

TOWN OF LISBON, NEW HAMPSHIRE

SUBDIVISION REGULATIONS

Amended May 14, 2020

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SECTION I: AUTHORITY AND PURPOSE

1.01 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 RSA 674:35-36 as amended, the Lisbon Planning Board adopts the following regulations governing the subdivision of land in the Town of Lisbon.

1.02 Purpose

A. To protect and provide for the public health, safety, and general welfare of the Town.

B. To guide the future growth and development of the Town in accordance with the master plan.

C. To provide for adequate light, air and privacy; to secure safety from fire, flood and other danger; and to prevent overcrowding of the land and undue congestion of the population.

D. To protect the character and social and economic stability of the entire Town and to encourage orderly and beneficial development in all parts of the Town.

E. To protect and conserve the value of land throughout the Town and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings.

F. To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewage, schools, parks, playgrounds, recreation, and other public requirements and facilities.

G. To provide the most beneficial relationship between uses of land and buildings and the circulation of traffic throughout the Town, having particular regard to the avoidance of congestion in the streets and highways, and the pedestrian traffic movements appropriate to various uses of land and buildings, and to provide for the proper location and width of streets and building lines.

H. To establish reasonable standards of design and procedure for subdivision and re-subdivision, in order to further the orderly layout and use of land; and to insure proper legal descriptions and monumenting of subdivided land; and to insure that public facilities are available and will have a sufficient capacity to serve the proposed subdivision.

I. To prevent the pollution of air, streams, and ponds; to assure the adequacy of drainage facilities; to safeguard the water table; 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 the land.

J. To preserve the natural beauty and topography of the Town and to ensure appropriate development with regard to these natural features.

K. To provide for open spaces through the most efficient design and layout of land.

SECTION II: DEFINITIONS

For the purpose of these regulations , certain terms used herein are defined as follows:

- 2.01 Abutter:** Any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration by the Board. For purposes of receiving testimony only and not for the purpose of notification, the term “Abutter” shall include any person who is able to demonstrate that his/her land will be directly affected by the proposal under consideration. For purposes of receipt of notification by a municipality of the Board’s hearing, 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.
- 2.02 Board:** The Planning Board of the Town of Lisbon, New Hampshire.
- 2.03 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.
- 2.04 Minor subdivision:** The subdivision of land into three (3) or fewer lots, with no potential for re-subdivision and requiring no new roads, utilities or other municipal improvements.
- 2.05 Plat:** A map, plan, drawing, or chart on which a subdivision of land is shown. A final plat is the final map, plan, or drawing on which the subdivider’s plan or subdivision is presented to the Board for approval and which, if approved, will be submitted to the Registrar of Deeds for Grafton County for recording.
- 2.06 Re-subdivision:** A change in the plat of an approved or recorded subdivision or resubdivision if such change: (a) affects any street layout shown on the plat; (b) affects any area reserved thereon for public use; or (c) diminishes the size of any lot shown thereon and creates an additional building lot, if any of the lots shown thereon have been conveyed after the approval or recording of such plat.
- 2.07 Street:** Includes street, avenue, boulevard, road, alley, highway and other way, whether or not maintained by public authority; but excludes driveways serving not more than two (2) adjacent lots.

- 2.08 Subdivider:** An individual, firm, association, syndicate, partnership, corporation, trust or any other legal entity, or agent thereof, that undertakes the activities governed by these regulations. The term “subdivider” is intended to include the terms “developer” and “builder.”
- 2.09 Subdivision:** The division of a lot, tract or parcel of land into two or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale, rent, lease, condominium conveyance, 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.

