



SALISBURY SUBDIVISION REGULATIONS

Adopted March 3, 2003

Salisbury Planning Board Subdivision Regulations

SECTION I Authority and Purpose

Pursuant to the authority vested in the Planning Board by the voters of the Town of Salisbury on March 4, 1975, and in accordance with the provisions of RSA 674:35-36, the Planning Board hereby adopts the following regulations governing the Subdivision of land. These regulations are designed to accomplish the purposes set forth in RSA 674:36, as amended and for the purposes of protecting the health, safety, convenience and economic and general welfare and to provide for the harmonious development of the Town of Salisbury and its environs.

Purpose: These regulations are intended to promote the orderly growth of the Town of Salisbury in accordance with the provisions of RSA 674:36:

- 1) Provide against such scattered or premature Subdivisions 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;
- 2) To provide adequate and efficient transportation, water, sewage, schools, parks, playgrounds, recreation and other public requirements and facilities;
- 3) To prevent and protect against the pollution of the natural environment of the Town of Salisbury and to encourage the wide use and management of the natural resources of the Town by assuring the adequacy of drainage facilities, safeguarding the water table, limiting development on wet and unstable soils, steep slopes, wetlands and other naturally occurring limiting factors;
- 4) To prevent the pollution of air, surface and groundwater, to assure the adequacy of drainage facilities, to safeguard the water table, and to encourage the wise use and management of natural resources throughout the town in order to preserve the integrity, stability and beauty of the community and the value of land;
- 5) Provide for the harmonious development of the community and its environs;
- 6) Require the proper arrangement and coordination of streets with Subdivisions in relation to other existing or planned streets or with features of the official map of the municipality;
- 7) Require suitably located streets of sufficient width to accommodate existing and prospective traffic and to afford adequate light, air, and access for firefighting apparatus and equipment to buildings, and be coordinated so as to compose a convenient system;
- 8) Require, in proper cases, that plats showing new streets or narrowing or widening of such streets submitted to the Planning Board for approval may show a park or parks suitably located for playground or other recreation purposes;
- 9) Require that proposed parks may be of reasonable size for neighborhood playgrounds or other recreational uses;
- 10) Provide for open spaces through the efficient design and layout of the land;

- 11) Require that the land indicated on plats submitted to the Planning Board shall be of such character that it can be used for building purpose without danger to health;
- 12) Prescribe minimum areas of lots so as to assure conformance with local zoning ordinances and to assure such additional areas as may be needed for each lot for on-site sanitary facilities;
- 13) Include provisions, which will tend to create conditions favorable to health, safety, convenience, or prosperity; and
- 14) Provide that, in lieu of the completion of street work and utility installations prior to the final approval of a plat, the acceptance of site improvement security as specified herein.

Jurisdiction:

- 1) These regulations shall apply to all Subdivisions of land, as defined by RSA 672:14, as amended, located within the Town of Salisbury.
- 2) No land shall be subdivided or proposed lots transferred until final approval has been granted by the Planning Board and the plans are recorded at the Merrimack County Registry of Deeds.
- 3) Whenever access to a Subdivision is required across land in another town, the Planning Board shall require documentation from the other town assuring that access is legally established from that Board of Selectmen, that the access road is adequately improved or that a performance bond has been duly executed and is sufficient in amount to assure the construction of the access road.
- 4) Lot lines should be laid out so as not to cross town boundary lines.

SECTION II Definitions

General Use:

- 1) Words used in the present tense include the future tense. The singular includes the plural, and the masculine shall include the feminine and neuter.
- 2) The word “person” includes a corporation, partnership, firm, trust, or other legal entity, as well as an individual.
- 3) The word “lot” includes the word “plot” or “parcel.”
- 4) The word “building” includes the word “structure: and a “building” or “structure” includes any part thereof.
- 5) The term “shall” is mandatory and “may” is conditional.
- 6) The word “used: or “occupied” as applied to any land or building shall be construed to include the words “intended, arranged or designed to be used or occupied.”
- 7) Words not specifically defined herein shall have their common meaning.
- 8) The term “plat”, “Subdivision plan”, or “Subdivision” mean a Subdivision and the terms shall be used interchangeably.
- 9) For the definition of other terms or words refer to the Town of Salisbury Zoning Ordinance.

Abutter: Any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from or within 200 feet of the land under consideration by the Board. For purposes of receiving testimony only, and not for purpose of notification, the terms “abutter” shall include any person who is able to demonstrate that his land will be directly affected by the proposal under consideration. For purpose of receipt of notification by the Board of a hearing and in the case of an abutting property being under a condominium or other collective form of ownership, the term “abutter” means the officers of the collective or association, as defined in RSA 356-B:3, XXIII. Abutter shall also include a holder of a conservation, preservation or agricultural preservation restriction. Refer to RSA 672:3.

Applicant: The owner or designate agent of the owner of land proposed to be developed who seeks Planning Board approval as specified in these regulations. The applicant must be the owner of record for the property or an agent authorized in writing by the owner. All owners whose name appears on the deed of the property shall sign the application form or submit a letter of authorization for one or more of the other owners to act on their behalf.

Application: The form and other required material submitted to the Planning Board for review and consideration.

Application, complete: The plans and all accompanying materials as required by these and other applicable regulations and all fees as required by these regulations. The Planning Board or its designated agent shall determine if the plan and information is complete. The Planning Board shall vote to accept or reject an application as complete at a regular meeting of the Planning Board.

Approval: Recognition by the Planning Board, certified by written endorsement on the plan, that the plan meets the requirements of these regulations, granted at a duly called meeting of the Planning Board.

Approval, Conditional: Recognition by the Planning Board that the plan has been approved however conditions have been attached to the approval and must be met prior to the plan being recorded.

Block: A tract of land bounded by streets or by a combination of streets, public lands, railroad-rights-of-way, shorelines or waterways or boundary lines of municipalities.

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

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

Condominium: Shall be as defined in the RSAs.

Development: Any man-made change to improved or unimproved real estate, including, but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, other than any construction or grading activities on real estate for agricultural and silvicultural (tree care and harvesting) practices.

Easement: Authorization by a property owner for the use of another, and for a specified purpose, of any designated part of his property as defined in an appropriate legal instrument on file in the Registry of Deeds.

Engineer: A duly registered professional engineer, as required by New Hampshire licensing laws. The Board of Selectmen and or Planning Board may retain the professional services of a duly appointed engineer to act on the Town's behalf.

Flood boundaries: The land adjacent to a body of water which has been or may hereafter be covered by flood water, as designated on the Town of Salisbury Flood Insurance Rate Map (FIRM) and Floodway maps.

Frontage: The side of a lot abutting on a street and ordinarily regarded as the front of the lot. A line dividing a lot from a street from which access is legally available. The horizontal distance measured along a lot line dividing a lot from a street.

Lot: The whole area of a single parcel of land, a tract, plot or portion of a Subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership or for

building development. A lot is an area with ascertainable boundaries in single or joint ownership, undivided by a street, established by deed(s), record, or a segment of land ownership defined by lot boundary lines on an approved Subdivision plan.

Lot Consolidation: The merger of separate contiguous properties into a single tract of land.

Lot Line Adjustment: An adjustment to the boundary between adjoining properties, where no new lots or substandard lots are created, where there is no change to the number of lots in the process, and which involves no construction of new streets, utilities, or other public improvements. A change to the existing boundary line(s) of lots by agreement of the owners, that is minor in nature. A Lot Line Adjustment requires an application and approval in the same manner as Subdivisions. However, notice to abutters shall be given prior to approval and any abutter may request to be heard, per RSA 676:41 (e).

Master Plan: The current Master Plan for the Town of Salisbury, as amended, pursuant to RSA 674: 1-4.

Official Map: The status of an approved plat in accordance with RSA 674:9-11 and RSA 674:38, or as amended.

Performance Guarantee: A form of financial security, including performance bonds, escrow agreements, letters of credit, and other similar collateral or surety agreements, which may be accepted by the Town to secure improvements required as a condition of approval. The Planning Board shall require all financial security agreements be reviewed by Town Counsel prior to acceptance by the Planning Board or Board of Selectmen. Such review shall be at the expense of the applicant.

Phased Subdivision: Any Subdivision undertaken in a set time sequence.

Plat: The plan set on which the plan of Subdivision is presented to the Planning Board for approval, and which if approved will be duly signed and recorded at the Registry of Deeds, pending compliance with all conditions of approval.

Professional: Any professional including but not limited to engineer, surveyor, architect, attorney, planner, scientist, septic designer, traffic engineer, geologist or others involved in the preparation of a plan. Such professionals shall be certified, registered or licensed to do business in the State of New Hampshire and have current membership status as a professional in their respective discipline.

Public Hearing: A meeting, notice of which must be given per RSA 675:7 and 676:4, I (d), or other RSAs which may apply at which the public is allowed to offer testimony.

Public Meeting: The regular business meeting of the Planning Board as required per RSA 673:10, and as may be amended. Notice must be posted at least 24 hours in advance and the meeting must be open to the public, although participation by the public is at the discretion of the Board.

Reserve Strip: Any area of land, which is intended for future public use for street construction or pedestrian ways. Reserve strips of land that 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.

ReSubdivision: A change in a plan of an approved or recorded Subdivision that includes, but is not limited to the following (1) changing any street layout shown on such plan (2) affecting any area heron reserved for public use or (3) diminishing the size of any lot shown thereon, if any of the lots have been conveyed after the approval of such map.

Right-of-Way: A strip of land used for, or intended to be used for a street, road, crosswalk, water, sewer, or drainage facility, or for another special use, including a public use. The usage of the term “right-of-way” for Subdivision plan purposes shall mean every right-of-way hereafter established and shown on a Subdivision plan. It is to be separate and distinct from the lot and not be included within the dimensions of the lot.

Site Plan Review Regulations: The Site Review Regulations for Salisbury, New Hampshire and the plan review process outlined in those regulations.

Soil Scientist: A person qualified and holding current certification as Certified Soil Scientist in the State of New Hampshire.

Soil Survey: A study or survey of the soil types and characteristics of a parcel which describes and defines the soil properties and soil types of the parcel in accordance with the standards which are adopted from time to time by the Society of Soil Scientists of Northern New England or comparable standards of another professional organization.

Street, Private: Private roads/streets shall not be allowed. More than 2 houses sharing a driveway is considered a private road and shall not be allowed.

Street, Public: A public way for vehicular traffic and safe pedestrian travel whether designated as a street, highway, avenue, boulevard, lane, place or other such name which is designed and constructed in accordance with town road specification, and which must take into consideration the existing and future traffic volumes anticipated for such road.

