TOWN OF BOSCAWEN

LAND SUBDIVISION REGULATIONS

Amended – September 6, 2016

Adopted by the Boscawen Planning Board on July 12, 1967
# LAND SUBDIVISION REGULATIONS
## TOWN OF BOSCAWEN, NH
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Section I – Authority and Title

Pursuant to the authority vested in the Boscawen Planning Board by the voters of the Town of Boscawen and in accordance with the Chapter 674, Sections 35-42, as from time to time amended, the Boscawen Planning Board adopts the following regulations governing the subdivision of land in the Town of Boscawen, New Hampshire. Such regulations are to be known as the “Land Subdivision Regulations Town of Boscawen, New Hampshire.”

Originally Adopted July 12, 1967

Subdivision Regulation Amendments

<table>
<thead>
<tr>
<th>Date</th>
<th>Description</th>
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<tbody>
<tr>
<td>December 10, 1996</td>
<td>Major Revision</td>
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<tr>
<td>February 8, 2005</td>
<td>Section III- General Requirements, B 16, (sprinkler systems), added.</td>
</tr>
<tr>
<td>August 9, 2005</td>
<td>Section IV, D 1 number of copies and Section III #17 added.</td>
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<tr>
<td>September 13, 2005</td>
<td>Section VIII, A; Streets, 7. Dead-end Streets, b.</td>
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<tr>
<td>October 11, 2005</td>
<td>Section II- Definition of “buildable land” amended.</td>
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<tr>
<td>July 11, 2006</td>
<td>Section II-Definitions, The word “Wetlands” was added. Chapter VIII, Section C: Lots: #7 A 100-foot buffer shall be maintained from Wetlands.</td>
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<tr>
<td>March 20, 2007</td>
<td>“Not on locus maps” added to Section VI #6.</td>
</tr>
<tr>
<td>August 14, 2007</td>
<td>Section III-Added #18. All new driveways shall be a minimum of 16 feet in width the entire length of drive.</td>
</tr>
<tr>
<td>November 13, 2007</td>
<td>Section III #18 Revised to “A 16 foot curb cut and 13 feet wide the entire length of the driveway.</td>
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<tr>
<td>January 15, 2008</td>
<td>Section II-Definitions, added “Substantial Development”</td>
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<tr>
<td>March 18, 2008</td>
<td>Section IV-Procedure, D4f. Change 90 days to 180 days.</td>
</tr>
<tr>
<td>February 9, 2010</td>
<td>Section III-General Requirements added 19. Floodplain Regulations and deleted the definition of “flood zone” from Section II-Definitions.</td>
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<tr>
<td>August 10, 2010</td>
<td>Amend the definition of Minor Subdivision.</td>
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<td></td>
<td>Section III-B General Requirements #14(a) – Insert, “Obtain a Determination Letter from the Code Enforcement Officer as required by Article 10.02 of the Zoning Ordinance.” and re-letter the section.</td>
</tr>
<tr>
<td></td>
<td>Section IV Procedure, Subsection D Application: Insert “Determination Letter issued by Code Enforcement Officer” into 1(a)i., insert “10-22” x 34” plans”, into 1(a)iii, and re-letter the section.</td>
</tr>
<tr>
<td>May 14, 2013</td>
<td>Insert DD. Voluntary Lot Merger in Section II – Definitions; Amend Section IV – Procedures, Subsection D Application for number of copies and document size; Insert new subsection, Section IV – Procedures, Subsection G-Voluntary Lot Mergers; Insert new Section XIV-Reference Documents and update references to the New...</td>
</tr>
</tbody>
</table>
Hampshire Department of Environmental Services throughout this document.

July 9, 2013    Amend Sections VII – Required Improvements & VIII – Design Standards to update references to road & driveway design and construction.

December 8, 2015    Amend Section IV – 1) Added in Section B, 5, b) Fees and/or Failure to Pay 2) Added in Section D., 1., a), vi The Notification of Impact Fee Assessment Worksheet and 3) Added Section H. - Time Limits, Amend Section VI., B., 26. Added Electronic File requirement.

September 6, 2016    Amend Section VIII-Design Standard – C. 7. Change 100 foot Public Hearing buffer to 25 foot buffer shall be maintained from all wetlands.

Adoption Certification: _______________________________    Date: _September 6, 2016_ (Town Clerk)
Section II- Definitions:

A. **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 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, XXIII.

B. **Applicant:** Any individual, firm, association, syndicate, co-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 himself or for another.

C. **Application:** The filing by an Applicant of an Application Form and all other documents and information described in Section IV D 1.

D. **Application Form:** The form provided by the Board to be submitted by an applicant to request approval of a Plat.

E. **Board:** The Planning Board of the Town of Boscawen, New Hampshire.

F. **Buildable Land:** All land except that which is defined or described as Unsuitable for Subdivision or Building purposes in Sections III B 5 or VIII C 6 of these Regulations. This must be contiguous.

G. **Comprehensive Plan or Master Plan:** A composite of the mapped and written proposals recommending the physical development of the Town which shall have been duly adopted by the Planning Board.

H. **Concept Plat or Plan:** A concept plan of a proposed Subdivision, which satisfies the provisions of Section VI A of these Regulations.

I. **Condominium:** The form of ownership of real property, and any interests therein, lawfully submitted to the provisions of RSA 356-B, in which individual owners own or lease separate units but together, or through an owners’ association, own the common areas appurtenant to the units.

J. **Drainage Right-of-Way:** Land required for the installation of storm water sewers or drainage ditches, or required along a natural stream or watercourse for preserving the channel and providing for the flow of water therein to secure safety from flood damage and to preserve natural amenity.

K. **Engineer:** The duly designated engineer of the Town of Boscawen, or other official who shall be a duly registered engineer.

L. **High Intensity Soil Survey:** A study or survey of the soil types and characteristics of a plot or parcel of land which describes and identifies the soil properties and soil types of the parcel in accordance with the Standards for a High Intensity Soil Map which are adopted from time to time by the Society of Soil Scientists of Northern New England or comparable standards of other comparable professional organization.
M. **Lot:** The whole area of a single parcel of land, a tract, plot or portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership or for building development. A lot is an area with ascertainable boundaries in a single or joint ownership, undivided by a street, established by deed(s) of record or a segment of land ownership defined by lot boundary lines on an approved subdivision plan.

N. **Lot Line Adjustment:** A minor adjustment of the location boundary between two or more Lots which results in no new Lots and does not change the conformity of the lot, which involves no construction of new Streets or other public improvements, and which is not a Re-subdivision.

O. **Major Subdivision:** Any subdivision not classified as a Minor Subdivision.

P. **Minor Subdivision:** Any Subdivision which creates three (3) or fewer lots or condominium units, which does not require the construction of any new Street or the extension of municipal facilities, and which is not in conflict with any duly accepted or approved Street, plan or map. For the purposes of determining the applicable requirements of these Regulations, a Lot Line Adjustment shall be deemed to be a Minor Subdivision.

