

Town of Groton
Subdivision Regulations

Adopted by the Groton Planning Board
After Public Hearing on
29 February 2012

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MINIMUM REQUIREMENTS FOR PROPOSED SUBDIVISIONS

No planning board business is conducted outside of the regular meetings which are held on the last Wednesday of the month, nor is any carried on over the phone lines or by email with any member of the board.

However, to expedite the filing procedure for the subdivision approval, you should have the following in your possession before you attend a meeting of the planning board:

- A. Lots of less than five (5) acres require a test pit and approval from the N.H. Department of Environmental Services.
- B. If your subdivision contains at least one lot of less than five (5) acres, you will need test pits and approvals from N.H.D.E.S. for all lots.
- C. If you must cross a wetland for access to any lot, you will need to fill out a Dredge and Fill Permit for each lot affected.
- D. You will need a list of all abutters and legal size envelopes addressed to each.
- E. You will need a topographical map of your proposal showing areas which are unsuitable for construction such as wetlands, slopes of greater than 25%, ledge, etc. The plan must also show the location of test pits (if required) or proposed location of septic system.
- F. You will need to complete an application form and pay a filing fee, the cost for recording, and actual cost of certified mailing. The cost of advertising the hearing will be due upon request of appointment for the public hearing. See the Town Administrative Assistant for current cost.
- G. For each lot abutting a State or Town road, you must procure a driveway permit.
- H. If you are subdividing a lot with an existing building, you will be required to provide proof of an approved septic design and construction and operational approval for the system from the NHDES.
- I. You must read a copy of the Town's Subdivision Regulations.
- J. Subdivisions of more than fifteen (15) lots will require the subdivider to fill out a form with the Attorney General's Office of Consumer Protection (RSA 356-a, 356-a:3).
- K. You must forward a copy of the proposed subdivision to the New Hampshire Electric Co-op prior to approval to ensure proper easements for electrical lines.
- L. If the land area you are subdividing has any of the following as defined by these regulations: steep slopes, highly erodible soils, wetlands or is within floodplains; you will be required to submit appropriate management and erosion plans.

The above is, in general, the minimum paperwork required to complete your application and will give the planning board enough to begin review of your proposal.

Town of Groton Subdivision Regulations

I. AUTHORITY

Pursuant to the authority vested in the Town of Groton Planning Board by the voters of the Town of Groton, and in accordance with the provisions of Chapter 674, sections 35-42 of New Hampshire Planning and Land Use Regulations, as amended, the Groton Planning Board adopts the following regulations governing the subdivision of land in the Town of Groton, New Hampshire.

II. DEFINITIONS

Abutter: Any person whose property is located in Groton 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 purposes of notification, the term “Abutter” shall include any person who is able to demonstrate that his land will be directly affected by any proposal under consideration.

Applicant: The owner of record, or his/her agent, duly authorized in writing at the time of application.

Board, Planning Board: The planning board of the Town of Groton, New Hampshire.

Construction Drawings: Detailed information which may be required by the board, including but not limited to grading and drainage plans, surface water, street plans, elevation plans, and/or utility plans.

Consultant: A qualified person to perform special investigative studies as specified by the planning board.

Contiguous Lots: Adjacent or abutting lots which have a common boundary line.

Developer: The individual, partnership or corporation which will be responsible to make all improvements and for the sale of lots and/or dwelling units.

Driveway: An access located on a lot, tract or parcel of land serving not more than two (2) lots or sites.

Dwelling Unit: A structure or part thereof with living and sleeping accommodations intended for use and/or occupancy by a single-family or household.

Easement: Authorization by property owner for the use by another, and for specified purpose, of any designated part of this property.

Engineer: A registered engineer.

Filing Fee: A levy which may be required to accompany any petition submitted to the planning board. This fee is in addition to the postal notice costs, site inspection fees and special consultant fees.

Final Plat: The final map, drawing or chart, on which the subdivider's plan of subdivision is presented to the Town of Groton Planning Board for approval, and which, if approved, will be submitted to the Registry of Deeds in Grafton County for recording.

Flood Hazard: Those areas identified as hazardous and as a "special flood hazard" by the Federal Insurance Administrator of the United States Department of Housing and Urban Development.

Flood Plain Subdivision: 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. 1335.
- 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.

Floodplain: A land area adjoining a river, stream, watercourse, or lake which is likely to be flooded. Those areas containing soils formed in thick alluvial deposits are delineated by the United States Department of Agriculture Soil Conservation Service.

