

SUBDIVISION REGULATIONS

TOWN OF ORANGE, NEW HAMPSHIRE

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SUBDIVISION REGULATIONS
of the
TOWN OF ORANGE, NEW HAMPSHIRE

SECTION 1 AUTHORITY

Pursuant to the authority vested in the Town of Orange Planning Board by the voters of the Town of Orange, and in accordance with the provisions of Chapter 36, Sections 19-29, N.H. Revised Statutes Annotated, 1955, the Town of Orange Planning Board adopts the following regulations governing the subdivision of land in the Town of Orange, New Hampshire.

SECTION 2 TITLE

These regulations shall be known and cited as Subdivision Regulations of the Town of Orange, New Hampshire.

SECTION 3 JURISDICTION

These regulations shall pertain to all land within the boundaries of the Town of Orange, New Hampshire.

SECTION 4 PURPOSE

For the purpose of protecting the health, safety, convenience, prosperity, and welfare of our inhabitants; for the purpose of protecting the economic investments of homeowner residents of subdivisions; for the protection of our town's scenic beauty and for the harmonious development of the Town of Orange and its environs and to further promote those purposes set forth in R.S.A. 36:21, as amended, which purposes are specifically incorporated herein by reference, the following land subdivision regulations are hereby enacted.

The authority granted to the Planning Board shall be exercised with due regard for adequate access to all lots in a subdivision by streets that will be safe and convenient for travel; for lessening congestion on such streets and in adjacent public ways; for reducing danger to life and limb in the operation of motor vehicles; for securing safety in the case of fire, flood, panic, and other emergencies; for insuring compliance with applicable ordinances or by-laws and State laws; for securing adequate and safe provisions for water, sewage, drainage, transportation, schools, fire department and other public services and other requirements where necessary in a subdivision; and for coordinating the streets in a subdivision with each other and with the public ways in the Town and with the streets in neighboring subdivisions in a manner that will not necessitate an excessive expenditure of public funds for the supply of such services. The subdivision shall give due regard to the preservation and protection of existing features, trees, scenic points, brooks, streams, parks, open spaces, rock out-croppings, water bodies, other natural resources and historic landmarks.

SECTION 5 GENERAL REGULATIONS

5.01 Compliance with State Law: The provisions of Chapter 36: Sections 19-29, New Hampshire Revised Statutes Annotated, 1955 and as from time to time amended are incorporated in and form a part of these regulations.

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- 5.02 Approval of Planning Board Required: No subdivision of land shall be made, and no land in any proposed subdivision shall be sold, transferred, rented, leased, altered or developed, and no street or utility construction shall be started, and no building permit, for building related to a proposed subdivision, shall be granted 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.
- 5.03 Compliance with Other Ordinances and Regulations: All subdivision plats shall conform to other regulations of the Town, and to the subdivision regulations herewith prescribed; and they shall be guided in their layout by any comprehensive plans the Planning Board may have adopted covering the area involved, before receiving final approval.
- 5.04 Performance and Maintenance Bond: The Planning Board shall prescribe the extent to which and the manner in which all streets, existing and proposed, shall be improved and other utilities provided. The costs of said street improvements and such other utilities as required by the Planning Board shall be borne by the developer or subdivider. Prior to signing the Final Plat, the Planning Board, may require of subdivider a bond or letter of credit with surety and conditions satisfactory to it securing to the Town the actual construction and proper installation of such improvements and utilities, if any are required. The subdivider shall have filed with the Board an engineer's estimate of costs of streets, public improvement, drainage structures, and other utilities, together with maps, plans and supporting data and such other data that will aid the Board in determining the amount of the performance bond or letter of credit.

Any performance guarantee required of a subdivider shall not be released until the Board of Selectmen has certified completion of the public utilities, streets (existing or proposed) and improvements in substantial accordance with the requirements of the Planning Board 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 Town Attorney. All recording fees shall be borne by the subdivider.

Upon completion of streets and other improvements and approval by the Board of Selectmen, surety covering the maintenance of streets and improvements for a period of two (2) years from completion may be required in an amount based on the cost of such improvements, as approved by the Board of Selectmen.

- 5.05 Status of Plats Approved: Every plat approved by the Planning Board shall, by virtue of such approval, be deemed to be an amendment of, or an addition to, or a detail of, the Official Map and a part thereof. Approval of a plat shall not be deemed to constitute or effect an acceptance by the municipality or the public of the dedication of any street or other ground or open space shown upon the plat.
- 5.06 Acceptance of Streets or Open Spaces: No streets or open space will be accepted by the Town until such time as all improvements have been carried out as shown on the approved final plat, in accordance with the requirements of these regulations, and subject to any conditions established by the Board at the time of final plat approval. (See Section 8.04) Open spaces for proposed schools, parks and/or playgrounds or other purposes in places deemed proper by the Planning Board shall be indicated on the subdivision plan in order that it may be determined when and in what manner such areas may be dedicated or otherwise conveyed to the Town.

- 5.07 Reserve Strips: Reserve strips controlling access to land dedicated or to be dedicated to public use will not be permitted, nor will reserve strips of land which may prove to be untaxable for improvements be permitted. Additionally, 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.
- 5.08 Character of Land for Subdivision: Land of such character that it cannot, in the judgement of the Board, be safely used for building development purposes because of exceptional danger to health or safety 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. In areas contiguous to brooks, rivers, or other bodies of water subject to flooding, proper provision shall be made for protective flood control measures.
- 5.09 Premature Subdivision Development: Scattered or premature subdivision of land as would involve danger or injury to health, safety, or prosperity by reason of the lack of water supply, drainage, transportation, schools, fire department or other public services, or necessitate an excessive expenditure of public funds for the supply of such services shall not be approved.
- 5.10 Filing with Register of Deeds: Immediately after final plat approval, and in no event later than thirty (30) days after date of final approval, the Planning Board shall transmit to the Register of Deeds of Grafton County a copy of the final plat for recording. No sale, rental, lease or transfer of land or construction of any building or other improvement within or on the subdivided land shall be made until the plat has been recorded. The Board's approval of the final plat shall be attested on the original drawing and on the copy which is recorded by a stamp of approval provided by the Board and signed by the Chairman and/or Secretary of the Board and showing the date of approval.

