



## APPENDIX E SUBDIVISION REGULATIONS\*

\***Editor's note:** Printed herein are the subdivision regulations adopted by the planning board on May 6, 1974. Amendments have been included and are indicated by a history note indicating the date of the amendment.

**Cross references:** Planning board, § 2-116 et seq.; planning division, § 2-263; streets, sidewalks and other public places, Ch. 16; excavations in streets and highways of the city, § 16-41 et seq.; subdivisions, Ch. 17; planning board authorized to approve subdivision and plats, § 17-1.

### Section 1 Authority.

Pursuant to the authority vested in the Claremont Planning Board by the city council of the City of Claremont and in accordance with the provisions of chapter 36: sections 19-29, N.H. Revised Statutes Annotated, 1955, the Claremont Planning Board adopts the following regulations governing the subdivision of land in the City of Claremont, New Hampshire.

### Section 2 Definitions.

2.01 *Abutter:* Shall mean the owner of record of a parcel of land which is contiguous at any point to the parcel being subdivided, or which lies directly across a public right-of-way from the parcel being subdivided.

2.02 *Accessory building:* Shall mean any combination of any materials, whether portable, movable or fixed, having a roof and enclosed within exterior walls, built to form a structure for the shelter of animals or property.

2.03 *Approval:* Shall mean recognition by the planning board, certified by written endorsement on the plat, that the final plat submission meets the requirements of these regulations and all other applicable ordinances and regulations.

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

2.05 *Board:* Shall mean the planning board of the City of Claremont, New Hampshire.

2.06 *Building:* Shall mean any combination of any materials, whether portable, movable or fixed, having a roof and enclosed within exterior walls, built to form a structure for the shelter of persons. Also see section 2.12.

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

2.08 *Building site:* Shall mean that portion of a lot, tract or parcel of land upon which a single building is placed.

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

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

2.11 *Dwelling:* Shall mean a privately or publicly owned building containing a dwelling unit or dwelling units.

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

2.13 *Easement:* The land area over or upon which a specified privilege may be exercised or enjoyed by one not the owner of fee title.

- 2.14 *Engineer*: Shall mean the city engineer duly designated on behalf of the City of Claremont, New Hampshire.
- 2.15 *Erosion*: The wearing away of land surface by the action of wind, water or gravity.
- 2.16 *Final plat*: Shall mean the final drawing or drawings on which the subdivider's plan of subdivision is indicated, prepared as required under the provisions of section 4.09 hereof.
- 2.17 *Flood limit*: Shall mean the land-water boundary of a watercourse flowing at its one-hundred-year frequency as defined by a responsible public agency such as the U.S. Army Corps of Engineers of the U.S. Department of Agriculture Soil Conservation Service.
- 2.18 *Flood prone area*: Shall mean the area of land lower in elevation than the land-water boundary along a watercourse flowing at its one-hundred-year frequency or those soils classified by the National Cooperative Soil Survey as "soils subject to flooding."
- 2.19 *Health officer*: Shall mean the health officer of the City of Claremont, New Hampshire.
- 2.20 *Lot*: Shall mean a parcel of land or any part thereof designated on a plat to be filed with the register of deeds by its owner or owners as a separate lot. For purposes of this ordinance, a lot shall have boundaries identical with those recorded with the register of deeds.
- 2.21 *Lot line*: Shall mean the property line dividing a lot from a street right-of-way, a body of water, or adjacent property.
- 2.22 *Lot size*: Shall mean the total horizontal land area within the boundaries of a lot, exclusive of any land area designated for street purposes.
- 2.23 *Master plan*: Shall mean the comprehensive plan or plans of development for the municipality as defined in RSA 36:13-15.
- 2.24 *Official map*: Shall mean the adopted street or base map of the municipality as defined in RSA 36:16-18.
- 2.25 *Parking space*: Shall mean an off-street space for exclusive use as a parking area for one (1) motor vehicle, with a minimum size of ten (10) feet by twenty (20) feet.
- 2.26 *Plat*: Shall mean final plat.
- 2.27 *Preliminary layout*: Shall mean a plan prepared as required in section 4.08 and submitted to the board prior to preparing the final plat.
- 2.28 *Sediment*: Solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin, by air, water or gravity as a product of erosion.
- 2.29 *Site*: Shall mean building site.
- 2.30 *Street*: Shall mean a state highway, or a highway, street, road, avenue, lane and/or any other way which exists for vehicular travel, exclusive of a driveway serving not more than two (2) adjacent lots or sites. The word street shall include the entire right-of-way.
- 2.31 *Street, local*: A street used primarily to give access to abutting properties and is further classified as minor and major, depending on the average daily traffic. (A.D.T.)
- 2.32 *Street, collector*: A street which serves primarily to carry traffic from local streets to arterial streets and to public and other centers of traffic concentration. A collector street may be further classified as major or minor, depending on A.D.T.
- 2.33 *Street, arterial*: Shall mean a street or highway used primarily for heavy and/or through traffic.
- 2.34 *Street, frontage*: Shall mean a marginal roadway parallel and adjacent to a thoroughfare to provide access to abutting properties.
- 2.35 *Subdivider*: Shall mean the owner of record of the land to be subdivided, including any subsequent owner of record making any subdivision of such land or any part thereof, or the agent of any such owner.
- 2.36 *Subdivision*: Shall mean the division of a lot, tract, or parcel of land into two (2) or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future of sale or of building development. It includes resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory divided. The division of a parcel of land held in common and subsequently divided into parts among the several owners shall be deemed a subdivision. This definition includes, but is not limited to condominiums, apartment complexes, or other forms of multi-family dwelling units.
- 2.37 *Subdivision, minor*: Shall mean the division of land constituting a subdivision into four or fewer lots, sites or other division of land and which shall require no new streets, the construction or extension of municipal

utilities or the construction of other municipal improvements such as sidewalks, storm sewers, curbs and gutters.

Minor subdivision shall not mean and the provisions relating thereto shall not apply to a resubdivision where the total number of lots created from the tract or parcel originally divided shall exceed four.

Notwithstanding the foregoing, Minor Subdivision shall include a subdivision or resubdivision for the purposes of annexation in which there is merely a sale or exchange of adjacent lands among two (2) or more owners and which does not increase the number of owners.

