

Town of Easton, New Hampshire Subdivision Regulations

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SECTION I

AUTHORITY

A. AUTHORITY

Pursuant to the authority vested in the Easton Planning Board by the voters of the Town of Easton, New Hampshire, and in accordance with the provisions of Chapter 672-677, NH Revised Statutes Annotated, 1955, as amended, the Easton Planning Board adopts the following regulations governing the subdivision of land in the Town of Easton, New Hampshire.

B. PURPOSE

The purpose of these Regulations is to promote an economically sound and stable community in a manner consistent with the Master Plan for the Town of Easton and to provide uniform procedures and standards for observance by the Planning Board and Developers. The provisions of these Regulations shall apply to all land within the boundaries of the Town of Easton and for all valid purposes for which subdivision regulations may legally be adopted including those listed in RSA 674:36.

SECTION II

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 Easton Planning Board, and as further defined in RSA 672:3.

APPLICANT: The owner(s) of record, or the owner's agent duly authorized in writing at the time writing at of application.

BOARD: The Planning Board of the Town of Easton.

DEVELOPER: The individual, partnership or corporation which will be responsible for the construction of all improvements and subsequent sale of lots *and/or* dwelling units, or non-residential development.

DRIVEWAY: The vehicular access from a street. Driveways shall not be the access for more than two lots, and do not constitute a way that provides frontage.

ENGINEER: A New Hampshire licensed engineer.

FILING; FILING AN APPLICATION: Delivery of a Subdivision Application to initiate public notification.

FINAL PLAT: The final map(s), drawing(s), or chart(s) on which the Applicant's plan of subdivision is indicated, prepared as required by the Planning Board in accordance with these Regulations and RSA 478: I-a, and which, if approved by the Board, will be submitted to the Register of Deeds of Grafton County for recording.

HEALTH OFFICER: The Health Officer of the Town of Easton, appointed pursuant to RSA 128:1.

MAJOR SUBDIVISION: Any subdivision not meeting the definition of a Minor Subdivision or Minor Lot Line Adjustment is to be classified as a Major Subdivision.

MASTER PLAN: The comprehensive plan or plan of development for the community approved July 2, 1991, and any subsequent revisions thereof, as prescribed by law in RSA 674:2 through 674:4.

MINOR LOT LINE ADJUSTMENT (Boundary Agreements): Involves the sale, conveyance, or exchange of land or the resolution or correction of boundary line differences among two or

more owners of contiguous land which does not create additional buildable lots or increase the number or owners of parcels of land.

MINOR SUBDIVISION: Any proposal which involves the creation of not more than three lots, all fronting on existing streets, with no new streets proposed, and with no potential for re-subdivision under applicable regulations and ordinances,

NOTICED APPLICATION: A filed application which has been publicly announced in accord with Section III.D, 1 of these Regulations.

PLAT: See FINAL PLAT

PRELIMINARY PLAT: Shall mean a plan (plat) prepared in accordance with these Regulations and submitted to the Board prior to preparing the Final Plat.

ROAD: See Street

STREET: An existing Class V or better maintained public highway, or a private road shown on a plat approved by the Planning Board, which has been constructed to standards required by the Board in accordance with these Regulations, or whose construction has been secured in accord with Section VI.D of these Regulations.

SUBDIVISION: The division of a lot, tract, or parcel of land into two or more lots, plats, sites, or other division of land for the purpose, whether immediate or future, of sale, gift or other transfer, lease, rental or of building development or condominium conveyance. It includes re-subdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided, and as further defined by RSA 672:14.

SUBMISSION: Formal delivery of a noticed Application to the Board at a regularly scheduled meeting.

VOLUNTARY MERGER: The merger of two lots with the same ownership for Town regulatory or tax purposes, in accordance with RSA 674:39-a.

SECTION III

PROCEDURES AND APPLICATION REQUIREMENTS

A. GENERAL REQUIREMENTS FOR APPROVAL

Whenever any subdivision is proposed to be made and before any contract for the sale of, or offer to sell, such subdivision or any part thereof shall have been negotiated, and before any application for a permit for the erection of a structure thereon shall be made, the owner(s) thereof, or the owner's agent, shall apply in writing to the Planning Board of the Town of Easton for approval of such subdivision. The application shall conform to the specifications contained in these Regulations.

B. PRELIMINARY REVIEWS

In most cases, Preliminary Reviews are highly recommended. There are two types, both of which are non-binding.

1. Conceptual Consultation (Recommended)

No application required

The Applicant may appear at a regular meeting of the Board to discuss a proposal in conceptual form and in general terms. Such consultation shall be informal and directed toward:

- a. reviewing the basic concepts of the proposal,
- b. reviewing the proposal with regard to the Town Master Plan and Zoning Ordinance,
- c. reviewing the Town's Subdivision Regulations as they may apply to this proposal, and determining whether the proposal is a Minor or Major Subdivision, and
- d. guiding the Applicant relative to necessary state and local requirements.

Conceptual Consultations shall not bind the Applicant or the Board. Such discussions may occur without formal public notice; however, no discussions beyond the conceptual and general review shall take place without identification of and notice to Abutters and the general public

Conceptual Consultations shall be separate from formal consideration and the time limits for acting shall not apply until a formal Completed Application is submitted.

2. Preliminary- Design Review (Recommended)

- a. The Applicant may submit a Preliminary Plat for non-binding design review and discussions with the Board. Such discussions shall occur only at a regularly scheduled meeting of the Board after the Applicant has filed an Application which has been given Notice in accord with Section III.D.
- b. The Application shall be filed with the Secretary or the Board Chair or Board Designee with filing fee at least twenty-one (21) days prior to a scheduled public meeting of the Board at which the Preliminary Plat will be reviewed. The Application shall:
 - i. be on an official Application form, available at the Town Clerk's office or on-line,
 - ii. include the names and addresses of Abutters, Applicant(s) and others defined in Section III.D.1.d, as indicated in Town Records not more than 5 days prior to filing date,
 - iii. include three paper copies of the Preliminary Plat.

The Preliminary Plat shall be completed with respect to the format and detail required for the Final Plat, as defined in Section III.I., to the extent necessary for the Board to discuss the conformance of the proposed subdivision with these regulations, including design and engineering details. The Board may waive some of the requirements for this review.

- c. Where the Preliminary Layout submitted covers only a part of the Applicant's entire holding, a sketch of the prospective future street system of the unsubmitted part shall be furnished and the street system of the submitted part will be considered in the light of adjustments and connections with the street system of the part not submitted.
- d. Statements made by Board members shall not be the basis for disqualifying said members or invalidating any action taken. Preliminary Reviews shall be separate from formal consideration, and time limits for acting shall not apply to this review.
- e. The Board shall take no formal action on the proposal, except that, after its review and discussion with the Applicant, it shall communicate to the Applicant, in writing, specific suggestions to assist in resolving problems prior to the submission of a Completed Application

- f. Preliminary Reviews may be adjourned to a later time, provided that the date, time and place of the continued meeting is announced before the close of the adjourned meeting, and is in the minutes of that meeting.
- g. The Applicant may terminate the Preliminary Review at any time.

C. PUBLIC HEARINGS

No application may be denied or approved without a public hearing on the application, duly noticed in accordance with Paragraph D.

D. NOTICES (RSA 676:4.I.(d))

1. Notice of submission of a completed Application for review shall be given by the Board. The notice shall:
 - a. give the date, time and place of the Board meeting at which the Application or other item(s) will be formally submitted to the Board,
 - b. include a general description of the proposal which is the subject of the Application, or of the item to be considered,
 - c. identify the Applicant and location of the proposed subdivision,
 - d. be given to the Applicant, holders of conservation, preservation, or agricultural preservation restrictions, abutters, and the public, and every engineer, architect, land surveyor, or soil scientist whose professional seal appears on any Preliminary or Final Plat submitted to the Board,
 - e. be sent by verifiable mail,
 - f. be mailed at least ten (10) days prior to the submission,
 - g. be given to the public at the same time by posting in at least two public places in the Town, and publication in a newspaper of general circulation, two weeks and one week before the meeting,
 - h. for proposals in which any structure or building site will be within 500 feet of the top of the bank of any lake, pond, liver or stream, be given to the NHDES Dam Bureau.
2. If the notice of public hearing has been included in the notice of submission or any prior notice, additional notice of the public hearing is not required, nor shall additional

notice be required of any adjourned session of a hearing with proper notice, if the date, time and place of the adjourned session was made known at the prior hearing.

