

**SECTION 4**  
**SUBDIVISION REGULATIONS**  
**TOWN OF CHARLESTOWN, NH**

**SECTION 4.1                    AUTHORITY**

Pursuant to the authority vested in the Charlestown Planning Board by the voters of the Town of Charlestown on March 7, 1972 and in accordance with the provisions of RSA 674:35 of the New Hampshire Revised Statutes Annotated, and as amended, the Charlestown Planning Board adopts the following regulations governing the subdivision of land in the Town of Charlestown, New Hampshire.

**SECTION 4.2                    PURPOSE**

These Subdivision Regulations are intended to accomplish the purposes set forth in RSA 674:36 and for the purpose of protecting the health, safety, convenience, and welfare of the citizens of Charlestown. It is the further purpose of these Regulations to:

- 4.2.1** Provide for the harmonious development of the Town of Charlestown and its environs;
- 4.2.2** Provide against such scattered and premature subdivision of land as would involve danger or injury to health, safety, or prosperity by reason of the lack of water supply, drainage, transportation, schools, fire protection, or other public services, or necessitate the excessive expenditure of public funds for the supply of such services;
- 4.2.3** Ensure the proper arrangement and coordination of streets within subdivisions in relation to other existing or planned streets or with features of the official map;
- 4.2.4** Provide open space of adequate character and proportion;
- 4.2.5** Ensure that land shown on subdivision plats submitted to the Planning Board is of such character that it can be used for building purposes without danger to health, the natural environment or the character of the community;
- 4.2.6** Provide suitably located streets of sufficient width to accommodate existing and prospective traffic and to afford adequate light, air, and access for emergency vehicles and equipment, and coordinated so as to compose a convenient system;
- 4.2.7** Provide safe pedestrian and bicycle access;

**4.2.8** Protect the natural landscape by minimizing tree and soil removal;

**4.2.9** Protect the economic and aesthetic interests of properties adjacent to a proposed development and the community as a whole and to assure that development shall not be detrimental to the value of land or property in the surrounding neighborhood or have a negative impact upon the Town's property.

## **SECTION 4.3                      DEFINITIONS**

For the purpose of these Regulations, in addition to the terms included in this Section, the meaning of terms used herein shall conform to the definitions found in the Charlestown Building/Planning/Zoning Regulations, Section 2 - Definitions, and the Charlestown Site Plan Review Regulations. Where conflicts in definitions exist, the definitions contained herein shall take precedence.

\*- Identical definition is contained in Section 2 – Definitions

\*\* - Different definition is contained in Section 2 - Definitions

**4.3.1\*\*Abutter:** Means (1) 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 local land use board; and (2) affected municipalities and the regional planning commission(s) in the event of developments having regional impact. For purposes of receiving testimony only, and not for purpose of notification, the term "abutter" shall include any person who is able to demonstrate that his land will be directly affected by the proposal under consideration. For purposes of receipt of notification by a municipality of a local land use board 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. For purposes of receipt of notification by a municipality of a local land use board hearing, in the case of an abutting property being under a manufactured housing park form of ownership as defined in RSA 205-A:1, II, the term "abutter" includes the manufactured housing park owner and the tenants who own manufactured housing which adjoins or is directly across the street or stream from the land under consideration by the local land use board.

**4.3.2\*\*Applicant:** Means the owner of record of the land to be subdivided, or his/her designated agent.

**4.3.3 Application:** Means the package of information submitted to the Planning Board sufficient to invoke the jurisdiction of the Board to grant approval of a Subdivision. The required contents of a complete application are specified in Section 4.5 of these Regulations.

**4.3.4\* Approval:** Means recognition by the Planning Board, certified by written endorsement on the plat, that the plat meets the requirements of these

Regulations and in the judgment of the Board satisfies all criteria of good planning and design.

- 4.3.5 Approval, Conditional:** Means recognition by the Planning Board, certified by written Notice of Action that the plat is not finally approved nor ready for filing with the Registry of Deeds until such time as certain conditions, set forth by the Board, are met.
- 4.3.6\* Board:** Means the Planning Board of the Town of Charlestown, NH.
- 4.3.7 Development:** Means any construction or grading activities on real estate for other than agricultural and silvicultural (tree care and harvesting) practices.
- 4.3.8\*\*Lot:** Means a parcel of land capable of being occupied by one principal use that is of sufficient size to meet the minimum requirements for use, building coverage, and area.
- 4.3.9 Lot of Record:** Means a parcel of land, the plat or description of which has been recorded at the Sullivan County Registry of Deeds.
- 4.3.10 Lot Line Adjustment:** Means adjustments to the boundary between adjoining properties, where no new lots are created.
- 4.3.11 Notice of Action:** Means the form or letter signed by the Chairperson or designee containing the decision of the Board on any application before it. (See section 4.4.4.3)
- 4.3.12\*\*Plat:** Means the map, drawing or chart on which the plan of subdivision is presented to the Charlestown Planning Board for approval, and which, if approved, will be submitted to the Registry of Deeds of Sullivan County for recording.
- 4.3.13 Public Hearing:** Means a meeting, notice of which must be given per RSA 675:7 and 676:4, I (d), at which the public is allowed to offer testimony.
- 4.3.14 Public Meeting:** Means the regular business meeting of the Planning Board as required per RSA 673:10. Notice must be posted at least 24 hours in advance and the meeting must be open to the public, although participation by the public is at the discretion of the Board.
- 4.3.15 Right-of-Way:** Means a strip of land for which legal right of passage has been granted by the landowner to provide access to a lot that lacks adequate frontage.
- 4.3.16\*\*Street:** Means a publicly approved road or highway maintained by the Town or State for vehicular travel.

**4.3.17 \*\*Subdivision:** Means the division of a lot, tract, or parcel of land into two (2) or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale, rent, lease, condominium conveyance or building development. It includes re-subdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided.

- a. The division of a parcel of land held in common and subsequently divided into parts among several owners shall be deemed a subdivision.
- b. The grant of an easement in gross to a public utility for the purpose of placing and maintaining overhead and underground facilities necessary for its transmission or distribution network such as poles, wires, cable, conduit, manholes, repeaters and supporting apparatus, including any unstaffed structure which is less than 500 square feet, shall not be construed as a subdivision under these regulations, and shall not be deemed to create any new division of land for any other purpose.
- c. The rent, lease, development, or grant of an easement to a person for the purpose of placing and maintaining a wireless communication facility shall not be construed as a subdivision under these regulations, and shall not be deemed to create any new division of land for any other purpose. For purposes of this paragraph, “wireless communication facilities” means any towers, poles, antennas, or other unstaffed structure 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 communication facilities.
- d. The right-of-way of an existing public street or road shall be considered an existing lot line for purposes of subdivision.

**4.3.18 Subdivision, Major:** Means a subdivision of three (3) or more lots, or one that involves the creation of new streets and/or utilities.

