

RULES AND REGULATIONS TO CONTROL SUBDIVISIONS

Adopted August 11, 1992
Amended May 11, 1993
Amended March 17, 2007

SECTION I: AUTHORITY AND PURPOSE

Pursuant to the authority vested in the Jaffrey Planning Board by the legislative body of the Town of Jaffrey and in accordance with the provisions of RSA 674:35 of the New Hampshire Revised Statutes Annotated, as amended, the Jaffrey Planning Board adopts the following regulations effective September 10, 1973, and as amended, governing the subdivision of land in the Town of Jaffrey New Hampshire. These regulations are designed to accomplish the purposes set forth in RSA 674:36 and for the purposes of protecting the health, safety, convenience, and economic and general welfare of our citizens.

SECTION II: DEFINITIONS

(A) "Abutter" shall mean:

- (1) 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 local land use board; and
- (2) affected municipalities and the regional planning commission(s) in the event of developments having regional impact.
- (3) For purposes of receiving testimony only and not for purposes of notification, the term "abutter" shall include any person who is able to demonstrate that his land will be directly affected by the proposal under consideration.
- (4) For purposes of receipt of notification by a municipality of a local land use board 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.

(B) "Agent" shall mean a person duly authorized by the landowner to act in his or her stead, demonstrated by a signed letter from the landowner to the Planning Board.

(C) "Annexation" shall mean the sale, transfer, or other conveyance that involves merely an exchange of land among adjacent landowners and that does not increase the number of parcels, lots, or owners, and on which no sewerage disposal system is proposed to be constructed.

(D) "Applicant" shall mean the owner of record of the land to be subdivided.

(E) "Application (Submitted)" shall mean information submitted by an applicant to the Planning Board that may or may not be complete enough to warrant acceptance by the Board.

(F) "Application (Completed)" shall mean the application form and all supporting documents, as specified in these regulations, that contain all the information the Planning Board needs to

review a subdivision proposal and make an informed decision. All fees and administrative expenses, as indicated in these regulations, must be included.

- (G) “Application (Accepted)” shall mean an application that has been accepted by a majority vote of the members at a regular Planning Board meeting.
- (H) “Approval” shall mean recognition by the Planning Board, certified by written endorsement on the plat, that the plat meets the requirements of these regulations and, in the judgment of the Board, satisfies all criteria of good planning and design.
- (I) “Approval (Conditional)” shall mean recognition by the Planning Board, certified by written endorsement on the plat, that the plat is not finally approved nor ready for filing with the Registry of Deeds until such time as certain conditions are met.
- (J) “Board” shall mean the Planning Board of Jaffrey.
- (K) “Condominium” shall mean a building, group of buildings, or any land in which units are owned individually and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis. Condominiums shall be considered a subdivision under the requirements of RSA 356-B and reviewed accordingly.
- (L) “Engineer” shall mean the Public Works Director of the Town of Jaffrey or a consultant assigned by the Board.
- (M) “Licensed Land Surveyor” shall mean a person who engages in the practice of land surveying and is licensed by the State of New Hampshire under RSA 310-A:53.
- (N) “Lot” shall mean a parcel of land capable of being occupied by one principal use that is of sufficient size to meet the minimum requirements for use, building coverage, and area.
- (O) “Lot Line Adjustment” shall mean the exchange of abutting land that does not increase the number of lots. A lot line adjustment is considered to be the same as a technical subdivision.
- (P) “Plat” shall mean the map, drawing, or chart on which the plan of subdivision is presented to the Jaffrey Planning Board for approval and that, if approved, will be submitted to the Registry of Deeds of Cheshire County for recording.
- (Q) “Preapplication Review” shall mean the two optional steps (Conceptual Consultation and Design Review) that an applicant may follow prior to filing a completed application.
- (R) “Public Hearing” shall mean a meeting, notice of which must be given per RSAs 675:7 and 676:4,I(d), at which the public is allowed to participate.
- (S) “Public Meeting” shall mean the regular business meeting of the Planning Board as required per RSA 676:10. 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 option of the Board.
- (T) “Street” shall mean a publicly approved road maintained for vehicular travel, a class VI road, or a private road, either of which appears on a subdivision plat approved by the Planning Board or is existing. (Amended 9/12/95)

- (U) "Subdivision" shall mean the division of the lot, tract, or parcel of land into two (2) or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale, rent, lease, condominium conveyance, or building development. It includes resubdivision 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 several owners shall be deemed a subdivision.
- (V) "Subdivision (Major)" shall mean a subdivision of four (4) or more lots or one that involves the creation of new streets and/or utilities.
- (W) "Subdivision (Minor)" shall mean a subdivision of land into not more than three (3) lots for building development purposes.
- (X) "Subdivision (Technical)" shall mean a boundary or lot line adjustment that does not create a buildable lot or any increased potential for further subdivision.

SECTION III: GENERAL PROVISIONS (Amended 2004)

- (A) Land of such character that it cannot, in the judgment of the Board, be safely used for building development purposes because of exceptional danger to health or peril from fire, flood, poor drainage, excessive slope, or other hazardous conditions, shall not be platted for residential, commercial, or industrial subdivision nor for such other uses as may increase danger to life or property or aggravate the flood hazard.
- (B) The 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 the lack of water supply, sewage disposal, drainage, transportation, schools, fire protection, or other public services that necessitate the excessive expenditure of public funds for the supply of such services. The Planning Board may require as a condition of approval for a subdivision or site plan that development shall be so designed and so executed as to preclude runoff onto public or private ways or adjacent properties to include wetlands. In this connection, the Planning Board recommends that new development or changes to existing development adhere to the best management practices as published in the NH Department of Environmental Services booklet "Nonpoint Source Pollution" dated January 2004.
- (C) The Planning Board shall consider the following for acceptance of a subdivision.
- Blend harmoniously with the surrounding neighborhood.
 - Be environmentally sensitive.
 - Protect existing and potential water sources.
 - Preserve, wherever possible, scenic open space, particularly that visible from the public way.
 - Provisions for landscaping and/or visual buffers between the area to be developed and the street(s) to which the subdivision has access.
- (Amended 2002, 2007)
- (D) Reserve strips that, in the opinion of the Board, show an intent on the part of the subdivider to control access to land dedicated or to be dedicated to public use shall not be permitted.

