

SUBDIVISION REGULATIONS

TOWN OF CANTERBURY, NEW HAMPSHIRE

Pursuant to the authority vested in the Canterbury Planning Board by the voters of the Town of Canterbury in accordance with the provisions of Chapter 674:35, New Hampshire Revised Statutes Annotated, the Canterbury Planning Board hereby adopts the following regulations governing the subdivision and development of land in the Town of Canterbury, New Hampshire, such regulations to be known as "Land Subdivision Regulations of the Town of Canterbury."

REVISED ON: January 24, 2012

ADOPTED ON: January 24, 2012

FOLLOWING A PUBLIC HEARING ON: January 24, 2012

EFFECTIVE DATE: March 1, 2012

CERTIFIED: Raymond Ryan 2/21/12  
Town Clerk Date

EFFECTIVE DATE: March 1, 2012

<u>Jim Dwyer</u>	<u>1/24/12</u>
<u>[Signature]</u>	<u>1/24/12</u>
<u>[Signature]</u>	<u><del>1/24/12</del> 1/24/12</u>
<u>[Signature]</u>	<u>1/24/12</u>
<u>[Signature]</u>	<u>1/24/12</u>
<u>[Signature]</u>	<u>1/24/12</u>
_____	_____
_____	_____

SUBDIVISION REGULATIONS  
TOWN OF CANTERBURY, NEW HAMPSHIRE

<u>Section</u>		<u>Page</u>
I	<u>Authority and Title</u>	4
II	<u>Definitions</u>	4-5
III	<u>General Requirements for a Subdivision</u>	5-10
	A. <u>Subdivider's Responsibility</u>	5
	B. <u>All Subdivisions</u>	5-8
	C. <u>Major Subdivisions</u>	9
	D. <u>Special Requirements</u>	9-10
	E. <u>Payment of Improvement Costs</u>	10
	F. <u>Subdivider Agreements</u>	10
IV	<u>Procedure for Subdivision Approval</u>	10-17
	A. <u>Optional Preliminary Conceptual Consultation</u>	10-11
	B. <u>Application</u>	11-15
	C. <u>Expedited Review for Lot Line Adjustments and Minor Subdivisions</u>	15
	D. <u>Conditional Approval</u>	15-16
	E. <u>Recording</u>	16
	F. <u>Expenses and Fees</u>	16
V	<u>Non-Residential Development</u>	17
VI	<u>Data Required for Submission to Board</u>	17-21
	A. <u>Preliminary Conceptual Consultation</u>	17
	B. <u>Application for Approval</u>	17-21
	C. <u>Exceptions for Major Subdivisions</u>	21
	D. <u>Final Plat</u>	21
VII	<u>Required Improvements, Design Standards and Construction</u>	21-23
	A. <u>Streets</u>	21
	B. <u>Drainage</u>	22
	C. <u>Topsoil Protection</u>	22
	D. <u>Monuments</u>	22
	E. <u>Water and Sewer Facilities</u>	22-23
	F. <u>Time Limit to Complete</u>	23

VIII	<u>Inspections and Performance Guarantee</u>	23-26
	A. <u>Performance and Inspection of Work</u>	23-25
	B. <u>Performance Guarantee</u>	25-26
IX	<u>Compliance with Regulations</u>	26-27
	A. <u>Penalties</u>	26-27
	B. <u>Rescission/Revocation</u>	27
	C. <u>Delegation of Authority</u>	28
X	<u>Amendments to Approved Plats and Voluntary Mergers</u>	28
	A. <u>Approved Plats</u>	28
	B. <u>Voluntary Mergers</u>	28-29
XI	<u>Waiver of Subdivision Regulations</u>	29
XII	<u>Amendments</u>	29
XIII	<u>Appeals</u>	29
XIV	<u>Separability</u>	29
	<u>Appendix A – Fee Schedule</u>	30

## Section I – Authority and Title:

Pursuant to the authority vested in the Planning Board by the voters of the Town of Canterbury in accordance with the provisions of RSA 674, Sections 35-39, as amended, the Canterbury Planning Board adopts the following Regulations governing the subdivision and development of land in the Town of Canterbury, New Hampshire, such Regulations to be known as the “Land Subdivision Regulations of the Town of Canterbury.”

## Section II – Definitions:

In general, words and terms used in these Regulations shall have their customary dictionary or statutory meanings or the same meanings as corresponding words and terms as defined in the Canterbury Zoning Ordinance. Certain words and terms are defined as follows for the purposes of these Regulations:

Abutter: Any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration by the board. For purposes of receiving testimony only, and not for purposes of notification, the term “abutter” shall include any person who is able to demonstrate that his or her land will be directly affected by the proposal under consideration. For purposes of receipt of notification by the board of a 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, XXXIII.

Applicant: Any individual, firm, association, syndicate, partnership or corporation, trust or other legal entity commencing proceedings under these regulations to effect a subdivision of land or lot line adjustment hereunder for him/herself or for another.

Board: The Planning Board of the Town of Canterbury, New Hampshire.

Engineer: The duly designated engineer of the Town of Canterbury, or if no such official, the consultant or official assigned by the Canterbury Planning Board or Board of Selectmen.

Flood Zone: Any area designated as a Flood Zone Area on the Town of Canterbury Flood Insurance Rate Map.

Lot Line Adjustment: A minor adjustment of the location of the boundary between two or more lots which results in no new lots, which involves no construction of new streets or other public improvements, and which is not a resubdivision.

Non-Residential Development: Any development or change or expansion of use of a tract or tracts for non-residential uses for multi-family dwelling units, which are defined as any structures containing more than 2 dwelling units, whether or not such development includes a subdivision or resubdivision of the land. [RSA 674:43 I]

Site Plan Review Regulations: Site Plan Review Regulations for the Town of Canterbury, New Hampshire.

Subdivider: Any applicant who has or who intends to request the board to approve a subdivision, resubdivision or lot line adjustment.

### Section III – General Requirements for a Subdivision

A. Subdivider's Responsibility. It is the responsibility of each subdivider or applicant to read and follow these regulations. If a subdivider or applicant does not fully understand the regulations, it is his or her responsibility to seek the advice of town officials, or other qualified persons. Approval by the board is required before the land may be divided or sold, leased or otherwise offered for sale or lease.