SECTION 6 DEFINITIONS

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 or stream from the parcel being subdivided.

Annexation: Annexations include the sale, transfer, or other conveyance of land to the owner of adjoining land which does not increase the number of parcels, lots, or owners and does not result in a deficiency in either lot with regard to the standards contained in these Regulations or with regard to the Zoning Ordinance. Annexations include minor lot line adjustments and boundary agreements which create no new lots.

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.

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Board: Shall mean the Planning Board of the Town of Orange, New Hampshire.

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, animals or property.

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.

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

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

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

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

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

Easement: The right created through authorization by a property owner for the use by another landowner and for a specified purpose of any designated portion of his property.

Erosion: The wearing away of the land surface by the action of wind, water or gravity.

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 these Regulations.

Flood Limit: Shall mean the land-water boundary of a watercourse flowing at its 100 year frequency as defined by a responsible public agency such as the U.S. Army Corps of Engineers or the U.S. Department of Agriculture Soil Conservation Service.

Flood Prone Area: Shall mean the area of land lower in elevation than the land-water boundary along a watercourse flowing at its 100 year frequency or those soils classified by the Soil Conservation Service as "soils subject to flooding."

Health Officer: Shall mean the Health Officer of the Town of Orange, New Hampshire.

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 these Regulations, a lot shall have boundaries identical with those recorded with the Register of Deeds.

Lot Line: Shall mean the property line dividing a lot from a street (right-of-way), a body of water or adjacent property.

Lot Size: Shall mean the total horizontal land area within the boundaries of a lot, exclusive of any land area designated for street purposes.

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Master Plan: Shall mean the comprehensive plan or plan of development for the municipality as defined in RSA 674:2.

Official Map: Shall mean the adopted street or base map of the municipality as defined in RSA 674.10.

Parking Space: Shall mean an off-street space for exclusive use as a parking area for one motor vehicle, with a minimum size of 10' by 20'.

Plat: Shall mean final plat.

Reserve Strip: Shall mean an area of land retained by the seller of the land which can be used to control access to any land within the subdivision, or access from the subdivision to any neighboring property.

Re-subdivision shall mean a change in a map of an approved or recorded subdivision or re-subdivision if such change accomplishes any of the following:

- (a) changes any street layout shown on such map
- (b) effects any area thereon reserved for public use
- (c) diminishes the size of any lot shown thereon, if any of the lots have been conveyed after the approval of such map.

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.

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 adjacent lots or sites. The word street shall include the entire right-of-way.

Street, Arterial: Shall mean a street or highway used primarily for heavy and/or through traffic.

Street, Collector: Shall mean a street which serves primarily to carry traffic from local streets to arterial streets and to public and other centers of traffic concentration.

Street, Local: Shall mean a street used primarily to give access to abutting properties.

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.

Subdivision: Shall mean the division of a lot, tract, or parcel of land into two or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale, rent, lease, building development, condominium conveyance, or other form of conveyance. It includes re-subdivision and, when appropriate to the context, relates to the process of subdividing or the land or territory subdivided. The division of a parcel of land held in common and subsequently divided into parts among the several owners shall be deemed a subdivision.

The following shall not be considered a regulated subdivision for the purpose of these Regulations and shall not be required to conform to the procedures set forth herein:

1. Any transfer, conveyance or sale of land held in one ownership but already divided into lots or parcels of land by an existing public street;
2. Any transaction for the purpose of correcting or conforming boundarylines;
3. Any transfer, conveyance or sale of land previously and separately recorded with the Grafton County Register of Deeds, and involving the establishment of no new boundaries (other than error corrections), even though such a parcel be held in common ownership with another contiguous parcel also previously and separately recorded with the Grafton County Register of Deeds, provided, however, that the boundaries of said parcels were not established by the subdivision of a larger tract or parcel of land;

SECTION 7 APPLICATION PROCEDURE

7.01 Types of Subdivision:

- A. Annexations: Annexations include the sale, transfer, or other conveyance of land to the owner of adjoining land which does not increase the number of parcels, lots, or owners and does not result in a deficiency in either lot with regard to the standards contained in these Regulations or with regard to the Zoning Ordinance. Annexations include minor lot line adjustments and boundary agreements which create no new lots.
- B. Minor Subdivision: A minor subdivision is any division of land resulting in no more than three (3) lots or building sites, each with access to an existing, publicly maintained street, and not involving any public improvement.

A parcel of land which has been subjected to minor subdivision shall not be eligible for further subdivision under the Minor Subdivision procedures for a period of five (5) years from the date of the most recent minor subdivision approval. Any further subdivision within five (5) years is subject to major subdivision Regulations.

If, in the judgment of the Board the subdivision as initially presented does not meet the requirements for a Minor Subdivision, the Board shall require a subdivision to be processed as a Major Subdivision.

- C. Major Subdivision: A Major Subdivision is any division of land which results in four or more lots or which requires new streets or public improvements. Major Subdivision also includes re-subdivision of a lot subdivided under the Minor Subdivision procedures within the previous five years.

- 7.02 Method of Filing Submissions: Application to the Planning Board for subdivision approval, and subsequent submission of required information, shall be filed with the Planning Board or its designated agent on the appropriate form as approved by the Planning Board, at least fifteen (15) days before the regularly scheduled meeting at which formal application is to be made to the Board. Additional information may be requested prior to scheduling a date for formal submission to the Board.

