

**SUBDIVISION REGULATIONS
TOWN OF PIERMONT, NEW HAMPSHIRE**

SECTION 1. AUTHORITY

ARTICLE 1. ADOPTION AND AMENDMENT

- 1.01 **AUTHORITY:** Pursuant to the authority granted by the voters of the Town of Piermont, and in accordance with the provisions of Chapter 674: Section 35, N.H. Revised Statutes Annotated, the Piermont Planning Board adopts the following regulations governing the subdivision of land in the Town of Piermont, New Hampshire.
- 1.02 **PURPOSE:** The purpose of these Regulations shall be to promote the development of an economically sound and stable community by preventing such 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, sewage disposal, transportation, or other public services, or necessitate excessive expenditure of public funds for the supply of such services; to assure the adequate provision of safe and convenient traffic access and circulation, both vehicular and pedestrian, through proper arrangement and coordination of streets and ways within a subdivision in relation to other or planned streets or with features of an official map of the Town, if adopted, to promote the amenities of the Town through provisions for parks, play grounds, or other recreation areas, preservation of trees and natural or historic features; and to secure equitable handling of all subdivision plans by providing uniform procedures and standards for observance both of the subdivider and the Planning Board.
- 1.03 **TITLE:** These regulations shall be known as the Town of Piermont Subdivision Regulations.
- 1.04 **VALIDITY:** If any portion of these regulations is found for any reason to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of these Regulations.
- 1.05 **AMENDMENT:** These Regulations may be amended whenever such action is deemed advisable by the Board following a duly noticed public hearing on the proposed amendment. All changes to these Regulations shall become effective when adopted and signed by a majority of the Planning Board members and filed with the Town Clerk. The amendment shall be filed with the Office of State Planning.

ARTICLE 2. DEFINITIONS

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 Planning Board. For purposes of receiving testimony only, and not for the purposes of notification, the term “abutter” shall also include any person who is able to demonstrate that such person’s land will be directly affected by the proposal under consideration. In the event that the statutory definition of abutter is changed, then it shall be assumed that the existing and applicable definition of abutter shall control.

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

Building Development: The creation of sites to be occupied by buildings.

Building Site: The estimated location as shown on a subdivision Preliminary Layout of Final Plat of a proposed building. A building site may be assigned a specific size and shape. The location of an accessory building shall not be considered a building site.

Condominium: The division of air space in a building, a building lot, tract, or parcel of land into two or more units, lots or building sites for the purpose whether immediate or future of condominium conveyance under RSA 356-B.

Driveway: An area located on a lot, tract, or parcel of land built for direct access to a garage or off-site parking area serving not more than two adjacent lots or dwelling units.

Lot: A lot is a parcel of land that contains a minimum area of one acre and that has a minimum of 100 feet frontage along a Class V or better road as required by the Piermont Zoning Ordinance or on a road approved by the Planning Board as part of a subdivision. The parcel shall also have any additional area as may be needed for on site sanitary facilities.

Plat: The map, drawing, or chart on which the subdivider’s plan of subdivision is presented to the Board for approval and which, if approved, will be submitted to the Register of Deeds of Grafton County for recording.

Site: Shall mean Building Site.

Street: A highway, road, avenue, lane, or other way which exists for automotive travel exclusive of a driveway. Street shall include the entire right-of-way. A Street may be public or private.

Subdivider: The owner of record of land to be subdivided, or the agent or representative of any such owner (amended February 21, 2001).

Subdivision: 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, condominium conveyance, building development, or other form of conveyance. It includes resubdivision and when appropriate to the context, subdivision refers to the process of subdividing or to the land to be 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. Land divided by a public highway shall be separate lots on each side of the highway. THIS DEFINITION

ESTABLISHES THE JURISDICTION OF THE PLANNING BOARD. See Section 3.03.

Time: For the purposes of these Regulations in counting days, the day on which that filing or Notice, etc. is done and the day of the public meeting or public hearing shall be excluded.

ARTICLE 3. ADMINISTRATION AND ENFORCEMENT

3.01 ADMINISTRATIVE OFFICER: The administrative officer for the Subdivision Regulations shall be the Secretary of the Board.

3.02 APPROVAL BY PLANNING BOARD: All subdivision of land in the Town of Piermont requires approval by the Planning Board in accordance with the Regulations. Voluntary mergers of lots and lot line adjustments (also known as Boundary Agreements), actions that change lot lines described in a deed recorded in the Grafton County Registry of Deeds or shown on a recorded subdivision plan, also require approval by the Planning Board in accordance with the Regulations.

3.03 WHAT CONSTITUTES A SUBDIVISION: (Amended October 18, 1988). The definition of Subdivision is contained in Article 2. Subdivision includes the division of a parcel of land into two or more lots with each resulting lot to be conveyed by deed to individual owners. Subdivision also includes the division of land into two or more building sites. An example would be two or more houses on a parcel of land that will be owned by one owner but rented. Another example would be land submitted to the condominium form of ownership and therefore owned in common by all the persons owning condominium units where there are at least two building sites. Subdivision is not intended to include a single apartment house or a single building which contains more than one condominium unit or a single commercial building where space is leased out to individual tenants or in the form of a commercial building with individually owned offices. It does not include the transfer of a parcel of land which is physically contiguous to another parcel owned by the subdivider even though his title to such other parcel may have been acquired by a different deed, by inheritance, or otherwise. The provisions of this paragraph are intended to limit what constitutes a subdivision and in effect to be part of the definition "Subdivision."

3.04 REQUEST FOR WAIVER OR EXCEPTION: Upon the request of a subdivider, the Board may grant a relaxation of the provision of the Regulations as it deems appropriate, provided the Board shall first determine the following:

- a) That there are special circumstances or conditions applying to the land proposed to be subdivided so that a literal application of the subdivision regulations will deprive the owner of such property a reasonable use of it, and impose upon such owner a hardship not shared by owners of other property in the same area.
- b) That the granting of a waiver or relaxation will be in harmony with the general purposes and intent of these regulations and not be injurious or otherwise detrimental to the area within which the subdivision is proposed or to the public welfare.
- c) The waiver or relaxation as granted is the minimum that will provide reasonable relief to the owner and is necessary for the reasonable use of the land. (Amended November 16, 2005)

3.05 PROHIBITION OF CONSTRUCTION PRIOR TO APPROVAL: (Amended November 30, 1988). No construction, site preparation, or building development shall be initiated until the final Plat of the proposed subdivision has been approved by the Planning Board, as evidenced by the issuance of the Notice of Action (Articles 5.14 and 6.17).

3.06 PROHIBITION OF SALE PRIOR TO ENDORSEMENT AND RECORDING: No final sale, rental, lease, or other conveyance of any part of a proposed Subdivision shall be entered into by the subdivider until an approved Final Plat has been endorsed by the Planning Board and recorded in the Grafton County Registry of Deeds.