**4.3.19 Subdivision, Minor:** Means a subdivision of land into not more than two (2) lots for building development purposes on an existing street over a five year period and which does not involve the creation of new streets and/or utilities.

## **SECTION 4.4 SUBDIVISION REVIEW PROCEDURES**

### **4.4.1 Preliminary Conceptual Consultation (Optional)**

- 1) The applicant may request a meeting with the Board to discuss a proposal in conceptual form and in general terms. Although this phase is strictly optional,

the Board strongly suggests that the applicant avail him/herself of the opportunity to resolve any issues at this early stage that might become a problem later on. Such pre-application consultation shall be informal and directed toward:

- a) Reviewing the basic concepts of the proposal.
  - b) Reviewing the proposal with regard to the master plan and zoning ordinance.
  - c) Explaining the state and local regulations that may apply to the proposal.
  - d) Determining whether the proposal is a major or minor subdivision, and what application items would be required for submittal.
- 2) Preliminary conceptual consultation shall not bind the Applicant or the Board. Such discussion may occur without formal public notice, but must occur only at a posted meeting of the Board.

#### **4.4.2 Design Review Phase (Optional)**

- 1) Prior to submission of an application for Board action, an applicant may request to meet with the Board or its designee for non-binding discussions beyond the conceptual and general stage, involving more specific design and engineering details of the potential application.
- 2) The design review phase may proceed only after identification of and notice to abutters and the general public as required by RSA 676:4, I (d).
- 3) Persons wishing to engage in pre-application design review shall submit a request to the Board not less than 15 days before the regularly scheduled meeting of the Board. The request shall include:
  - a) List of abutters and their addresses taken from municipal records not more than five (5) days before submission.
  - b) Check to cover mailing and advertising costs.
- 4) Statements made by Board members shall not be the basis for disqualifying said members or invalidating any action eventually taken on the application.

#### **4.4.3 Submission of Completed Application (Required)**

- 1) A completed application shall be filed in the Planning Board office at least

15 days before a regular meeting of the Board. A completed application shall consist of all data required in Section 4.5 of these regulations.

- 2) The Planning Administrator shall review the application and advise the Planning Board as to its completeness.
- 3) At the next meeting for which notice can be properly posted, published and mailed – or within 30 days from the date of filing – the Board will determine whether the application is complete. If the application is incomplete, the applicant will be notified in writing of the deficiencies and will be required to resubmit the application under a new notification procedure.
- 4) Acceptance of an application as complete shall only occur at a regular meeting of the Planning Board after due notification has been given according to RSA 676:4,1 (d). Acceptance will be by affirmative vote of a majority of the Board members present.
- 5) When a Completed Application has been accepted by the Board said acceptance shall be recorded in the meeting minutes, which shall initiate the 65-day review period.

#### **4.4.4 Board Action on Completed Application**

- 1) The Board shall begin consideration of the Completed Application upon acceptance. The Board shall act to approve, conditionally approve, or disapprove the Completed Application within 65 days of acceptance.
- 2) The Board may apply to the Selectmen for an extension not to exceed an additional 90 days before acting to approve, conditionally approve or disapprove an application. An applicant may waive the requirement for Board action within the time periods specified in these regulations and consent to such extension as may be mutually agreeable.
- 3) Approval of the application shall be certified by written endorsement on the Plat and signed and dated by the Chairman of the Board. If necessary, a written Notice of Action, specifying any conditions attached to the approval shall be issued in addition to the endorsement of the plat. If any application is disapproved, the grounds for such disapproval shall be adequately stated in the records of the Planning Board and in a written Notice of Action given to the Applicant within 72 hours of the decision. As necessary, a Notice of Action shall set forth the following:
  - A. A description of the subject plan indicating title, date, project number and engineer, surveyor and/or architect as applicable;

- B. A description of all specific conditions required by the Board which are in addition to the Design, Construction and Performance, Requirements of Section 4.7.2
- C. A description of any waivers granted by the Board, pursuant to Section 4.10.2;
- D. All requirements for off-site improvements and impact fees, as provided in these regulations;
- E. A description of land, if any, to be dedicated for new streets, to widen existing streets, for public open space or recreation or for any other public purpose.
- F. All agreements, if any, between the applicant and Board concerning matters not required by these Regulations, but to be performed by the applicant;
- G. Any modifications of requirements, which are allowed by the Board, as authorized by these Regulations (Note: See Section 4.7.2 – Design, Construction and Performance Requirements)
- H. In the case of conditional approvals, those permits or approvals to be obtained and whether or not a public hearing will be required in accordance with RSA 676;4,I(i);
- I. Any other provisions deemed necessary by the Board; and
- J. Expiration date of approved plan.
- K. The specific grounds for denial of any application.

**4.4.5. Failure of the Planning Board to Act**

- 1) In the event that the Planning Board does not act on an accepted application within the prescribed 65 days, the applicant may petition the Selectboard to issue an order directing the Planning Board to act within 30 days.
- 2) If the Planning Board fails to act within 30 days then within 40 days of this directive, the Selectboard must approve the application unless they find in writing that the plan does not comply with a local regulation. In the event the Selectboard fails to act, the applicant may petition Superior Court to approve the plan.

#### **4.4.6 Conditional Approval**

- 1) The Board may grant conditional approval of an application, but the plat will not be signed or recorded until all of the conditions have been met. If the applicant has not complied with the conditions of approval within one (1) year, the approval shall be considered null and void and the applicant must submit a new subdivision application.
- 2) Conditions involving discretionary judgment by the Planning Board to ascertain compliance shall require a further Public Hearing with full notice to abutters and the public. Such conditions include but are not limited to the submittal of revised plans or documents addressing design, construction, technical or legal issues raised in the course of the Board's review of the application.
- 3) A further public hearing is not required when such conditions:
  - A. are purely administrative in nature;
  - B. involve no discretionary judgment on the part of the Board;
  - C. involve the applicant's possession of permits and approvals granted by other boards or agencies such as the Department of Transportation, Department of Environmental Services or other state/federal agencies. However, any subsequent change to the plan required by such permits or approvals would constitute grounds for a new application process.

#### **4.4.7 Expedited Review**

- 1) The Planning Board may allow for an expedited review of applications for lot line adjustments or minor subdivisions, as defined in Sections 4.3.10 and 4.3.19 of these regulations.
- 2) The Completed Application may be submitted, accepted and, voted on at the same meeting, provided the required public notice so indicates.
- 3) The Board may, in its sole discretion, waive certain plat requirements for lot line adjustments and minor subdivisions.

#### **4.4.8 Public Hearing**

Prior to the approval of any subdivision, a public hearing shall be held pursuant to RSA 676:4, I (d & e). Public hearings may be waived for lot line adjustments, boundary agreements which do not create buildable lots or minor subdivisions as defined in Sections 4.3.10 and 4.3.19, unless requested by the Planning Board,

the applicant, any abutter or the holder of any conservation, preservation or agricultural preservation restrictions, except that full public notice shall be given prior to approval of any such application. If a public hearing is to be held, it shall follow the notification procedures outlined in Paragraph 4.4.9 of this section.