Subdivision: Shall be as defined in RSA 672: 1 4.

Subdivision, Minor: A division of land into not more than three (3) lots for building development purposes, with no potential for reSubdivision on an existing street, and which does not involve the creation of any new roadway or utilities (extension or creation of any community or municipal water or sewer facilities).

Subdivision, Major: All Subdivisions not classified as minor Subdivisions, including but not limited to Subdivision of four (4) or more lots, any Subdivision requiring any new street or extension or creation of any public improvements (such as the creation of any community or municipal water or sewer facilities); or any Subdivision for the purpose of creating condominiums.

Surveyor: A land surveyor licensed in the State of New Hampshire.

Town: Shall refer to the Planning Board, Board of Selectmen or appointed agent of the town as deemed by the Planning Board or Board of Selectmen.

Wetlands: Wetlands shall be defined as an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support a prevalence of vegetation typically adapted for life in saturated conditions. Wetlands include, but are not limited to, swamps, marshes, bogs and similar areas. Wetlands shall also be defined by applicable state and federal regulations. No part of a prime wetland may be considered part of the minimum lot size requirement of any lot, and no part of a wetland may divide a lot in such a manner that the minimum lot size is not contiguous and the lot contains at least one (1) acre of contiguous land.

Wetland Scientist: A person qualified and holding current certification as Certified Wetland Scientist in the State of New Hampshire.

SECTION III

General Development Requirements

Subdivider's Responsibility: It is the responsibility of each subdivider and applicant to read and follow these Regulations. If a subdivider or applicant does not fully understand these Regulations, it is his or her responsibility to seek the advice and counsel of Town officials, agents, or other qualified persons.

Alteration of Site Conditions: No site work shall be permitted to occur on an approved or pending Subdivision plan until the plan is recorded at the Registry of Deeds. Preliminary ground surveys, marking by stakes, engineering studies, inspections and testing (including test pits and boring) may be completed to evaluate the suitability of the land for Subdivision.

If a violation of these site alteration conditions occurs the Planning Board may require the applicant to submit detailed engineering drawings, prior to reviewing the Subdivision application. In addition, the Planning Board may require the technical review of other professional deemed appropriate by the Planning Board to evaluate the extent and conditions of the alterations. Such additional technical review shall be paid by the applicant prior to the Planning Board acting on the application. Failure to comply with these provisions, including paying all fees for such review, shall be grounds for the Planning Board to deny the application without a public hearing.

Approval Needed Prior To: Once an application for Subdivision has been submitted (including conceptual plans) the applicant shall not take any of the following actions until the applicant has received final approval and the plan has been recorded at the Merrimack County Registry of Deeds:

- 1) Transfer of lots in an unapproved Subdivision.
- 2) Obtaining a building permit.
- 3) Burying any stumps, topsoil or other yielding material on any land proposed or intended for use as a Subdivision.
- 4) Changing the grade of any land proposed or intended for use as Subdivision.
- 5) Construct any street to service a proposed or intended Subdivision.
- 6) Install any utilities to service a proposed or intended Subdivision.

Building Permit Issuance:

- 1) No building permit shall be issued prior to the recording of the plan with the Merrimack County Registry of Deeds.
- 2) All fire protection improvements are in place and approved by the Salisbury Fire Department. Fire protection structures and conditions of approval related to protection meet the requirements of the Salisbury Fire Departments or other applicable fire protection standards that may apply.
- 3) All road, drainage, and other necessary improvements are completed and inspected to the Town's satisfaction. Street and utilities improvements have been secured as discussed and in compliance with the provision of RSA 676:12.

- 4) All temporary and permanent erosion and sedimentation control measures are completed and inspected to the Town's satisfaction.
- 5) Shall be in compliance with RSA 676:12
- 6) Compliance with all applicable conditions of Planning Board or other applicable approvals.
Compliance with the provisions of RSA 676:13

Compliance with Regulations: All applications shall comply with the Zoning Ordinance and all other ordinances and regulations of the Town of Salisbury.

Condominiums: In addition to the information otherwise required to be filed pursuant to these Regulations, an applicant who is seeking approval of a condominium shall also file at the time of an application copies of: Condominium Declaration, Condominium Bylaws, Condominium Site Plan, Condominium Floor Plan and where applicable, evidence of filing of application for registration of the condominium with the New Hampshire Attorney General.

Fees: A filing fee must accompany any application for Subdivision. A fee schedule is available upon request. The filing fee includes but is not limited to the Subdivision application fee, abutter notification cost, advertising cost, recording cost, and other costs that may incur. Failure of the applicant to pay such fees and other costs associated with the Subdivision submittal shall constitute valid grounds for refusal to accept the application as complete, or for disapproval of the application. Other costs associated with the application, including but not limited to administrative expenses, costs of any investigative studies, review of documents, legal counsel, engineering and planning review fees shall be born by the applicant. The Planning Board may require prepayment of such fees or other payment guarantees including deposit in an escrow account, irrevocable letter of credit, or other written documentation. All additional costs incurred during review of the application shall be paid prior to approval.

Inspection of property: By filing an application, the applicant consents to an onsite inspection of the property by the Board, and or its agents at any stage in the development process. Inspections by agents of the Board such as the Town Engineer, Road Agent, Planner and other personnel associated with reviewing an application for the Board shall not require additional notice. All applications are conditioned upon the owner(s) allowing access to the property, to the extent reasonable and necessary to properly review the application. Denial of access automatically terminates any further consideration of the proposal. The applicant shall have flagged all lot corners, lot lines, test pits, wetland areas, areas defined as not buildable per these and other applicable regulations, percolation pit locations, street centerlines, and the perimeter of the property. The Planning Board may postpone action on a completed application so that an on-site inspection of the property can be conducted. The Planning Board in their judgement may postpone the on-site inspection due to flooding conditions, winter conditions, or other conditions of the site, or means of accessing the site, which in the judgement of the Planning Board could affect the health, safety and general well being of those participating in the on-site inspection. If the Planning Board conducts a site inspection, it shall be posted at a meeting of the Board pursuant to the Right-to-Know provisions of RSA 91-A. If there is a quorum present at the site inspection, minutes shall be kept.

Off-Site Improvement Agreements: All projects involving the construction of off-site improvements shall be subject to the execution of an off-site improvement agreement. The agreement shall stipulate

the parties responsible for the off-site improvements, the cost of the improvements, the type of financial guarantee to be used to assure the completion of the improvements and a detailed description of the off-site improvements.

Other Approvals: If the plan is approved by the Planning Board, any and all other approvals required by local, state or federal regulations shall be received prior to the plan being signed and recorded.

Penalties for Transferring Lots in Unapproved Subdivision: No land shall be subdivided or transferred without approval of the Planning Board and Recording at the Registry of Deeds. Violations of such shall be in accordance with the provisions of RSA 676:16.

Phasing Subdivision: The details of any planned phasing scheme shall be disclosed to the Planning Board during the application process. The Planning Board may require that specific details regarding the phasing be shown on the plan. A timetable showing the time frame of all phasing shall be submitted. The phasing shall be designed to minimize the impact on the town. All roads, on-site improvements and off-site improvements for the entire Subdivision shall have a financial guarantee posted prior to receipt of final approval.

Reviewing Agents: The Planning Board may solicit input from the Fire, Police, Conservation Commission, Road Agent, Town Engineer (or as appointed), School District, Historic Society, and other agencies or organizations which the Planning Board believes can contribute to a better understanding of the issues presented on the plan or should be presented on the plan.

Special studies and investigations: The Planning Board at its discretion may either request an applicant to prepare special studies or contract with a consultant to perform these studies. The Planning Board shall determine which subdivisions, minor or major will require special studies, the type of studies required and the level of detail required for each study. The threshold for making a determination that a special study shall be completed may be based on several factors including but not limited to the environmental issues, concern for pedestrian and motor travel, particular issues about a site which may warrant more attention, overall impact on the immediate area and the community as a whole, and other issues which are necessary for the Planning Board to make an informed decisions about the impacts of the development on the community. The cost for the preparation and review of such studies shall be borne by the applicant. These studies may include, but are not limited to the review of public facilities and utilities, natural resources, historical features, recreation, visual impacts, stormwater management, drainage, schools, community services, groundwater and surface water protection, environmental quality issues, traffic and fiscal and economic impacts.

SECTION IV Subdivision Review Procedures

Pre-Application

The Salisbury Planning Board shall require all potential applicants to fulfill both sections of our Pre-Application review process including Conceptual Consultation and Design Review. Both are non-binding design review consultations with the Planning Board and as implied in both sections, are intended to facilitate a dialogue with the potential applicant to better understand the nature, scale, and impact of a proposal on the town before costly surveying, design and engineering is undertaken. The Conceptual Consultation phase will not exceed two meetings, nor will the Design Review exceed more than two meetings.

The Board may, following the Conceptual Consultation phase, waive the subsequent Design Review phase if it is determined that the following criteria are met.

1. That the proposal will be a minor subdivision or lot line adjustment; and,
2. That all lots are likely to comply with the zoning ordinance's dimensional requirements; and,
3. That all lots are likely to contain an adequate building envelope; and,
4. That all lots are likely to obtain all necessary permits such as but not limited to driveway, ROW drainage, state subdivision, or wetland crossing; and,
5. There will not be a new road, or substantial changes to existing roads

Conceptual Consultation: Prior to formal submission of a Subdivision application, the applicant must seek non-binding Conceptual Consultation with the Planning Board per the provisions of RSA 676:4 II. Conceptual Consultation shall consist of discussions, based on sketch plans and photos of the site. The applicant shall also provide:

- A USGS topographic map with the location of the subject property noted.
- Copy of a town tax map showing the perimeter boundaries of the subject property and frontage along existing roadways.
- Illustration of existing roadway network within a two (2) mile radius of the proposed development.
- Identify important environmental features such as:
 - Surface waters (ponds, lakes, and streams)
 - Areas identified by State of NH regarding existing aquifers and critical wildlife habitats
 - Historic areas of interest or concern

The purpose of this stage of review is to identify key features of the site and proposal, such as areas deserving preservation, access points, interconnections with surrounding land and ways; and the

general organization of uses and structures on the property. The Conceptual Consultation shall neither be accepted as an application nor be approved or disapproved by the Planning Board under this procedure. No comments made during this consultation shall bind either the applicant or the Planning Board. Statements made by Planning Board members shall not be the basis for disqualifying said members or invalidating any action eventually taken on the application. Applicants for Conceptual Consultation shall not be required to file an application, sketches or plans, an abutter's list, or fees.

Design Review: Prior to formal submission of a Subdivision application, the applicant must seek non-binding Design Review consultation with the Planning Board per the provisions of RSA 676:4 II-b.