Q. **Non-Residential Development:** Any development, use or change in the use of land other than single or two-family residential development, whether or not such development includes a Subdivision or Re-subdivision of the land.

R. **Performance Guarantee:** Any security, including performance bonds issued by a State of New Hampshire approved bonding company, escrow agreements, Letters of credit, and other similar collateral or surety agreements, which may be accepted by the Town in lieu of a requirement that a Subdivider complete certain improvements before the board or other Town body approves a Plat.

S. **Planned Unit Development and Cluster Development:** A Subdivision which is planned and developed as a unified whole according to comprehensive and detailed plans, including plans as to the location of Streets, utilities, public and common open spaces, common facilities, lots or building sites, and according to comprehensive design principles for all buildings and improvements intended to be located, constructed and used in the Subdivision. Development may occur in a single phase or a programmed series of phases. All of the Subdivision including common facilities shall be managed for the common benefit of the residents of the development.

T. **Plat or Plan:** A map or plan of a Subdivision.

U. **Re-subdivision:** A change in a map of an approved or recorded Subdivision plat if such change affects any street layout on such, map or area reserved thereon for public use, or any lot line; or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling Subdivisions.

V. **Site Plan Review:** The review by this Board of an Applicants’ plans for Non-residential Development pursuant to the Site Plan Review Regulations.

W. **Site Plan Review Regulations:** The Site Plan Review Regulations for Boscawen, New Hampshire.
X. **Street:** Any street, avenue, boulevard, road, lane, alley, viaduct, highway, freeway and other public roadway. For the purposes of these Regulations “streets” shall be further divided into the following classifications:

1. Arterial Street (Class A): An intercommunity thoroughfare designed primarily for high volume traffic movement throughout the community and beyond.

2. Collector Street (Class B): A street providing a lower level of traffic service than an arterial street and which is designed to provide access between and among areas of the community.

3. Local Street (Class C): A residential street having the primary function of providing direct access to adjoining properties; such street not being designed to provide for traffic service between and among areas of the community. Class C streets shall not be built in areas with the potential of serving more than fifty (50) units or of serving any commercial facilities.

Y. **Subdivider:** Any Applicant who has or who intends to request the Board to approve a Subdivision or Lot Line Adjustment.

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

1. The division of a parcel of land held in common and subsequently divided into parts among the several owners shall be deemed a subdivision under this title.

2. The grant of an easement in gross to a public utility for the purpose of placing and maintaining overhead and underground facilities necessary for its transmission or distribution network such as poles, wires, cable, conduit, manholes, repeaters and supporting apparatus, including any unmanned structure which is less than two hundred (200) square feet, shall not be deemed to create any new division of land for any other purpose.

AA. **Substantial Development:** In approving any application, the Planning Board may specify the threshold level of work which constitutes “substantial development” for the purpose of determining the minimum amount of work required in order to satisfy the provisions of RSA 674:39 pertaining to protection from subsequent amendments to local land use regulations for a period of four (4) years. Substantial development, in the absence of a specific finding by the Planning Board, shall be deemed to have occurred when at least twenty percent (20%) of the total building foundations or one building foundation – whichever is greater- on the site has been installed, inspected and approved by the Building Inspector, utilities have been extended to the site, and a certified plot plan of the foundation has been submitted. All erosion control measures as specified on the approved plan for the area of disturbance must be installed.

BB. **Turnaround-Permanent:** The permanent termination of a Street that will not, or cannot, be extended. This classification shall be made by the Planning Board after initial review and consultation.
CC. **Turnaround Temporary:** The area constructed at the termination point of any street which, in the foreseeable future, will be extended, either further onto the developer/owner’s holdings or onto abutting properties. This classification shall be made by the Planning Board after initial review and consultation.

DD. **Voluntary Lot Merger:** A voluntary merger, in accordance with RSA 674:39-a, as amended, initiated by the land owner(s), of two or more contiguous preexisting approved or subdivided lots or parcels into one new lot.

EE. **Wetlands:** As defined by RSA 482: A: 2, X, wetlands means an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal conditions does support, a prevalence of vegetation typically adapted for life in saturated soil conditions.
Section III-General Requirements:

A. Subdividers 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 the responsibility of the Subdivider and/or applicant to seek the advice and counsel of Town officials, agents, or other qualified persons.

B. All Subdivisions: This Section sets forth certain general requirements that apply to all Subdivisions in the Town of Boscawen.

1. Substandard Streets: Where a Subdivision borders an existing street that is below the standards set forth herein, the Applicant shall set aside and show areas for widening or realigning such Street to the extent necessitated by the Application. 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 Plat.

2. Lot Boundaries: Prior to the issuance of any permits, on any new lots created by a Subdivision, all lot corners shall be permanently marked as provided in Section VII D of these Regulations.

3. State Approvals: Copies of all Applications to the State of New Hampshire for approval of the design of 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. Approval of any Application will be conditioned upon filing with the board of evidence of the issuance of all such state approvals.

4. Conveyances to Town: Before the recording of a Plan of a Subdivision requiring new road construction or the extension of municipal services, the owner shall transfer to the Town of Boscawen by Warranty Deed, all lands not platted for residential use and common area green spaces and recreational areas, or if commercial/industrial, for that use. Open spaces of adequate proportions and 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 and equipment and be coordinated to pose a convenient system. 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.

5. Unsuitable Land: Land of such character that it cannot be safely used for building purposes because of danger to health or peril from fire, flood or other hazard shall not be platted for residential occupancy, nor for other use which would tend to increase the danger to health, life or property or aggravate the flood hazard. Land subject to periodic flooding, poor drainage or other hazardous conditions shall not be subdivided. Land with unsuitable soil or inadequate capacity for individual sanitary sewerage disposal systems shall not be subdivided unless connected to a common sewer system. In the event that a Subdivision contains land, soils, or natural features described in this Subsection, the applicant shall, at the discretion of the Board, submit as part of his application the report and associated plan of the subdivision of a certified soil scientist...
as defined in RSA 310-A: 76 who has performed a High Intensity Soil Survey of the subdivision.

6. Ledge: All areas of exposed ledge shall be identified and plotted on any plat submitted to the Board.

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 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 include Town Classified Roads of Classes 4 and 5. It shall be the responsibility of the property owner to maintain all portions of driveways and associated drainage facilities located within the public right-of-way areas.

9. Scattered or Premature Subdivisions: The Board may disapprove any plat (a) where it finds that it would result in the scattered or premature subdivision of land such as would endanger or injure health, safety or prosperity by reason of lack of water supply, drainage, transportation or other public services or facilities, or necessitate an excessive expenditure of public funds for the supply of such services or facilities, and in this connection, may take into consideration off-site factors affecting the provisions of public services, including the adequacy of existing roads and streets; or (b) where the Board finds that the proposed Subdivision would be contrary to the harmonious, coordinated development and growth of the Town as provided in the Master Plan.

10. 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 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 Plat, provided, however, that such preliminary surveys, staking, studies, inspection and testing shall be accomplished with the minimum disturbance or alteration of the natural state of the land environment.