- (E) In areas not currently served by public sewer systems, it shall be the responsibility of the subdivider or his agent to provide the necessary state approvals for the installation and operation of an individual sewage disposal system. In subdividing parcels with existing dwellings, the subdivider must demonstrate to the satisfaction of the Board that the existing septic system is in good working order.
- (F) Areas set aside for parks and playgrounds to be dedicated or reserved for the common use of all property owners shall be of reasonable size and character for neighborhood playgrounds or other recreational uses.
- (G) All water and sewer mains shall be installed at the extreme sides of proposed streets, to the extent possible and to the required specifications of the Jaffrey Public Works Department. In subdividing parcels with existing dwellings, the subdivider must demonstrate to the satisfaction of the Board that the existing septic system is in good working order. (Amended 5/11/93)
- (H) No more than two lots suitable for building may be served by any one driveway. (Amended 5/11/93)
- (I) Specifications pertaining to driveways are found in Appendix D to these regulations. Per paragraph V, RSA 236:13, these specifications pertain to all driveways in the Town of Jaffrey other than those entering onto a Class I, II, or III highway.
- (J) For reasons of public safety the Planning Board may require that the applicant furnish an easement enforceable by the Town of Jaffrey to control present or future vegetation which might impinge on sight distances on public or private roads.

SECTION IV: SUBDIVISION PROCEDURES

- (A) Preliminary Conceptual Consultation (Amended 2007)
 - (1) This phase is optional for minor subdivisions, but required for major subdivisions (as provided in RSA 674:35 Section I). The applicant for a minor subdivision may request a meeting with the Planning Board to discuss a proposal in conceptual form and in general terms. The applicant for a major subdivision must request a meeting with the Planning Board to discuss a proposal in conceptual form and in general terms. The Planning Board strongly suggests that all applicants avail themselves of the opportunity to resolve at this early stage any issues that might become a problem later on. Such preliminary review is directed toward reviewing the basic concepts of the proposal with regard to the Master Plan, Land Use Ordinances, state and local regulations, and a review of checklist items for required submission items.
 - (2) Preliminary conceptual consultation shall not bind the applicant or the Board. Such discussion may occur without formal public notice but must occur only at a posted meeting of the Board.
- (B) Design Review Phase (OPTIONAL)
 - (1) Prior to submission of an application for Board action, an applicant may request to meet with the Board or its designee for nonbinding discussions beyond the conceptual and

general stage involving more specific design and engineering details of the potential application.

- (2) The design review phase may proceed only after identification of and notice to abutters and the general public as required by RSA 676:4,I(d).
- (3) Persons wishing to engage in pre-application design review shall submit a "Request for Pre-application Review" and associated fees not less than 21 days before the regularly scheduled meeting of the Board. The request shall include:
 - (a) List of abutters and their addresses from municipal records not more than five (5) days before submission.
 - (b) A check to cover mailing and advertising costs.
- (4) Statements made by Board members shall not be the basis for disqualifying said members or invalidating any action eventually taken on the application.

(C) Completed Application (REQUIRED)

- (1) Application forms and a subdivision checklist are available from the Planning Board Clerk at the Jaffrey Town Offices during regular business hours. Upon completion of all submission requirements, the applicant shall return the materials to the Planning Board Clerk no later than 21 days before the next regularly scheduled Board meeting.
- (2) All plans will be reviewed for completeness by the Building Inspector or other designated agent of the Planning Board. If the plan is incomplete, the applicant will need to schedule a meeting at which he or she will be advised what information is needed to constitute a complete application. An incomplete application will not be submitted to the Board.
- (3) Upon determination that the application is complete, the Building Inspector or other agent shall inform the Clerk in writing that the application is ready for submission to the Board. A copy shall be sent to the applicant.
- (4) Submission and acceptance of an application shall only occur at a regular meeting of the Planning Board after due notification has been given according to RSA 676:4,I(d).

Acceptance will be by affirmative vote of a majority of the Board members present.

- (5) When a completed application has been accepted by the Board, the Board shall provide a receipt to the applicant indicating the date of acceptance, which is the start of the 65-day review. (Amended (2001))

(D) Board Action on Completed Application

- (1) The Board shall begin consideration of the accepted application within 30 days of its submission. The Board shall act to approve, conditionally approve, or disapprove the accepted application within 65 days of submission. (Amended 2001)

- (2) The Board may apply to the Selectmen for an extension not to exceed an additional 90 days before acting to approve, conditionally approve, or disapprove an application. An applicant may waive the requirement for Board action within the time periods specified in these regulations and consent to such extension as may be mutually agreeable. (RSA 676:4,I[f])
- (3) Approval of the application shall be certified by written endorsement on the plat and signed and dated by the Chairman of the Board. The Planning Board Clerk is responsible for the filing of the approved plat with the Registry of Deeds of Cheshire County. The applicant shall submit a check made out to the Town for payment of the recording fees. Any subdivision plan not filed within 90 days of approval shall be considered void.
- (4) If any application is disapproved, the grounds for such disapproval shall be adequately stated in the records of the Planning Board and in written notice given to the applicant within 144 hours of the decision. (Amended 2001)