Design Review shall consist of more detailed non-binding discussions, based on more specific design, land planning and engineering details in addition to the features discussed during Conceptual Consultation. The Design Review phase may proceed only after identification of and notice to abutters, holders of conservation, preservation, or agricultural preservation restrictions, and the public as required by sub paragraph I (d).

The Planning Board may establish reasonable rules of procedure relating to the Design Review process, including submission requirements. At a public meeting, the board may determine that the Design Review process of an application has ended and shall inform the applicant in writing with 10 days of such determination.

The Design Review shall neither be accepted as a Subdivision Application nor be approved or disapproved by the Planning Board under this procedure. No comments made during this consultation shall bind either the applicant or the Planning Board. Statements made by the Planning Board members shall not be the basis for disqualifying said members or invalidating any action eventually taken on the application. Applicants for Design Review shall be required to submit sketches or plans, an abutter's list, or pay required fees for abutter notification.

Application Form

Application Form: Shall be upon forms supplied by the Planning Board, which are available at the Town Offices during regular business hours, or on the Town's website, <http://www.salisburynh.org/>.

Due Date for application: All information to be considered as part of an application shall be submitted according to the annual schedule approved by the Planning Board, or a minimum of thirty (30) days prior to the regular scheduled meeting, or whichever is longer, as may be amended.

Number of Copies of Plan and Other Information Required: The applicant shall submit a complete application with the appropriate fees, four (4) sets of any studies or additional documentation, including copies of deeds and proposed metes and bounds descriptions for future deeds, and six (6) sets of plans 22x34 inches in size. A copy of the reduced plan, 11x17 inches in size, shall be submitted for each abutter, each board member, and a minimum of six (6) additional copies for other town officials as may be needed.

Metes & Bounds Waiver Request: In cases where an existing lot is to be subdivided and the remainder lot following the subdivision is greater than 50 acres, a waiver of the survey requirement for the full metes & bounds description of the existing remainder lot may be considered especially if there are commensurate benefits to the Town, such as conservation easements, trail easements or similar land use benefits as deemed appropriate by the Planning Board. All other newly created lots except the existing remainder shall have a full metes & bounds survey.

Waiver Request: Any and all waiver requests must be submitted with the application. The waiver request shall specifically state what provisions of the regulations that the waiver is requested for, and include a written explanation of why the waiver should be granted.

Application Review

Public Hearing: Before considering or taking formal action upon a completed application, which has been accepted by the Planning Board, the Board shall hold a public hearing as required by the provisions of RSA 676:4, as amended, to provide an opportunity for public testimony. Notice to the general public shall be given by posting the hearing in a minimum of two public places at least ten days prior to the hearing, and publication in a paper of general circulation in the town, not counting the day of the posting or the day of the hearing. At the same, time notice shall be provided to abutters and other parties by certified mail.

Public Hearing Requirements: A public hearing shall be required for all minor and major Subdivision except those listed below. Minor Subdivisions are required to have a public hearing as the Planning Board has determined that the cumulative effect of continuous development of a minor scale, in the long run, may have an impact as substantial as a major Subdivision.

No application may be denied or approved without a public hearing, except for the following.

- 1) Lot Line Adjustments, which do not create buildable lots. However, notice to the public and abutters are required, and any abutter may be heard if such a request is made to the Planning Board at the scheduled meeting.
- 2) Disapproval of applications based on failure of the applicant to supply information required by the regulations, including abutter's identification, failure to meet reasonable deadlines established by the Board or failure to pay costs of notice or other fees required by the Board.
- 3) Lot mergers (lot consolidation), however notice to the public and abutters is required, and any abutter may be heard if such a request is made to the Planning Board at the scheduled meeting.

Abutter notification: It shall be the responsibility of the applicant when the application has five (5) or more abutters to submit preaddressed envelopes to the Town for all the abutters. The envelopes shall be business style (4x9 1/2-inches) and include completed certified mail receipts. The return address shall be left blank. An abutter shall be as defined by the RSAs.

Checklist: The Board maintains three checklists for use in preparing and reviewing the types of applications submitted to the Board: Site Plans, Lot Line Adjustments, and Major/Minor Subdivisions.

Joint Meetings: The applicant or the Planning Board may request a joint hearing with one or more land use boards in conjunction with a Subdivision hearing if approval from all boards is required for the same project per RSA 676:2 and 674:53 as may be amended.

Multiple Plan Review: If in conjunction with a Subdivision approval a Site Plan review is required, an application for Site Plan review shall be filed and shall be processed concurrently with the Subdivision.

Premature Subdivision: The Planning Board may provide against such scattered or premature Subdivision of land as would involve danger or injury to health, safety, or prosperity by reason of lack of water supply, sewage disposal, drainage, transportation, schools, fire protection, or other public services which necessitate the excessive expenditure of public funds for supply of such services (RSA 674:36, II (a)).

Lot Line Adjustment: A Lot Line Adjustment requires an application and approval in the same manner as Subdivisions, except that a public hearing shall not be required. However, notice to abutters shall be given prior to approval and any abutter may request to be heard, per RSA 676:41 (e). All applications which include a Lot Line Adjustment shall conform to the following requirements:

1. No new lots, nonconforming lots, or greater nonconforming lots shall be created.
2. The application and plats shall be signed by the owner(s) of both lots affected by the change.
3. The following details shall be shown on the plan for both lots: all existing structures, well and septic system, setback lines, stone walls and other unique features of the site.
4. The plat shall show both the old property line(s) and new line(s). The plat shall have the old lines as dashed lines and the new lines as solid lines, as indicated in the plan legend.
5. The Planning Board may waive any requirements of the Subdivision regulations, which they feel are not required.
6. Where two abutting properties are to become one, under one ownership, the property owner may draw the plan showing the property as proposed, providing that the drawing is prepared from a previous survey of the two properties, bounds of the properties still exists, or deeds of the properties are written to show bearings and dimensions.
7. The application form must state the purpose of the plan and include a description of the line(s) to be deleted.

Application Approval

Conditional Approval: The Planning Board may grant conditional approval, however the review of conditions of compliance shall be based upon RSA 676:4 (I).

Conditional approval time limit: Conditional approval granted by the Planning Board shall be valid for a period of twelve (12) months from the date of the vote granting the conditional approval. Failure on part of the applicant to satisfy all of the conditions imposed by the Planning Board as part of the conditional approval within the twelve-month period shall negate the conditional approval and shall be cause for the Board to deny the application. The applicant may apply for a single time limit extension of an additional six (6) months. A written request for a time extension shall be submitted to the Planning Board at least thirty (30) days prior to the expiration date of the original conditional approval.

Acceptance of a Completed Application: Once the Planning Board formally accepts an application as complete, the Planning Board shall have sixty-five (65) days within which to consider and act on the application, subject to extension or waiver, refer to RSA 676:4 or as may be amended.

Acceptance by Town: Approval of a plan by the Planning Board shall not constitute an acceptance by the Town of the dedication of any proposed street, highway, park or other public open space.

Disapproval of Application: An application may be disapproved by the Planning Board without a public hearing if any of the following conditions occur: failure to properly identify abutters, failure to provide information required for a complete application, failure to pay cost of notices and other costs and fees required by these regulations, or failure to meet any reasonable deadlines established by these regulations.

Failure to Take Action: Should the Planning Board fail to take action within the prescribed period defined in RSA 676:4, the applicant shall have the right to pursue an approval under the procedures outlined in RSA 676:4.

Notice of Action: The Planning Board shall provide a written notice of issuance of decisions, per RSA 676:3.

Signing of the Plan: The Chairman and any other appointed Planning Board member may sign the plan if the following are in place:

- 1) Bond or other financial securities were required; that the security has been approved by the Town Attorney and Board of Selectmen, and written documentation supporting this approval is in the file for review by the Planning Board representatives.
- 2) All conditions of approval pertaining to the plan have been satisfied.
- 3) The applicant shall submit a mylar and six (6) 22x34 inch paper copies of the complete plan set within sixty (60) days of the plan approval date.
- 4) A member of the Planning Board or designated agent of the Town shall file the final plat and deeds, as well as any documents affecting covenants, deed restrictions, and etc., with the Merrimack County Registry of Deeds, at the applicant's expense. When the plan is recorded with the Registry of Deeds the party recording should insert the plan number on the deed before recording said deeds. The applicant, owner, or authorized agent shall not file the plans or deeds at the Registry of Deeds.
- 5) The final plan and deeds set shall consist of an original or wash-off mylar, which shall be of such size, and type, which is acceptable for filing in the Merrimack County Registry of Deeds.
- 6) Every final plan application granted approval shall be deemed to be an amendment of or an addition to the Town of Salisbury Official Map and a part thereof. Approval of a final plat application shall not be deemed to constitute or effect an acceptance by the Town of the dedication of any street, open space or parks shown upon the final plat layout.

Withdrawing an application: If an applicant requests to withdraw the application, such request shall be made in writing and signed by all owner(s) or agent submitting the application. Once the Planning Board receives this information, the Planning Board shall require no further action. Any fees incurred

for mailing, advertising, professional review required or requested by the Board shall not be reimbursed. The applicant shall be responsible for expenses incurred while the application was still considered pending. Further action on this Subdivision shall not be permitted until such fees are paid in full.

Five-year exemption: Every plan approved by the Planning Board and properly recorded in the registry of deeds shall be exempt from all subsequent changes in subdivision regulations, site plan review regulations, impact fee ordinances, and zoning ordinances for five (5) years after the date of approval, according to the provisions of RSA 674:39.

SECTION V

Development Design Standards

Buildable Lot Area: The following land characteristics shall not be included in determining the buildable area of a lot:

- 1) All wetlands as defined within these regulations, State regulations, and Federal regulations with the stricter regulations applied;
- 2) Land with slopes in excess of thirty (30) percent;
- 3) Any land covered by any soils listed by the New Hampshire Water Supply and Pollution Control Division as Group 6, refer to New Hampshire DES publication Subdivision and Individual Sewage Disposal System Design Rules, or as amended;
- 4) Land subject to periodic flooding or land designated as Flood Zone; Land with bedrock rock exposed;
- 5) Areas which are subject to an easement or right of the Town, County, State or Federal Government, or any third party;
- 6) Land subject to excessive erosion;
- 7) Land subject to the NH Comprehensive Shoreland Protection Act (within 250 feet of the shoreline of the Blackwater River or Tucker Pond).
- 8) Land, which is or has been used as a dump, landfill or stump dump;
- 9) In the event that a Subdivision contains any land, soils or natural features defined as not to be included in determining the Buildable Lot Area, the Board may require that the applicant submit as part of the application, a report by an accredited New Hampshire Certified Soil Scientist who has prepared a Site-Specific Soil Map (SSS) of the subject property, developed in accordance with current State and Federal reference standards.