11. Town Sewer: If any portion of a Subdivision fronts on an existing street served or reasonably expected to be served by Town sewer, or fronts on a new street leading directly from a street served or reasonably expected to be served by Town Sewer; or fronts an existing street and lies within the lesser of one hundred (100) feet per lot or one thousand (1000) feet of a street served or reasonably expected to be served by
Town Sewer; the plat shall show appropriate extensions to the existing sewer lines and appropriate sewer connections from all improvements to the new or existing sewer lines. The use of onsite sewage disposal systems shall not be permitted in such a Subdivision after such sewer service becomes available.

12. Access: Any road serving more than twelve (12) lots shall have an approved secondary means of egress. The secondary egress may, at the discretion of the Board, be parallel to the primary access, separated by a continuous island, to accommodate safety vehicles.

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 Application copies of:
   a) Condominium Declaration;
   b) Condominium Bylaws;
   c) Condominium Site Plan;
   d) Condominium Floor Plan; and
   e) Where applicable, evidence of filing of Application for Registration of the condominium with the New Hampshire Attorney General.

14. Review by Other Town Officials: Before approval of a Plat is given, the Planning Board shall solicit written statements from the following Town Officials regarding the proposed application and other town officials as determined by the Planning Board:
   a) Obtain a Determination Letter from the Code Enforcement Officer as required by Article 10.02 of the Zoning Ordinance.
   b) The Road Agent and Engineer as to the design of the street system, location of easements, and design of the water, sewer, and drainage systems, including appurtenances;
   c) The Police Chief, or representative, as to vehicular and pedestrian traffic safety and access for emergency vehicles;
   d) The Fire Chief, or representative, as to adequacy of fire protection and access for emergency vehicles;
   e) The Recreation Commission, or its Director, and the Conservation Commission as to the suitability and location of any lands proposed to be dedicated for Town open space, park or playground or other recreational purposes;
   f) Town Officials may opt to attend the regular Planning Board meeting to express their concerns regarding the Plat.

15. Compliance with Regulations: All Applications shall comply with the Zoning Ordinance and all other ordinances and regulations of the Town of Boscawen.

16. All new homes unable to be serviced by the Penacook-Boscawen Water Precinct shall be sprinklered.
17. All Applicants must submit in writing their responses to any Review by Town Engineer or Central New Hampshire Regional Planning Commission 20 days prior to the meeting in order to be placed on agenda.

18. All new driveways will have a 16-foot curb cut and be 13 feet wide the entire length of the driveway.

19. National Flood Insurance Requirements. For subdivisions and site plans that involve land designated as “Special Flood Hazard Areas” (SFHA) by the National Flood Insurance Program (NFIP):

   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.

C. Major Subdivisions: The following general requirements apply only to Major Subdivisions.

   1. Erosion Plan: Must comply with all State Regulations.

   2. Drainage /Grading Plan: All Applications shall include a Drainage and Grading Plan showing the entire area, which is directly involved. The Plan shall show all existing and proposed grading for all areas of proposed construction activity. The plan shall show all existing and proposed drainage facilities, including but not limited to catch basins, all storm water culverts, headwalls, detention/retention basins, drainage swales, riprap areas, dams and weirs, and storm water flow dissipaters. The Plan shall show all contributing drainage and subcatchment areas and existing and proposed storm water flow calculations. All drainage plans for the Subdivision shall be based on hydrological calculations from said Drainage/Grading Plans. These plans and accompanying calculations shall be prepared by and bear the stamp and signature of a New Hampshire Registered Professional Engineer. If the storm water drainage system creates any additional storm water flow over 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 and Recreation: Pursuant to RSA 674:36 II (d) and (g), the Board may require the Applicant to dedicate land in a Subdivision to the Town for playgrounds, park trails, open space or recreation uses. The amount of land dedicated for such purposes shall equal up to ten percent (10%) of the gross land area of a Major Subdivision, and all such dedicated land shall be buildable land in a contiguous parcel acceptable to the board.

   a) Subject to the approval of the Board, an Applicant may satisfy the parks and recreation dedication requirement in any one of the following manners:

      i. Dedication to the Town of an area Buildable Land equivalent to ten percent (10%), or such other percentage as the Board may require, of the gross area of land to be subdivided as described above. The Plat shall clearly show the area of land to be dedicated and the parcel(s) shall be clearly labeled “Town Recreation Land”; or

      ii. The donation of the cash equivalent of the value of a parcel of Buildable Land of a size equal to ten percent (10%), or such other percentage as the Board may require, of the gross area of the land to be subdivided. The value of the land shall be determined in its undeveloped state and shall be determined based upon a valid appraisal of the land. The appraisal shall be done by a qualified person, shall include at least three (3) comparable sales, and shall be subject to the review and approval of the Board. The Board may hire its own appraiser, at the Subdivider’s expense, to confirm the value of the property; or

      iii. A combination of land dedication and cash donation; or

      iv. A combination of land dedication and park development; or

      v. Other methods which meet the intent of this Section and which are in the public interest in regard to the specific conditions of the area of Town and the land to be subdivided.

   b) Cash donations shall be placed in a Town fund dedicated to acquiring or developing park or recreation facilities. No portion of the funds is to be used for maintenance or operations.

4. Phasing Plan Required: A written phasing plan shall accompany all applications for Major Subdivisions. The plan shall specify the development timetable for each phase of the subdivision. The plan shall include approximate dates for road and other public improvement construction, for lot sales/development commencement, and for building occupancy. In cases where specific impacts have been identified, the Board may require that the development of a Subdivision proceed at a rate which will allow the Applicant and the Town a reasonable length of time in which to plan and prepare for impacts and to take steps to mitigate adverse impacts.

D. Special Requirements: The following general requirements apply to certain large scale developments or developments, which may have a significant impact on the Town, its services or facilities, as specifically provided herein. The cost of these assessments and studies will be borne by the Applicant.

1. Traffic Impact Assessment (TIA):
a) Where a Subdivision will result in the generation of an average of two hundred (200) weekday vehicle trip ends (according to Trip Generation - An Informational Report, Institute of Transportation Engineers), the Applicant must submit a TIA to the Board. The TIA shall include, but not be limited to, information with respect to:

i. Estimated vehicular trips per day;
ii. An analysis of approaches;
iii. An analysis of the circulation and channelization patterns, a description and analysis of the location and type of existing and proposed traffic control devices;
iv. Pedestrian traffic and systems;
v. An analysis of signal warrants;
vi. A description of the condition and capacity of the road network, and
vii. Other analysis of specific impacts as identified by the Planning Board.

b) A “trip end” is defined as a vehicle movement either entering or leaving the site.

c) Examples of developments which would generate two hundred (200) weekday vehicle trip ends include (from Trip Generation, approximate values):

i. 20 detached single family units,
ii. 40 manufactured housing units or condominium units,
iii. 20 motel units,
iv. 17,000 gross square feet general office building,
v. 1,700 gross square feet shopping center,
vi. 1,200 gross square feet high sit down restaurant
vii. 8,400 gross square feet medical office building or clinic,
viii. 4,000 gross square feet hardware/paint store,
ix. Gasoline/service station,
x. 1,200 gross square feet bank.