#### **4.4.9 Notification**

- 1) Notice of a Design Review, submission of a Completed Application, or a Public Hearing shall be given by the Board to 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. Notice shall be by certified mail, mailed at least ten (10) days prior to the submission. The public will be given notice at the same time, by posting at the Municipal Building and the Connecticut River Bank's Community Bulletin Board, and by publication in the Claremont Eagle Times.
- 2) 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, shall include a general description of the proposal which is to be considered, and shall identify the Applicant and the location of the proposal.
- 3) If the notice for the 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 is made known at the prior meeting.

#### **4.4.10 Fees**

- 1) All applications shall be accompanied by a check, payable to "Town of Charlestown", to reimburse the Board for the administrative and notification costs involved in processing applications, in accordance with the Schedule of Fees adopted by the Board.
- 2) All costs of notices, whether mailed, posted, or published, shall be paid in advance by the Applicant. Failure to pay costs shall constitute valid grounds for the Board to rule the application as incomplete.

#### **4.4.11 Professional Review**

The Board may require the subdivider to pay the cost of a professional review of various parts or of the whole of the proposed subdivision upon such terms and conditions as the Board deems to be appropriate as provided by RSA 676:4-I(g). The Board shall select the professional(s). The subdivider shall deposit with the Board the full estimated cost of any professional review prior to the Board

initiating the professional review. Failure to pay such costs shall constitute valid grounds for the Board to terminate further consideration of the application and to disapprove the Plat without a public hearing.

#### **4.4.12 Site Inspections**

- 1) All applications are conditioned upon the owner allowing access to the property by the Board and/or its designees, to the extent reasonable and necessary to properly review the application. Denial of access shall constitute grounds for the Board to terminate further consideration of the proposal and disapprove the application.
- 2) Site inspections by a majority of the Board members at the same time shall be posted as meetings of the Board pursuant to the Right-to-Know provisions of RSA 91-A. If there is a quorum of the Board present at the site inspection, minutes shall be kept.

#### **4.4.13 Procedure When Approvals from the ZBA are Required**

When approval of a Special Exception or Variance from the Zoning Board of Adjustment (ZBA) is required by the Zoning Ordinance, the applicant shall first obtain such approval before applying for Subdivision approval. Any applications submitted without the necessary zoning approvals shall be deemed incomplete. Any conditions imposed by the ZBA shall not be diminished by the requirements contained in these Regulations. The condition that imposes the greater restriction or higher standard shall apply.

#### **4.4.14 Procedure When Site Plan Approval is Required**

When both subdivision and site plan approval are required on a proposed development, the Board may hold the Site Plan Review hearing at the same time as the hearing required for the final plat by the Subdivision Regulations.

#### **4.4.15 Developments Having Regional Impact**

1. All applications shall be reviewed for potential regional impacts as defined in RSA 36:55. Upon finding that an application has a potential regional impact, the Board shall furnish the regional planning commission(s) and the affected municipalities with copies of the minutes of the meeting at which the determination was made. The copies shall be sent by certified mail within 72 hours of the meeting.
2. At least 14 days prior to the scheduled public hearing, the Board shall notify by certified mail the regional planning commission(s) and the affected municipalities of the date, time and place of the hearing, and of their right to appear as abutters to offer testimony concerning the proposal.

#### **4.4.16 Previously Approved Subdivisions – Four Year Exemption**

As provided in RSA 674:39, every plat approved by the Board and properly recorded with the Sullivan County Registry of Deeds shall be exempt from all subsequent changes in Subdivision Regulations 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) years after the date of recording, subject to each of the following conditions:

- 1) 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) months after the date of approval, or in accordance with the terms of said approval and where a bond to cover the costs of roads, drains or sewers is required in connection with such approval, such bond is posted with the Town at the time of commencement of such development;
- 2) development remains in full compliance with the public health regulations and ordinances specified in this section; and
- 3) 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.
- 4) As part of its approval of a plat or plan, the Planning Board may, with due regard to the scope and details of a particular project, specify the threshold level of work which shall constitute “active and substantial development or building” for purposes of fulfilling paragraph 1 of this section, or may, for good cause extend the twelve (12) month period set forth in paragraph 1.

#### **4.4.17 Securing and Signing of the Plat**

The Planning Board must sign the final subdivision plat before it can be recorded which must occur before lots in the subdivision may be legally sold. The two methods available to the subdivider to secure the Planning Board’s approval to sign the final plat when improvements are required are as follows:

- 1) Security Prior to Signing of the Plat: Before the subdivider starts installation or construction of improvements such as streets or roads, water or sewer service facilities, drainage structures or other utilities, the subdivider shall furnish security in an amount and form acceptable to the Board. The purpose of this security will be to provide the funds necessary to install the improvements in the subdivision required by the Board in the event the subdivider fails to do so for any reason, including, but not limited to, insolvency, and/or bankruptcy.
  - A. Amount: The amount of security shall be determined by the Board and shall be sufficient to cover the costs of construction and installation of all subdivision improvements and the estimated cost of inflation over the projected term of the security

(not to exceed three years), not to exceed 10% per year. The subdivider must file with the Board a registered engineer's detailed estimate of the costs of the improvements together with maps, plans and supporting data.

- B. Form: An irrevocable letter of credit is the preferred form of security. A suggested form for an irrevocable letter of credit may be found in Appendix B. Irrevocable letters of credit with language differing from the suggested form or alternative forms of security must be approved by the Planning Board and may require consultation with Town Counsel at the Planning Board's discretion. The Board will not accept mortgages or escrow accounts from each lot sale as security.

Where a surety bond is required, it shall be issued by a surety company authorized to do business in the State of New Hampshire and shall be approved as to form and sureties by the legal counsel of the Town of Charlestown.

- C. Release of Security: Release of any security after completion of improvements shall occur only with the approval of the Planning Board after recommendation by the Superintendent of Public Works.
- D. Signing and Recording the Plat: Where security has been furnished as required by the Board, the subdivider shall then present the plat for signature by the Board Chair and recording. Upon the recording of the signed plat, the subdivider may then sell lots even though the improvements have not yet been constructed.
- E. Time for Completion of Improvements: Where security is furnished, the subdivider must construct and install the improvements within 36 months from receipt of the Notice of Action that all conditions, if any, have been met and final subdivision approval has been granted. The subdivider may request a time extension beyond the 36 months for completion of the improvements and the Planning Board may, for good cause shown, approve such a request. Alternatively, the subdivider may apply for merger to combine the subdivided lots and void the subdivision, providing for release of the security for the improvements. If the improvements have not been completed within 36 months and no time extension has been approved by the Planning Board, the Selectboard may use the security to complete the improvements.