Character of Land for Subdivision:

- 1) Land of such character that in the judgment of the Planning Board cannot be safely used for development because of a danger to the health, safety and general welfare of the residents of the town, shall not be platted for residential, commercial or industrial Subdivision, nor for such other uses as may increase danger to life and property.
- 2) Land deemed to be unsuitable for development as determined by the Planning Board due to potential for flooding, aggravation of flood hazard, improper drainage, steep slopes, hazardous ledge rock features, and topography, utility easements, or other features, and which could be harmful to the health, safety, and general welfare of the present and future users of the development, inhabitants of the surrounding area or residents of the town, shall not be developed unless adequate methods to solve and/or mitigate the problems and hazards are approved by the Planning Board.

Easements:

- 1) Label all existing and proposed easements
- 2) State the purpose of all existing and proposed easement(s),

- 3) Identify the grantee of all existing and proposed easements,
- 4) Define each easement with a metes and bounds description.
- 5) In the plan notes, reveal details about all existing and proposed easements and indicate if any easements exist (by name) or if no easements exist.
- 6) Provide three (3) copies of all existing and proposed easements. The Planning Board may retain, at the expense of the applicant, legal counsel to review any or all easement documents.
- 7) Potential Easements may include but not be limited to:
 - a. Right of Way Easement
 - b. Drainage Easement
 - c. Grading Easement
 - d. Slope Easement
 - e. Utility Easement
 - f. Temporary Easement, such as temporary turn around
 - g. Fire Protection Easement
 - h. Trail or Pedestrian Easement
 - i. Water Easement
 - j. Septic System/Sewer Easement
 - k. Any part of the land subject to deeded rights of flowage
 - l. Other Easement (Indicate type)

Lot and Block Configuration:

- 1) Lots:
 - a. All lots shall conform to the minimum dimensional lot requirements of the Salisbury Zoning Ordinance.
 - b. The dimensions of corner lots shall be large enough to allow for erection of buildings, observing the minimum front yard setback from both streets.
 - c. All lots shall be arranged so that there will be no foreseeable difficulties, for reasons of topography or other site conditions, in securing building permits, satisfying other applicable regulations and in providing driveway access to buildings via a State or Town approved driveway permit on such lots from an improved street.
 - d. All lots shall be of sufficient size to accommodate an on-site septic system meeting all state approvals, or the lot shall be clearly identified on the plan as "Non-Buildable."
 - e. In addition to meeting a minimum lot size there shall be a minimum contiguous Buildable Lot Area on each lot, which shall equal or exceed seventy percent (70%) of the minimum lot area for the applicable district. Contiguous area shall be defined as land whose perimeter can be circumscribed without interruption by the features described under the definition of Buildable Lot Area.
 - f. A contiguous Buildable Lot Area shall be a minimum width of 50 feet at any point.
 - g. The Planning Board may require the reservation of an easement through the Subdivision to accommodate utilities, drainage facilities, pedestrian circulation, horse trails, snowmobile trails or to provide circulation or access to schools, playgrounds, or other community facilities.

Property Line Alignment:

- 1) Side lot lines shall be as close to right angles to the front street line as practicable.
- 2) Rear lot lines shall not be less than fifty (50) feet in length.

Lot Details:

- 1) The area of each lot shall be described in acres and square feet. Also, features including wetlands, steep slopes greater than 30 %, right-of-way, easements, floodplain, and others features as defined as not being included in the calculation of Buildable Lot Area, or as may be requested by the Planning Board, shall be expressed to the nearest square foot or nearest hundredth of an acre.
- 2) Proposed lots shall be numbered consecutively.

Natural Features/ Environmental Constraints:

1. Identify any and all natural features specific to the site. Show area on each lot depicting the feature and show for each lot the area in acres and square feet specific to each feature including wetlands, seasonal high water table depth, steep slopes greater than 30 %, right-of-way, easements, floodplain, and others as may be requested by the Planning Board.
 - a. The Planning Board shall review the proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
 - b. The Planning Board shall require that all proposals for development greater than 50 lots or 5 acres, whichever is the lesser, include Base Flood Elevation (BFE) data within such proposals (i.e. floodplain boundary and 100-year flood elevation).
 - c. The Planning Board shall require the applicant to submit sufficient evidence (construction drawings, grading and land treatment plans) so as to allow a determination that:
 - (i) all such proposals are consistent with the need to minimize flood damage;
 - (ii) all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage; and,
 - (iii) adequate drainage is provided so as to reduce exposure to flood hazards.
 - d. Where a watercourse such as an intermittent or perennial stream or a drainage swale separates the buildable area of a lot from the street, the installation of a culvert or other structure may be required to allow for the uninhibited flow of water through the affected watercourse. Any structures or devices constructed for such crossing shall be designed by a licensed professional engineer and approved by the Planning Board. All appropriate local, state and federal permits shall be obtained in conjunction with such proposed structures and/or improvements and approved prior to construction.
 - e. Wetlands mapping must be completed only for the proposed new lots if, in the opinion of the Planning Board, any one of the following criteria is met such as: 1.) apparent

evidence of wetland conditions, 2.) wetlands related issues are or have been raised about the site by abutters or the Conservation Commission and 3.) features of the site suggest there are wetlands including but not limited to vegetation, soil conditions, topography, local geologic conditions or any other generally accepted wetland features as defined by state or federal regulations. If there are wetlands, the plan must be prepared and stamped by a certified wetland scientist.

- f. Soil data (May be compiled from site-specific soil mapping, or may be extracted from a County Soil Survey)
- g. Area of a drainage easement crossing a lot
- h. Steep slopes greater than 30%
- i. Depth to seasonal high water table
- j. Lots subject to periodic flooding or have general wet conditions
- k. Bedrock outcrop
- l. Existing tree line and any significant trees of local or state importance
- m. Aquifer boundary (if available from town resources such as a aquifer conservation district)
- n. Agricultural resources
- o. Surface water within 100 feet of the property being subdivided
- p. Protective well radii shall be contained wholly on the lot and shall not extend beyond any property boundary, into the road right-of-way, easement areas or any other restrictive portions of the lot. The land surface within the protective well radii shall not be covered or utilized by any buildings, storage of hazardous materials, or other activities which could adversely affect the water quality of the site or surrounding properties.
- q. Other natural features identified in the Town Master Plan.

Environmental Disturbance:

- 1) Construction methods shall be practiced which minimize and cause the least disturbance to the environment. Grading and clearing shall be minimized to avoid creating undue erosion and interruption of natural drainage ways. All construction methods shall comply with NH State Alteration of Terrain, DES Wetlands Dredge and Fill and Stream Crossing standards and regulations.

Open Space and Recreation Land:

- 1) Designated Open Space in an Open Space Development under Article XX of the Salisbury Zoning Ordinance shall be retained in a natural, undisturbed state, except for those activities permitted and approved as provided in Section 10 of the Article, or as required for active management according to a conservation agreement and management plan written by a qualified natural resource professional.

Preservation of Existing Features:

- 1) Suitable steps shall be taken to preserve and protect significant existing features such as trees, scenic points, stone walls, rock outcroppings, waterbodies, historic landmarks, and other features of local, state or national significance.

- 2) All hillside Subdivisions shall be designed to minimize the disruption and reshaping of existing topographic landforms.
- 3) Existing features which would add to the value of residential, commercial or industrial development or to the town as a whole, such as trees, groves, watercourses, beaches, historic spots, vistas or similar irreplaceable assets, shall be preserved in the design of the development.

SECTION VI

General Requirements for Plans

General Items:

- 1) Abutter Information
- 2) Application Form
- 3) Authorization from owner(s)
- 4) Waiver Request Form

Basic Plan Elements:

- 1) Abutter property, map, lot, name, address
- 2) All reference plans (with recording number if any)
- 3) Benchmark with elevation noted and shown on each plan sheet
- 4) Buildable area for each lot
- 5) Deed and deed references
- 6) Error of closure statement
- 7) Legend identifying all symbols used on the plan
- 8) Locus map with scale (1 inch = 500 feet)
- 9) Match lines shown on all sheets
- 10) Municipal Boundaries (if any) defined and shown
- 11) North Arrow- magnetic north/year; true north; or Reference plan
- 12) Plan notes
- 13) Plan size 11 × 17 for each abutter and six 22 × 34 plan sets for review
- 14) Revisions block, dated and initialed, with brief description of revision made
- 15) Scale bar (no greater than 1" = 100')
- 16) Sheet numbers
- 17) Signature block for Planning Board, including statement, "The Planning Board of the Town of Salisbury approved this Subdivision on _____date, with space for signing by the Chairman and Secretary.
- 18) Stamp and signature of all professional including but not limited to the surveyor, engineer, soil scientist, wetland scientist, septic designer, and all others that may apply.
- 19) Statement of intention regarding any adjoining land owned or of interest to owner
- 20) Statement of Purpose
- 21) Zoning designation and district boundaries, may be more than one

Deed of Property: All owners listed on the deed or any other applicable legal document shall be listed on the plan and have signed the application. A copy of the deed showing ownership shall be submitted. Purchase and Sales Agreement shall not be deemed evidence of ownership or proposed ownership, and shall not be accepted by the Planning Board in lieu of the signature of the legal owner(s).

Design Professional involved in preparing the plan: Include name, firm, address, phone number, stamp and signature of all professionals. Including but not limited to surveyor, engineer, natural scientist, septic designer, architect, and others as required. Must have original stamp and signature.

Development design standards: Details showing all areas including but not limited to buildable area, buffers, easements, open space, lot configuration, reserve strips and others as identified in these regulations.