2. Fiscal Impact Analysis (FIA): Where a Subdivision would contain the equivalent of two (2) percent of the existing dwelling units within the Town (26 units = 2% in 1996), or where the Planning Board finds that a commercial or industrial subdivision may have an adverse fiscal impact upon the Town, the Applicant must submit an analysis of the projected operating, maintenance and capital costs of the Town. The analysis must contain a summary of the services applicable to the Subdivision and of the capital facilities used to deliver the services.

3. School Impact Analysis (SIA): Where a Subdivision would generate a school age population equal to one classroom according to current U. S. Census data from
Merrimack County, the Applicant must submit an analysis of the impact of the subdivision on the School system.

4. Environmental Assessment (EA): The Applicant of each development containing ten (10) or more lots or twenty (20) or more acres shall submit a report from the New Hampshire Natural Heritage Inventory (NH Department of Resources and Economic Development) which identifies rare plant and animal species and exemplary natural communities in or near the proposed Subdivision with the Application. If any of the species or communities are identified within or adjacent to the Subdivision, an EA addressing the impacts on the species and communities.

5. Community Services Impact Assessment (CSIA): Where a Subdivision contains one hundred (100) lots, one hundred (100) residential units, one hundred (100) gross acres, eight thousand five hundred (8500) gross square feet of office or commercial space, or seventeen (17) gross acres of industrial land the applicant shall submit an assessment of the demands that the development will place on existing or proposed community services including, but not limited to, police, emergency, water, sewer, solid waste, roads, recreation, and Town Offices.

6. Other Considerations: The requirements contained in this Section III D are based on thresholds at which the expected impacts will measurable and at which point mitigation measures by the Applicant may be required by the Board. Nothing contained in this Section shall be construed to prevent the Planning Board from requiring other special investigations, at the applicant’s expense or from requiring the above identified investigations at lower thresholds where, in the opinion of the Board, circumstances related to the development or the area warrant such special studies. An Applicant may not evade the application of the provisions of this Section through phased or scattered development of a parcel. 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. Fees for Off-site Improvements: As a condition of the Approval of an Application the Board may require the Subdivider to pay a proportionate share of the costs of Off-site improvements which are necessitated in whole or in part by the Subdivision.
Section IV – Procedure:

A. Conceptual Consultation:

1. Prior to submission of an Application for Board approval, the Applicant may discuss the proposal with the Board’s Agent, and may make an appointment to discuss the proposal at a regularly scheduled Board meeting by notifying the Board’s agent three (3) weeks prior to the meeting.

2. At the meeting, the Applicant may address the Board concerning the proposal but must limit the presentation to the intent and location of the proposal without going beyond a general description of the basic concept.

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 conceptual form only and in general terms, such as the desirability of types of development and proposals under the Master Plan. The Board may make suggestions, which might be of assistance in resolving problems with meeting requirements during formal consideration.

4. A proposal shall neither be accepted as an Application nor be approved or disapproved by the Board under this procedure.

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 or invalidating any action eventually taken on the application.

7. The time limits for Board actions under RSA 676:4, I and Section IV B 7 and IV D 4 of these Regulations shall not apply to meetings with the Board prior to submission of an Application.

B. Procedure:

1. Board Agent: The Board shall designate an agent to receive all Applications.

2. Notice to Abutters and the Public of submission of an Application:

   a) The Board shall notify all listed abutters and the Applicant of its intent to consider an Application by certified mail mailed not less than ten (10) days prior to the date for official submission to the Board of a completed Application. Such notice shall contain a general description (supplied by the Applicant) of the proposal and shall identify the Applicant and the location of the proposal and a reduced size copy of the Plan. The Board shall also post such notice in two (2) public places in the Town and publish the notice in a local newspaper within 10 days of the date of the meeting date.

3. Action on Application:

   a) The official submission date of the Application shall be the date of the first regular meeting at which the Application is considered. At that meeting, the
Board will consider whether the Application includes the information required by Sections III and VI of these Regulations.

b) An Application which is not complete will be rejected by the Board. If the Board votes to reject an Application, it shall provide the Applicant with written notice of its decision which shall describe the reasons for the rejection.

c) If an Application is accepted by the Board, the Board shall begin formal consideration of the proposal within thirty (30) days thereafter. The Applicant may waive this and all other time periods and consent to such extensions as may be mutually agreeable.

4. Requirement for Public Hearing:

a) Once an Application has been accepted as complete by the Board, and except as described in Section IV D, no 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 adopted by the Board

5. Board Consultation with Specialists:

a) Throughout the process of Board consideration of an Application, the Board may consult with engineers, architects, soil scientists, attorneys, planners or others, at the expense of the Applicant.

b) Deposit and/or Failure to Pay Fees: The Applicant shall deposit an amount in escrow with the Planning Board for the expected cost of any such review or study as estimated by the Planning Board. The escrow amount shall be reviewed periodically to assure that sufficient funds are available to cover all review costs. The Applicant shall deposit additional funds as requested. An Applicant’s failure to pay any such amounts within seven days of request for payment shall constitute grounds for disapproval of the application, without further notice or hearing, or revocation of any approval previously granted.

6. Consent to On-Site Board Inspection:

a) 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.

b) The on-site visit and action on the Application may be postponed by written mutual agreement until no later than May 1st following the acceptance of the Application if winter conditions prohibit making a proper inspection and evaluation of the site.

7. Action on Application:
a) Subject to the provisions of Section IV B 6, the Board shall approve or deny an Application within sixty (60) days of its submission and acceptance by the board. The Applicant may waive this time period and consent to such extensions as may be mutually agreeable.

b) 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.

c) If the Board approves an Application; it shall notify the Applicant of the Approval and any conditions of such approval in writing.

C. Expedited Review

1. At the Board’s discretion, any Application for: (a) minor lot Line Adjustments or boundary agreements which do not create buildable lot(s), or (b) minor subdivision or a proposal which does not create lots for building development purposes may be accepted and approved by the Board at one meeting subject to the notice and public hearing requirements described in these Regulations and subject to the Applicant’s full compliance with these Regulations if application is complete.

2. At the time of the filing of such an Application, the Applicant shall specifically state whether the proposal qualifies for expedited review and shall file the Application Form and Plans.

3. The Board shall provide notice to all parties as provided in Section IV B 2 of these Regulations of its intent both to consider the submission and the approval of the Application under these Expedited Review Procedures, and to hold a public hearing on the Application.

4. The Board shall hold a hearing, with notice as provided in Section IV B 4 of these Regulations, prior to approval or disapproval of the Application.

5. 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.