- 2) Construction of Required Improvements Prior to Signing of the Plat: The subdivider shall construct and install all improvements required by the Planning Board within 36 months from the receipt of the Notice of Action

by the subdivider from the Planning Board. Within that same time period, the subdivider shall present the plat to be signed by the Board after the improvements have been installed and approved by the Board. The plat will be signed by the Board Chair and recorded in the Sullivan County Registry of Deeds, at which time the subdivider may begin to sell and convey lots in the subdivision.

#### **4.4.18 Recording of Final Plat**

No sale or transfer of land within a subdivision may be entered into until an approved final subdivision plat has been recorded with the Registry of Deeds of Sullivan County. If subdivision improvements are required by the Planning Board, then these improvements must be secured by the applicant by one of the methods outlined in Section 4.4.17 above prior to signing and recording the final plat. If the subdivision is approved by the Planning Board with conditions the applicant shall have twelve months, unless an extension is approved by the Board, to demonstrate compliance with those conditions before the final plat can be signed and recorded. The subdivider shall submit to the Board two mylar copies of the approved plat for signature and recording. Within thirty days after the plat has been signed by the Board Chair, the Board or its designee shall transmit the signed plat to the Registry of Deeds of Sullivan County for recording at the expense of the subdivider. It shall be the responsibility of the Board to notify the subdivider of the book, page and date of recording. The second signed mylar copy of the plat shall be filed in the Office of the Selectboard. The act of signing and recording an approved subdivision Plat shall not in itself constitute acceptance by the Town of any street or easement shown thereon.

#### **4.4.19 Official Map**

If there exists an Official Map of the town, the recordation of plats that have been approved as provided herein shall without further action modify the Official Map in accordance therewith. Recordation of an approved subdivision plat shall not constitute acceptance by the Town of any street, easement or open space shown thereon.

#### **4.4.20 Acceptance of Streets and Open Space**

No street or open space will be accepted by the Town until such time as all improvements have been carried out as shown on the final plat, in accordance with the requirements of these regulations, and subject to any conditions established by the Planning Board at the time of final plat approval. Final subdivision approval by the Planning Board or approval by the Planning Board of required improvements shall not constitute acceptance of the street(s) or other improvements for ownership and maintenance by the Town of Charlestown. Acceptance of roads or streets for public maintenance shall occur only in accordance with the provisions of New Hampshire law.

## **SECTION 4.5**

## **SUBMITTAL REQUIREMENTS**

**4.5.1** A completed application shall consist of all applicable items listed in this Section unless a written waiver has been granted by the Board. At minimum, the following shall be required for all applications:

1. a completed application form,
2. names and addresses of all abutters taken from the town records not more than five (5) days before the day of filing and all holders of conservation, preservation or agricultural preservation restrictions as defined in RSA 477:45,
3. payment to cover filing and notification fees,
4. thirteen (13) full size paper copies of the Plat or four full size copies and one reduced 11" X 17" copy.
5. Upon final approval two mylar originals shall be provided for signature and recording, one of which shall be a "wash-off" mylar conforming to the requirements of the Sullivan County Registry of Deeds. The outside dimensions of the mylar originals shall be 17 x 22 inches or 22 x 34 inches, except as may be otherwise specified by the Sullivan County Registry of Deeds.

**4.5.2** The Plat shall show the following information:

1. Proposed subdivision name or identifying title; name and address of the applicant and of the owner, if other than the applicant.
2. North arrow, scale, date of the plan; name, license number and seal of the surveyor or other person whose seal appears on the plan; signature block for Planning Board endorsement.
3. Names of all abutting landowners, subdivisions, streets, easements, building lines, parks and public places, and similar facts regarding abutting properties.
4. Locus plan showing general location of the total tract within the town and the zoning district(s).
5. Boundary survey prepared by a NH Licensed Land Surveyor including bearings, distances and the location of permanent markers. The survey shall be conducted according to the standards outlined by the New Hampshire Land Surveyors Association.
6. Location and profiles with elevations of existing and proposed water mains, sewers, culverts, drains, and proposed connections or alternative means of providing water supply, sewage disposal and surface drainage, prepared by a NH licensed professional surveyor, engineer or septic

designer as appropriate to the information included on the plan.

7. For lots to be served by on-site wastewater disposal, the location of percolation tests and test results prepared by a Permitted Septic Designer; 4,000 square-foot septic area; and location of 75-foot well radius.
8. Existing and proposed easements, rights-of-way, driveways and buildings or other structures.
9. Location of property lines, including entire undivided lot, lot areas in square feet and acres, frontage on public rights-of-way, and building setback lines. Each lot shall be numbered according to the Town tax map numbering system.
10. All wetlands and surface waters on the site.
  - a. Wetlands shall be identified and delineated according to the following standards and/or methodologies:
    - Corps of Engineers Wetlands Delineation Manual, Technical Report Y-87-1, Environmental Laboratory, Dept. of the Army, 1987.
    - Field Indicators for Identifying Hydric Soils in New England, Version 2, New England Interstate Water Pollution Control Commission, 1998.
    - Chapters Wt 100-800 of the New Hampshire Code of Administrative Rules, April 21, 1997 and as further amended.
  - b. Surface waters shall be delineated and identified in accordance with RSA 485-A:2, XIV, NH Water Pollution and Waste Disposal and the NH Code of Administrative Rules pursuant to RSA 485-A.
  - c. A written statement shall be included on the subdivision plan, certified by the stamp of Certified Wetland Scientist (CWS) or Permitted Septic Designer (PSD), that all wetlands and surface waters on the site have been delineated in accordance with the standards specified in a. and b. above.
11. Soils data based on the NRCS Sullivan County Soil Survey shall be provided if the subdivision is not to be served by municipal sewer. The Board reserves the right to require a detailed Site Specific Soils Map prepared by a Certified Soil Scientist when, in its judgment, the specific characteristics of the site and/or the development proposal warrant this level of detail. Larger lot sizes may be required by the Board based on this more detailed soils data.
12. Delineation of other limiting features including rock outcrops, steep slopes

in excess of 25%, and soils with bedrock within 18 inches of the surface.