E. DETERMINATION OF REGIONAL IMPACT

Upon receipt of an application for subdivision, the Board shall review it and determine whether or not the development, if approved, could reasonably be construed as having the potential for impact beyond the boundaries of Easton. This regional impact could result from a number of factors, such as, but not limited to, the following:

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

Doubt concerning regional impact shall be resolved in a determination that the development has a potential regional impact. Upon determination that a proposed development has a potential regional impact, the Board shall afford the Regional Planning Commission and the affected municipalities the status of abutters for the limited purpose of providing notice and giving testimony. Within 72 hours of reaching a decision that a development has regional impact, the Board shall, by certified mail, furnish the Regional Planning Commission with copies of the minutes of the meeting at which the decision was made and copies of the initial project plan, and the affected municipalities with copies of the minutes of the meeting at which the decision was made. At least fourteen (14) days prior to the public hearing, the Board shall notify, by certified mail, all affected municipalities and the Regional Planning Commission of the date, time and place of the hearing and the right to testify concerning the development.

F. FEES

1. Applications for Subdivision shall be accompanied by a filing fee as specified in the last published Easton Town Report.
2. All costs of notices, whether mailed, posted or published, shall be paid by the Applicant at the time of filing. Failure to pay costs shall constitute valid grounds for

the Board to terminate further consideration and to disapprove the plat without a public hearing.

3. Reasonable fees in addition to fees for notices described in Section III.D.1 above may be imposed by the Board to cover its administrative expenses and costs of special investigative studies, review of documents and other matters which may be required by particular applications, per RSA 676:4, I(g).
4. The Board may require a developer to pay an exaction for the cost of off-site improvement needs determined by the Board to be necessary for the occupancy of any portion of a development, including any necessary highway, drainage, or sewer and water upgrades pertinent to the particular development. The amount of any such exaction shall be a proportional share of municipal improvement costs not previously assessed against other developments, which is reasonably related to the benefits accruing to the development from the improvements financed by the exaction. As an alternative to paying an exaction, a developer may elect to construct the necessary improvements, subject to bonding and timing conditions as may be reasonably required by the Board. (RSA 674:21, V(j))

G. REQUIREMENTS FOR FILING AND SUBMITTING SUBDIVISION APPLICATIONS

(Applicants are encouraged to have a Conceptual Consultation (Section III.B.1.))

1. Categories of Subdivision
 - a. A Minor Subdivision is any proposal which involves the creation of not more than three lots, all fronting on existing streets, with no new streets proposed, and with no potential for re-subdivision under applicable regulations and ordinances.
 - b. A Major Subdivision is any subdivision not meeting the definition of a Minor Subdivision or Minor Lot Line Adjustment is to be classified as a Major Subdivision.
 - c. A Minor Lot Line Adjustment and Boundary Agreement involves the sale, conveyance or exchange of adjacent land among two or more owners, or the resolution or correction of boundary line differences, which do not create buildable lots or increase the number of owners or parcels of lands.
 - d. In the unusual instance when lots in a subdivision are created for use other than building, such as for a woodlot or public park, and where the Town has accordingly waived or relaxed zoning or subdivision requirements which would normally be applied to building lots, the Applicant shall prepare a statement to be reviewed and approved by the

Board and to be recorded at the Registry of Deeds giving the purpose of the lot, that it cannot be developed without further Board action, and that it will need to fulfill all requirements of the Zoning Ordinance and Subdivision Regulations including, but not limited to, frontage, access, suitability of terrain and so forth, before it can be approved for building purposes.

- 2 Because the public must have prior notice before the Board can discuss details of a proposal, Subdivision Applications must first be filed, as described above, to initiate notification, before they can be formally submitted to the Board, or reviewed by the Board, at a meeting.
- 3 To obtain an official Board decision on a proposed subdivision, Applicants shall submit a Completed Application for Final Plat approval in accord with Section III.H.

The Completed Application shall first be filed with the Secretary or the Board Chair at least twenty-one (21) days prior to a scheduled public meeting of the Board at which the Completed Application will be formally submitted.

The Completed Application shall:

- a. be on an official Application form, available at the Town Clerk's office or on-line at the Town's web page,
- b. include the names and addresses of Abutters, Applicant(s) and others defined in Section III.D.I, as indicated in Town Records not more than 5 days prior to filing date,
- c. include four paper copies and a mylar of the Final Plat as described in Section III.H below. The Board may postpone submission of a mylar at this submission.

H. BOARD PROCEDURES FOR FORMALLY RECEIVING AND CONSIDERING SUBDIVISION APPLICATIONS

1. When a Completed Application is formally submitted for Final Plat approval by the Board:
 - a. It shall be formally submitted and accepted as a completed application only at a regularly scheduled public meeting after due notification by the Board per Section III.D.1.
 - b. An incomplete application, filed by the Applicant, will not be formally accepted by the Board, nor will notices of a public meeting be mailed, posted, or published.

- c. Applications may be rejected by the Board without a public hearing on grounds of:
 - i. Failure of the Applicant to supply information required by these Regulations, including Abutters' names and addresses and information required for the Final Plat
 - ii. Failure to pay costs of notices or other costs and fees required by these Regulations, or
 - iii. Failure to meet any reasonable deadline established by these Regulations.
- d. When a Completed Application is accepted by the Board, the Board shall provide a receipt to the Applicant indicating the date of formal acceptance.
- e. The Board may require additional information at any stage of its consideration if it determines the information is necessary to determine whether the Regulations are met.
- f. The Board shall begin consideration of the Completed Application within 30 days of its submission and acceptance. The Board will review Subdivisions with due regard to the standards and requirements of Section IV of these Regulations.
- g. The Board, or its designated agents, with proper notice may visit the Subdivision site in order to thoroughly and knowledgeably review the proposal. An application to the Board will be deemed constitute permission for whatever types of site visits or inspections the Board deems necessary, at reasonable times.
- h. The Board shall act to approve or disapprove the Final Plat within sixty-five (65) days of its formal submission and acceptance.

The Planning Board may apply to the Selectmen for an extension not to exceed an additional ninety (90) days before acting to approve or disapprove a Final Plat.

The Applicant may waive the requirement for the Planning Board action within the above time periods and consent to such extension as may be mutually agreeable. The provisions of RSA 676:4, I(c) shall prevail.

- i. The Board may grant conditional approval of a Final Plat, which approval shall become final without further public hearing, upon certification to the

Board or based upon evidence submitted by the Applicant that there has been satisfactory compliance with the conditions imposed.

The period of time within which the conditions must be met shall be stated in the conditional approval.

Final approval of a Final Plat may occur as described above only when the conditions include one of the following:

- i. minor plan changes, whether or not imposed by the Board as a result of public hearing, compliance with which is administrative, and which does not involve discretionary judgment;
- ii. conditions which are in themselves administrative and which involve no discretionary judgment by the Board;
- iii. conditions relating to the Applicant's possession of permits and approvals of other boards or agencies.

All other conditions shall require a hearing and notice, except that additional notice shall not be required of an adjourned hearing with proper notice, if the date, time and place of the adjourned session were made known at the time of the prior hearing.

j. All conditions of approval shall be stated in writing as part of the Board's written decision, and shall specify whether the condition is:

(1) a condition precedent which requires an additional hearing prior to final signing of the plat; or

(2) a condition precedent which is administrative and requires no hearing, as described in (i) above, but which must be completed prior to final signing of the plat; or

(3) a condition subsequent which governs the manner in which the project is to be implemented after the Final Plat has been approved and signed.

In all cases, it shall be an implied condition of approval that the project must be completed and constructed in substantial conformity with the application, plans, and testimony presented by the Applicant, and that no substantive change or deviation from said plans and testimony shall be permitted in the absence of further hearing and approval of the modification by the Planning Board, as set forth in Section VI.C.3 below.

- k. Before a Final Plat is signed by the Board Chair or Secretary, if the Applicant is providing a performance guarantee, the security must be finalized and approved. (See Section VI.D.4). The form of security shall be reviewed by the Town's attorney at the expense of the Applicant.
- l. Approval of the Final Plat shall be certified by written endorsement on the Final Plat and signed by the Chairman or Secretary of the Board. The Chairman or Secretary of the Board shall transmit a mylar of the Final Plat with such approval endorsed in writing therein to the Register of Deeds of Grafton County, one print copy to the Selectmen, and one print copy for the Planning Board's records. The final written decision, including all conditions of approval, shall be recorded with or on the plat. The Applicant shall be responsible for the payment of all recording fees.
- m. When a submitted Plat is approved or disapproved, the grounds for the Board's decision shall be adequately stated in the records of the Planning Board, and written notice given to the Applicant.