- a) In the event the Planning Board accepts a performance bond in a form acceptable to the Selectmen after review by the Town Counsel, the Final Plat shall be endorsed by the Planning Board at the time of approval and thereupon recorded in the Grafton County Registry of Deeds.
- b) If construction for a subdivision is not secured by a performance bond, construction of said subdivision shall be fully completed in accordance with Article 11, following which the approved Final Plat shall be endorsed by the Planning Board and recorded in the Grafton County Registry of Deeds.

3.07 PENALTIES: As provided in RSA 676:16, any owner or agent of the owner of any land located within a subdivision who transfers or sells any land before a Plat of said subdivision has been approved and endorsed by the Planning Board and recorded in the office of the Registry of Deeds shall pay a penalty for each lot or parcel so transferred or sold as assessed and imposed by the Planning Board. The Town may enjoin such transfer or sale and may recover the penalty by civil action. As may be ordered by the court, the prevailing party may recover reasonable court costs and attorneys' fees. In addition, action may be taken for any violation of these regulations as provided in RSA 676:17.

3.08 APPEALS: Any person aggrieved by an official action of the Board may appeal therefrom to the Superior Court as provided in RSA 677:15.

3.09 CONSTRUCTION OF SUBDIVISION: A subdivider shall construct the Subdivision and comply with the approved Final Plat and all requirements set forth in the Notice of Action (Article 6.17). Construction of improvements shall be in accordance with the provisions of Article 11.

3.10 ACCEPTANCE OF STREETS: Any new street within a subdivision shall be completed as shown on the Final Plat in accordance with the Regulations and the Town Road Construction Specifications and subject to any conditions imposed by the Board at the time of approval of the Final Plat. The construction and completion of a private street or highway shall not obligate the Board of Selectmen to accept the offer to dedicate the street or private highway as a public street or public highway.

SECTION II: PROCEDURES AND SUBMISSION REQUIREMENTS

ARTICLE 4. VOLUNTARY MERGERS AND LOT LINE ADJUSTMENTS: PROCEDURES AND REQUIREMENTS.

4.01 VOLUNTARY MERGER: A Voluntary Merger consists of combining into one lot two or more contiguous, pre-existing approved or subdivided lots owned by the same owner.

4.02 REQUIREMENTS FOR A VOLUNTARY MERGER: Any owner of two (2) or more contiguous pre-existing subdivided lots or parcels who wishes to merge them for municipal regulations or taxation purposes may do so, except when such merger would create a violation of then current ordinances or regulations. No notice or public hearing is required. Abutters shall be notified by first class mail. Notice of Voluntary Merger must be filed with the Grafton County Registry of Deeds and with the Board of Selectmen. Recording fees are to be paid in advance by the applicant. Application forms are available from the Secretary of the Planning Board.

4.03 LOT LINE ADJUSTMENT OR BOUNDARY AGREEMENT (Adopted March 17, 1993. A Lot Line Adjustment or Boundary Agreement is any alteration in an existing division of land resulting in no new lots.

4.04 REQUIREMENTS FOR LOT LINE ADJUSTMENTS OR BOUNDARY AGREEMENTS (Amended April 17, 1996 and September 17, 1997).

a. An application must be submitted to the Secretary of the Planning Board who will provide the proper form. When the applicant is a person other than an owner of record, he or she shall submit a copy of written evidence of authority to act on behalf of an owner, or written power of attorney, or letter of guardianship.

b. A fee plus actual cost of Notice and Certified Fee is required.
See Addendum A.

- c. The Board shall give Notice as follows:
 - 1. The Notice shall include a general description of the proposed change in boundary lines which is the subject of the Application, shall identify the Applicant and the location of the proposed change in boundary lines, and shall state the day, time, and place of the public meeting/hearing.
 - 2. A copy of the Notice shall be sent to the Applicant, the Abutters, any Professional whose seal appears on the plat, and any holders of Conservation, Preservation, or Agricultural Preservation Restrictions on subject property, by certified mail, return receipt requested (amended September 17, 1997).
 - 3. Notice shall be mailed at least ten days prior to the public meeting/hearing.
 - 4. Notice to the general public shall be given by posting a copy of the Notice described above in at least one public place, and publishing, once, a copy of the Notice, at least ten days prior to the public meeting/hearing.
 - 5. For the purpose of the Regulations, in counting days, the day on which Notice is given, and the day of the public meeting/hearing shall be excluded.
- c. The Lot Line Adjustment or Boundary Agreement process requires the submission of the Final Plat. The Final Plat shall be in permanent black ink on a permanent reproducible polyester film. It shall be submitted in two polyester film copies and one paper print for each lot, plus one for the Planning Board file. Sheet sizes shall be in accordance with the Grafton County Registry of Deeds. Space shall be reserved on the Plat for endorsement by the Board. The Final Plat shall be recorded by the Planning Board at the applicant's expense in the event the Lot Line Adjustment or Boundary Agreement is approved. (Amended February 17, 2010)
- e. At an informal meeting with the applicant, the Planning Board shall first determine that the proposed application qualifies for the Lot Line Adjustment or Boundary Agreement procedure, following which the applicant may submit the Final Plat immediately or at a subsequent meeting of the Board.
- f. The following must appear on the Plat:
 - 1. Name of municipality, names of owners, abutters, any professional whose seal appears on the Plat and any holder of Conservation, Preservation or Agricultural Preservation restrictions on subject Property.
 - 2. Subdivisions and buildings within 100 feet of the parcels. Roads and driveways within 200 feet of the parcels.
 - 3. A general site location map showing the size and shape of the parcel and its relation to major roads.

4. Boundaries and area of the entire parcel referenced to a public street, intersection or USGS bench mark.
 5. North point and bar scale.
 6. Approximate contour lines at 10 feet intervals taken from a standard USGS map or Town base map.
 7. Existing and proposed building sites and lot sizes in square feet and acres.
 8. Location of existing and proposed easements, significant natural and man-made features.
 9. A statement shall be placed on the plan stating: "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 approval of the Planning Board as a Subdivision."
 10. Name and seal of a Land Surveyor, licensed by the State of New Hampshire, who prepared the Final Plat (amended October 15, 2008)
- g. If approved, the plan shall be filed by the Planning Board in the Grafton County Registry of Deeds.
- 4.05 ACTION OF THE BOARD: The accepted Application shall be deemed to be submitted to the Board as of the date on which the Board accepted the Application. Within 30 days of such date, the Board shall begin formal consideration of the Application at a public hearing for which Notice has been given. The Board shall act to approve, approve with modifications, or disapprove the Application within 90 days of the date of submission. The Board may apply to the Board of Selectmen prior to the expiration of the 90 day period for an extension of time not to exceed 90 days before acting to approve or disapprove the Application. The applicant may consent to an extension of time for the Board to act beyond the initial 90 day period on the condition that such consent shall be in writing and shall be made part of the Board's record.