B. All Subdivisions: This section sets forth certain general requirements that apply to all subdivisions in the Town of Canterbury. An applicant shall comply with the following general principles and requirements when designing and laying out a subdivision development within the Town of Canterbury. These principles and requirements shall be construed as the minimum requirements. The planning board may require higher standards in individual cases or may waive certain requirements for good cause in accordance with the procedure established in Section X of these regulations.

1. Benchmarks. All contours, profiles and other elevations shall refer to current U.S.G.S. data, unless the board permits use of other reference datum upon request of the applicant.

2. Substandard Streets: Where a subdivision borders an existing street that is below the standards adopted by the selectmen, the applicant shall set aside and show areas for widening or realigning such street. Any land set aside for this purpose shall be deeded to the town and shall not be counted for lot size, setbacks or frontage. Said areas shall be marked "Road Right of Way" on the final plat.

3. Lot Boundaries: Prior to the issuance of any permits on any new lots created in a subdivision, monumentation shall be provided in Section VII of these regulations. Also, all new side lot lines shall be adequately marked so as to allow proper orientation of improvements.

4. State Approvals: Copies of all applications to the State of New Hampshire for approval of the design of community or municipal water or sewage disposal service systems, on-site septic systems, for “site specific” approval, for dredge and fill permits, for driveway cuts, or for any other permit or approval required by the State of New Hampshire with regard to the subdivision must be filed with the Application for Preliminary Approval. Prior to board approval of any final application, the applicant shall file with the board copies of all such state approvals. However, the board may grant conditional approval of a final application contingent upon issuance and acceptance by the board of state approvals as further described in Section IV D. The state septic system applications and approvals referred to in this section mean subdivision approval and not individual system approvals. Such individual approvals shall be obtained prior to issuance of a building permit for the lot.

5. Conveyances to Town: The board may require open spaces of adequate proportions, and construction of suitably located streets may be required to accommodate existing and prospective traffic and to afford adequate light, air, and access of fire-fighting apparatus to buildings. Before an applicant may record a final plan of a subdivision, the owner shall, unless a waiver is granted by the board, transfer by Warranty Deed to the town, or other entity approved by the board, all such lands. The lands described above shall include, but not be limited to, the following categories.

Public parks, recreation areas, recreation easements, open space, road rights-of-way, future extension requirements for roads, strips of land reserved for access to abutters and/or future streets, all other rights-of-way or dedicated lands.

6. Professional Standards: Subdivision plat plans shall be prepared and stamped by a New Hampshire Licensed Land Surveyor. Plans of roadways, utilities, bridges, and culverts, drainage and other construction plans shall be prepared and stamped by a professional engineer registered in the State of New Hampshire.

7. Protection of Natural Features: Due regard shall be shown for all natural features, such as trees, water courses, scenic points, rare plant or animal species, historic spots and similar community assets which, if preserved, will add attractiveness and value to the subdivision or preserve the natural and historic resources of the town. Where appropriate, the board may require the applicant to dedicate lands or grant conservation easements to the town to protect such resources in a manner consistent with Section III C 3 of these regulations.

8. Driveway Access: The provisions of RSA 236:13 and 14 "Driveways and Other Accesses to the Public Way" are adopted by reference into these regulations and the provisions and conditions thereof are extended to the town concerning town roads.

9. Scattered or Premature Subdivisions: The board may disapprove any plat where it finds that it would result in the scattered or premature subdivision of land such as would involve danger or injury to the public health, safety or prosperity by reason of the lack of water supply, drainage, transportation, schools, fire protection or other public services and facilities, or necessitate an excessive expenditure of public funds for the supply of such services and facilities.

10. Conformance with Plans and Ordinances: The board may disapprove any plat where it finds that the proposed subdivision would be contrary to the harmonious, coordinated development and growth of the town as provided in the Plan for Tomorrow, Zoning Ordinance, Official Map, or other documents appropriately adopted to guide or manage development.

11. Disturbing Environment: No person who is required to submit an application for approval of a subdivision pursuant to these regulations shall commence the construction of roads within the land proposed to be subdivided or clear the land of natural vegetation or place any artificial fill thereon or do any other act or acts which will alter the natural state of the land or environment, unless and until the final plat relating thereto has been submitted and approved in accordance with the requirements of these regulations. Nothing in this paragraph shall be construed to prevent such preliminary ground surveys, marking by stakes, engineering studies, inspections, and testing (including test borings and test pits) as may be necessary to evaluate the suitability of the land for subdivision and to assemble the information required to be shown on a preliminary plat, provided, however, that such preliminary surveys, staking, studies, disturbance or alteration of the natural state of the land environment. Terrain alteration in furtherance of the development of subdivision being proposed is prohibited except that timber removal pursuant to an intent to cut issued by the Town is permitted. Such timber removal shall not be considered by the board as affecting its approval of the subdivision.

12. Utilities: In the case of major subdivisions or commercial or industrial subdivisions the board may require that any or all utility facilities, including, but not limited to, gas, electric power, telephone, and CATV cables, be located underground at the expense of the applicant. Where the board requires underground utilities and existing utility facilities located above ground, the board may require that they be removed and placed

underground. This shall not apply to major transmission facilities not intended to serve individual properties or to existing utilities located on public roads or rights-of-way. Utilities shall be located within street rights-of-way in accordance with all applicable state and local regulations and utility company rules and regulations. Utilities shall not be located beneath the paved surface of any street except where necessary at intersections and for service connections.

13. Condominiums: In addition to the information otherwise required to be filed pursuant to these regulations, an applicant who is seeking approval of a condominium shall also file at the time of an application copies of:

- (a) Condominium Declaration
- (b) Condominium Bylaws
- (c) Condominium Site Plan
- (d) Condominium Floor Plan
- (e) Materials filed in compliance with the Land Sales Full Disclosure Act RSA 356-A
- (f) Where applicable, evidence of filing of Application for Registration of the Condominium with the New Hampshire Attorney General.

14. Off-site Improvements: The board may condition subdivision approval on the applicant's contribution towards off-site improvements that are reasonably related to the applicant's proposed subdivision.

