

**TOWN OF HILL
NEW HAMPSHIRE**

**LAND SUBDIVISION
REGULATIONS**

1988



Revised 08/22/2002

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SECTION I GENERAL PROVISIONS

1.1 Purpose

As a means to retaining the scenic beauty of our Town and for the purpose of protecting the health, safety, convenience, prosperity and welfare of our inhabitants and to promote the harmonious, orderly and coordinated development of the Town, the following land subdivision regulations are hereby enacted. These subdivision regulations will serve as a guide and blueprint for securing impartial handling of all subdivision plans by providing uniform procedures and standards for observance by both the subdivider and the Planning Board.

1.2 Authority

Pursuant to the authority vested in the Town of Hill Planning Board by the voters of the Town of Hill on March 5, 1974, and in accordance with the provisions of Chapter 36, Sections 19-29, New Hampshire Revised Statutes Annotated 1955, and as amended, the Town of Hill Planning Board adopts the following regulations governing the subdivision of land in the Town of Hill, New Hampshire.

1.3 Effective Date

These regulations shall become effective after publication and a public hearing as required by RSA675:6&7, adoption and certification by a majority of the Planning Board, and filing with the Town Clerk, Board of Selectmen and the Merrimack County Registry of Deeds.

1.4 Jurisdiction

This ordinance shall pertain to all land within the boundaries of the Town of Hill.

1.5 Validity

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

1.6 Conflicting Provisions

Whenever the regulations made under the authority hereof differ from those prescribed by any state statute, town ordinance or other regulations, that provision which imposes the higher standard shall govern.

1.7 Four Year Exemptions

Every plat approved by the Planning Board and properly recorded in the Registry of Deeds, shall be exempt from all subsequent changes in these Subdivision Regulations, except those regulations and ordinances which expressly protect public health standards, such as water quality and sewage treatment requirements, for a period of four years after the date of recording; providing, however, that once substantial completion of the improvements shown on the plat have occurred in compliance with the approved plat, or the terms of said approval, or unless otherwise stipulated by the Planning Board, the rights of the owner or his successor in interest shall vest, and no subsequent changes in the Subdivision Regulations or Zoning Ordinance shall operate to affect such improvements; and further provided that:

- a. Active and substantial development or building has begun on the site by the owner or his successor in interest in accordance with the approved plat within twelve (12) months after the date of approval, or in accordance with the terms of said approval, and, if a bond or other security to cover the costs of roads, drains or sewers are required in connection with said approval, such bond or other security is posted with the Town at commencement of such developments.*
- b. Development remains in full compliance with the Public Health Regulations and Ordinances specified in this section.*
- c. At the time of approval and recording, the plat conforms to the Subdivision Regulations and Zoning Ordinances then in effect at the site of such plat.*

SECTION II DEFINITIONS

- 2.1 Abutter:** Any person whose property adjoins or is directly across the street or stream from the land to be subdivided or under consideration by the Planning Board. Easement holders should be considered as abutters. 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.

- 2.2 Applicant:** The owner, or agent of the owner, of land to be subdivided who files an application hereunder for such subdivision, such agent shall be authorized in writing by the owner at the time of the application.
- 2.3 Application:** A properly filled-out and executed Application for Subdivision Approval on a prescribed form supplied by the Board.
- 2.4 Board:** The Planning Board of the Town of Hill.
- 2.5 Completed Application:** An Application with all information and accompanying documents required by Paragraph 5.4 here of necessary to invoke jurisdiction and allow the Board to proceed with consideration and make an informed decision.
- 2.6 Driveway:** An area located on a lot, tract or parcel of land, and built for access to a garage or off street parking space, serving NOT more than two (2) adjacent lots.
- 2.7 Engineer:** The duly designated Engineer of the Town of Hill, or if there is no such official, the Planning Board official or the consultant designated by the Board
- 2.8 Final Plat:** The final plan as required by Paragraph 5.3 hereof on which the subdivider's plan of subdivision is presented to the Planning Board for approval and which if approved will be submitted to the Registry of Deeds of Merrimack County for recording.
- 2.9 Preliminary Layout:** A detailed layout of the proposed subdivision and supporting information as required by Paragraph 5.2 hereof.
- 2.10 Sketched Layout:** The informal line plan of the proposed subdivision submitted under Paragraph 3.1 hereof
- 2.11 Street:** Includes street, avenue, boulevard, road, lane, alley viaduct, highway or other way, including all the land between the sidelines of the layout or conveyance or dedication thereof, but shall not include driveways serving NOT more than two (2) adjacent lots.
- 2.12 Subdivider:** The owner, or agent of the owner of the land to be subdivided
- 2.13 Subdivision:** The division of a lot, tract or parcel of land into two or more lots, plats, sites or other divisions of land for the purpose, whether immediate or future, of sale, rent, lease, condominium conveyance or building development. It includes resubdivision, and, when appropriate to the context, relates to the process of subdividing or to the land or territory to be subdivided. The division of a parcel of land held in common and

subsequently divided into parts among the several owners shall be deemed a subdivision.

SECTION III PRELIMINARY CONSULTATION AND REVIEW

3.1 Informal Submission

Previous to the formal submission of a subdivision preliminary layout under Section V hereof, a Subdivider, in order to save himself the cost of needless changes at a later date, may appear at a regular meeting of the Board and submit a sketch plan for discussion with the Board consisting of informal preliminary consultation and review of the proposed application and plat.

3.2 Scope of Consultation and Review

Such preliminary consultation and review shall be directed at:

- A. Review-of the basic concept of the proposal,
- B. Desirability of types of development and proposals under the Master Plan, if any;
- C. Suggestions which might be of assistance in resolving problems with meeting requirements during final consideration; and
- D. Guidance relative to State and local requirements.

3.3 Consultation and Review Not Binding

Preliminary consultation and review shall not bind the Applicant, Subdivider or Board.

3.4 Notice

- A. Such discussion may occur without formal public notice under Sections IV and V hereof.
- B. Preliminary consultation and review beyond such conceptual and general discussion may proceed only after identification of and notice to, abutters and the general public under SECTION IV or V hereof.

