

SUBDIVISION REGULATIONS TOWN OF BATH, NEW HAMPSHIRE

Dianne Rappa, Chair
Gail Claudio, Secretary
Richard Walling
Russell Armstrong
Robert Cope
Jonathan Hobbs
Michael Lewis
Velma Ide
Bruce Barnum

Revised 2004

Subdivision Regulations
Town of Bath, New Hampshire

	Page	
Section I	Title, Administration, Authority	4
Section II	Purpose	4
Section III	Definitions	4
Section IV	Procedures	5
	A. Approval	5
	B. Restrictions	5
	C. Conceptual Consultation Overview	6
	D. Conceptual Consultation	6
	E. Expedited Review for Lot Line Adjustments and Boundary Line Agreements with No New Lots	6 7
	F. Design Review	7
	G. Request for Relaxation	8
	H. Filing and Submission of Completed Application	8
	I. Board Action on Completed Application	10
	J. Public Hearing	10
	K. Notices	10
	L. Fees	11
	M. Appeals	
Section V	General Requirements for the Subdivision of Land	11
	A. Legal Conformity	11
	B. Environmental Control - Erosion, Sedimentation	11
	C. Streets	12
	D. Water and Sewage	14
	E. Land and Lots	15
	F. Surety Requirements	17
	G. Inspection Costs	17
	H. Public Use Dedication	17
	I. Construction	18
	J. Deficiencies	18
Section VI	The Conceptual Consultation	18
Section VII	The Final Plan - Design Review	19
Section VIII	Plan Revocation	21
Section IX	Approval	21
Section X	Enforcement and Inspection	21
Section XI	Amendments	22
Section XII	Separability	22
Section XIII	Effective Date	22

SECTION I: TITLE & AUTHORITY

A. TITLE & ADMINISTRATION

These regulations shall be known as the Town of Bath Subdivision Regulations. The administrative officer for the Subdivision Regulations shall be the Secretary of the Board.

Subdivision includes the division of land into two or more building sites. An example would be two or more houses on a parcel of land that will be owned by one owner but rented. Another example would be land submitted to the condominium form of ownership and therefore owned in common by all the persons owning condominium units where there are at least two building sites. Subdivision is not intended to include a single apartment house or a single building which contains more than one condominium unit or a single commercial building where space is leased out to individual tenants or in the form of a commercial condominium with individually owned offices. Any change in lot lines to a lot described in a deed recorded in the Grafton County Registry of Deeds or shown on a recorded subdivision plan requires Planning Board approval. It includes the transfer of a parcel of land which is physically contiguous to another parcel owned by the subdivider even though his title to such other parcel may have been acquired by a different deed, by inheritance or otherwise as defined in RSA 672:14.

B. AUTHORITY

In pursuance of the authority vested in the Bath Planning Board by the voters of the Town of Bath and conferred by Chapter 674, Section 35, New Hampshire Revised Statutes Annotated, 1955, as amended, the Bath Planning Board adopts the following regulations governing the subdivision of land within the Town of Bath, New Hampshire:

SECTION II: PURPOSE

The purpose of these regulations is to guide and protect the development of Bath in a manner consistent with the wishes of its citizens and in accordance with a comprehensive plan, and to protect the health, safety, and general welfare of the community.

SECTION III: DEFINITIONS

- A. **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 Planning Board. For the purposes of receiving testimony only, not for the purposes of notification, the term "abutter" shall also include any person who is able to demonstrate that such a person's land will be directly affected by the proposal under consideration. In the event that the statutory definition of abutter is changed, then it shall be assumed that the existing and applicable definition of abutter shall control.

SECTION III - DEFINITIONS *continued...*

- B. BOARD - The Planning Board of the Town of Bath.
- C. BOUNDARY AGREEMENT - The written agreement in recordable form of abutting property owners to reflect the establishment by metes and bounds of a common boundary between their respective properties.
- D. DRIVEWAY - An area located on a lot, tract, or parcel of land built for direct access to a garage or off-street parking area serving not more than two adjacent lots or dwelling units.
- E. LOT LINE ADJUSTMENT - The action of abutting property owners taken to reflect the conveyance in recordable form from one to another of title to an area of land not previously separately described in a recorded deed.
- F. PLAN - The map, drawing, or chart on which the subdivider's plan of subdivision is presented to the Board for approval and which, if approved, will be submitted to the Register of Deeds of Grafton County for recording.
- G. STREET - The word is used to include highway, avenue, street, road, lane and other way; but excludes driveways serving not more than two (2) adjacent lots whether or not maintained by public authority. Any public highway included within this definition shall be a highway, which is regularly maintained by the Town and is not a class VI highway.
- H. SUBDIVISION - The division of a lot, tract, or parcel of land, whether described by metes and bounds or by any other description, into two (2) or more lots, parcels, sites, or other division of land for the purpose, whether immediate or future, of sale, rent, lease, condominium conveyance or building development. The division of a parcel of land held in common and subsequently divided into parts among several owners shall be deemed a subdivision under this chapter. It includes re-subdivision, and, when appropriate to the context, shall relate to the process of subdividing or to the land or area subdivided. Land used exclusively for agricultural purposes is exempt from these regulations, as defined in RSA 672.14.
- I. SUBDIVIDER - The registered owner(s) of record of the proposed subdivision.
- J. TIME - For the purpose of these Regulations in counting days, the day on which the filing or Notice, etc, is done and the day of the public meeting or public hearing shall be excluded.