2. Board Procedures for Minor Lot Line Adjustments and Boundary Agreements

All of the provisions of Section III.H.I above shall apply with the following exception:

The Board shall begin consideration of the Completed Application upon its submission, and shall act to approve or disapprove the Final Plat at that time, or at the next following regular meeting of the Board.

I. FINAL PLAT REQUIREMENTS

- 1. The Final Plat shall be drawn with material, the composition of which shall be suitable for electronic scanning and archiving by the Register of Deeds, at a scale of 100 feet to the inch, or at greater detail as directed by the Board. All Final Plats shall have a minimum of ½ inch margins on all sides.

A Final Plat shall be prepared in compliance with all applicable requirements of RSA 478:1-a, and shall be prepared on 22" x 34" standard sheets measured from the cutting edges. If one sheet is not of sufficient size to contain the entire area of the site and environs, the plat shall be divided into sections to be shown on separate sheets of equal size with references on each sheet to the adjoining sheets.

All text and dimensions shall be legible for reproduction and text sizes shall be no smaller than .08 of an inch for mechanical drafting, and 1/8 inch for hand drafting. The minimum line widths on plats shall not be smaller than .01 inches.

Shading over any text, bearing, or dimension is not permitted. Cross hatching or other hatching at a scale large enough not to interfere with legibility before and after reproduction may be permitted

All dimensions shall be shown to hundredths of a foot and bearings to at least the nearest thirty seconds (30 secs.). The error of closure shall not exceed 1:5000.

Certifications, seals, and approval blocks shall have original dates and signatures in a legible, permanent black ink.

2. All title blocks shall be located in the lower right hand corner, when possible, and shall indicate the following:
 - a. Type of survey (for example; Major Subdivision, lot line adjustment, etc.)
 - b. Owner(s) of record
 - c. Title of plat or development
 - d. Tax map number
 - e. Name of town in which parcel is located
 - f. Plat and revision dates.

3. The plat shall show the following detail:

References to proposed streets apply to Major Subdivisions.

For Major Subdivisions, refer also to paragraph 6 below.

For Minor Lot Line Adjustments and Boundary Agreements, refer also to paragraph below.

- a. North arrow, with reference to magnetic grid or astronomic north
- b. Scale both as written and graphic representation
- c. Total acreage to be subdivided
- d. A key (or locational) map at the Town Base Map scale of one inch equals one thousand feet (1 " = 1000') showing the relation of the proposed Subdivision to existing streets or roads, and other adjacent subdivisions.
- e. Property lines of the entire parcel, rights-of-way lines of proposed or existing streets and easements, and lot lines with accurate dimensions,

bearings, or deflection angles, and radii, arc and central angles of all curves.

- f. Lots shall show acreage, be consecutively numbered, and setback lines shall be drawn on each lot. The length of private or public roads shall be noted on the map in feet.
- g. The names of abutting property owners, with lot numbers.
- h. Location and description of all monuments
- i. All existing structures on the property to be subdivided and within 200 feet thereof, including abutting properties, showing wells, water mains, sewers, septic systems, culverts, drains, etc.
- j. All significant natural features on the property to be subdivided and within 200 feet thereof, including woods, year round water courses, wetlands, streams, ponds, ledges, mines, scenic views, parks, public open spaces, etc
- k. The location, purpose, acreage and conditions of all easements or parcels of land reserved, or dedicated to public use shall be designated, and the proposed use of sites other than residential shall be noted.
- l. Flood hazard areas as indicated on the National Flood Insurance maps available in the Town Office.
- m. Locations of all proposed improvements, including improvements to roads, drainage such as storm drains, culverts, catch basins, headwalls and other drainage, erosion and sediment control structures, wells or water lines, septic systems, utilities, etc.
- n. At least one benchmark established on each section or submission of a Subdivision, tied to any previously established benchmark on a previously submitted plat. Said benchmark should be plainly marked in the field and stationed on the Final Plat with its elevation. Ties to U.S.G.S. benchmarks may be required.
- o. Topographic contours at 5-foot intervals. The Board may waive the topographic detail, depending on the proposed Subdivision plan and parcel.
- p. Certification by a surveyor licensed in the State of New Hampshire as to the accuracy of the survey and other plat details, and by a New Hampshire licensed engineer for road, drainage, utilities and other related information.

- q. Certification of the approval when required by the State Water Supply and Pollution Control Commission accompanied by a duplicate copy of all data submitted to them and any stipulations related to the approval.
- r. Certification of approvals when required by any other officer or body of the town, state or county.
- s. Approval block for Planning Board with space for signature and date.

4. Additional Submissions to Accompany the Final Plat:

- a. In cases where the Applicant is someone other than the owner according to Town records, a certification that the Applicant is the agent of the owner, or that the owner has given consent under an option agreement.
- b. A copy of any such private deed restrictions as are intended to cover part or all of the tract shall be submitted
- c. Soil mapping units as available from the Soil Conservation Service. The Planning Board may require a high intensity soil map in instances in which the Grafton County soil mapping units do not appear to be accurate, or for properties whose natural characteristics appear to limit its subdivision and development potential. The standards for the high intensity soil map are described in Appendix B.
- d. A copy of the road maintenance covenant that will be recorded with the deeds for each lot.
- e. Any other information, deeds, or documentation which may be required by the Board.

5. General provisions:

- a. Where the topography is such as to make difficult the inclusion of any improvements mentioned above in Section III.I.3.m, within the public area so laid out, easements for these improvements over or under private property shall be not less than ten feet in width and shall have satisfactory access to existing or proposed public ways.
- b. Lot locations shall be adequately flagged on the ground at the site to allow on-site evaluation of the proposed Subdivision by the Board and Engineer.
- c. Any road, park, or other public open space shown shall be deemed to be dedicated to the public for acceptance as a public highway, or other named use, unless otherwise specified on the Final Plat.

Approval of the Final Plat by the Board shall not constitute an acceptance by the Town of the dedicated street, or public space.

6. Special provisions for Major Subdivisions - Plan of street construction and improvements:

- a. Final cross-sections and profiles of improved and proposed streets are required. Cross- sections shall be at 50-foot intervals plotted with the same horizontal scale as the Final Plat and a horizontal to vertical scale ration of 5:1 respectively. Required certifications, seals and a Board approval block shall be included. All data shall be based on field survey.

Roads shall conform to the most currently approved and accepted New Hampshire Department of Transportation Suggested Minimum Design Standards for Rural Subdivision Streets, in Appendix A, and Construction Standards detailed in Section IV.C and V.D.

- b. A separate soil erosion and sediment control plan shall be required for all Major Subdivisions unless the requirement is waived by the Planning Board. The requirements and standards are described in Appendix C.
 - c. The proposed street centerlines shall be adequately flagged on the ground at the site to allow on-site evaluation of the proposed Subdivision by the Board and Engineer.
7. Special provisions for Minor Lot Line Adjustments and Boundary Agreements Final Plat requirements:

The Board may waive portions of the Final Plat which it deems not necessary to meet the requirements of RSA 478:1-a or these Regulations.

SECTION IV

DESIGN STANDARDS AND REQUIREMENTS

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

A. GENERAL

I. Premature or Scattered Subdivision Development

Scattered or premature subdivision of land as would involve danger or injury to health, safety, or prosperity by reason of the lack of water supply, drainage, transportation, schools, fire protection, or other public services, or necessitate the excessive expenditure of public funds for the supply of such services shall not generally 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 proposed Subdivision does constitute a danger of injury, or will necessitate an excessive expenditure of public funds for the supply of services, then such a proposed Subdivision shall constitute a scattered or premature development, and shall not be approved.

The following items shall be considered in determining whether the proposed Subdivision is scattered or premature and the Applicant may be required to have studies made under guidelines established by the Planning Board to determine the effect that the proposed Subdivision may have:

- a. The capacity of the school system and the effect on school bus transportation;
- b. Adequacy of access roads and/or sidewalks;
- c. Potential health problems due to on-site sewage systems and water supplies;
- d. Adequacy of water supply for domestic and firefighting purposes;

- e. Potential fire protection problems due to location or special conditions relating to the type of use;
- f. Potential effects on police protection and emergency medical care service;
- g. Potential drainage problems on the property and downstream;
- h. Potential effects on Town, state or federal expenditures necessitated by the proposed Subdivision;
- i. Other potential problems within the meaning or purpose of this section.