13. Base flood elevations and flood hazard areas as delineated on the most recent edition of the Flood Insurance Rate Map/Flood Hazard Boundary Map and Flood Insurance Study for the Town of Charlestown.
14. Rock ledges, stone walls and other natural features; existing and proposed foliage lines; and open space to be preserved.
15. Existing and proposed locations for the burial of tree stumps generated through land clearing on or off the site.
16. Existing and proposed streets with names, classification, travel surface widths, right-of-way widths; location and width of driveways. (See Appendix A for road and driveway standards.)
17. Final road profiles, centerline stationing and cross-sections prepared by a NH licensed Professional Engineer.
18. Topographic Map: The topographic map shall be drawn to the same scale as the site survey and shall show existing topography and proposed changes in topography at the following intervals:

<u>Grade</u>	<u>Contour Interval</u>
0-2%	2-foot plus spot elevations
2+-5%	2-foot
5+%	5-foot

Also, all low points, high points and other areas needing spot elevations shall be shown. Contours shall be shown in dashed lines. Contours shall be shown for the area included in the subdivision boundary and, in extenuating circumstances, the Planning Board may require contour lines to be shown up to two hundred (200) feet beyond the subdivision boundary. Contour lines are to be actual and not interpretations of USGS maps for all major subdivisions involving the design and construction of roads or other subdivision improvements. For minor subdivisions and major subdivisions not involving the design and construction of roads or other subdivision improvements, interpretation and use of USGS Topographic Maps is acceptable.

#### **4.5.3 Other Information**

- 1) Plan for the control of erosion and sedimentation prepared by a NH licensed Professional Engineer if the subdivision involves construction of roads, utilities or other significant earth disturbance. The soil erosion and sediment control plan shall follow the principles, methods and practices

outlined in the Erosion and Sediment Control Design Handbook for Developing Areas of New Hampshire (1981), USDA Soil Conservation Service, as amended. Said plan shall contain a narrative that includes:

- a. the scheduling and sequencing for grading and construction activities, and for application of soil erosion and sediment control measures;
  - b. the design criteria and construction details for proposed soil erosion and sediment control measures and stormwater management facilities.
- 2) State Subdivision Approval if applicable, copy of application, or certification by septic designer.
  - 3) State and/or Town driveway permits, as applicable. If the subdivision creates lots having steep slopes in close proximity to the abutting public roadway (existing or proposed) the Board may, prior to subdivision approval, require submittal and approval of driveway designs meeting the requirements in Appendix A.
  - 4) Any other required state and/or federal permits including but not, limited to NH Department of Environmental Services Site Specific and National Pollutant Discharge Elimination System Phase II (NPDES II) permits for certain land disturbance activities and Wetlands Permits for wetlands disturbance.
  - 5) Any additional reports or studies deemed necessary by the Board to make an informed decision, addressing the project's impacts on issues including but not limited to: traffic, schools, municipal services, soil suitability, fire protection, drainage & hydrology and other fiscal or environmental impacts. The Board reserves the right to request such additional information after an application has been accepted as complete, as well as before acceptance.

#### **4.5.4 Minor Subdivision & Lot Line Adjustment Requirements**

Submission procedures and documents for minor subdivisions and lot line adjustments shall be the same as required for major subdivisions with the following exceptions:

a. The Board may waive the requirement for a perimeter survey of the entire parcel(s) and require specific data only for that lot for which sale or lease is contemplated or the lot line to be adjusted. In such cases the plat shall include a general plan map inset, which indicates the size and shape of the entire parcel with the location of the newly created lot.

b. The Board may waive the requirements for existing and proposed contours; existing and proposed plans for telephone, electricity and gas utilities; proposed storm

drainage; drainage analysis map and watershed computations; and proposed methods of supplying water.

#### **4.5.5 Legal Data Required**

Where applicable to a specific subdivision, the following are required in a form approved by the Town Attorney, prior to approval of the Final Plat.

- 1) Any existing or proposed deed restrictions pertaining to the subject property.
- 2) Agreement to convey to the Town any land to be dedicated for streets, open space or other public purposes, with transfer of title to such interests to be effective on such date as the Town accepts such land.
- 3) Descriptions of easements and rights-of-way for public purposes over property to remain in private ownership.
- 4) Descriptions of easements to drain onto or across other property, whether public or private, including a street.
- 5) Performance and maintenance bonds as described in Sections 4.4.17 and 4.8 herein.
- 6) A written acknowledgment of the subdivider's responsibility for maintenance of easement areas and common areas, and the assumption by the subdivider of 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.
- 7) In event of damage to Town property or facilities, incurred by or from work performed by or for the developer, the developer shall indemnify, defend and hold harmless the Town of Charlestown for subsequent maintenance of pavement, shoulders, catch basins, culverts, storm sewers and any additional costs.
- 8) If roads, open space, recreational facilities, fire protection facilities and/or other subdivision improvements are proposed to be privately owned and maintained, the applicant shall provide the Planning Board with all agreements, deed restrictions and organizational provisions for a homeowner's association or other entity responsible for on-going maintenance.

Although not required for subdivision approval under these regulations, applicants are reminded that the Land Sales Full Disclosure Act (RSA 356-A) requires that subdivisions of 16 or more lots must be registered with the Consumer Protection and

Antitrust Bureau in the Office of the Attorney General of the State of New Hampshire. Likewise, the Condominium Act (RSA 356-B) contains certain registration and other requirements for projects involving a condominium form of ownership.

## **SECTION 4.6                    GENERAL REQUIREMENTS FOR SUBDIVISION OF LAND**

**4.6.1 Compliance:** No subdivision plan shall be approved unless such plan complies with all applicable local ordinances and regulations. The Building Inspector shall not issue a Building Permit or a Certificate of Occupancy under the Town Building Code for any building in a subdivision that does not comply with the Notice of Action rendered with the approval of the subdivision plan. For any requirement of the Notice of Action to be performed in the future, security which has been posted under Section 4.4.17 will satisfy the condition for the issuance of the Building Permit or Certificate of Occupancy.

**4.6.2 Character of Land for Subdivision:** Land of such character that it cannot, in the judgment of the Board, be safely used for building purposes because of exceptional danger to health or peril from fire, flood, poor drainage, excessive slope, poor access or other hazardous conditions, shall not be platted for residential, commercial or industrial subdivision, nor for such other uses as may increase danger to life or property, or aggravate the flood hazard. Land with inadequate characteristics or capacity for sanitary disposal shall not be subdivided for residential, commercial or industrial subdivision purposes unless connected to a municipal sewage system or other sewage disposal system designed by a NH licensed engineer, certifying that the proposed system will not jeopardize water supplies on that or adjacent lots.

**4.6.3 Premature Subdivision:** 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, drainage, transportation, schools, fire protection, or other public services, or necessitate an excessive expenditure of public funds for the supply of such services shall not be approved by the Board.

The following items shall be considered in determining whether the proposed subdivision is scattered or premature. The subdivider may be required to have studies made as specified by the Planning Board to determine the effect that the proposed subdivision may have:

- 1) capacity of the school system and effect on school bus transportation;
- 2) adequacy of the access street(s);
- 3) adequacy of water supply for domestic and fire-fighting purposes, including available water sources suitable for pumping;

- 4) potential health problems due to on-site sewage systems or inadequate water supply;
- 5) potential special policing problems;
- 6) potential drainage problems either on the site or downstream;
- 7) other potential problems related to a development that would necessitate excessive expenditure of public funds to correct or address properly.

If a hazard is created by the present level of development, given the current condition of access roads, the Planning Board may find that proposed development is premature.