ARTICLE 5. MINOR SUBDIVISION. PROCEDURES AND REQUIREMENTS:

- 5.01 MINOR SUBDIVISION. A Minor Subdivision is any subdivision of land resulting in no more than 3 lots with each fronting on an existing street and not requiring any new street or extensions of existing streets or other public improvements.
- 5.02 STANDARDS. All Minor Subdivisions shall conform to applicable standards set forth in Section III.
- 5.03 RESUBDIVISION. A parcel of land which has been subjected to Minor Subdivision shall not be eligible for further subdivision for a period of five years from the date of the most recent Minor Subdivision approval.
- 5.04 APPLICATION PROCEDURE. Application to the Planning Board for Minor Subdivision shall be made to the Secretary of the Board. When the applicant is a person other than an owner of record, he or she shall

submit a copy of written evidence of authority to act on behalf of an owner, or written power of attorney, or letter of guardianship.

Inquiries concerning procedures, requirements, or the status of a particular application may be made to the Chairman or Secretary of the Board.

(Amended February 21, 2001)

5.05 FILING FEES AND OTHER EXPENSES FOR WHICH THE APPLICANT IS RESPONSIBLE. When filing a Minor Subdivision application, the applicant shall pay a filing fee plus an additional fee for each lot in the proposed Subdivision as well as paying all costs of Notice. (See Addendum A). 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 applications (RSA 676:4(g)). Such additional fees may also include an appropriate allocation of legal fees incurred by the Board. Failure to pay costs may be the basis for disapproval of the Application.

5.06 NOTICE, Upon receiving the submission of a Final Plat from the Applicant, the Board shall schedule a public hearing/meeting and give Notice as follows:

- a. The Notice shall include a general description of the proposed subdivision which is the subject of the Application, shall identify the subdivider and the location of the proposed subdivision, and shall state the day, time, and place of the public meeting/hearing.
- b. A copy of the Notice shall be sent to the abutters, the subdivider, any professional whose seal appears on the Plat, and any holders of Conservation, Preservation, Agricultural Preservation Restrictions on subject property, by certified mail, return receipt requested. (Amended September 17, 1997).
- c. Notice shall be mailed at least ten days prior to the public hearing/meeting.
- d. Notice to the general public shall be given by posting a copy of the Notice described above in at least one public place, and publishing once, a copy of the Notice, at least 10 days prior to the public meeting/hearing.
- e. For the purposes of the Regulations, in counting days, the day on which the Notice is given and the day of the public meeting/hearing shall be excluded.

5.07 PROCEDURE FOR REVIEW. The Minor Subdivision process requires an Informal Conceptual Discussion of the Application for which no Notice or Fee is required, the submission of a Final Plat as set forth below, and a review of the Final Plat at a public hearing/meeting for which Notice is given.

The Informal Discussion between the subdivider and the Board shall be limited to a discussion as to concept and in general terms for the purposes 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. For the purposes of the Informal Discussion, the applicant shall provide the Board with a sketch plan.

5.08 FINAL PLAT SUBMISSION REQUIREMENTS. The subdivider shall file the Application for Final Plat approval with the Planning Board Secretary at least 21 days prior to the public meeting/hearing at which the Application is to be considered for approval by the Board. The Final Plat shall be in permanent black ink on a permanent reproducible polyester film. It shall be submitted in two polyester film copies and one paper print for each lot, plus one for the Planning Board file. Sheet sizes shall be in accordance with the Grafton County Registry of Deeds. Space shall be reserved on the plat for endorsement by the Board. The Final Plat shall be recorded by the Planning Board at the subdivider's expense in the event the Subdivision is approved. (Amended February 17, 2010)

5.09 INFORMATION REQUIRED ON FINAL PLAT. For Minor Subdivision, the Final Plat shall contain or be accompanied by the following maps and information. Maps shall be drawn at a scale of no more than 100 feet per inch unless otherwise specified by the Board.

- a. Name of municipality and subdivision, names and addresses of the subdivider and designer, names and addresses of any professional whose seal appears on the Plat, and any holders of Conservation, Preservation, or Agricultural Preservation Restrictions on subject property (amended September 17, 1997).
- b. Names and addresses of abutting property owners as indicated in the town records no more than five days before the day of filing. Abutters shall also be identified on any Plat submitted to the Board.
- c. Subdivisions and buildings within 100 feet of the parcel to be subdivided. Roads, streets, and driveways within 200 feet of the parcel to be subdivided.
- d. Name and seal of a Land Surveyor, licensed by the State of New Hampshire, who prepared the Final Plat.(Amended October 15, 2008).
- e. A general site location map locating the proposed Minor Subdivision boundaries in relation to major roads.
- f. Boundaries and areas of the entire parcel referenced to a public street intersection or USGS bench mark; north point bar scale; date and dates of any revisions. The Board may waive the requirement for 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.
- g. Approximate contour lines at 10 foot intervals for the entire parcel, sketched from a standard USGS map or a Town base map.
- h. Existing and proposed building sites and lot lines, angles and dimensions, lot sizes in square feet and acres, consecutive numbers of lots to be consistent with Town tax maps.

- i. Location of existing and proposed easements and deed restrictions.
- j. Location of parks and other open space, water courses, and significant and man-made features.
- k. Lots under five acres require State Subdivision Approval.
- l. State or Town approval numbers for driveways and septic systems.
- m. Location of driveways.

5.10 POSSIBLE ADDITIONAL INFORMATION REQUIRED ON, OR TO BE SUBMITTED WITH, THE FINAL Plat.

When in the judgment of the Board, additional information is required to serve the purposes of these Regulations, the Board may require any or all of the following information to accompany or to be included in the Final Plat.

- a. If a Performance Bond is required by the Board, the subdivider shall furnish an estimate of the full cost of all improvements and a description of the surety or security to be offered to secure the Performance Bond.
- b. Any other information the Board deems necessary to serve the purposes of the Regulations during the public hearing stage.

5.11 BOARD CONSIDERATION OF, AND ACTION ON, FINAL PLAT.

- a. The accepted Application shall be deemed to be submitted to the Board as of the date on which the Board accepted the Application. Within 30 days of such date the Board shall begin formal consideration of the Application at a public hearing for which notice has been given. The Board shall act to approve, approve with modifications, or disapprove the Application within 90 days of the date of submission. The Board may apply to the Board of Selectmen prior to the expiration of the 90 day period for an extension of time not to exceed 90 days before acting to approve or disapprove the Application. The subdivider may consent to an extension of time for the Board to act beyond the initial 90 day period on the condition that such consent shall be in writing and shall be made part of the Board's records.
- b. Necessity for completeness of the Application: Before any review of the proposed Final Subdivision Application, the Board shall first determine if the Application is complete.
- c. Action by the Board on the request to approve the Completed Application: The application shall be presented to the Board by the subdivider at a public meeting of the Board for which Notice has been given. The Board, by motion, shall approve or disapprove the Application at the public meeting or at an adjourned session thereof, and such action shall be noted on the Application and in the records of the Board.

5.12 NOTICE FOR MEETINGS/HEARINGS (amended September 17, 1997).

Notice shall be given to the abutters, the subdivider, any holders of Conservation, Preservation or Agricultural Preservation Restrictions on subject property, and the general public as to all public hearings on the Application. As provided by law, any public meeting or public hearing for which Notice was required may be adjourned without additional Notice. The Board shall announce at the prior public meeting or prior public hearing that such meeting or hearing shall be adjourned to a fixed day, time, and place. For a valid adjournment the records of the Board must contain a statement that such announcement was made and included also the day, time, and place when the adjourned meeting/hearing is to be held.