15. Lot Size and Shape: Lot size, width, depth, shape and orientation shall be appropriate for the location of the subdivision and the type of development and land use intended. Lot shape shall not be grossly irregular. To avoid deep, narrow lots, a width-to-depth ratio of approximately one-to-three will normally be required. Side lot lines shall generally be at right angles to straight street lines or radial to curved street lines. Width and depth of lots laid out for commercial or industrial purposes shall be adequate to provide for off street service and parking facilities required by the type of use and development contemplated.

16. Self Imposed Restrictions: If the owner places restrictions on any land in a subdivision and/or development greater than those required by these regulations or the Zoning Ordinance, such restrictions or reference thereto may be required to be indicated on the subdivision plat, or the board may require that restrictive covenants be recorded with the Registry of Deeds in a form approved by the town attorney.

17. Compliance with Regulations: All applications shall comply with the Zoning Ordinance and all other ordinances and regulations of the town.



C. Major Subdivisions: The following requirements apply only to major subdivisions:

1. Erosion Plan: All applications shall include a “Soils Erosion and Sediment Control Plan” conforming to the recommendations and specifications of the United States Department of Agriculture, Soil Conservation Service. Said plan shall address slopes, embankments, ditches, drainage ways, and the effect of the subdivision on water bodies and all disturbed areas. These plans shall bear the stamp of a New Hampshire Registered Professional Engineer.

2. Drainage Plan: All applications shall include a Drainage and Watershed Map showing the entire area which is directly involved. The plan shall show areas and computed flowage volumes. All drainage plans for the subdivision shall be based on hydrological calculations from said Watershed Maps. These maps and accompanying calculations shall bear the stamp of a New Hampshire Registered Professional Engineer. If the storm water drainage system creates increased flows over or increased velocities on other properties, the developer shall obtain easements therefore from all owners of said downstream properties or provide appropriate detention facilities to assure existing flow quantities or velocities will not be exceeded.

3. Parks, Open Space and Recreation: If no open space, park or playground is shown within the boundaries of a proposed major 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, in area not to exceed fifteen percent of the total area of the subdivision. Areas of open space may be dedicated to town ownership and, if accepted, maintained by the town. Open space land in private ownership shall be deeded in such manner that will assure operation and maintenance of the land in a manner suitable for the purpose intended.

D. Special Requirements: The following general requirements may apply to certain large scale developments or developments which the board determines will have a significant impact on the town, its services or facilities. The cost of these assessments and studies will be borne by the applicant.

1. Traffic Impact Assessment (TIA)
2. Fiscal Impact Analysis (FIA)
3. School Impact Analysis (SIA)
4. Environmental Impact Assessment (ERI)
5. Community Services Impact Assessment (CSIA)
6. Other Considerations

Nothing contained in this section shall be construed to prevent the planning board from requiring or approving other special investigations, at the applicant's expense where, in the opinion of the board, circumstances related to the development or the area warrant such special studies. The board may, in its discretion, consider the effects of both prior and potential development of the land owned by the applicant or other prior or future owners of the subdivision and require compliance with the terms of this section.

E. Payment of Improvement Costs: As a condition of the final approval of any application the board may require the subdivider to pay a proportionate share of the costs of municipal improvements which are necessitated in whole or in part by the subdivision. At its discretion, the board may require the subdivider to provide improvements, as an alternative.

F. Subdivider Agreements: When the board conditions approval of an application upon installation of improvements or performance of other actions, or when the board otherwise deems it appropriate, it may require that the applicant enter into a subdivider agreement with the town, to be executed on behalf of the town by the selectmen after consultation with the board or its designee. Whenever the board approves an application subject to provision of performance guarantees under Section VIII, unless the board determines otherwise, an agreement shall be executed defining the applicant's responsibilities and the conditions under which the town may draw upon the guarantee.

#### Section IV – Procedure for Subdivision Approval:

A. Optional Preliminary Conceptual Consultation:

1. Prior to submission of a formal application for board approval, the potential applicant may appear at a regularly scheduled session of the board by filing, at least seven (7) days before such meeting an original and two (2) copies of a Request for Preliminary Conceptual Consultation. Forms are available at the Town Office.

2. At the meeting, the potential applicant may address the board concerning a potential application, but must limit the presentation to the intent and the location of the proposal, without going beyond a description of the basic concept of the proposal.

3. The board may briefly outline the steps that an applicant may take to obtain board approval. It may discuss the content of the Master Plan of the town and its relation to the potential applicant's proposal. The board may also cite specific sections of these regulations or the Zoning Ordinance. The proposal may be discussed in general terms only, such as the desirability of types of development and proposals under the Plan for Tomorrow. The board may make suggestions which might be of

assistance in resolving problems with meeting the requirements of a formal application.

4. The board shall not approve or disapprove the proposal.
5. No comments made during this consultation shall bind either the applicant or the board.
6. Statements made by board members shall not be the basis for disqualifying said members of invalidating any action eventually taken on an application.
7. The time limits for board action under RSA 676:4 I(c) and Sections IV B 4 and IV B 8 of these regulations shall not apply to preliminary conceptual consultation.
8. The board shall not accept any application for subdivision by the potential applicant under this procedure.

B. Application:

1. Initial Filing:

(a) The applicant shall file with the secretary of the selectmen:

(i) An application and four (4) copies of a completed "Application for Subdivision of Land; and Application Checklist;

(ii) Three (3) copies of the plat which complies with Section VI B of these regulations;

(iii) The appropriate filing fee based upon the fee schedule as may be set by the board from time to time. (See Appendix A for current fee schedule.)

(b) Completed applications, and supporting material, must be filed at the selectmen's office at least fifteen (15) days prior to a regular meeting of the board in order to be considered by the board at such meeting. The secretary of the planning board can provide information regarding scheduled work meetings. A work session at which no vote may be taken is not a regularly scheduled meeting of the board.

Applications shall be delivered or mailed to the Office of the Selectmen. No application shall be considered to have been filed until it has physically been received in the Town Office. The person receiving the application shall indicate on the application the date of its receipt and the planning board's secretary shall notify the applicant of the date of receipt.