D. Application:

1. Filing:

   a) The Applicant shall file with the designated agent:

      i. Determination letter issued by Code Enforcement Officer as required by Article 10.02 of the Zoning Ordinance;

      ii. 25 copies (8.5” by 11” in size) of the Application Form;

      iii. 25 copies (17” by 22” in size, ANSI C), of all site plans plus four copies (22” x 34” in size, ANSI D), which comply with Section VI B of these Regulations;

      iv. 25 copies (17” by 22” in size, ANSI C), plus four copies (22” by 34” in size, ANSI D), of any construction plans, if applicable; and
v. The appropriate filing fee based upon the fee schedule as may be set by the Board from time to time.

vi. The Notification of Impact Fee Assessment Worksheet

2. Completed Applications must be filed with the designated agent at least twenty (20) days prior to the next regular meeting of the Board in order to be considered by the Board at such meeting. A work session at which no vote may be taken is not a regularly scheduled meeting of the Board.

3. Notice to Abutters and Public:

Notice of any public hearing on an application shall be given as provided in Sections IV B 2 of these Regulations.

4. Public Hearings:

No Application shall be approved or denied without a public hearing as provided in Section IV B 4 of these Regulations.

5. Action on Application:

a) Subject to the provisions of Section IV B 7, the Board shall act to approve, conditionally approve, or disapprove any Application which has been timely filed and complies with these Regulations within ninety (90) days after the Board voted to accept the application. 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) 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. Approval may occur in this manner when the conditions are:

i. minor plan changes whether or not imposed by the Board as a result of a public hearing, compliance with which is administrative and does not involve discretionary judgment; or

ii. conditions which are in themselves administrative and which involve no discretionary judgment on the part of the Board; or

iii. conditions with regard to the Applicant’s possession of permits and approvals granted by other boards or agencies. All other conditions shall require a hearing after notice in accordance with Sections IV B 2 and IV B 4.

d) If the Board rejects an Application, it shall provide the Applicant with written notice of its decision which shall describe the reasons for the rejection.

e) Upon approval, the Chairman shall sign and date the plat as approved. Approved plats and any documents affecting covenants, deed restrictions, etc, shall be recorded with the Merrimack County Registry of Deeds by the Board or its agent.
All conditions of approval as imposed by the Planning Board shall appear on the face of the plat to be recorded.

f) The Board’s approval of an Application shall lapse if all conditions of Approval have not been met within 180 days of the date of the Approval. Upon request, and where it can be shown to the satisfaction of the Board that a hardship exists, an Applicant may be granted a reasonable extension of this time period.

E. Expenses and Fees:

All expenses incurred by the Town of Boscawen in processing an Application for Board Action shall be borne by the Applicant. The cost of recording the plat with the Registry of Deeds, cost of any required publication, cost of posting notices, 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, all must be paid by the Applicant at the time of filing an Application with the designated agent of the Board. All additional costs incurred during review of the Application shall be paid prior to approval. 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.

F. Modification of Approvals:

Minor design modifications and minor modifications of approved subdivisions may be approved by the Planning Board upon recommendation of the Road Agent/Town Engineer, Zoning Officer, and Town Planner at a public meeting without specific notification of abutters provided that all of the following conditions are met:

a) The modification is the result of circumstances relating to the property that were not anticipated at the time of approval.

b) The modification is minor, insubstantial, and will not in any way adversely affect abutters, future occupants, owners, or the public.

c) In all other cases, modifications shall be approved only pursuant to the provisions of Section IV B 4 of these regulations.

i. When the Board has determined that a requested modification shall require a public hearing in accordance with Section IV B 4, the Applicant shall be responsible for all expenses and fees as set forth in Section IV E of these regulations.

G. Voluntary Lot Mergers. The Technical Review Committee, as specified and established in and by the Site Plan Regulation Section III.B, shall consider applications for voluntary lot merger on behalf of the Planning Board in accordance with RSA 674:39-a, as amended. The process outlined in subparagraph 1 below shall govern the voluntary lot merger process.

1. The Technical Review Committee shall grant approval of a voluntary lot merger when the following is present, in accordance with RSA 674:39-a, as amended:
Any owner of 2 or more contiguous preexisting approved or subdivided lots or parcels who wish to merge them for municipal regulation and taxation purposes may do so by applying to the Technical Review Committee. Except where such merger would create a violation of then-current ordinances or regulations, all such requests shall be approved, and no public hearing or notice shall be required. No new survey plat need be recorded, but a notice of the merger, sufficient to identify the relevant parcels and endorsed in writing by the Technical Review Committee, shall be filed for recording in the registry of deeds, and a copy shall be mailed to the municipality’s assessing officials. No such merged parcel shall thereafter be separately transferred without subdivision approval. The Town of Boscawen may not merge preexisting subdivided lots or parcels except upon the consent of the owner.

H. Time Limits for Fulfilling Conditions:
   1. Conditional approval shall be null and void unless all conditions necessary for release and recording of the plan are fulfilled within one (1) year of the Board’s granting conditional approval. The Board may grant extensions, upon written request filed with the Board at least thirty (30) days prior to expiration of conditional approval, stating the requested length of extension and the extenuating circumstances justifying an extension. Board consideration of extensions shall be noticed and shall include a public hearing. Time limit extensions are typically one (1) year in length. Additionally, while an appeal of a Board decision pursuant to RSA 677:15 stays proceedings upon the decision appealed from, the time limits of this section are not tolled during the pendency of such an appeal.

I. Phasing and Time Limits for Constructing Improvements:
   1. Any subdivision may be approved for phased development, with the first phase beginning when the approval conditions have been met.
   2. The capital improvements for the plan or for any phase shall be completed, and in the case of public improvements, accepted by the Board of Selectmen, within three (3) years.
   3. The capital improvements should be completed, and if public, accepted prior to beginning a second phase. Time extensions to this provision may be granted by the Planning Board, upon written request filed with the Board at least thirty (30) days prior to the required date, stating the request length of extension and the extenuating circumstances justifying an extension.
   4. Time limit extensions are typically one (1) year in length. Additionally, while an appeal of a Board decision pursuant to RSA 677:15 stays proceedings upon the decision appealed from, the time limits of this section are not tolled during the pendency of such an appeal.

Section V-Non-Residential Development:
Refer to Site Plan Regulations, Town of Boscawen.
Section VI-Plat Details

A. Conceptual Consultation:

The Applicant shall prepare a Concept Plan of the site and surrounding properties in sufficient detail to allow the Planning Board to discuss the proposal. The Concept Plan should be drawn on a USGS, other topographical map or aerial photograph at a scale of one inch equals five hundred feet (1”=550’) or larger, and should show approximate tract boundary lines and tax block parcel numbers for the proposed area of development, all contiguous holdings of Applicant, and the names and addresses of the owners of all existing Streets, sewer and water lines, and other rights-of-way or easements should be shown as appropriate.

B. Plat:

The Plat shall be prepared to a scale of not less than one inch equals one hundred feet (1”=100’) 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 twenty-two by thirty-four inch (22” x 34”) 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 sheets. The Plat shall show or be accompanied by the following:

1. Date of survey, name and legal description of Subdivision, locus maps superimposed on the Town Tax map (at appropriate scale) showing the relation of the proposed Subdivision to existing streets, and surrounding property within two hundred feet (200’), name of owner of record and Subdivider, and graphic scale.