- 5.13 **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 or disapprove the Application within the time specified, may obtain from the Selectmen an order directing the Board to act within 15 days. The failure of the Board to act within 15 days shall constitute grounds for the Superior Court, upon petition of the subdivider, to issue an order approving the Application if the Court first determines that the proposed subdivision complies with the existing Subdivision Regulations, and other applicable ordinances. If the Court determines that the failure to act within the time specified was the fault of the Board and was not justified, then the Court may order the Board to pay the subdivider's reasonable costs and attorney's fees incurred in securing the Court order.
- 5.14 **NOTIFICATION OF ACTION ON THE FINAL PLAT.** The Board shall notify the subdivider, by Notice of Action in writing signed by the Chairman, of its action on the Final Plat. In case of disapproval, the grounds of such disapproval shall be set forth in the Notice which shall become a part of the records of the Board. In case of approval, the Notice of Action shall set forth the following:
- a. A copy of any deed restriction submitted by the subdivider and accepted by the Board.
 - b. All requirements for off-site improvements.
 - c. A description of land, if any, to be dedicated to widen existing streets.
 - d. A description of any relaxation of requirements granted to the subdivider.
 - e. When applicable, the statement described in Article 7.08 concerning liability for use of public land.
 - f. All agreements, if any, between the subdivider and the Board concerning matters not required by the Regulations, but to be performed by the subdivider.
 - g. A statement that the Subdivision shall be completed and constructed in conformity with the Final Plat and Regulations. Approval of the Subdivision constitutes an acceptance of the legal obligation by the subdivider to build and complete all required improvements at the subdivider's expense regardless of the estimate of the cost included in the performance bond or any security given.
 - h. A reference to the bond to be provided by the subdivider as guarantee of performance in construction of the Subdivision as set forth in Article 5.16 and and Article 11.03 of these Regulations.

- 5.15 **ACKNOWLEDGEMENT OF RECEIPT OF NOTICE.** Until the subdivider shall acknowledge receipt of the Notice of Action and acceptance of all provisions set forth therein and shall return a signed copy of same to the Board, no further action shall be taken with regard to the Final Plat. Failure to acknowledge receipt of Notice of Action and acceptance within 90 days of mailing of the Notice of Action will cause approval to lapse.
- 5.16 **PERFORMANCE BOND.** When the Board agrees to accept a Performance Bond, the subdivider shall submit a Performance Bond providing for and securing to the Town the completion of the actual construction and installation of all improvements and utilities within three (3) years from the date of acknowledgement and acceptance of the Notice of action. The bond shall be in an amount determined by the Planning Board and in conformity with the requirements of Article 11.03
- 5.17 **FAILURE TO RECORD.** There can be no sale or transfer of land within the subdivision until an approved subdivision Final Plat has been recorded in the Grafton County Registry of Deeds. Approval of a Final Plat shall lapse if such Plat is not recorded in the Registry of Deeds within three (3) years from the date of acknowledgement of receipt of the Notice of Action and acceptance of all provisions set forth therein (Article 5:15) unless the Planning Board extends the time.

ARTICLE 6. MAJOR SUBDIVISION. PROCEDURES AND REQUIREMENTS.

- 6.01 **MAJOR SUBDIVISION.** A Major Subdivision is any division of land which results in four or more lots or which requires new streets.
- 6.02 **STANDARDS.** All Major Subdivisions shall conform to the requirements of Articles 7 and 9 through 11.
- 6.03 **APPLICATION PROCEDURE.** Application to the Planning Board for Major Subdivision shall be made to the Secretary of the Board.
When the applicant is a person other than an owner of record, he or she shall submit a copy of written evidence of authority to act on behalf of an owner, or written power of attorney, or letter of guardianship.
inquiries concerning procedures, requirements, or the status of a particular application may be made to the Chairman or Secretary of the Board.
- 6.04 **FILING FEES AND OTHER EXPENSES FOR WHICH THE APPLICANT IS RESPONSIBLE.** When filing a Major Subdivision Application, the applicant shall pay a filing fee plus a charge for each lot in the proposed Major Subdivision. (See Addendum A for filing fees). In addition, the applicant shall pay all costs of Notice. Finally, the Board may require the subdivider to pay additional reasonable fees to cover its administrative expenses and costs of special investigative studies,

review documents, and other matters which may be required by particular Applications (RSA 676:4(g)). Such additional fees may also include an appropriate allocation of legal fees incurred by the Board. Failure to pay costs may be the basis for disapproval of the Application.

- 6.05 **PROCEDURE FOR REVIEW:** Procedures for a Major Subdivision involve the following steps: An optional Informal Discussion for which no fee shall be assessed and no Notice required, a review of an public hearing on the Preliminary Layout, and a review of and public hearing on the Final Plat.

Upon request of the subdivider, the Planning Board Chairman shall place on the agenda of the Planning Board at a regularly scheduled meeting an Informal Discussion between the subdivider and the Board. No fee shall be assessed for the Informal Discussion and no Notice is required. The discussion shall be general and limited to overall concept for the purposes 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. For the purposes of the Informal Discussion, the applicant shall provide the Board with a sketch plan.

- 6.06 **PRELIMINARY LAYOUT:** The subdivider shall submit to the Planning Board Secretary a Preliminary Layout of the proposed subdivision. The subdivider shall file the Preliminary Layout at least 21 days prior to the Public Hearing.

- 6.07 **NOTICE:** Upon receiving the submission of a Preliminary Layout from the Applicant, the Board shall schedule a public hearing/meeting and give Notice as follows:

- a. The Notice shall include a general description of the proposed subdivision which is the subject of the Application, shall identify the subdivider and the location of the proposed subdivision, and shall state the day, time, and place of the public hearing/meeting.
- b. A copy of the Notice shall be sent to the abutters, the subdivider, any professional whose seal appears on the plat, and any holders of Conservation, Preservation, Agricultural Preservation Restrictions on subject property, by certified mail, return receipt requested (amended September 17, 1997).
- d. Notice shall be mailed at least 10 days prior to the public hearing/meeting.
- e. Notice to the general public shall be given by posting a copy of the Notice described above in at least one public place, and publishing, once, a copy of the Notice at least 10 days prior to the public hearing/meeting.

- f. For the purposes of the Regulations, in counting days, the day on which Notice is given and the day of the public hearing/meeting shall be excluded.