(c) Within 7 days after receipt of an application pursuant to subparagraph (b), the planning board's secretary shall screen the application to determine if it is complete and meets the submission requirements of these regulations. If the secretary determines that the application is not complete, the secretary shall notify the applicant in writing, setting forth the reason(s) for such decision in accordance with RSA 676:3, and the application shall not be submitted to the planning board for further consideration and action. If the secretary determines that the application is complete following the initial screening, the application shall be deemed accepted on the date of its filing at the Town Office pursuant to subparagraph (b), and the application, together with a notification of acceptance, shall be submitted to the board for commencement of review and consideration at its next regularly scheduled meeting within thirty (30) days after such filing date. The secretary shall send a copy of the notice of acceptance to the applicant, which shall include the date upon which the board will commence consideration of the application. If the board does not have a meeting scheduled within said 30-day period, the acceptance of the application and the notification thereof shall be deemed to constitute commencement of action by the planning board which shall place the application upon its agenda at its next regularly scheduled meeting.

2. Notice. The applicant shall include in the application current names and addresses for all persons required to be notified by state law. Notice shall be provided to the applicant, to each abutter to the property under consideration, to each engineer, architect, land surveyor or soil scientist whose professional seal appears in the application materials, and to each holder of a conservation, preservation, or agricultural preservation restriction on land shown on the plat included in the application. Notice shall be mailed by certified mail, return receipt requested, not less than ten (10) days before the meeting at which the application will be submitted to the board. The notice shall contain a general description of the subdivision as provided in the application by the applicant and shall identify the applicant and the land to be subdivided by street address and tax map and lot number(s). The board shall also post notice in at least two public places in the town.

The notice of submission may include notice of a public hearing for a minor subdivision to be held on the same day as the submission to the board if requested in the application by the applicant. If the application is for a major subdivision, the notice of submission shall indicate that the public hearing will begin at the next regular board meeting at which public hearings will be held following submission, unless otherwise requested in the application (and shall include the exact date and time thereof). In either case, the notice shall state that the hearing may be continued from time to time as determined by the board and that further notices of future or continued hearings will not be sent if the board states the date, time and place at which the reconvened session will resume at the hearing for which notice has been given.

3. Formal Submission to Board:

- (a) The official submission date for the purposes of RSA 676:4

(c)(1) shall be the date upon which a completed application is filed in the Town Office in accordance with Section IV B 1(b). However, the board reserves the right to review any application deemed to be complete by its secretary after initial screening. Such review shall occur not later than the first meeting of the board at which the application is submitted to it and considered by the board. A determination that an application is complete shall not prevent the board from requiring additional information or additional detail on the plat during its consideration of the application in accordance with these regulations.

(b) If the board determines that an application that had been submitted to the board after initial screening is not complete, it shall reconsider acceptance of the application and shall notify the applicant in writing of the reasons for such decision in accordance with RSA 676:3.

(c) The board shall begin consideration of an application within thirty (30) days after its receipt in accordance with Section IV B 2(b) and (c). The applicant and the board may waive this requirement and any other applicable time frames and consent to such extensions as may be mutually agreeable.

4. Requirement for Public Hearing:

(a) Once an application has been accepted as complete, and except as described in Section IV C, no subdivision application may be denied or approved without a public hearing.

(b) Notice of any public hearing on an application shall be given in accordance with Section IV B 2. If notice of the hearing was included in any prior notice, it need not be repeated. If a hearing is adjourned, no written notice of the continuation date will be given if the date, time and place of the continuation was made known at the prior hearing.

(c) Hearings shall be conducted in accordance with the rules of procedure or bylaws adopted by the board.

(d) No public hearing shall be necessary prior to the board's action to disapprove an application based upon the failure of the applicant to supply information required by the regulations, including abutters' identification, the failure to meet reasonable deadlines established by the board, or the failure to pay costs of notice or other fees required by the board.

5. Board Consultation with Specialists: Throughout the process of board consideration on an application, the board may consult with engineers, architects, soil scientists, attorneys, planners or others, at the expense of the applicant.

6. Consent to On-Site Board Inspection: By filing an application, the applicant consents to the inspection of the property by board members and board agents at reasonable times and in a reasonable manner. Prior to the board's approval of a formal application, the board shall have the right to schedule and conduct an on-site inspection of the property. The on-site visit and final action on the application may be postponed until no later than May 1<sup>st</sup> following the acceptance of the application if, in the opinion of the board, winter conditions prohibit making a proper inspection and evaluation of the site.

6. Final Action on Applications:

(a) Subject to the provisions of this subsection, the board shall approve or deny an application within ninety (90) days of its filing. The applicant may waive this time period and consent to such extensions as may be mutually agreeable.

(b) The board may apply to the board of selectmen for an extension, not to exceed an additional ninety (90) days, to act on the application. The applicant may also waive this time period and consent to such extensions as may be mutually agreeable.

(c) If the board denies an application, it shall provide the applicant with written notice of its decision which shall describe the reasons for the denial.

(d) If the board approves an application, it shall notify the applicant of the approval and any conditions of such approval.

C. Expedited Review for Lot Line Adjustments and Minor Subdivisions:

1. At the board's discretion, any application for minor lot line adjustments or boundary agreements which do not create buildable lots may be accepted and approved by the board at one meeting subject to the notice to abutters. Abutters have the right to request that the board hold a public hearing.

2. At the time of the filing required by these regulations of an application for a minor subdivision, the applicant may submit a written request for expedited review requesting that the public hearing be held at the meeting at which the accepted complete application will be first considered by the planning board. The board's clerk shall provide appropriate notice to that effect, but the board at the time it first considers the application shall decide whether to approve the request for expedited review or whether additional proceedings or hearings are required.

D. Conditional Approval:

1. Conditions Precedent:

(a) The board may grant conditional approval of an application, which shall become a 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. Conditions imposed by the board shall be conditions precedent to final approval and shall not be conditions subsequent to final approval. Conditional approval may occur in this manner only when:

(i) Minor plan changes, whether or not imposed by the board as a result of a public hearing, are administrative and do not involve discretionary judgment; or

(ii) Conditions are administrative and involve no discretionary judgment on the part of the board; or

(iii) Conditions are with regard to the applicant's possession of permits and approvals granted by other boards or agencies; and

(iv) Conditions are satisfied within forty-five (45) days of the grant of the conditional approval.