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7.03 Public Notice: When Notice is required in the Regulations, the Board shall give Notice as follows:

- a. A copy of the Notice shall be sent to the abutters and the subdivider at least ten (10) days prior to the public meeting/hearing. For the purposes of these Regulations, in counting days, the day on which Notice is given and the day of the public meeting/hearing shall be excluded.
- b. Notice to the general public shall be given by one publication of a copy of the Notice in a newspaper of general circulation in the Town at least ten days prior to the public meeting/hearing. At the same time, the Board shall post copies of the Notice in two public places in Town.
- c. Additional notice of an adjourned session of a public meeting/hearing is not required if the date, time and place of the adjourned session is made known at the prior meeting/hearing.
- d. The subdivider shall pay in advance all costs of Notice. Failure to pay costs may be the basis for disapproval of the application.

7.04 Additional Notice Requirements for Developments of Regional Impact: Upon receipt of an application for subdivision, the Planning Board shall review it and determine whether or not the development, if approved, reasonably could be construed as having the potential for regional impact. Regional impact could result from a number of factors, such as, but not limited to, the following:

- a. Relative size or number of lots or units compared with existing stock,
- b. Transportation networks,
- c. Proximity to the borders of a neighboring community,
- d. Anticipated emissions such as light, noise, smoke, odors or particles,
- e. Proximity to aquifers or surface waters which transcend municipal boundaries,
- f. Shared facilities such as schools and solid waste disposal facilities.

Doubt concerning regional impact shall be resolved in a determination that the development has a potential regional impact.

Upon determination that a proposed development has a potential regional impact, the Planning Board shall afford the Regional Planning Commission and the affected municipalities the status of abutters for the limited purpose of providing notice and giving testimony. Within 72 hours of reaching a decision regarding a development of regional impact, the Planning Board shall, by certified mail, furnish the Regional Planning Commission and the affected municipalities with copies of the minutes of the meeting at which the decision was made.

At least fourteen days prior to the public hearing, the Planning Board shall notify, by certified mail, all affected municipalities and the Regional Planning Commission of the date, time and place of the hearing and the right to testify concerning the development.

7.05 Application Fees, Administrative Expenses, and Other Costs Incurred by the Town and the Board: The subdivider shall pay the application fees according to the Schedule of Fees adopted by the Planning Board. In addition, the Board may require the subdivider to pay additional reasonable fees to cover its administrative expenses and costs of special investigative studies, review of documents, and other matters which may be required by particular application {RSA 676:4(1)}. Such additional fees may also include an appropriate allocation of legal fees incurred by the Board.

7.06 Phase I - Informal Discussion

- a. Procedure: Upon request of the subdivider, the Planning Board shall place on its agenda for a regularly scheduled meeting an Informal Discussion between the subdivider and the Board. No fee shall be assessed for the Informal Discussion. No notice to abutters is required.
- b. Information Requested: The subdivider should provide the Board with a sketch plan showing the location and type of the proposed development, with additional information such as general topography including prominent natural features of the tract, and, if applicable, how the concept conforms with the Master Plan.
- c. Action of the Board: The Informal Discussion between the subdivider and the Board shall be limited to a discussion as to concept and in general terms for the limited purpose of familiarizing the Board with the location and type of development and the subdivider with general requirements of the Board as set forth in the Regulations. Following the Informal Discussion, and after determining the general character of the proposed subdivision, the Board shall advise the subdivider concerning subsequent procedures and submission requirements.

7.07 Phase II - Preliminary Layout: Application for review of a preliminary layout may be submitted to the Board by the subdivider or his authorized agent on a form to be supplied by the Board.

- (a) The application shall be accompanied by all required documentation as set forth in Section 8.
- (b) If the applicant is permitted by the Board to submit a final plat of 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.
- (c) Upon receipt of the Preliminary Layout the Board shall give Notice of the meeting at which the plans will be reviewed. After the review of the Preliminary Layout by the Board, the Board may, but is not required to, give a formal response to the applicant with respect to the proposal as a whole or to any portion of the proposal. Such preliminary review shall bind neither the applicant nor the Board.

7.08 Phase III - Final Plat: Application for approval of the final plat shall be filed with the Board by the subdivider or by his authorized agent on a form to be supplied by the Board. The Board shall, at a public meeting for which notice has been given, review the application for completeness as required by these Regulations. The Board shall issue to the subdivider a receipt of final plat when all required documentation and fees have been submitted. The Board shall place the matter on its agenda for consideration within thirty (30) days of receipt.

If the Board finds the application to be incomplete, the subdivider shall be notified of the deficiencies in writing. The Board may reject an application with no further action based upon failure to supply information required by the Regulations, failure to meet reasonable deadlines established by the Board or failure to pay cost of notice or other fees required by the Board.

