to conform substantially to the lines of such water course, drainage way, channel or stream and provide construction or other necessary purposes.

7.04 Open Spaces: The Planning Board may, in proper cases, require the plat to show a park or parks suitably located for playgrounds or recreation purposes or for providing light and air for the residents of the subdivision.

7.05 Unsuitable Land: Land of such character that it cannot be safely used for the building purposes because of danger to health or peril from fire, flood or other

hazard shall not be platted for residential occupancy, nor for any other use which would tend to increase the danger to health, life or property or aggravate the flood hazard, until, in the opinion of the Board, appropriate measures have been taken by the subdivider to eliminate such hazards or reduce them to reasonable risks. Land subject to periodic flooding, poor drainage or other hazardous conditions shall not ordinarily be subdivided. Land with unsuitable soil or inadequate capacity for individual sanitary sewerage disposal shall not be subdivided unless connected to a common sewer system.

7.06 Protection of Natural Features: Due regard shall be shown for all natural features, such as trees, rocks, water courses and bodies of water, scenic points, historic points and similar community assets.

7.07 Environmental Control - Erosion and Sedimentation:

a. The subdivision shall be designed in a manner which will minimize and treat stormwater runoff and prevent erosion.

1. The smallest practical area of land should be exposed at any one time during development.
2. When land is exposed during development, the exposure should be kept to the shortest practical period of time. Land should not be left exposed during the winter months.
3. Where necessary, temporary vegetation and/or mulching and structural measures should be used to protect areas exposed during development.
4. Provisions should be made to effectively accommodate the increased runoff caused by the changed soil and surface conditions during and after development.
5. The permanent, final vegetation and structures should be installed as soon as practical in the development.
6. The development plan should be fitted to the topography and soils so as to create the least erosion potential.
7. Whenever feasible, natural vegetation should be retained and protected.

b. All stormwater management and erosion control measures in the plan shall adhere to the "New Hampshire Stormwater Manual," current edition, published by NHDES, to the extent practicable.

- c. The applicant shall bear final responsibility for the installation, construction, and establishment of provisions for ongoing maintenance of all stormwater and erosion control measures required by the Planning Board. Final approval will not be granted until the plan and a mechanism for ensuring ongoing maintenance are approved by the Planning Board.
- d. Drainage easements may be required where drainage-ways will flow, or increase in volume, across subdivision lots or abutting properties.

**SECTION 8: ADMINISTRATION AND ENFORCEMENT:**

8.01 Performance and Inspection of Work:

- a. All work necessary for the construction of required improvements shall conform to the requirements of these regulations. Such work shall be performed in a good and workmanlike manner, and shall be free from faults and defects. All materials incorporated in such construction shall conform to the requirements of these regulations and shall be of good quality. Any work or materials not conforming to the foregoing standards may be considered defective and rejected by the Board. All work and materials rejected by the Board as defective shall be removed and corrected by the subdivider.
- b. The Board, or its designee, will be the County's representative during the construction of required improvements and shall, at all times, have access to the site when the work is in preparation and progress. The Board will make periodic visits to the site to review the progress and quality of the work and to determine, in general, if the work is proceeding in accordance with the requirements of these regulations. The subdivider shall provide the Board timely notice of the completion of each major stage in the construction of any required improvement.
- c. The subdivider shall give the Board notice when any required improvement is completed and ready for final inspection. The Board will promptly make such inspection and, upon determining that the improvement has been fully completed in accordance with these regulations, shall approve the same in writing. Such approval, in the case of a street, shall not constitute the legal acceptance of the street by the County, nor shall it modify in any way the requirements of law for the acceptance of streets by the County.
- d. The subdivider shall promptly remedy any defects in any required improvement due to faulty workmanship or materials which appear within one year after approval thereof by the Board.

- e. Notwithstanding the on-site observations and inspections of the Board, any written directions given by him/her, and any approvals of required improvements issued by him/her, the subdivider shall be, and remain, fully responsible for the performance of the construction work in accordance with the requirements of these regulations.
- 8.02 Waivers: The requirements of the foregoing regulations may be waived when, in the opinion of the Board, strict conformity to the regulations would pose an unnecessary hardship to the applicant and a waiver will not be contrary to the spirit and intent of these regulations; or 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. The basis for any waiver granted by the Planning Board shall be recorded in the minutes of the Board. The Planning Board may set higher requirements with respect to any of the standards if conditions in the opinion of the Board warrant such action in order to prevent a specifically-identified hazard to the public health, safety or welfare.
- 8.03 Enforcement: These regulations shall be considered to be a part of each approved subdivision. These regulations shall be enforced by the County Commissioners. The County Commissioners shall undertake such enforcement in a manner similar to that of enforcing the Zoning Ordinances, including the delegation of prosecution of specific enforcement actions to such other qualified individuals as may be appropriate from time to time.
- If the Planning Board comes to possess any evidence that these regulations (or any ongoing conditions of a subdivision approval) are being violated, the Planning Board shall forward such evidence to the County Commissioners for consideration for further enforcement.
- 8.04 Amendments: These regulations may be amended or rescinded by the Board following a public hearing on the proposed changes. The Chairman or Clerk of the Planning Board shall transmit a record of any changes so authorized to the Registrar of Deeds of Coös County.
- 8.05 Penalties: As provided in NH RSA 676:16, et seq. any owner, or agent of the owner, of any land within a subdivision, who transfers or sells any land before a plat of said subdivision has been approved by the Board and recorded in the Office of the Registrar of Deeds of Coös County shall forfeit and pay a penalty of one thousand dollars (\$1000) 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. Further, any and all other penalties available to the appropriate enforcement official per RSA 676:15-18 as amended are hereby incorporated into these regulations by reference.



- 8.06 Appeals: Any person aggrieved by an official action of the Board may appeal therefrom to the Superior Court of New Hampshire as provided NH RSA 677:15.
- 8.07 Validity: If any section, subsection or phrase of these subdivision regulations is found for any reason to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of these regulations.
- 8.08 Effective Date: These regulations shall become effective upon their official adoption by the Board in accordance with the provisions of NH RSA 675:6-9 and shall apply thereafter to all subdivisions in the Unincorporated Places of Coös County.