The Planning Board may, if the situation warrants, approve an entire Subdivision and allow only a portion thereof to be developed each year. This phased development would be intended to balance the estimated positive and negative effects of the development so that orderly growth would occur matched by the Town's ability to service its increasing population.

- 2. Land of such character that it cannot be safely used for building purposes because of danger to health or peril from fire, flood or other hazard shall not be generally platted for residential occupancy, nor for any other use which would tend to increase the danger to health, life or property, aggravate the flood hazard, until, in the opinion of the Board, appropriate measures have been taken by the Applicant to eliminate such hazards, or reduce them to reasonable risks. Land subject to periodic flooding, poor drainage or other hazardous conditions shall not ordinarily be subdivided. Land with unsuitable soil, or inadequate capacity for individual sanitary sewerage disposal systems shall not be subdivided unless connected to a common sewerage system.
- 3. Water Supply

Any water supply system shall be designed and installed in accordance with New Hampshire State standards.
- 4. Sewage Disposal, per RSA 485-A
 - a. It shall be the responsibility of the Applicant to provide adequate information to prove that the area of each lot is adequate to permit the installation and operation of an individual sewage disposal system (septic tank and drainage field). Such information shall consist of the results of percolation tests taken in accordance with the existing State regulations and the WSPCC-approved subdivision plans.
 - b. The Board requires that all soil tests (test pits and percolation tests) be performed by a certified sewage disposal system designer licensed in New Hampshire and if required by the Board, in the presence of and certified by an

official representative of the Board designated to inspect soil tests for the purposes of these Regulations. All test pits shall be carefully analyzed to determine the seasonal high-water table. Seasonal high-water table shall be established by,

- (1) clear indications of mottling and other color changes,
 - (2) soil scientist from Soil Conservation Service, or
 - (3) digging a test pit in the wet season.
- c. The Board reserves the right to determine the number and location of percolation tests and test pits.
 - d. Soils data consist of available survey information and soil test results. The Applicant shall also provide a high intensity soil map if required by the Board.
 - e. All test pits shall be dug to a minimum depth often (10) feet or refusal if ledge is present. Depth to ledge, clay, hardpan layers, and existing and expected seasonal high-water table shall be recorded on the soil map or soil survey plan.
 - f. Sufficient test pits shall be dug to insure that an area of twice the design leachfield area, but not less than 4,000 square feet is present on each proposed lot with a natural soil depth of at least four (4) feet to bedrock. One-half of this area shall be reserved as a backup if the initial leachfield fails and shall not be used for buildings, sewage treatment and septic effluent disposal except in the event of field failure. If such an area is not present, the lot shall be disapproved.
 - g. The bottom of a proposed leaching bed or trench shall be a minimum of eight (8) feet above bedrock or other impermeable substratum.
 - h. The sewage disposal system must be so designed that:
 - i. Subsurface and surface runoff waters will be diverted from the leach bed area.
 - ii. No part of the sewage disposal system, including the back-up leachfield area, shall be located closer than:
 - 25 feet from any roadside ditches or drainage ditches having an elevation higher than the system and 750 feet otherwise:

- 150 feet from any stream which does not flow into a pond, bog, marsh or swamp:
 - 200 feet from any other surface water located downslope from the proposed system, with the distance measured horizontally from the system to the top of the ditch of the top of the bank above the surface water as the case may be. A greater setback may be required in appropriate cases to protect surface water against pollution.
- i. Any soil with a seasonal high-water table at or within two (2) feet of the natural ground surface shall not be used for the disposal of septic tank effluent. Drainage, where feasible and acceptable to the Board, may be utilized to overcome this solution.
 - J. Perc rates faster than 2 minutes/inch shall not be approved.
 - k. Any soil with a percolation rate slower than thirty (30) minutes per inch shall not be used for the disposal of septic tank effluent.
 - l. Fill may be added to meet the standards imposed by number g, i, and j above but may not be added to correct for any of the other above listed conditions.
 - m. Percolation tests will be required in undisturbed natural ground to determine design of leaching bed or trench.
 - n. No septic system shall be allowed which poses a threat to groundwater supplies.
 - o. No septic system shall be allowed within the Flood Hazard Area.
 - p. In aquifer recharge areas, areas of significant groundwater resources and areas where the predominant soil type has a percolation rate which is faster than five (5) minutes/inch, sanitary wastewater discharge to on-site septic systems shall not average more than 350 gallons per acre per day.
5. As provided in Section III.F.4 of these Regulations, and as referenced in RSA 674:21, if the Board determines that the proposed Subdivision will adversely affect existing public facilities such as highways, sidewalks, drainage, sewer, and water so as to be inadequate to meet the additional needs created by the proposed Subdivision, then the Applicant shall pay for such upgrading of the public facilities but only to the extent necessary to protect the public interest. If other properties would also benefit from the upgrading of such off-site public improvements, the Board shall determine the amount to be paid by the Applicant, taking into consideration the following:

- a. Character of the area.
- b. The extent that other public and private property will be benefited by the upgrading.
- c. Any other factor that the Board deems appropriate to establish a rational connection to the needs create by the Subdivision and the amount to be paid by the Applicant.
- d. The amount to be paid by any Applicant shall be a proportional share of the cost of the facilities involved which is reasonably related to the needs created by the development, and to the benefits accruing to the development from the facilities being financed by the payment.

6. Preservation of Existing Features

The Applicant shall, to the greatest possible extent, preserve and protect the existing features, including trees, scenic points, views, brooks, streams, rock up-croppings, water bodies, stone walls, boundary markers, other natural resources and historic landmarks. The proposal shall not be approved if there exists a feasible alternative which better preserves such features while still meeting the Applicant's permissible development objectives.

7. Open Spaces

The Board shall indicate to what extent, if any, a plat may be required to show open space of adequate proportions, or a park or playground suitably located for recreational purposes. The park or playgrounds shall be reasonable in size and character considering the Subdivision and shall be designated for recreational purposes. Such land may be conveyed to the Town upon the conditions of use for park or playgrounds, as provided herein.

8. The Board shall determine that all plats for proposed Subdivision comply with relation to minimum lot areas and dimensions, and in all other applicable respects, with the Zoning Ordinance of the Town of Easton. If the minimum lot areas prescribed by the Ordinance are insufficient for the on-site sanitary facilities, the Board shall assure that such additional areas as may be needed for each lot are provided. Any determination made by the Planning Board concerning the application or interpretation of the terms of the Zoning Ordinance itself may be appealed to the Zoning Board of Adjustment, as provided in RSA 676:5;III.

9. Reserve Strips

Reserve strips of land which, in the opinion of the Planning Board, show an intent on the part of the Applicant to control access to land dedicated or to be dedicated to public use shall not be permitted.

B. LOTS

1. Lot dimensions and area shall not be less than the requirements of the Zoning Ordinance, or as required by soil or topography conditions.
2. Insofar as is practical, side lot lines shall be at right angles to straight streets, and radial to curved streets.
3. Where extra width has been dedicated for widening of existing streets, lots shall begin at such extra width line, and all setbacks shall be measured from such line.
4. Where there is a question as to the suitability of a lot or lots for its or their intended use due to the presence of such factors as rock formations, steep slopes, unusual surface configurations, tendency to periodic flooding, poor drainage, unsuitable soil or soils, and inadequate capacity for sanitary sewer disposal, the Planning Board may, after adequate investigation, withhold approval of such lot or lots.
5. Long, narrow lots with very irregular shapes shall not generally be accepted by the Board, especially if, in the opinion of the Board, these lots will create unusable or inaccessible areas of land. The ratio of lot width to lot depth shall not exceed 1:5.
6. Lot dimensions shall be adequate to allow for the lot's driveway to meet the Town Driveway Standards. See Appendix D.

C. STREETS

1. All streets shall be designed and constructed according to the minimum standards of road design adopted by the Town, as set forth in Section V of these Regulations.

The Board shall approve the location of all proposed streets in the Subdivision and require their proper arrangement and coordination within the Subdivision in relation to other existing or proposed streets.

The Board shall review all street plans with the Select Board and Road Agent.