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- (a) Town Attorney Review: The subdivider shall, at the time of submission of his application for approval of the final plat, tender offers of cession in a form certified as satisfactory by the Town Attorney of all land included by him, in streets, highways, or open spaces, but approval of the final plat by the Board or recordation thereof shall not constitute an acceptance by the Town of Orange of any dedication 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.
- (b) Public 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 ten (10) days before the date fixed therefor. 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 no less than ten (10) days before the date fixed therefor. Public notice of such hearing shall be posted in at least two public places in town and in a newspaper of general circulation in the town at least ten (10) days prior to said hearing.
- (c) Action of the Board: In accordance with New Hampshire Revised Statutes Annotated, Section 676:4, within ninety (90) days of receipt of all material required and issuance of receipt of final plat, the Board shall approve, modify and approve, approve with conditions, or disapprove the final plat, unless the time for action has been extended an additional ninety (90) days by the Selectmen upon application by the Board. The reasons for disapproval of a final plat shall be specifically set forth in the records of the Board and the Board shall notify the applicant in writing of its disapproval and the specific grounds therefor.
- (d) Approval of Board: Approval of the Board shall be certified by a stamp of approval provided by the Board on the original final plat and the copy which is to be recorded at the Grafton County Register of Deeds and signed by the Chairman and/or Secretary of the Board and showing the date of approval.
- (e) Time Limits for Improvements: Each approval of a final plat shall contain a time limit within which streets and public improvements shall be completed, not to exceed two (2) years, unless extended with the subdivider's consent by the Board. In the event of the subdivider's non-compliance with the time limits established by the Board for completion of streets and other public improvements, the final plat approval shall, without further action of the Board, become null and void and the Board shall notify the subdivider of this consequence in writing by certified mail at the address stated in his application for final plat approval.
- (f) Failure of the Board to Approve or Disapprove the Application within the Specified Time Limit: The subdivider upon the failure of the Board to approve, conditionally approve or disapprove of the application within the time specified may obtain from the Selectmen an order directing the Board to act within thirty (30) days. If the Board does not act on the application within that 30 day time period, then within 40 days of the issuance of the order, the Selectmen shall certify on the applicant's application that the plat is approved pursuant to RSA 676:4.1(c)(1), unless within those 40 days the Selectmen have identified in writing

some specific Subdivision Regulation or other ordinance provision with which the application does not comply. Such a certification shall constitute final approval for all purposes including filing, recording, and court review.

Failure of the Selectmen to issue an order to the Planning Board, or to certify approval of the plat upon the Planning Board's failure to comply with the order, shall constitute grounds for the superior court, upon petition of the applicant, to issue an order approving the application if the court determines that the proposal complies with existing regulations. If the court determines that the failure of the Selectmen to act was not justified, the court may order the municipality to pay the applicant's reasonable costs, including attorney's fees, incurred in securing such order.

SECTION 8 SUBDIVISION PLAN REQUIREMENTS

This section of the Subdivision Regulations of the Town of Orange, New Hampshire sets forth the general requirements pertaining to the preparation of subdivision plans and the documentation requirements pertaining to their submission to the Board.

8.01 Minor Subdivision Application Requirements:

For a minor subdivision, the following documentation is required. Two copies of each map shall be submitted. Maps shall be drawn at a scale of no more than 200 feet per inch, unless otherwise specified by the Board, and on a sheet size and material acceptable to the Planning Board and Register of Deeds. If a preliminary plan is submitted, dimensions may be approximate and data may be tentative but shall be sufficiently clear to establish the basis of and to clarify the design requirements for the Final Plat.

- (A) A copy of the deed to the original parcel being subdivided.
- (B) A statement of proposed deed restrictions and covenants if any.
- (C) A copy of all documentation required by the New Hampshire Water Supply and Pollution Control Commission.
- (D) A Site Survey Map which shall show:
 - 1. the entire area of the parcel being subdivided plus an additional 100 foot strip completely around said parcel showing perimeter boundary of said parcel and proposed lot lines; north point and bar scale, date and dates of revisions;
 - 2. Name of town and subdivision; name and address of the subdivider and designer, seal of engineer or land surveyor licensed by the State of New Hampshire, who prepared final plat;
 - 3. Topographic contours at not more than 20 foot intervals;
 - 4. Names and addresses of abutting owners;
 - 5. Water areas (both permanent and intermittent streams, rivers, ponds, lakes, wetlands, marshes); foliage lines;
 - 6. Area of proposed lots in square feet and acres;
 - 7. Existing roads, easements and structures and other existing physical features;

8. Location of percolation tests and soil test pits.

The Board may waive the requirement of a perimeter survey for the entire parcel and may require specific data only for lots for which sale or lease is contemplated. In such instances, the Final Plat shall include a general map insert which indicates approximately the size and shape of the entire parcel to be subdivided.

- (E) A Site Location Map, shown as in inset on the Site Survey Map, which shall show the proposed subdivision in relation to major roads, community facilities and utilities of the town;
- (F) A Log of all percolation tests, including dates and reference to locations shown on Site Survey Map;
- (G) A Log of all soils tests, including dates and reference to location of test pits shown on the Site Survey Map, and showing depth to ledge, clay, hardpan layers and the existing and seasonal high water table.
- (H) A Soils Map which shall show the location of the soil mapping units and soil mapping unit boundaries as indicated on the most recent Soil Survey as prepared by the U.S. Department of Agriculture Soil Conservation Service. A legend on the Soils Map shall identify soil mapping unit symbols and soil names.
- (I) 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 and watershed areas.
- (J) The Board may require such other information as it deems necessary to serve the purposes of these Regulations.
- (K) The plat shall contain the following statement: "The Subdivision Regulations of the Town of Orange, 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."

8.02 Major Subdivision - Preliminary Layout: The Preliminary Layout shall be submitted on four (4) paper print copies. The data 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 not greater than 100 feet per inch, unless otherwise determined and agreed to by the Board.

- (a) The Preliminary Layout submission shall contain or be accompanied by the following maps, information and data:
 - 1. Name of town and subdivision; name and address of the subdivider and of the designer/consultant if any;