Final approval of an application subject to other conditions precedent may occur only after public hearing with notice at which the board determines the conditions to have been met.

(b) Upon approval and compliance with all conditions precedent, the chairman shall sign and date the plat as approved, specifying any conditions.

(c) The board's approval of an application shall lapse if all conditions precedent to approval have not been met within forty-five (45) days of the date of the approval.

2. Conditions Subsequent: The board may also approve an application subject to conditions which will be fulfilled after final approval. The board may require surety for performance of such conditions and shall hold a compliance hearing as necessary to determine whether such conditions have been met.

E. Recording: Unless the board specifies a different time frame for recording, the board or its agent shall record, within one week after final approval or after receipt of the Mylar of the approved subdivision and the necessary recording fees (whichever is later), the plat, and any documents affecting covenants, deed restrictions, etc., with the Merrimack County Registry of Deed at applicant's expense. The expense of recording the plat and other documents with the Registry of Deeds, together with one (1) attested copy of the recorded documents, shall be borne by the applicant.

F. Expenses and Fees: All expenses incurred by the town in processing an application for board action shall be borne by the applicant. The application fee, which may include, but is not limited to, the cost of recording the plat with the Registry of Deeds, the cost of any required publication, the cost of posting notices, the cost of mailing notices of hearing, the reasonable anticipated cost of the consultation by the board with any expert or specialist, and the reasonable anticipated costs to the town for the services of the board's designated agent, its attorney and its engineer, must be paid by the applicant at the time of filing an application with the designated agent of the board. Failure to pay these costs as specified will be valid grounds for refusal to accept the application as complete, or for disapproval of the application.



Section V – Non-Residential Development:

A. As authorized by the voters of the town and as governed by the Site Plan Review Regulations, the board is empowered to review and approve or reject site plans for non-residential development.

B. All applications for site plan review shall be submitted and reviewed in accordance with the Site Plan Review Regulations.

Section VI – Data Required for Submission to Board:

A. Preliminary Conceptual Consultation: The applicant shall completely fill out the form “Request for Preliminary Consultation” as instructed therein. The information required shall, at a minimum, be as follows:

1. Name and address of the applicant and owner,
2. Type of subdivision requested,
3. Number of lots,
4. Number of acres,
5. Applicable zoning districts.

The applicant may prepare a sketch of the site and surrounding properties in sufficient detail to allow the board to discuss the proposal. The sketch may be drawn on a U.S.G.S., other topographical map or aerial photograph at a scale of 1”=500’ or larger, or on 8-1/2 x 11 format and should show approximate tract boundary lines for the proposed area of development, all contiguous holdings of the applicant, and all contiguous abutting properties. All existing streets, sewer and water lines, and other rights-of-way or easements should be shown as appropriate.

B. Application for Approval. The applicant shall submit a completed form entitled “Application for Subdivision Approval” in accordance with the instructions accompanying the form. The plat shall be prepared to a scale of not less than one inch equals 100 feet or at greater detail as directed by the board to indicate clearly the existing and proposed features of the site. Said plat shall be prepared on 22 x 34 inch standard sheets measured from cutting edges. If one sheet is not of sufficient size to contain the entire area for the site and environs, the plat shall be divided into sections to be shown on separate sheets of equal size with reference on each sheet to the adjoining sheet. The plat shall show, or be accompanied by, the following, except for initial plats for major subdivisions pursuant to Section VI C:

1. Date of survey and any revision dates.
2. Name and location of subdivision.
3. Name of record owner and subdivider.
4. Graphic scale.
5. North arrow.
6. Locus map at a scale of 1"=500' and suitable for use in updating the town tax map showing all proposed lots and streets and all existing lots and streets within 1000' of the proposed subdivision.
7. Tract boundary lines and all existing easements.
8. Right-of-way lines of streets.
9. Street names.
10. Easements and other rights-of-way, park areas, or land to be reserved or dedicated to public use.
11. All lots lines and other site lines, water courses, and flood zone locations and base flood elevations that may exist within 500 feet of the subdivision boundaries with dimensions and soil types.
12. Plans shall reflect all land within 1000 feet of any portion of the subdivision in which the owner/subdivider has interest. If the plans include only a portion of the entire holdings, a plan, in the form of a sketch, for the remaining holdings, shall be shown. Said plan to include possible road layout, lots, service, etc.
13. The zoning district boundaries within 200 feet of the subdivision.
14. The purpose of any easement or land reserved or dedicated to public use shall be designated, and the proposed use of sites other than residential shall be noted.
15. The tax block parcel number, owners, and owners' addresses of property abutting the tract to be divided. Information regarding abutters shall be obtained no earlier than five (5) days prior to submission of the application.
16. Proposed lots shall be numbered consecutively and shall include proposed street addresses.

17. Location and description of all monuments.
18. Certification and seal of engineer or surveyor as to accuracy of plat details.
19. Cross-sections and profiles of streets (cross-sections at 50' intervals plotted at 1"=10' horizontal and vertical). Profiles plotted with the same horizontal scale as the plans and a horizontal to vertical scale ratio of 5 to 1 respectively. All data based on a field survey.
20. In the event that a flood zone may exist within 500 feet of the subdivision boundaries, base flood elevations and utilities and drainage will be located and designed to be consistent with the need to minimize flood damage and to provide adequate drainage for the area.
21. Plans and profiles of water and sewer layouts, storm drains, culverts, catch basins, headwalls, and other drainage structures, as well as gas, CATV, telephone and electric layouts showing feasible connections to existing or proposed utility systems.
22. Existing soils delineation based on the "Soils Survey, Merrimack County, New Hampshire" with special designation of areas of poorly drained and very poorly drained soils.
23. Final State of New Hampshire approvals, when appropriate, including, but not limited to, the Department of Transportation and the Wetlands Board. If individual septic systems are proposed, the initial plan shall indicate test pit locations and data, and State approval shall be obtained prior to final approval by the board.
24. Building setbacks.
25. Contours shall be at least 20' intervals; however, the board may require more intense topographic mapping in areas of probable construction, prior to final approval.
26. Location of existing buildings on land subdivided and within 100 feet of boundary lines.
27. Data listing. The following listed data shall be included on the face of the final plat prior to approval by the planning board:
  - a. Area of land subdivided in acres.
  - b. Number of building lots.
  - c. Length of street in feet.

