



**TOWN OF WATERVILLE VALLEY
NEW HAMPSHIRE**

SUBDIVISION REGULATIONS

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Showing the Regulations as they would read with all proposed changes.

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**WATERVILLE VALLEY PLANNING BOARD
SUBDIVISION REGULATIONS**

ARTICLE I AUTHORITY AND PURPOSE

Pursuant to the authority vested in the Waterville Valley Planning Board by vote of the Town Meeting of Waterville Valley on March 6, 1973, and in accordance with RSA Title LXIV and RSA 356-B:6, as amended, the Planning Board adopts the following regulations governing the subdivision of land in the Town of Waterville Valley, New Hampshire.

The intent of the Town and its residents is to permit development that will ultimately lead to the completion of a high-quality, thoroughly planned community. The Town has enacted regulations and ordinances to ensure that growth is orderly and controlled and in accordance with the Master Plan. The Town has established design standards and criteria for all development that takes place within its limits.

These Regulations are also designed to accomplish the purposes set forth in RSA 674:36, and the purposes of protecting the health, safety, convenience, and economic and general welfare of its citizens.

ARTICLE II DEFINITIONS

Defined Terms. For the purpose of these Regulations, certain terms used herein have the following meanings. Any definition of a term in a statute incorporated by reference shall intend to incorporate the definition as it may be amended by the Legislature. For terms not defined herein that are defined in the Zoning Ordinance, the Zoning Ordinance definition will apply if judged by the Planning Board to be appropriate to the circumstances. For terms not defined herein nor in the Zoning Ordinance, common land use planning definitions will apply.

Rules of Construction. Unless the context requires otherwise, the singular includes the plural and the plural includes the singular and words of one gender include the other.

Abutter – Has the meaning as specified in RSA 672:3, which reads, “any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration by the local land use board. For purpose of receiving testimony only, and not for purpose 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. For the purposes of receipt of notification by a municipality of a local land use board hearing, in the case of an abutting property being under a condominium or other collective form of ownership, the term abutter means the officers of the collective or association, as defined in RSA 356-B:3, XXIII.”

Applicant – The owner of record, or his agent duly authorized in writing, of the land to be subdivided at the time of the application.

Base Map – The town tax map.

Board – The Waterville Valley Planning Board.

Boundary Line Agreement - A boundary line agreement is an agreement between two abutting landowners as to the location of a common boundary and is used whenever a precise point or line determining the boundary between two or more parcels of real property cannot be identified from the existing public record, monuments, and landmarks. The agreed boundary shall be shown on a plan to be recorded in the Grafton County Registry of Deeds.

Completed Application – The application form and supporting documents specified in Article V.

Conditions Precedent – Those conditions that must be fulfilled before the Board may give approval to an application by signing and recording the final plat.

Conditions Subsequent – Those conditions dealing with restrictions on the use of the property or safeguards that must be observed during the development of the parcel or once the project is in use.

Condominium – A building or group of buildings in which units are owned individually, and all the owners on a proportional, undivided basis own the common areas and facilities. Condominiums shall be considered a subdivision under the requirements of RSA 356-B and reviewed accordingly.

Developer – The individual, partnership or corporation responsible for the construction of all improvements and subsequent sale of lots and/or dwelling units.

Development – The preparation of a site, including clearing, grading, filling, leveling, compacting, installing utilities and building construction, which causes a temporary or permanent change of the land use for that particular site.

Driveway – An access way providing access from a street or internal road to a building, site or parking area.

Driveway, Common – A driveway providing access from a street or internal road to two to four principal buildings or sites, or from a street to two to four single family home lots.

Easement – A right afforded a person to make limited use of another's real property, as the right-of-way.

Engineer, Town Planning – The engineer designated by the Planning Board, licensed in the State of New Hampshire, hired or contracted by the Town of Waterville Valley.

Final Plat – The plat which has received the approval of the Planning Board and will be signed and recorded with the Grafton County Registry of Deeds.

Internal Road – An access way serving more than four related principal buildings or sites on the same lot, which provides unobstructed and direct access from a public street, or a street approved by the Planning Board and meeting the Town's street standards, that is not itself an Internal Road, to those buildings or sites only, and to off-street parking serving those buildings or sites if any; not designed to serve through-traffic except in emergencies.

Licensed Land Surveyor – A surveyor licensed under RSA 310-A or another professional authorized under state law to perform land surveying services.

Lot – A single parcel or unit of land with defined, fixed boundaries, represented and identified by a recorded plat or deed.

Lot Line Adjustment – The adjustment of a boundary line between two adjacent lots, which does not increase the number of owners or the number of lots and does not result in any lots that do not conform to the requirements of these Regulations or the Zoning Ordinance.

Master Plan – The plan of development for the town adopted pursuant to RSA 674:2.