Permits and other Documentation: (as applicable to each respective application). A copy of the application submitted to the local, state or federal agency from which the permit may be issued shall be submitted with the Subdivision application. Identify on the plan all permits, which have been applied for and or will be required. Prior to any plan being recorded, if approved by the Board all permit numbers shall be identified on the plan as a note. Include the issuing agency, permit name, date permit granted, and notation if conditions are attached to the permit. A copy of all final permits issued must be submitted to the Planning Board to be included in the file. If permit is not applicable, indicate not applicable. All other documentation as required by the Planning Board, including but not limited too:

- 1) Any and all other applicable permits that may apply (please specify)
- 2) Articles of Incorporation of a homeowner's association
- 3) Conditional Use Permit by Planning Board
- 4) Condominium declaration as filed with the New Hampshire Attorney General's office
- 5) Conservation Commission comments
- 6) Deeds, deeds of easements or rights-of-way, covenants and agreements as endorsed and registered in the Merrimack County Registry of Deeds
- 7) Driveway permit (local and state, if applies)
- 8) New Hampshire DES Sewer Discharge Permit
- 9) New Hampshire DES Site Specific Approval
- 10) New Hampshire DES Subdivision Approval
- 11) New Hampshire DES Water Supply Permit
- 12) New Hampshire DES Wetlands Approval
- 13) New Hampshire DOT Driveway Permit or permit issued by an agent of the Town.
- 14) Self imposed restriction- If the owner places restrictions on any of the land contained in the development greater than those required by these regulations or the Zoning Ordinance, such restriction or reference thereto may be required to be indicated on the plan, or the Planning Board may require that restrictive covenants be recorded with the County Registry of Deeds in a form to be approved by the Town Attorney.
- 15) Special Exception from ZBA
- 16) Variance from ZBA

Surveying and Topographical Details:

- 1) Stamp and signature of licensed land surveyor preparing the plan.
- 2) Error of closure shall be a minimum of 1:28:000
- 3) Two foot contour interval shall be shown on the plan, five (5) foot contours may be shown for areas of the lot not intended to be used for building purposes, clearing of the land for a backyard whether wooded or grassed, and where no regrading of the site will be conducted. All areas within 100 feet of wetlands, floodplain and wet or seasonally wet soils shall have two foot contours.
- 4) If the datum is not NGVD of 1929, show at least one benchmark with elevation per sheet.
- 5) All monuments shall be set according to acceptable surveying practices, and shall be met at minimum the standards listed within.

- 6) Metes and bounds description of existing and proposed lots, all easements, right-of-ways, street lines, tract boundaries,
- 7) Location of all natural features including but not limited to wetlands, floodplain (100 and 500 year), soil boundaries, and other specific features of the site.
- 8) All newly constructed roads and improvement to existing road shall have monuments installed.
- 9) Monuments shall be set along all street lines and street right-of ways, on all lot corners, front, rear and the beginning and end of curve.
- 10) For wooded areas or areas where the bound is not visible, monuments shall be set a maximum distance of 500 feet apart.
- 11) Solid iron rod (min ½ inch diameter) shall be buried at least 36 inches.
- 12) Concrete, granite or stone bound which include a cap with the surveyor stamp, shall be a minimum 4 x 4-inch and shall be buried at least 24 inches.
- 13) When points fall on an existing stone wall, iron rod or stone bound may be offset and so noted on the plan.
- 14) All bounds to be vertical and soil compacted when set.
- 15) Iron pins shall be allowed as temporary property corners along new roadways being constructed but shall be replaced with stone bounds within 90 days of completion of the roadway.
- 16) Location and description of all proposed monuments (if the plan is approved a letter shall be submitted by the surveyor to the Planning Board documenting that the monuments were set as specified on the plan, and indicating the date set). No plan shall be recorded until such documentation is submitted.

Title Block Information:

- 1) Date
- 2) Name of Principal Design Consultant
- 3) Name of Subdivision
- 4) Owner(s) with deed references
- 5) Sheet Number noted
- 6) Street Location
- 7) Tax Map and Lot Number

Zoning Ordinance Requirements: shown for each lot and noted on the plan

- 1) Buffer Requirements
- 2) Frontage Requirements
- 3) Minimum contiguous area
- 4) Minimum lot size
- 5) Open space calculation
- 6) Other requirements (if applicable) such as shoreline protection
- 7) Setback Requirements
- 8) Soil details for each soil type on the lot including name and abbreviation for soil type, and what percentage of the lot is represented by this soil type
- 9) Zoning District (s)

SECTION VII
Water and Sewer Facilities
Required Improvements and Design Standards

Sewer- Septic Facilities:

- 1) In the absence of municipal sanitary sewers, all septic systems shall be designed and installed in accordance with New Hampshire Department of Environmental Services (NHDES) rules and regulations. A copy of the application materials and all supporting information, which was submitted to the State for review and approval, shall also be provided to the Planning Board. This includes but is not limited to the plan, test pit data, soil data, and other relevant information required by the state regulations. All areas unsuitable by state standards for subsurface disposal shall be shown on the plan for each lot. The state Subdivision approval number shall be noted on the plan.
- 2) All lots which are greater than five (5) acres and which do not require state Subdivision approval shall submit information and data showing the lot is capable of sustaining a septic system. The same information submitted to the State for lots five (5) or fewer acres must be submitted to the Planning Board at the time of application, test pit data, soil data and all other information that would commonly be submitted to the State for a lot less than five acres.
- 3) The name, address, signature and seal of the licensed engineer who prepared the common sewage facilities plan (if a common system is proposed).

Water Facilities and Supply:

- 1) All Subdivisions shall make adequate provision for a supply of potable water for domestic consumption.
- 2) The Planning Board shall request input from the Fire Department regarding the adequacy of fire protection provisions including but not limited to the location and need for additional sources of water, response time, and other concerns of the Fire Department.
- 3) Private Well- Each lot shall show the location of the well, protective well radius, existing and proposed land uses in the protective well radius, and other relevant characteristics. A plan showing all individual well locations or a private central system shall be submitted. The location and construction of a private well shall comply with all standards of the New Hampshire Department of Environmental Services (NHDES), and the applicable standards of the N. H. Water Well Board.
- 4) A central water system, serving two or more lots or users, shall conform and meet all standards set for community water services as established by New Hampshire DES, even though DES may not invoke jurisdiction in all cases.
- 5) If a common private water supply system is to be utilized, detailed plans similar to the details, which would be shown for a municipal water supply, shall be submitted. The plans shall show all details including, but not limited to the source of water, pumping stations and other distribution and treatment facilities details. The Planning Board may require any plans and information it deems appropriate to determine the suitability and adequacy of such water supply to serve the

proposed Subdivision. The information shall include at least the following information for review and approval by the Planning Board:

- a) Location of all proposed and existing water pipes and lines
- b) Location of all drinking water for all lots within 100 feet of the site shall be shown on the plan.
- c) Protective well radii shall be contained wholly on the lot and shall not extend beyond any property boundary, into the road right-of-way, easement areas or any other restrictive portions of the lot. The land surface within the protective well radii shall not be covered or utilized by any buildings, storage of hazardous materials, or other activities which could adversely affect the water quality of the site or surrounding properties.
- d) The name, address, signature and seal of the licensed engineer who prepared the common water distribution plan.

SECTION VIII
Fire, Police and Utilities
Required Improvements and Design Standards

Fire and Police Protection:

- 1) Prior to the construction of structures in a Subdivision, the fire protection measures for the Subdivision must be in place and operable (this does not include in-house fire suppression systems).
- 2) All Subdivision plans shall be required to address water supply needs for fire protection.
- 3) The Fire Department shall determine the type, location and spacing of any water supply provisions including fire ponds, cisterns, hydrants, and etc.
- 4) All Subdivision plans may be submitted to the Fire and Police Department for their comments. Adequate provisions shall be incorporated into the Subdivision plan to accommodate emergency access vehicles during all seasons, weather and road conditions, availability of water for fire suppression, maneuverability of emergency apparatus, acceptable response time, and any other criteria commonly considered by the Fire and Police department.
- 5) Unless otherwise required by the Fire Department the National Fire Protection Association (NFPA), standards on rural fire protection shall apply. All required plans and specifications required by the Fire Department shall be submitted as requested to the Fire Department.
- 6) The Fire Department and or the Planning Board may require emergency access easements. The width, maximum grade, signage, pavement type, intersection clearance and other related accessibility issues shall be determined by the Fire Department. A building permit shall not be issued until such easement is constructed to the specification, inspection and approval of the Fire Department.
- 7) A written emergency access and evacuation plan shall be submitted for each development proposal and shall show a means of egress for residents and emergency vehicles should another point of access be restricted.

Utilities:

- 1) All utility facilities, including but not limited to gas, electric, telephone, fiber optic, cable and fire protection may be located either above or below ground at the expense of the applicant. Plans shall include trenching details and location for such utilities.
- 2) Utilities shall not be located beneath the paved surface of any street except where necessary at intersections and for service connections. This shall not apply to major transmission facilities not intended to serve individual properties.
- 3) A utility plan page sheet shall show the following for each lot: the location of sanitary disposal systems (including septic tanks, leaching field, test pits, percolation test location), electric, gas, and telephone lines, well, and other utilities proposed for the site. Location of nearest fire protection facilities including but not limited to a pond or other water source, and any other fire protection devices approved by the fire department.
- 4) The applicant shall submit to the Planning Board a letter from the respective utility, indicating that the utility has adequate provisions to extend such utility, the installation of such utility will

be conducted according to accepted practices, and that all preparation and installation of such services shall be done within a reasonable time and without expense to the Town of Salisbury.

SECTION IX
Stormwater and Drainage Facilities
Required Improvements and Design Standards

Stormwater, Drainage, Grading, Erosion and Sedimentation Control and Plan:

A plan for stormwater, drainage, grading, erosion and sedimentation control shall be submitted for all Subdivision of four (4) or more lots and when any new road construction is planned, and shall be required for other Subdivisions including those less than four (4) lots if, in the opinion of the Planning Board there are conditions or characteristics of the site and surrounding area that warrant attention regarding these matters. Such matters may include but are not limited to the following:

- 1) Installation of fill
- 2) Alteration of the natural topography and slopes
- 3) Removal of earthen materials
- 4) Installation of underground utilities
- 5) Cumulative disturbed surface area, which exceeds 20,000 square feet.
- 6) Construction or alteration of a street, road or driveway.
- 7) Disturbed environmentally sensitive areas including but not limited to wetlands, water courses, flood plain
- 8) A state permit may be required for disturbances which affects drainage, wetlands, shoreline, or water features
- 9) Standard agricultural and timber harvesting practices are exempt from these regulations
- 10) Or when otherwise determined by the Planning Board to be warranted.

The plan shall be prepared, stamped and signed by a New Hampshire Professional Engineer. Separate detail sheets shall be provided to adequately depict the control measures and changes that are proposed.

- 1) The plan shall be prepared, stamped and signed by a New Hampshire Professional Engineer. Separate detail sheets shall be provided to adequately depict the control measures and changes, which will occur.
- 2) The importance of natural drainage patterns is recognized in the planning and development of land in the Town of Salisbury. Depending on the drainage patterns established, changing the drainage can have varying effects on and off site, including the potential to cause flood damage, detrimentally affect environmentally sensitive areas such as water dependant habitat and the destruction of wetlands, and the effectiveness of sedimentation and erosion control issues.
- 3) Storm event plans shall be prepared based on a ten (10) year event occurring in a 24 hour period, 25-year frequency for commercial and industrial uses, and 50 year frequency for flood protection areas.
- 4) Drainage structures shall be designed for a twenty-five (25) year storm. Calculations showing all pre and post drainage development analysis shall be submitted.
- 5) Potential hazard structures such as a holding pond, sedimentation ponds and etc. shall be designed to a 25-year event in a 24-hour period. In the event that pre-development runoff rates exceed post development rates, all required improvements shall be designed to accommodate a 25year storm event.