SECTION 3: APPLICATION PROCEDURE

- 3.01 General Procedure:** Whenever any subdivision of land is proposed, before any construction, land clearing or building development is begun, before any permit for the erection of any building in such proposed subdivision shall be granted, before any contract or offer for sale, rent, condominium conveyance or lease of lots in the subdivision shall have been negotiated, before converting a property to condominium or time-share ownership, and before any subdivision plat may be filed in the Office of the Registrar of Deeds of Grafton County, the subdivider or authorized agent shall apply in writing to the Board on a form provided by the Board and secure approval of such proposed subdivision in accordance with these regulations.
- 3.02 Certificate by Owner:** Prior to the submission to the Board of any application material relative to a subdivision of a parcel of land under these regulations, the owner(s) will certify to the Board by letter that they are the owner(s) by deed of record and that consent for such application for subdivision has been given.
- 3.03 Pre-application Phases:** The applicant may elect to forego or engage in pre-application review (preliminary conceptual consultation and design review) or either phase thereof as provided in Section 3.04 and 3.05. Pre-application shall be separate and apart from formal consideration, and the time limits for acting under 3.08 shall not apply until a formal application is submitted under 3.07.
- 3.04 Preliminary Conceptual Consultation Phase:**
- a. The applicant may request a meeting with the Board to discuss a proposal in conceptual form and in general terms. Such pre-application consultation shall be informal and directed toward:

1. reviewing the basic concepts of the proposal,
 2. reviewing the town's subdivision regulations as they may apply to this proposal and determination of the proposal as a major or minor subdivision, and,
 3. guiding the Applicant relative to state and local requirements.
- b. Preliminary conceptual consultation shall not bind the Applicant or the Board. Such discussion may occur at a regular meeting without formal public notice as provided under Sections 3.09 and 3.10. However, no discussions beyond the conceptual and general discussion shall take place without identification of and notice to abutters and the general public as described in Section 3.10.

3.05 Design Review Phase:

- a. Prior to submission of an application for Board action, an applicant may request to meet with the Board for nonbinding discussions beyond the conceptual and general, involving more specific design and engineering details of the potential application.
- b. To appear on the agenda the applicant must notify the Board not less than fifteen (15) days prior to any regularly scheduled meeting and shall provide:
 1. Name and address of the applicant, signature of all owners, a current list of abutters and their addresses as indicated in Town records not more than five days before filing, names and addresses of all holders of conservation, preservation, or agricultural preservation restrictions, and all names and business addresses of every engineer, architect, land surveyor or soil scientist whose professional seal appears on the plans presented to the Board.
 2. A check to cover the mailing and advertising costs as stated in 3.11b.
 3. Plans for design review may be drawn in pencil or ink. Five (5) sets of plans shall be submitted. Design review plans should show substantially the same information described in Section 4.03. However, dimensions may be approximate and data may be tentative. These plans should be sufficiently clear to establish the basis of and to clarify the design requirements for the final subdivision plan.

- c. Statements made by the Board members shall not be the basis for disqualifying said members or invalidating any action eventually taken on the application.
- d. The Board shall not accept any final application materials from the applicant at this time.
- e. The Board will notify abutters and the public pursuant to RSA 676:4, I(d) as provided in Section 3.10.

3.06 Minor Subdivision:

- a. The applicant may first meet the Board for pre-application consultation of his/her proposal as discussed in Section 3.04 to determine if it is a Minor Subdivision. If it is determined to be a Minor Subdivision (as defined in Section 2.09), the applicant shall submit:
 - 1. A completed application as required in Section 4.
 - 2. Notice of Submission shall be given as provided in Section 3.10 and may be combined with the Notice of Public Hearing.
- b. The completed application for a Minor Subdivision may be submitted and approved at one or more Board meetings but no application shall be approved without the full notice of abutters and public as required under Section 3.10.

3.07 Filing and Submission of Completed Application:

- a. The completed application, as required in Section 4 (Plan Requirements) and including all information necessary for the Board to determine conformance with Section 5 (Plan Review), shall be filed with the Board's designee at least fifteen (15) days prior to a scheduled public meeting of the Board.
- b. The completeness of the application shall be reviewed by the Board's designee according to criteria in Section 4. The completed application will then be formally submitted to the Board at a public meeting after due notification to the applicant, abutters, easement holders, professionals whose seal appears on the plat, and the general public, and, if deemed complete, accepted for review by the Board. Submission to the Board will take place within 30 days of when the application is filed with the Board's designee, or at the next public meeting for which notice can be given.
- c. An incomplete application filed by the applicant will not be formally accepted by the Board.

- d. Applications shall be disapproved by the Board without public hearing on the grounds of failure of the applicant to supply information required by these regulations.
- e. Pursuant to RSA 36:56, upon receipt of an application for subdivision, the Board shall review it and determine whether or not the development, if approved, could reasonably be construed as having the potential for impact beyond the boundaries of the town. This regional impact could result from a number of factors, such as, but not limited to, the following:
 - 1. relative size or number of lots or units compared with existing stock;
 - 2. transportation networks;
 - 3. proximity to the borders of a neighboring community;
 - 4. anticipated emissions such as light, noise, smoke, odors or particles;
 - 5. proximity to aquifers or surface waters which transcend municipal boundaries; and
 - 6. shared facilities such as schools and solid waste disposal facilities.