(E) Expedited Review

- (1) The Planning Board may allow for an expedited review of applications for lot line adjustments or minor subdivisions, as defined in Section II of these regulations.
- (2) The completed application may be submitted, accepted, and voted on at the same meeting, but no application shall be approved or disapproved without full notice to abutters and the public.
- (3) A public hearing may be waived for lot line adjustments. Minor subdivisions require public hearing only if requested by either the applicant or abutter(s) or if the Planning Board elects to hold a hearing.
- (4) The Board may waive certain plat requirements for minor and technical subdivisions. The Building Inspector, in his completeness review, may recommend to the Board in writing certain submission items to be waived. The Board reserves the final judgment in this matter.

(F) Failure of the Planning Board to Act

In the event that the Planning Board does not act on an accepted application within the prescribed 65 days, the applicant may petition the Selectmen to issue an order directing the Planning Board to act within 30 days. If the Planning Board fails to act within 40 days of this directive, the Selectmen must approve the application unless they find in writing that the plan does not comply with a local regulation. In the event the Selectmen fail to act, the applicant may petition superior court to approve the plan. (Amended 2001)

(G) Conditional Approval

The Board may grant conditional approval of an application, but the plat will not be signed or recorded until all of the conditions have been met. If the applicant has not complied with the conditions of approval within one year, the approval is considered null and void and the applicant must submit a new subdivision application. A further public hearing is not required when such conditions:

- (1) are administrative in nature;
- (2) involve no discretionary judgment on the part of the Board; or
- (3) involve the applicant's possession of permits and approvals granted by other boards or agencies (*e.g.*, Department of Transportation, Wetlands Board, Water Supply and Pollution Control Division); however, any subsequent change to the plan required by such approvals would constitute grounds for a new application process.

(H) Public Hearing

Prior to the approval of a major subdivision, a public hearing shall be held as required by RSA 676:4, I, (d) with notice given to the applicant, abutters, and all engineers, architects, land surveyors, or soil scientists whose professional seal appears on the plat submitted, and the public. Public hearings may be waived for lot line adjustments. Minor or technical subdivisions do not require a public hearing, except that notice to abutters shall be given prior to approval of the application. If a public hearing is to be held, it shall follow the procedures as outlined in RSA 676: 4, I, (d).

(I) Notices

- (1) Notice of a design review or submission of a completed application shall be given by the Board to the abutters and the applicant by certified mail, mailed at least ten (10) days prior to the hearing.
- (2) The public will be given notice at the same time by posting in the Town Offices and the Post Office and publication in the *Monadnock Ledger* or the *Peterborough Transcript*.
- (3) The notice shall give the date, time, and place of the Planning Board meeting at which the application or other item(s) will be formally submitted to the Board; it shall include a general description of the proposal that is to be considered and shall identify the applicant and the location of the proposal.
- (4) If the notice for the 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.

(J) Developments Having Regional Impact

All applications shall be reviewed for potential regional impacts according to a determination of the Board. Upon such a finding, the Board shall furnish the regional planning commission and the affected municipalities with copies of the minutes of the meeting at which the determination was made. The copies shall be sent by certified mail within 144 hours of the meeting. (Amended 2001)

At least 14 days prior to the scheduled public hearing, the Board shall notify by certified mail the regional planning commission and the affected municipalities of the date, time, and place of the hearing and of their right to appear as abutters to offer testimony concerning the proposal.

SECTION V: FEES

- (A) All applications shall be accompanied by a check to reimburse the Board for its administrative and notification costs involved in processing applications. The following fee schedule is in effect:

(1) Design Review Phase:	\$25 plus \$3.50 per abutter
(2) Lot Line Adjustment/Technical Subdivision:	\$50 plus \$3.50 per abutter
(3) Minor or Major Subdivision:	\$100 first lot / \$25.00 each additional lot plus \$3.50 per abutter

The applicant must also be notified of the proposal by certified mail at a cost of \$3.50 in addition to the abovementioned fees.

- (B) All costs of notices, whether mailed, posted, or published, shall be paid in advance by the applicant. Failure to pay costs shall constitute valid grounds for the Board to not accept the application as complete.
- (C) Pursuant to 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 that may be required to make an informed decision on a particular application. Failure to pay such costs shall constitute valid grounds for the Board to terminate further consideration of the application and to disapprove the plat without a public hearing.

SECTION VI: PERFORMANCE GUARANTEE

As a condition of approval, the Planning Board shall require the posting of a performance guarantee in an amount sufficient to defray the costs of construction of streets and public utilities (*e.g.*, water and sewer drains and drainage structures). The amount of the security shall be based on an estimate of costs provided by the subdivider and, at the discretion of the Planning Board, reviewed by a licensed engineer. All costs shall be paid by the applicant.

- (A) The security shall be approved as to form and sureties by the Board and the municipal counsel.
- (B) The amount of the security shall include fees to cover the cost of periodic inspections.
- (C) 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.
- (D) Each approved plat shall contain a time limit for the completion of streets and public improvements.

- (E) The performance guarantee shall be released in phases as portions of the secured improvements or installations are completed and approved by the Board or its designee in accordance with the plan approved by the Board.