2. Tract boundary lines, right-of-way lines of streets, street names, easements and other rights-of-way, park areas, or land to be reserved or dedicated to public use. All lot lines with accurate dimensions, bearing or deflection angles and radii, arc, length and central angles of all curves and deflections if not tangent. All dimensions shall be shown to hundredths of a foot and bearing to at least the nearest thirty (30) seconds. The error of closure shall not be more than one to ten thousand (1:10,000). Compass and tape methods may be used for the remaining pieces of subdivisions larger than ten (10) acres, provided that the property lines shall be predominately bounded by physical evidence shall possess a minimum number of angle points and have an acceptable length to width ratio.

3. Water courses and flood zone locations with base flood elevations that may exist within five hundred feet (500’) of the subdivision boundaries. Utilities and drainage shall be located and designed to be consistent with the need to minimize flood damage and to provide adequate drainage for the area.

4. Plans shall reflect all land within one thousand feet (1000’) of any portion of the Subdivision in which the owner/Subdivider has an interest. If the plans include only a portion of the entire holdings, any possible future plans, in the form of a sketch, for these remaining holdings shall be shown. Said plan to include possible road layout, lots, service, etc.

5. 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.
6. The tax block parcel number and names and addresses of owners of property abutting the tract to be divided, not on locus map. Proposed lots shall be numbered consecutively as instructed by the Town.

7. Name and address of engineer and/or surveyor.

8. Certification and seal of surveyor as to accuracy of the plat details.

9. Where an applicant proposes a temporary turnaround, sufficient documentation must be submitted to demonstrate that the road terminus is suitably located to facilitate the future extension of the road into adjoining properties.

10. Where an Applicant proposes to extend a street which currently ends in a T-type turnaround, a plan for restoring the turnaround to a “natural” condition and continuing surface drainage must be submitted. The turnaround may be left where the abutting property owners specifically request such treatment and where surface drainage is appropriately accommodated.

11. Existing and proposed ground elevation contours based on USGS topographic data as follows:
   a) Slopes 0% to 2% - two foot (2’) contour interval plus spot-elevations,
   b) slopes 2% to 5%- two foot (2’) contour intervals,
   c) slopes greater than 5%- five foot (5’) contour intervals.

12. A layout indicating how the site will be served by electric, telephone, and any other public utility must be provided. If the utility company requires an easement to provide service, no approval shall be granted by the Board until such easements are secured. If no easements are required, a letter of intent to provide service from the utility company(s) must accompany the application.

13. Locations of all existing and proposed sanitary sewer systems, water mains, and all Stormwater management facilities, including but not limited to catch basins, culverts, drainage swales, rip-rap areas, detention/retention areas, dams and weirs, and necessary easements. Drainage/grading plans shall be prepared by and bear the stamp and signature of a New Hampshire Licensed Professional Engineer.

14. When individual sewage disposal systems are proposed, the plans for such systems, must be approved by the appropriate Local, County, or State Agency. When a public sewage disposal system is not available, the subdivider shall have percolation tests made and submit the results with the plat. Before the application is approved the location of the septic system as proposed or if applicable, as approved by the New Hampshire Department of Environmental Services – Subsurface Division shall be depicted on each lot.

15. A statement that the proposed street centerlines and lot locations have been adequately flagged on the ground at the site to allow on-site evaluation of the proposed Subdivision by the Board and/or Town Staff.

16. Certification that the applicant is agent for the owner of the land, or that the owner has given consent under an option agreement.
17. Data listing: The following listed data shall be included on the plat prior to approval by the Boscawen Planning Board:
   a) Area of Land subdivided __________ acres.
   b) Number of building lots __________.
   c) Length of streets __________ feet.
   d) Area of open space/conservation strips _____________ acres.
   e) List of abutters with addresses.

18. When any officer or body of the Municipality, State or County is required to approve a plat, approval shall be certified on the plat in an appropriate space provided.

19. Cross-sections and profiles of streets (cross-sections at fifty (50) foot intervals plotted at one inch equals ten feet (1”= 10’) horizontal and vertical). Profiles plotted with the same horizontal scale as the plans and a horizontal to vertical scale ratio of five to one (5:1) respectively. All data based on a field survey. These plans shall bear the seal and certification of a New Hampshire Licensed Professional Engineer or Land Surveyor.

20. Certification of approval of the subdivision by the NH Department of Environmental Services, Subsurface Division and any stipulations related to the approval.

21. State of New Hampshire approvals from the Department of Transportation, the Wetlands Board and the NH Department of Environmental Services, Subsurface Division shall be filed before Final Approval is granted.

22. Certifications:
   The following listed certifications shall be affixed to the plan together with the appropriate signatures and seals (when available) prior to the approval by the Planning Board:
   a) It is hereby certified that the lands subdivided on this map are owned by title of record and that consent to the approval of said map is given

      ____________________________  ____________________________  
      (date)                     (Corporate or individual name)

   b) I hereby certify that this map and survey has been made under my supervision. The date of the survey was:

      ____________________________  ____________________________  
      (date)                     (Land Surveyor)
c) This map is hereby approved by the Boscawen Planning board at an official meeting held on ____________ and shall be filed on or before ___________ with the Merrimack County Registry of Deeds.

__________________  ____________________________________
(date)                         (Chairman of the Boscawen Planning Board)

23. Any other information required by the Planning Board.

24. The Plat once approved shall be drawn on mylar or equivalent material at a scale of not less than one inch equals one hundred feet (1” =100’) or at greater detail as directed by the Board to indicate clearly existing and proposed features of the site. Said Plat shall be prepared in compliance with all applicable statutory requirements and shall be prepared on twenty-two by thirty-four inch (22” x 34”) 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.

25. Two (2) mylars or equivalent material shall be submitted for approval for the Chairman’s signature.

26. Complete electronic files of all drawings in the plan set in the latest AutoCAD format, or other acceptable format approved by the Town;
Section VII – Required Improvements:

A. Streets: (See Town of Boscawen Typical Construction Details R-1 through R-7)

1. That before any clearing has started on the right-of-way; the centerline of the new road shall be staked and side-staked at fifty (50) foot intervals. Side-stakes to be set back off the right-of-way at right angles from the centerline of the road.

2. Limits of clearing shall be marked by stakes or flagging. Distance from the centerline to be obtained from the cross-section.

3. Base Course: The base course shall not be laid until the subgrade has been inspected by the Engineer. The base course shall conform to the roadway cross-sections.

4. Hot Bituminous Pavement, Machine Method: Four-inch (4”) minimum conforming to State of NH Department of Transportation (NHDOT) Standard Specifications for Road and Bridge Construction.
   a) Wearing Course = 1” (after compaction) 1/2” wearing mix
   b) Base Course = 3” (after compaction) 3/4” binder mix

5. Shoulders: Shoulders shall be constructed in the same manner as described above as noted on the typical roadway cross-sections or as directed by the Engineer.