3.5 Time Limits

Preliminary consultation and review shall be separate and apart from formal consideration under Section IV or V hereof, and the time limits for acting under Paragraph 5.6 hereof shall not apply until a formal Completed Application is submitted under Paragraph 5.5

SECTION IV
08/22/2002

MINOR SUBDIVISIONS AND PROPOSALS ELIMINATED

(REFER TO SECTION V FOR MINOR SUBDIVISIONS)

SECTION V

GENERAL APPLICATION PROCEDURE

5.1

General Procedure

Whenever any subdivision of land is proposed, before any construction, land clearing or building development in such subdivision is begun, before any permit for the erection of any building in such subdivision shall be granted, and before a subdivision plan may be filed in the Registry of Deeds of Merrimack County, the Subdivider shall apply for and secure Planning Board approval of such subdivision in accordance with the following procedure and other provisions of these Regulations.

5.2

Preliminary Layout

Preliminary layout review is a suggested procedure that the Board finds useful in avoiding costly changes in the Final Plat.

A. Application

The Subdivider shall submit an application for Preliminary Layout approval to the Secretary of the Board not less than fifteen (15) days before any regular meeting of the Board, using a form supplied by the Board.

The following shall be required for and constitute a completed Application:

- (1) A list of all abutters and their mailing addresses obtained from Tax Collector's records.
- (2) Check to cover mailing and advertising costs (in accordance with Paragraph 5.8 hereof).
- (3) Preliminary Layout in accordance with Paragraph 5.2b hereof.

B. Preliminary Layout Requirements

The Preliminary Layout shall consist of all working information

necessary for the Board to grant tentative approval on the proposed subdivision. Submissions of the Preliminary Layout shall include the following:

- (1) Subdivider's shall file with the Board three (3) paper print copies of the proposed subdivision at a scale of not greater than 100 feet to the inch, containing the following information:
 - (a) Proposed subdivision name.
 - (b) Proposed subdivision use, including proposed *deed* restrictions as noted on plats and prints.
 - (c) Name and address of subdivider and surveyor and/or planner.
 - (d) Name and address of all abutters.
 - (e) Date, north arrow and bar scale.
 - (f) Sufficient data acceptable to the Board to determine readily the location, bearing and length of every street line, lot line, *setback lines* 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. The error of closure is not to exceed 1 to 10,000.
 - (g) Location, names and width of all existing streets, buildings, easements, watercourses, water mains, sewers, culverts, standing water, rock ledge and other essential site features.
 - (h) A general site location map at a scale equal to the Town base map showing the proposed subdivision in relation to surrounding roads and property.
 - (i) Existing topography at not greater than twenty (20) foot intervals, although ten (10) foot intervals may be required, if, in the opinion of the Board, greater accuracy is necessary.
 - (j) Location, width of all proposed streets, easements, culverts and bridges. The names of all proposed streets shall be shown. (Where the Preliminary layout as submitted covers only a part of the proposed subdivision, a plan of future lots and the street system will be indicated.)

- (k) *Proposed house numbering system for lots as prescribed by the Town of Hill 911 ordinance.*
- (l) Proposed system of water supply and sewerage disposal.
- (2) Detailed description of all proposed streets and easements including a description of grades, profiles, and drainage.
- (3) All necessary State and Town permits as such and not limited to; NH Water Supply and Pollution Board, Dredge and Fill from NH Wetlands Board and Driveway permit.

C. Consideration and Action by Board

- (1) The Board, before taking formal action on the Preliminary Layout, may discuss the layout with the Subdivider or his agent. After such discussion, the Board may communicate to the Subdivider the specific suggestions that might assist in resolving problems of meeting requirements during final consideration and action under Paragraph 5.6 hereof.
- (2) The Board will, prior to formal submission of the Completed Application, and after notice to abutters and the general public as required by Paragraph 5.9 hereof, review the Preliminary Layout filed by Subdivider in advance of formal submission and may give the Preliminary Layout its Tentative or Conditional informal Approval. Such approval shall not constitute final approval of the Subdivision, but is to facilitate the procedure in securing Final Plat approval after submission of the Completed Application under Paragraph 5.5 hereof.
- (3) The Board, or one or more members of the Board, may conduct a site inspection of the proposed subdivision prior to Tentative or Conditional Approval to ascertain the natural conditions of the site and to inspect the layout of proposed streets and ways.

D. Abandonment of Preliminary Layout

A Preliminary Layout shall be considered to have been abandoned by the Subdivider if a Final Plat for all or a portion of the proposed subdivision has not been filed with the Board within 12 months from the date of submission of the Preliminary Layout. An abandoned layout cannot be revised and shall not

be transferable except as a complete new submission to the Board.

5.3 Final Plat

A. Form of Final Plat

The final plat submitted for approval and subsequent recording shall be submitted in triplicate. The size of the sheets shall conform to the requirements of the Registry of Deeds of Merrimack County, for filing. The final plat shall be in permanent black ink, on a permanent reproducible polyester film. A margin of at least one inch shall be provided outside ruled borderlines on three sides and of at least two inches along the left side for binding. Adequate space shall be available on the map for necessary endorsement by the proper authorities. The drawings shall be of a scale of not more than 100 feet to the inch.

B. Content of Final Plat

- (1) Subdivider shall file Three (3) paper copies, plus One (1) paper copy per lot with the Final Plat of the proposed subdivision. Scale shall not be greater than 100 feet to the inch, containing the following information:
 - (a) Proposed subdivision name.
 - (b) Proposed subdivision use, including proposed private restrictions as noted on plats and prints.
 - (c) Name and address of subdivider and surveyor and/or planner.
 - (d) Name and address of all abutters.
 - (e) Date, north arrow and bar scale.
 - (f) Sufficient data acceptable to the Board to determine readily the location, bearing and length of every street line, lot line, 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. The error of closure is not to exceed 1 to 10,000.
 - (g) Location, names and width of all existing streets, buildings, easements, watercourses, water mains, sewers, culverts, standing water, rock ledge and other essential site features.