6.08 DESCRIPTION OF PRELIMINARY LAYOUT: The Preliminary Layout shall be submitted in three paper prints. Dimensions may be approximate. Data may be tentative but shall be sufficiently clear to indicate the design requirements for the subdivision Final Plat. Maps shall be at a scale of no more than 100 feet per inch unless otherwise specified by the Board. The following information is required:

- a. Name of municipality and subdivision, names and addresses of the subdivider and designer, names and addresses of any professional whose seal appears on the plat and any holders of Conservation, Preservation, or Agricultural Preservation Restrictions on subject property (amended September 17, 1997).
- b. Names and addresses of abutting property owners as indicated in the town records not more than five days before the day of filing. Abutters shall also be identified on any plat submitted to the Board.
- c. Subdivisions and buildings within 100 feet of the parcel to be subdivided:
Roads, streets, and driveways within 200 feet of the parcel to be subdivided.
- d. Name and seal of a Land Surveyor, licensed by the State of New Hampshire, who prepared the Final Plat(Amended October 15, 2008)
- e. A general site location map locating the proposed Major Subdivision boundaries in relation to major roads.
- f. Boundaries and areas of the entire parcel referenced to a public street intersection or USGS bench mark, north point, bar scale, date and dates of any revisions. The Board may waive the requirement for 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.
- g. Approximate contour lines at 10 foot intervals for the entire parcel sketched from a standard USGS map or a Town base map.
- h. Existing and proposed building sites and lot lines, angles, and dimensions, lot sizes in square feet and acres, consecutive numbering of lots to be consistent with Town tax maps.
- i. Location of existing and proposed easements and deed restrictions.
- j. Location of parks and other open space, water courses, and significant and man-made features.

- k. Soil mapping units and boundaries as classified by the U.S. Dept. of Agriculture Soil Conservation Service.
- l. Preliminary road profiles showing grades, existing and proposed street right-of-way lines including side slopes, widths of streets, and proposed names of new streets.
- m. Location of existing and proposed storm drainage lines, drainage structures and drainage ways; existing and proposed telephone, electricity and other proposed facilities and/or utilities.
- n. Preliminary drainage analysis and computation, watershed areas.

6.09 REVIEW OF PRELIMINARY LAYOUT: Upon receipt of the complete Preliminary Layout, the Board shall conduct a review of the proposed subdivision at a public hearing. Notice shall be given to the subdivider, abutters, and the general public for the public hearing.

6.10 ACTION OF THE BOARD: Upon receipt of the Preliminary Layout, the Board shall first determine whether it is complete. If so, the Preliminary Layout will be reviewed by the Board. The Board shall submit to the subdivider in writing its recommendations and reservations with respect to the proposed subdivision and the advisability of preparing a Final Plat. At this time, the Board shall indicate if the additional information described in Article 6.12 will be required. The Board may request recommendations on the Preliminary Layout from the Fire Chief, the Police Chief, and any other Town Board or official. Finally, the Board may vote that the Preliminary Layout Review phase has ended and, in that event, the applicant shall be notified of this in writing within 10 days. The point of such a vote is to trigger the provision in RSA 676:12, VI (as amended in 2006) giving the applicant 12 months to file a final, formal application, or risk loss of “vesting” rights and becoming subject to intervening changes in regulations (such ‘vesting’ having attached at the time public notice for design review is mailed and posted). (Amended June 17, 2009).

6.11 REVIEW OF THE FINAL PLAT: The subdivider shall file the application for Final Plat approval with the Planning Board Secretary at least 21 days prior to the public hearing/meeting at which the application is to be considered for approval by the Board. The Final Plat shall be submitted on one paper print for each lot, plus one for the Planning Board file and two polyester film copies, and shall contain or be accompanied by all the information listed in Article 6.08 for the Preliminary Layout. Maps shall be drawn at a scale of no more than 100 feet per inch unless otherwise specified by the Board. In addition, the Final Plat shall contain information listed in Article 6.08 for the Preliminary Layout. Maps shall be drawn at a scale of no more than 100 feet per inch unless otherwise specified by the Board. (Amended February 17, 2010).

In addition, the Final Plat shall contain the following maps and information:

- a. State or Town approval numbers for driveways and septic systems.
- b. Location of driveways.

6.12 ADDITIONAL INFORMATION FOR FINAL PLAT: As part of the Final Plat submission, the Board may require the subdivider to submit any or all of the following information:

- 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:
 - a. Basic street and lot layout with all lots or sites number consecutively.
 - b. Location of all existing buildings and approximate location of proposed buildings, if known.
- b. Subdivision street plan: This plan shall be submitted on a separate sheet or sheets and shall provide the following information:
 - 1. Complete plans and profiles of all proposed streets, including but not limited to horizontal and vertical curve data at the street centerline, street stationing every fifty feet and turnaround radii, and typical sections of proposed streets.
- c. Information if a Performance Bond is requested of the subdivider: If a Performance Bond is to be requested, the subdivider shall furnish an estimate of the full cost of all improvements and a description of the surety or security to be offered to secure the Performance Bond.
- d. Other Information: The Board may require such other information as it deems necessary to serve the purposes of the Regulations during the public hearing stage.

6.13 CONSIDERATION OF THE FINAL PLAT: The Application shall be deemed submitted to the Board as of the date on which the Board accepted the Application. Within 30 days of such date the Board shall begin formal consideration of the Application at a public hearing for which Notice has been given. The Board shall act to approve, approve with modifications, or disapprove the Application within 90 days of the date of submission. The Board may apply to the Board of Selectmen prior to the expiration of the 90 day period for an extension of time not to exceed 90 days before acting to approve or disapprove the Application. The subdivider may consent to an extension of time for the Board to act beyond the initial 90 day

period on the condition that such consent shall be in writing and shall be made part of the Board's records.

- 6.14 NOTICE FOR MEETINGS/HEARINGS (amended September 17, 1997): Notice shall be given to the abutters, the subdivider, and holders of Conservation, Preservation, or Agricultural Preservation Restrictions on subject property and to the general public as to all public hearings on the Application. As provided by law any public meeting or public hearing for which Notice is required may be adjourned without additional Notice. The Board shall announce at the prior public meeting or public hearing that such meeting or hearing shall be adjourned to a fixed day, time, and place. For a valid adjournment the records of the Board must contain a statement that such announcement was made and included also the day, time, and place when the adjourned hearing/meeting is to be held.
- 6.15 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 or disapprove the Application within the time specified may obtain from the Selectmen an order directing the Board to act within 15 days. The failure of the Board to act within 15 days shall constitute grounds for the Superior Court, upon petition of the subdivider, to issue an order approving the Application if the Court first determines that the proposed subdivision complies with the existing Subdivision Regulations, and other applicable ordinances. If the Court determines that the failure to act within the time specified was the fault of the Board and was not justified, then the Court may order the Board to pay the subdivider's reasonable costs and attorney's fees incurred in securing the Court order.
- 6.16 ACTION ON FINAL PLAT:
- a. Necessity of completeness of the Application: Before any review of the proposed Final Subdivision Application, the Board shall first determine if the Application is complete.
 - b. Action by the Board on the request to approve the Completed Application: The Application shall be presented to the Board by the subdivider at a public meeting for which Notice has been given. The Board, by motion, shall approve or disapprove the Application at the public meeting or at an adjourned session thereof, and such action shall be noted on the Application and in the records of the Board.
- 6.17 NOTICE OF ACTION ON THE FINAL PLAT: The Board shall notify the subdivider, by Notice of Action in writing signed by the Chairman, of its actions on the Final Plat. In case of disapproval, the grounds for such disapproval shall be set forth in the Notice which shall become part of the records of the Board. In case of approval, the Notice of Action shall set forth the following:

- a. A copy of any deed restriction submitted by the subdivider and accepted by the Board.
- b. All requirements for off-site improvements.
- c. A description of land, if any, to be dedicated to widen existing streets.
- d. A description of any relaxation of requirements granted to the subdivider.
- e. When applicable, the statement described in Article 9.09 concerning liability for public use of land.
- f. All agreements, if any, between the subdivider and the Board concerning matters not required by these Regulations, but to be performed by the subdivider.
- g. A statement that the subdivision shall be completed and constructed in conformity with the Final Plat and the Regulations. Approval of the subdivision constitutes an acceptance of the legal obligation by the subdivider to build and complete all required improvements at the subdivider's expense regardless of the estimate of the cost included in the Performance Bond or any security given.
- h. A reference to the bond to be provided by the subdivider as guarantee of performance in construction of the subdivision as set forth in Article 6.19 and Article 11.03 of these Regulations.
- i. A specification by the Board, if it wishes, of how much active and substantial development must occur within 24 months of Planning Board approval of Final Plat of a Major Subdivision in order for the subdivider to maintain the maximum allowed exemption from legislative or judicially mandated changes that may relate to their approved subdivision (amended September 21, 2011).

6.18 **ACKNOWLEDGEMENT OF RECEIPT OF NOTICE:** Until the subdivider shall acknowledge receipt of the Notice of Action and acceptance of all provisions set forth therein and shall return a signed copy of same to the Board, no further action shall be taken with regard to the Final Plat. Failure to acknowledge receipt of Notice of Action and acceptance within 90 days of mailing of the Notice of Action will cause approval to lapse.

6.19 **PERFORMANCE BOND:** When the Board agrees to accept a Performance Bond the subdivider shall submit a Performance Bond providing for and securing to the Town the completion of the actual construction and installation of all improvements and utilities within three years from the date of acknowledgement and acceptance of the Notice of action. The bond shall be in the amount determined by the Planning Board and in conformity with the requirements of Article 11.03

- 6.20 **FAILURE TO RECORD:** There can be no sale of transfer of land within the subdivision until and approved subdivision Final Plat has been recorded in the Grafton County Registry of deeds. Approval of a Final Plat shall lapse if such Plat is not recorded in the Registry of Deeds within three years from the date of acknowledgement and acceptance of the Notice of Action. (Article 6.18) unless the Planning Board extends the time.

SECTION III: STANDARDS FOR SUBDIVISION DESIGN

ARTICLE 7. GENERAL PROVISIONS:

- 7.01 **COMPLIANCE WITH OTHER ORDINANCES:** All subdivisions shall be in conformance with applicable federal, state and local by-laws, ordinances and Regulations. Where the Regulations are in conflict with such other ordinances or regulations, the more stringent or those setting higher standards shall apply.
- 7.02 **CHARACTER OF LAND FOR SUBDIVISION:** Land of such character that it cannot, in the opinion of the board, be safely used for building development because of danger to health or peril from fire, flood, poor drainage, excessive slope or other hazardous conditions, shall not be platted for residential, commercial, or industrial subdivision, nor for such other uses as may increase danger to life or property. All proposals for subdivision of land shall be consistent with the need to minimize flood damage.
- 7.03 **WATER AND SEWER:** Where off-site water and/or sewer systems are to be provided in a subdivision, it shall be the responsibility of the subdivider to obtain and furnish evidence of approval by the appropriate state regulatory agency.
- 7.04 **PROHIBITION OF PREMATURE OR SCATTERED SUBDIVISION:** Scattered or premature subdivision of land as would involve danger or injury to health, safety or property by reason of lack of water supply, drainage, transportation, school, fire protection or other public funds for the supply of such services shall not be approved by the Board. The Board shall ascertain whether or not a proposed subdivision will result in the danger or injury as set forth above, or necessitate an excessive expenditure of public funds based on the existing supply of services. If the Board determines that a subdivision does constitute such danger or injury, or will necessitate an excessive expenditure of public funds for the supply of such services, then such a proposed subdivision shall constitute a scattered or premature development and shall not be approved.
- 7.05 **TOTAL PLAT:** If the Board finds that a proposed subdivision constitutes piecemeal or phase development, it may require the subdivider to submit a Total Plat for all of the land owned by the subdivider. In order to adequately provide for the harmonious development of the Town, the Total Plat will include all of the subdivider's land, notwithstanding the division of that land by existing public

highways.

The Board may modify and relax the requirements of these Regulations with regard to Plat details on that portion of the Total Plat required under this provision. Approval of a plat for the subdivision of a portion of the subdivider's land with the proposed subdivision of the remainder of the land shown on the Total Plat shall not constitute approval of the Total Plat, but only of that portion requested. All subsequent applications for final approval of the subdivider's land shown on the Total Plat shall be in conformity with the approved Total Plat, except as changed with the consent of the Board.

- 7.06 **PRESERVATION OF EXISTING FEATURES:** Prominent natural features within a subdivision, such as trees, scenic points, brooks, streams, rock outcroppings, water bodies, stone walls, boundary markers, and historic landmarks, shall be preserved and protected to the maximum extent possible by the subdivider. The subdivider shall demonstrate to the satisfaction of the Board the manner by which the subdivider intends to protect existing features.
- 7.07 **OFF-SITE IMPROVEMENTS:** If, upon the finding of fact, the Board determines that the proposed subdivision will adversely affect existing public facilities, such as streets, causing them to be inadequate to meet the additional needs created by the subdivision, then the subdivider shall pay for such upgrading of the public facilities to an extent necessary to protect the public interest. If other properties benefit from the upgrading of such off-site public improvements, the Board shall determine the proportion of the cost to be paid by the subdivider, taking into consideration the following factors:
- a. The character of the area.
 - b. The extent that other public and private property will be benefited by the upgrading, and
 - c. any other factors that the Board deems appropriate to establish a rational connection between the needs created by the subdivision and the amount to be paid by the subdivider.
- 7.08 **LIABILITY FOR PUBLIC USE OF LAND:** On land required to be dedicated for public use, the subdivider shall file a statement in writing accepting liability for personal injuries and/or property damage arising from any negligence of the subdivider or agents of the subdivider suffered by any person or to the property of any person until such offer of dedication is accepted by the Town. In addition, the subdivider's statement shall acknowledge responsibility for the maintenance of any easement areas until such time as the areas are dedicated and accepted by the Town or transferred to an association of owners or the like. The subdivider shall furnish evidence of sufficient insurance coverage with regard to such liability in an amount and form satisfactory to the Town legal counsel and the Selectmen.

ARTICLE 8. OPEN SPACE REQUIREMENT:

- 8.01 RESERVATION OF LAND: Before approval, the Board may require the plan to show a park or parks suitably located for playground or other recreational purposes to meet needs created by the subdivision. The Board may, by appropriate endorsement on the plan, require no building be erected upon such park or parks without its approval. Areas set aside for parks or playgrounds to be dedicated or to be reserved for the common uses of all property owners by covenant in the deed, whether required or not required by the Board, shall be of reasonable size and character for neighborhood playgrounds or other recreational uses.
- 8.02 ACCESS TO LAND: The subdivider shall not reserve strips of land which, in the opinion of the Board, show an intent on his part to control discriminatingly the access to land dedicated or to be dedicated to public use.