Doubt concerning regional impact shall be resolved in a determination that the development has a potential regional impact. Upon determination that a proposed development has a potential regional impact, the Board shall afford the Regional Planning Commission and the affected municipalities the status of abutters for the limited purpose of providing notice and giving testimony. Within five (5) business days of reaching a decision that a development has regional impact, the Board shall, by certified mail, furnish the Regional Planning Commission with copies of the minutes of the meeting at which the decision was made and copies of the initial project plan and the affected municipalities with copies of the minutes of the meeting at which the decision was made. At least fourteen (14) days prior to the public hearing, the Board shall notify, by certified mail, all affected municipalities and the Regional Planning Commission of the date, time and place of the hearing and the right to testify concerning the development.

3.08 Board Action on a Completed Application:

- a. Within sixty-five (65) days of acceptance of the completed application, and after a duly noticed public hearing, the Board shall act to approve, approve with

conditions, or disapprove the application, subject to extension or waiver as provided in accordance with NH RSA 676:4.

- b. Approval of the plat shall be certified by written endorsement on the plat and signed by legal majority of the Board. The town shall transmit a copy of the plat with such approval endorsed in writing thereon to the Registry of Deeds of Grafton County. The subdivider shall be responsible for the payment of all recording fees. In the event the Board disapproves any plat submitted, the grounds for such disapproval shall be adequately stated in the records of the Planning Board and written notice given to the applicant.
- c. If the Planning Board has not taken action to approve or disapprove the completed application within sixty-five (65) days of its acceptance and has not obtained an extension or waiver, the applicant may obtain from the Selectboard an order directing the Planning Board to act within thirty (30) days. If the Planning Board does not act on the application within that thirty (30) day time period, then within forty (40) days within issuance of the order, the Selectboard shall certify on the application that the plat is approved pursuant to RSA 676:4 I (c) (1) unless during that period the Selectboard has identified in writing that the proposed subdivision does not comply with some specific provision of the subdivision regulations or Zoning Ordinance.
- d. Conditional Approval: The Board may grant conditional approval of an application, which shall become final approval without further public hearing upon certification to the Board by its designee or based upon evidence submitted by the applicant of satisfactory compliance with the conditions imposed. Final approval may occur in this manner only when the conditions are:
 - 1. minor plan changes whether or not imposed by the Board as a result of a public hearing, compliance with which is administrative and which does not involve discretionary judgment; and
 - 2. conditions which are in themselves administrative and which involve no discretionary judgment on the part of the Board; or
 - 3. conditions with regard to the applicant's possession of permits and approvals granted by the other boards or agencies, such as the N.H. Department of Transportation and N.H. Department of Environmental Services.

3.09 Public Hearing:

Prior to the approval of a subdivision, a public hearing shall be held as required by NH RSA 676:4 and notice to the applicant, abutters and the public shall be given in accordance with Section 3.10.

3.10 Notices:

- a. Notice of the design review phase or submission of a completed application shall be given by the Board to the abutters, easement holders, any professional whose seal appears on the plat, and the applicant by certified mail, mailed at least ten (10) days prior to the submission, and to the public, at the same time, by posting in at least two (2) appropriate public places in the town and publication in a newspaper of general circulation. The notice shall give the date, time and place of the Planning Board meeting at which the application will be formally submitted to the Board, and shall include a general description of the proposal which is to be considered and shall identify the applicant and the location of the proposed subdivision.
- b. For any public hearing on the completed application, the same notice as required for notice of submission of the completed application shall be given. If the notice of public hearing was included in the notice of submission or any prior notice, additional notice of the public hearing is not required. Additional notice is not required of an adjourned session of a hearing provided that the date, time and place of the adjourned session was made known at the prior meeting.