SECTION IV: PROCEDURE

- A. APPROVAL - All subdivision of land in the Town of Bath requires approval by the Planning Board in accordance with all Town regulations.

SECTION IV: PROCEDURE *continued...*

- B. RESTRICTIONS - Whenever any subdivision is proposed to be made and before any contract for the sale, rental, or lease, or offer to sell, rent, or lease, of such subdivision or any part thereof shall have been negotiated, the subdivider, or his agent, shall be required to obtain approval of a final plan from the Board.

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, and before any subdivision plan may be filed in the Office of the Register of Deeds of Grafton County, the subdivider or his authorized agent shall apply for and secure approval of such proposed subdivision in accordance with the following procedures.

C. CONCEPTUAL CONSULTATION OVERVIEW

1. The Applicant may appear at a regular meeting of the Planning Board to discuss a proposal in conceptual form and in general terms. Such conceptual consultation shall be informal and directed toward:
 - a) Reviewing the basic concerns of the proposal,
 - b) Reviewing the proposal with regard to any pertinent Town plan, ordinance and/or regulation,
 - c) Guiding the Applicant relative to necessary state and local requirements.
2. Conceptual Consultation shall not bind the Applicant or the Board. Such discussion may occur without formal public notice. However, no discussion beyond the conceptual and general review shall take place without identification of and notice to abutters and the general public.
3. Conceptual Consultation shall be separate and apart from formal consideration and the time limits for acting shall not apply until a formal Completed Application for Design Review is submitted. All forms for Conceptual Consultation must be submitted.

D. CONCEPTUAL CONSULTATION - PROCEED WITHOUT PUBLIC AND ABUTTER NOTICE

1. The Applicant may submit a proposal to the Secretary of the Board not less than fifteen (15) days before any regularly scheduled meeting of the Board for consultation. The consultation will be scheduled on the next agenda.
2. The Board, before taking action on the proposal, may discuss such proposal with the applicant and after such discussion, the Board may communicate to the Subdivider specific suggestions to assist in resolving problems prior to the submission of a completed application for Design Review.
3. Neither time limits for consideration and action nor the public hearing requirements specified elsewhere in the Subdivision Regulations shall apply to this submission.

SECTION IV: PROCEDURE : D: LOT/BOUNDARY AGREEMENTS/ADJUSTMENTS- *continued...*

4. State law notice - An applicant may choose to skip this consultation and go directly to the completed application stage for Design Review if all forms and maps are presented fifteen (15) days prior to the scheduled meeting.

E. EXPEDITED REVIEW FOR LOT LINE ADJUSTMENTS, AND BOUNDARY AGREEMENTS WHICH CREATE NO NEW LOTS.

1. Notice is required.
2. Any abutter may be heard on the application for review at the public meeting when the matter is discussed by the Board. If deemed necessary, the Board may adjourn its consideration to another date and time to allow further abutter participation.
3. A site location map shall be submitted to the Board showing the original boundaries of the adjacent parcels.
4. A detailed plan meeting the requirements of these Subdivision Regulations shall be submitted to the Board showing the new property line or lines created.
5. A statement shall be placed on the plan stating as follows:

“This Plan shows a division of land for the purpose of effecting a lot line adjustment/boundary agreement as defined in the Town of Bath Subdivision Regulations and does not require the approval of the Planning Board as a subdivision.”

(Lot Line Adjustments Require Board Approval)

6. The plan shall be filed by the Board in the Grafton County Registry of Deeds.

F. DESIGN REVIEW - CANNOT PROCEED WITHOUT PUBLIC AND ABUTTER NOTICE

1. The Applicant may submit a Design Review proposal to the Secretary of the Board not less than fifteen (15) days before any regular meeting of the Board. The Design Review Proposal shall include:
 - a) List of all abutters and their mailing addresses.
 - b) Subdivider shall provide the list and a verification from the Tax Collector that the addresses are the same as shown on the Town tax records.
 - c) A check to cover all mailing and notice costs. See L. Fees.
 - d) Completed application forms (Subdivision packet) and three (3) plans.
2. Unless a relaxation is granted, the Design Review Proposal shall take into consideration the general requirements listed in Section V, and shall comply with those stipulated in Section VI.

SECTION IV: F. DESIGN REVIEW – PUBLIC/ABUTTER NOTICE *continued...*

3. Those Subdivision Regulations in effect at the time of the submission of the Design Review Proposal shall control and regulate that proposed subdivision notwithstanding any changes in the regulations between the time of submission of the preliminary plan and the approval of the final plan as provided herein.
 4. The Board may disapprove the proposed plan in its entirety, but shall state its reason for such disapproval in writing. Accepted application of the plan shall be valid for a period of two (2) years.
- G. REQUEST FOR RELAXATION - If any circumstances are present which the subdivider believes are good and sufficient grounds for the Board to waive or vary compliance with any provision(s), of these regulations, a written request must be submitted to the Board. This request shall set forth the facts which the subdivider believes are good and sufficient grounds for relaxation. The Board shall first determine that:
1. the relaxation is related to conditions limited to the proposed subdivision;
 2. the granting of the relaxation will not be contrary to the purposes and objective of the regulations; and
 3. the public good will not be adversely affected.