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2. Boundaries and area of the entire parcel, whether all land therein is to be subdivided or not; north point, bar scale, date and dates of any revisions;
3. Names and addresses of abutting property owners;
4. Boundaries and designation of Zoning Districts, if any, lying within the subdivision; municipal boundaries, if any; land use designation from Master Plan, if any;
5. Topographic contours at not greater than twenty (20) foot intervals, although more frequent intervals may be required, if, in the opinion of the Board, greater accuracy is necessary.
6. Subdivisions and buildings within 100 feet of the parcel to be subdivided;
7. Intersecting roads and driveways within 200 feet of the parcel to be subdivided;
8. Existing and proposed street right-of-way lines, widths of streets, proposed names of new streets;
9. Existing and proposed lot lines; where the preliminary layout as submitted covers only a part of the proposed subdivision, a plan of future lots and the street system will be indicated.
10. Location of existing and proposed easements, deed restrictions, land to be dedicated to public use, 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, drainage ways and watershed areas.
11. Existing and proposed plans for telephone, electricity, and gas utilities;
12. Statement of proposed subdivision use and copy of such private deed restrictions as are intended to cover part or all of the tract and conditions of public dedication.
13. Location of percolation test and soil test pits;
14. A general site location map, shown as an inset, locating the subdivision boundary and proposed streets in relation to at least two existing intersecting streets;
15. Soil test and sewage disposal information as required in Section 10.03;
16. A statement of conditions of land as to soil suitability for development;
17. A statement of the work required on existing streets to meet the minimum standards set forth herein including cost estimates and the method of meeting such costs;
18. Statement presenting detailed descriptions of all existing and proposed streets, including, but not limited to, widths and grades.

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19. Preliminary road profiles; 20. 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 and watershed areas.
21. Preliminary drainage analysis.
22. Approval, as prescribed by law, from any other municipal, state or federal agency which may have jurisdiction.

8.03 Major Subdivision - Final Plat: Four copies of the Final Plat as drawn by a land surveyor registered in the State of New Hampshire shall be submitted, on a material acceptable to the Planning Board and to the Register of Deeds. Sheet sizes shall be in accordance with requirements of the Register of Deeds, but not smaller than 20" x 30". Maps shall be at a scale of no more than 100 feet per inch unless otherwise determined and agreed to by Board. Space shall be reserved on the plat for endorsement by the Planning Board and all appropriate agencies. The plat shall contain the following statement: "The Subdivision Regulations of the Town of Orange, 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."

Resubmission is required only in those cases where it is necessary to update, revise or otherwise supplement the corresponding item or items submitted during preliminary review.

- (a) The Final Plat Submission shall contain or be accompanied by the following maps, information and data:
1. Name of town and subdivision; name and address of the subdivider and of the designer/consultant if any;
 2. Names and addresses of abutting property owners;
 3. Boundaries and designations of Zoning Districts, if any; lying within the subdivision; municipal boundaries, if any; land use designation from Master Plan, if any;
 4. Topographic contours at not greater than twenty (20) foot intervals, although more frequent intervals may be required, if, in the opinion of the Board, greater accuracy is necessary.
 5. Boundaries and area of the entire parcel, whether all land therein is to be subdivided or not, referenced to a permanent point acceptable to the Board, such as a U.S.G.S. bench mark; north point, bar scale, date and dates of any revisions.
 6. Subdivisions and buildings within 100 feet of the parcel to be subdivided;
 7. Intersecting roads and driveways within 200 feet of the parcel to be subdivided;
 8. Plans of existing and proposed streets including widths, street right-of-way lines, stationing and dimensions of tangents, chords and radii including intersection, turn-around and/or cul-de-sac radii;

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9. Accurate locations of all monuments to be set at street intersections, at points of curvature and tangency of curved streets and at angles of lots;
10. Existing and proposed lot lines, bearings and dimensions; lot areas in square feet and acres; consecutive numbering of lots; location of iron pins at lot corners;
11. Location of existing and proposed easements, deed restrictions, land to be dedicated to public use, 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, drainage ways and watershed areas.
12. Existing and proposed plans for telephone, electricity, and gas utilities;
13. Location of all percolation test and soil test pits;
14. A general Site Location Map, shown as an inset, locating the subdivision boundary in relation to major roads and community facilities of the town;
15. Name and seal of engineer and/or land surveyor licensed by the State of New Hampshire.
16. If the subdivision abuts a state highway or if any street therein intersects a state highway, a written statement approving any proposed driveway or street access with such state highway shall be obtained by the subdivider from the New Hampshire Department of Public Works & Highways.
17. A written acknowledgement of the subdivider's responsibility for maintenance of easement areas, and the assumption by him of liability for injuries and damages that may occur on any land to be dedicated for public use, until such land has been legally accepted by the Town.
18. If a subdivision is to be served by public water supply or other public improvements or by public sewers, a statement from the municipal department or company involved, attesting to the availability of such service.
19. Statement of proposed subdivision use and copy of such private deed restrictions as are intended to cover part or all of the tract and conditions of public dedications.
20. Logs of percolation test data and soil test data.
21. A statement of conditions of land as to soil suitability for development; revised Soils Map if needed for supplementary data;
22. A statement of the work required on existing streets to meet the minimum standards set forth herein including cost estimates and the method of meeting such costs;

23. A final 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 and watershed areas.
24. Final drainage analysis.
25. Final road profiles.
26. Final approval, as prescribed by law, from any other municipal, state or federal agency which may have jurisdiction.
27. A statement either oral or written as required by the Board of the estimated economic impact of the proposed subdivision on the Town of Orange in each of five consecutive years, of which the first year shall be the calendar year following the date of application for subdivision approval. This statement shall consist of an estimate of the tax revenue to be derived in each year from the subdivision and estimates of the cost to the Town, in each of these years, of new requirements by the subdivision for municipal services which shall include, but need not be limited to schools, road maintenance, water supply, sewage disposal, solid waste disposal, traffic control and fire and police protection. The statement shall show all computations and detail all data (and their source) on which calculations are based along with explicit statement of all assumptions made.
28. In the case of electric lines or other utilities to be installed by a public utility corporation or a municipal department, a statement 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 Town of Orange.
29. An estimate, in accordance with the Planning Board's requirements, of the costs of streets, public improvements, drainage structures and other utilities together with maps, plans and supporting data;
30. The following legal data, in a form approved by the Town Attorney, where applicable to a specific subdivision:
 - (a) Agreement to convey to the Town 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 Town accepts such land;
 - (b) Easements and rights-of-way over property to remain in private ownership;
 - (c) Rights to drain onto or across other property, whether public or private, including a street;
 - (d) Performance bond or other surety as described in Section 5.04.