- (h) A general site location map at a scale equal to the Town base map showing the proposed subdivision in relation to surrounding roads and property.
 - (i) Existing topography at not greater than twenty (20) foot intervals, although ten (10) foot intervals may be required, if, in the opinion of the Board, greater accuracy is necessary.
 - (j) Location, width of all proposed streets, easements, culverts bridges. The names of all proposed streets shall be shown.
 - (k) *Proposed house numbering system for lots as prescribed by the Town of Hill 911 ordinance.*
 - (l) Proposed system of water supply and sewerage disposal.
- (2) The Final Plat shall show the boundaries of the property and adjoining owners.
 - (3) Permanent monuments shall be set as required by the Board. (See Paragraph 6.6.)
 - (4) Street names shall be chosen so as not to duplicate any other street or way in the Town of Hill.

C. Construction Drawings

As part of the Final Plat submission, the Subdivider or his agent may be required by the Board to submit any or all of the following:

(1) Subdivision Grading and Drainage Plan

This plan shall be submitted on a separate sheet or sheets and shall provide the following information for the entire area of the proposed subdivision, unless there is a determination by the Board that a lesser area is sufficient.

- (a) Basic street and lot layout, with all lots numbered consecutively.
- (b) Location of all existing and proposed buildings.
- (c) Contours of existing grade at intervals of not more than five (5) feet. Intervals less than five (5) feet may be required depending on the character of

the topography. Contour lines shall extend a minimum of 100 feet beyond the subdivision boundary.

- (d) Final identification, location, elevation, grades and/or contours at intervals of not more than two (2) feet (less interval may be required depending on topography) for the existing and proposed drainage ways, drainage easements, drainage structures and water bodies.
- (e) Final identification and relative location of proposed soil erosion and sediment control measures and structures.
- (f) Final drawings and specifications for each proposed soil erosion and sediment control measure and structure designed in accordance with guidelines acceptable to the Merrimack County Conservation District.
- (g) Final drawings, details and specifications for propose flood hazard prevention measures and structures and for proposed storm water retention basins.
- (h) Final slope stabilization details and specifications.
- (i) A time schedule indicating the anticipated starting and completion dates of the subdivision development and the time of exposure of each area prior to the completion of effective soil erosion and sediment control measure.

(2) Subdivision Street and Utility Plan

This plan shall be submitted on a separate sheet or sheets and provide the following information:

- (a) Complete plans and profiles of all proposed streets, including but not limited to:
 - (i) Horizontal and vertical curve data at the street centerline;
 - (ii) Intersection, turnaround and/or cul-de-sac radii;
 - (iii) Typical sections of proposed streets.

- (b) Complete plans and profiles of all proposed sanitary and storm sewers.
- (c) Location and details of all existing and proposed utilities, including water mains, telephone and electricity on and adjacent to the land to be subdivided.

5.4 Completed Application

- a. A Completed Application sufficient to invoke jurisdiction of the Board must include sufficient information to allow the Board to proceed with consideration and to make an informed decision.
- b. The following shall be required for and constitute a completed Application:
 - (1) An Application for Subdivision Approval (on form obtained from the Secretary of the Board) properly filled out and executed by Applicant and filed with Secretary of the Board in accordance with Paragraph 5.5 hereof, together with items (2) to (6) below.
 - (2) A list of names and mailing addresses (including zip code) of the Applicant and all abutters as indicated in the Town's Tax Collector's records not more than 5 days before day of filing the application.
 - (3) Properly Completed Notice Forms in duplicate (forms obtained from Secretary of the Board) enclosed in properly addressed unsealed envelopes with return receipt and certified mail forms (from U.S. Post Office) filled out for the Subdivider and all abutters.
 - (4) A check payable to *Town of Hill; Planning Board* to cover filing fee and mailing, advertising, and recording costs as provided in Paragraph 5.8 hereof.
 - (5) Final Plat completed in accordance with Paragraph 5.3 hereof. Three (3) paper copies plus One (1) paper copy per lot of the Mylar shall accompany the Final Plat.
 - (6) All necessary State and Town permits as such and not limited to; NH Water Supply and Pollution Board, Dredge and Fill from NH Wetlands Board and Driveway permit.

5.5 Filing and Submission of Completed Application

- A. The Applicant shall file the application with the Board or its Agent at least 15 day prior to the meeting at which time the

Application will be considered for completeness and acceptance.

- B.** The Board shall at the next regular scheduled meeting, or within 30 days following submission of the application, for which notice can be given in accordance with Paragraph 5.9, determine if a submitted application is complete according to the requirements of Paragraph 5.4 and vote on its acceptance.
- C.** If the application is found to be not complete the Board will notify the Applicant within 72 hours of said determination and state the reasons for said determination.

5.6

Consideration and Action by Board

- A.** The Board shall begin formal consideration of the Application within 30 days after duly noticed formal submission of the Completed Application to the Board under Paragraph 5.5 hereof by placing the Application on its Agenda.
- B.** After duly noticed formal submission to the Board of the Complete Application (including Final Plat) and duly noticed public hearing thereon as provided in Paragraph 5.10 hereof, the Board shall, within 65 days after acceptance of completed application (or within a longer period by waiver or extension under RSA 676:4-I (f)), conditionally approve, approve or disapprove the Application and Final Plat.
- C.** Applications may be disapproved by the Board without public hearing on the grounds of:

 - (1) Failure of the Applicant to supply information required by these Regulations, including:

 - (a) Abutters' identification; or
 - (b) Information required for Preliminary Layout; or
 - (c) Information required for Final Plat; or
 - (2) Failure to meet any reasonable deadline established by the Board; or
 - (3) Failure to pay costs of notices or other fees required by the Board or these Regulations.
- D.** The Board, or one or more members of the Board, may conduct a site inspection of the proposed subdivision prior to Tentative or Conditional Approval to ascertain the natural conditions of the site and to inspect the layout of proposed streets and ways.
- E.** The Boards will give the applicant a final written decision that either approves or disapproves the application. If the application is not approved, the notification will clearly state the reasons for the disapproval. This notification will be made available to the public within 72 hours of the Boards decision.
- F.** In case of disapproval of any Application submitted to the Board, the ground or grounds for such disapproval shall be stated in the Minutes or other record of the Board.