After the public hearing the Board may grant such request in whole, or in part, or deny the same, stating its reasons. If it desires the subdivider to submit a plan of the subdivision containing certain lesser information than is ordinarily required, it shall so advise the subdivider, specifying the information required.

H. FILING AND SUBMISSION OF COMPLETED APPLICATION FOR DESIGN REVIEW

1. The Completed Application shall be filed with the Secretary or the Chair of the Board not less than fifteen (15) days prior to a scheduled public meeting of the Board.
2. The Completed Application shall be formally submitted to and accepted by the Board only at a regularly scheduled public meeting after due notification to applicant, abutters and the general public of the date the completed application will be submitted and received by the Board.
3. An Incomplete Application filed by the Applicant will not be formally accepted by the Board nor will notices of a public hearing be mailed, posted, or published as provided under paragraph 1 of this part.
4. Applications may be disapproved by the Board without public hearing on grounds of failure of the Applicant to supply information required by these regulations including:

SECTION IV: H. 4. FILING & SUBMISSION OF COMPLETED APPLICATION FOR DESIGN REVIEW *continued...*

- a) Abutters' identification and information required on plan for Design Review.
 - b) Failure to pay costs of notices or other costs and fees required by these Regulations, or
 - c) Failure to meet any reasonable deadline established by these Regulations.
5. When a Completed Application is accepted by the Board, the Board shall provide a receipt to the Applicant indicating the date of formal acceptance.

I. BOARD ACTION ON COMPLETED APPLICATION

1. The Board shall consider the Completed Application within thirty (30) days of its submission. The Board shall act to approve or disapprove the Completed Application and Final Plan within sixty-five (65) days after acceptance of the Completed Application, subject to extension or waiver as provided in accordance with RSA 676:4 as amended.
2. Approval of the Final Plan shall be certified by written endorsement on the Final Plan and signed by the Chair or Secretary of the Board. In case of approval, the Notice of Action shall set forth the following:
 - a) A copy of any deed restrictions submitted by the subdivider and accepted by the Board.
 - b) All requirements for off-site improvements.
 - c) A description of land, if any, to be dedicated to widen existing streets.
 - d) A description of any relaxation of requirements granted to the subdivider.
 - e) When applicable, the statement described in SECTION V, Part H, concerning liability for public use of land.
 - f) All agreements, if any, between the subdivider and the Board concerning matters not required by these Regulations, but to be performed by the subdivider.
 - g) A statement that the subdivision shall be completed and constructed in conformity with the Final Plan and the Regulations.
 - h) A reference to the bond to be provided by the subdivider as guarantee of performance in construction of the subdivision as set forth in SECTION V, Part F, of these Regulations.

The Board shall transmit a copy of the Final Plan with such approval endorsed in writing therein to the Register of Deeds of Grafton County. The Final Plan shall contain the following statement:

“The Subdivision Regulations of the Town of Bath are a part of the Plan, and approval of this Plan requires the completion of all the requirements of the Subdivision Regulations excepting only any relaxation of requirements granted in writing by the Board.”

SECTION IV: I. 2. BOARD ACTION ON COMPLETED APPLICATION *continued...*

The subdivider shall be responsible for the payment of all recording fees. The act of recording an approved subdivision Plan shall not in itself constitute acceptance by the Town of any street or easement shown thereon for the purposes of Town maintenance or liability.

In case of disapproval of any plan submitted, the grounds for such disapproval shall adequately be stated in the records of the Planning Board and written notice given to the Applicant.

3. If the Planning Board has not obtained an extension as provided in SECTION IV, Part I.1., and has not taken action to approve or disapprove the Completed Application within sixty-five (65) days of its acceptance, the Applicant may obtain from the Select Board an order directing the Board to act within fifteen (15) days. Failure of the Board to act upon such order of the Select Board shall constitute grounds for the Applicant to petition the Superior Court as provided in RSA 676:4 as amended. Until the subdivider shall acknowledge receipt of the Notice and acceptance of all provisions set forth therein and shall return a signed copy of same to the Board, no further action shall be taken with regard to the Final Plan. Failure to acknowledge receipt of Notice of Action and acceptance within sixty-five (65) days of mailing of the Notice of Action will cause approval to lapse.
4. Upon completion of the construction of a subdivision, the subdivider shall convey all easements and rights-of-way as may be required under the Notice of Action by deeds in a form and manner satisfactory to the Town Counsel.
5. There can be no sale or transfer of land within the subdivision until an approved subdivision Final Plan has been recorded in the Grafton County Registry of Deeds. Approval of a Final Plan shall lapse if such Plan is not recorded in the Registry of Deeds within two (2) years from the date of acknowledgment and acceptance of the Notice of Action unless the Planning Board extends the time.

J. PUBLIC HEARING

Prior to approval of a final plan, a public hearing shall be held as required by RSA 676:4 and notice to Applicant, abutters and the public shall be given in accordance with SECTION IV - K. The public hearing shall be held at the next regular meeting or within thirty (30) days after acceptance of the Completed Application.