3.11 Fees:

- a. A completed application shall include all required fees, including application fees, public notices, and recording fees.
- b. All costs of notices, whether mailed, posted or published, shall be paid by the applicant. Failure to pay costs shall constitute valid grounds for the Board to terminate further consideration of the application and to disapprove the plat without a public hearing.
- c. Pursuant to NH RSA 676.4.I(g), it shall be the responsibility of the applicant, if the Board deems it necessary, to pay reasonable fees for special investigative studies, environmental assessments, legal review of documents, administrative expenses and other matters which may be required to make an informed decision on a particular application.

- d. The most recent fee schedule and application form can be obtained at the administrative offices of the Town.

SECTION 4: PLAN REQUIREMENTS

4.01 An application for approval of a subdivision shall be made to the Board in writing on the required form and signed by all owners if the applicant is not the sole owner of record.

4.02 The application must be accompanied by the names and addresses of all abutters as indicated in town records not more than five (5) days before the day of filing, names and addresses of all holders of conservation, preservation, or agricultural preservation restrictions, names and business addresses of every engineer, architect, land surveyor, or soil scientist whose professional seal appears on the plat, and payment to cover filing fees, mailing, advertising, recording and other costs as stated in Section 3.11.

4.03 The application shall be accompanied by five (5) paper copies of a subdivision plan. The plan shall be drawn at no smaller scale than 100 feet to the inch. There shall be included a location map showing the relationship of the proposed subdivision to adjacent properties and public access and drawn at no smaller scale than 500 feet to the inch.

Sheet size and margins and layout shall be in accordance with the requirements of the Grafton County Registry of Deeds and no smaller than 22" x 34".

Plans for both minor and major subdivisions shall contain the following information:

- a. Name of subdivision, owner(s), and engineer(s) or surveyor.
- b. Graphic scale, date and north point.
- c. Boundaries of tract.
- d. Existing zoning.
- e. Ownership and location of abutting properties.
- f. Acreage of land subdivided.
- g. Lot lines and dimensions.
- h. Sufficient data to determine the exact location, direction, and length of every street line, easement, lot line and boundary line and to reproduce these lines upon the ground.

- i. Lot numbers and letters in accordance with the prevailing policy on existing tax maps.
- j. Proposed use(s) of property.
- k. Location of all permanent boundary markers existing and/or proposed.
- l. The seal(s) of any New Hampshire-registered architect, surveyor, engineer, planner, or other professional person responsible for preparation of the plans presented to the Board.
- m. Location of proposed driveway(s).
- n. Application material submitted to NHDES for state subdivision approval if required.
- o. Location of proposed and existing septic systems, and wells with 75 foot radius.

In addition, plans for major subdivisions shall also contain the following information:

- p. Name, location, width, radius of curves, angles or change in direction and center line length of all existing and/or proposed streets, other public ways, building lines and easements in the subdivision. All street names shown for proposed streets located in a subdivision shall be checked against local records to assure that none are duplicates of existing names or so similar as to cause confusion.
- q. Stormwater management and erosion control plan, including location of existing stormwater infrastructure. .
- r. Location of all existing and/or proposed utilities-water, gas, electricity or other.
- s. Location of all existing and/or proposed sanitary sewers showing size, profile and cross-section; or for on-site disposal, description, plan, and location and results of soils, groundwater and percolation tests.
- t. Topography at ten foot contour intervals, unless otherwise prescribed by the Board. In addition, the location of existing natural or man-made features and soil conditions influencing the layout of the proposed subdivision shall be shown.
- u. Soil types.
- v. Wetland boundaries and regulated shoreland.
- w. Proposed public areas, if any.

- x. Designation of the location, size, planting, and landscaping of such parks, esplanades or other open spaces as may be proposed or prescribed.

4.04 In addition to the requirements above, the Board may require the subdivider to undertake studies where deemed necessary or desirable to protect the public convenience, safety, health and welfare.

SECTION 5: PLAN REVIEW

In reviewing an application for subdivision approval, the Board shall consider the following general requirements and design standards:

General

5.01 Any proposed subdivision shall be in conformity with the provisions of all pertinent State and local codes and ordinances, demonstrated by receipt of required permits and written approvals.