### Section 3 Application procedure.

3.01 *General procedure:* Whenever any subdivision or land is proposed, before any construction, land clearing or building development is begun, before any permit for the erection of any building in such proposed subdivision shall be granted and before any subdivision plat may be filed in the office of the register of deeds of Sullivan County, the subdivider or his authorized agent shall apply for and secure approval of such proposed subdivision in accordance with the following procedure. In general, the subdivider and the Planning Board should follow the procedures outlined in Exhibit A of this regulation, except where minor subdivision procedures (Exhibit B) are permitted by the board.

3.02 *Discussion phase:* The applicant should request a meeting with the board to discuss the proposed subdivision and submit the discussion phase information as described in section 4.07 of these regulations. He should be guided by the board as to the need for further meetings and the advisability of entering into the preliminary layout stage. There is no time limit or application fee for this discussion stage.

3.03 *Application; preliminary layout:* Application for conditional approval of a preliminary layout shall be submitted to the secretary of the board by the subdivider or his authorized agent on a form to be supplied by the board. The application shall be accompanied by all information described in section 4.08, items "a" through "p" inclusive. Such application and other required information shall be submitted not less than fifteen (15) days prior to a regular meeting of the board.

The board may require modifications to the preliminary layout at any stage within the preliminary layout review phase. The board shall inform the subdivider or his authorized agent in writing of any modifications which it will require and further shall specify such modifications in its official records.

Subsequent to the modification of the preliminary layout as prescribed by the board, the subdivider shall submit the preliminary layout and other required information to all local, county, state, regional, or federal agencies whose review is required by law or by these regulations. Upon receipt of evidence of approval of the preliminary layout from said agencies, the board shall hold a hearing on the preliminary layout as prescribed in section 3.04.

If the applicant is permitted by the board to submit a final plat on only a portion of the total land to be subdivided, the preliminary layout submission shall cover the entire area of the tract, and shall indicate the approximate outline and sequence of those portions of the tract for which subsequent final plats will be submitted.

Conditional approval of a preliminary layout shall be valid for a period of one year from date of such conditional approval, unless extended in writing by the board.

3.04 *Hearing:* No plat shall be approved or disapproved by the board without affording a hearing thereon. All abutters shall be notified of said hearing by certified or registered mail not less than five (5) days before the date fixed therefore. The applicant shall be notified of said hearing by certified or registered mail, with return receipt requested, stating the time and place of such hearing. Public notice of such hearing shall be posted in a newspaper of general circulation in the town at least five (5) days prior to said hearing.

3.05 *Application; final plat:* Application for approval of the final plat shall be filed with the secretary of the board by the subdivider or by his authorized agent in writing. The board shall issue to the subdivider a receipt of final plat when all information has been submitted as required in section 4.09. Submitted material shall be complete and as described in sections 4.09 and 4.10. The board shall place the matter on its agenda for consideration within thirty (30) days of receipt.

3.06 *Action of the board:* Within ninety (90) days of receipt of all material required in section 4.09 for the final plat and issuance of receipt of final plat, the board shall approve, modify and approve, or disapprove the

final plat, unless the time for action has been extended an additional ninety (90) days by the city council of the municipality. Reasons for disapproval of a final plat shall be stated in the records of the board. Approval shall be certified by written endorsement on the plat and signed by the chairman of the planning board.

3.07 *Failure to act:* If the planning board has not obtained an extension from the city council of the municipality, as described in section 3.06 herein, and has not taken action to approve or disapprove the plat, such plat shall be deemed to have been approved, and the certificate of the municipality, as to the date of submission of the plat for approval and the failure to take action within such time, shall be issued on demand and shall be sufficient in lieu of the written endorsement, described in section 3.06 herein; provided, however, that the applicant for the board's approval may waive this requirement and consent to an extension of such period.

3.08 *Filing with the register of deeds:* An approved subdivision plat shall be recorded with the register of deeds of the county in which the land is located prior to any sale or transfer of land within the subdivision.

3.09 *Official map:* If there exists an official map of the city, the recordation of plats which 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 city of any street, easement or open space shown thereon.

3.10 *Acceptance of streets and open space:* No street or open space will be accepted by the city 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.

3.11 *Land divided by public rights-of-way:* Any transfer, conveyance or sale of land held in one (1) ownership but already divided into lots or parcels of land by an existing public right-of-way shall not be considered a subdivision for the purposes of these regulations and shall not be required to conform to the procedures set forth herein.

3.12 *Previously approved subdivisions:* Any subdivision plat given final approval by the planning board for the City of Claremont between April 12, 1967 and May 6, 1974 shall be deemed to comply with the regulations contained hereinabove if one of the following conditions shall have been met:

1. That all of the streets shown thereon and all utilities specified therefore shall have been completed and the streets shall have been accepted by the City of Claremont as public streets prior to the adoption hereof; or
2. All of the streets shown thereon and all of the utilities specified shall have been completed and accepted by the city as public streets or an approved "as built" plan (as defined in paragraph d of 4.09 of these regulations) shall have been filed with the planning board on or before May 6, 1976.

Any subdivision plan given final approval by the planning board for the City of Claremont between April 12, 1967 and May 6, 1974 for which the streets shown thereon have not been accepted or for which an "as-built" plan has not been filed as specified hereinabove shall be resubmitted to planning board for the City of Claremont for approval or disapproval thereof in accordance with all the terms, conditions and requirements of these regulations and no lot shall be sold therein nor shall any streets or other improvements be started without first obtaining approval hereunder.

Nothing contained herein shall be construed to grant any vested right with respect to these subdivision regulations without full compliance with this section.

All uncompleted subdivisions shall conform to the restrictions and regulations of any zoning ordinance adopted by the City of Claremont.

Notwithstanding the foregoing any subdivision plat which shall have been given final approval as specified above but under which only a portion thereof shall conform to paragraphs 1 or 2, then to the extent that such progress conforms herewith, that portion shall be deemed to conform to these regulations. All such portions which have not been brought into conformity with paragraphs 1 and 2 shall after May 6, 1976 be submitted for approval hereunder.

(Amendment adopted, March 10, 1975)

## Section 4 Plan requirements.

### GENERAL

4.01 *Compliance with master plan, official map, other ordinances and regulations:* All subdivisions shall be in harmony with the master plan, when such exists; shall be in conformance with all other applicable state and local by-laws, ordinances and regulations.

The subdivider shall familiarize himself with all state and city regulations relative to health, buildings, roads and other pertinent data, so that he is aware of the obligations and standards with which the proposed subdivision must comply.