- d. Area of open space/conservation lands in acres.
- e. Names of abutters.
- f. Zoning district boundaries within or abutting the subdivision.

28. Special Flood Hazard Areas.

a. The planning board shall review the proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the "Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

b. The planning board shall require that all proposals for development greater than 50 lots or 5 acres, whichever is the lesser, include Base Flood Elevation (BFE) data within such proposals (i.e., floodplain boundary and 100-year flood elevation.)

c. The planning board shall require the applicant to submit sufficient evidence (construction drawings, grading and land treatment plans) so as to allow a determination that:

- (i) all such proposals are consistent with the need to minimize flood damage;
- (ii) all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage; and,
- (iii) adequate drainage is provided so as to reduce exposure to flood hazards.

29. Certifications. The following certifications shall be on the face of the final plat together with the appropriate signatures (in black ink) and seals (when available) prior to the approval by the planning board.

a. I hereby certify that this map and survey has been made under my supervision. The date of the survey was \_\_\_\_\_.  
(date) (corporate or individual name)

b. The Zoning Ordinance and Subdivision Regulations of the Town of Canterbury are hereby incorporated by reference as part of the approval of this plan.

c. This map is hereby approved by the planning board at an official meeting held on \_\_\_\_\_.  
(date) (Chairman of the Planning Board)

30. The planning board may require additional information to be included in a plat prior to approval.

C. Exceptions for Major Subdivisions: For a major subdivision, the applicant may submit a preliminary plan which conforms to the requirements of Section VI B, except as follows:

1. The locus map required by Section VI B 6 need not be drawn to exact scale.
2. Cross-sections and profiles of proposed streets as required by Section VI B 19 need not be included in the initial submission materials, but shall be provided prior to the public hearing.
3. Infrastructure detail as required by Section VI B 32 need not be included in the initial submission, but shall be provided prior to public hearing.
4. Such other variations as may be allowed by the board during preliminary consultation of by waiver under Section XI.

D. Final Plat. The final approved plat shall be drawn on Mylar or equivalent material. Said plat shall be prepared in compliance with all applicable statutory requirements and shall be prepared on 22 x 34 inch standard sheets measured from cutting edges. If one sheet is not of sufficient size to contain the entire area of the site and environs, the plat shall be divided into sections to be shown on separate sheets of equal size with reference on each sheet to the adjoining sheets. All dimensions shall be shown to hundredths of a foot and bearing to at least the nearest thirty seconds. The error of closure shall not be more than 1:15,000.

#### Section VII – Required Improvements, Design Standards and Construction:

A. Streets: The laying out and construction of all streets within subdivisions shall be in conformity with those ordinances, regulations or standards of the town pertaining to such development. Street construction shall follow the practices outlined in the latest edition of the State of New Hampshire's Standard Specifications for Road and Bridge Construction, the latest edition of the American Association of State Highway and Transportation Officials (AASHTO), "A Policy on Geometric Design on Highways and Streets," and the standards adopted by the selectmen of the Town of Canterbury after consultation with the board and the road agent.

B. Drainage.

1. Underdrains: Underdrains shall be installed where the character and composition of the soil and roadbed and other areas of the subdivision render such installation necessary in the opinion of the engineer.

2. Storm Drains, Culverts, Catch Basins: Storm drains, culverts and related installations, including catch basins and drop inlets, shall be installed within or without the subdivision as necessary to permit unimpeded flow of all natural water courses, to insure adequate drainage of all low points along streets, and to intercept storm water runoff along streets at intervals reasonably related to the extent and grade of areas drained.

C. Topsoil Protection. Topsoil moved during the course of construction shall be redistributed to provide appropriate cover for the subdivision and shall be stabilized by seeding and mulching and planting. No topsoil shall be removed from the subdivision site, unless specifically authorized by the board.

D. Monuments. Monuments shall be set on the right-of-way lines, at the beginning and end of the project, beginning and end of curves, angle points, and on tangents with a maximum distance between bounds of 500 feet. Such bounds to be stone or reinforced concrete 4" x 4" x 36" long. The bound shall be flush with finished grade in lawn areas and 4' above grade in wooded or undeveloped areas. No permanent monuments shall be set until all construction which would disturb or destroy the monuments is completed. Bounds shall be set by a licensed land surveyor. Similar monuments shall be installed on all front lot corners at the right-of-way line and shall be installed upon the completion of the road construction but prior to the issuance of any building permits. The front lot corners for lots fronting on existing streets shall also be marked with similar monuments, at the right-of-way line. All monumentation shall be marked with permanent objects, i.e., iron pipes, iron pins, monuments, etc. Drill holes, pins or other appropriate monumentation may be used where appropriate to preserve the natural features of stone walls.

The engineer, surveyor or other licensed professional responsible for the plat shall certify to the board that the monuments have been set in accordance with these regulations before the plan is recorded, or where ground conditions do not permit installation prior to recording, as soon thereafter as conditions allow. The board reserves the right to require on-site verification of monumentation.

E. Water and Sewer Facilities.

1. Common Systems: Such systems proposed by a subdivider shall be of sufficient capacity to serve the subdivision and shall be designed and constructed so as to facilitate incorporation into a future town system.

All such facilities shall meet the requirements of and be approved by the NH Department of Environmental Services, Division of Water Supply and Pollution Control, local and county health and public works agencies, and/or other public body having jurisdiction, and shall be accepted by the engineer.

2. Individual Service: Individual wells and subsurface disposal facilities shall in all respects comply with all applicable local, county and/or state requirements, including those of the Division of Water Supply and Pollution Control. In areas not currently served by common sewer systems, it shall be the responsibility of the subdivider to provide adequate information about the installation and operation of an individual sewerage disposal system (septic tank and drain field). New and replacement water and sewer systems, including on-site and common systems, shall be located, designed and constructed to minimize infiltration and avoid impairment when locations fall within 500 feet of a flood zone. The subdivider shall be required to provide the necessary equipment and labor for the making of these tests, required by local, county, and/or state authorities having jurisdiction.