All streets in the Subdivision shall be designed to provide safe vehicular travel. Due consideration shall also be given to the attractiveness of the street layout in order to obtain an optimum livability and amenity of the Subdivision.

New streets shall be so laid out as to accommodate the proper continuation of the principal streets in adjoining subdivisions.

The Board shall further require that streets shall be suitably located, and of sufficient width, to accommodate existing and proposed traffic, including firefighting apparatus and equipment to buildings, and so coordinate as to compose a convenient system.

2. Naming: No street shall have a name which duplicates, or which is substantially similar to the name of an existing street. The continuation of an existing street, however, shall have the same name.

Every street in a Subdivision must be identified by a Town Standard Street Sign, as defined by the Select Board.

Street signs must be oriented parallel to the direction of the center line of the named Street.

Streets are to be named exactly as designated on the approved Plat for the Subdivision.

Unless formally accepted by the Town Meeting all such Streets are private. Street signs must have the letters "PVT" following the street name. Example: Jones Street PVT.

Street signs are to be erected by the developer in a location approved by the Town Road Agent, so as to be visible at least four hundred feet (400') from the intersection in both directions of travel on all intersecting Streets in all seasons.

All signs in a development shall be erected prior to the issuance of the first building permit in the development or sooner as the Selectmen may designate.

Signs shall match those on all other roads governed by the Town which shall meet the same requirements but not be labeled "Private" and shall be the responsibility of the Select Board for posting and maintenance.

3. Right of Way: All street right-of-way widths shall be fifty feet (50').
4. Alignment: Street intersections and curves shall be so designed as to permit adequate visibility for both pedestrian and vehicle traffic. Curves, in general, shall have a minimum radius of one hundred feet (100') and no interchange shall be acceptable at less than 60 degrees. Streets entering opposite sides of another street shall be laid out directly opposite one another or with a minimum off set of one hundred twenty-five feet (125') between their center lines. Property in comers shall reserve a twenty-foot (20') curve radius.

5. Design of Intersecting Roadway Surfaces: Intersecting roadways shall have a transitional area at all corners to accommodate turning movements to a radius of thirty feet (30').
6. Grade: Grades of all streets shall be a reasonable minimum but shall not be less than one-half of one percent (.5%) or more than ten percent (10%) unless specifically approved by the Board. The Board may modify the maximum gradient for short lengths of streets where, in its judgment, existing topographic conditions or preservation of natural features indicate that such modifications will result in the best subdivision of land. All changes in grade exceeding one-half of one percent (.5%) shall be connected by vertical curves of sufficient length to afford adequate sight distances, in the opinion of the Board.
7. Dead-end streets: Except where near future connections may be possible, dead-end or cul-de-sac streets shall not be longer than six (6) times the width of the average lot in the Subdivision. The closed end shall be either circular, T-shaped or hammerhead design with the width of pavement to be determined by the Board. Generally, for a cul-de-sac, the minimum radius from the center to the outside edge of the right-of-way shall be 60 feet.
8. Maintenance of Subdivision Streets: Maintenance of roads in an approved Subdivision will be the responsibility of the Applicant(s).

D. SPECIAL FLOOD HAZARD AREAS

1. 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 Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
 - b. The Planning Board shall require that all proposals for development greater than 50 lots or 5 acres, whichever is the lesser, include Base Flood Elevation (BFE) data within such proposals (i.e. floodplain boundary and 100-year flood elevation).
 - c. The Planning Board shall require the applicant to submit sufficient evidence (construction drawings, grading and land treatment plans) so as to allow a determination that:

- i. all such proposals are consistent with the need to minimize flood damage;
 - ii. all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage; and,
 - iii. adequate drainage is provided so as to reduce exposure to flood hazards.
2. In riverine situations, prior to the alteration or relocation of a watercourse, the Applicant for such authorization shall notify the Wetlands Board of the New Hampshire Environmental Services Department (DES), and submit copies of such notification to the Board and the Federal Emergency Management Agency (FEMA), in addition to the copies required by RSA 482-A:3. Further, the Applicant shall be required to submit copies of said notification to those adjacent communities as determined by the Planning Board, including all scheduled hearings before the Wetlands Board.

Within the altered or relocated portion of any watercourse, the Applicant shall submit to the Planning Board certification provided by a registered professional engineer assuring that the flood carrying capacity of the watercourse can and will be maintained.

3. Where new or replacement water and sewer systems (including on-site systems) are proposed in special flood hazard areas, the Applicant shall provide the Planning Board with assurances that these systems will be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems will be located to avoid impairment to them or contamination from them during periods of flooding.

E. EROSION AND SEDIMENT CONTROL

The Subdivision shall be designed to minimize soil erosion, runoff, and sedimentation, as required in Section V.F of these Regulations.

F. ADDITIONAL INFORMATION

The Board may require an Applicant to present, at the Applicant's expense, whatever information, data, or studies may be deemed necessary by the Board in order to permit the Board to make an informed decision concerning the conformity of the proposal with any of the standards in this section.

SECTION V

REQUIRED IMPROVEMENTS AND CONSTRUCTION STANDARDS

A. GENERAL

The Planning Board may stipulate, as a condition precedent to the approval of the Final Plat, the extent to which and the manner in which, the land shall be graded and improved and to which water, sewer, and other utility mains, piping, connections, or other facilities shall be installed.

B. MONUMENTS

Concrete boundary monuments shall be set on the right-of-way lines of streets, at the beginning and end of the project, beginning and end of curves, angle points, and on tangents with a maximum distance between monuments of 1,000 feet. Such monuments are to be stone or concrete 4"x 4" x 36" long. The concrete monuments are to be reinforced with 3/8-inch diameter irons bars or acceptable substitutes and will have the letter "E" engraved on the top. The monuments shall be flush with finished grade. No permanent monuments shall be set until all construction which would disturb or destroy the monuments is completed and shall be set by a registered professional engineer or land surveyor.

C. EASEMENTS

1. Easements for utilities across lots or centered on rear or side lot lines shall be provided where necessary. The widths of these easements shall be based on the requirements of the various service agencies involved (power company, telephone company, etc.) with respect to the type of Subdivision contemplated and the type of service provided (overhead, underground, etc.)
 2. Where a Subdivision is traversed by a watercourse, drainage way, channel or stream, the Board may require that there be provided a storm water easement or drainage right-of-way of adequate width to conform substantially to the lines of such watercourse, drainage way, channel or stream, and provide for construction of other necessary purposes.
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D. ROAD CONSTRUCTION SPECIFICATIONS

1. Clearing

The entire area of each street shall be cleared of all trees not intended for preservation, as well as stumps, brush, roots, boulders and like material. (This provision may be waived in rural settings). The provisions of Section V.F shall apply.

2. Subgrade Preparation

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 sand or gravel.

3. Materials

- a. Construction material specifications shall be those in the most currently approved and accepted "Standard Specifications for Road and Bridge Construction" by the New Hampshire Department of Public Works and Highways.
- b. Special specifications or those which differ from the State standard will be stated explicitly in the initial submission of the design plans. Approval of materials must be made by the Board in consultation with the Select Board or their appointed engineer prior to their use in construction.
- c. A letter of certification shall be provided by the Applicant(s) that all materials meet specifications.

4. Drainage

a. Underdrains

Underdrains shall be installed where the character and composition of the soil in the roadbed and other areas of the Subdivision render such installation necessary in the opinion of the Engineer. These underdrains shall consist of perforated metal pipe or perforated fiber pipe of minimum six (6) inches in diameter and laid in the bottom of a trench at such depth and width as may be necessary. The trench shall be filled with clean bank-run gravel or equivalent material approved by the Engineer.

b. Storm Drains. Culverts, Catch Basins

Storm drains, culverts and related installations, including catch basins and drop inlets, shall be installed within or without the Subdivision as necessary to permit unimpeded flow of all natural watercourses, to ensure adequate drainage of all low points along streets, and to intercept storm-water runoff along streets at intervals reasonably related to the extent and grade of the area drained. (Where required, catch basins may be on both sides of the roadway on continuous grade at intervals of approximately three hundred (300) feet). Drainage improvements shall meet the specifications of AASHTO (American Association of State Highway and Transportation Officials) in regard to material and strength requirements. Catch basins and

drop inlets shall be equal to New Hampshire Standard Type A or acceptable to the Engineer. Storm sewer pipes and culverts shall have a minimum diameter of twelve (12) inches and shall be of reinforced concrete, corrugated aluminum, bituminous-coated corrugated steel, or equivalent, and shall have a minimum two (2) foot cover over all pipes. Headwalls where required shall be either of concrete or rubble masonry.

b. Erosion Protection Ditches

Paving or stone shall be provided in ditches where soil or velocity conditions warrant protection from erosion as determined by the Engineer.