No subdivision of land shall be made, and no land in any proposed subdivision shall be sold, transferred, leased, altered or developed, and no street or utility construction shall be started until a final plat, prepared in accordance with the requirements of these regulations, has been approved by the board, and other required permits have been issued. The penalty for transferring lots in an unapproved subdivision shall be as prescribed in RSA 36:27. (See Appendix D, Handbook of Subdivision Practice, Office of State Planning, January 1972 for required state agency approvals.)

The subdivider may avail himself of the assistance of the board before preparation of applications or plans. No building permit, for building related to a proposed subdivision, shall be granted prior to review and approval of said subdivision by the planning board.

4.02 *Character of land for subdivision:* Land of such character that it cannot, in the judgment of the board, be safely used for building development purposes because of exceptional danger to health or peril from fire, flood, poor drainage, excessive slope, or other hazardous conditions, shall not be platted for residential, commercial or industrial subdivision, nor for such other uses as may increase danger to life or property, or aggravate the flood hazard. Land with inadequate characteristics or capacity for sanitary sewage disposal shall not be subdivided for residential, commercial or industrial subdivision purposes unless connected to a municipal sewage system.

4.03 *Premature subdivision development:* Scattered or premature subdivision of land as would involve danger or injury to health, safety, or prosperity by reason of lack of water supply, drainage, transportation, school, fire department, 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.

4.04 *Reserve strip:* No privately owned reserve strip, except an open space area, shall be permitted which controls access to any part of the subdivision or to any other parcel of land from any street, or from any land dedicated to public use, or which may be so dedicated.

4.05 *Preservation of existing features:* The subdivider shall give due regard to the preservation and protection of existing features, trees, scenic points, brooks, streams, rock out-croppings, water bodies, other natural resources and historic landmarks.

4.06 *Lot and site layout:* The layout of lots and sites shall conform to the specifications of the official map and the requirements of the zoning ordinance where in force and shall be appropriate for the intended construction. If allowed in the zoning regulations, a subdivision plat may be designed for cluster or planned unit development provided all requirements of these and such zoning regulations are met. The layout of lots and sites shall be in conformance with section 4.14 of these regulations.

#### SUBMISSION REQUIREMENTS

4.07 *Discussion phase:* Discussion phase maps may be drawn in pencil; data may be tentative but shall be sufficiently clear to show all existing conditions on the property to be subdivided. Maps shall be at a scale of no more than two hundred (200) feet per inch.

Discussion phase submission should contain or be accompanied by the following maps and information:

- a) Site map for the entire area of the parcel being subdivided plus an additional one-hundred-foot area completely around said parcel, showing perimeter boundary of said parcel, land use designation according to the master plan, zoning designation according to the zoning ordinance, topography (from USGS maps), water areas (both permanent and intermittent streams, rivers, ponds, lakes, and marshes), foliage lines, existing roads, easements, structures, and other existing physical features;
- b) Site location map (at a scale of municipal base map, shown as inset on site map) showing proposed subdivision in relation to major roads, community facilities and utilities of the city;
- c) The board may require further detailing of information and additional meetings before advising the subdivider to proceed with preliminary layout design. All material submitted in the discussion phase will be included with subsequent preliminary layout and final plat submissions.

d) Soils information such as may be obtained from the Sullivan County Conservation District.

4.08 *Preliminary layout:* The preliminary layout may be drawn in pencil, and shall be submitted in eight (8) paper print copies, distribution to be: two (2) to the planning board, and one (1) each to the water and sewer department, highway department, police department, fire department, soil conservation district, and school district. Dimensions may be approximate; the date may be tentative, but shall be sufficiently clear to illustrate all conditions and establish the basis and clarify the design requirements for the subdivision final plat. Maps shall be at a scale of no more than one hundred (100) feet per inch.

The preliminary layout submission shall contain or be accompanied by the following maps and information:

- a) Name of municipality and subdivision, name and address of the subdivider and designer;
- b) Boundaries and area of the entire parcel, whether or not all land therein is to be subdivided; north point, bar scale, date and dates of any revisions;
- c) Names and addresses of abutting property owners of record, locations of subdivisions and buildings within one hundred (100) feet of the parcel to be subdivided, and intersecting roads and driveways within two hundred (200) feet of the parcel to be subdivided;
- d) Existing and proposed street right-of-way lines, widths of streets, proposed names of new streets, existing and proposed lot lines;
- e) Location of existing and proposed easements, existence of deed restrictions, buildings, accessory buildings, building setback lines, parks and other open space, watercourses, flood prone areas, large trees, foliage lines and significant natural and man-made features, water mains, sanitary sewers, storm water drainage lines, drainage structures and drainage ways.
- f) Existing and proposed plans for telephone, electricity and gas utilities;
- g) Boundaries and designations of zoning districts lying within the subdivision, municipal boundary of any land use designation from master plan;
- h) A general site location map at the scale of the official map or municipal base map, locating exactly the subdivision boundary and proposed streets in relation to at least two (2) existing intersecting streets or other features shown on the official map;
- i) Soil mapping units and unit boundaries, soil tests and sewage disposal information as required in section 4.15;
- j) A statement of conditions of land as to soil suitability for development;
- k) A statement of the work required on existing streets to meet the minimum standards set herein;
- l) A statement as to the compliance of the proposed lots with zoning requirements. If any lots do not comply but are covered by zoning variances, the statement should include reference to each variance;
- m) Existing and future subdivisions, if any, in and adjacent to the subject subdivision;
- n) A statement and contours in sufficient detail to indicate clearly the method of storm water drainage on and off the subdivision, methods of sanitary sewage disposal and water supply;
- o) Watershed areas, preliminary drainage analysis and preliminary drainage computations;
- p) Preliminary road profiles;
- q) Approval, as prescribed by law, from any other municipal, state or federal agency which may have jurisdiction.
- r) Base flood elevation (BFE) data shall be included for all subdivisions in proximity to flood ways and/or flood plains. (Amended, 6-12-00)
- s) One (1) copy of the preliminary design on an 11" X 17" sheet of paper, suitable for photocopying shall also be provided. (Amended, 10-9-00)

4.09 *Final plat:* The final plat shall be in permanent black ink, on a permanent reproducible polyester film. It shall be submitted in two (2) polyester film copies and five (5) blue (black) line paper prints, distributed to the water and sewer department, highway department, soil conservation district, and two (2) to the planning board. Sheet sizes shall be in accordance with requirements of the register of deeds but not smaller than twenty (20) inches by thirty (30) inches. Maps shall be at a scale of no more than one hundred (100) feet per inch. Space shall be reserved on the plat for endorsement by the planning board and all appropriate agencies. The final plat shall be consistent with the approved preliminary layout, if such preliminary layout is required.