5.7

Filing Fees

A. Preliminary Layout Application

An Application for Preliminary Layout approval, filed under Paragraph 5.2 thereof, shall be accompanied by a filing fee of \$150.00 plus additional moneys to cover the cost of certified mail for abutter's notices, advertising, recording secretary, and other costs of processing the Preliminary Layout.

B. Completed Applications and Recording

A Completed Application, filed under Paragraph 5.4 hereof, shall be accompanied by a filing fee of \$150.00 plus the recording fee and additional moneys to cover the cost of certified mail for abutters notices, advertising, recording secretary, and other costs of processing the Final Plat.

C. Engineering and Consulting Services

The Board may require a registered engineer or other consultant to review a subdivision plan, including drainage facilities, sanitary sewer disposal, water facilities and road construction, to assure conformity to Subdivision Regulations. The cost of such engineer or consultant shall be paid by the Applicant prior to approval or disapproval of Final Plat.

5.8 Notices

A. Submission Notice

Submission notice to the Applicant, abutters and public shall be given by the Board as follows:

- (1) To abutters and the Applicant by certified mail, return receipt requested mailed at least 10 days prior to submission.
- (2) To the general public at the same time by posting in at least Two (2) public places in the Town and publication in a newspaper of general circulation therein.

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 of the Item to be considered and shall identify the Applicant and location of the proposed subdivision.

B. Hearing Notice

- (1) For any public hearing on the Application, the same notice as required for notice of submission of the Application shall be given.
- (2) 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, nor shall additional notice be required of an adjourned session of a hearing with proper notice if the date, time and place of the adjourned session was made known at the prior hearing.

5.9 Hearings

- A. Prior to approval of a Completed Application, a public hearing shall be held as required by RSA 675:7 and notice to Applicant, abutters and the public shall be given in accordance with Paragraph 5.9 hereof.
- B. The public hearing shall be held within 30 days after a Completed Application submission including all required related materials.

5.10 Performance Bond

A. Coverage and Amount

Before approval of a Subdivision by the Board, the Board may require that the Subdivider file a bond, suitable escrow deposit or lien on property within the subdivision in amount sufficient to cover the cost of streets, drainage facilities, extension of public water and sewer lines if available, and other improvements as may be required.

B. Form and Sureties

Any bond, escrow or lien must be approved as to form and sureties or escrowee by the legal counsel of the Town of Hill and conditioned on completion of such improvements within two years of the date of the bond, escrow or lien, unless extended by the Board with Subdivider's consent.

C. Release

The performance bond, escrow or lien shall not be released

until the Town Road Agent and Board of Selectmen shall have certified completion of all the required improvements in accordance with the subdivision regulations and with the subdivision design and plan approved by the Board.

(1) Reduction of Performance Bond

A performance bond may be reduced upon actual dedication of public improvements and then only to the ratio that the public improvement dedicated bears to the total public improvements for the subdivision. In no event shall a performance bond be reduced below twenty-five (25%) percent of the principle amount.

(2) Release of Performance Bond

Upon completion of improvements by the subdivider or owner and approval by the Planning Board, surety covering maintenance of the streets for a period of two years from completion shall be required in an amount equal to twenty five (25%) percent of the total cost of such improvements or \$2,000.00, whichever is greater. The maintenance of streets shall be defined, as work required to correct defects in the construction if they become apparent to the Town within a two year period.

D. Failure to Complete Improvements

When a performance bond has been posted and required improvements have not been installed within the terms of such performance bond, the Planning Board may thereupon declare the bond to be in default and require that all improvements be installed, regardless of the extent of the building development at the time the bond is declared to be in default.

Nothing herein shall obligate the Town to build or complete improvements when in the opinion of the Planning Board after consultation with the Selectmen and a public hearing the Board determines that such improvements are not in the public interest.

5.11 Failure By Board to Take Action

- A. The board shall begin formal consideration and shall act to approve, conditionally approve or disapprove within 65 days, subject to extension or waiver as provided in RSA 676:4-1 (f).

- B. Upon failure of the board to approve, conditionally approve, or disapprove the application, the selectmen shall upon request of the applicant, immediately issue an order directing the board to act on the application within 30 days. If the planning board does not act on the application within that 30-day time period, then within 40 days of the issuance of the order, the selectmen shall certify on the applicants application that the plat is approved pursuant to RSA 676:4-1 (c), unless within those 40 days the selectmen has identified in writing some specific subdivision regulation or zoning or other ordinance provision with which the application does not comply.
- C. Failure of the selectmen to issue an order to the board shall be grounds for the applicant to petition the superior court under RSA 676:4-1 (c) (2) to issue an order of approval if the court determines that the proposal complies with existing subdivision regulations and zoning or other ordinances.

5.12 Abandonment and Amendment

A. Incomplete Application

An application submitted to the Board which is found to be incomplete shall be deemed to have been abandoned if a Completed Application is not submitted within twelve (12) months of the date at which the Board acted to find the application incomplete.

B. Completed Application

An application submitted to the Board which is found to be a Complete Application layout, and for which appropriate extensions of time have been granted by the Board in which to take final action, shall be deemed to have been abandoned by the applicant if a final plat has not been submitted within twelve (12) months of the date at which the Board acted to find the application complete.

C. Abandoned Application

An abandoned application cannot be revived nor is it transferable except as a complete new submission to the Board, unless an extension is granted. An extension may be granted if requested in writing by the applicant at least 30 days prior to the end of the twelve (12) month period.

D. Amendments to Approved Plans

After the Board's approval of a plat, it will be the applicant's

responsibility to see that construction does not deviate from the approved plat. Any changes to utilities, roads or structures or other improvements as approved shall be presented to the Board or its designee who will determine if the change is minor or major.

Minor changes, by way of illustration, may include, but not limited to, small changes to the location of roads, utilities and building foundations due to subsurface conditions encountered during construction or improvement in design such as lower street grade. Minor changes may be approved by the Board or its designee and not require formal notification to the applicant, abutters, lien holders, any individual whose professional seal appears on the plan, or the general public.

Major changes, by way of illustration, may include, but are not limited to, large changes in location of roads, utilities and building foundations, down sizing of utility lines, increasing road grades and decreasing curve radii. Major changes shall require the resubmission of the final plans, and approval by the Planning Board, before construction can proceed on the basis of the major changes.