5.02 Long, narrow lots or lots with irregular shapes shall not generally be accepted by the Board, especially if, in the opinion of the Board, these lots will create unusable, inaccessible areas of land. Lots with a width to depth ratio greater than 1 to 4 shall not be approved unless it can be shown that no alternative is feasible. Alternatives include but are not limited to fewer lots, construction of streets or the use of conservation easements. (February 1993)

Public Facilities

5.03 The Board shall indicate to what extent, if any, a plat may be required to show open space of adequate proportions, or a park or playground suitably located for recreational purposes. The park or playgrounds shall be reasonable in size and character considering the Subdivision and shall be designated for recreational purposes.

5.04 Land designated as common areas for recreation or other public use may not be subdivided for any purpose.

5.05 As provided by RSA 674:21, if the Board determines that the proposed subdivision will adversely affect existing public facilities such as highways and drainage so as to be inadequate to meet the additional needs created by the proposed subdivision, then the applicant shall pay for such upgrading of the public facilities but only to the extent necessary to protect the public interest. If other properties would also benefit from the upgrading of such off-site public improvements, the Board shall determine the amount to be paid by the applicant, taking into consideration the character of the area, the extent that other public and private property will be benefited by the upgrading, and any other factor that the Board deems appropriate to

establish a rational connection to the needs created by the subdivision and the amount to be paid by the applicant.

Frontage and Access

5.06 Any proposed subdivision shall be so designed so that every lot has at least the minimum frontage, as specified in the Lisbon Zoning Ordinance, on: (A) a Class V (or better) highway; or (B) a road shown on a plat approved by the Planning Board.

5.07 Proposed lots must have access and frontage on a state or town-maintained road or a street constructed or upgraded according to the specifications outlined in New Hampshire Department of Transportation Minimum Geometric and Structural Guides for Local Roads and Streets, current version, and the standards contained in these Regulations and approved by the Lisbon Planning Board.

5.08 The applicant shall demonstrate that an entity (e.g. developer, landowners, or homeowners association) will be in place having the responsibility and financial substance to ensure maintenance and repair of proposed roads in a manner which provides safe access for the residents, visitors, delivery and emergency vehicles. In the case of roads which will be dedicated to the town, applicants shall submit to the Planning Board for recording a development agreement which shall contain the responsibilities of the developer and of the town, if any, during the interim period between construction and acceptance by the town. The development agreement shall meet the approval of the Selectboard. Any cost of legal review shall be paid by the applicant prior to final approval of the subdivision. Planning Board approval of a private street does not constitute any future acceptance of the roadway by the Town. State statutes on town road acceptance must be followed by the Town and the road owner/developer.

Floodprone areas

5.09 Land susceptible to flooding and land not suitable for development because of soils characteristics, which may also be hazardous to life, health or property shall not be accepted as part of a proposed subdivision but may be used, subject to approval by the Board and other pertinent authorities, for open space purposes public or otherwise. Special Flood Hazard Areas – All subdivision proposals and proposals for other developments governed by these regulations having lands identified as “Special Flood Hazard Areas” (SFHA) by the National Flood Insurance Program (NFIP), shall meet the following requirements:

- a. The Planning Board shall review the proposed developments to assure that all the 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. (1995)

- b. The Planning Board shall require that all subdivision proposals and other proposed new development greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals Base Flood Elevation (BFE) data (i.e. floodplain boundary and 100-year flood elevation).
- c. Sufficient evidence (construction drawings, grading and land treatment plans) shall be submitted so as to allow determination that:
 - 1. all such proposals are consistent with the need to minimize flood damage;
 - 2. all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage, and
 - 3. adequate drainage is provided so as to reduce exposure to flood hazards.
- d. In riverine situations, prior to the alteration or relocation of a watercourse, the applicant for such authorization shall notify the New Hampshire Civil Defense Agency, Wetlands Board, and submit copies of such notification to the Planning Board and the Federal Emergency Management Agency. Further, the applicant shall be required to submit copies of said notification to those adjacent communities as determined by the Planning Board. Within the altered or relocated portion of any watercourse, the applicant shall submit to the Planning Board certification provided by a registered professional engineer assuring that the flood carrying capacity of the watercourse has been maintained. (1986)

Site Planning

5.10 Due regard shall be given to preservation of existing features, trees, scenic points and other natural and historic resources within the subdivision. The Board may require additional tree planting and other landscaping appropriate to the area being developed. Removal of stripped topsoil or surplus materials from the subdivision area shall not be permitted unless in accord with the Zoning Ordinance. Existing trees on lots and open space land shall be preserved wherever feasible or unless otherwise directed by the Board.