The plat shall contain the following statement: "The Subdivision Regulations of the City of Claremont are a part of this plat, and approval of this plat is contingent on completion of all the requirements of said Subdivision Regulations, excepting only any variances or modifications made in writing by the Board and attached hereto." The final plat subdivision shall contain or be accompanied by the following maps and information:

A. *Plat:*

1. Name of municipality and subdivision, name and address of the subdivider and designer;
2. Boundaries and area of the entire parcel, whether or not all land therein is to be subdivided (in whatever manner is practical, the subdivision boundary shall be referenced to some point, i.e., public street intersection of U.S.G.S. bench mark); north point, bar scale, date and dates of any revisions;
3. Names and addresses of abutting property owners, subdivisions and buildings within one hundred (100) feet of the parcel to be subdivided, and intersecting roads and driveways within two hundred (200) feet of the parcel to be subdivided;
4. Existing and proposed lot lines; angles and/or bearings, and dimensions, lot sizes in square feet and acres, consecutive numbering of lots, iron pins at lot corners;
5. Existing and proposed street right-of-way lines, dimensions of tangents, chords, and radii, accurate locations of all monuments to be set at street intersections, points of curvature and tangency of curved streets and at angles of lots, names of existing and proposed streets;
6. Location of existing and proposed easements, existence of deed restrictions, building setback lines, parks and other open space, watercourses, and significant natural and man-made features;
7. A general site location map (at scale of municipal base map and/or tax map) locating exactly the proposed subdivision boundary in relation to major roads and community facilities of the city;
8. Name and seal of engineer and/or land surveyor licensed by the State of New Hampshire;  
(Note: The subdivision plat shall be based on a boundary survey certified by an engineer or surveyor registered in the State of New Hampshire.)
9. A written acknowledgement of the subdivider's responsibility for maintenance of easement areas until such land has been legally accepted by the city;
10. If a subdivision is to be served by public water supply or by public sewers, a statement from the municipal department or company involved, attesting to the availability and adequacy of such service.
11. Base flood elevation (BFE) data shall be included for all subdivisions in proximity to flood ways and/or flood plains. (Amended, 6-12-00)
12. One (1) copy of the final plat on an 11" X 17" sheet of paper, suitable for photocopying shall also be provided. (Amended, 10-9-00)

As part of the final plat submission, the subdivider or his agent may be required by the board to submit any or all of the following:

B. *Subdivision grading and drainage plan:* This plan shall be submitted on a separate sheet or sheets and shall provide the following information for the entire area of the proposed subdivision, unless there is a determination by the board that a lesser area is sufficient:

1. Basic street and lot layout, with all lots numbered consecutively;
2. Location of all existing buildings and approximate location of proposed buildings, if known;
3. Contours of existing grade at intervals of not more than five (5) feet. Intervals less than five (5) feet may be required depending on the character of the topography. Contour lines shall extend a minimum of one hundred (100) feet beyond the subdivision boundary.
4. Final identification, location, elevation, grades and/or contours at intervals of not more than two (2) feet (less interval may be required depending on topography) for the existing and proposed drainage ways, drainage easements, drainage structures, and water bodies;
5. Final identification and relative location of proposed soil erosion and sediment control measures;
6. Final drawings and specifications for each proposed soil erosion and sediment control measure in accordance with guidelines acceptable to the planning board;
7. Final drawings, details, and specifications for proposed flood hazard prevention measures and for proposed storm water retention facilities;
8. Final slope stabilization details and specifications;

9. A timing schedule indicating the anticipated starting and completion dates of the subdivision development and the time of exposure of each area prior to the completion of effective soil erosion and sediment control measures;

10. Base flood elevation (BFE) data shall be included for all subdivisions in proximity to flood ways and/or flood plains. (Amended, 6-12-00)

(Note: The subdivider shall bear the final responsibility for the installation and construction of all required drainage, slope stabilization, soil erosion and sediment control measures and structures according to the provisions of these regulations.)

C. *Subdivision street and utility plan*: This plan shall be submitted on a separate sheet or sheets and provide the following information:

1. Complete plans and profiles of all proposed streets including but not limited to:
  - a. Horizontal and vertical curve data at the street centerline;
  - b. Street stationing every fifty (50) feet;
  - c. Intersection, turnaround, and/or cul-de-sac radii;
  - d. Statements and/or typical sections of proposed streets.
2. Complete plans and profiles of all proposed sanitary and storm sewers, including the following:
  - a. Invert elevations, original and finished ground profiles above these sewers and top of manhole elevations;
  - b. Profiles and grades of storm sewer lines and inlets;
  - c. Type of material and class, used and proposed grades.
3. Location and details of all existing and proposed utilities, including water mains, gas mains, telephone, electric, on and adjacent to the land to be subdivided.
4. A statement as to:
  - a. The flow (G.P.M.) available on existing water mains;
  - b. The proposed number of units and anticipated sanitary sewer flow;
  - c. The available storm water facilities downstream of this subdivision.
5. Any other details pertinent to street and/or utility construction.

D. *Subdivision "as built" plans*: Other data required by city Code shall be included as part of the subdivision "as built" plans. The initial plans shall be modified to reflect "as built" conditions. Prior to acceptance of the utilities by the city, the subdivider shall submit an "as-built" plan. This plan shall be drawn to scale and shall indicate by dimensions, angles and distances, as applicable, the location of sewer and drain Y-branches, laterals, manholes, catch basins, hydrants, valves, curb cut-offs, road profiles and center line elevations and final grading plan showing swales and ditches. Plan shall show easements and dedicated roadways.

As-built plans shall be submitted by the subdivider to the city on a permanent, recordable print.

4.10 *Minor subdivision requirements*: For a minor subdivision, the board may waive compliance with the survey and preliminary layout phases. Submission procedure and documents for minor subdivisions shall be as required for final plat in sections 3.04, 3.05, 3.06 and 4.09 of these regulations, with the following exceptions:

- a) The board may waive the requirement of a perimeter survey of the entire parcel and require specific data only for that lot for which sale or lease is contemplated;
- b) The board may waive the requirement of: 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;
- c) The final plat shall include a general plan map inset which indicates the size and shape of the entire parcel of which those lots for which sale or building development is contemplated are a part.