SECTION VI GENERAL REQUIREMENTS FOR SUBDIVISION OF LAND

The Subdivider shall observe the following general requirements and principles of land subdivision.

6.1 General Guidelines

- A.** Scattered and premature subdivision of land as would involve danger or injury to health, safety or general welfare by reason of a lack of water supply, drainage, transportation, school, fire department or other public services, or necessitate an excessive expenditure of public funds for the supply of such services shall not be approved by the Board. Subdivision of land whose access is by a class VI road is not permitted.
- B.** A proposed subdivision shall conform with the Comprehensive Town Plan, the Official Map, Town of Hill zoning ordinances, and any other pertinent State or local laws or regulations.
- C.** The Subdivider shall give due regard to the preservation and protection of existing features: trees, scenic points, brooks, stream, water bodies, other natural areas and historic landmarks in order to preserve the natural environment. The Board may require that these features be shown on the final plat.
- D.** Whenever possible, the lot length shall not exceed four (4) times the average width of the lot.
- E.** Land of such character that it cannot be safely used for building development purposes because of danger to health or peril from fire, flood hazard, poor drainage, poor soil conditions, excessive slope or other hazardous conditions, shall not be platted.

Example: Steep land (15% natural slope or greater over the majority of lots, areas with high water table (within 2' of the surface), flood plains, areas with less than 3' of natural soil over impermeable material (percolation rate slower than 30 minutes per inch) are problems of such nature to endanger health, life or property. Such areas shall not be platted unless a design solution acceptable to the Board is presented.

- F.** The Subdivider shall provide certification of a required approval of subdivision by the State of New Hampshire Water Supply and Pollution Control Commission accompanied by a duplicate copy of all data submitted to them and any stipulations related to such approval as well as all additionally required State permits and approvals.

6.2 Flood Hazard Areas (Amended January 3, 2002)

- A. The Planning Board shall review the proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by the Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

The responsible person shall require that all subdivision proposals and other proposed new developments greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals base flood elevation data.

Sufficient evidence (construction drawings, grading and land treatment plans) shall be submitted so as to allow determination that:

- (1) All such proposals are consistent with the need to minimize flood damage.
 - (2) All public utilities and facilities, such as sewer, gas, electrical and water systems are located, elevated and constructed to minimize or eliminate flood damage.
 - (3) Adequate drainage is provided so as to reduce exposure to flood hazards.
- B. The Board shall require new or replacement water supply systems and/or sanitary sewage systems to be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems to be located so as to avoid impairment of them or contamination from them during flooding.

6.3 Drainage and Sewage Disposal

- A. Where individual on-lot sewage disposal systems are proposed, it shall be the responsibility of the Subdivider to prove that the area of each lot is adequate to permit the installation and operation of such systems or that adequate land area is available for group disposal.
- B. All on-lot sewage disposal systems shall comply with the requirements of RSA 485-A and with such rules and regulations as may be promulgated by the New Hampshire Water Supply and Pollution Control Commission.
- C. The Board reserves the right to inspect any or all water and sewerage systems either during construction and/or prior to operational approval.

- D. The Board may require Subdivider to give drainage releases to the Town of Hill for the right to drain across certain specified lots to provide adequate drainage for the subdivision or adjacent roads or properties.

6.4 Street System

These standards are meant for small subdivisions of 6 or less housing units. For a subdivision with 7 or more housing units see the separate Street Standards and Street Regulations adopted May 29, 1990. See Table 1 for a summary of the street standards by the size of road. See figure 1 for a typical road profile.

- A. Construction of streets, drainage facilities, sidewalks and curbs shall be under the supervision or with the approval of the Planning Board or Engineer of the Town of Hill.
- B. The arrangement of streets within the subdivision shall provide for the continuation of the principal streets in adjoining subdivisions or for their proper projection when adjoining property is not subdivided and shall be of a width at least as great as that of such existing connecting streets.
- C. No street right-of-way shall be less than 40 feet in width and may be required to be more if a greater width is warranted in the opinion of the Board. The apportioning of the width among roadways, sidewalks and possible grass strips shall be subject to approval of the Board. In general, the Board shall require a traveled width of not less than 20 feet plus 2 feet of gravel shoulders on each side.
- D. Grades of all streets shall be not less than 1 percent nor more than 10 percent unless specifically approved by the Board.
- E. Street intersections shall be as nearly as possible at right angles and street intersections and curves shall be designed to permit adequate visibility for both pedestrian and vehicle traffic. Curves in general shall have a minimum radius of one hundred (100) feet and no intersection shall be acceptable at less than 60 degrees. Property lines on corners shall reserve a twenty (20) foot curve radius.
- F. Except where near-future connections may be possible, dead-end or Cul-de-sac streets shall have a circular turn-around at the closed end with a minimum radius of sixty feet (60) from the center to the outside edge of the right-of-way. The center portion of the turn-around shall be left in-its natural state unless prior approval of the Planning Board is obtained.

- G.** Driveways entering the proposed road shall cross a culvert having a minimum diameter of 12 inches with length of culvert (to be determined by the Road Agent) placed in the roadway drainage ditch if deemed necessary.
- H.** Existing streets outside the subdivision, but by which there is access to the subdivision, shall, if practical and necessary, be widened, extended, or improved in compliance with the standards required by these regulations at the expense of the Subdivider.
- I.** No street will be recommended for acceptance by the Town unless it meets all the requirements of these regulations.
- J.** The Approval by the Planning Board of a subdivision plat shall not be deemed to constitute or imply the acceptance by the Board of Selectmen or the Town of any street, right-of-way, easement or park shown on said plat.