K. NOTICES

1. Notice of the submission of a Completed Application prior to Design Review shall be given by the Board to the abutters and the Applicant by certified mail, return receipt requested, mailed at least ten (10) days prior to the

SECTION IV: K. 1. PROCEDURE *continued...*

scheduled submission, and to the public at the same time by posting in at least two (2) public places in the Town or publication in a newspaper of general circulation. The notice shall give the date, time and place of the Board meeting at which the Application or other item(s) will be formally submitted to the Board, and shall include a general description of the proposal which is the subject of the Application or the item to be considered and shall identify the Applicant and location of the proposed subdivision.

2. For any public hearing on the Completed Application, the same notices as required for notice of submission of the Completed Application shall be given. If the notice of public hearing has been included in the notice of submission or any prior notice, additional notice of the public hearing is not required. Additional notice of an adjourned session of a hearing shall be valid if the date, time and place of the adjourned session was made known at the prior meeting.

L. FEES

1. A Completed Application shall be accompanied by a filing fee of \$25.00 plus \$3.00 per lot. Filing fees may be subject to change at any time upon review by the Board
2. 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 terminate further consideration and to disapprove the plan without public hearing.
2. The Board may require special investigative studies, environmental assessments, a legal review of documents, administrative expenses, and other matters necessary to make an informed decision. The cost of such studies and investigations shall be paid by the Applicant prior to the approval or disapproval of the Final Plan. Such additional fees may also include an appropriate allocation of legal fees incurred by the Board.

M. APPEALS

Any person aggrieved by an official action of the Board may appeal therefrom to the Superior Court as provided in RSA 677:15.

**SECTION V. GENERAL REQUIREMENTS
FOR THE SUBDIVISION OF LAND**

The subdivider shall observe the following general requirements and principles of land subdivision:

- A. LEGAL CONFORMITY - The plan shall conform with all pertinent state or local laws or regulations.

SECTION V. GENERAL REQUIREMENTS FOR THE SUBDIVISION OF LAND *continued...*

B. ENVIRONMENTAL CONTROL - EROSION, SEDIMENTATION - The following control measures shall be employed by the subdivider for an effective erosion and sediment control plan:

1. The smallest practical area of land shall be exposed at any one time during development.
2. When land is exposed during development, the exposure shall be kept to the shortest practical period of time. Land shall not be left exposed during the winter months.
3. Where necessary, temporary vegetation and /or mulching and structural measures shall be used to protect areas exposed during development.
4. Sediment basins shall be installed and maintained to remove sediment from run-off waters and from land undergoing development prior to any major disturbance of existing surface material.
5. An adequate surface storm water drainage system for the entire subdivision area shall be provided by the subdivider. Adequate draining shall be provided so as to reduce exposure to flood hazards. The subdivider shall provide a suitably designed on-site drainage retention system wherever possible, subject to Engineering review. If the storm water drainage system creates an additional flow over any adjacent property, the subdivider shall hold the Town harmless from any claims for damage resulting therefrom. For the purpose of preparing drainage plans, storm sewers and subdivision drainage facilities shall be based on a 25-year storm design flow.
6. The permanent final vegetation and structures shall be installed as soon as practical in the development.
7. The development plan shall be fitted to the topography and minimize disturbance to soils so as to create the least erosion potential.
8. Whenever feasible, natural vegetation shall be retained and protected.
9. Natural drainage ways shall be utilized and left open to remove excess surface water.
10. All utilities and facilities such as septic systems, electrical and water systems shall be located, elevated and/or constructed to minimize or eliminate damage by flood.

C. STREETS - The following steps for the preparation of streets shall be carried out at the expense of the subdivider to the satisfaction of the Town Road Agent, Select Board and if required by the Board inspectors and/or consultants:

SECTION V. GENERAL REQUIREMENTS FOR THE SUBDIVISION OF LAND

C. STREETS - *continued...*

1. All streets shall be designed so that, in the opinion of the Board, they will provide safe vehicular travel. Due consideration shall also be given by the subdivider to the attractiveness of the street layout.
2. The arrangement of the streets in the subdivision shall provide for the continuance of the principal streets in any abutting subdivision or for their future protection when adjoining property is not subdivided.

The streets shall be of a width at least as great as that of such existing connecting street. No street or highway right of way shall be less than fifty (50) feet in width and may be required to be more if a greater street width is warranted in the opinion of the Board. Apportionment of the right of way for roadway, sidewalks, and possible grass strips shall be subject to the approval of the Board. The roadway shall be centered on the right of way.

3. Drainage facilities, curbs, sidewalks shall be provided to the extent deemed necessary by the Board. The street area encompassing the roadway, shoulders and drainage ditches, shall be cleared of all stumps, brush, roots, boulders, and like material. All loam and other yielding material shall be removed from the roadway area of each street or way and replaced with suitable material.
4. Whenever the roadway crosses over a culvert designed to carry a major run-off, the roadway shall dip sufficiently to a minimum distance of seventy-five (75) feet either side of the culvert to provide proper emergency run-off for an overflow.
5. All roadways shall be made ready for finish surfacing to the grade as shown on required profiles by the application of a well compacted, binding gravel or, in the case of road construction over ledges, a base of binding clay, to a width of at least twenty-four (24) feet and to the depth of twelve (12) inches or more, the exact depth depending upon the soil condition of any particular roadway.
6. Grades of all streets shall conform in general to the terrain and shall, so far as practicable, not exceed 10%. No street shall have a grade of less than $\frac{1}{2}$ of 1% and special attention shall be given to the elimination of grade changes as streets enter intersections. The Board may modify the maximum and minimum gradient for short lengths of street where, in the judgment of the Board, existing topographic conditions or the preservation of natural features indicate that such relaxation will result in the best subdivision of land.