4.11 *Legal data required*: Where applicable to a specific subdivision, the following are required, in form as approved by the city solicitor, prior to approval of the final plat:

- a) Agreement to convey to the city land to be used for streets, open space and other public purposes, with transfer of title to such interests to be effective on such date as the city accepts such land;
- b) Descriptions of easements and rights-of-way over property to remain in private ownership;
- c) Descriptions of easements to drain onto or across other property, whether public or private, including a street;
- d) Performance bond, described in section 4.13 hereafter.



4.12 *Filing fee:* A filing fee of fifteen dollars (\$15.00) shall be submitted by all prospective subdividers as part of the final plat submission requirements. If land is to be divided into more than two (2) lots or sites, a fee of ten dollars (\$10.00) per lot or site shall be submitted in addition to the basic filing fee. Said fees shall be submitted prior to any action by the board to approve or disapprove the final plat. Any and all design, engineering, and review costs incurred by the municipality in excess of the above-mentioned fees shall be paid by the subdivider prior to any action by the board to approve or disapprove the final plat.

4.13 *Performance and maintenance bonds:* Except in the case of a subdivision in which each lot is on an existing improved city road, no subdivision filed with the board shall be given final approval until the subdivider shall have filed with the board an engineer's estimate of costs including water system, sewerage facilities, drainage facilities, grading and paving (both streets and sidewalks where applicable), survey monuments, "as-built" plats, street signs, erosion and sedimentation control facilities, landscaping or preservation of open space (where applicable), fees for inspection of improvements by the appropriate city agents, together with maps, plans, and supporting data, accompanied by either:

1. A surety bond, issued by a surety company authorized to do business in New Hampshire, to be filed with the governing body in form and amount satisfactory to it, or;
2. Letter of credit, cash, or savings bank book properly endorsed to the city in an amount to be determined by the governing body, and to be deposited with it, or;
3. That, pursuant to an agreement between the subdivider and the board for tentative approval as authorized by the provisions of RSA 36:22 which approval shall not be entered upon the plat but which shall be noted in the board's minutes and shall constitute authorization for the commencement of construction of required streets and other improvements and installations, the subdivider has received final approval from the appropriate city agents on all items listed on the engineer's cost estimate noted above, or;
4. A combination of numbers 1 and 3, or numbers 2 and 3.

In the case of electric lines or other utilities to be installed by a public utility corporation or a municipal department, a statement shall be received in writing from such public utility, corporation or municipal department that the work will be done within a reasonable time and without expense to the city and that the utilities will be placed underground, if this has been agreed.

Each approval of a final plat shall contain a time limit within which streets and public improvements shall be completed, not to exceed three (3) years, unless extended with the owner's consent by the planning board.

The performance guaranty shall not be released until the governing body has certified completion of the public utilities and improvements in substantial accordance with the requirements, and deeds covering land to be used for public purposes, easements and rights-of-way over property to remain in private ownership, and rights-to-drain onto or across private property are submitted in a form satisfactory to the city solicitor. All recording fees shall be borne by the subdivider.

Upon completion of improvements and approval by the appropriate city agents, surety covering maintenance of roads and improvements for a period of two (2) years from acceptance by the city shall be required in an amount based on ten (10) percent of the engineer's original estimate of such improvements, as approved by the governing body.

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

- a) All lots shown on the final plat must conform to the requirements of the zoning ordinance. However, if allowed in the zoning regulations, a subdivision plat may be designed for cluster or planned unit development, provided all requirements of these and such zoning requirements are met;
- b) All lots or sites shall abut on a street built to city specifications;
- c) Where extra width has been dedicated for widening of existing streets, lots shall begin at such extra width line, and all setbacks shall be measured from such line;
- d) Side lines of lots should be at right angles to straight streets, and radial to curved streets;
- e) Where there is a question as to the suitability of a lot or lots for their intended use due to factors such as rock formations, flood conditions, or similar circumstances, the Board may, after adequate investigation, require modification of such lots;

f) Block length and width or acreage within bounding roads shall be such as to accommodate the size of lot required in the area by the zoning ordinance, and to provide for convenient access, circulation control and safety of street traffic.

g) Lots fronting on two (2) parallel streets will not, in general, be approved;

h) Where lots abut existing city, state or federal streets, marginal access roads or reversed frontage approach should be used with a minimum number of driveways and/or streets entering on to these streets.

4.15 *Soil test and sewerage disposal:* The result of applying these standards will be to prevent the creation of subdivision lots which will not support individual sewage disposal systems. All such land will have to be combined with the more usable land and included in one (1) or more acceptable lots. To accomplish satisfactory results, such wastes must be disposed of so that:

A. They will not contaminate any drinking water supply;

B. They will not give rise to a public health hazard by being accessible to insects, rodents, or other possible carriers which may come into contact with flood or drinking water;

C. They will not give rise to a public health hazard by being accessible to children;

D. They will not violate laws or regulations governing water pollution or sewage disposal;

E. They will not pollute or contaminate the waters of any bathing beach, shell fish breeding ground, or stream used for public or domestic water supply purposes;

F. They will not give rise to a nuisance due to odor or unsightly appearance.

*Sewage disposal design:* Where individual, on-lot sewage disposal systems are proposed, the subdivision shall conform to the following submission and design requirements regarding soils and sewage disposal:

A. No subdivision of land will be approved by the board where it creates a lot or site that will not meet the minimum standards and design requirements imposed by the current regulations of the State of New Hampshire Water Supply and Pollution Control Commission (Septic Tank System of Sewerage Disposal), municipal regulations, and the requirements listed below;

B. The number and location of percolation tests and tests pits shall be determined in consultation with the board or their agent and dependent on the submission phase. All percolation tests and test pits attempted shall be taken to and into natural ground level (original ground level) and be logged, recorded, located and dated on the soil survey plan;

C. Soils data shall consist of available soil survey information and soil test pit results (test pits and percolation tests). The subdivider shall furnish a soil survey report and plan covering the entire area of the proposed subdivision prior to subdivision approval by the board. The soil survey plan shall show the location of the soil mapping units and soil mapping unit boundaries as indicated in the most recent town or country Soil Survey as prepared by the U.S. Department of Agriculture Soil Conservation Service. A legend shall be prepared and placed directly on the soil survey plan; such legend showing soil mapping unit symbols, soil names, depth to seasonal high water table, depth to bedrock, permeability, soil limitation for on-lot sewage disposal and other such information as the board and/or the Sullivan County Conservation District may deem appropriate.