Standards for Street Design

Table 1

	Service ¹	Local ^{1 or 2}	Collector ²	Arterial ²
Ave. daily vehicular traffic ³	1-40	1-240	241-400	400+
Number of housing units	1-5	Max of 30	Max of 50	50+
Min. traveled surface width (ft.)	14	18	22	24
Min. shoulder width (ft.) each side	2	2	3	4
Min. distance between shoulder break points (ft.)	18	22	26	30
Base course				
- Sand (in.) ⁴	4	6	6	6
- Gravel (in.)	4	6	12	14
- Crushed gravel (in.)	4	4	4	4
Total depth of base course	12	16	22	24
Pavement surface material	Crushed gravel or Bituminous	Crushed gravel or Bituminous	Bituminous	Bituminous
Ditch line to ditch line (ft.) ⁵	26	33	41	46
Min. Right-of-Way (ft.) ⁶	40	50	50	60
Design speed for street (MPH) ⁷	20	30	30	35
Crest vertical curve "K" factor	n/a	n/a	40	55
Sag vertical curve "K" factor	n/a	n/a	45	55
Min. vertical curve length (ft.)	n/a	n/a	125	150
Min. horizontal curve radii to centerline of street. (ft) ^{8&9}	n/a	n/a	325	400
Max. curve banking cross slope.	4%	4%	4%	4%
Max. profile grade. ¹⁰	10%	10%	10%	8%

Footnotes:

- 1 Street standards found in Section 6.4 Street System of the Hill Subdivision regulations will be used.
- 2 Street Standards (detailed) adopted on 5/29/90 will be used.
- 3 Shall be the anticipated traffic 20 years into the future (assuming 8 trips per day per dwelling unit)
- 4 Gravel maybe substituted for sand.
- 5 Ditch lines located at the bottom of base course on "sub grade" and on an assumed 4:1 shoulder slope. This influences the amount of ROW.
- 6 The ROW dimension shall be measured perpendicular to straight-line sections and radial to curved sections. The right-of-way shall include a minimum of (5) five feet additional width from the bottom of the ditch on both sides.
- 7 See Detailed Street Standards adopted 5/29/90.
- 8 See Detailed Street Standards adopted 5/29/90.
- 9 See Detailed Street Standards adopted 5/29/90.
- 10 See Detailed Street Standards adopted 5/29/90.

TYPICAL CUL-DE-SAC

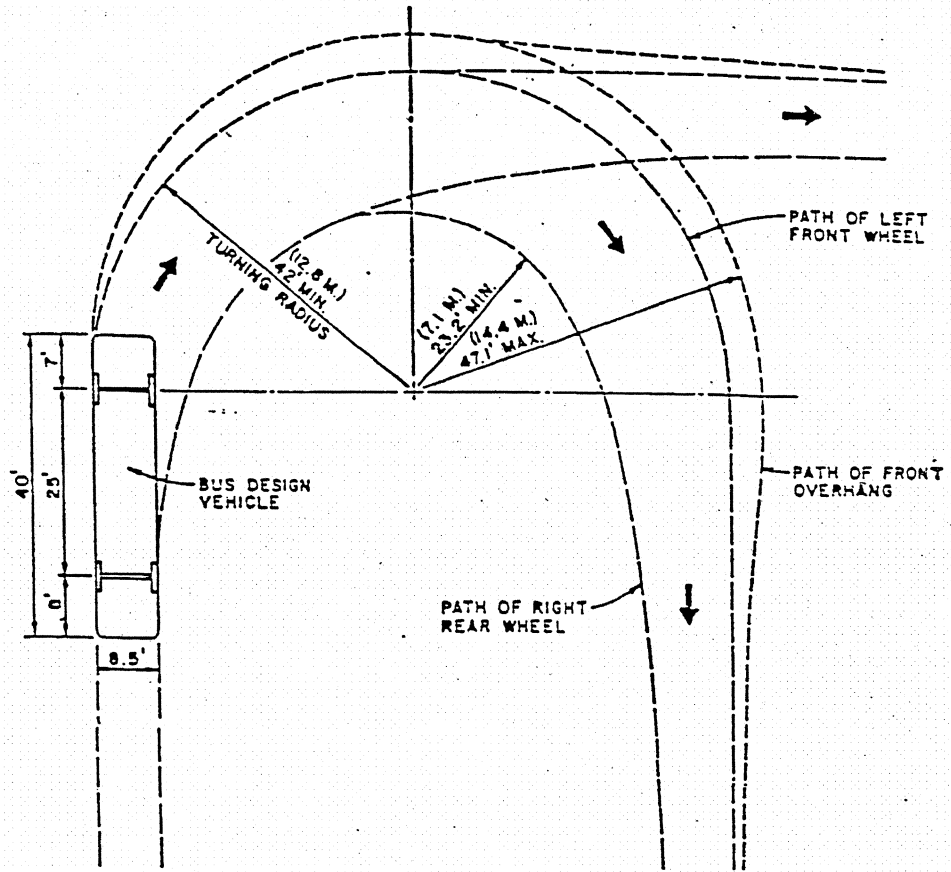
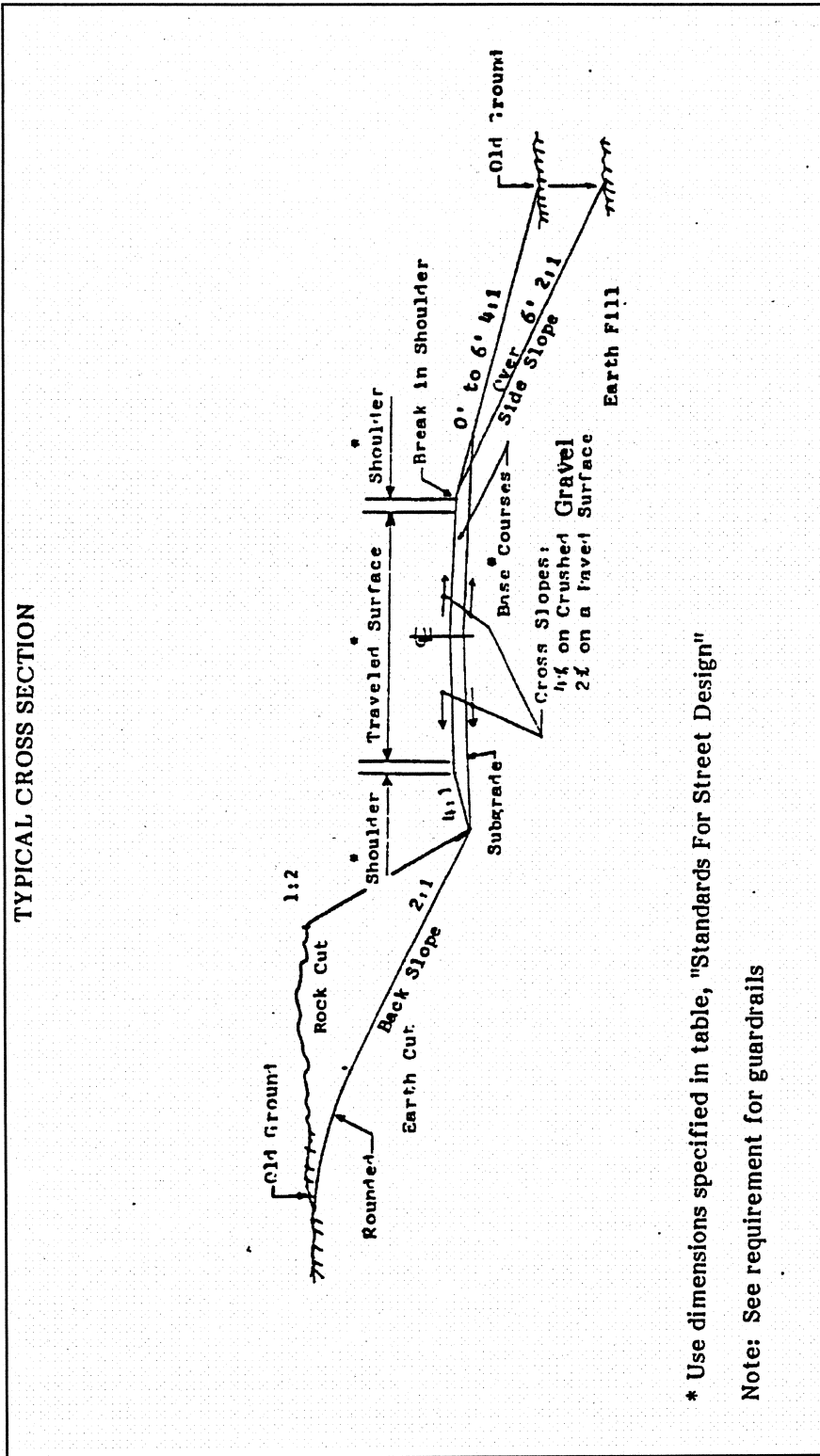