5. Supervision

Construction will be supervised and inspected per Section VI.C.2.

6. As-Built Plans

The Select Board may require "as-built plans" to be prepared prior to final inspection and shall require them if the road is to be proposed for town ownership. These plans should show as-built locations and elevations in a contrasting color (preferably red ink) on a print of the original road design. The plan shall show:

- a. as-built centerline of street elevations,
- b. as-built drainage systems including culverts, catch basins, drainage easements, and
- c. as-built guard rail and sign locations.

If the road is to be deeded to the Town, a metes and bounds description prepared by a licensed surveyor shall be submitted to the Town. Accompanying the legal description shall be a certification by the Applicant's surveyor that the right-of-way bounds have been set at the locations shown on the plans.

E. WATER AND SEWER FACILITIES

1. Individual Service

Individual wells and subsurface disposal facilities shall, in all respects, comply with all applicable local and/or state requirements. The WSPCC (Water Supply and Pollution Control Commission) "subdivision" approval shall be submitted to the Planning Board, and the WSPCC "approval for construction" shall be submitted to the Select Board prior to the issuance of a building permit for each lot

or site in accordance with the WSPCC regulations. Such disposal system shall be located not less than seventy-five (75) feet from any well site.

1. Common Systems

Such systems proposed by an Applicant shall be of sufficient capacity to serve the Subdivision and shall be designed and constructed for incorporation into future Town systems. All such facilities shall meet the requirements of and be approved by the state WSPCC, local and county health and public works agencies, and/or other public bodies having jurisdiction, and shall be accepted by the Engineer.

F. EROSION AND SEDIMENT CONTROL

An erosion and sediment control plan shall be required, as set forth in Appendix C. The plan shall demonstrate satisfactory compliance with the following control measures:

1. The smallest practical area of land shall be exposed at any one-time during development.
2. When land is exposed during development, the exposure shall be kept to the shortest practical period of time. Land shall not be left exposed during the winter months.
3. Where necessary, temporary vegetation and/or mulching and structural measures shall be used to protect areas exposed during development.
4. Sediment basins shall be installed and maintained to remove sediment from runoff waters and from land undergoing development.
5. Provisions shall be made to effectively accommodate the increased runoff caused by changed soil and surface conditions during and after development.
6. The permanent final vegetation and structures shall be installed as soon as practical in the development.
7. The development plan shall be fitted to the topography and soils so as to create the least erosion potential.
8. Whenever feasible, natural vegetation shall be retained and protected.
9. Natural drainage ways shall be utilized and left open to remove excess surface water.

SECTION VI

ADMINISTRATION AND ENFORCEMENT

A. REVIEW BY OTHER TOWN OFFICIALS

Before approval of the Final Plat is given, the Planning Board may require that the Applicant obtain written comments from Town Officials as follows:

1. The Select Board as to the design of the streets, water, and drainage facilities, including the location of easements, and the relationship of the proposed facilities to existing public facilities and public ways.
2. The Chief of the Fire Department as to the location of hydrants or ponds where they are to be provided.
3. The Chief of Police as to vehicular and pedestrian traffic safety and access for emergency vehicles.

B. COMPLIANCE WITH REGULATIONS

1. Penalties

No subdivision of land shall be made, and no land in any Subdivision shall be transferred or sold until a Final Plat, prepared in accordance with the requirements of these Regulations, has been approved by the Planning Board. 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 Final Plat of the said Subdivision has been approved by the Planning Board and recorded or filed in the Register of Deeds, shall forfeit and pay a penalty of one thousand dollars (\$1,000) for each lot or parcel so transferred or sold. The Town may institute any type of enforcement permitted by statute in RSA 676: 15 and following, or other applicable statutes.

2. Disclosure

When lots in a Subdivision are subject to conditions affecting the Town, for example road maintenance agreements, the terms of the conditions or agreement shall be written into the deed for each lot.

C. CONSTRUCTION OF SUBDIVISION

1. Where an Applicant has agreed to construct improvements within a Subdivision, such as roads, drainage measures and utilities, the planned improvements shall be completed in compliance with these and other applicable Town regulations within four years of Board approval. The Board may extend the completion date an additional reasonable period of time upon written request of the Applicant if the Board finds that conditions exist which are beyond the control of the Applicant and prevent compliance within the four-year period.

A plat approved by the Board and properly recorded in the registry of deeds shall be exempt from subsequent changes to land use ordinances and regulations, except those which expressly protect public health, for a period of 5 years (or other period as provided by RSA 674:39 as amended) provided active and substantial development or building has begun within 24 months (or other period as provided by RSA 674:39 as amended). Once substantial completion of the improvements has occurred the owner or successor's rights shall vest in accord with RSA 674:39. The Board will as a condition of subdivision approval specify the threshold levels of work that shall constitute "active and substantial development or building" and "substantial completion of the improvements."

2. Construction Supervision and Inspection
 - a. There shall be three types of inspections by the Select Board or their duly appointed Agent(s). The appointed Agent responsible for the general oversight, hereinafter called the Inspector in this Section C.2, shall be a certified engineer licensed in New Hampshire, and shall be independent from the applicant's engineer. The cost of inspections shall be pre-paid by the Applicant.
 - i. Initial Inspection shall take place upon submission of proposed road plans to the Planning Board. It is the responsibility of the Applicant to have roads laid out and described sufficiently on the ground. Selectmen will notify the Applicant of the date of the inspection.
 - ii. Inspection Procedure for New Road Construction. The inspection procedure shall be followed for any new road construction.
 - The first inspection will take place when the proposed roadway has been cleared and staked for the start of construction.
 - The second inspection shall be performed after stumps, ledge and all topsoil have been removed, and before the base gravel has been placed.

- The third inspection shall take place while the base gravel is being installed to assure proper depth and that compaction of the base gravel is satisfactory.
- The fourth inspection shall take place when any culverts are ready for installation so that size of pipe and depth of fill over the culverts can be checked.
- The fifth inspection shall be performed when the base layer is in place and the topcoat is ready to install to insure proper depth and compaction.
- The sixth and final inspection will be performed to assure that all slopes and water runoffs adhere to specifications and that all required erosion protection has been met.

Work may not continue on any sequence of roadway until the previous sequence has been inspected and a written approval is received by the contractor.

The Inspector shall perform all new road construction inspections and it is the responsibility of the Applicant (or the site work contractor) to notify the Inspector when each of the above steps is completed. Failure to follow this procedure will result in removal (at the Applicant's or contractor's expense) of the installed material to allow adequate inspection.

- iii. Final project inspection shall take place when all construction is complete.
- b. The Applicant shall notify the Planning Board and Select Board in writing of the time when construction is to commence so that the Board may cause inspection to be made.
 - c. Prior to signing and recording of the plat, the Applicant shall pay to the Town an amount of money estimated by the Board to fully compensate the Town for all inspection and testing charges deemed necessary. Said sum shall be held in an escrow account by the Town and any unused portion, plus interest accrued if any, shall be returned to the applicant upon final inspection and acceptance.
 - d. If at any time during construction the Inspector and/or Select Board feel that it is necessary to have more extensive inspection or engineering than they are capable of providing, they shall notify the Applicant in writing, and the cost of this inspection shall be paid by the Town and reimbursed in full by the Applicant.

3. Modifications of Designs and Improvements

If at any time before or during the construction of the Subdivision, the Board determines that unforeseen conditions make it necessary or preferable 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 Chair of the Board. The Applicant shall accept the modifications in writing to the Planning Board before such modifications are made. Substantive modifications shall require a public hearing with proper notice to Abutters and the public, before an approved design can be changed.

4. Completion of Improvements and Deficiencies

The Applicant shall notify the Board in writing when all requirements have been met.

The Applicant's engineer or other representative shall certify compliance with the approval including correction to the extent necessary of any original installation.

Where a financial performance guarantee has been required and all the required improvements satisfactorily completed, the Chair shall release the guarantee in accordance with Section VI.D as provided below.

If it is determined that any of the required improvements have not been completed in accordance with the approval, the Board shall then notify the Applicant in writing of any such deficiencies. The Applicant shall rectify all deficiencies at the expense of the Applicant.