- 6) Storm drainage systems shall be designed to permit unimpeded flow of all natural watercourses and to insure adequate drainage of storm water away from and off of streets and lots.
- 7) Development shall not increase, decrease, modify or alter the normal patterns of off-site drainage, or increase the erosion and sedimentation caused during the development of the site and or the eventual development itself.
- 8) The applicant shall provide for and maintain methods that eliminate any detrimental downstream effects to other properties. Developments shall not increase the amount of erosion and sediment in surface waters or raise the water table in adjacent lots.
- 9) Lots shall be laid out to provide positive drainage away from all buildings and individual lot drainage shall be coordinated with the overall drainage plan for the development.
- 10) Drainage slopes exceeding a five (5) percent grade shall require permanent erosion control mechanisms, designed by a New Hampshire Registered Professional Engineer.
- 11) The drainage and grading plan shall include the entire area of the plan. The plan shall show the grades for the entire site and the proposed grades for all areas of proposed construction activity. The plan shall show all existing and proposed drainage facilities and all associated components, including but not limited to catch basins, riprap areas, swales, detention/retention basins and etc. The plan shall show all contributing drainage and subcatchment areas and existing and proposed stormwater flow calculations. The drainage plans shall be based on hydrological calculations from said grading plan.
- 12) If the storm water drainage system creates any additional storm water flow over other properties, the developer shall obtain easements from all owners of said downstream properties or provide appropriate detention facilities to assure existing flow quantities or velocities will not be exceeded. All documents shall be reviewed by Town Counsel and approved by the Planning Board.
- 13) Plans shall include appropriate methods to extend and or connect the proposed drainage systems to adjacent land, developed or not, and be designed to anticipate up stream development. Such systems should preserve existing natural waterbodies and watercourses.
- 14) Wherever possible, it is desirable that the drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume of flow. The applicant shall dedicate, either in fee or by drainage or conservation easement, land on both sides of existing watercourses to a distance to be determined by the Planning Board. If open channels can't be designed to effectively handle the hold, the storm water drainage system may include the development of manmade features such as culverts and other mechanisms as designed by a professional engineer.
- 15) Where a Subdivision is traversed by a watercourse, drainage way, channel or stream, the Planning Board shall require a storm water easement or drainage right-of-way of at least twenty (20) feet in width or as deemed by the Planning Board to be adequate for the purpose.
- 16) When a proposed drainage system will carry water across land outside the Subdivision, appropriate drainage rights must be secured and indicated on the plat. Where it is anticipated that the additional runoff to the development of the Subdivision will overload an existing downstream drainage facility, the Planning Board may withhold approval of the Subdivision until provisions has been made for the improvement of said potential condition. The Board may approve on-site retention or detention facilities to prevent the overloading of existing downstream facilities.

- 17) In areas containing poorly drained soils, including areas subject to fluctuating water table, the Planning Board may require that studies be prepared by a registered engineer relative to the impact of groundwater on the drainage system. Depending upon the nature and magnitude of the impacts so identified, the Planning Board may prohibit the development of those portions of the property.
- 18) Include a narrative section describing:
- a) A detailed description of the construction sequence including a schedule indicating the start and completion dates of the measures.
 - b) An earth movement schedule.
 - c) A description of temporary and permanent vegetative measures including seeding specifications plan.
 - d) A description of all structural erosion and sedimentation control devices with a detailed drawing of each.
 - e) A proposed schedule for inspections and maintenance of all site measures.
 - f) Identification of all permanent erosion and sedimentation control measures and a schedule and description for maintenance.
 - g) Calculations showing volume, peak discharge, and velocity of present and future runoff.
 - h) A note referencing that all erosion and sediment control measures meet the design standards and specifications set forth in "Erosion and Sediment Control Design Handbook for Urban and Developing Areas for New Hampshire." USDA and NHDES, 1994, as amended.

SECTION X
Streets, Driveways, Pedestrian Facilities
Required Improvements and Design Standards

Driveway Details: The location shall be shown on the Subdivision plan for all lots off an existing road, and for lots on a newly developed road. The following criteria shall pertain to the driveway location and standards.

- 1) The vertical grade of the driveway within fifty (50) feet of any intersecting street shall have a grade not exceeding two (2) percent.
- 2) The landing area at the intersection of the driveway and the road shall be a minimum of twenty (20) feet in length, and a slope not exceeding two (2) percent.
- 3) The driveway shall not interfere with drainage and shall be designed to prevent excessive drainage from the driveway onto the roadway. The driveway shall be properly graded to prevent standing water or other hazardous conditions which could interfere with safe stopping of the vehicle.
- 4) The driveway shall have a minimum width of 12 feet.
- 5) Driveways shall not be located within 150 feet of a street intersection.
- 6) The driveway location shall be selected to provide safe sight distance and shall be in accordance with the standards of the American Association of State Highway and Transportation Officials (AASHTO) or New Hampshire Department of Transportation (NHDOT) standards, the stricter shall apply.
- 7) Any driveway crossing a wetland or body of water shall have all permits required by the New Hampshire Wetlands Boards and other applicable approval.
- 8) The driveway shall be laid out to intersect the street as nearly as possible at right angles, but in no case at an angle less than sixty degrees at the right-of-way line.
- 9) Driveways shall not interrupt the natural or ditch line flow of drainage water.
- 10) In all cases the driveway shall be wide enough to accommodate emergency vehicles.

Sidewalk and Other Pedestrian Travel-ways:

The Planning Board may require sidewalks if the proposed subdivision meets any of the following conditions:

- 1) Within ¼ mile of an existing school, library, town hall, or recreation facility,
- 2) Along any street or portion of a street having a grade of more than 4 %,
- 3) Within ¼ mile of an already approved Subdivision,
- 4) Within 300 feet of any existing crosswalk,
- 5) On any portion of a street that is between two intersections in which an accident occurred or where there has been more than two (2) accidents within a one year period involving a pedestrian and motor vehicle, or a pedestrian and a bicycle,
- 6) Within 300 feet of any existing signalized intersection with a full red/yellow/green signal or blinking red/yellow intersection,
- 7) The density of the Subdivision is conducive to including sidewalks, such as a cluster design.

If the Planning Board requires sidewalks the following standards shall apply:

- 1) Sidewalks to be located along the both sides of street,
- 2) Designed to meet the Americans with Disability Act (ADA) requirements,
- 3) Designed to enhance the growth of mature vegetation and include tree plantings,
- 4) Minimum of five (5) feet wide,
- 5) Have a vegetative green strip located between the sidewalk and road, which is at least three (3) feet in width,
- 6) Sidewalks shall be paved,
- 7) Shall have proper drainage,
- 8) Subbase at least six (6) inches of four (4) inch rock size bankrun gravel and three (3) inches of 1 ½ crushed bankrun thoroughly compacted. The subbase shall be inspected and approved by the Town prior to applying the other courses,
- 9) All stones larger than four (4) inches in diameter shall be removed,
- 10) Bituminous concrete shall be laid in two (2) courses, binder and top course. Courses shall consist of two (2) inches of binder and one (1) inch of wearing course.
- 11) Concrete ways may be constructed instead of the bituminous concrete, and shall not be less than four (4) inches in thickness reinforced by 6x6-wire mesh, placed on the same base.

Street Standards and Access:

Any new road or an improvement to an existing road including but not limited to change in lane width, grade, drainage, and alignment shall comply with the following standards:

- 1) All new roads and conversions of Class VI roads to Class V roads must be paved.
- 2) Road patterns and configuration shall be given due consideration to contours and natural features. Impacting wetlands and other natural features shall be avoided as much as possible as the Planning Board may request to review alternative development designs to limit the impact on these natural features.
- 3) Roads shall be designed to be of sufficient width to accommodate existing and prospective traffic resulting from the development and to afford adequate access for school buses, town snow removal equipment, police and fire fighting apparatus and equipment to buildings.
- 4) Road shall be designed to facilitate safe vehicular movement, and interaction of pedestrians using adjacent facilities and the roadway.
- 5) The Planning Board may require a greater width of right-of-way where, in its judgment the demands of the present and proposed traffic make it desirable or where topographic, soils, or other natural or manmade conditions would create the need for the additional width for grading or safety purposes.
- 6) Continuation of existing roadways is encouraged provided that adequate means of secondary access is provided, and that the new alignment takes into consideration natural features, topography and safety.
- 7) Any proposed development on any existing or new road which includes more than fifteen (15) lots, whether approved for building purposes or not, shall have a secondary means of access approved by the Planning Board.
- 8) If an upgrade to the road will affect its functional classification the new road shall comply with NHDOT standards applicable to the functional classification.

- 9) No cul-de-sacs or dead-end roads shall be constructed any longer than 1000 feet (1000') as measured from the center line of the existing Town Class V road or State Highway that gives access to the subdivision.

Grade Standards:

- 1) Street grades shall not exceed eight (8%) percent and shall not be less than one-half (0.5%) percent.
- 2) Grades shall be relatively flat within 100 feet of an intersection.
- 3) The Planning Board may allow grades up to ten (10%) percent provided the steeper grade is necessary to minimize the environmental impact affect the maintenance and public safety concerns.

Geometric and other standards:

- 1) Right-of-way fifty (50) feet (minimum)
- 2) Width of pavement twenty-two (22) feet (minimum)
- 3) Grade 0.5% (minimum)
- 4) Grade eight (8%) percent, up to ten (10% maximum with Planning Board approval)
- 5) Intersection grade 100' of intersection one (1%) percent (maximum)
- 6) Shoulder width four (4) feet
- 7) Angle of intersection 90 degree preferred whenever practically possible but not less than 75 degrees
- 8) Intersection radii thirty (30) feet
- 9) Tangent length between reverse curves one-hundred (100) feet (minimum)
- 10) Rate of superelevation per foot .08 feet
- 11) Slope of pavement (minimum) 3/8 inch per foot
- 12) Slope of shoulder (minimum) 5/8 inch per foot
- 13) Intersection sight distance should meet –AASHTO standards
- 14) Centerline radii of curve 125 feet (maximum)
- 15) Gravel base twelve (12) inches bankrun (see details within)(minimum)
- 16) Crushed gravel base six (6) inches (minimum)
- 17) Binder layer shall be two (2) inches (compacted) ¾ "hot bituminous asphalt with a one inch top coat of 3/8" hot bituminous asphalt.
- 18) Shoulder slopes 2:1 (maximum)
- 19) Driveway width twelve (12) feet (minimum)
- 20) No structure or planting shall impair corner visibility.