Required Improvements

5.11 The following are required improvements: boundary markers, street signs, streets, sidewalks, water supply, sewage disposal and storm drainage, except where the Board may waive or vary such improvements in accordance with the provision of these regulations.

5.12 The size, type and location of public utilities, such as street lights, electricity, telephones, gas lines, fire hydrants, etc., shall be approved by the Board and installed in accordance with local practice.

5.13 Utilities shall be installed underground except as otherwise approved by the Board.

Boundary Markers

5.14 Boundary markers shall be set at all corners and angle points of the subdivision boundaries, and at all street intersections and points of curves.

5.15 With the exception of boundary markers on road frontage, boundary markers shall be 5/8" diameter metal pipe/ rod , at least two feet long located in the ground at final grade level, and indicated on the final plat. Boundary markers on road frontage shall be in concrete.

Street Signs

5.16 Streets which join or are in alignment with streets of abutting or neighboring properties shall bear the same name. Names of new streets shall not duplicate, nor bear phonetic resemblance to the names of existing streets within the municipality.

5.17 Street signs shall be furnished and installed by the subdivider. The type, size and location shall be to the approval of the Board.

Streets

5.18 All roadways shall be constructed in accordance with the standard specifications for road and bridge construction, geometric design standard for rural roads as published by the New Hampshire Department of Transportation.

5.19 The design of streets shall provide for proper continuation of streets from adjacent subdivisions and built up areas and proper projection of streets into adjacent unsubdivided and open land.

5.20 No street shall have a right-of-way width less than 50 feet regardless of other provisions in this or other regulations.

5.21 The minimum width of right-of-way shall be fifty (50) feet. A greater width may be required for arterial and collector streets.

5.22 Grades of all street shall not be less than 1% or more than 10% unless specifically approved by the Board where, in its judgment, existing topographic conditions or the preservation of natural features indicate that such modification over short distances will result in the best subdivision of land.

A maximum of one percent (1%) grade will be allowed within one hundred (100) feet of an intersection.

5.23 Streets shall intersect at right angles where possible but under no circumstances at an angle of less than 60 degrees.

5.24 "T" intersections formed on opposite sides of the same collector street shall not be closer than 200 feet center line to center line.

5.25 Street lines at intersections shall be cut back to provide for curb radii of not less than 25 feet.

5.26 Street intersections and curves shall be so designed as to permit adequate visibility for both pedestrian and vehicular traffic. Curves in general shall have a minimum center line radius of 100 feet.

5.27 A dead-end street or cul-de-sac shall not exceed 600 feet in length and shall be provided with a suitable turn around at the closed end. When a turning circle is used it shall be a minimum outside curb radius of 65 feet.

Sidewalks

5.28 Sidewalks shall be installed at the expense of the subdivider where the subdivision abuts or fronts onto a major street, and at such locations as the Board may deem necessary.

Water Supply

5.29 The subdivider shall file a bond in an amount sufficient to cover the cost of the preparation and extension of public water if available. This bond shall be approved as to the form and sureties by the legal counsel of the Town of Lisbon and condition on the completion of such improvement within five (5) years of the date of bond.

5.30 The water supply system shall be designed and installed in accordance with the standards of the New Hampshire Department of Environmental Services and Lisbon Water Department Regulations, both of which are on file with the Board.

Sewage Disposal

5.31 The subdivider shall file a bond in an amount sufficient to cover the cost of the preparation and extension of sewage line if available. This bond shall be approved as to form and sureties by the legal counsel of the Town of Lisbon and condition on the completion of such improvement within five (5) years of the date of bond.

5.32 In areas not currently served by public sewer systems, it shall be the responsibility of the subdivider to provide adequate information to prove that the area of each lot is adequate to permit the installation and operation of an individual sewage disposal system (septic tank and drainage field) in compliance with NHDES regulations. Based on soils, groundwater and percolation rate tests, the engineer shall locate the best position of each private sewerage system and shall submit a typical design for each system also done in accordance with the above State regulations.