Frontage: That side of a lot abutting an improved public street or a Class VI Road:
The front line.

Group Development: Camping grounds, clubs, including recreational clubs and fraternal lodges, or organizations which are intended for use generally on an individual or family basis.

Highly Erodible Soils: A highly erodible soil, or soil map unit, is an expression of the potential of the soil to erode, considering the physical and chemical properties of the soil and climatic conditions where it is located. The HEL rating of the soil will indicate the degree of erodibility and should be reflected in any soil survey data that is submitted.

Home Business: Home Business shall mean a business or profession (“the use”) conducted entirely within an existing home or accessory structure located on the same lot as the dwelling. The use must be clearly incidental and subordinate to residential use and shall not change either the character of the dwelling or the character of the neighborhood in which the use is carried on. The use being performed must be conducted by the resident owner(s) of the dwelling and shall not create a nuisance nor any environmental, health or safety concern.

Home Businesses are excluded from the application of site plan review provided the owner of the property files a "statement of property usage" with the Planning Board and each of the conditions set out in the Groton Site Plan regulations is complied with.

Lot: A parcel of land or any part thereof, which is described in a deed or shown on a plan and recorded with the Register of Deeds.

Lot Size: The total horizontal land areas within the boundaries of a lot, exclusive of any land designated for street, reserve strip, open space or other such specially reserved area purposes.

Low Impact Development: Low impact development (LID) is a storm water management approach focused on controlling storm water by using small, decentralized ecological methods to treat storm water close to the source.

Manufactured Housing: As defined in RSA 674:31.

Manufactured Housing Park: As defined in Title XVII, Chap. 205A.

Open Space: The area of a lot unoccupied by building, unobstructed to the sky by man-made objects, not devoted to streets, driveways, off-street parking or loading and suitable for recreation, gardens or household service activities. Open space shall be expressed as a percentage of the total lot area.

Performance and Payment Bonds: Cash, a suitable surety bond or an escrow deposit as approved by the Groton Planning Board to secure regulated improvements on subdivided property.

Plat: A map, plan, drawing or chart on which a subdivision of land is shown.

Preliminary Plan (layout): A plan prepared as required by these regulations and incorporating all information requested by the board. The preliminary plan shall include all necessary

information for local, county, regional, state or federal agencies whose review is required by law and/or by these regulations.

Reserve Strip: Any area for which future public use is intended for street connections and/or pedestrian ways.

Residential Development: A development of dwelling units for rent, lease or sale, intended for human occupancy, either as a temporary or permanent residence.

Re-Subdivision: Any change in a plat of an approved or recorded subdivision.

Right-of-Way: A legal right of passage over another person's ground.

Roadway: Road construction between the shoulder breaks.

Sewage Disposal System: A system adequate to permit the installation and operation of an approved sewerage disposal plan on the plat for individual, multiple or group sewage disposal.

Steep Slope: Land area where the rise/inclination of the land's surface from the horizontal is greater than 15% and less than or equal to 25%, represented as a percent taking the rise in elevation divided by the run in distance.

Street: A state highway, or a town highway, street, road, avenue and/or any other way which exists for vehicular travel, exclusive of a driveway.

Sub-divider: The owner of the land to be subdivided, or any agent of such owner, and any subsequent owner of record making any subdivision of such land thereof.

Subdivision: The division of a lot, tract or parcel of land into two (2) or more lots, plats, sites or other divisions of land for the purpose, whether immediate or future, of sale, rent, lease, condominium conveyance or building development. It includes re-subdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided. The division of a parcel of land held in common and subsequently divided into parts among the several owners shall be deemed a subdivision. A proposal to create or provide space for two (2) or more dwellings shall be considered a subdivision.

Subdivision, Major: Means a subdivision of four (4) or more lots, or one which involves the creation of new streets and/or utilities, regardless of the number of lots.

Subdivision, Minor: Means a subdivision of land into not more than three (3) lots for building development purposes, with no potential for resubdivision on an existing street; or one which does not involve the creation of new streets and/or utilities.

Usable Land: The net area of a Tract, Parcel, or Lot excluding Wetlands, rights-of-ways, and areas with Very Steep Slopes, and fifty percent (50%) of areas with Steep Slopes unless highly erodible soils are present.

Very Steep Slope: Land area where the inclination of the land's surface from the horizontal is greater than 25%, represented as a percent taking the rise in elevation divided by the run in distance.

Waiver: A special approval by the planning board granted when a plan is substantially in conformity with current regulations and strict conformity to approved regulations may cause undue hardship or injustice to the owner or the land provided that the regulations, public convenience and welfare will not be adversely affected.