Roadway Plans and Profiles:

- 1) Benchmark with elevation notes and shown per plan sheet,
- 2) Centerlines, existing and proposed, profiles shown graphically, vertical curve data, geometry shown,
- 3) Crest and sag points station and elevation,

- 4) Culvert crossings,
- 5) Drainage, existing and proposed, and utilities shown and described,
- 6) Finish grade and spot grade, two foot interval shown,
- 7) Grades, existing and proposed, shown at 50 foot stations,
- 8) Guardrail, location by station and off set with detail,
- 9) Inspection schedule associated with road construction,
- 10) Pavement markings and traffic control signage,
- 11) Pavement, edges of existing and proposed,
- 12) Right-of-way and monumentation, limits of existing and proposed,
- 13) Scale Appropriate (1"=50' Horiz/1"=5' Vert. Or 1"=40' Horiz/1"=4' Vert,
- 14) Start and Stop Stations, for Street,
- 15) Stationing corresponding to plan shown with grid,
- 16) Stationing corresponding to plan shown with grid,
- 17) Topography, two foot contour interval,
- 18) Typical details for all elements shown on the plan including but not limited to guardrail, underdrain, headwall, driveway apron, erosion and sedimentation control devices, outlet protection apron detail,
- 19) Wetlands mapping.

Construction Detail Drawings/ Sheets (as applicable)- Typical Cross Section and or Detail:

- 1) Curbing Detail
- 2) Drainage Culvert Trench Detail
- 3) Drainage Structures
- 4) Driveway Apron Detail
- 5) Erosion and Sedimentation Control Devices Detailed, Notes & Sequence
- 6) Fire Protection System Details
- 7) Guardrail Detail
- 8) Headwall Detail
- 9) Other Project Specific Construction Detail
- 10) Roadway Cross Section
- 11) Sewer or septic details
- 12) Sidewalk Detail
- 13) Stormwater Basin Detail
- 14) Swales Detail
- 15) Traffic Control Device and Pavement Marking Detail
- 16) Turf or groundcover detail
- 17) Underdrain Detail
- 18) Utility Detail
- 19) Water System Detail

Street Construction Standards: All costs for road construction including engineering, preparation, clearing, paving, testing and any other associated costs shall be borne by the developer.

- 1) Base and Wearing Course- The base course shall not be laid until the Town or its agent has inspected the subgrade. The base course shall conform to the typical sections. Base course shall be laid in layers not to exceed six inches. Gravel shall be 12 inches of clean bank run with no rocks larger than four (4) inches, and six (6) inches of 1 ½ crushed gravel. There shall be two (2) layers, one (1) inch being ¾ binder compacted and one (1) inch of 3/8 top compacted.
- 2) Clearing and Preparation of Subgrade- The entire width of the right-of-way of any new road shall be cleared and cleaned of all stumps, brush, roots, boulders, similar material and all trees not intended for preservation. Ledge occurring anywhere in the full cross-section of the roadway must be cleared to a minimum depth of twenty-four (24) inches below the finished surface. All loam, soft clay, and other yielding material shall be removed or stripped from the roadway areas to a depth of no less than twenty-four (24) inches below the finished grade and or to a depth that may be required by the Town Road Agent, Town Engineer or other duly appointed Town representative, and refilled if necessary with a subbase acceptable to the Town.
- 3) Clearing- Limits of clearing shall be marked by stakes or flagging. All clearing is to be completed before excavation is started, elevations shall be taken on the tops of sidestakes. Cuts and fills shall be marked by sidestakes.
- 4) Compaction Testing- Compaction is to be completed with the use of equipment, as deemed appropriate by the Town, to at least 95% of standard American Association of State Highway and Transportation Officials (AASHTO) handbook, or ASTM-698 standard proctor density. Testing of all areas compacted shall be conducted by an approved compaction testing service, and the results of all testing shall be documented and submitted to the Town, to be incorporated into the Town records.
- 5) Elevations- After clearing is done and before excavation is started, elevations shall be taken on the tops of sidestakes. Cuts and fills shall be marked on sidestakes.
- 6) Embankments- Embankments shall be formed of suitable material placed in successive layers of not more than twelve (12) inches in depth for the full width of the roadway cross-section and shall be compacted uniformly and sufficiently to prevent settlement. Stumps, trees, rubbish, and other unsuitable materials of substance shall not be placed in the fill. The fill shall be allowed to thoroughly settle before applying gravel.
- 7) Inspection- The subgrade, base layers, embankments, drainage facilities and all aspects associated with typical road construction shall be inspected and approved by the Town prior to advancing to the next step in the construction process.
- 8) Roadway Width- Centerlines of roadways shall coincide with centerlines of street rights-of-way and shall have the dimension shown on the typical.
- 9) Shoulders- Shoulders shall be constructed in the same manner as described above as noted on the typical cross-sections or as directed by the Engineer.
- 10) Staking and Flagging- Before any clearing of the right-of-way, the centerline of the new road staked, and side stakes shall be at 50-foot interval.
- 11) Topsoil Protection- Topsoil removed during the course of construction shall be redistributed to provide at least (4) inches of cover to all disturbed areas of the Subdivision and shall be stabilized by seeding and mulching or planting of trees or other native New Hampshire vegetation.

Road Drainage Standards:

- 1) Erosion protection ditches- The materials to be used in ditches where soil or velocity conditions warrant protection from erosion shall be shown in the drainage plan and approved by the Town Engineer.
- 2) 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 water courses, to insure adequate drainage of all low points along streets, and to intercept storm water runoff along streets at intervals reasonable related to the extent and grade of area drained. Where required, catch basin may be on both sides of the roadway on a continuous grade at intervals of approximately three hundred (300) feet. Drainage improvements shall meet the specification of AASHTO 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 Town or its agent. Storm sewer pipes and culverts shall be reinforced concrete, 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 masonry.
- 3) Underdrains- Underdrains shall be installed where the watertable is closer than thirty-six (36) inches to finish grade or when 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 Town or its agent. These underdrains shall consist of perforated metal pipe or SDR 35 plastic of minimum six (6) inches in diameter and laid in the bottom of a trench as such depth and width as may be necessary. The trench shall be filled with clean 1 ½ crushed stone or equivalent material approved by the Town.

SECTION XI

Performance Guarantees

Performance guarantees:

- 1) The Planning Board shall require that the applicant post a bond or satisfactory surety for the satisfactory construction, installation and dedication of the required improvements. The applicant shall submit an estimate prepared by a professional engineer of the proposed cost. The estimated cost shall be submitted to the Planning Board who shall have this information reviewed by the Town Engineer.
- 2) Such financial guarantee shall comply with all statutory requirements and shall be satisfactory to the Town Attorney as to form, sufficiency and manner of execution. The plan shall not be signed or recorded until the Planning Board and the Board of Selectmen approves all forms of security.
- 3) The amount of the financial guarantee shall be equal to one hundred and ten percent (110%) of the estimated cost of required improvements.
- 4) All cost borne by the town for review of estimates and legal documents shall be borne by the applicant and paid in full prior to any plans being signed and recorded.
- 5) The time stipulated by the Planning Board for completion of the required improvements shall be stated in the terms of the guarantee and shall not exceed one (1) year from the date of final approval. Upon showing of difficulty, the Planning Board may extend the completion date as set forth in such assurance for only one (1) additional year. Should the requirements not be fulfilled with the established time frame and extension period, the Planning Board may revoke the Subdivision per RSA 676:4-a (c).

Temporary improvements:

- 1) The applicant shall build and pay for all costs of temporary improvements required by the Planning Board. Prior to the construction of any temporary facility or improvement, the developer shall file with the Board of Selectmen a separate suitable financial guarantee for temporary facilities. The guarantee shall insure that the temporary facilities will be properly constructed, maintained, and removed.

Cost of Improvements:

- 1) All required improvements shall be made by the applicant, at their expense, without reimbursement by the Town, unless otherwise written and approved arrangement are made with the Planning Board and the Board of Selectmen.

Failure to complete improvement:

- 1) Failure of the applicant to make the improvements as specified in the agreements shall be ground for the Board of Selectmen to call the bond and declared the terms of the financial guarantee in default.

Renewing clause:

- 1) All financial guarantee agreements shall be reviewed by Town Counsel and the Board of Selectmen. All financial guarantee shall include a clause for an automatic renewal, and that a condition of the renewal clause be that a copy of the renewal of the financial guarantee be submitted to the town a minimum of ninety (90) days prior to the expiration of that guarantee, and be for the full amount to cover the cost of improvements.

Acceptance of dedication offers:

- 1) Acceptance of formal offers of dedication of streets, public areas, easements, and parks shall be by ordinance of the town. The approval by the Planning Board of a plan shall not be deemed to constitute or imply the acceptance by the Board of Selectmen or the Town of any street, right-of-way, easement or park shown on said plan. The Planning Board may require said plan to be endorsed with appropriate notes to this effect.

Post construction performance guarantee:

- 1) The applicant shall submit to the Town a post construction performance guarantee in the form acceptable to Town Counsel and Board of Selectmen, in the amount to be considered adequate by the Planning Board and the Town Engineer. Such guarantee shall be in effect for a period of one (1) year. The beginning date of the one-year shall be the date of the vote by the Board of Selectmen to accept the improvements as well as the post construction performance guarantee, and to specifically begin the time period. The guarantee amount shall remain unchanged for the entire one (1) year period.
- 2) The purpose of this guarantee is to provide funds to repair or reconstruct Subdivision roads that have become damaged due to latent defects or other unexpected events. The Planning Board or Board of Selectmen shall consult with the Town Engineer to determine if a repair or reconstruction procedure is required.

SECTION XII

Inspection Schedule

Inspection of improvements:

- 1) The Board of Selectmen or their designated agent shall provide for the inspection of required improvements during the construction of the development and certify their satisfactory completion. Whenever the cost of improvements is covered by a financial guarantee, the applicant and the bonding company shall be severally and jointly liable for completing the improvements according to specifications.

Inspection fee:

- 1) Whenever a proposed Subdivision will involve road construction, installation of drainage structures or other required improvements, the costs incurred by the Town in having the work inspected shall be borne by the applicant. Prior to receiving final approval of the Subdivision, the applicant shall deposit with the Treasurer of the Town a sum of two (2%) percent of the estimated cost of construction of the required improvements based on estimates submitted by the applicant and reviewed by the Town Engineer. The deposit shall be held in a special escrow account by the Treasurer for the purpose of paying the cost to make the necessary inspection, as designated by the Board of Selectmen. The unused portion shall be returned to the applicant upon the final acceptance of the improvements. If the inspection costs exceed the deposit, the applicant must pay the amount to the Treasurer prior to final acceptance of the improvements and prior to the release of any bond, letter of credit, or other financial security.