The delineation of the soil mapping units and unit boundaries and the preparation of said legend shall be certified by the Sullivan County Conservation District and signed by its legal representative.

D. All soil tests (test pits and percolation tests) shall be performed in the presence of and certified by an official representative of the city duly designated to inspect soil tests for the purposes of these regulations. This data shall be submitted with subsequent submissions of the preliminary layout and final plat. All such soil tests shall be performed during the period from October 15 through May 15 unless otherwise permitted by the board. Should the board allow testing during any other time, it shall be incumbent upon the applicant to retain someone qualified in soils, such as a soils scientist, geologist or soils engineer to determine those soil characteristics indicative of seasonal high water table.

E. In soils having a hardpan, the sewage disposal system must be so designed that:

1. Subsurface and surface drainage be diverted from the leach bed area;

2. Size of the subsurface absorption field is designed so as to accommodate the slow permeability within the hardpan;

3. In any hardpan soils; all seepage beds, trenches, or pits shall be located no closer than seventy-five (75) feet from any roadside ditches or drainage ditches that are on the downhill side below the proposed system.

F. Any land area having a natural slope of twelve (12) percent - twelve (12) feet vertical to one hundred (100) feet horizontal - or greater shall not be altered or used for the disposal of septic tank effluent unless the system is designed by a registered (with the state of New Hampshire) civil and/or sanitary engineer and overcomes the adverse land conditions to the satisfaction of the board.

G. No septic system leaching bed shall be allowed on soils subject to flooding, unless the individual or parties responsible for the system can prove the system will, during periods of flooding from adjacent streams and rivers, comply with the six (6) basic standards of these regulations. In no case shall the subsurface absorption system be closer than one hundred (100) feet to any water supply well, stream, brook, water course or other body of water.

4.16 *Street design:* Proposed streets shall be in harmony and conformance with existing and proposed streets, as shown on the city master plan or official map. Street patterns shall give due consideration to contours and natural features through the use of curvilinear street patterns, where possible. Where required by the board, provision shall be made for the extension of the street pattern to abutting undeveloped property. Every proposed street in a subdivision shall be laid out and constructed as required by the following regulations:

A. All streets shall be constructed, and all bridges, culverts, drainage structures, storm sewers, gutters, drainage ditches, and other improvements required by the subdivision plat and accompanying documents, shall be installed in conformance with the standards and specifications adopted by the city.

B. The plan of any proposed subdivision shall show all work required to connect and complete the improvements and utilities between the proposed street pattern and any connecting street in an existing subdivision.

C. Where a subdivision abuts an existing street with an inadequate alignment, or right-of-way width, the subdivision plat shall include in the street dedication all land needed to meet the standards established by these regulations, and as approved by the board.

D. Where a proposed subdivision abuts an existing subdivision, the subdivider shall make every attempt to design the street system of the proposed subdivision to connect with dead-end or "stub" streets of the existing subdivision.

E. The layout of the street pattern shall be based upon a local street system connected to a collector street system connected to an arterial system.

F. Local residential streets shall be designed so as to discourage through traffic.

G. Except where it is impracticable because of the character of the land, the intersections of local or collector streets with arterial streets should be at least eight hundred (800) feet apart, measured from center line to center line.

H. Except where it is impracticable, because of the character of the land, streets shall intersect so that within seventy-five (75) feet of the intersection the street lines are at right angles and in no case less than seventy-five (75) degrees. Grades for the subordinate street within an intersection shall not exceed one (1) percent, while they shall not exceed one and one-half (1 1/2) percent at a distance of fifty (50) feet from the intersection of street center lines. From fifty (50) to one hundred (100) feet from an intersection, grades shall not exceed three (3) percent. In no case shall any grades within one hundred (100) feet of an intersection of street center lines exceed five (5) percent for a proposed street. In cases where it is impracticable, the planning board shall have the final authority.

I. Multiple intersections involving a junction or more than two (2) streets shall be prohibited. If at all possible, four-way intersections shall be avoided on all local and minor collector streets.

J. The minimum distance between center line offsets at street jogs shall be one hundred fifty (150) feet.

K. Permanent dead-end streets should where possible not exceed one thousand (1,000) feet in length, and shall terminate in a suitable turnaround.

L. Temporary dead-end streets, where future extension to another outlet is approved by the board, or where indicated on the plan, may exceed one thousand (1,000) feet in length. In such cases, the full width of the right-of-way to the subdivision property line shall be reserved as a street right-of-way.

M. If a dead-end street is of a temporary nature, a turn-around shall be provided and provisions made for future extension of the street through to adjacent property and reversion of the excess right-of-way to the adjoining properties.

N. The following standards shall apply to cul-de-sac streets:

1. The turnaround at the end of a cul-de-sac street should be located so that it drains toward the entrance;
2. Unless there is the expectation of extending the street through to the adjoining property, a cul-de-sac street should never be brought to the property boundary line but should be placed so that the lots can back on the property line of the subdivision.

O. No street shall have a name which will duplicate or closely duplicate the names of existing streets. The continuation of an existing street shall have the same name.

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

4.17 *Classification of streets:* The classification of existing streets shall be as defined in the city master plan or official map or by the board where such master plan or official map does not exist. The classification of new streets shall be as determined by the board in accordance with the following table. The following standards of design shall apply to streets related to subdivision and Class IV, V, or VI roads that need improving to service said subdivision.

The board may require greater width of right-of-way or pavement where, in its judgment, the demands of present or future traffic make it desirable or where topographic conditions create a need for greater width for grading and paving, together with curbs and sidewalks.

#### STANDARDS FOR STREET DESIGN

TABLE INSET:

	Local 1		Collector		Arterial
	Minor	Major	Minor	Major	
Average daily traffic <sup>2</sup>	0--250	250--500	500--1000	1000--3000	3000--Up
Minimum right-of-way <sup>4</sup>	50	60	60	70	100
Minimum travel surface width (ft.) <sup>4</sup>	18	18	20	24 <sup>6</sup>	Variable
Minimum shoulder width (ft.), each side	2	2	4	4	Variable
Minimum distance from center of road to center of ditch (ft.) <sup>4</sup>	16	16	18	Variable	Variable
Minimum horizontal curve radii (ft.)	100	100	150	300	500
Minimum vertical curve length (ft.)	100	100	100	200	Variable
	In no case less than 20' for 1% difference in grade.		In no case less than 30' for each 1% difference in grade.		
Minimum length of tangents between curves	100	100	100	200	Variable
Maximum grade	12% <sup>5</sup>	10%	10%	8%	5%
Minimum grade	0.5%	0.5%	0.5%	0.5%	0.5%
Minimum vertical sight distance <sup>3</sup>	200'	200'	250'	250'	300'

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

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

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

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

5 - In no case shall a 12% grade be used at a distance greater than 200 feet in any specific location.