Stormwater

5.33 The development shall be designed in a manner which will minimize and treat stormwater runoff and prevent erosion consistent with the following:

- a. All stormwater management and erosion control measures in the plan shall adhere to the "New Hampshire Stormwater Manual," current edition, published by NHDES, to the extent practicable.
- b. The smallest practical area of land should be exposed at any one time during development.
- c. When land is exposed during development, the exposure should be kept to the shortest practical period of time. Land should not be left exposed during the winter months.
- d. Where necessary, temporary vegetation and/or mulching and structural measures should be used to protect areas exposed during development.
- e. Provisions should be made to effectively accommodate the increased run-off caused by the changed soil and surface conditions during and after development.

- f. The permanent, final vegetation and structures should be installed as soon as practical in the development.
- g. The development plan should be fitted to the topography and soils so as to create the least erosion potential.
- h. Whenever feasible, natural vegetation should be retained and protected.
- i. The applicant shall bear final responsibility for the installation, construction, and establishment of provisions for ongoing maintenance of all stormwater and erosion control measures required by the Planning Board. Final approval will not be granted until the plan and a mechanism for ensuring ongoing maintenance are approved by the Planning Board.
- j. Flow volume, velocity, and pollutant loading, including but not limited to sediments, total suspended solids (TSS), phosphorus, nitrogen, metals, pathogens, dissolved substances, floatable debris, and oil and other petroleum products. shall not be higher at the property line post- development when compared with pre-development conditions.
- k. Where a subdivision is traversed by a watercourse, drainage way or future stormwater sewer line, there shall be provided an easement of drainage right-of-way within such subdivision and over the property of owners abutting upon it of such nature, width and locations the Board deems adequate.

SECTION 6: FINAL PLAN APPROVAL

6.01 Prior to final plan approval, certification shall be provided from authorized local public officials and/or state agencies that the design of sewer and drainage facilities, streets, and utilities in the proposed subdivision conform to the regulations of all the pertinent state and local codes and ordinances. The cost of certification and/or inspection shall be borne by the subdivider.

6.02 Where applicable to a specific subdivision, the following are required, in a form as approved by the Town Attorney, prior to final approval of a subdivision plan:

- a. Agreement to convey to the Town land to be used for streets and other public purposes, with transfer of title to such interests to be effective on such date as the Town accepts such land;
- b. Easements and rights-of-way over property to remain in private ownership;

- c. Rights to drain onto or across other property, whether public or private, including a street.

The approval of a final plan by the Board shall not be deemed an acceptance by the Town of the dedication of any street or other public way or grounds.

6.03 The approval of a final plan shall be attested on two original mylars and three paper copies by the signatures of a legal majority of the members of the Board.

6.04 The town shall record and file one signed mylar of the Final Plan with the County Registry of Deeds within thirty days of its final approval by the Board.

SECTION 7: PERFORMANCE GUARANTEE

In lieu of completion of construction of improvements prior to recording of the final plat, the Planning Board shall allow the subdivider to post a performance guarantee in an amount sufficient to defray the costs of construction of streets; sidewalks; the extension of water and sewer drains; stormwater management infrastructure; erosion control and other improvements of a public utility nature. The amount of the guarantee shall be based on an estimate of costs provided by the subdivider and, at the discretion of the Planning Board, reviewed by a registered/licensed engineer. The cost of such a review shall be borne by the subdivider.

- a. This performance guarantee shall be approved as to form and sureties by the Selectboard and the Planning Board's Counsel and conditioned on the completion of such improvements within two (2) years of the date of the guarantee, or as described in a Performance Agreement and may be:
 - 1. A surety bond, issued by a surety company authorized to do business in the State of New Hampshire, to be filed with the Board in form and amount satisfactory to it; or
 - 2. Cash or savings bank book properly endorsed to the Town in an amount to be determined by the Board, and to be deposited with it;
 - 3. An irrevocable letter of credit; or
 - 4. Other security acceptable to the Board.
- b. Where electric lines or other utilities are to be installed by a corporation, municipal department, or public utility, a letter of intent shall be required stating that the work will be done in reasonable time and without expense to the town.

- c. Each approved plat shall contain a time limit for the completion of streets and public improvements.
- d. The performance guarantee shall be released in phases as portions of the secured improvements or installations are completed and approved by the Planning Board, or their designee, in accordance with the plan approved by the Board.
- e. The Board may recommend a maximum extension of twelve months to the guaranteed performance period when the subdivider can demonstrate, to the satisfaction of the Board and other interested officials or agencies, good cause for such extension. Such recommendation for extension shall be referred to the Selectboard for official action.