**4.6.4 Preservation of Existing Features:** Wherever feasible, suitable steps shall be taken to preserve and protect significant existing features such as trees, scenic points, stone walls, rock outcroppings, water bodies, and historic landmarks. Where possible, boundary line(s) should follow existing stone walls.

#### **4.6.5 Lots**

1. The layout of lots shall conform to the requirements of the Zoning Ordinance. Each lot in a proposed subdivision shall have the minimum street frontage prescribed for the zone in which the lot is located. If no minimum street frontage is prescribed in the zone, each lot shall have minimum street frontage as follows:
  - a. if served by both municipal water and sewer - 100 feet
  - b. if not served by both municipal water and sewer - 200 feet
2. When lots are developed along a town road leaving backlots, each backlot must have a minimum of 50 feet of frontage on the Town road to provide for access. At no point in the access shall the lot width be less than 50 feet. All backlots shall have a minimum lot width at the building line not less than the required frontage for zone in which they are located.
3. No subdivision shall be approved which does not provide access to backland or which creates land-locked lots.
4. Lot depth shall normally not exceed 5 times the frontage unless there is frontage on more than one Town road.
5. Areas set aside for parks and playgrounds to be dedicated or reserved for the common use of all property owners shall be of reasonable size and character for neighborhood playgrounds or other recreational uses.
6. Lots shall be laid out and graded to eliminate flooding and/or standing water. No water shall be permitted to run across a street on the surface,

but shall be directed into stormwater facilities designed and constructed in accordance with the Town of Charlestown Guideline Specifications and Details for Highway, Water and Wastewater Projects.

**4.6.6 Reserve Strips:** Reserve strips of land that show an intent on the part of the applicant to control access to land dedicated or to be dedicated for public use shall not be permitted.

#### **4.6.7 Septic Systems and Water Supply**

1. In areas not currently served by public sewer systems, it shall be the responsibility of the applicant or his agent to provide the necessary state approvals for the installation and operation of an individual sewage disposal system. In subdividing parcels with existing dwellings, the applicant must demonstrate to the satisfaction of the board that the existing septic system is in good working order.
2. All new wells shall have a protective radius of seventy-five (75) feet, said radius to be located entirely on its own lot. No septic system, stump disposal area or other source of potential contaminants shall be located within the 75-foot protective radius.
3. The location, dimensions and design of all water mains and associated systems shall be as approved by the Superintendent of Public Works and Water & Sewer Commissioners.

## **SECTION 4.7                    ADDITIONAL REQUIREMENTS FOR SUBDIVISION OF LAND**

### **4.7.1 Open Space**

**4.7.1.1 – 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 ten (10) percent of the total area of the subdivision without reasonable compensation, and if the Town does not take steps within a period of one (1) year from the date of approval of the subdivision plat to acquire the portion of the open space in excess of said ten (10) percent, the sub-divider may submit to the Board a plan for subdivision of such portion, provided such additional subdivision does not exceed the total number of family dwelling units permitted by the zoning regulations for the applicable district, and meets requirements of these subdivision regulations.

**4.7.1.2 – Other Open Space** - If no such open space, park or playground is shown on the town Master Plan within the boundaries of a proposed subdivision, the Board may, where it deems essential, require that the plat show one or more sites of character, size, shape and location suitable to be used as community open space or park, not to exceed ten (10) percent of the total area of the subdivision. In the case of cluster subdivision or planned unit development, open space shall be not be less in area than as provided in the zoning regulations. Such area of open space whether privately or public owned, shall have a sufficient legal restriction recorded in the Sullivan County Registry of Deeds 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 intended purpose.

**4.7.1.3 – Trees and Planting** - Due regard shall be given to preservation of existing features, trees, scenic points and other natural and historic resources within the subdivision. The Board may require additional tree planting and other landscaping appropriate to the area being developed. Removal of stripped topsoil or surplus earth materials from the subdivision site shall not be permitted except in accordance with the Excavation Site Regulations.

**4.7.1.4 – Development of Open Space** - On land to be used as active recreational open space, undesirable growth and debris shall be removed. Wooded and brook areas shall be left natural; active recreation open spaces shall be properly graded to dispose of surface water, and shall be seeded with lawn grass. There shall be no depositing, dumping, or storage of waste or other natural or man-made materials, supplies or equipment on any subdivision land designated as open space.

**4.7.1.5 – Cluster and Planned Unit Development** - If allowed in the zoning regulations, a subdivision plat may be designated for cluster or planned unit development, provided all requirements of these and such zoning regulations are met.

#### **4.7.2 Design, Construction and Performance Requirements**

All newly constructed and/or substantially improved streets, water and sewer facilities, drainage structures and other public infrastructure and/or utilities shall be designed and constructed in accordance with the standards set out in Appendix A of these regulations and with the Town of Charlestown Guideline Specifications and Details for Highway, Water and Wastewater Projects (hereinafter Guideline Specifications) which are available from the Public Works Department. In the event of a conflict or inconsistency between the standards contained in these regulations, Appendix A and/or the Guideline Specifications, that which imposes the higher standard shall govern.

##### **4.7.2.1 – Street Design**

- A. Proposed streets shall be in harmony and conformance with existing and proposed streets as shown on the Town Master Plan or Official Map.

- B.** Street patterns shall give due consideration to contours and natural features. Where required by the Board, provisions shall be made for the extension of the street pattern to abutting undeveloped property unless the Board due to the location or nature of the abutting land does not deem such action necessary.
- C.** All streets shall be constructed, and all bridges, culverts, drainage structures, storm sewers, gutters, drainage ditches and other improvements proposed in the subdivision plat and accompanying documents, shall be installed in conformance with the standards and specifications contained in Appendix A and the Guideline Specifications.
- D.** When a subdivision abuts an existing street with an inadequate alignment, or right-of-way width, the subdivision plat shall include in the street dedication all land needed to meet the standards established by these regulations, and as approved by the Board.

**4.7.2.3 – Street Improvements** - In the case of subdivisions requiring construction of new streets, any existing street which provides either frontage to new lots or access to new streets shall meet the minimum standards established in Appendix A and the Guideline Specifications for such streets. Where a subdivision requires undue expenditures by the Town to improve existing streets to conform to minimum requirements, the Board may disapprove such subdivision until the Selectboard shall verify that funds for improvements have been committed.

**4.7.2.4 – Supervision and Approval** - Construction of streets, drainage facilities, sidewalks, curbs and related structures shall be done under the supervision of and with the approval of the Superintendent of Public Works or his designee in consultation, as necessary, with the Charlestown Highway Advisory Board.

The Superintendent of Public Works shall be notified by the Planning Board of all applications involving the construction of streets, drainage facilities, sidewalks, curbs, public water/sewer facilities and related infrastructure. The Superintendent of Public Works shall review all proposed subdivisions that involve construction or reconstruction of roads or other municipal infrastructure prior to final approval of such subdivisions by the Planning Board. The purposes of such a review is to advise the Planning Board of peculiar site conditions pertaining to roads and utilities and to provide specific guidance as to the acceptability of proposed plans.