Water Body: A lake, pond, or river which is available for use by two (2) or more abutting landowners or the general public.

Waterfront Property: A lot or parcel of land from which direct access may be gained to a water body.

Wetland: As defined in Chapter 482-A:2 Definitions X: "Wetlands" means an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal conditions does support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

III. GENERAL REQUIREMENTS FOR THE SUBDIVISION OF LAND

3.1 A A proposed subdivision shall conform to these Subdivision Regulations, the Groton Master Plan, all applicable maps and town and state ordinances.

3.1 B The subdivider shall give due regard or, where mandated by law, preserve and protect existing features such as trees, scenic points, brooks, streams, water bodies, other natural areas and historical landmarks in order to preserve the natural environment.

3.1 C Land of such character that it cannot be safely used for building development purposes because of danger to health or peril from fire, flood hazard, poor drainage, poor soil conditions, excessive slope or other hazardous conditions shall not be platted unless a design solution acceptable to the planning board can be presented.

3.1 D The planning board may disapprove any scattered or premature subdivision of land which would involve danger or injury to health, safety, or prosperity by reason of the lack of water supply, drainage, transportation, schools, fire protection, or other public services or which would necessitate the excessive expenditure of public funds for the supply of such services.

3.1E A statement of adequacy of utility systems for the provision of water service, fire protection, sewer service and storm damage shall be provided to the planning board.

3.1 F The Planning Board may, after adequate investigation, withhold approval of a lot where there is a question of suitability of said lot for its intended use.

3.1G The planning board may require a subdivision to provide one or more recreation areas.

3.1Ga. Subdivisions which represent a continuation of an earlier subdivision may also be required to meet these standards for recreation land.

3.1Gb. The developer shall provide for the maintenance of recreation land in a manner suitable to the planning board.

3.1Gc. Common open space shall be so defined on the subdivision plan and shall be made subject to a deed restriction which shall thereafter prohibit further subdivision of that open space or the use of it for purposes other than originally designated.

3.1Gc-1 Waterfront subdivisions with frontage on any year-round body of water must comply with section 3.5.

3.1Gc-2 When cluster housing or multiple dwelling units are proposed, the minimum lot size shall be determined by the planning board based upon the character of the land involved, the type of housing proposed, and other pertinent factors. The total area in the subdivision must meet the requirements of section 3.7.

3.1Gd The area which has not been built upon shall be consolidated into open space and designed as an integral part of the development. It may be used for recreation, conservation, or park purposes by the owners and occupants of the lots in the cluster development.

3.2 FLOOD HAZARD AREAS

All proposals governed by these regulations having lands identified as special flood hazard areas on the current (at the time of application) flood hazard boundary map of the Town of Groton shall comply with the Town of Groton floodplain development regulations.

3.3 EASEMENTS

3.3A Reserved strips of land which in the opinion of the planning board, show intent on the part of the subdivider to control access to land dedicated (or to be dedicated) to public use shall not be permitted.

3.3B All plats or layouts shall show the boundaries of proposed permanent easements for utilities over or on the property. Such easements shall have satisfactory access to existing or proposed public streets.

3.4 STATE PERMITS

The applicant shall provide:

- Certification of approval of subdivisions by the water supply and pollution control commission.
- A duplicate copy of all data submitted to NHDES plus any stipulations related to approval.
- Driveway permits (or a conditional letter of approval for driveway permits from the NH Department of Transportation) for any new or altered streets or driveways connecting directly to state highways and for any proposed lots that will require new or altered driveways from state highways.
- Any other required state permits or approvals.

3.5 STORMWATER MANAGEMENT AND EROSION CONTROL

The Applicant shall submit storm water management and erosion control plans when one or more of the following conditions are proposed:

- A cumulative disturbed area exceeding 20,000 square feet.
- Construction of a street or road.
- All subdivisions as defined in these regulations.
- The disturbance of critical areas, such as steep slopes, highly erodible soils, wetlands, or floodplains.

3.5A Standard agricultural and silvicultural practices are exempt from this regulation.

3.5B All storm water management and erosion control measures in the plan shall adhere to the New Hampshire Storm water Manual, published by the New Hampshire Department of Environmental Services.

<http://des.nh.gov/organization/divisions/water/stormwater/manual.htm>

3.5C The Applicant shall bear all responsibility for the installation, construction, and disposition of all storm water and erosion control measures required by the Board. Low Impact Development (LID) practices shall be used. Site development shall not begin before the plan is approved.