- (b) 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 if the information is considered by the Board to be necessary in order to make a decision on the application:

31. A 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 and proposed buildings;
 3. Contours of existing and proposed grades 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 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 and structures;
 6. Final drawings and specifications for each proposed soil erosion and sediment control measure and structure;
 7. Final slope stabilization details and specifications;
 8. Final drawings, details, and specifications for proposed flood hazard prevention measures and structures and for proposed storm water retention basins;
 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.

32. A subdivision 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 50 feet;
 - c. Intersection, turnaround, and/or cul-de-sac radii;
 - d. Statements and/or typical sections of proposed streets.

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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 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.

8.04 Subdivision "As Built" Plans: Prior to the acceptance of streets or utilities by the Town, 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 actual "As Built" location of sanitary and storm sewer and drain Y-branches, laterals, manholes, catch basins, hydrants, valves, curb shut-offs, road profiles and centerline elevations and final grading plan showing swales and ditches. Plans shall show easements and dedicated roadways. Two copies of the "As Built" Plans shall be submitted by the subdivider to the Board.

SECTION 9 EXPEDITED REVIEW FOR ANNEXATIONS

- a. Notice is required.
- b. Any abutter may be heard on the application for review at the public meeting when the matter is discussed by the Board. If deemed necessary, the Board may adjourn its consideration to another date and time to allow further abutter participation.
- c. A site location map shall be submitted to the Board showing the original boundaries of the adjacent parcels.
- d. A detailed plan shall be submitted to the Board showing the new property line or lines created.

- e. A statement shall be placed on the plan stating as follows: "This plan shows a division of land for the purpose of lot line adjustment/boundary agreement as defined in the Subdivision Regulations and does not require the approval of the Planning Board as a subdivision".
- f. The plan shall be filed by the Board in the Grafton County Registry of Deeds.

SECTION 10 STANDARDS

No subdivision will be approved unless all lots being created comply with the Zoning Ordinance of the Town unless a variance has been properly granted.

Additionally, all subdivisions shall conform to the following standards:

- 10.01 Master Plan: All subdivisions shall be in harmony with the Master Plan, when such exists; shall be in conformance with the Official Map, when such exists; and shall be in conformance with all other applicable State and local by-laws, ordinances and regulations, including, but not limited to, regulations relative to health, buildings, roads and other pertinent data, and it is the obligation of the subdivider to familiarize himself with all such regulations and data so that he is aware of the standards with which the proposed subdivisions must comply.
- 10.02 Natural Features: The subdivider shall give due regard to the preservation and protection of existing features, trees, scenic points, brooks, streams, rock out-croppings, estuaries, open-spaces, water bodies, wetlands, other natural resources and historic landmarks.
- 10.03 Lot and Size Layout Standards: When laying out or planning a subdivision, the following standards shall govern the layout of lots and sites:
 - A. The minimum area or configuration of lots or sites shall be based on consideration of soil type, slope, sewage disposal techniques, and drainage plans, and shall conform to the recommendations of the New Hampshire Water Supply and Pollution Control Commission, if any.
 - B. No subdivision shall be approved unless the street giving access to each lot is a class v or better public road or meets the street standards contained in these Regulations.
 - C. In order to provide adequate corner visibility, corner lots shall have sufficient width to permit a setback on each street.
 - D. 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 require modification of such lot or lots.
 - E. Block length and width or acreage within bounding roads shall be such as to provide for convenient access, circulation control and safety of street and pedestrian traffic.

10.04 Sewage Disposal Design Standards and Soil Tests: Subdividers shall present written approval for subdivision from the New Hampshire Water Supply and Pollution Control Commission. In all such cases where approval of the said Commission is not required, the subdivider shall present satisfactory evidence to the Board that the subdivision lots will support individual sewage disposal systems. In all events, section 5.08 shall be applicable.

1. The subdivider will adhere to the following standards for his subdivision lots:
 - (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 persons.
 - (d) They will not violate laws or regulations governing water pollution or sewage disposal or treatment.
 - (e) They will not pollute or contaminate the waters of any bathing beach, shellfish breeding ground, or stream used for public or domestic water supply purposes, or for recreational purposes.
 - (f) They will not give rise to a nuisance due to odor or unsightly appearance.
2. No septic system leaching bed or trench, or leaching cesspool or leaching pit 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 above six basic standards of these regulations.
3. The Board may engage a qualified agent of the Grafton County Conservation District or other qualified person in behalf of and at the expense of the subdivider to inspect and make a report on each proposed lot or site as to the suitability for on-site sewage disposal. If any limitation is found such as excessive slopes, hardpan layers, shallow depth-to-ledge, existing or expected high water table or extreme porosity, said soil and/or site limitation shall be noted in the report. Any lot or site with severe soil or site limitations noted from the on-site inspection shall not be approved unless:
 - (a) The subdivider proposes appropriate site and engineering measures to overcome and alleviate those limitations to the satisfaction of the Board and;
 - (b) The subdivider carries out those site and engineering measures as proposed to the satisfaction of the Board or the subdivider shall have proposed site and engineering measures drawn up to the satisfaction of the Board as covenants to the deed for each lot or site to be transferred, conveyed, rented, or leased.

4. All subsurface sewage disposal systems must be designed and constructed in accordance with the most recent edition of the manual on "Septic Tank System of Sewage Disposal" as published by the New Hampshire Water Supply and Pollution Control Commission.

10.05 Street Standards: Construction and/or installation of all streets, sidewalks, curbs, bridges, culverts, drainage structures, storm sewers, gutters, drainage ditches, and other improvements required by the subdivision plat and accompanying documents, must be done under the supervision or with the approval of the Planning Board, Board of Selectmen, and the Road Agent of the Town of Orange.