Final acceptance of roads, streets and highways will be initiated by the Charlestown Selectboard upon receipt of written recommendations made by the Superintendent of Public Works. Inspections shall be made as follows:

- 1) Right-of-way has been cleared and before sub-base has been laid.
- 2) Culverts and other drainage improvements are installed.
- 3) Fine grading of the subgrade, side and back slopes.

- 4) Base course(s) of sand and/or gravel have been laid and compacted.
- 5) Finish course of crushed gravel and shoulders have been laid, compacted and fine graded.
- 6) Surfacing with bituminous courses is in progress.
- 7) Such other operations as may be found necessary by the Superintendent of Public Works or the Planning Board.

It is the responsibility of the developer to provide the Superintendent of Public Works written notice at least 48 hours in advance for such inspection and no work shall be done beyond point of required inspection without approval.

Prior to commencing construction, the developer shall post a construction surety in the amount sufficient to cover the entire estimated cost of construction of the infrastructure plus the cost of inflation over the projected term of the surety, not to exceed 10% per year. After final acceptance by the Selectboard the surety shall be reduced to 50% of the original amount as a maintenance bond for a minimum period of one year. During that period the Town will perform all necessary maintenance, but the developer prior to release of the surety will perform any additional construction or repair required by the Selectboard.

**4.7.2.5 – Culverts** –Culvert and catch basin locations, length, size and headers if necessary shall be indicated on the plan and based on a stormwater drainage study prepared by a NH licensed professional engineer. Special consideration shall be given where proposed streets or roads intersect existing streets or roads, to provide proper drainage and avoid conditions leading to accumulation of ice during freezing weather.

**4.7.2.6– Utilities and Drainage** - All subdivisions shall make adequate provisions for water and sanitary sewage disposal, and required utilities and improvements. The Board may require the extension of public water mains, sewers and fire hydrants to and within the proposed subdivision, without cost to the Town where existing lines are, in the sole judgment of the Board, within a reasonable distance of the proposed subdivision.

The subdivider shall install laterals from all utilities in the street right-of-way to the street property line of each building lot.

Utility system installations shall be at the expense of the subdivider and, shall be installed under the supervision of the appropriate Town agency.

Water and sewer lines and installation shall conform to the Guideline Specifications. Pipe shall be of a size or type designated or approved by the Superintendent of Public Works or authorized designee. Inverts shall be standard smooth radius with no rough spots so that all transitions will be smooth. Water lines shall have gate valves installed every 1,500 feet or as otherwise required by the Superintendent of Public Works and/or Fire Chief. All lines shall be pressure tested and sanitized and must meet the Superintendent's criteria prior to acceptance.

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

Catch basins shall conform to the specifications contained in Appendix A and the Guideline Specifications.

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

Where underground utilities are to be furnished from a public source, all necessary mains, branch offsets to each lot, and fire hydrants shall be installed by the subdivider, as approved by the corporation or municipal department having jurisdiction, to the satisfaction of the governing body, and without expense to the Town. Underground telephone or cable lines shall be away from maintained roads and ditches, and shall be at a minimum depth of thirty (30) inches. Schedule 40 conduit or better shall be used.

**4.7.2.7 – Parking** - In order to provide for the most efficient means of road maintenance, snowplowing and access by emergency, police and fire vehicles, no parking of vehicles within the street shall be permitted.

**4.7.2.8 – Flood Hazard Controls** - The Planning Board shall review all subdivision proposals and other proposed new developments to assure that:

- A. All public utilities and facilities, such as sewer, gas, electrical, and water systems are located, elevated, and constructed to minimize or eliminate flood damage, and adequate drainage is provided so as to reduce exposure to flood hazards.
- B. New or replacement water supply systems and/or sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the system into floodwaters. On-site waste disposal systems shall be located, designed and constructed so as to avoid impairment of them or contamination from them during flooding.
- C. 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 Clean Water Act Amendments of 1972, 33 USC 1334.
- D. All subdivision proposals and other proposed new developments greater than 50 lots or 5 acres, whichever is lesser shall include, within such proposals, base flood elevation data.

- E. Sufficient evidence (construction drawings, grading and land treatment plans) shall be submitted so as to allow determination that:
1. all such proposals are consistent with the need to minimize flood damage;
  2. all public utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage
  3. adequate drainage is provided so as to reduce exposure to flood hazards.

**4.7.2.9 – Soil Erosion and Sediment Control** – All construction, regardless of the area of bare earth exposed, shall comply with the following:

1. Graded areas shall be vegetated to insure erosion control by seeding, mulching, and fertilizing. Disturbed areas shall be planted with suitable plant material.
2. Grading shall not exceed a ratio of 3 horizontal to 1 vertical without special erosion control measures. Where needed, netting shall be provided on slopes while ground cover is being established.
3. Stripping of vegetation, regrading or other development shall be done in a manner that will minimize soil erosion.
4. Wherever practical, natural vegetation shall be retained, protected and supplemented.
5. The disturbed areas shall be kept to a minimum.
6. Where necessary, temporary vegetation and/or mulching shall be used to protect areas exposed during development.
7. Grass treatment swales, grass level spreaders, sediment basins, debris basins, de-silting basins or silt traps shall be installed and maintained where necessary to remove from runoff waters any sediment from land undergoing development.
8. The angle of graded slopes and fills shall be no greater than the angle that can be retained by vegetative cover or alternative proposed erosion control devices or structures. In any event, slopes left exposed must immediately be planted or otherwise provided with permanent ground cover or other means sufficient to prevent erosion.
9. A ground cover sufficient to prevent erosion must be planted or otherwise provided within 10 working days, season permitting, on any portion of the tract upon which further active construction is not being undertaken.

10. The development plan or land disturbing activity shall be fitted to the topography and soils so as to create the least erosion potential.
11. Any area of bare earth exposed in conjunction with building development must be permanently stabilized through replanting, paving or other approved means of eliminating wind or water erosion. Such stabilization must be completed prior to building occupancy or a performance bond must be posted in an amount sufficient to assure completion of such work.

**4.7.2.10 – Fire Protection** – Applications for new subdivisions shall be required to address water supply needs for fire protection. The Fire Chief shall review all proposals to determine whether or not water supply should be addressed for that particular proposal; if so, the following requirements apply:

1. The Fire Chief shall complete an inspection of the proposed site to evaluate the availability of existing water supply in the area.
2. The Fire Chief shall implement all applicable provisions of the National Fire Prevention Association's Standard on Water Supplies for Suburban and Rural Fire Fighting.
3. The Fire Chief shall determine the type, location and spacing of any water supply (such as fire ponds, cisterns, etc.)
4. Following the inspection and evaluation, the Fire Chief will submit his findings in writing to the Planning Board.
5. All proposed developments, whether including the provision of hydrants or other water supply facilities, shall be accessible to firefighting and other emergency equipment.