6. Roadway Width: Centerlines of roadways shall coincide with centerlines of street rights-of-way and shall have the dimensions shown on the roadway cross-sections.

B. Drainage: (See Town of Boscawen Typical Construction Details D1 through D4)

1. Under-drains: Under-drains shall be installed where the character and composition of the soil in the roadbed and other areas of the subdivision render such installation necessary in the opinion of the Engineer. Storm drains, culvert, 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 run-off along streets at intervals reasonably related to the extent and grade of area drained. (Where required, catch basins may be on both sides of the roadway on continuous grade at intervals of approximately three hundred (300) feet).

2. Erosion protection ditches: Class C stone per NHDOT Standard Specifications for Road and Bridge Construction shall be provided in ditches where soil or velocity conditions warrant protection from erosion as determined by the Engineer.

C. Topsoil Protection:

Topsoil moved during the course of construction shall be redistributed to provide at least four (4) inches of cover to all areas of the Subdivision and shall be stabilized by seeding and mulching or planting. No topsoil shall be removed from the Subdivision site without written approval of the Planning Board.

D. Monuments:

Concrete, granite or equivalent boundary monuments shall be installed at all street intersections, at all points of change in direction or curvature of streets and at others where
in the option of the Planning Board, permanent monuments are appropriate. Such monuments shall conform to the standard specifications of the Town Engineer and shall be set according to such specifications.

E. Water and Sewer Facilities: (See Town of Boscawen Typical Construction Details S1-S4)

1. Common systems: Such systems proposed by a subdivider shall be of sufficient capacity to serve the Subdivision and shall be designed and constructed for incorporation into the future town or precinct systems. 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. Five (5) foot contour intervals.

3. Well site with two hundred (200) foot protective radius. No subsurface disposal system permitted in this area.

4. All lots numbered.

5. Distribution system with water line sizes, pipe material, buried depth of piping, all valving and hydrant locations.

6. Indicate type of establishment; manufactured housing park, apartment buildings, etc.

7. Complete quality analysis for the well water as conducted by the State Water Testing Laboratory within the past six (6) months.

8. Continuous forty-eight (48) hour yield test log of the well showing water level and rate of pumping at one hour intervals.


10. Detailed elevations of pump-house facilities.

11. Detailed elevations of well design.

12. Storage facilities to be provided.

13. Characteristic curve for all pumps, well and booster.

14. The proposed water systems must meet all the requirements of the NH Supply Engineering Section at the date plans are presented to and accepted by the Town of Boscawen Planning Board. Show that new and replacement water and sewer systems including on site and common systems be located, designed and constructed to minimize infiltration and avoid impairment when locations fall within five hundred (500) feet of a Flood Zone.

15. 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 State Water Supply and Pollution Commission. In areas not currently served by common sewer systems, it shall be the responsibility of the Subdivider to provide adequate information to the installation and operation of an individual sewerage disposal system (septic tank and drain field). 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.

a) Show that new and replacement water and sewer systems including on site and common systems be located, designed and constructed to minimize infiltration and avoid impairment when locations fall within five hundred (500) feet of a Flood Zone.
Section VIII – Design Standards

The Subdivision plat shall conform to the design standards set forth herein to encourage good development patterns within the Town. Whether either or both an official map or comprehensive plan has or have been adopted, the Subdivision shall conform thereto with respect to streets, public open spaces and drainage ways.

A. Streets: See Town of Boscawen Typical Construction Details R1-R2.

1. General Design: All streets in the Subdivision shall be designed to provide safe vehicular travel. Due consideration shall be also given to the attractiveness of the street layout in order to obtain an optimum livability and amenity of the Subdivision. Provisions shall be made for the future extension of streets to adjoining un-subdivided property. Subdivisions that adjoin or include existing streets that do not conform to the width shown on the comprehensive plan or official maps or the street width requirements of these Regulations shall dedicate the differential width along either or both sides of said existing streets in accordance with Section III.B.4. If the Subdivision is along one side only, one-half (1/2) of the differential width shall be dedicated. Setbacks shall be measured from the new or future right-of-way line.

2. Naming: No street shall have a name which duplicates or which is substantially similar to the name of an existing street. The continuation of an existing street, however, shall have the same name. Proposed street names shall be submitted to the Board of Selectmen for review and approval. Submittals shall be on the form and in the manner prescribed by the Selectmen.

3. Cross-Section: Street right-of-way width, (minimum feet), shall be as follows:
   - Industrial/Commercial: 80 feet
   - Residential: 60 feet

   Right-of-way widths and other applicable cross-sectional standards are shown in Typical Construction Details R1-R2.

4. Alignment: Street jogs at intersections with centerline offsets of less than one hundred twenty-five (125) feet shall be avoided. The minimum centerline radii of curved streets shall be as follows:
   - Industrial/Commercial: 300 feet
   - Residential: 150 feet

   All reversed curves on Class A and B streets shall be separated by a tangent at least one hundred (100) feet long. Streets shall be laid out so as to intersect as nearly as possible at right angles. No street shall intersect any other street at less than seventy-five (75) degrees.

5. Design of intersection surfaces: Intersecting roadway pavements shall have a paved transitional area at all corners to accommodate turning movements according to the following radii:

<table>
<thead>
<tr>
<th>From:</th>
<th>To:</th>
<th>Industrial/Commercial</th>
<th>Residential</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class B, Industrial/Commercial</td>
<td>30</td>
<td>30</td>
<td></td>
</tr>
<tr>
<td>Class C, Residential</td>
<td>30</td>
<td>30</td>
<td></td>
</tr>
</tbody>
</table>
For all intersections in industrial/commercial areas, this paved area shall have a minimum radius of fifty (50) feet.

6. Grade: The centerline grade for any street shall not be less than five-tenths percent (.5%).

Maximum allowable centerline grades shall be as follows:

- Collector (Class B) Industrial/Commercial: 8%
- Residential: 10%

All changes in grade exceeding five-tenths percent (.5%) shall be connected by vertical curves of sufficient length to afford adequate sight distances, in the opinion of the Board.

7. Dead-end Streets: Dead-end streets shall be provided with an approved type turnaround, as determined by the Planning Board to be a “Temporary” or “Permanent” need. Design for the turnarounds shall be as follows:

a) Temporary turnaround: The right-of-way width, per classification of the roadway, shall be maintained to the end of the improvements and further, to the property line, if so ordered by the Board. A “T” type turnaround shall be constructed at the end of the road. Said “T” to have the dimensions shown on the typical permanent turnaround Detail R6.

The “ears” or “extensions” that form the “T” shall be deeded to the Town of Boscawen in the form of an Easement. Driveways shall not be located off any portion of the “T”.