Subdivision streets shall be laid out so that the street pattern conforms to the extent possible to natural topographic conditions.

All street construction as required by the Board shall conform to the following standards:

1. Provisions shall be made for the proper projection of proposed streets if adjoining property is not subdivided. 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.
2. No street right-of-way shall be less than 50 feet in width and may be required to be more if a greater width is warranted in the opinion of the Board. The apportioning of the width among roadways, sidewalks and possible grass strips shall be subject to approval of the Board. In general, the Board shall require a travelled width of not less than 20 feet plus 2 feet of gravel shoulders on each side.
3. The minimum center line radii of streets shall be 75 feet, although at the Board's request greater radii may be required for principal streets. All curved streets must be designed to permit safe vehicular travel.
4. 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.
5. 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.
6. 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.
7. Local residential streets shall be designed so as to discourage through traffic.
8. Local and collector streets shall not intersect with arterial streets less than eight hundred (800) feet apart, measured from center line to center line.

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9. Except where it is impracticable, because of the character of the land, streets shall intersect so that the final 75 feet of the intersecting street lines are at right angles and in no case less than seventy-five degrees. The grade within 100 feet of an intersection shall not exceed 3% unless otherwise agreed to by the Board. No structure or planting shall impair corner visibility.
10. Grades of all streets shall conform in general to the terrain and shall, so far as practicable, not exceed 10 percent, unless this requirement is specifically waived by the Board. No street shall have a grade of less than 1/2 percent.
11. General crown of the road not less than three (3) inches. Shoulder slopes not less than two horizontal for one vertical.
12. Multiple intersections involving a junction of more than two streets shall be prohibited. If at all possible, four-way intersections shall be avoided on all local and minor collector streets.
13. The minimum distance between center line offsets at street jogs shall be one hundred fifty (150) feet.
14. The entire travelled area of each street shall be cleared of all stumps, brush, roots and like material, and all trees not intended for preservation. All loam and other yielding material shall be removed from the roadway and replaced with a suitable material. All boulders shall be broken off to a depth of not less than 12 inches below the subgrade. All streets shall be sub-graded with at least 12 inches of binding gravel to a width of not less than 24 feet.
15. Permanent dead-end streets shall be posted as such.
16. If a dead-end street is of a temporary nature, a turnaround 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.
17. The following standards shall apply to cul-de-sac streets: **Amended. See Page 22**
 - (a) The turnaround at the end of a cul-de-sac street should be located with regard to proper drainage.
 - (b) 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.
18. 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.

19. Classification of Streets

The classification of existing streets shall be as defined in the Town 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:

Amendment adopted by the Planning Board on May 22, 2002

Section 10.05 Street Standards Subsection 17 (page 21)

17. The following shall apply to all dead-end and cul-de-sac streets:

- (a) A turnaround and associated easement of a suitable area and of a design approved by the Board shall be provided. Consideration shall be given to, but not limited to, drainage, maintenance, snow removal, and emergency vehicles.
- (b) Unless there is an 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.
- (c) The maximum length of a dead-end street shall be determined by the Board.

STANDARDS FOR STREET DESIGN

	<u>Local</u> ¹	<u>Collector</u>	<u>Arterial</u>
Average Daily Traffic ²	0-100	100-400	Above 400
Minimum Right-of-Way	50'	60'-80'	80'-100'
Minimum Travel Surface Width (Ft.) ³	18'	20'-24'	Variable
Minimum Shoulder Width (Ft.) Each Side ⁴	2'	4'	Variable
Minimum Distance From Road Centerline to Center of Ditch (Ft.) ⁵	16'	18'	Variable
Minimum Horizontal Curve Radii (Ft.)	100'	150'-300'	500'
Minimum Vertical Curve Radii (Ft.)	100'	100'-200'	Variable
	In no case less than 20' for 1% difference in grade	In no case less than 30' for 1% difference in grade	
Minimum Length of Tangents Between Curves	100'	100'-200'	Variable
Maximum Grade	10%	8%	5%
Minimum Grade	0.5%	0.5%	0.5%
Maximum Grade Within 50' of Intersection Centerlines	3%	3%	2%
Minimum Vertical Sight Distance ⁶	200'	250'	300'

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

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

³All cross-section horizontal distances shall be measured perpendicular to straight-line sections and radial to curved sections.

⁴Same as Footnote #3.

⁵Same as Footnote #3.

⁶Sight 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.

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.

The Board may require greater width of right-of-way 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.

20. Street Improvements - Any existing town owned street which provides either frontage to new lots, or access to new streets shall meet the minimum standards established herein insofar as possible. The Board may require as a condition of approval of the final plat that the subdivider shall bear the expense to provide that the said existing street or streets meet said minimum standards.

10.06 Parking Standards: 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, no parking of vehicles within the street shall be permitted.

10.07 Pedestrian Walks: Where necessary, in the judgement of the Board, rights-of-way for pedestrian travel and access may be required between subdivisions or its parts, or between a subdivision and public property.

10.08 Drainage Standards: 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 following standards.

1. An adequate surface storm water drainage system for the entire subdivision area shall be provided. Storm drainage shall be carried as much as possible to existing watercourses, or connect to existing watercourses, or connect to existing storm drains. If the storm water drainage system creates any additional flow over any adjacent property, The subdivider shall obtain an easement therefor from the adjacent owner and shall hold the Town of Orange harmless from any claims for damage resulting therefrom.
2. The need for the installation of catch basins and a storm sewer system or underdrains shall be determined on the basis of the following considerations: high ground water; soil conditions; topography; road grades; maintenance considerations; safety.
3. Proper siding of culverts, storm sewers etc. shall be by established engineering practice.
4. Pipes for storm sewers or culverts shall be reinforced concrete pipe, corrugated asbestos pipe, corrugated steel pipe, or better.
5. Minimum storm sewer pipe size shall be 12" in diameter.
6. Minimum culvert size shall be 15" in diameter.
7. Cover over all pipes shall be at least two (2) feet.
8. Culvert headwalls, where required, shall be either concrete or mortar rubble masonry or other suitable matter.