SECTION V. GENERAL REQUIREMENTS FOR THE SUBDIVISION OF LAND C. STREETS - *continued...*

7. Except where near-future connection may be possible, dead-end or cul-de-sac streets shall not be longer than one thousand (1,000) feet and shall be equipped with a turn-around roadway at the closed end with a minimum radius of fifty (50) feet from the center to the outside edge of the right of way.
8. No horizontal or vertical curve shall have a center line radius of less than one hundred twenty-five (125) feet, except a horizontal curve on a cul-de-sac. For changes in grade exceeding one percent (1%), a vertical curve shall be provided ensuring a minimum sight distance of one hundred twenty-five (125) feet. Sight distance shall be measured between two (2) points along the centerline of the street on a straight line entirely within the street right-of-way and clear of obstructions, one of the points to be at the surface and the other four (4) feet above the surface.
9. Intersecting property lines at street intersections shall be joined by a curve of at least twenty (20) foot radius.
10. Streets shall be laid out to intersect as nearly as possible at right angles. No street shall intersect another at an angle of less than sixty (60) degrees. Streets entering opposite sides of another street shall be laid out either directly opposite one another or with a minimum offset of one hundred twenty-five (125) feet between their center lines.
11. 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 Town of Bath.
12. The Planning Board may require the subdivider to improve any public access road to the subdivision to the appropriate street standards provided in these regulations. If, upon the finding of fact, the board determines that the proposed subdivision will adversely affect existing public facilities, such as streets, causing them to be inadequate to meet the additional needs created by the subdivision, then the subdivider shall pay for such upgrading of the public facilities to an extent necessary to protect the public interest. If other properties benefit from the upgrading of such off-site public improvements, the Board shall determine the portion of the cost to be paid by the subdivider, taking into consideration the following elements:
 - a) the character of the area,
 - b) the extent that other public and private property will be benefited by the upgrading, and
 - c) any other factors that the Board deems appropriate to establish a rational connection between the needs created by the subdivision and the amount to be paid by the subdivider.

SECTION V. GENERAL REQUIREMENTS FOR THE SUBDIVISION OF LAND ... C. 12. STREETS - *continued...*

Such public access road must otherwise be determined by the Board to be insufficient to adequately and safely handle the additional traffic as a result of the subdivision. Such improvements of a public access road will be at the expense of the subdivider but the Town must own or provide the right of way.

13. Any new street whether public or private within a subdivision shall be completed as shown on the Final Plan in accordance with the Regulations and the Town Road Construction Specifications and subject to any conditions imposed by the Board at the time of approval of the Final Plan. The construction and completion of a private street or highway shall not obligate the Select Board to accept the offer to dedicate the street or private highway as a public street or public highway.
14. Where necessary in the judgment of the Board, rights-of-way for pedestrian and/or bicycle travel and access may be required between parts of the subdivision or between a subdivision and public property. When such need has been created by the subdivision, the Board may require the subdivider to provide sidewalks and/or bicycle paths outside the subdivision.
15. Chapter 236:13 and 249:14, RSA, is adopted by reference and made a part of these regulations. Driveways must conform to the requirements of RSA 249:17. The location of proposed driveways must be approved by the Board and the Town Road Agent.

D. WATER AND SEWAGE

1. Where off-site water and/or sewer systems are to be provided in a subdivision, it shall be the responsibility of the subdivider to obtain and furnish evidence of approval by the appropriate state regulatory agency.
2. In areas not currently served by off-site water systems, it shall be the responsibility of the subdivider to specify the location of each on-site water system and to submit plans for its construction in accordance with the laws of the State of New Hampshire as administered by the Water Supply and Pollution Control Commission.
3. In areas not currently served by off-site sewer systems, it shall be the responsibility of the subdivider to comply with the latest regulations prescribed by the New Hampshire Water Supply and Pollution Control Commission as contained in their publication titled "Subdivision and Individual Sewage Disposal System Design Rules" or any updated version thereof. Based on tests required in this publication, the subdivider shall specify the proposed location of each on-site sewage system and shall submit a typical design for each system, also to be done in accordance with the above regulations.

SECTION V. GENERAL REQUIREMENTS FOR THE SUBDIVISION OF LAND ... D. WATER & SEWAGE *continued...*

4. The subdivider shall furnish to the Planning Board adequate evidence that water and sewer systems can be installed and operational on all lots regardless of size.
5. Every subdivider shall comply with the provisions of Chapter 149-E of the New Hampshire Revised Statutes Annotated, as amended.