### **4.7.3 Subdivision “As Built” Plans**

In subdivisions requiring construction of roads or other utilities, a survey shall be submitted to the Board after construction has been completed and before release of the bond or other security, certifying that roads, and/or other utilities have been constructed as shown on the approved subdivision plan, and in accordance with the conditions of final approval. This plan shall be drawn to scale and shall indicate by dimension, angles and distances, as applicable, the location of sewer and drain Y-branches, laterals, manholes, catch basins, hydrants, valves, curb shut-offs, road profiles, and center line elevation, and final grading plan showing swales and ditches. Plans shall show easements, roadways and open space and exact cross-ties from any building.

As Built plans shall be submitted by the subdivider to the Town on a mylar print or equal along with two (2) paper prints.

## SECTION 4.8

## PERFORMANCE GUARANTEE

**4.8.1.** As a condition of approval, the Planning Board may require the posting of a performance guarantee in an amount sufficient to defray the costs of construction of streets and public utilities such as water and sewer, drains and drainage structures. The security shall be approved as to form and substance by the Board and the municipal counsel. The amount of the security shall be based on an estimate of costs provided by the applicant and plus the cost of inflation, not to exceed 10% per year, at the discretion of the Planning Board, and shall be reviewed and approved by the Superintendent of Public Works or by a licensed Professional Engineer of the Board's choosing. The applicant shall pay all costs of such review.

**4.8.2. Inspection Services During Construction:** The Planning Board may require inspection services for all major subdivisions which include street and/or utility line construction or for other subdivisions at the Planning Board's discretion. The cost of the inspection services shall be borne by the subdivider. The Planning Board may require the inspection services to be provided by either Town employees or agents or by an outside consulting, civil engineering firm of the Planning Board's choice. If the Planning Board determines the need for outside inspection services and requires such as a condition of final plat approval, then prior to the start of construction the subdivider shall establish an account for the inspection services. The subdivider shall maintain a positive balance in the account at all times during construction to cover the expenses for inspection services or be subject to a "stop work" order by the Selectboard or such other enforcement measures deemed appropriate. Any remaining balance in the account after final approval of the construction shall be refunded to the subdivider.

The initial deposit in the account shall be determined as follows:

# of Proposed Lots: \_\_\_\_\_ X \$50/Lot = \$ \_\_\_\_\_

Length of Proposed Road: \_\_\_\_\_ feet X \$1/ft = \$ \_\_\_\_\_

**Total Initial Account Deposit:** \$ \_\_\_\_\_

**4.8.3.** 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 Town.

**4.8.4.** Each approved plat shall contain a time limit for the completion of streets and public improvements. Said time limit shall not exceed 3 years unless extended by the Board for good cause shown. The performance guarantee may be released in phases as portions of the secured improvements or installations are completed and approved by the Board or its designee, in accordance with the plan approved by the Board.

## **SECTION 4.9                    REVOCATION OF PLANNING BOARD APPROVAL**

An approved and recorded subdivision plat may be revoked by the Board in whole or in part, under the following circumstances: (1) at the request of or by agreement with the applicant; (2) when any requirement or condition of approval has been violated; (3) when the applicant has failed to perform any condition of approval within the time specified or within four years; (4) when four years have elapsed without any vesting of rights and the plan no longer conforms to applicable regulations; or (5) when the applicant has failed to provide for the continuation of adequate security.

## **SECTION 4.10                ADMINISTRATION AND ENFORCEMENT**

**4.10.1** These regulations shall be administered by the Planning Board. The enforcement of these regulations is vested with the Planning and Zoning Administrator and/or the Selectboard.

**4.10.2 Waivers:** The requirements of these regulations may be waived or modified when, in the opinion of the Board, specific circumstances surrounding the subdivision, or the condition of the land in such subdivision, indicate that such modifications will properly carry out the purpose and intent of the Master Plan and these regulations.

**4.10.3 Penalties and Fines:** Any violation of these regulations shall be subject to a civil fine as provided in RSA 676:16 and 676:17, as amended and any other remedies as may be available under applicable statutes.

**4.10.4 Appeals:** Any person aggrieved by a decision of the Planning Board concerning a plat or subdivision may appeal said decision to the Superior Court pursuant to RSA 677:15, except when a disapproval by the Board is based upon non-compliance with the zoning ordinance in which case any appeal shall first be made to the Charlestown Zoning Board of Adjustment.

## **SECTION 4.11                VALIDITY**

If any section or part of a section or paragraph of these regulations shall be declared invalid or unconstitutional, it shall not be held to invalidate or impair the validity, force or effect of any other section or part of a section or paragraph of these regulations.

## **SECTION 4.12                CONFLICT WITH OTHER REGULATIONS**

Wherever these regulations may be in conflict with any other local ordinance or regulation, that which establishes the higher standard or imposes greater restriction shall take precedence.

**SECTION 4.13 AMENDMENTS**

These regulations may be amended by a majority vote of the Planning Board after at least one (1) public hearing following the procedure set forth in RSA 675:6-7.

**SECTION 4.14 REPEAL OF EXEMPTION FOR TWO SINGLE-FAMILY DWELLING UNITS ON ONE LOT**

In adopting these regulations, the so-called “Second Dwelling Policy” originally adopted on July 20, 1982 and the so-called “Exemption for Two Single-Family Dwelling Units on One Lot” which was subsequently adopted as an Amendment to Section 2.50 of the Charlestown Subdivision Regulations on May 7, 1991 are hereby repealed and shall no longer be of any force or effect. Dwelling units approved under these repealed provisions may remain in place subject to the terms and conditions of the original approvals however no new such dwelling units shall be permitted.

**SECTION 4.15 EFFECTIVE DATE**

These regulations shall take effect upon their adoption, and all prior subdivision regulations or parts thereof, inconsistent with these regulations, are hereby repealed. The undersigned, members of the Town of Charlestown Planning Board, hereby certify that, on March 18, 2003, these Subdivision Regulations were adopted by majority vote of the Board after due notice and public hearing, as required by RSA 675:6-7.

\_\_\_\_\_  
Jesse St. Pierre, Chair

\_\_\_\_\_  
Sharon Francis, Vice Chair

\_\_\_\_\_  
Steven Neill, Ex-Officio

\_\_\_\_\_  
Robert Frizzell

\_\_\_\_\_  
David Carter

\_\_\_\_\_  
David Sussman

\_\_\_\_\_  
Robert Beaudry

\_\_\_\_\_  
Fred Poisson, Alternate

*Received in the Office of the Town Clerk  
this \_\_\_\_\_ day of \_\_\_\_\_, 2003*

\_\_\_\_\_  
*Debra J. Clark, Charlestown Town Clerk*

*(Seal)*