Where a Subdivider proposes to extend a street, which currently ends in a T-type turnaround or other temporary dead-end, it is the Subdivider’s responsibility to restore the temporary turnaround to through street standards. This includes, but is not limited to removing the “ears” or other maneuvering facilities where abutters desire and installing a suitable drainage system.

b) Permanent turnaround: Pavement widths shall be the same as for the road servicing the development, as will all other improvements within the turnaround area. The Deed to the Town for the roadway shall include ALL lands within the outermost dimensions of the turnaround area. All drainage, signs, and other improvements within the area of the turnaround shall be as per guidelines contained within these Regulations for “Required Improvements”. (See typical permanent turnaround Detail R6).

Where a Subdivider proposes to extend a street, which currently ends in a permanent turnaround, it is the Subdivider’s responsibility to restore the turnaround to through street standards. This may include, at the discretion of the Board, removing the paved surface, restoring to a natural state the previously paved area, providing proper access to abutting lots, necessary title and deed work required by the proposal, and other work required to create a through street to Town of Boscawen standards.

c) General:
i. Delineator posts or reflectors of a design approved by the Town Engineer, shall be furnished, located and installed as a part of the required improvements for all turnarounds;

ii. The roadways constructed within the turnaround areas, shall conform exactly to the design criteria contained in these Regulations.

8. Street Lights: Street lights of a type or style acceptable to the Board, the Road Agent and the Police Chief shall be provided at all intersections and at such other locations as the Board may reasonably require.

9. Street Signs: Street signs of a type of style acceptable to the Board, the Road Agent and the Police Chief shall be provided at all intersections.

10. Mail Boxes: No portion of any mail box or mail delivery receptacle shall be installed closer than twelve (12) inches to the edge of pavement or curbing of any street.

B. Blocks:

Blocks generally shall not be less than five hundred (500) feet, nor shall the length exceed one thousand two hundred (1200) feet. In blocks over one thousand (1000) feet long, pedestrian crosswalks may be required in locations deemed necessary by the Planning Board.

C. Lots:

1. Lot dimensions and area shall not be less than the requirements of the Zoning Ordinance, or as required by soil or topography conditions.

2. Insofar as is practical, side lot lines should be at right angles to straight streets, and radial to curved streets.

3. 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.

4. Where there is a question a to the suitability of a lot or lots for its or their intended use due to shape or the presence of such factors as rock formations, steep slopes, unusual surface configurations, tendency to periodic flooding, poor drainage, unsuitable soil or soils, and inadequate capacity for sanitary sewer disposal, the Planning Board may withhold approval of such lot or lots.

5. Lots shall be graded in such a manner so as to prevent the collection of water at low points thereon.

6. Any land designated as Flood Zone or shown to be bog, marsh, swamp area, area of high water table or any similar situation, shall not be counted toward the required minimum lot size, but shall be allowed to be added to lots if the public welfare and safety is protected. Any soils considered Group 5 or 6, in addition to the above conditions shall not be counted towards the minimum lot sizes.

7. A 25-foot buffer shall be maintained from all wetlands.

D. Easements:

1. Easements for utilities across lots or centered on rear or side lot lines shall be provided where necessary and shall be at least twenty (20) feet wide.
2. Where a Subdivision is traversed by a water course, drainage way, channel or stream, the Board may require that there be provided a storm water easement or drainage right-of-way of adequate width to conform substantially to the lines of such water courses, drainage way, channel or stream, and provide for construction and permanent maintenance of associated storm water control facilities such as rip-rap, flow dissipaters, headwalls and catch basins.
Section IX – 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 Planning board, but in the absence of such
specified limits and in all events no later than three (3) years from the date of the
approval of the Plat, unless the time limit is extended by written mutual agreement of
the Planning Board and the Subdivider.

2. The Engineer will be the Town’s representative during the construction or required
improvements. He shall at all times have access to the site when the work is in
preparation and progress. He will make periodic visits to the site to familiarize himself
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,
base course, and base and final surfacing.

3. The Subdivider shall give the Engineer notice when any required improvements are
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 outside of normal working hours pursuant to the provisions of subparagraphs 2 and 3 of this Paragraph A, Section IX. 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 affect reimbursement.

B. Performance Guarantee:

1. Estimate of Cost: Prior to the submission of the Plat to the Board, the Subdivider or owner shall obtain from the Engineer an estimate of the cost of construction of all improvements which will be required by the Board as a condition of 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 the approval of a Plat by the Board, 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. In accordance with RSA 674:36 III, the Performance Guarantee shall be posted and in full effect prior to the signing of the plat by the Chair of 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, and shall be upon conditions and in such form as the Board and the Board of Selectmen may require. 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 the form and substance satisfactory to the Board of Selectmen, or a cash escrow, or a savings bank deposit book properly endorsed to the Town and deposited with it.

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 the date that all latent defects have been corrected by the Subdivider and approved by the Engineer, whichever is later, and 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. In the case of a Letter of Credit, cash deposit or an assignment of a savings bank deposit book, the amount on deposit may be reduced by the Board of Selectmen 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.
in these Regulations. A joint inspection for latent defects shall be made by the Engineer and owner or Subdivider not earlier than the tenth nor later than the eleventh month 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 any conditions imposed by the Board, any conditions imposed by the Board of Selectmen, 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 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 herein above, then and in that event any cash deposit or savings bank deposit may be used to complete the improvements or correct the latent defects, and in the event the Performance Guarantee is in the form of a performance bond, Letter of Credit, cash escrow, 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.

C. Maintenance of Improvements and Facilities:

1. The recipient of subdivision approval or his successor shall be responsible for maintaining all improvements or facilities required by this regulation or approval conditions issued in accordance with its provisions. As illustrations, and without limiting the generality of the foregoing, this means that streets, parking areas, and water, sewer, storm water, and recreation facilities must be properly maintained so that they can be used in the manner intended. All vegetation required for screening, landscaping, or erosion and sediment control must be replaced if it dies or is destroyed.

2. All facilities and improvements with respect to which the owner makes an offer of dedication to public use shall be maintained by the owner until such offer of dedication is accepted by the appropriate public authority.
Section X- Compliance with Regulations-Penalties:

No subdivision of land shall be made, and no land in any subdivision shall be transferred, sold, or offered for sale until a Plat, prepared in accordance with the requirements of these regulations, has been approved by the Planning Board. As provided in RSA 676:16 (formerly 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 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 for each lot or parcel so transferred or sold, and Ten Dollars ($10.00) for each day each violation of these Regulations continues; and 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. The Town of Boscawen may enjoin a transfer or sale which violates the provisions of this Section and may recover the penalty imposed by a civil action. In any such action, the prevailing party may recover reasonable court costs and attorney’s fees as the same may be ordered by the court.

Section XI- Waivers:

The proposed Subdivision shall conform to the Zoning Ordinance of the Town of Boscawen. Where strict conformity to these Subdivision Regulations would cause undue hardship or injustice to the owner of the land, a Subdivision plan substantially in conformity 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 but only following a public hearing on the proposed changes. The Chairman or Secretary of the Planning Board shall transmit a record of any changes so authorized to the Merrimack County Registry of Deeds.

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- Reference Documents:


B. All Subdivision roads and driveways shall be constructed in accordance with these regulations and this manual. Wherever there is conflict between the documents, the more stringent requirement shall apply.