

PURPOSE

The purpose of this ordinance is to promote the development of an economically sound and stable community in a manner consistent with acceptable standards for the municipality and to provide uniform procedures and standards for observance by the Planning Board and Developers. The provisions of this ordinance shall apply to all land within the boundaries of the municipality.

SECTION I

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

SECTION II

ADMINISTRATION

- 2.01** The Planning Board of the municipality, hereinafter called the Board shall administer this ordinance.
- 2.02** Whenever any subdivision is proposed and before any contract for the sale of, or offer to sell, rent or lease, such subdivision or any part thereof shall have been negotiated, and before any permit for the erection of a structure within such subdivision shall be granted, the sub-divider or his authorized agent shall apply in writing to the Board for Preliminary and Final Approval of such subdivision.
- 2.03** Applications for approval shall be accompanied by the following fee to cover administrative and inspection costs:

	Base Fee	+	Fee
	per lot		
Major Subdivision	\$30		\$10
Minor Subdivision	\$30		\$10

The applicant shall also pay in advance any costs connected with legal newspaper notices and notifying by certified or registered mail the applicant and abutters whenever the proposed subdivision is on the agenda for consideration. (February 24 1981)

- 2.04** The Planning Board shall place on its agenda for consideration any plat submitted to it within thirty (30) days and shall act to approve or disapprove thereof within ninety (90) days; provided, that the Planning Board may apply to the Selectmen for an extension not to exceed an additional ninety (90) days before acting to approve or

disapprove otherwise such plat shall be deemed to have been approved, and the certificate of the municipality, as to date of submission of the plat for approval and the failure to take action thereon within such time, shall be issued on demand and shall be sufficient in lieu of the written endorsement or other evidence of approval herein required; provided, however, that the applicant for the Board's approval may waive the requirement and consent to an extension of such period.

- 2.05** The Town Clerk is hereby specified as the municipal officer who shall issue on behalf of the Board a certificate of failure on the part of the Board to take action on approval or disapproval of a plan submitted to it, as provided by Chapter 36, Section 23, NH-RSA.
- 2.06 Hearing** No plat shall be approved or disapproved by the Planning Board without affording a public hearing thereon. The hearing shall be held before conditional approval is given on the preliminary layout. The applicant and abutters shall be notified of said hearing by certified mail, return receipt requested stating the time and place of each hearing not less than five (5) days before the date fixed therefore. Public notice of such hearing shall be posted in at least two public places in town or in a newspaper of general circulation in the town at least five (5) days prior to said hearing. The Board shall also notify, by registered mail, return receipt requested, the applicant and abutters regarding the placement of the plat on its agenda for consideration not less than five (5) days before the date affixed therefore. (February 24, 1981)
- 2.07** In case of disapproval of any plat submitted, the grounds for such disapproval shall be adequately stated upon the records of Planning Board.
- 2.08** Within not more than 12 months after issuance of the preliminary approval the sub-divider or his authorized agent shall submit a Final Plan. The sub-divider shall record and file the approved plan with the County Registry of Deeds within 30 days of the Board's approval.
- 2.09** No plans of a subdivision of land within the municipal boundaries of the municipality shall be hereafter filed or recorded in the County Registry of Deeds until a Final Plan thereof shall have been approved by the Board in accordance with all of the requirements, design standards and specifications set forth in this ordinance, and until such approval shall have been entered on such Final Plan by a legal majority of the Board. The recording of the plat without the approval required by this ordinance is void.
- 2.10** Any person who conveys or agrees to convey any land by reference to a subdivision plan which has not been approved as required by this ordinance and recorded by the Proper Register of Deeds, shall be punished by a fine of five hundred dollars (\$500.00) for each lot conveyed or agreed to be conveyed, and the description by metes

and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties. The municipality may enjoin such transfer or sale and may recover the said penalty by civil action.

SECTION III

DEFINITIONS For the purpose of this ordinance, certain terms used herein are defined as follows:

- 3.01 Subdivision** “subdivision” means the division of a lot, tract or parcel of land into two or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale, rent, lease, condominium conveyance, or building development. It includes re-subdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided. The division of a parcel of land held in common and subsequently divided into parts among the several owners shall be deemed in subdivision. (February 24, 1981)
- 3.02 Re-subdivision** Shall mean the further division of existing subdivision or any change of the lot size thereon, or the relocation of any street or lot line in a subdivision.
- 3.03 Subdivided** An individual, firm, association, syndicate, partnership, corporation, trust or any other legal entity, or agent thereof, that undertakes the activities governed by this ordinance. The term “sub-divider” is intended to include the terms “developer” and “builder”.
- 3.04 Street** The word is used to include street, avenue, boulevard, road, alley, highway and other way; but excludes driveways serving not more than two (2) adjacent lots whether or not maintained by public authority.
- 3.05 Existing Street** A public way established by or maintained under public authority.
- 3.06 Lot** A parcel of land capable of being occupied by one principal structure or use and its accessory structures or uses and as shown and identified as such on a plat.
- 3.07 Minor subdivision** The subdivision of land into four (4) or fewer lots, with no potential for re-subdivision and requiring no new roads, utilities or other municipal improvements.
- 3.08 Abutter** “Abutter” means any person who owns land within 200 feet of the boundaries of the land under consideration. (February 24, 1981)

SECTION IV

APPLICATION PROCEDURE FOR MINOR SUBDIVISION For a minor subdivision the board may waive the filing of a preliminary review and the shortened process includes the following:

- 4.01** Final Plat: prepared by a registered land surveyor or professional engineer, including the information required in section 5.43 of these regulations.
- 4.02** Site location map which may be inserted in the final plat or submitted separately, including the information required in sections 5.03 and 5.04 of these regulations.
- 4.03** Transmittal letter, establishing date of submittal and describing intended use of lot or lots to be created in subdivision.
- 4.04** Notification of approval from appropriate agencies. This also includes approval of the Lisbon Water Department if the land in question is using the municipal water supply.
- 4.05** **The shortened processing procedure for minor subdivision does not exempt the sub-divider from the necessity of satisfying processing requirements as prescribed by state law for large subdivisions.** An abutters hearing must still be held, with prior notification to all abutters as required by RDS 36:23. Review and approval of the final plat by the Water Supply and Pollution Control Commission is still required prior to planning board approval (per RSA 149-E) and then sub-divider should file the plat with the county Register of Deeds (RSA 36:20) after receiving approval of the local planning board. Also; any access roads to any public roads must be approved by either the community or the Selectmen of Lisbon.