6 - In the case where parking is desired, an additional lane will be added.

4.18 *Street improvements:* In rural areas, streets shall have a minimum travel surface width as prescribed above, with shoulders not less than two (2) feet wide. The board may require a greater travel surface width and shoulders for arterial and collector streets. Within the compact limits of the city, new streets shall be of at least minor collector street classification with curbs and gutters.

4.19 *Parking:* All subdivision development shall require off-street parking to be provided at the rate of at least two (2) parking spaces per dwelling unit. In order to provide for the most efficient means of road maintenance, snow plowing and access by emergency, police and fire vehicles, parking of vehicles within the street shall be discouraged.

4.20 *Pedestrian walk:* Where necessary, in the judgment of the board, rights-of-way for pedestrian travel and access may be required between a subdivision and its parts, or between a subdivision and public property.

4.21 *Utilities, drainage:* All subdivisions shall make adequate provisions for water supply, storm water and sanitary sewage disposal, and required utilities and improvements. The board may require the extension of public water and sewers to and within a proposed subdivision, without cost to the city, 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 ten (10) feet beyond the street property line of each building lot.

All utility system installations shall be at the expense of the subdivider and shall be installed under the supervision of the appropriate city agency.

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 watercourses, or connect to existing storm drains providing adequate capacity exist. If not, additional capacity shall be added at the expense of the subdivider.

No plat shall be approved when in the opinion of the board the storm water drainage system proposed may create additional runoff which cannot be reasonably flowed from the premises in existing drainage systems unless and until the subdivider shall present to the board one (1) or more of the following as may be required by the board:

A. Flowage or drainage easements from the owners of properties affected by the increased flow;

B. An opinion letter from a duly licensed civil engineer representing to the City of Claremont that he has designed or approved all necessary on-site drainage controls and that in his opinion drainage into existing systems from the proposed subdivision will not unreasonably interfere with the lawful enjoyment of affected properties;

C. A three-year maintenance bond as provided in section 4.13 of these regulations with sufficient sureties under which the subdivider and sureties shall undertake all on-site controls as may be reasonable required to protect affected properties and/or protect the City of Claremont from unreasonable expenditures for the enlargement of municipal drainage systems proximately affected;

D. Or such other control and performance procedures as may be approved by the board.

The subdivider or his agent or its engineer shall provide all technical and survey data as may be required by the board, including but not limited to, on-site, "downstream and upstream data."

For purposes of preparing drainage plans, the following basic design criteria shall be utilized: Storm sewers and subdivision drainage facilities shall be based upon a design flow with a minimum return interval of ten (10)

years. The design of natural watercourse channels shall depend upon the drainage area according to the following table:

**DESIGN RETURN INTERVALS FOR NATURAL WATERCOURSES**

TABLE INSET:

<i>Drainage Area</i>	<i>Return Interval</i>
Above 20 square miles	100 years
Between 4 and 20 square miles	50 years
Less than 4 square miles	50 years

Where underground utilities are to be furnished from a public source, all necessary mains, branch offsets to each lot, and fire hydrants shall be installed, by the subdivider, as approved by the corporation or municipal department having jurisdiction, and to the satisfaction of the governing body, and without expense to the city.

**4.22 Sediment and erosion control:**

A. *General:* The purpose of this section is to control soil erosion and the resulting sedimentation from occurring in subdivision areas by requiring proper provisions for water disposal and the protection of soil surfaces during and after construction in order to promote the public health, safety, convenience and general welfare of the community.

B. *Standards:* The following standards shall be observed by the subdivider in the design, layout and engineering of the proposed subdivision in both the preliminary layout phase (section 4.08) and the final plat phase (section 4.09):

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

**SUBDIVISION DESIGN AND STANDARDS**

**4.23 Open space shown of city 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 should 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 city. The board shall not require such dedication in excess of fifteen (15) percent of the total area of the subdivision without reasonable compensation, and if the city 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 fifteen (15) percent, the subdivider 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.

**4.24 Other open space:** If no such open space, park or playground is shown on the city master plan within the boundaries of a proposed subdivision, the board may, where it deems essential, require that the plat show one (1) or more sites of character, size, shape and location suitable to be used as community open space or park, in

area not to exceed fifteen (15) percent of the total area of the subdivision. The subdivider may of his own volition exceed the above area requirements. In the case of cluster subdivision or planned unit development, open space shall be not less in area than as provided in the zoning regulations. Such areas of open space, whether privately or publicly owned, shall have a sufficient legal restriction recorded in the city land records to assure permanence of use as open space. Open space land in private ownership shall be deeded in such a way that will assure operation or maintenance of the land in an orderly manner suitable for the purpose intended.

**4.25 *Development of open space:*** On land to be used as active recreation open space, undesirable growth and debris shall be removed. Wooded and brook areas shall be left natural; active recreation open spaces shall be graded properly 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 material, supplies, or equipment, on any subdivision land designated as open space. No work, removal, or filling shall be done, nor shall the existing natural characteristics of open space land be altered from the original condition, until the subdivider's plans for recreational development of said open space have been reviewed and approved by the board as part of the final plat submission.

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

A. To the fullest extent possible, all existing trees and shrubbery shall be preserved by the subdivider. Special consideration shall be given to the arrangement and ultimate improvement or development of the lots to this end. Precautions shall also be taken to protect existing trees, shrubbery and vegetation during the construction of roads and utilities;

B. Where any land other than that included in public rights-of-way is to be dedicated to the public use, the subdivider shall not remove any trees from the site without written permission from the planning board;

C. Topsoil moved during the course of construction shall be redistributed so as to provide at least six (6) inches, where possible, of cover to all disturbed areas of the subdivision. At no time shall topsoil be removed from the site without permission in writing from the planning board;

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

**4.27 *Monuments:*** Permanent survey monuments shall be set in the boundary of rights-of-way at intersecting streets, point of curvature (P.C.) and point of tangency (P.T.) of curves, though the point of intersection (P.I.) of short curves may be used instead, where such is practical, at the discretion of the city engineer. Monuments shall be placed on one (1) side of the street only and at only one (1) corner of intersecting streets, adjacent monumented points shall be intervisible.