Figure 1



6.4 Street System (*cont'*)

- J. All streets and roadways shall be constructed in accordance with the following minimum specifications:
- (1) The roadway or traveled way, exclusive of grass strip, sidewalk area or drainage ditches, shall have a width of at least twenty (20) feet. The traveled way shall be centered in the right-of-way. The Planning Board may require a greater width if deemed necessary.
 - (2) All topsoil, loam, clay, muck, boulders and stumps and other improper road foundation material must be removed from the limits of the roadbed to a depth of at least 18 inches. Topsoil shall be removed from areas that will be filled. Loam or improper road foundation materials must be excavated and replaced with bank-run gravel or broken rock.
 - (3) All roads shall be crowned 1/4 inch per foot from the centerline with the exception of banked curves.
 - (4) The base course shall consist of bank-run gravel, free from loam and/or organic matter to a depth of at least twelve (12) inches uniformly compacted the full width of the traveled surface.
 - (5) The finish course shall consist of crushed bank run to a minimum depth of three inches. For Service and Local roads this is all that is required.
 - (6) If pavement is used it, a base course and wearing surface must be applied. These courses must be within current State of NH DOT specifications.
 - (7) Drainage facilities, sanitary and storm, curbs, gutters and sidewalks, shall be provided to the extent deemed necessary by the Board. All proposed drainage facilities and culverts with a minimum diameter of 12 inches and with adequate erosion protection shall be installed on both ends and must conform to **TRA standards**. Natural watercourses shall be cleaned and increased in size, where necessary, to take care of storm runoff¹. Drainage ditches at least three feet in width and sixteen inches in depth at its midpoint below centerline grade shall be constructed in the street right-of-way on both sides of the paved roadway. Cut slopes and fill slopes may not

¹ Requires a DES wetlands permit

exceed a 2 to 1 grade. (See Figure 2 for typical street section.)

- (8) Other provision may be required whenever peculiar topographical conditions warrant.

- K. When conditions peculiar to a particular proposed subdivision so dictate, the Planning Board may, in its discretion, authorize a traveled width of less than 20 feet. With the Approval of the Road Agent, the Board of Selectmen and Town Engineer, it may likewise permit variations in details of construction specified in this Paragraph 6.4.

6.5 Easements

- A. Reserve strips of land which in the opinion of the Board, shows intent on the part of the Subdivider to control access to land dedicated or to be dedicated to public use shall not be permitted.
- B. All plats or layouts shall show the boundaries of proposed permanent easements for utilities over or on the property. Such easements shall have satisfactory access to existing or proposed public streets. Watercourses proposed for public control shall have a permanent easement of not less than twenty feet.
- C. The Board may, in appropriate cases, require areas of the plat to be set aside for parks and playgrounds to be dedicated or reserved for the common use of all property owners by a covenant in the deed. Whether or not required by the Board, these areas shall be of reasonable size and character for neighborhood playgrounds or other recreational uses.

6.6 Monuments

Concrete or stone monuments at least 4" x 4" on the top and at least 36 inches long shall be set at all lot corners and iron pins at all points where the bearing of a lot line changes.