ARTICLE 9. STREET LAYOUT AND DESIGN:

- 9.01 COMPLIANCE WITH CONSTRUCTION STANDARDS: All streets shall be constructed in compliance with the construction standards and specifications adopted by the Town of Piermont (see Addendum B). All bridges, culverts, drainage structures, drainage ditches, and other improvements shown on the Final Plat and required by accompanying documents, if any, shall be installed in compliance with the construction standards and specifications adopted by the Town.
- 9.02 CONNECTION WITH EXISTING SUBDIVISIONS: When improvements are to be installed between the proposed street pattern and any connection street in an existing subdivision, they shall be indicated on the Final Plat.
- 9.03 ADJUSTMENT OF ALIGNMENT OF RIGHT-OF-WAY: Where a subdivision abuts an existing street and the alignment or right-of-way width of such street is rendered inadequate because of the needs created by the proposed subdivision, the subdivider shall include in the street dedication all land needed to meet the standards established by the Regulations and as approved by the Board, and such street dedication shall be shown on the Final Plat.
- 9.04 HARMONY WITH TOPOGRAPHY: Street patterns shall give due consideration to contours and natural features. Subdivision streets shall be laid out to blend with the topography.
- 9.05 INTERSECTIONS AND GRADES: (Amended November 30, 1988) Except where it is unsuitable because of the character of the land, streets shall intersect so that within 75 feet of the intersection the street lines are at right angles, and in no case shall they be less than 75 degrees. The grade within 100 feet of an intersection shall not exceed five percent. No structure or planting shall impair corner visibility. Grades of all streets shall conform in general to the terrain and shall, so far as

practicable, not exceed ten percent. No street shall have a grade of less than half a percent to one percent and special attention shall be given to the elimination of grade changes as streets enter intersections

- 9.06 PERMANENT DEAD-END STREETS: A permanent dead-end street shall terminate in a suitable turnaround. The turnaround shall be designed to provide for adequate drainage. Unless there is the expectation of extending the street through to the adjoining property, a dead-end street shall not be brought to the property boundary line but shall be placed so that the lots are contiguous with the property line of the subdivision. The length of a permanent dead-end street shall be determined by the Board.
- 9.07 TEMPORARY DEAD-END STREETS: In the case of temporary dead-end streets, where future extension to another outlet is approved by the Board, the full width of the right-of-way to the subdivision property line shall be reserved as a street right-of-way and shall be shown on the final Plat. For a dead-end street of a temporary nature, a turnaround shall be provided, and provision shall be made for future extension of the street through to adjacent property and for reversion of the excess right-of-way to the adjoining properties.
- 9.08 DEAD-END STREETS: (Adopted November 30, 1988). Except where near-future connection may be possible, dead-end or cul-de-sac streets shall not be longer than 1,500 feet and shall be equipped with a turn-around roadway at the closed end with a minimum radius of fifty (50) feet from the center to the outside edge of the right-of-way.
- 9.09 CURVES: (Adopted November 30, 1988). No horizontal or vertical curve shall have a centerline radius of less than one hundred twenty-five (125) feet, except a horizontal curve on a cul-de-sac. For changes in grade exceeding one percent (1%), a vertical curve shall be provided ensuring a minimum sight distance of one hundred twenty-five (125) feet.
- 9.10 MARKING OF PROPOSED STREETS: At the earliest practical stage during the application the subdivider shall place on the ground clearly observable survey stakes or ribbons marking the centerline of all proposed streets.
- 9.11 ALTERATION OF GRADIENT: The Board may modify the maximum and minimum gradient for short lengths of street where, in the judgment of the Board, existing topographic conditions or the preservation of natural features indicate that such modification will result in the best subdivision of land.
- 9.12 ALTERATION OF RIGHT-OF-WAY TO TRAVEL SURFACE:
(Amended November 30, 1988) The Board may require greater width of right-of-way and/or travel surface where, in the judgment of the Board, the demands of present or future traffic make it desirable or where topographic conditions create a need for greater width for grading. No street or highway right-of-way shall be less

than fifty (50) feet in width and may be required to be more if a greater street width is warranted in the opinion of the Board. Apportionment of the right-of-way for roadway, sidewalks and possible grass strips shall be subject to the approval of the Board. The roadway shall be centered on the right-of-way.

9.13 PEDESTIAN WALKS, SIDEWALKS, AND BICYCLE PATHS: Where necessary in the judgment of the Board, rights-of-way for pedestrian and/or bicycle travel and access may be required between parts of the subdivision or between a subdivision and public property. When such need has been created by the subdivision, the Board may require the subdivider to provide sidewalks and/or bicycle paths outside the subdivision.

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

9.15 NAMING OF STREETS: No street shall have a name which will duplicate or closely duplicate the name of an existing street. The continuation of an existing street shall have the same name.

ARTICLE 10. GENERAL REQUIREMENTS FOR THE SUBDIVISION OF Land:

10.01 The subdivider shall observe the following general requirements and principles of land subdivision:

a) LEGAL CONFORMITY: The plan shall conform with any pertinent state or local laws or regulations.

b) ENVIRONMENTAL CONTROL-EROSION, SEDIMENTATION:

The following control measures shall be employed by the subdivider for an effective erosion and sediment control plan:

1. The smallest practical area of land should be exposed at any one time during development.
2. When land is exposed during development, the exposure should be kept to the shortest practical period of time. Land should not be left exposed during the winter months.
3. Where necessary, temporary vegetation and/or mulching and structural measures should be used to protect areas exposed during development.
4. Sediment basins should be installed and maintained to remove sediment from run-off waters and from land undergoing development.
5. Provisions should be made to effectively accommodate the increased run-off caused by changed soil and surface conditions during and after development.

6. The permanent final vegetation and structures should be installed as soon as practical in the development.
7. The development plan should be fitted to the topography and soils so as to create the least erosion potential.
8. Whenever feasible, natural vegetation should be retained and protected.
9. Where possible, natural drainage ways should be utilized and left open to remove excess surface water.

ARTICLE 11. CONSTRUCTION OF SUBDIVISION:

11.01 INSPECTION: During construction of an approved subdivision inspection shall be made by the Board or its designated agent.