Monuments shall be tied in to a public street intersection, U.S.G.S. benchmark or other recognized existing monument. Monument locations shall be shown and properly dimensioned on the final plat.

Monuments shall be of stone, concrete, or other material acceptable to the city engineer, and not less than four (4) inches in diameter or square, and not less than forty-two (42) inches long, or from the top of underlying solid rock (ledge). Concrete monuments shall be reinforced with steel rods, and a plug, brass plate, or pin shall serve as the point of reference. If stone, a drilled hole shall serve as the point of reference and a magnetic rod or other suitable metal shall be placed adjacent to the monument to allow for recovery.

Iron pipe shall not be considered permanent monuments for the purpose of the regulations.

## Section 5 Administration and enforcement.

**5.01 *Modifications:*** The requirements of the foregoing regulations may be modified when, in the opinion of the board, after public hearing, specific circumstances surrounding a subdivision, or condition of the land in such subdivision, indicate that such modification will properly carry out the purpose and intent of the master plan and of these regulations. Notice of such hearing shall be given not less than fifteen (15) days prior to the date thereof by publishing in a newspaper of general circulation the date, time and place of the hearing and shall designate the location of the land in question and the nature of the modification being sought.

**5.02 *Interpretation:*** In the matters of interpretation of these regulations the opinion of the board shall prevail.

5.03 *Acceptance of streets and/or utilities:* Nothing herein is intended to modify the requirements of law with preference to the acceptance of streets and/or utilities by the city. Nothing herein is intended to modify or control the construction, reconstruction, or extension of streets and/or utilities by the city or state.

5.04 *Other regulations:* Where these regulations are in conflict with other local ordinances the more stringent shall apply.

5.05 *Penalties:* As provided in RSA 36:27, any owner, or agent of the owner, of any land located within a subdivision, who transfers or sells any land, before a plat of the said subdivision has been approved by the planning board and recorded or filed in the office of the register of deeds shall forfeit and pay a penalty of five hundred dollars (\$500.00) for each lot or parcel so transferred or sold; and the description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties. The city, through its solicitor or other official designated by its council, may enjoin such transfer or sale and may recover the said penalty by civil action.

[5.06. Reserved]

5.07 *Appeals:* Any person, aggrieved by an official action of the board, may appeal therefore, to the superior court as provided by RSA 36:34.

5.08 *Validity:* If any section, subsection, or phrase of these regulations is found for any reason to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of these regulations.

5.09 *Amendment:* These regulations may be amended or rescinded by the board but only following a public hearing on the proposed change. The secretary of the board shall transmit a record of any changes so enacted by the register of deeds of Sullivan County.

5.10 *Effective date:* The effective date of these regulations shall be May 6, 1974.

#### SUBMISSION POLICIES SITE PLAN AND SUBDIVISION APPLICATIONS

1. The first step in gaining approval for a non-residential development project is to make a formal application in writing for a ZONING PERMIT. Attach to this permit your formal plans.
2. Within 30 days, the zoning office staff will respond with what approvals are necessary. Once it is determined that all zoning requirements can be met, you may make a formal application to be scheduled on the next available agenda.
3. If zoning requirements cannot be met, you must obtain variances or special exceptions from the Zoning Board BEFORE making application to the Planning Board.
4. Development Office staff will review your application (application form, plans, abutters list, other state or local permit approvals, bonding, etc.) to determine if it is complete before scheduling it for Planning Board review.
5. Once the Development Office staff has determined that your plan has met all requirements to be considered COMPLETE, the Planning Board must officially vote to accept it as such. Once they do this, the Board must vote within 90 days to grant or deny your preliminary or final application.
6. If you choose to seek preliminary approval first, you must reapply for final review after receiving your preliminary approval. We will not automatically schedule an application for final approval without formal application filed by the deadline date.
7. If your proposed plans fall within one of the guidelines for a Site Plan Waiver (see Site Plan Regulations for specifics), you may decide to apply for a waiver from having a registered surveyor prepare your site plan. Keep in mind that this waiver only relieves the applicant from having a surveyor prepare the plan. All of the same requirements of a formal site plan apply to a waiver plan. A site plan waiver plan must be submitted prior to being placed on the agenda, and will be reviewed by staff for completeness.
8. If you wish to subdivide your land, your first step will be to make application for subdivision on the official application form and submit this, with your plan, to the Development Office for review, as stated above. PLEASE NOTE THAT THERE WILL NO LONGER BE SEPARATE DATES FOR PLAN DEADLINES AND APPLICATION DEADLINES!



We encourage applicants to be in touch with our office frequently during this review process. We are available to assist you in any way. To avoid confusion, we ask that you designate one contact person for your project if you are working with a number of individuals connected to your project.

RESOLUTION

WHEREAS, approved subdivision plans under Chapter 36.24 RSA represent amendments to the Official City Maps and associated records, and  
WHEREAS, the Official Maps and Records of the City must be kept current for comprehensive planning and equitable taxation of properties, and  
WHEREAS, there is a need to standardize subdivision applications and procedures to facilitate the updating of City records at minimal cost to the City property owners,  
THEREFORE, be it resolved that the Planning Board hereby clarifies and interprets the meaning and intent of the term, "Site Location Map" as used in the City Subdivision Regulations with the following Policy Statement (No. 2).

PLANNING BOARD POLICY STATEMENT - No. 2

Effective January 24, 1979, all subdivision applications shall use both the City Base Map (scale: 1" = 100') on File in the City Engineer's Office and the appropriate City Tax Map for developing the "General Site Location Map" required under Sections 4.07b, 4.08h, and 4.09A.7 of the Claremont Subdivision Regulations.

Specifically, the following procedure shall be followed:

1. Discussion and Preliminary Plans.

All subdivision applications for discussion and preliminary review shall include, either as an insert to the plan or as a separate submittal, the appropriate section of the City Base Map showing the location and general layout of the proposed subdivision.

2. Final Plans.

a. All final subdivision plats shall include an insert of the City Base Map which accurately depicts the subdivision location and general lot layout (if practical).

b. Final subdivision applications shall include one (1) paper copy of the appropriate City Tax Map or maps properly updated to accurately show all new property lines created by the subdivision. Required paper copies of City Tax Maps for updating shall be furnished by the City at no cost to the applicant.

ADOPTED BY RESOLUTION OF THE PLANNING BOARD ON JANUARY 24, 1979.