3.6 MONUMENTS

Granite or concrete monuments at least 4"x4" and a minimum of 36" in length shall be set at all lot corners and at all points where the bearing of a lot line change. These monuments shall be a minimum of 4" above ground level.

3.7 MINIMUM LOT SIZE

In the absence of municipal sewerage facilities minimum lot size within all subdivisions shall meet the lot size requirements specified in Table 1 of the Groton Master Plan. "Minimum lot size by soil classification" or be a minimum of two acres whichever is greater. This Requirement is Subject to the Following Qualifications:

3.7A. Where more than one soil type is found on a lot, a weighted average of those soils occurring on the lot shall be used to determine the minimum lot size. In the case of cluster subdivisions, the overall density of lots for development within the parcel shall be determined by using table 1 and computing a weighted average of all soils found in the parcel proposed for subdivision. Each lot will not exceed four (4) bedrooms per lot.

3.7B. Wetlands may be used as a part of the computed lot size according to the following:

- Areas designated as poorly drained soils may be utilized to fulfill 25% of the minimum lot size.
- Areas designated as very poorly drained, fresh water marsh or alluvial soils may not be utilized to fulfill minimum lot size.
- No subsurface wastewater disposal system shall be constructed within 75 feet of any designated wetland area.

3.7C. Minimum lot sizes for residential developments with greater than four (4) bedrooms per unit and for commercial and industrial developments shall be determined as follows:

- For residential use with five (5) or more bedrooms per unit, the minimum lot size shall be proportionately larger than the lot size indicated in table 1 as determined by the formula:
Lot size (sq. ft)= No. of bedrooms/4x (lot size from table 1)
- For duplex use, the lot size shall be increased by 50% of the minimum lot size as determined by table 1.
- For commercial and industrial uses, the lot sizes will be determined by the formula:

<u>(Gallons waste water/day)</u> (1837 (GPD/40,000 Sq Ft)	X	Lot Size from Table 1
	Plus	Land Required For Well Radius

Gallons of waste water discharged per day shall be determined from NH Code of Administration Rules, Part W, 1007.02(B), and “Unit Design Flow Figures”.

Final site plan approval for industrial development which is of such nature and character as to require state or federal permits for pre-treatment and discharge or subsurface disposal shall not be granted until all such permits are secured. The conditions upon which such permits are issued shall comply with state and local regulations and be made part of the record before the Planning Board.

3.7D The following lot shape formula shall apply:

<u>Parcel Size</u> (after subdivision)	<u>Maximum Ratio</u> (average length- average width)
2 to 10 acres	3:1
11 to 50 acres	4:1
51 to 100 acres	5:1
Over 100 acres	6:1

3.8 DETERMINATION OF SOIL TYPE

3.8A . Order 1 Soil Surveys are required of applicants if highly erodible soils are likely to be present according to the Groton Steep Slope and Highly Erodible Soils maps or the most recent USDA NRCS Grafton County soil survey. This soil data along with the existing requirement of two foot contours when steep slopes (15%-25%) are present will better inform the process, and benefit the Town and the applicant. These submissions must be stamped by a civil engineer and/or licensed soil scientist.

3.8B. Tests for determining soil information for use in this section shall be performed by a qualified soil scientist using published soil data with onsite inspections as necessary.

3.8C. Soil data shall be provided as a part of the subdivision plan at the scale and dimensions required. Any cover letters or explanatory data provided by the qualified soil scientist shall also be submitted.

3.8D. Such tests shall be performed with the advice and under the direction of the planning board or its designated agent.

3.8E. All costs of performing such investigations shall be borne by the subdivider.

3.9 ROAD CONSTRUCTION

All existing roads to be dedicated to the Town of Groton must meet the following specifications, as well as meeting all (D.O.T.) Department of Transportation standard specifications for road and bridge construction, according to the latest edition of the policy and procedures for driveways and other accesses to the state highway system. Compliance with these requirements does not require or guarantee acceptance of the dedicated road by the Town of Groton.

3.9A. The base course depth shall be no less than twelve (12) inches of gravel, followed by no less than four (4) inches of crushed gravel. Base course depths may need to be increased in areas of poor soil.

3.9B. The slope of the roadway from the center of the road to one foot beyond the shoulder shall be no less than one quarter inch per foot.

3.9C. The shoulder of the road shall be no less than four (4) feet on both sides of the road.

3.9D. A traveled way of road shall be no less than twelve feet (12 ft) per side.

3.9E. An overall right of way for a road shall be no less than fifty (50) feet.