3. Fire Protection: The planning board may consult with the fire chief regarding fire protection and may, in its discretion, require the installation of fire ponds, secondary access routes for emergency vacancies, cisterns, and/or fire hydrants to provide protection for subdivisions. Prior to the issuance of a certificate of occupancy for any residential dwelling in a subdivision, the fire protection measures and streets must be in place and operable.

F. Time Limit to Complete: At the time of the board's approval of a plat, the board may specify a time limit, not to exceed three (3) years, within which all required improvements caused in the course of the work performed in the development of the subdivision shall be completed. In the event no time limit is specified by the board, all such improvements and repairs shall be completed within three (3) years of the date of such approval. This time limit may be extended by mutual agreement of the subdivider and the planning board.

#### Section VIII – Inspections and Performance Guarantee.

##### A. Performance and Inspection of Work:

1. All work necessary for the construction of required improvements and the repair of damage to existing public 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 engineer. All work and materials rejected by the engineer as defective shall be removed and corrected by the subdivider. All work shall be completed within the time limits, if any, specified by the board, but in the absence of such specified limits no later than three (3) years from the date of the approval of the final plat.

2. The engineer will be the town's representative during the construction of required improvements. He or she shall at all times have access to the site when the work is in preparation and progress. He or she will make periodic visits to the site to familiarize him/herself generally with 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 engineer in advance with a schedule of work to be performed outside of the engineer's normal office hours and give the engineer timely notice of the completion of each major stage in the construction of any required improvement so that the engineer may inspect the work so completed prior to the covering thereof, and the engineer shall make all such inspections with reasonable promptness so as to cause no delay in the work. In particular, the subdivider shall, in the case of streets, give timely notice to the engineer of the completion of subgrades, drainage, base course, and base and final surfacing.

3. The subdivider shall give the engineer notice when any required improvement is completed and ready for final inspection. The engineer will promptly make such inspection and, when he finds that the particular improvement has been fully completed in accordance with the requirements of these regulations, he 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 town nor shall it modify in any way the requirements of law for the acceptance of streets by the town.

4. The subdivider shall promptly remedy any defects in any required improvement due to faulty workmanship or materials which appear within a period of one (1) year after approval thereof by the engineer.

5. Notwithstanding the on-site observations and inspections and any approvals of required improvements issued by the engineer, the subdivider shall be and remain fully responsible for the performance of the construction work in accordance with the requirements of these regulations and the engineer shall have no responsibility for the failure of the subdivider to carry out the work as required herein.



6. The subdivider shall, upon demand, promptly reimburse the town for the expense of all inspection work performed by the engineer, pursuant to the provisions of subparagraphs 2 and 3 of this Paragraph A, Section VIII. In the case of a major subdivision, the subdivider shall file with the town a cash deposit of such amount as the engineer may reasonably require as security for such reimbursement, and if the subdivider fails to make reimbursement as and when required hereunder the town may appropriate such cash deposit as necessary to effect reimbursement.

C. Performance Guarantee.

1. Estimate of Cost: Prior to approval the subdivider or owner shall submit to the board an estimate of the cost of construction of all improvements proposed by the subdivider or which will be required by the board as a condition of final approval up to the standards set forth in these regulations, together with an estimate of any damage to any existing public improvements caused in the course of the work performed in the development of the subdivision.

2. Posting of Performance Guarantee: As a condition of approval and in lieu of completion of improvements prior to approval, the subdivider shall provide the town with a performance guarantee to assure the town of the completion of improvements required under these regulations and repair of potential damage to existing public improvements. The performance guarantee shall be posted and in full effect prior to any construction of any improvements. The performance guarantee shall be in the form of a bond issued by a surety company registered and licensed to do business in the State of New Hampshire, a letter of credit or other collateral or surety arrangement, all in amount, form and substance satisfactory to the planning board.

3. Amount: The performance guarantee shall be in an amount equal to one hundred and ten percent (110%) of the estimated cost of required improvements and potential damages to public improvements as determined by the board, and shall be upon conditions and in such form as the board may require. The performance guarantee may include cost escalators not to exceed ten percent (10%) per year.

4. Term: The performance guarantee shall remain in full force and effect until the expiration of thirteen (13) months after the date of the approval by the engineer of the completion of all required improvements and repair of all damages to public improvements in accordance with the provisions of these regulations, or thirteen (13) months after the date that all latent defects have been corrected by the subdivider and approved by the engineer, whichever is later. The performance guarantee shall be conditioned in part upon the faithful correction by the subdivider of any

latent defects which appear within the period of one (1) year after the approval by the engineer of any required improvements as set forth in these regulations. The amount of surety shall be reduced by the planning board by resolution when portions of the required improvements have been installed, provided a sufficient amount, not to exceed twenty-five percent (25%) of the total, is retained to cover the correction of any latent defects which may appear within one (1) year following the approval by the engineer of any required improvements as set forth in these regulations. A joint inspection for latent defects shall be made by the engineer and owner or subdivider not less than ten (10) months nor more than twelve (12) months following approval by the engineer.

5. Commencement of Work: After approval of the plat but prior to the commencement of any such work, the subdivider or owner shall:

(a) Notify the engineer in writing of the date on which work or required improvements are to be commenced and the date by which work is to be completed in accordance with any conditions imposed by the board and the provisions of these regulations.

(b) Receive the written authorization of the engineer to commence the work.

6. Default. If the required improvements and repairs to public improvements have not been installed and completed in accordance with the requirements of these regulations or if any latent defects in such improvements or repairs appearing within a period of one (1) year after approval thereof by the engineer have not been corrected as required hereinabove, then in the event the performance guarantee I in the form of a performance bond, letter of credit, or other surety, the town shall be entitled to exercise its rights under the appropriate documents to require the surety or issuer of the letter of credit to provide the town with sufficient funds to complete such work.