E. LAND AND LOTS

1. Land of such a character that it cannot, in the opinion of the Board, be safely used for building development because of 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. Land with inadequate characteristics or capacity for on-site sanitary sewage disposal shall not be subdivided for residential, commercial or industrial subdivision purposes.

2. All lots shall be laid out so that, in the opinion of the Board, they will provide good sites for building development with the following lot and yard requirements:

Minimum Area:	2 acres (for on-site water and sewage)
Minimum Frontage:	150 feet **
Minimum Front Yard:	50 feet
Minimum Side Yard:	25 feet
Minimum Rear Yard:	25 feet
Accessory Building:	10 feet from all boundaries

** All lots shall front on a regularly maintained public street (Class V highway), or on a street planned, built and maintained to Town specifications and standards and shown on the subdivision plan.

3. Easements for utilities and drainage shall be provided where necessary.
4. At the earliest practical stage during the application, the subdivider shall place on the ground clearly observable survey stakes or ribbons marking the corners of all proposed lots or sites. At the time of submission of the Final Plan, permanent monuments marking the bounds of streets, right of way, and/or the location of lot corners shall be installed at all points where, in the opinion of the Board, such monuments are desirable.
5. Before approval, the Board may require the plan to show a park, or parks, suitably located for playground or other recreational purposes. The Board may, by appropriate endorsement on the plan, require that no building be erected upon such park, or parks, without its approval. Areas set aside for parks or playgrounds to be dedicated or to be reserved for the common use of

SECTION V. GENERAL REQUIREMENTS FOR THE SUBDIVISION OF LAND... E. 5. LAND AND LOTS *continued...*

all property owners by covenant in the deed, whether required or not required by the Board, shall be of reasonable size and character for neighborhood playgrounds or other recreational uses.

6. The Board may require the subdivider to provide fire protection in the form of a fire pond or dry hydrants where deemed necessary by the Fire Chief or other appropriate official considering the location and/or density of development.
7. The subdivider shall not reserve strips of land which, in the opinion of the Board, show an intent on his part to control discriminatively the access to land dedicated or to be dedicated to public use.
8. The Board may disapprove, in whole or in part, any subdivision constituting a 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 or other public services or necessitate an excessive expenditure of public funds for the supply of such services.

For example, Bath presently has many large parcels of land with lengthy graveled roads as the only access. While these roads are more or less adequate for present use, the increased volume of vehicular traffic generated by subdivision would require rebuilding and upgrading these roads, in addition to more maintenance expense. The costs of such improvements would present an unreasonable burden to the Town.

The Board shall, in considering any proposed subdivision under these regulations, take into consideration the effect of such subdivision on contiguous land owners, the area in which said subdivision would be located and its impact on the community, specifically taking into consideration matters located outside of the actual proposed subdivision.

Any proposed subdivision shall be in conformance with the Town's comprehensive or master plan as well as all other applicable Town ordinances and regulations. Where the regulations are in conflict with such other ordinances or regulations, the more stringent or those setting the higher standard shall apply.

9. Prominent natural features within a subdivision, such as trees, scenic points, brooks, streams, rock outcropping, water bodies, stone walls, boundary markers, and historic landmarks, shall be preserved and protected to the maximum extent possible by the subdivider. The subdivider shall demonstrate to the satisfaction of the Board the manner by which the subdivider intends to protect existing features.

- F. SURETY REQUIREMENTS - The subdivider shall either file a bond, with an irrevocable letter of credit or other suitable instrument in an amount and with surety and/or other conditions satisfactory to the Board, providing for

SECTION V. GENERAL REQUIREMENTS FOR SUBDIVISION OF LAND E. 5.F. LAND & LOTS *continued...*

and securing to the Town the actual construction and installation of such improvements within a period specified by the Board and expressed in the instrument; or other evidence supporting an assessment or other method whereby the Town is put in an assured position to do said work and make said alterations at the cost of the subdivider

The subdivider's engineer, or an engineer designated by the Board, shall furnish to the Board an estimate of the full cost of all improvements. The Board shall then determine the amount of the bond. The Board shall be compensated by the subdivider for all costs incurred related to the hiring of the designated engineer.

Such bond or other method shall be approved as to form and sureties by the legal counsel of the Town and conditioned on the completion of such improvements within three (3) years of the date of the bond or acceptance of any other approved method. In the event that the town is required to enforce the bond, it shall be entitled to have reasonable attorney's fees paid by the subdivider and awarded by the Court.

Surety requirements may be released after the satisfactory completion of the improvements so covered. Upon the release of these performance bonds, a maintenance bond may be released after a one (1) year period.

If at any time before or during the construction of the subdivision the Board determines that unforeseen conditions make it necessary or desirable to modify the location or design of any of the required improvements or installations, the Board may authorize such modifications which shall be set forth in writing and signed by the Chair of the Board.