SECTION VII: COMPLETED APPLICATION

A completed application shall consist of the following submission items unless a written waiver to the applicant has been granted by the Board:

- (A) A completed application form accompanied by:
- (1) names and addresses of all abutters taken from the Town records not more than five days before the filing; and
 - (2) names and addresses of every engineer, architect, land surveyor, or soil scientist whose professional seal appears on the plat submitted; and
 - (3) payment to cover filing and notification fees.
- (B) Four copies of the plat, prepared at any scale between 1"=20' and 1"=400'. The outside dimensions of the mylar shall be 17 x 22 inches, or 22 x 34 inches, except as may be otherwise specified by the Cheshire County Registry of Deeds. The plat shall show the following information:
- (1) Proposed subdivision name or identifying title; name and address of the applicant and of the owner, if other than the applicant.
 - (2) North arrow, scale, date of the plan; name, license number and seal of the surveyor; signature block for Planning Board endorsement.
 - (3) Locus plan showing general location of the total tract within the town and the zoning district(s).
 - (4) Boundary survey including bearings, distances, and the location of permanent markers. The survey shall be conducted according to the standards outlined by the New Hampshire Land Surveyors Association (*see Appendix A*).
 - (5) Names of all abutting subdivisions, streets, easements, building lines, parks and public places, and similar facts regarding abutting properties.
 - (6) Location and profiles with elevations of existing and proposed water mains, sewers, culverts, drains, and proposed connections or alternative means of providing water supply and disposal of sewage and surface drainage.
 - (7) Existing and proposed easements, rights-of-way, driveways and buildings or other structures.
 - (8) Location of property lines, including entire undivided lot, lot areas in square feet and acres, frontage on public rights-of-way, and building setback lines. Each lot shall be numbered according to the Jaffrey tax map numbering system.

- (9) Water courses, ponds, standing water, rock ledges, stonewalls, and other natural features; existing and proposed foliage lines; and open space to be preserved.
- (10) Existing and proposed streets with names, classification, travel surface widths, and right-of-way widths.
- (11) Final road profiles, center line stationing, and cross-sections.
- (12) Existing and proposed topographic contours at two feet intervals based upon the United States Geological Survey (USGS) topographical data. For all major subdivisions, including Open Space Developments, a bench mark to be located in an area not likely to be disturbed during construction. (Amended 2003)
- (13) Soil data based on Cheshire County Soil Survey, including wetland delineation and flood hazard areas.
- (14) Location of percolation tests and test results; location of 75-foot well radius and 4,000 square-foot septic area.

(C) Other Information

- (1) Plan for the control of sedimentation and erosion.
- (2) State septic design approval or copy of application or certification by septic designer. (Amended 5/11/93)
- (3) State highway/Town driveway permit, as applicable.
- (4) Any deed restrictions and all deeds covering land to be used for public purposes, easements, and rights-of-way over property to remain in private ownership and rights of drainage across private property are submitted in a form satisfactory to the Board's counsel.
- (5) Any additional reports or studies deemed necessary by the Board to make an informed decision, including but not limited to traffic, school, fiscal, and environmental impact analyses. The Board reserves the right to request such information after an application has been accepted as complete as well as before acceptance.

(D) Subdivision "As Built" Plans

Supplemental information may be required by the Planning Board to update the final plat to reflect "as built" conditions and details. The subdivider shall submit an "as built" plan that shall be drawn to scale and shall indicate by dimensions, angles, and distances, as applicable to the location of wells, sewers, drains, Y-branches, manholes, catch basins, hydrants, valves, curb shut-offs, road profiles, and center line elevations, and final grading plan showing swales and ditches. The plan shall show easements and dedicated roadways. A security bond may be required to guarantee performance of subdivider's obligations as described herein. "As built" plans shall be submitted by the subdivider to the town on a mylar.

(E) Special Flood Hazard Areas (Amended March 2006)

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.

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). The Planning Board shall require the applicant to submit sufficient evidence (construction drawings, grading, and land treatment plans) 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.

SECTION VIII: ADMINISTRATION AND ENFORCEMENT

(A) These regulations shall be administered by the Planning Board. The enforcement of these regulations is vested with the Selectmen.

(B) Modifications

The requirements of the foregoing regulations may be modified when, in the opinion of the Board, specific circumstances surrounding subdivision or condition of the land in such subdivision indicates that such modifications will properly carry out the purpose and intent of the Master Plan and these regulations.

(C) Penalties and Fines

Any violation of these regulations shall be subject to a civil fine as provided in RSA 676:16 and 676:17, as amended.

SECTION IX: PENALTIES FOR TRANSFERRING LOTS IN UNAPPROVED SUBDIVISIONS

Any owner or agent of the owner of any land located within a subdivision in Jaffrey who transfers or sells any land before a plat of the subdivision has been approved by the Planning Board and recorded with the Cheshire County Registry of Deeds shall forfeit and pay a penalty of \$500 for each lot. The Town of Jaffrey may enjoin a transfer or sale that violates this section and may recover the costs of civil action.

SECTION X: VALIDITY

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.

SECTION XI: AMENDMENTS

These amendments may be amended or rescinded by the Planning Board but only following a public hearing on the proposed change. The Chairman or Clerk of the Board shall transmit a record of any changes to the Registry of Deeds of Cheshire County.