Inspection Schedule:

The Board of Selectmen or their designated agent shall provide for the inspection of required improvements during the construction stage and shall certify their satisfactory completion. Any reduction in the number of inspections must be approved by the Planning Board in consultation with the Town Engineer. The testing schedule and methods to test the materials shall be approved by the Town Engineer. The Town Engineer may require additional inspections of the improvements based on the construction method used, time of year or other variable.

During the construction stage of any new street, the developer or his agent must notify the Selectmen at least five (5) business days in advance before starting the following phases of construction:

- 1) Inspection No. 1. Layout of roadway, layout of wetlands.
- 2) Inspection No. 2. After clearing, stumping and grubbing and placement of erosion control measures, and prior to the placing of any fill materials of base gravel; inspection of any drainage facilities may occur.

- 3) Inspection No. 3. Prior to placement of fill of any utility. All utilities are to be installed prior to binder course.
- 4) Inspection No. 4. Drainage piping and buried utilities and trench backfilling.
- 5) Inspection No. 5. Subgrade and slope work.
- 6) Inspection No. 6. Gravel grade and compaction.
- 7) Inspection No. 7. Crushed gravel and compaction.
- 8) Inspection No. 8. Final ditchwork, slope work, landscaping and erosion control.
- 9) Inspection No. 9. Headwall inspection.
- 10) Inspection No. 10. Binder course.
- 11) Inspection No. 11. Wearing course.
- 12) Inspection No. 12. Remaining work.
- 13) Inspection No. 13. Final walk through. Preparation of punch list.
- 14) Inspection No. 14. Follow-up.

If, upon inspection any of the required improvements have not been constructed in accordance with the Planning Boards construction standards and specifications, the developer shall be responsible for completing the improvements. Failure to complete the improvements in a timely fashion and as required shall be reason in calling of the financial guarantee by the Town.

Any reduction in the number of inspections must be approved by the Planning Board in consultation with the Town Engineer.

Release or reduction of financial guarantee:

- 1) The financial guarantee may be reduced upon actual dedication of the improvements and only to the ratio that the improvements dedicated bears to the total improvement of the development.
- 2) In no event shall a financial guarantee be reduced below twenty-five (25%) percent of the principal amount until the entire project has been completed and accepted by the town.
- 3) Certification of satisfactory completion. The Board of Selectmen and Planning Board will not accept final dedication of required improvement, nor release a financial guarantee, until the Board of Selectmen has submitted a certificate stating that all the required improvements have been satisfactory completed and until the applicant's engineer or surveyor have submitted detailed "As Built" plans of the development, indicating locations, dimensions, materials and other information required by the Planning Board. In addition, final dedication will not be accepted until the layout of the line and grade of all public improvements and lot monuments is in accordance with the construction plans for the improvements to a tract of land and that a title has been furnished to and approved by the Planning Board stating that the improvements are ready for dedication to the Town of Salisbury and are free and clear of any and all liens and encumbrances. Upon such approval and recommendation, the Town may thereafter accept the improvements for dedication in accordance with the established procedures.

As Built Plans:

- 1) In Subdivisions requiring construction of roads or other utilities, "as built" plans shall be submitted to the Planning Board after construction has been completed and before release of

the bond or other security. Such plans shall certify that the road and or other utilities have been constructed as shown on the plans and in accordance with the conditions of approval. These plans shall be drawn to scale and shall indicate by dimensions, angles, and distances, as applicable, the location of specific detail as shown on the plan including, but not limited to swales and ditches, easements, center-line elevations, final grading and etc.

Maintenance of Improvements:

- 1) Where roadways in Subdivisions have been completed, “as built” submitted, and the Town anticipates it will accept the roadway, the Town may elect to provide winter roadway maintenance, including snow plowing, roadway sanding and salting until the road is accepted by the Town. The developer shall pay the Town a fee for this service, calculated at the rate to be determined by the Town Engineer and Road Agent. This fee is to be paid in full to the Town by November 1 of each year. Failure to pay the fee on time shall void all arrangements, obligations and responsibilities of the Town. The developer is responsible for notifying all of the property owners abutting this roadway via certified mail of the arrangements with the Town for winter road maintenance or if the arrangements are changed, altered or affected. Final road acceptance shall be when it is approved by the Selectmen.

SECTION XIII
Developments Having Regional Impacts

Development of Regional Impact: All applications shall be reviewed for the potential of regional impact.

A development shall be considered to have a regional impact if it meets any one of the following criteria:

1. Proposed Subdivisions where, within the last five (5) years or less a total of sixty (60) or more dwelling units would be constructed.
2. Proposed Subdivisions where, within the last five (5) years or less, a total of thirty thousand (30,000) square feet of commercial gross floor area, seventy thousand (70,000) square feet of office or medical gross floor area or one hundred twenty thousand (120,000) square feet of industrial gross floor area would be constructed.
3. Proposed Subdivisions and site plans where within the last five (5) years or less, a total of eight (8) or more lots or dwelling units would be constructed within one thousand (1,000) feet of a municipal boundary.
4. Proposed Subdivision where, within the last five (5) years or less than a total of four (4) or more lots or dwelling units would be constructed, that abut or involve rivers or perennial (year round) streams, which, with one half (1/2) river miles downstream, flow across a municipal boundary.
5. Proposed Subdivision and site plans where, within the last five (5) years or less, a total of four (4) or more lots or dwelling units would be constructed, that abut or involve lakes or great ponds, the high water mark of which lies within one thousand (1,000) feet of a municipal boundary.
6. Proposals before the Planning Board which may reasonably be expected to contribute substantially to air or water pollution, school enrollment, solid waste disposal, demand for water supply or wastewater treatment, street deterioration, traffic safety or otherwise substantially affect another municipality.
7. Proposals before the Planning Board which, in the sole discretion of the Planning Board, are reasonably likely to have a substantial effect on another municipality.

If a determination is made that there is a regional impact, the Planning Board shall send notice by certified mail to the affected municipalities and the Central New Hampshire Regional Planning Commission at least fourteen (14) days prior to the date of the meeting. Within seventy-two (72) hours of reaching a decision regarding the development of regional impact the Planning Board shall send by certified mail to all affected municipalities and the Central New Hampshire Regional Planning Commission copies of the minutes of the meeting at which the decision was made.

SECTION XIV ADMINISTRATIVE AND ENFORCEMENT PROVISIONS

Amendments: These regulations may be amended as provided for in RSA 675:6.

Appeals: Any person aggrieved by a decision of the Planning Board concerning a plat or Subdivision may appeal said decision to the superior court pursuant to RSA 677:15, except when a disapproval by the Planning Board is based upon non-compliance with the Zoning Ordinance, in which case an appeal can be taken to the Zoning Board of Adjustment, per RSA 676:5 (III).

Effective Date: These regulations shall take effect upon their adoption and all regulations or parts of regulations, inconsistent therewith are hereby repealed.

Enforcement: The Town of Salisbury shall dutifully enforce the provisions of these regulations.

Penalties and Fines: Any person who violates any of the provisions of these regulations, shall be subject to the civil fines as set forth in RSA 676:16-17. A separate offense shall be deemed to have occurred on each day that a violation exists or a condition prohibited hereunder shall continue to exist.

Revocation of Planning Board Approval: Failure on the part of the applicant to adhere to any conditions of approvals, construction contrary to what was approved by the Planning Board or other conditions as outlined in RSA 676:4-a(I) shall constitute grounds for the invocation of RSA 676:4-a and the revocation of the Subdivision approval.

Saving provision: These regulations shall not be construed as abating any action now pending, under, or by virtue of, prior existing regulations or as discontinuing, abating, modifying or altering any penalty accruing or about to accrue or as affecting the liability of any person, firm or corporation or as waiving any right of the town under any section of provision existing at the time of adoption of these regulations or as vacating or annulling any rights obtained by any person, firm or corporation, by lawful action of the town except as shall be expressly provided in these regulations.

Validity/ Separability: If any section or part of a section or paragraph of these regulations shall be declared invalid or unconstitutional, it shall not be held to invalidate or impair the validity, force or effect of any other section or part of a section or paragraph of these regulations.

Waivers: The requirements of these regulations may be waived or modified when, in the opinion of the Planning Board, specific circumstances surrounding the Subdivision or the condition of the land in such Subdivision, indicate that such modifications will properly carry out the purpose and intent of the Master Plan and these regulations. The petition for any waiver shall be submitted in writing by the applicant at the time when the application is filed for the consideration of the Planning Board. The petition shall state fully the grounds for the waiver and all of the facts relied upon by the petitioner.

SECTION XV

Controlled Growth

To control the growth of the Town of Salisbury, New Hampshire in a manner not to exceed the capacity for providing the expanded services to support such growth, the following restrictions are set:

- A. Building permits for new dwellings units are limited to 3% of the number of dwelling units in the Town at the start of each calendar year.
- B. Said permits will be limited to three (3) per property owner, within a calendar year. Permits shall be issues one at a time; each dwelling shall be completed before another permit is issued to the same individual.
- C. Permits shall be issued on a first come first served basis. Permits are non-transferable.
- D. Any one subdivision shall be limited to a total of 25% of permits available per year.

Refer to the Town of Salisbury, Zoning Ordinance, Article XVI, Controlled Growth, or as may be amended.

SECTION XVI

Voluntary Merger of Lots of Record

Owner(s) of two or more lots or parcels of record may apply to the Planning Board for approval of the voluntary merger of those lots or parcels pursuant to RSA 674:39-a in the following manner:

- 1. Complete the Voluntary Merger of Lots of record form.
- 2. Provide copies of deeds showing common ownership of the lots or parcels to be merged.
- 3. Provide copies of the original subdivision approval of each of the lots or parcels to be merged, where applicable.
- 4. The Planning Board may require additional information depending on the circumstances surrounding the properties to be merged.

Upon receipt of the items 1-4 the Planning Board shall review the materials presented, confirm that the lots following merger will not create any violation of current ordinances or regulations, and then approve the merger of the lots. No Public Hearing or Notice shall be required and no new survey plan shall be required.

Once the merger has been approved by the Planning Board the Voluntary Merger of Lots of Record form will be recorded by the Town with the Registry of Deeds and the lots may not thereafter be separately transferred without subdivision approval.

(June 21, 2010)