3.9F Road grades, where feasible, shall not exceed ten (10) percent.

3.9G. Dead end roads shall not be longer than one thousand (1000) feet. Dead end roads shall be provided with a turnaround (cul-de-sac) having an outside roadway diameter of at least one hundred thirty (130) feet, except where geographic constraints require an alternative design.

3.9H. All roads shall be named without duplication of other road names in the Town of Groton.

3.9I. No road shall have a curvature of less than two hundred thirty foot (230 ft) radius.

3.9J. The entire area of each road shall be cleared of stumps, brush, roots, boulders, trees not intended for preservation, and like materials.

3.9K. Surface water shall be disposed of by means of culverts of not less than fifteen (15) inches in diameter, and larger depending upon maximum volume of surface water. Culverts shall be constructed of reinforced concrete pipe, corrugated steel, corrugated aluminum, or plastic (Poly Smooth Bore).

3.9L. On stream crossings with a ten (10) foot or more span, the structure shall be designed to HS-20 loading, (American Association of State Highway and Transportation officials) (AASHTO) and allow for habitat accommodation and flood mitigations.

3.9M. A road shall intersect at right angles as nearly as possible and no road shall intersect another at less than sixty (60) degrees.

3.9N All new roads constructed in the Town of Groton shall subscribe to the above regulations as well as the following:

- Lots must have a minimum of 150 feet (150 ft) road frontage
- Approval of the road plan shall be required before allowing construction of small integral phases of the plan.
- Construction of the roadway, drainage facilities, sidewalks, curbs and all other elements of road construction must be done under supervision of and with approval of the board of selectmen.
- All loam and other yielding material shall be removed from the roadway and replaced with suitable fill material. All boulders and ledge shall be removed to a uniform cross sectional depth of not less than twelve (12) inches below the sub grade and replaced with gravel.
- Erosion shall be controlled by placing mulch or matting on all surfaces disturbed by construction of the roadway and on all other surfaces where there is a danger of eroded material being carried to the roadway area.
- Utility poles should be kept close to the right of way line, in no case closer than the ditch line and always well back of curb.
- Safety is an important factor on all roadway improvements. On development roads it may not be possible or practical to obtain obstacle-free roadsides, but every effort should be made to provide clear areas within the maintenance limits. The use of flatter slopes, the use of guard (guide) rails where necessary and the use of warning signs are other safety factors to be considered.
- Any work that requires impacts (fill, dredge, excavation, etc.) on wetlands or other jurisdictional areas (stream banks, undisturbed tidal buffer zones, etc.) requires coordination with the Department of Environmental Services Water Division to ensure that all applicable rules and regulations are adhered to.

3.9O Developments with private roads will be required to create a Road Maintenance Agreement that is enforced by covenant. A Road Maintenance Agreement will contain the following items at a minimum:

- The legal description of all properties that have the right to use the road,
- The way that responsibility for repairs is to be shared by the parties,
- How the costs for repairs will be incurred by the parties,
- The process for emergency repairs, and
- The consequences for non-participation in the maintenance.

- The approved Road Maintenance Agreement will be cited on the recorded plan, and a copy of the Agreement will be filed with the plan.

IV OUTDOOR LIGHTING

4.1A If outdoor lighting fixtures are to be used in the subdivision a lighting plan for streets and other shared infrastructure shall be submitted to enable the Planning Board to determine that the applicable provisions of these regulations will be satisfied. The lighting plan shall include the following:

- A site plan, drawn to scale, showing buildings, landscaping, parking areas, and all proposed outdoor lighting fixtures.
- A photometric report that includes a numerical grid of lighting levels the fixtures will produce on the ground, measured in foot-candles.
- Specifications for all proposed light fixtures, including the type of lamp and the wattage of each lamp.
- Proposed mounting height of all outdoor lighting fixtures.
- Analyses showing that the proposed installation conforms to the lighting level standards in this section.
- Private residences are not regulated under such a plan.

4.2A All outdoor light fixtures shall be designed, oriented or shielded to prevent light or glare onto adjacent property or streets. Full cutoff (dark sky compliant) fixtures shall be used.

These guidelines are based on the work of the Illuminating Engineering Society of North America (IESNA).

V. SUBDIVISION PROCEDURES AND REQUIREMENTS

5.1A. The subdivider or his/her agent shall secure the approval of the planning board:

- Before any construction begins
- Before a building permit may be issued
- Before a lot created by subdivision may be sold
- Before a subdivision plat may be filed with the Grafton Registry of Deeds.