If the Applicant 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, including suspension and/or revocation of the approval. In the event of legal action, the Town shall be entitled to have reasonable fees of an attorney awarded by the court. The provision of RSA 676:4-a shall prevail.

D. PERFORMANCE GUARANTEE

The provisions for a performance guarantee shall comply with RSA 674:36,III(b).

1. In lieu of the completion of all required work, utility installation, and any related activity prior to the final approval of an application, the Board shall require a financial performance guarantee including either,

- a. a bond running to the Town and issued by a surety company acceptable to the Town;
- b. an irrevocable letter of credit;
- c. a certified check payable to the Town; or d) a savings account in the name of the Town.

The security must be finalized before the Final Plat is signed or recorded. This guarantee shall provide and secure to the Town the actual construction and installation of all improvements within three years from the recording of the Final Plat in the Grafton County Registry of Deeds.

2. Amount of Guarantee

The Applicant's engineer shall furnish to the Board an estimate as to the full cost of all improvements. Such estimate shall be reviewed by the Selectmen or an agent of the Select Board who will recommend the amount of the guarantee to the Planning Board. The Planning Board shall then determine the amount of the guarantee.

3. Additional Amount

The amount of the guarantee shall also include a reasonable sum for construction supervision and inspection fees which may be incurred by the Town. The Board may also require that following the completion of all required work a certain percent of the overall financial guarantee be kept in escrow for one full year as a maintenance account.

4. Approval of the Guarantee

The form of the guarantee shall be approved by the Town Attorney and the Select Board prior to the approval of the Final Plat. All documents evidencing or establishing the guarantee shall be prepared at the Applicant's expense and approved by the Town Attorney. Applicant shall assume the expense related to reasonable Town Attorney fees.

5. Guarantee of Improvement Installation

For a period of one year after completion of all improvements or one year after the correction of all deficiencies, whichever occurs last, if the Board determines that the improvements have failed for any reason or do not meet the requirements as set forth in the approval, the Board shall notify the Applicant in writing of such failure and the Applicant shall rectify all failures at the expense of the Applicant. If the Applicant does not substantially rectify all deficiencies within a reasonable time as determined by the Board, then 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 fees of an attorney awarded by the court.

6. Release of Guarantee

The performance guarantee shall be released when the Select Board and the Planning Board are satisfied that the Applicant has complied with all requirements of the approval. The decision to release the guarantee will be based upon an assessment of the plans, the engineer's preparatory work for construction, engineering inspection during construction and the final plans of the completed work.

As portions of the improvement are completed, the Board, in consultation with the Select Board and the Inspector, shall authorize partial release of the guarantee to the extent reasonably calculated to reflect the value of the completed improvements, as defined under RSA 674:36,III(b).

7. Enforcement of the Guarantee

If the Applicant has not complied with all requirements of the approval within three years from the date of recording of the Final Plat in the Registry of Deeds, the Town shall enforce its right under the performance guarantee and the instrument given to secure it. In the event that the Town is required to enforce the guarantee then it shall be entitled to have reasonable fees of an attorney awarded by the court.

E. WAIVER OF A REGULATION

Where, in the opinion of the Board, strict conformity would pose an unnecessary hardship to the Applicant and a waiver will not be contrary to the spirit and intent of these Regulations, or, specific circumstances relative to the subdivision, or conditions of the land in such subdivision, indicate that the waiver will properly carry out the spirit and intent of the regulations, the Board may waive, or modify certain requirements of these Regulations in accordance with RSA 674:36,II(n). The basis for any waiver granted by the Planning Board shall be recorded in the minutes of the Board. The Planning Board may set higher requirements with respect to any of the standards if conditions in the opinion of the Board, warrant such action in order to prevent a specifically-identified hazard to the public health, safety or welfare.

F. ACCEPTANCE OF STREETS AND / OR UTILITIES

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

modify or control the construction, reconstruction, or extension of streets and/or utilities by the Town or State.

G. OTHER REGULATIONS

In any case where a provision of these Regulations is found to be in conflict with a provision of any other ordinance or regulation of the Town existing on the effective date of these Regulations, the provision which establishes the highest standard for the promotion and protection of health and safety shall prevail.

H. ENFORCEMENT

These Regulations shall be enforced by the Select Board or their duly authorized representatives pursuant to RSA 676: 15-18 as amended.

I. AMENDMENTS

These Regulations may be amended by the Board under RSA 675:6 but only following a public hearing on the proposed changes. The Chair or Secretary of the Planning Board shall transmit a record of any changes so authorized to the Registrar of Deeds of Grafton County.

J. APPEALS

Any aspect of a Board decision that involves interpretation or application of the terms of the Zoning Ordinance may be appealed by any person to the Zoning Board of Adjustment within thirty (30) days of the Board's vote, under RSA 676:5,III.

Any person aggrieved by the decision of the Planning Board concerning a Final Plat or Subdivision may present to the Superior Court a petition, duly verified, setting forth that such decision is illegal in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days of the Board vote under RSA 677:15,I.

K. VALIDITY

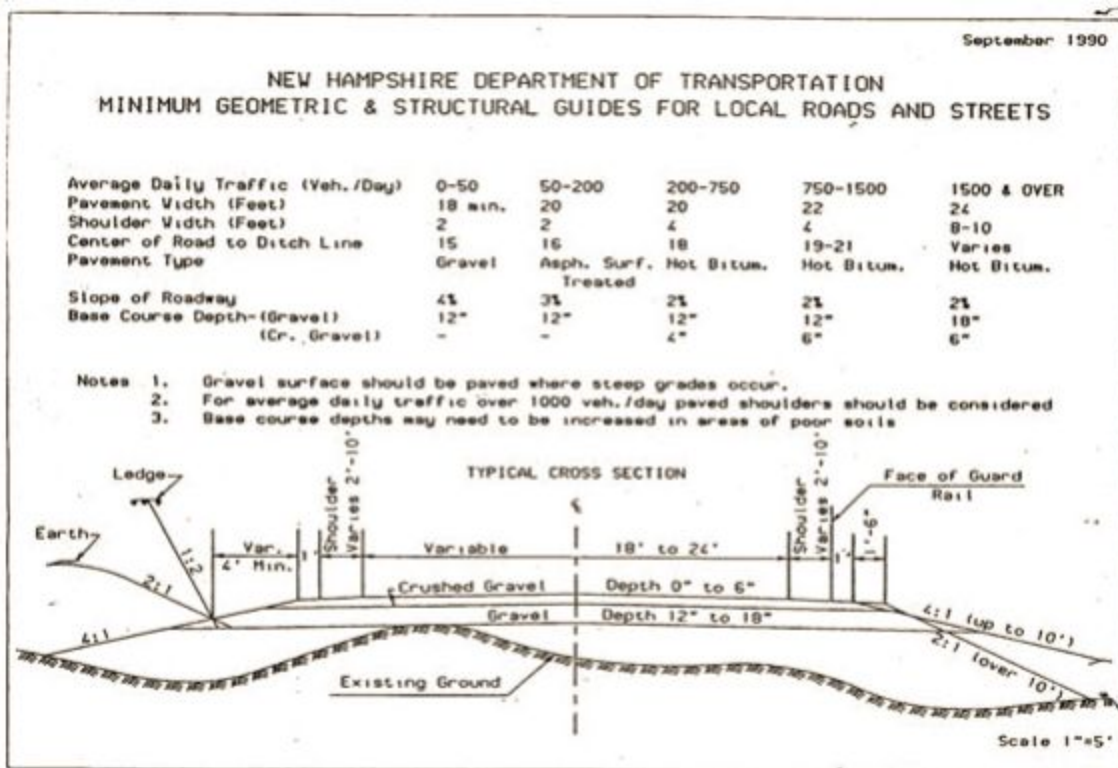
The validity of any section, subsection, paragraph, sentence, clause, phrase or word of these Regulations shall not be held to invalidate any other section, subsection, paragraph, sentence, clause, phrase or word of these Regulations and to this end the provisions of these Regulations are hereby declared to be severable.

L. REVOCATION

A Final Plat which has been filed with the Register of Deeds of Grafton County may not be revoked by the Board except pursuant to, and under the circumstances set forth in, RSA 676:4-a.