SECTION XII: MANUFACTURED HOUSING/MOBILE HOME SUBDIVISIONS

- (A) A subdivision authorized under the provisions of RSAs 673:31 and 673:32 for the erection and occupancy of manufactured housing/mobile homes, as defined by RSA 674:31.
- (B) Provisions for Manufactured Housing/Mobile Home Subdivisions
 - (1) Manufactured housing/mobile homes placed on individual lots shall comply with the lot size, frontage requirements, setbacks, and other similar requirements of the Jaffrey Zoning Ordinance.
 - (2) The minimum area for a manufactured housing/mobile home subdivision shall be ten (10) acres and the minimum number of lots in a manufactured housing/mobile home subdivision shall be five (5).
 - (3) The maximum number of dwelling units in any manufactured housing/mobile home subdivision shall be twenty-four (24).

APPENDIX A

DESIGN STANDARDS AND ACCEPTANCE REGULATIONS

SECTION I: ROAD DESIGN STANDARDS

Wherever a street or road is offered for acceptance to the Town of Jaffrey, the following minimum standards and acceptance regulations will apply:

- (A) No street or highway right-of-way shall be less than fifty (50) feet in width. The finished roadway shall have a width of 22 feet with four-foot shoulders on both sides.
- (B) No dead-end streets shall be constructed unless provided with a turnaround roadway at the end with a minimum radius of seventy-five (75) feet. Dead-end streets and cul-de-sacs should be kept to a minimum and streets in new subdivisions should be connected to existing parcels of land wherever practicable. (Amended July 9, 1991)
- (C) The arrangement of streets in the subdivision shall provide for the continuation of the principal streets in adjoining subdivisions or for their projection when adjoining property is not subdivided and shall be of a width at least as great as that of the existing connecting streets.
- (D) Grades of all streets shall conform in general to the terrain and shall, so far as practicable, not exceed eight percent (8%). No street shall have a grade of less than one-half of one percent (.5%). Where practical, lots shall be graded toward the streets.
- (E) Streets shall be laid out to intersect as nearly as possible at right angles. No street shall intersect another with an angle of less than sixty (60) degrees. Corner radii shall not be less than 30'. (Amended July 9, 1991)
- (F) Streets entering opposite sides of another street shall be laid out either directly opposite one another or with a minimum offset of 125 feet between their center lines.
- (G) Names of new streets shall not duplicate nor bear phonetic resemblance to the names of existing streets within the Town of Jaffrey. Streets that join or are in alignment with new streets of abutting properties shall bear the same name. Names of all new streets shall be approved by the Selectmen.
- (H) The width of blocks shall not be less than 200 feet nor shall the length exceed 1800 feet or be less than 500 feet.

SECTION II: ROAD IMPROVEMENT STANDARDS

- (A) Monuments constructed of concrete or stone at least 4 inches square on the top and at least 30 inches long shall be set at all control corners.
- (B) Pipes shall be set at all lot corners. Concrete or granite bounds shall be set at all points of curvature and all points of tangent for surveying purposes.
- (C) All loam and other yielding material shall be removed from the roadway and replaced with approved material. Boulders and ledge shall be broken off to a depth of not less than 30 inches below finished grade; loose portions of ledge and boulders to be removed.

- (D) All streets shall be subgraded with at least 12 inches of bank-run gravel to a width of at least 30 feet and topped with four (4) inches of crushed gravel to a width of 22 feet finished road width (*see attached sketch*). (Amended July 9, 1991)
- (E) The surface course shall consist of two applications of Bituminous Concrete consisting of a 2" base course and 1" wearing course after compaction by a roller weighing not less than 10,000 pounds. (Amended July 9, 1991)
- (F) All slopes shall be graded, loamed, hayed, and seeded. No slope, cut, or fill will be greater than two horizontal to one vertical in ledge, or 3 horizontal to one vertical in all other materials. (Amended July 9, 1991)
- (G) All proposed drainage facilities and culverts shall be installed. Natural watercourses shall be cleaned and increased in size where necessary to take care of storm runoff. Drainage swales at least three feet in width and 16 inches in depth at their midpoint below centerline grade shall be constructed in the street right-of-way on both sides of the paved roadway. Drainage facilities must be adequate to provide for the removal of storm water to prevent flooding of the pavement and erosion of adjacent surfaces. Roadway drainage shall be sized to accommodate the 25-year rain event; internal drainage shall be sized to accommodate the 10-year rain event. (Amended July 9, 1991)
- (H) The recommendations of the Superintendent of Public Works respecting locations of culverts, drainage, and type and quality of fill and subfill shall be followed.
- (I) Application in writing for acceptance of the street or road shall be made by the owner to the Selectmen. The Selectmen may accept such street or road upon approval of the Superintendent of Public Works upon receipt of a bond payable to the Town of Jaffrey posted for one year at an amount set by the Selectmen in order to cover any problems that may arise from the construction of the road.

SECTION III: PRIVATE STREETS (amended September 12, 1995)

In order to encourage interior development as an alternative to development exclusively or primarily on major roads and streets (so-called strip development), the Planning Board may approve a lesser standard for road design and construction within the Rural District and the Residence B District, as follows: (Amended July 10, 1991, September 12, 1995, December 14, 1999, March 2003)

- (A) Building is permitted on private roads provided that:
 - a. The Selectmen, after review and comment by the planning board, have voted to authorize the issuance of building permits for the erection of buildings on said private road or portion thereof, and
 - b. The town of Jaffrey neither assumes responsibility for maintenance of said private road or any damages resulting from the use thereof; and
 - c. Prior to the issuance of a building permit, the applicant shall produce evidence that notice of the limits of municipal responsibility and liability has been recorded in the Cheshire County registry of deeds for the lot for which the building permit is sought.
- (B) Private roads shall, as a minimum, conform to the New Hampshire Department of Transportation Minimum Geometric & Structural Guides for Local Roads and Streets,

hereinafter stated. Further, when a private road enters onto a public road that is already paved, a minimum of the first twenty- five (25) feet shall be prepared and paved in accordance with Town of Jaffrey Road Specifications.