#### Section IX – Compliance with Regulations.

A. Penalties: No subdivision of land shall be made, and no land in any subdivision shall be transferred, sold or offered for sale until a final plat, prepared in accordance with the requirements of these regulations, has been approved by the planning board and recorded in the Merrimack County Registry of Deeds. As provided in RSA 676:16, any owner, or agent of the owner, of any land located within a subdivision, who transfers or sells any land before a plan of the said subdivision has been approved by the planning board and recorded or filed in the office of the Merrimack County Registry of Deeds, shall forfeit and pay a penalty of Five Hundred Dollars (\$500.00) for each lot or parcel so transferred or sold. The description of metes and bounds in the instrument of transfer or other

documents used in the process of selling or transferring shall not exempt the transaction from such penalties. As provided in RSA 676:15 and 17, the town may enjoin a transfer or sale which violates the provisions of this section and may recover the penalty imposed by a civil action.

B. Rescission/Revocation:

1. Prior to recording of any approved plat, the board may reconsider its approval after providing notice thereof to the applicant. If the board decides to reconsider such approval, it shall state the reasons for such action and shall, thereafter, take such action as it deems necessary and appropriate.

2. After a plat has been approved and recorded, the board may revoke approval in accordance with RSA 676:4-a and this section.

(a) Revocation may occur: at the request of, or by agreement with, the applicant; when the applicant has performed work, erected a structure, or established a use which fails to conform to statements, plans, or specifications upon which approval was based, or materially violated any condition or requirement of approval; when the applicant has failed to perform a condition of approval within a reasonable time as specified in the approval, or otherwise within the time specified in RSA 674:39; or when the time periods specified by RSA 674:39 have elapsed without any vesting and where the plat, plan or approval no longer conforms to applicable laws, ordinances or regulations; when the applicant has failed to provide for continuation of adequate surety for performance; for other good and substantial cause as determined by the board.

(b) Prior to recording any notice of revocation, notice shall be provided to the applicant and all abutters as required for initial action, and upon the request of any person receiving such notice submitted within 30 days, the board shall hold a hearing on the proposed revocation. The board may also decide to hold a hearing on its own motion.

(c) If the board decides to revoke approval, a declaration thereof shall be prepared, dated and endorsed by the board, by its duly authorized designee, in accordance with RSA 676:4-a, III, and shall be recorded in the Registry of Deeds as specified therein.

C. Delegation of Authority. Pursuant to the authority vested in the Canterbury Planning Board by the voters of the Town of Canterbury in accordance with the provisions of RSA Chapter 674:35, the Canterbury Planning Board hereby adopts the following regulations:

The Planning Board shall delegate to the Highway Agent, through the Board of Selectmen and in accordance with RSA 23:13 V, the issuance of driveway permits.

The Planning Board shall delegate to the Highway Agent through the Board of Selectmen, and in accordance with RSA 236:13, VI, the authority to issue orders to the landowner or other party responsible for such access as described in 236:13, VI, to repair and remove such hazardous conditions and to obtain any and all permits required therefore.

Furthermore, said designee may cause to be taken whatever action is necessary to protect the highway and the traveling public, and enforce said orders and the owner or other responsible party shall be civilly liable to the Town of Canterbury for its costs in taking such action.

#### Section X – Amendments to Approved Plats and Voluntary Mergers.

A. Approved Plats: Upon application, the board may vote to consider an amendment proposed to a previously approved plat without requiring a new application process. In determining if the board will consider an amendment to a previously approved plat instead of requiring submission of a new application, the board shall consider such factors as: The time that has passed since the plat was approved; the magnitude and type of changes proposed; the extent of improvements required and completed; the relationship of the proposed changes to those improvements; and the number and location of abutters in relation to the changes proposed.

If the board decides to allow an applicant to amend a previously approved plat, it shall require the applicant to pay for all required notices plus an administrative fee as determined by the board. Notice of the proposed change shall be sent to all abutters, including all current abutters to the previously approved subdivision. Public notice shall also be given as is required generally. The board shall hold a public hearing before acting upon the proposed amendment, but may formally accept the application to amend and hold the hearing at one meeting.

B. Voluntary Mergers: The owner of two or more contiguous lots who wishes to merge them for municipal regulation and tax purposes may apply to the board. The application shall be granted without public notice of hearing pursuant to RSA 674:39-a, if the board finds that the proposed merged lots will conform to all

applicable land use regulations and ordinance. No new survey plat is required, but the board shall issue a notice of decision in appropriate form for recording to provide recorded notice of any such approved merger.

Section XI - Waiver of Subdivision Regulations.

The proposed subdivision shall conform to the Zoning Ordinance of the Town of Canterbury. Where strict conformity to these subdivision regulations would cause undue hardship or injustice to the owner of the land, a subdivision plan substantially in conformance with these regulations may be approved by the board, provided that the spirit of these regulations and public convenience and welfare will not be adversely affected.

Section XII – Amendments. These regulations may be amended or rescinded by the planning board following public hearing in accordance with RSA 675:6.

Section XIII – Appeals. Pursuant to RSA 677:15, any persons aggrieved by any decision of the planning board concerning a plat or subdivision or building permit may present to the Superior Court a petition, duly verified, setting forth that such decision is illegal or unreasonable in whole or in part, specifying the grounds upon which the same is claimed to be illegal or unreasonable. Such petition shall be presented to the court within thirty (30) days after the filing of the decision in the office of the planning board.

Section XIV – Separability. If any provision of these regulations is held to be invalid by a court, such holding shall not invalidate any other provision herein.

**APPENDIX A**

CANTERBURY PLANNING BOARD

**FEE SCHEDULE**

- |    |                  |          |  |
|----|------------------|----------|--|
| 1. | APPLICATION FEE: | \$100.00 | LOT LINE CHANGE,<br>SUBDIVISION, SITE PLAN |
| 2. | ABUTTER FEE:     | \$ 10.00 | PER ABUTTER                                |
| 3. | PER LOT FEE:     | \$ 50.00 | ON SUBDIVISIONS ONLY                       |

MERRIMACK COUNTY REGISTRY OF DEEDS

**RECORDING FEES**

- |    |               |          |   |
|----|---------------|----------|---|
| 1. | DOCUMENT FEE: | \$ 10.00 | 1 <sup>st</sup> PAGE, \$4.00 EACH<br>ADDITIONAL PAGE          |
| 2. | MYLARS:       | \$ 33.00 | INCLUDES \$7.00 FOR XEROX<br>COPY FOR PLANNING BOARD<br>FILES |
| 3. | DISCHARGE     | \$ 15.00 |   |