- G. INSPECTION COSTS - Where so required by the Board, the subdivider shall, prior to endorsement of the Board approval on the plan, pay to the Town an amount of money estimated by the Board to fully compensate the Town for all inspection and testing charges deemed necessary by the Board relating to such improvements required as a condition of approval. All inspection and testing shall conform in quality and quantity to accepted engineering and construction practices.
- H. On LAND REQUIRED TO BE DEDICATED FOR PUBLIC USE, the subdivider shall file a statement in writing accepting liability for personal injuries and/or property damage arising from any negligence of the subdivider or agents of the subdivider suffered by any person or to the property of any person until such offer of dedication is accepted by the Town. In addition, the subdivider's statement shall acknowledge responsibility for the maintenance of any easement areas until such time as the areas are dedicated and accepted by the Town or transferred to an association of owners or the like. The subdivider shall furnish evidence of sufficient insurance coverage with regard to such liability in an amount and form satisfactory to the Town legal counsel and the Select Board.

SECTION V. GENERAL REQUIREMENTS FOR THE SUBDIVISION OF LAND *continued....*

- I. CONSTRUCTION OF IMPROVEMENTS - The subdivider shall notify the Board in writing of the time when he proposes to commence the construction of such improvements. The Board shall make necessary arrangements, including the employment of inspectors and consultants to carry out inspection and testing, to insure compliance with Town specifications and requirements of these regulations during the period of construction and installation of the required improvements. The Board shall require the written agreement of the subdivider to pay any additional amount of money for inspection and testing charges which exceed the amount of money paid by the subdivider prior to the endorsement of the Board's approval as set forth above. The performance of said agreement shall be included as a condition of any bond, assessment, security or other method furnished by the subdivider.

- J. IMPROVEMENT DEFICIENCIES - If the Board determines that any of the required improvements have not been completed in accordance with the plans and specifications as filed by the subdivider and as required by the Town, the Board shall notify the subdivider in writing of any such deficiencies. The subdivider shall rectify all deficiencies at the expense of the subdivider. If the subdivider does not substantially rectify all deficiencies within a reasonable time as determined by the Town, the Town shall take all necessary action to protect and preserve the Town's rights and interests including suspension or revocation of Final Plan approval. In the event of legal action, the Town shall be entitled to have reasonable attorney's fees paid by the subdivider and awarded by the Court.

SECTION VI: THE CONCEPTUAL CONSULTATION

Subdivision shall file with the Board three (3) black and white copies of a preliminary plan at a scale of not more than one hundred (100) feet to the inch. Two (2) plans will be retained by the Board and one (1) will be returned to the subdivider with an appropriate letter of transmittal. The plan shall show, or be accompanied by, the following information:

- A. Proposed subdivision name, name and address of owner of record, subdivider, and designer (indicating to whom required notice of hearing shall be sent), date, true and magnetic north and scale. A general site location map locating the subdivision boundary and proposed streets in relation to major roads or other features shown on the Town base map.

- B. Names of owners of abutting properties according to the latest tax list, abutting names of streets, easements, building lines, alleys, parks, and public open spaces.

- C. Location of property lines and their approximate dimensions, existing easements, buildings, water courses, wetlands, ponds or standing water, rock ledges, and other essential features including 100 year flood plain if applicable.

SECTION VI. THE CONCEPTUAL CONSULTATION *continued*....

- D. Existing water mains, sewers, culverts, drains, and proposed connections or alternative means of providing water supply and disposal of sewage and surface drainage.
- E. Location, name, and widths of existing and proposed streets and highways, with their grades and profiles. The elevation of sufficient points on the property at the vertical scale of one (1) inch to one hundred (100) feet to indicate the general topography of the property or contour lines with contour interval to be specified by the Board.
- F. Preliminary designs of any bridges or culverts which may be required. Preliminary drainage analysis and computations; watershed areas.
- G. Proposed permanent easements along, across, over, under, and upon the real estate that constitutes the subdivision. Such easements shall have satisfactory access to existing or proposed public ways.
- H. Location of any parcels of land proposed to be dedicated to public use and the conditions of such dedication, and a copy of such deed restrictions as are intended to cover part or all of such parcels.
- I. Provisions made for erosion and sediment control unless there has been a prior determination by the Board that such plans are not necessary.
- J. Location of water sources and natural drainage ways on adjacent properties.
- K. Soil mapping units and boundaries as classified by the U.S. Department of Agriculture Soil Conservation Service.
- L. Applicants choosing to skip the Conceptual Consultation process must provide a complete application (all required forms) and follow all requirements in Section VII: The Final Plan, fifteen (15) days prior to presentation at the next scheduled Board meeting.
- M. Any additions in accord with the N.H. Land Surveyor's Administrative Rules 503.109.

SECTION VII. THE FINAL PLAN - DESIGN REVIEW

The final plan submitted to the Board for approval and subsequent recording shall be submitted in triplicate. The Board will retain two (2) copies and return one (1) to the subdivider. The size of the sheets shall conform to the requirements of the Register of Deeds of Grafton County for filing. A margin of at least one (1) inch shall be provided outside ruled border lines on three (3) sides and of at least two (2) inches along the left side for binding. Adequate space shall be available on the plan for the necessary endorsement by the proper authorities. The drawings shall be of a scale not more than

SECTION VII. THE FINAL PLAN- DESIGN REVIEW *continued...*

one hundred (100) feet to the inch. They shall be clearly and legibly drawn in permanent ink upon reproducible material. The final plan shall be prepared by a qualified engineer or land surveyor licensed in the State of New Hampshire.