5.1B Pre-application consultation - As approved in RSA 676:4 and prior to submission of a subdivision application, a subdivider may meet with the planning board and engage in non-binding discussions in the following manner:

5.1Ba. Preliminary conceptual consultation in preparation for the submission of a subdivision application. A developer may appear at a regularly scheduled meeting of the planning board to submit a sketch plan and to discuss the proposal in conceptual form only. The Groton Planning Board may make suggestions which pertain to:

- Conformance with the Master Plan and the Subdivision Regulations and Site Plan Review Regulations.
- Required permits from town and state agencies
- Procedures required to obtain final subdivision approval.

5.1Bb. Design Review - The Planning Board and the subdivider may discuss specific design and engineering details at a regular or special meeting for which ten (10) days notice is given to abutters and the general public as required by RSA 676:5. A request by the subdivider for such a meeting must be accompanied by:

- A list of names and addresses of abutters
- Envelopes and mailing labels (typed or printed) addressed to abutters
- A non-refundable fee (see fee schedule) plus the cost of posting and advertising hearings and mailing notices to abutters.

VI. SUBDIVISION APPLICATION

6.1A. A completed application shall be filed with the chair of the Groton Planning Board at least fifteen (15) days prior to the scheduled public meeting of the board at which the application will be submitted. The completed applications must contain or be accompanied by:

- An application form provided by the planning board, properly filled out
- The name and address of the applicant and/or his/her agent
- Envelopes and mailing labels (typed or printed) addressed to the owner and to the abutters in the town records as of five (5) days before filing
- A non-refundable filing fee (see fee schedule) plus \$10.00 per lot, condominium or family unit.
- \$50.00 deposit to be applied to the expenses of posting, advertising and mailing of notices to abutters.

- Three (3) copies of the preliminary subdivision layout with all the information required in section 6.1E and all parts thereof.
- One copy of the preliminary subdivision layout is to be sent to the NH Electric Co-Op.

6.1B. The completed application shall be formally accepted by the planning board only at a scheduled public meeting for which due notification to the applicant, abutters, and the general public has been given.

6.1C. If the application is accepted by the Groton Planning Board when it is submitted, the board may immediately hold a public hearing as outlined section 6.1F.

6.1D. An application may be denied by the Groton Planning Board without a public hearing if the applicant:

- Fails to supply information required
- Fails to pay the costs of notices and fees required
- Fails to meet established deadlines

The reasons for refusal shall be stated in the minutes or records of the Groton Planning Board.

6.1E. The subdivider shall provide the Groton Planning Board with three (3) copies of the preliminary subdivision layout having a map scale of no more than one hundred (100) feet per inch. The sheet size in inches shall be 8.5 x 11, 17 x 11, or 22 x 34, with separate sheets numbered and showing their relationship to each other. A margin of at least one (1) inch on each side shall be provided outside of the ruled borderline. The preliminary subdivision layout, any subsequent revisions and the final subdivision plat shall show or be accompanied by:

6.1Ea. The proposed subdivision name or identifying title; the name and address of the owner, the designer, and the subdivider; the name, license number and the seal of the engineer and/or land surveyor licensed by the State of New Hampshire, the date, a bar scale, a revision block and a north arrow.

6.1Eb. The names of abutting property owners, lot lines within one hundred (100) feet of the parcel to be subdivided, and roads within two hundred (200) feet of the parcel to be subdivided.

6.1Ec. Sufficient data to determine (on the ground as well as on the plat) the location, bearing, and length of every street, lot line, and boundary line. The subdivision plat shall be based upon a boundary survey, and it shall be certified by an engineer or surveyor registered in the State of New Hampshire.

6.1Ed. The area of the entire parcel to be subdivided, the locations, names, and widths of existing and proposed streets, right of way lines, lot frontages, lot sizes in square feet and acres, existing and proposed easements and deed restrictions over and under private property,

the location of all parcels of land proposed to be dedicated to public use with the conditions of such dedications, notations pertaining to private roads, existing buildings, watercourses, ponds, standing water, rock ledges and other essential features.

6.1Ee. A general site location map locating the proposed subdivision boundary in relation to major and common facilities.

6.1Ef. Surface elevations sufficient in number on the property to indicate the general topography as determined by an engineer (not required for a minor subdivision as defined section II Definitions).

6.1Eg. The approximate grades and profiles of all streets with typical cross-sections indicating cut and fill, and the location and size of any bridges, culverts, or drains which may be required, including provisions for handling storm drainage.