9. Erosion protection of ditches or pipe outlets shall be provided by paving or use of stone where soil and velocity conditions warrant protection.
10. No storm water pipe, catch basin, drainage outlet or other pipe floor drain, draining surface water, shall be connected to any sanitary sewer system, pipe or part of said system.
11. The Board may require that all storm water pipe installations be inspected and approved by an agent of the Town before being covered.

10.09 Utilities Installation Standards

1. All subdivisions shall make adequate provisions for water supply, storm water and sanitary sewage disposal, and other 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 Town of Orange.
2. 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 such utility system installations shall be at the expense of the subdivider and, if the Board so requires, shall be installed under the supervision of the appropriate Town agency.
3. The Board may require the installation of street lighting in any subdivision where it deems necessary.
4. 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 Planning Board and the Board of Selectmen, and without expense to the Town of Orange.
5. All such utility system installations shall be at the expense of the subdivider and shall be installed under supervision of appropriate Town agencies.

10.10 Sediment and Erosion Control Standards: 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. 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 and the Final Plat Phase.

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.

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4. Temporary seedings 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 conditions during and after development.
6. Sediment in the runoff water shall be trapped, until the disturbed area is stabilized, by the use of sediment basins or other acceptable methods.
7. Diversions, sediment basins, and so forth, shall be constructed prior to any on-site grading or disturbance of existing surface material.

10.11 Open Space and Landscaping

1. The Board may, where it deems essential, require that the plat show one or more sites of character, size, shape, and location suitable to be used as community open space or park, in area not to exceed 15 percent of the total area of the subdivision. The subdivider may of his own volition exceed the above area requirements.
2. Such areas of open space, whether privately or publicly owned, shall have a sufficient legal restriction recorded in the Town 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.
3. 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. 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. In the event that the Board determines that suitable park, playground, or other open space cannot be properly located in a proposed subdivision, it may require as a condition of final plat approval that a payment be made by the subdivider to the Town and placed in a fund for acquisition and/or improvement of park and recreation land. Such payment shall be determined by the Board of Selectmen in accordance with an equitable and standard fee schedule related to either the gross area of the subdivision or number of dwelling units proposed.
5. Where a development composed of one or more plats will accommodate a total of more than one hundred dwelling units, the Board may also require the designation of necessary public school sites or a payment in lieu thereof.

6. 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. Where any land other than that included in public rights-of-way is to be dedicated to public use, the subdivider shall not remove any trees from the site without approval of the Board.
 - b. Topsoil moved during the course of construction shall be redistributed so as to provide at least 6" of cover to all disturbed areas of the subdivision.
 - c. All disturbed areas which are not covered by structures or paving shall be properly seeded or replanted by the subdivider.

7. 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 6" of cover to all disturbed areas of the subdivision. At no time shall topsoil be removed from the site without written permission from the Planning Board.

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

10.12 Survey Monument Standards

1. Permanent survey monuments shall be set in the boundary of rights-of-way at intersecting streets, point of curvature and point of tangency of curves, though the point of intersection of short curves may be used instead where such is practical. Monuments shall be placed on one side of the street only and at only one corner of intersecting streets.

2. Adjacent monumented points shall be intervisible. Monuments shall be tied into 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 Board, and not less than 4" in diameter or square, and not less than 42" long. 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.

SECTION 11 ADMINISTRATION AND ENFORCEMENT

11.01 Waivers and Variances

(a) Where the Board finds that due to the special circumstances of a particular plat, or because of exceptional and unique conditions of topography, access, location, shape, size, drainage, or other features of the parcel of interest, in its judgment provision of certain requirements is not requisite in the interest of public health, safety and general welfare or is inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the proposed subdivision, it may, after public hearing, waive or vary such requirements subject to appropriate conditions.

(b) In granting waiver or variance, the Board shall require such reasonable conditions as well, in its judgment, secure substantially the objectives of the requirements so waived or varied.

11.02 Interpretation

In matters of judgement or interpretation of these regulations the opinion of the Board shall prevail.

11.03 Validity

If any section, clause, provision, portion or phrase of these regulations shall be held to be invalid or unconstitutional by any court of competent authority, such decision shall not affect the validity of the remaining portion of these Regulations.

11.04 Other Regulations

Whenever the Regulations made under authority hereof differ from those prescribed by any statute, ordinance or other regulations, that provision which imposes the more stringent standards shall govern.

11.05 Acceptance of Streets and/or Utilities

(a) Nothing herein is intended to modify the requirements of law with reference to the acceptance of streets and/or utilities by the Town.

(b) Nothing herein is intended to modify or control the construction, reconstruction or extension of streets and/or utilities by the Town or State.

11.06 Enforcement and Penalties

These regulations shall be enforced by the Board of Selectmen or its duly authorized representative as provided in RSA 676:17. Enforcement of these Regulations shall follow the provisions of RSA 676:15 Injunction Relief, 676:16 Penalties For Transferring Lots in Unapproved Subdivisions, and 676:17 Fires and Penalties.

11.07 Amendment

These regulations may be amended, changed, altered, 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 to the Register of Deeds.

11.08 Appeals

Any person, aggrieved by an official action of the Board, may appeal therefrom to the Superior Court as provided by RSA 36:34 as amended.

11.09 Exhibits

Incorporated herein and made a part of these Regulations are all Exhibits annexed hereto.

11.10 Effect

These regulations shall be in effect from the time of their adoption by vote of a majority of the Board of the Town of Orange, New Hampshire present and voting.