6.7 TOWN OF HILL REQUIREMENTS FOR FIRE SUPPRESSION WATER SOURCE

- A)** The piping system will be constructed of non-corrosive PVC pipe and fittings.
- B)** Piping will be of schedule 80 minimum diameter of 6" for no more than 50 feet from steamer connection to intake.
- C)** The dry hydrant head will have male N.S.T. 4 ½" in diameter, and will be no higher than 36" nor less than 20" from finished grade, to the outlet center line.
- D)** Finished grade will be no less than 4 feet nor more than 10 feet above the high water line.
- E)** The piping will be equipped with an inlet strainer, capable of a minimum of 1,000 G.P.M. to be constructed of the same non-corrosive material.
- F)** The top of the inlet strainer will be no less than 18" from the bed of the water supply, and will have a minimum of 48" between the strainer surface and the low water line.
- G)** The dry hydrant will be located not less than 37 feet nor more than 50 feet from the roadway center line.
- H)** The dry hydrant will be located at the inner edge of a pull-off area. Pull-off area to be constructed with the same material and specs required for the roadway, with a minimum width of 25 feet and a minimum length of 40 feet to be parallel with the roadway.
- I)** The fire suppression system will be constructed so as not to create any life-safety or traffic hazards.
- J)** Where there is an existing, acceptable, water source, it may be utilized in place of constructing one, provided a hydrant and pull-off area are constructed.
- K)** Acceptable must meet the following minimum requirements, gallonage, depth, finish grade, and a natural source of water (beaver ponds are not acceptable), and is within 2,500 feet of the furthest living unit to be constructed.
- L)** Gallonage required – 25,000 gallons for each living unit (one family is one unit, 4-families is 4 units). A minimum of 125,000 gallons and a maximum of 500,000 gallons. A water hole will fill naturally, and be fenced in. Cisterns will be filled originally by the installer.
- M)** Piping will have a minimum of 5 feet earthen coverage (suitable frost-free material), laid in a manner eliminating all potential pockets.
- N)** The subdivider/developer is responsible for the construction of the fire suppression water source. Once a water source has been completed by the subdivider, and approved by the authority having jurisdiction, then the town can assume responsibility for maintaining the water source, piping, and hydrants.
- O)** All subdivisions of 7 or more living units will have fire suppression water sources, under 7 units are not required to have them.

SECTION VII POAT APPROVAL PROCEDURES

7.1 As-built Drawings

Following completion of all improvements, the applicant shall submit As-Built Plan(s) to the Board. This plan shall be drawn to scale and shall indicate by angles and dimensions, all underground utilities, road profiles and center line elevations and final grading plan showing swales and ditches. The plan shall show easements, dedicated roadways, roadbeds and other improvements.

7.2 Certificate of Performance of Improvements

Upon completion of all the required improvements associated with the applicant's approval, the applicant shall make application to the Board in writing for a Temporary Certificate of Performance. This application shall include inspection reports from all affected Town departments and/or applicable outside agencies including, but not limited to, the Board's designated inspector, the Superintendent of Public Works, the Fire Department, the Sewer Department, the Police Department, the Pittsfield water company and the New Hampshire Department of Transportation. The Board shall issue the Temporary Certificate of Performance and release the original security filed with the Board if the Board determines that the following has been met:

- A. All of the improvements are without known material defects which need correction as determined by the Board; and
- B. The applicant has submitted security for a period of two (2) years which is acceptable to the Board to cover corrections of defects, omissions, errors or failure of installation of the improvements to comply with the approved plans. The amount of security shall be determined by the Board and shall be sufficient to cover the costs of any defects, omissions, errors, as well as failures of installation of the improvements and may include the estimated cost of inflation over the two-year period not to exceed 10% per year.

After the two (2) year waiting period has expired, the applicant shall make application to the Board for a Final Certificate of Performance. This application shall include inspection reports from all affected town Departments and/or outside agencies indicating the acceptability of the completed improvements after completion of the two-year waiting period. If all the improvements are without material defects, which need correction as determined by the Board, then the Board shall issue a Final Certificate of Performance and release the remaining security.

When the applicant has completed all improvements required as specified in the approved plans as stipulated in the Planning Board's vote of approval and has met all other requirements of

these regulations, including obtaining a Final Certificate of Performance from the Planning Board, the applicant may then file with the Board of Selectmen for acceptance of the completed street(s) as public ways under such requirements as Selectmen shall determine; or to other entities having jurisdiction over the completed improvements.

SECTION VIII ADMINISTRATION

8.1 Enforcement

- A. Upon determination by the Board that a violation of these Regulations has occurred, notice shall be given to the Board of Selectmen recommending appropriate enforcement procedures. The Board of Selectmen *or their duly authorized representatives* are responsible for the enforcement of these regulations.
- B. *The sale of or transfer of any land, before a final plat of said subdivision in question has been approved by the Planning Board and recorded with the Registry of Deeds, shall be prohibited and subject to the provisions and penalties as provided in RSA 676:16.*
- C. *No building permit shall be issued for the construction of any building or structure located on a lot or plat subdivided or sold in violation of these regulations.*

8.2 Penalties

As provided in RSA 676:16, any owner, or agent of the owner, of any land located within a subdivision, who transfers or sells any land before a plat of the said subdivision has been approved by the Planning Board and recorded or filed in the Office of the Merrimack County Registry of Deeds, shall forfeit and pay a penalty of One Thousand Dollars (\$1,000.00) for each lot or parcel so transferred or sold; and the description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt such transfer or sale or agreement from such penalty. The execution of a deed that constitutes a subdivision is subject to the foregoing penalty. The town may enjoin such transfer and may recover the said penalty by civil action. In any such action, the prevailing party may recover reasonable court costs and attorney's fees as may be ordered by the Court.

8.3 Waiver

Where strict conformity to the Subdivision Regulations would cause undue hardship or injustice to the owner of the land (in the opinion of the Board), the Board may approve a subdivision plan substantially in conformity with regulations provided that the spirit of the regulations and public convenience and welfare will not be adversely affected.

8.4 Appeals

Any person aggrieved by an official action by the Board may appeal there from to the Superior Court as provided by RSA 617:15.

8.5 Validity

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

8.6 Amendment

These regulations may be amended or rescinded by the Board but only following public hearing on the proposed change. The Chairman or Secretary of the Board shall file a record of any changes so authorized with the Board of Selectmen, the Town Clerk and the Registry of Deeds of Merrimack County.

8.7 Interpretation

In matters of judgment or Interpretation of these Regulations, the opinion of the Board shall prevail.

8.8 Revocation

The passage and adoption of these Subdivision Regulations revokes all previously enacted Subdivision Regulations.

8.9 Adoption

These regulations shall become effective after a public hearing, adoption and certification by the Board, and filing with the Town Clerk, Board of Selectmen and the Merrimack County Registry of Deeds.