6.1Eh Copies of all information required by section 3.4 from any state agency, including all necessary state approvals or permits, and copies of such private deed restrictions as are intended to cover part or all of the tract.

6.1Ei. Information required in section 3.2 for flood hazard areas.

6.1F Public Hearing for Subdivision Application:

If the subdivision application is in order, the planning board shall hold a public hearing as required by the provisions of RSA 676:4

6.1Fa. The subdivider or his/her agent shall present the preliminary subdivision layout.

6.1Fb. At or subsequent to the public hearing the planning board may require changes or modifications to the preliminary subdivision layout, and it shall advise the subdivider or his/her agent what changes if any, it will require for approval of the final plat.

6.1Fc. The Board may require:

- Additional studies by a qualified third party where deemed appropriate to evaluate subdivision provisions.
- Review by legal counsel and others, of documents and other materials relating to the application.

The planning board shall determine the scope of such additional studies, and it shall determine the persons or firms to be hired for them. The costs of such studies shall be borne by the applicant per *NH RSA 676:4-b*.

6.1Fd. At the hearing the applicant, any abutter, or any person with a direct interest in the matter may testify in person or in writing. Other persons may testify subject to board approval.

6.1Fe. The chair of the planning board may announce a continuation of the hearing to a specific place, date and time prior to the next order of business following the scheduled hearing. Such an announcement shall be in lieu of the notification required in section 6.1F.

6.1Ff. The planning board may deny approval of subdivision, but it shall state the grounds for such disapproval in the minutes or records of the board.

6.2 SPECIFICATIONS FOR FINAL SUBDIVISION PLAT

The final subdivision plat shall be submitted in permanent black ink on mylar film with two paper prints. It shall have identical dimensions to, and show all of the information required on the preliminary subdivision layout described in section 6.1E.

6.3 PERFORMANCE BOND

No subdivision plat filed with the planning board shall be approved until the subdivider has filed a bond in an amount sufficient to cover the cost of:

- Streets and bridges
- Erosion control measures
- And other subdivision features which may be identified as required for subdivision approval.

6.3A. This bond shall be approved as to form and surety by the planning board and the legal counsel of the town, and it shall be conditioned upon the completion of such improvements within two years of the date of bonding.

6.3B. The amount of the performance bond shall be based upon a cost estimate by a qualified engineer, and shall be approved by the planning board prior to obtaining the bond. All bonds shall be in the amount of 100% of the estimated cost, and shall be payable to the Town of Groton.

6.3C. In lieu of a performance bond,

- The developer shall have the option of depositing with the town, cash or a savings bank book properly endorsed to the town in an amount to be determined by the planning board to cover the completion of required improvements. The town will use the sum so deposited to pay the costs of the improvements for which the bond is required.
- The planning board may permit an irrevocable letter of credit.

6.3D. The subdivider shall notify the planning board when bonded improvements are scheduled for construction, and shall make the improvements accessible to town inspection throughout the construction process. The cost of inspection during and after construction shall be the responsibility of the subdivider.

6.3E. Neither the performance guarantee nor any portion of the guarantee shall be released until the planning board has certified completion of required improvements, or portions thereof, to the board of selectmen. A copy of the certification shall be sent to the subdivider.

6.4 FINAL BOARD ACTION

6.4A. Approval of the subdivision shall be signed by all board members present.

6.4B. Pending minor changes or the receipt of permits and approvals from other boards or agencies, the planning board may grant conditional approval without further public hearing, in accordance with RSA 676:4 (I).

6.4C. The chair shall transmit a copy of the final subdivision plat with such approval endorsed in writing thereon to the Registry of Deeds of Grafton County. The subdivider shall be responsible for the payment of the recording fees.

6.4D. In case of disapproval of any subdivision application or plat submitted, the grounds for such disapproval shall be stated in the minutes or records of the planning board and notice shall be given to the subdivider.

VII. ADMINISTRATION

7.1 ENFORCEMENT:

Upon determination by the planning board that a violation of these regulations has occurred, notice shall be given to the board of selectmen recommending appropriate enforcement of these regulations. Selectmen will take action within 15 days of notification by the planning board.

7.2 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 the subdivision has been approved by

the planning board and recorded or filed in the office of the Grafton County Registry of Deeds shall forfeit and pay a penalty of \$1000 for each lot or parcel transferred or sold. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt such transfer or sale or agreement from such penalty.

The execution of a deed which constitutes a subdivision is subject to the foregoing penalty. The town may enjoin such transfer and may recover the said penalty by civil action in any such action; the prevailing party may recover reasonable court costs and attorney's fees as same may be ordered by the court.