**New Hampshire Department Of Transportation
Minimum Geometric & Structural Guides For Local Roads and Streets**

Average Daily Traffic (Veh./Day)	0-50	50-200	200-750	750-1500	1500 & Over
Pavement Width (Feet)	18 min.	20	20	22	24
Shoulder Width (Feet)	2	2	4	4	8-10
Center of Road to Ditch Line	15	16	18	19-21	Varies
Pavement Type	Gravel	Asph. Surface Treated	Hot Bituminous	Hot Bituminous	Hot Bituminous
Slope of Roadway	1/2" per Ft.	3/8" per Ft.	1/4" per Ft.	1/4" per Ft.	1/4" per Ft.
Base Course Depth - (Gravel) (Cr. Gravel)	12" —	12" —	12" 4"	12" 6"	18" 6"

- NOTES:
1. Gravel surface should be paved where steep grades occur.
 2. For average daily traffic over 1000 veh./day paved shoulders should be considered.
 3. Base course depths may need to be increased in areas of poor soils.

(C) No private subdivision road will be approved unless adequate provision is made for utilities serving the site. The plan submitted must show the location and size of necessary utility easements; and if private lines are to be connected to public lines, a public "turn-off" must be installed and maintained by the applicant at the end of the public line.

- (D) Before final approval of a private subdivision road, the applicant shall post a bond or other surety to cover the cost of construction and maintenance of the road and utility lines, if any. One full year after completion of the private road, the construction portion of the bond may be released upon certification by the Director of Public Works that the construction was performed in conformity with these regulations and the road has no significant faults requiring construction or reconstruction. The maintenance portion of the bond remains until the maintenance agreement in paragraph E is complete.
- (E) When a private road is approved by the Planning Board, the Board shall enter on the plat the following statement: "The ways shown on this plat are intended by the subdivider (name) and the Town of Jaffrey Planning Board to remain as private ways. The recording of this plat shall not be construed as an offer of dedication of these ways as public highways under the New Hampshire common law of dedication, nor shall the approval of this plat constitute as approval of these ways as public streets pursuant to RSA 674:40.
- (F) A maintenance agreement shall accompany the plan to be recorded that states that each parcel or lot is responsible for maintenance of the private road. The agreement shall run with the land, and upon any future conveyance of property, the agreement shall be incorporated in and made a part of a conveyance binding upon the parties thereto, their accessors, and assignees. (Amended 5/11/93)

SECTION IV: SURVEY STANDARDS

All surveys shall be prepared according to the minimum standards for instrument surveys adopted by the NH Land Surveyors Association for Standard Property Surveys; these are as follows:

Condition	"1"	"2"	"3"
Unadjusted Lineal Closure	1:15,000	1:7,500	1:300
Minimum Scale Graduation of Instrument	20/sec.	30/sec.	1
Distance Measurement Steel Tape/Stadia	EDM/ Steel Tape	EDM/Steel Tape	EDM/Steel Tape
Elevation Used to Determine Property Lines	0.2' ±	0.5 ±	0.5 ±

Condition "1" shall be required for any subdivision of less than 2 acres that involves building of any kind (*i.e.*, residential, commercial, or industrial). Condition "2" is adequate for subdivisions of 2 acres or more in a rural district. Condition "3" is acceptable for subdivisions involving wood lots, timber lots, or large tracts being dedicated to preservation or conservation. The standards of Condition "3" may be achievable with a tape and compass survey.

In the case of applications that involve large acreages from which one building lot is being subdivided, the Board may, upon written request, waive the requirement for a complete boundary survey when it is apparent that the remaining lot can meet existing frontage requirements and is suitable for building.

The definition of "Street" in paragraph T, Section II of the subdivision regulations shall be amended by adding the words "or is existing" so that the definition will read:

A publicly approved road maintained for vehicular travel, a Class VI road, or a private road that either appears on a subdivision plat approved by the Planning Board or is existing.

APPENDIX B

PLANNING BOARD AUTHORITY

RSA 674:36 - Subdivision Regulations

- I. Before the Planning Board exercises its powers under RSA 674:35, the Planning Board shall adopt subdivision regulations according to the procedures required by RSA 675:6.
- II. The subdivision regulations that the Planning Board adopts may accomplish the following:
 - (A) Provide against such scattered or premature subdivision of land as would involve danger or injury to health, safety, or prosperity by reason of the lack of water supply, drainage, transportation, schools, fire protection, or other public services or necessitate the excessive expenditure of public funds for the supply of such services.
 - (B) Provide for the harmonious development of the municipality and its environs.
 - (C) Require the proper arrangement and coordination of streets within subdivisions in relation to other existing or planned streets or with features of the official map of the municipality.
 - (D) Provide for open spaces of adequate proportions.
 - (E) 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.
 - (F) Require, in proper cases, that plats showing new streets or narrowing or widening of such streets submitted to the Planning Board for approval shall show a park or parks suitably located for playground or other recreational purposes.
 - (G) Require that proposed parks shall be of reasonable size for neighborhood playgrounds or other recreational uses.
 - (H) Require that the land indicated on plats submitted to the Planning Board shall be of such character that it can be used for building purposes without danger to health.
 - (I) Prescribe minimum areas of lots so as to assure conformity with local zoning ordinances and to assure such additional areas as may be needed for each lot for on-site sanitary facilities.
 - (J) Include provisions that will tend to create conditions favorable to health, safety, convenience, or prosperity including scenic views. (Amended (2001))
- III. The subdivision regulations of the Planning Board may stipulate, as a condition precedent to the approval of the plat, the extent to which and the manner in which streets shall be graded and improved and to which water, sewer, and other utility mains, piping, connections, or other facilities shall be installed. The regulations or practice of the Planning Board may also provide:

- (A) For the conditional approval of the plat before such improvements and installations have been constructed, but any such conditional approval shall not be entered upon the plat.
- (B) That, in lieu of the completion of street work and utility installations prior to the final approval of a plat, the Planning Board may accept a bond or other security in an amount and with surety and conditions satisfactory to it providing for and securing to the municipality the actual construction and installation of such improvements and utilities within a period specified by the Planning Board and expressed in the bond or other security; and provided further, that the municipality is granted the power to enforce such bonds or other securities by all appropriate legal and equitable remedies.
- (C) That, in lieu of the completion of street work and utility installations prior to the final approval of the plat, the regulations may provide for an assessment or other method by which the municipality is put in an assured position to do said work and to make said alterations at the cost of the owners of the property within the subdivision.

APPENDIX C

CRITERIA FOR CONSIDERATION OF A PROPOSED SUBDIVISION

A. CRITERIA REVIEW

The Planning Board shall make such review and investigation of a proposed subdivision, as it deems necessary in the following areas: fiscal impact, harmonious development of the town, and safety and general welfare. In making its evaluations, the Board shall balance any deficiencies with consideration of the social benefits of the proposal.

B. THE FISCAL IMPACT

- (1) The Board shall consider availability of support services necessitated by the subdivision, including but not limited to such public services as water supply, provisions for adequate sewage, roads and other transportation requirements, police and fire protection, and schools.
- (2) Provision of public services such as enumerated above shall not necessitate an excessive expenditure of public funds.
- (3) If necessary public services are planned for the future but are not presently in place, the subdivision shall be considered premature.
- (4) To be approved, the subdivision layout shall be conducive to economic provision of public services so as not to cause an excessive expenditure of public funds.

C. HARMONIOUS DEVELOPMENT OF THE TOWN

- (1) A proposed subdivision shall be in keeping with its surroundings.
- (2) Lot sizes and configurations shall be such that normally anticipated additions (*e.g.*, garages, porches, decks, and breezeways can be accommodated without overcrowding the land or impinging in setbacks.
- (3) The subdivision shall provide for open spaces, parks, playgrounds, and other recreational activities as appropriate.
- (4) The proposed streets and other ways shall be compatible with the existing road network. They shall be coordinated so as to form a convenient system.
- (5) The streets and other ways shall be of sufficient width and layout to accommodate existing and prospective traffic and afford light, air, and access for firefighting apparatus and travel by school busses.
- (6) To avoid danger to traffic, the curb cuts shall not be excessive in number, nor shall they be placed in such a way as to involve limited sight distances.
- (7) The proposed development shall be in keeping with the rural character of the Town, and scenic vistas shall be protected by plantings, vegetative screening, or retention of vegetation.

D. SAFETY AND GENERAL WELFARE

- (1) The proposed subdivision shall not cause danger of erosion, siltation, or pollution of the surface waters of the Town.
- (2) The proposed subdivision shall not threaten wetlands.
- (3) If special provisions are necessary to prevent dangers of Items 1, 2, and 3 above, the application shall include detailed specifications for such prevention.
- (4) If public sewer is not available, lot sizes shall be sufficient and soil suitable for onsite sanitary facilities.
- (5) The land shall be of such character that it can be safely used for building purposes without danger to health and welfare. Terrain shall not include such undesirable features as large rock outcroppings, steep slopes, or excessive wetlands; such land shall not be platted for residential use (homesite).
- (6) The general layout shall be conducive to the safety and welfare of the prospective inhabitants. Consideration of this criterion shall include the terrain, means of entrance and egress, and proposed traffic and circulation patterns. Provisions for lighting shall be adequate. Road shoulders shall provide for safe pedestrian walkways. If the proposed concentration of people makes it appropriate or necessary, sidewalks shall be provided. Lot sizes shall be of sufficient size to provide play areas for children. Alternatively, safe and convenient access to parks and playgrounds shall be provided.
- (7) Parks and/or playgrounds shall be provided if the size and/or location of the proposed subdivision so dictate. The areas shall be adequate in size, nature, and location for the subdivision.

E. AMENITIES

Applicants shall list any special amenities (*e.g.*, scenic views, vistas, conservation, or any other desirable characteristics) the proposed development would offer.