APPENDIX A

ROAD DESIGN CRITERIA



Notes:

1. Average Daily Traffic is based on eight (8) trips per day per household.
2. The Geometric and Structural specifications in the above table shall be applied according to the provisions of Sections IV.C, and V.D and VI.C.3 of these Regulations.
3. Drainage Design standards shall conform to the AASHTO geometric guides.
4. Structural and Drainage Design may be modified in accordance with VI.E when based on sound engineering design and approved by the Board and its designated agent.
5. Crushed gravel may be used as pavement only when the grade of the road is five (5) percent or less.

APPENDIX B

MINIMUM STANDARDS FOR A HIGH INTENSITY SOIL MAP

1. The soil mapping must be based on the accompanying property survey by a Registered Land Surveyor, at a map scale of 1" = 100' or larger and with topography at 2-foot contour intervals or less.
2. The map shall be prepared by a qualified soil scientist recommended by the Grafton County Conservation District, whose name shall appear on all maps.
3. All map unit symbols used will be derived from the Connotative Soil Legend, with only one soil type per map unit delineation.
4. The soil within an area enclosed by a soil boundary line (a map unit delineation) will have a minimum of seventy-five percent (75%) of the soil properties inferred by the soil map symbol derived from the Key to Soil Types and placed within that map unit delineation. Limiting soil type or types can make up a maximum of fifteen percent (15%) of the map unit delineation. The control section for determining soil properties is from the soil surface to a depth of forty inches (40").
5. The minimum area of a map unit delineation is 2000 square feet.
6. Soil boundary line placement should be no more than twenty (20) feet from true.

APPENDIX C

CERTIFIED EROSION AND SEDIMENT CONTROL PLAN

A. GENERAL

A soil erosion and sediment control plan shall be required for all major subdivisions unless waived by the Planning Board.

B. PLAN REQUIREMENTS

1. In order to be approved, a soil erosion and sediment control plan shall contain proper provisions to adequately control accelerated erosion and sedimentation and reduce the likelihood of storm water runoff from the proposed site, based on the best available technology. Such principles, methods and practices necessary for approval are found in the “Erosion and Sediment Control Design Handbook for Developing Areas of New Hampshire”, as amended.
2. The plan shall contain, but not be limited to:
 - a. A narrative describing:
 - i. the development,
 - ii. the schedule for grading and construction activities including start and completion dates; sequence of grading and construction of activities; sequence for installation and / or application of soil erosion and sediment control measures; and sequence for final stabilization of the project site,
 - iii. The design criteria for proposed soil erosion and sediment control measures and storm water management facilities,
 - iv. The construction details for proposed soil erosion and sediment control measures for storm water management facilities,
 - v. The installation and / or application procedures,
 - vi. The operations and maintenance program for the proposed measures and facilities.
 - b. A site plan at a sufficient scale to show:
 - i. the location of the proposed development and adjacent

properties,

- ii. the existing and proposed final topography including soil types, wetlands, watercourses and water bodies,
- iii. the existing structures on the project side, if any,
- iv. the proposed area alterations including cleared, excavated, filled or graded areas and proposed utilities, roads and, if applicable, new property lines, and the general location of proposed structures and driveways,
- v. the location of and design details for all proposed soil erosion and sediment control measures and storm water management facilities,
- vi. the sequence of grading and construction activities,
- vii. the sequence for installation and / or application of soil erosion and sediment control measures,
- viii. the sequence for final stabilization of the development site.

c. Any other information deemed necessary and appropriate by the Applicant or requested by the Planning Board or its designated agent, including copies of all information submitted to the State of New Hampshire under RSA 149:8a

C. MINIMUM ACCEPTABLE STANDARDS

1. Plans for soil erosion and sediment control shall be developed in accordance with these Regulations using the planning considerations specified in the “Erosion and Sediment Control Design Handbook for Developing Areas of New Hampshire”, as amended.
2. The minimum standards for individual measures are those described in the above publication. The Planning Board may grant exceptions when requested by the Applicant if technically sound reasons are presented.
3. The Soil Conservation Service method as outlined in Soil Conservation Service Technical reference No. 55 (TR-55) “Urban Hydrology for Small Watersheds”, as amended, shall be used in determining peak flow rates and volumes or runoff unless an alternative method is approved by the Planning Board.

D. ISSUANCE OF DENIAL OR APPROVAL

1. The Planning Board shall either approve the soil erosion and sediment control plan in compliance with the requirements and objectives of this regulation or deny it when the proposal does not comply.
2. Prior to approval, any plan submitted to the Town may be reviewed by the Grafton County Conservation District which may make recommendations concerning such plan, provided the review may be completed within thirty (30) days of the receipt of such plan.
3. The Planning Board may forward a copy of the development proposal to the Town Conservation Commission, another review agency or consultant for review and comment.

E. CONDITIONS RELATING TO SOIL EROSION AND SEDIMENT CONTROL

1. The estimated costs of measures required to control erosion and sedimentation, as specified in the approved plan, shall, in lieu of completion before Final Subdivision Approval, be covered in a performance guarantee acceptable to the Planning Board.
2. Site development shall not begin unless the soil erosion and sediment control plan is approved and those control measures and facilities in the plan scheduled for installation prior to site development are installed and functional.
3. Planned soil erosion and sediment control measures and facilities shall be installed as scheduled according to the approved plan.
4. All control measures and facilities shall be maintained in effective condition to ensure the compliance of the approved plan.

F. INSPECTION

Inspections shall be made by the Planning Board or its designated agent during development to ensure compliance with the plan, and that control measures and facilities are properly performed or installed and maintained. The Planning Board may require the developer or agent to verify through progress reports that the soil erosion and sediment control measures and

facilities have been performed or installed according to the plan and are being operated and maintained.

G. DEFINITIONS

DEVELOPMENT: means any construction or grading activities to improved or unimproved real estate.

DISTURBED AREA: means an area where the ground cover is destroyed or removed leaving the land subject to accelerated erosion.

EROSION: means the detachment and movement of soil or rock fragments by water, wind, ice or gravity.

GRADING: means any excavating, grubbing, filling (including hydraulic fill) or stockpiling of earth materials or any combination thereof, including the land in its excavated or filled condition.

SEDIMENT: means solid material, either mineral or organic, that is in suspension, is transported, or has been moved from its site or origin by erosion.

SOIL: means any unconsolidated material or organic material of any origin.

SOIL EROSION AND SEDIMENT PLAN: means a plan that minimizes soil erosion and sedimentation resulting from development and includes, but is not limited to, a map and a narrative.

APPENDIX D

DRIVEWAY REGULATIONS

A. DRIVEWAY STANDARDS

All driveways shall be constructed in accordance with RSA 236:13.

1. No driveway shall be constructed within fifty (50) feet of the intersection of two public roads.
2. When two proposed driveways on the same side of the road are within fifty (50) feet of each other, the Planning Board may require a common access to be used, for reasons of safety and topographical consideration.
3. The driveway shall be wide enough to accommodate emergency vehicles. The driveway entrance may be flared as it approaches the road.
4. The driveway entrance shall drop six (6) inches from the center of the road to a point at least six (6) feet in back of the ditch line as required, to prevent incursion of runoff onto the road.
5. A minimum of one hundred fifty (150) feet all season safe sight distance in each direction is required.
6. If a culvert is required for proper drainage, the culvert shall be of sufficient size to handle run off. The culvert shall be long enough to maintain the driveway width dimensions, or at least a 3:1 side slope.
7. Driveways shall not interrupt the natural or ditch line flow of drainage water. Where shallow ditch lines or natural drainage courses exist, driveways may be swaled at a point beyond the shoulder to accommodate the flow of storm water.
8. Any driveway crossing a wetland or body of water shall have all permits

required by the NH Wetlands Board of the New Hampshire Environmental Services Department (DES), a special exception from the Easton Zoning Board of Adjustment and all other relevant permits.

9. Driveways providing access for multi-unit residential, commercial, or industrial uses shall be designed to conform with good engineering practice using the NHDOT manual, Policy and Procedures for Driveways and Other Accesses to the State Highway System, as a guide.
10. The contractor shall give 24-hour notice to the Road Agent or supervising engineer before starting construction.
11. Final approval by the Select Board will be granted upon inspection and determination that all work has been satisfactorily completed.
12. Unless existing conditions prevent it, only one curb cut will be allowed for both the front and the back lot.

B. HOLD HARMLESS

The Applicant agrees to hold harmless the Town of Easton and its duly appointed agents and employees against any action for personal injury and/or property damage sustained by reason of the exercise of the driveway permit.