7.3 WAIVER:

When strict conformity to the subdivision regulations would cause undue hardship or injustice to the owner of the land, a subdivision plan substantially in conformity with regulations may be approved by the board provided that the regulations, public convenience, and welfare will not be adversely affected.

7.4 APPEALS:

Any person aggrieved by an official action of the planning board may appeal to Superior Court as provided by RSA 677:15.

7.5 VALIDITY:

If any section, provision, clause, or phrase of these regulations shall be held to be invalid or unconstitutional by any court or competent authority, such holding shall not affect, impair or invalidate any other section, clause, provision, portion, or phrase of these subdivision regulations.

7.6 AMENDMENT/RESCISSION:

These regulations may be amended or rescinded by the board but only following a public hearing on the proposed change. The chair of the planning board shall transmit a record of any changes so authorized to the board of selectmen, the town clerk, and to the registry of deeds of Grafton County.

7.7 SUPERCISSION:

Relationship between State and Local Regulations where both state and local regulations are applicable, the most stringent regulation shall take effect. If the state regulation addresses an issue not included in the local regulation or if the local regulation addresses an issue not included in the state regulation, that regulation shall automatically apply.

7.8 ADOPTION:

These regulations shall become effective after a public hearing and filing with the town clerk, the board of selectmen and the Grafton County Registry of Deeds.

7.9 REFERENCE TO RSA OR REGULATION SECTION(S):

Whenever reference is made to a specific RSA or Section of Groton’s Subdivision Regulations, the reference shall extend, apply and incorporate subsequent amendments, revisions, or recodifications thereto, unless the subject matter has been changed or materially altered and/or the context clearly indicates incorporation would modify the intent of these regulations.

7.10 EFFECT OF REPEAL, REENACTMENT OR AMENDMENT:

The Repeal, Reenactment or Amendment of any part of Groton’s Subdivision Regulations or authorizing RSA does not affect:

- any prior action or decision taken by the Planning Board;
- any right, privilege, or authorization previously acquired or accorded thereunder;
- any violation, obligation, penalty, forfeiture or liability previously incurred.

VIII SUBDIVISION CHECKLIST

APPLICANT NAME/APPLICATION NUMBER _____

DATE OF APPLICATION _____

This checklist can be used for either a major or minor subdivision. For a minor subdivision, several of the items would likely be waived by the Planning Board due to lack of relevancy (e.g., topographic or soils data). The Board, however, reserves the right to require that all items be met if, in its judgment, the data are necessary in order to make an informed decision.

IS THIS A DEVELOPMENT HAVING REGIONAL IMPACT? ___ YES ___ NO


SUBMITTED	WAIVED	
<u>YES</u> <u>NO</u>	<u>YES</u>	<u>NO</u>
___ ___ 1. Name of subdivision; name and address of subdivider	___	___
___ ___ 2. Name, license number and seal of surveyor or other persons, north arrow, scale, and date of plan.	___	___
___ ___ 3. Signature block for Planning Board endorsement.	___	___
___ ___ 4. Locus plan, showing zoning designations.	___	___
___ ___ 5. Names and addresses of all abutters and all holders of conservation, preservation, or agricultural preservation easements (on the plat or on separate sheet).	___	___
___ ___ 6. Boundary survey and location of permanent markers.	___	___
___ ___ 7. Names of abutting subdivisions, streets, driveways, easements, building lines, parks/public spaces, notation of use of abutting land, and similar facts regarding abutting properties.	___	___
___ ___ 8. Location of property lines, lot areas in square feet and acres; lots numbered according to Town tax map system.	___	___
___ ___ 9. Location and amount of frontage on public right-of-way.	___	___
___ ___ 10. Location of building setback lines.	___	___
___ ___ 11. Existing and/or proposed buildings, other structures.	___	___

Subdivision Checklist – Cont’d

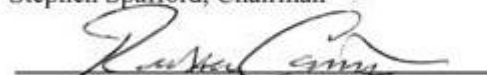
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XI SIGNATURE PAGE


Town of Groton Planning Board



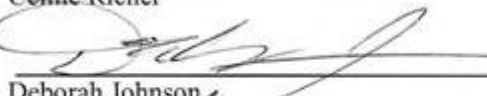
Stephen Spafford, Chairman




Russell Carruth




Celine Richer




Deborah Johnson



Jennifer Buttrick



Dave LaBar



Sharon Nelson, Planning Board Clerk



Miles Sinclair, Selectmen's Liaison