APPENDIX D

DRIVEWAY SPECIFICATIONS

Adopted May 9, 1995

- A. Persons seeking subdivision or site plan approval from the Jaffrey Planning Board shall submit as part of the application a statement from the Jaffrey Director of Public Works that the lot or lots involved contain road access sufficient and appropriate to meet the requirements of the Jaffrey Driveway Specifications.
- B. Persons seeking to construct or use a new driveway onto any town road in the Town of Jaffrey must first obtain a driveway permit from the Director of the Department of Public Works. The Director may require a bond to ensure that the construction meets the Town of Jaffrey Specifications.
- C. Driveway Specifications
 - (1) General - the purposes of the driveway specifications are to ensure Public safety, preservation of the environment, and protection of Town roads and other Town property.
 - (2) No driveway shall be constructed within fifty (50) feet of the intersection of two or more public roads.
 - (3) When two proposed driveways on the same side of the road are within fifty (50) feet of each other, the Planning Board may, for reasons of safety and topographical considerations, require that a common access be used.
 - (4) The intersection of driveways with a public road shall be as nearly perpendicular to the road as conditions of the terrain permit. Driveways should be slightly flared at the point of intersection.
 - (5) At the intersection of a driveway and a public road, construction of the driveway shall be such as to preclude runoff from the driveway from entering onto or crossing the road. This may be accomplished by having the elevation of the driveway at the intersection lower than the elevation of the side of the road or by construction of a swale or by other means necessary to preclude runoff onto the road.
 - (6) A driveway shall be so positioned as to permit a minimum of 200' safe sight distance in either direction. Driveways shall be of sufficient width and construction as to permit access and use by emergency vehicles.
 - (7) Unless conditions or terrain preclude, a driveway shall be flat or gently sloping away from the road for a distance of two standard car lengths.
 - (8) Driveways shall be constructed as not to impede the natural lateral flow of water. If a culvert is required, the culvert shall be at least as long as the driveway is wide, of sufficient strength so as not to be crushed by the heaviest vehicle expected to use the driveway, and of sufficient diameter to accommodate the largest expected lateral flow of water.

- (9) If a proposed driveway crosses a wetland or a body of water, permits from the NH Wetlands Board shall be submitted with the driveway application as well as a copy of the Board of Adjustment approval of Special Exception as required by the Wetlands District.
- (10) If a driveway intersects a paved Town road, the applicant shall pay for pavement of the Town right-of-way between his/her property line and the traveled way. The purpose of this provision is to ensure that vehicles leaving the intersection and entering onto the Town road do not damage the Town road.
- (11) Any bridges that may be required shall be constructed in accordance with New Hampshire State Standards and as approved by the Director of Public Works.
- (12) Driveways providing access for multiunit residential, commercial, or industrial uses shall be designed to conform with good engineering practice using the New Hampshire Department of Transportation's (NHDOT) manual *Policy and Procedures for Driveways and Other Accesses to the State Highway System* as a guide.
- (13) The applicant or his/her agent shall provide 24-hour notice to the Director of Public Works before commencing construction. Final approval to use the driveway shall be granted upon inspection and determination that all work has been satisfactorily completed.

APPLICATION FOR SUBDIVISION

Date Received: _____ **Amount Paid:** _____

Town Clerk's Signature: _____

1. Title of subdivision: _____

2. Type of subdivision: _____
MAJOR (four or more lots) / MINOR (three or fewer lots) / TECHNICAL (no new lots created)

3. Location and Description: _____

4. Name and address and phone number of person submitting this application: _____

5. Name and address of engineer, surveyor, or designer: _____

6. Name and address of owner(s) of record: _____

7. List lot numbers and the areas of each lot: _____

8. Is public water system to be connected? _____

9. Is public sewer system to be connected? _____

10. Attach a copy of water and sewer approvals (if public). Attach copy of NH approval for subdivision if private sewer. WSPCD OK # _____

11. Proposed new street names: _____

12. Are there any structures on the property at present? If so, describe and locate: _____

13. Does owner of record own or have any financial interest in abutting property? _____

If yes, please identify: _____

14. Is waiver from Jaffrey Rules and Regulations to Control Subdivision requested? _____

15. Is variance from the Jaffrey Zoning Ordinance and/or Jaffrey Wetlands Conservation District Ordinance required for this subdivision? _____ Date variance obtained: _____

16. List on the reverse side of this application the complete names and addresses (including zip codes) of all abutters to the property being subdivided. Include the map and lot # of each abutter

Signature of owner of record: _____

Attach and list accompanying documents (e.g., driveway approvals, etc.)

A. Date application accepted: _____

B. Date of public hearing: _____

C. Approved ___/Disapproved ___ Date: _____

D. If disapproved, state reasons. If approved with conditions, list them including paragraph and minutes of meeting at which decision was made.

FEES:

Subdivision

Design Review Phase: \$25.00
Lot mergers: \$50.00 first lot / \$25.00 each additional lot
Minor or Major: \$100.00 first lot / \$25.00 each additional lot
Technical subdivision: \$50.00

All applications: \$3.50 per abutter (to include owner and any licensed stamp on plat)

Incomplete applications will not be scheduled for public hearing (as noted on title page 29) and may be subject to additional fees

Date: _____

Applicant: _____

Property Location: _____

Proposal: _____

Additional Comments:

**Bill Oswalt
Police Chief**

**** Comments will be obtained by Town Personnel ****

Project Name: _____

Address: _____

Reviewed By: _____ **Date:** _____

Please Note:

This checklist must be completed by and signed by the applicant before it can be considered by the reviewing committee.

Applications which are not complete will not be scheduled for public hearing and may be subject to additional fees.

If the applicant is seeking a waiver by the Planning Board of any conditions stated in the Subdivision Rules/Regulations, *written* request for that waiver must accompany the application.

<u>Applicant</u>	<u>General Plat Requirements</u>
_____	1. Proposed subdivision name.
_____	2. Name/address of owner of record.
_____	3. Name and address of surveyor; date of survey; north point and scale.
_____	4. Names and addresses of engineers, architects, or soil scientists whose professional seal appears on the submitted plat.
_____	5. Names of owners of record of abutting properties.
_____	6. Abutting subdivision names, streets and easements, building lines, alleys, parks and public open spaces, and similar facts regarding abutting properties.
_____	7. Location of property lines and their approximate dimensions.
_____	8. Identify and describe existing easements, buildings, water courses, ponds or standing water, rock ledges, and other essential features.
_____	9. Measures distances of existing buildings to lot boundaries.
_____	10. Existing and proposed water mains, sewers, culverts and drains, and alternative means of providing water supply and surface drainage.