SECTION 8: INSPECTION OF WORK

8.01 Where so required by the Board, prior to the approval endorsement of the Board on the final plat, the subdivider shall pay the town an amount of money estimated by the Board to fully compensate the town for all inspections and testing charges deemed necessary by the Board relating to such improvements required as conditions of approval. All inspection and testing shall conform in quality and quantity to accepted engineering and construction practices.

8.02 All work necessary for the construction of required improvements shall conform to the requirements of these regulations. Such work shall be performed in a good and workmanlike manner, and shall be free from faults and defects. All materials incorporated in such construction shall conform to the requirements of these regulations and shall be of good quality. Any work or materials not conforming to the foregoing standards may be considered defective and rejected by the Board. All work and materials rejected by the Board as defective shall be removed and corrected by the subdivider.

8.03 The Board and its designee shall at all times have access to the site when the work is in preparation and progress. The Board will make periodic visits to the site to review the progress and quality of the work and to determine, in general, if the work is proceeding in accordance with the requirements of these regulations. The subdivider shall provide the Board timely notice of the completion of each major stage in the construction of any required improvement.

8.04 The subdivider shall give the Board notice when any required improvement is completed and ready for final inspection. The Board will promptly make such inspection and, upon determining that the improvement has been fully completed in accordance with these regulations, shall approve the same in writing. Such approval, in the case of a street, shall not

constitute the legal acceptance of the street by the town, nor shall it modify in any way the requirements of law for the acceptance of streets by the town.

8.05 The subdivider shall promptly remedy any defects in any required improvement due to faulty workmanship or materials which appear within one year after approval thereof by the Board.

8.06 Notwithstanding the on-site observations and inspections of the Board, any written directions given by him/her, and any approvals of required improvements issued by him/her, the subdivider shall be, and remain, fully responsible for the performance of the construction work in accordance with the requirements of these regulations.

SECTION 9: WAIVERS

The requirements of the foregoing regulations may be waived when, in the opinion of the Board, strict conformity to the regulations would pose an unnecessary hardship to the applicant and a waiver will not be contrary to the spirit and intent of these regulations; or specific circumstances relative to the subdivision, or conditions of the land in such subdivision, indicate that the waiver will properly carry out the spirit and intent of the regulations. The basis for any waiver granted by the Planning Board shall be recorded in the minutes of the Board. The Planning Board may set higher requirements with respect to any of the standards if conditions in the opinion of the Board warrant such action in order to prevent a specifically-identified hazard to the public health, safety or welfare.

SECTION 10: ENFORCEMENT

These regulations shall be considered to be a part of each approved subdivision. These regulations shall be enforced by the Selectboard. The Selectboard shall undertake such enforcement in a manner similar to that of enforcing the Zoning Ordinances, including the delegation of prosecution of specific enforcement actions to such other qualified individuals as may be appropriate from time to time.

If the Planning Board comes to possess any evidence that these regulations (or any ongoing conditions of a subdivision approval) are being violated, the Planning Board shall forward such evidence to the Selectboard for consideration for enforcement.

SECTION 11: PENALTIES

As provided in NH RSA 676:16, et seq. any owner, or agent of the owner, of any land within a subdivision, who transfers or sells any land before a plat of said subdivision has been approved by the Board and recorded in the Office of the Registrar of Deeds of Grafton County shall forfeit and pay a penalty of one thousand dollars (\$1000) for each lot or parcel so transferred or sold;

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. Further, any and all other penalties available to the appropriate enforcement official per RSA 676:15-18 as amended are hereby incorporated into these regulations by reference.

SECTION 12: CONFLICT WITH OTHER ORDINANCES

In any case where a provision of this ordinance is found to be in conflict with a provision of any other ordinance or code of the municipality existing on the effective date of this ordinance, the provision which establishes the higher standard for the promotion and protection of health and safety shall prevail.

SECTION 13: SEVERABILITY

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

SECTION 14: APPEALS

An appeal may be taken from the decision of the Planning Board to the Superior Court as provided in RSA 677:15.

SECTION 15: AMENDMENTS

These regulations may be amended or rescinded by the Board but only following public hearing on the proposed change. The chairman or secretary of the Board shall transmit a record of any changes to the Register of Deeds of Grafton County.