A. THE FINAL PLAN SHALL SHOW:

1. Proposed subdivision name or identifying title; the name and address of owner of record and subdivider; the name, license number and seal of the designer; date, scale, and true and magnetic north.
2. Street right of way lines, pedestrian ways, lot lines, whether described by metes and bounds or by any other means, reservations, easements, areas to be available for common use by lot owners or dedicated to public use, and areas, title to which is reserved by the developer.
3. Typical street cross-sections; approximate street grades and profiles; and location and sizes of any bridges or culverts.
4. Typical design and location of any proposed on-lot sewerage and water systems; and location and size of any proposed storm pipes and catch-basins.
5. Sufficient data to permit the ready determination of the location, bearing, and length of every street line, lot line, whether described by metes and bounds or by any other means, and boundary line, and to reproduce such lines upon the ground. All dimensions shall be shown to hundredths of a foot and bearings to at least half minutes.
6. Written certification that provision for the control of erosion and sedimentation, if necessary, have been submitted and approved by the Board or its agent. The approval shall be concurrent with the approval of the Final Plan and become a part thereof.
7. One copy of deed restrictions showing exact wording of any restrictions or protective covenants relating to land within the subdivision shall be furnished.
8. Any offer of cession of land to be dedicated to the Town for public use shall be delivered in writing with the Final Plan.
9. Surety coverage for all required improvements in amount and form designated by the Select Board shall be executed and submitted prior to the Board's approval of the Final Plan.

- B. **CERTIFICATION** - The subdivider shall certify to the Board before any Final Plan is approved by the Board that the subdivision is in compliance with all applicable federal and state laws and regulations, and that arrangements have been made with the appropriate government agencies, private utilities, and others, including Town departments, for the construction and installation of the improvements required by the Board.
- C. **OTHER PLANS** - The Board may require such other information as it deems necessary to serve the purposes of the Regulations during the public hearing stage.
- D. All applicants must provide all required items from the Conceptual Consultation phase even if the subdivider determines to skip that phase.

SECTION VIII. PLAN REVOCATION

The Board may disapprove the proposed plan partially or in its entirety, but shall state its reason for such disapproval in writing. In case of disapproval of any plan submitted, the grounds for such disapproval shall adequately be stated in the records of the Planning Board and written notice thereof given to the Applicant. Such action shall be enforced in accordance with RSA 676:4-a.

SECTION IX. APPROVAL

- A. For a period of two (2) years after completion of all improvements or one (1) year after the correction of all deficiencies as described above, whichever occurs last, if the Board determines that the improvements have failed for any reason or do not meet the specifications as filed by the subdivider and as required by the Town, the Board shall notify the subdivider in writing of such failure and the subdivider shall rectify all failures at the expense of the subdivider. If the subdivider does not substantially rectify all deficiencies within a reasonable time as determined by the Town, the Board shall take all necessary action to protect and preserve the Town's rights and interests. In the event of legal action, the Town shall be entitled to have reasonable attorney's fees paid by the subdivider and awarded by the Court.
- B. If at any time before all public improvements are finally accepted by the Town and before the performance bond is totally released, should any condition within the approved subdivision cause damage to adjacent public or private property, drainage facilities and waterways, streams and brooks, including but not limited to soil erosion and damage to standing vegetation, the Board shall notify the subdivider in writing of such damage and the subdivider shall correct all damage at the subdivider's own expense. If the subdivider does not substantially correct all damage within a reasonable period of time as set forth in the notice by the Town, the Town shall take all action necessary to protect and preserve its rights and interest including injunctive relief. The Town shall be entitled to have a reasonable attorney's fees paid by the subdivider and awarded by the Court.

SECTION IX. APPROVAL *continued...*

- C. For a period of one (1) year after completion of all improvements, the subdivider shall be responsible for the control of soil erosion and any resulting sedimentation, in accordance with the requirements of SECTION V. B.

SECTION X. ENFORCEMENT & INSPECTION

The enforcement of these regulations shall be in accordance with RSA 674:35, 674:42, 676:16, 676:17 or as amended. During construction of an approved subdivision, inspection shall be made by the Board or its designated agent.

SECTION XI. AMENDMENTS

These regulations may be amended or rescinded by the Board but only following a public hearing on the proposed change. The Chair or Secretary of the Board shall transmit a record of any changes so authorized to the Register of Deeds of Grafton County. The subdivider shall construct the subdivision and shall comply with all requirements of the Final Plan as set forth in the Notice of Action within three (3) years from the date of acknowledgment and acceptance of the Notice of Action (SECTION IV. I. 2. a-h). Upon written request of the subdivider, when the Board finds that conditions beyond the control of the subdivider prevent compliance within the three (3) year period, the Board may grant an additional period of time for compliance with the Notice.

SECTION XII. SEPARABILITY

If any section, article, provision, portion, clause, or paragraph of these regulations shall be held to be invalid or unconstitutional by any court of competent authority, such holding shall not affect, impair, or invalidate any other section, article, provision, portion, clause or paragraph of these regulations.

SECTION XIII. EFFECTIVE DATE

These revised regulations shall become effective on the date of adoption.

Adopted by the Planning Board of the Town of Bath,
New Hampshire on November 17, 2004.

Chair, Bath Planning Board

Date

Secretary, Bath Planning Board

Date