11.02 TIME FOR COMPLETION OF CONSTRUCTION: The subdivider shall

construct the subdivision and shall comply with all the requirements of the Final Plat as set forth in the Notice of Action within five years from the date of acknowledgement and acceptance of the Notice of Action. Upon written request of the subdivider, when the Board finds that conditions beyond the control of the subdivider prevent compliance within the three year period, the Board may grant an additional period of time for compliance with Notice.(amended September 21,2011)

11.03 PERFORMANCE BOND: As provided in Articles 5.16 and 6.19, the subdivider shall execute and deliver to the Board, in a form acceptable to Town Counsel, a bond conditioned on the performance of all terms and conditions of Final Plat approval:

- a. Amount of Bond: The subdivider's engineer shall furnish the Board an estimate of the full cost of all improvements.
- b. Surety or Security: The subdivider's obligations as set forth in the performance bond shall be secured by surety or security and approved by the Town Counsel. All documents evidencing or establishing the surety or security shall be prepared at the subdivider's expense and approved by Town Counsel.
- c. Reduction of Security: The security may be reduced during the course of construction by the Board in such amounts as the Board deems to be in the best interest of the town but on the condition that the remaining security shall be sufficient to complete all remaining construction.

- d. Release of Bond: The performance bond shall be released when the Board is satisfied that the subdivider has complied with all requirements as set forth in the Notice. The decision to release the bond shall be based upon an assessment of the plans, the engineer's preparatory work for construction, engineering inspection during construction, and the final plans on completed work. When all conditions of the bond have been performed, the Board shall release the bond.
- e. Enforcement of Bond: If the subdivider has not totally complied within three years of the date of the recording of the Final Plat in the Grafton County Registry of Deeds, the Town shall enforce its rights under the performance bond and the surety or security to secure it. In the event that the Town is required to enforce the bond, it shall be entitled to have reasonable attorney's fees paid by the subdivider and awarded by the Court.

11.04 MODIFICATION OF DESIGN AND IMPROVEMENTS: If at any time before or during the construction of the subdivision the Board determines that unforeseen conditions make it necessary or desirable to modify the location or design of any of the required improvements or installations, the Board may authorize such modifications which shall be set forth in writing and signed by the Chairman of the Board.

11.05 INSPECTION OF CONSTRUCTION: Prior to commencing construction the subdivider shall pay to the Town an amount of money estimated by the Board to compensate fully the Town for all inspection and testing charges deemed necessary. The subdivider shall notify the Board in writing of the time when construction is proposed to commence so the Board may cause inspection to be made to insure that all Town specifications and requirements shall be met.

11.06 CERTIFICATION OF COMPLIANCE: The subdivider shall notify the Board in writing when all requirements of the Final Plat have been met. The subdivider's engineer shall certify compliance with the Notice including total recertification to the extent necessary of any original installation, the guarantee, and damage deficiencies.

11.07 CORRECTION OF DEFICIENCIES: If the Board determines that any of the required improvements have not been completed in accordance with the plans and specifications as filed by the subdivider and as required by the Town, the Board shall notify the subdivider in writing of any such deficiencies. The subdivider shall rectify all deficiencies within a reasonable time as determined by the Town, the Town shall take all necessary action to protect and preserve the Town's rights and interests. In the event of legal action, the Town shall be entitled to have reasonable attorney's fees paid by the subdivider and awarded by the Court.

11.08 GUARANTEE OF INSTALLATION OF IMPROVEMENTS: For a period of

two years after completion of all improvements or one year after the correction of all deficiencies as described above, whichever occurs last, if the Board determines that the improvements have failed for any reason or do not meet the specifications as filed by the subdivider and as required by the Town, the Board shall notify the subdivider in writing of such failure and the subdivider shall rectify all failures at the expense of the subdivider. If the subdivider does not substantially rectify all deficiencies within a reasonable time as determined by the Town, the Board shall take all necessary action to protect and preserve the Town's rights and interests. In the event of legal action, the Town shall be entitled to have reasonable attorney's fees paid by the subdivider and awarded by the Court.

11.09 DAMAGE TO ADJACENT PUBLIC AND PRIVATE PROPERTY, DRAINAGE FACILITIES, WATERWAYS, STREAMS AND BROOKS: If at any time before all public improvements are finally accepted by the Town and before the performance bond is totally released, should any condition within the approved subdivision cause damage to adjacent public or private property, drainage facilities and waterways, streams and brooks, including but not limited to soil erosion and damage to standing vegetation, the Board shall notify the subdivider in writing of such damage and the subdivider shall correct all damage at the subdivider's own expense. If the subdivider does not substantially correct all damage within a reasonable period of time as set forth in the notice by the Town, the Town shall take all action necessary to protect and preserve its rights and interest including injunctive relief. The Town shall be entitled to have reasonable attorney's fees paid by the subdivider and awarded by the court.

11.10 EROSION CONTROL AFTER CONSTRUCTION: For a period of one year after completion of all improvements, the subdivider shall be responsible for the control of soil erosion and any resulting sedimentation, in accordance with the requirements of Article 11.

11.11 MONUMENTS: (Amended November 30, 1988). Permanent survey monuments shall be set in the boundary of rights-of-way at intersecting streets, points of curvature, and point of tangency of curves; the point of intersection of short curves may be used instead, where such is practical, at the discretion of the Board. Monuments shall be placed on one side of the street only and at only one corner of the intersecting streets. Adjacent monumented points shall be in sight of one another.

Monuments shall be referenced to a public street intersection, USGS benchmark or other recognized existing monument.

Monuments shall be of stone, concrete, or other material acceptable to the Board, and not less than 4 inches in diameter or square, and not less than 42 inches long. Concrete monuments shall be reinforced with steel rods. A plug, brass plate, or pin shall serve as the point of reference, and a magnetic rod or other suitable metal device shall be placed adjacent to the monument to allow for recovery.

Iron pipes shall not be considered permanent monuments for the purpose of these Regulations.

Lot corners shall be marked with steel reinforcing bars of no less than ¾" diameter and shall be capped with surveyor's identification.

- 11.12 CONVEYANCE OF EASEMENTS AND RIGHTS-OF-WAY: Upon completion of the construction of the subdivision, the subdivider shall convey all easements and rights-of-way as may be required under the Notice of Action at such time as the Board of Selectmen may request the deeds in a form and manner satisfactory to the Town Counsel.

ARTICLE 12. NATIONAL FLOOD INSURANCE REQUIREMENTS:

12.01 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:
 1. all such proposals are consistent with the need to minimize flood damage;
 2. all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage; and,
 3. adequate drainage is provided so as to reduce exposure to flood hazards.

The undersigned, being a majority of the members of the Piermont Planning Board, hereby certify that they adopted on June 17, 2009 the subdivision regulations, as contained in the document, after notice and public hearing as required by RSA 675:6.

PIERMONT PLANNING BOARD

S/ William Morris, Chairman
S/ Peter Labounty, Vice Chairman
S/ Suzanne Woodard
S/ Peggy Fullerton
S/ Ed French
S/ Jean Daley
S/ Fred Shipman, ex - officio
S/ Ora Schwarzberg, alternate

Received and recorded as required by RSA 675:6, III, this day of

s/_____
Linda Lambert, Piermont Town Clerk

Enacted May 7, 1970

Amended: May 18, 1971

October 12, 1971

August 17, 1988

October 19, 1988

November 30, 1988

March 17, 1993

November 15, 1995

April 17, 1996

September 17, 1997

February 21, 2001

November 16, 2005

March 13, 2007

May 21, 2008

October 15, 2008

June 17, 2009

February 17, 2010

September 21, 2011