Open Space – Land not used by buildings, parking, driveways or roads, but maintained as green space for landscaping, parks or outdoor recreation. May include pedestrian walkways.

Plat – The drawing or drawings on which a plan of subdivision is drawn to scale.

Right-of-Way – The right to pass over property owned by another party; the path or thoroughfare on which such passage is made; the strip of land over which facilities such as highways or power lines are built.

Road – For the purpose of these Regulations, road will be synonymous with street.

RSA – Revised Statutes Annotated which are the laws of the State of New Hampshire and amendments thereto.

Street – A public or private road, highway, and/or any other way which exists for vehicular travel, exclusive of a driveway. Unless the context refers to the traveled portion, the word street shall include the entire right-of-way.

Street, Arterial – A street or highway used primarily for high volume through-traffic.

Street, Collector – A street which, in addition to giving access to abutting properties, serves primarily to carry traffic from local streets to arterial streets and to public and other centers of traffic concentration.

Street, Local – A street used primarily to give access to abutting properties.

Subdivider – The owner of record of the land for which subdivision approval has been granted, including any subsequent owner of record.

Subdivision – Has the meaning specified in RSA 672:14, which reads, “The division of the 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 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 under this title.”

Subdivision, Major – Any subdivision which does not meet the criteria for a Minor Subdivision.

Subdivision, Minor – A subdivision resulting in no more than three (3) lots or sites, each with frontage on and access to an existing, publicly-maintained street, or existing private street previously approved by the Planning Board, and not involving any new or extended streets, utilities or other improvements.

If, in the judgment of the Board, the subdivision as initially presented does not meet the requirements for a Minor Subdivision as stated in the Definition, the Board may require a subdivision to be processed as a Major Subdivision.

Voluntary Merger – The voluntary merger of two or more contiguous pre-existing lots that share the same owner pursuant to RSA 674:39-a.

ARTICLE III GENERAL PROVISIONS

3.01 General Requirements

- A. Whenever any subdivision, lot line adjustment or voluntary merger of land is proposed, before any construction, land clearing or building development is begun, before any permit for the erection of any building in such proposed subdivision shall be granted, and before any subdivision plat may be filed in the office of the Registry 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 procedures contained in these Regulations.
- B. No person may sell or offer for sale any lot in a proposed subdivision subject to these Regulations until the Board has approved the subdivision.
- C. Any person who violates these Regulations is subject to penalties as provided by law, including RSA 676:15-18.

3.02 Character of Land for Subdivision

All land to be subdivided shall be, in the judgment of the Planning Board, of such a character that it can be used for building purposes without danger to public health or safety or to the environment. Land subject to periodic flooding, poor drainage, excessive slope or other hazardous conditions shall not ordinarily be subdivided. Land with inadequate characteristics or capacity for sanitary sewage disposal shall not be subdivided for residential or commercial subdivision purposes unless connected to a municipal sewerage system. The Board may require a statement by a qualified professional as to the suitability of the land for the development proposed.

3.03 Premature Subdivision

- A. Pursuant to RSA 674:36, II (a), the Board may deny approval to any subdivision found to result in scattered or premature subdivision as would involve danger or injury to health, safety, or prosperity by reason of the lack of water supply, drainage, fire protection, or other public services or necessitate the excessive expenditure of public funds for the supply of such services.

B. In considering whether a subdivision will result in scattered or premature subdivision, the Board may consider the effects which the subdivision may have in the following areas:

1. Distance from the nearest schools and effect on school transportation;
2. Capacity of school system;
3. Adequacy of access streets and sidewalks;
4. Adequacy of water supply for domestic purposes and fire fighting;
5. Potential health and environmental problems due to on-site sewage disposal and inadequate water supply;
6. Potential fire protection problems due to location or special conditions involved in the use proposed;
7. Potential police and safety problems;
8. Potential drainage or erosion problems both on and off site;
9. Other issues which might involve an excessive expenditure of public funds; and
10. Other factors affecting the public interest as set forth in Paragraph A above.

3.04 Reserved Strips

No privately-owned reserved strip, except an open space area, shall be permitted which controls access to any part of a subdivision or to any other parcel of land from any street or from any land which is dedicated to public use or is intended for such dedication.

3.05 Lot Layout

The layout of lots shall conform to the requirements of the Zoning Ordinance and shall be appropriate for the intended use.

3.06 Preservation of Existing Features

Due regard shall be given to the preservation and protection of existing features such as large trees, attractive tree stands, scenic points, rock outcroppings, watercourses and wetlands, other natural resources/areas, and historic landmarks.

3.07 Special Studies

- A. The Board may require special investigative studies, environmental assessments, a legal review of documents, and/or other matters necessary to make an informed decision pursuant to RSA 676:4-b. The cost of such studies and investigations shall be paid by the applicant prior to the approval or disapproval of the Application for Subdivision Approval.
- B. Failure to pay costs of such studies shall constitute valid grounds for the Board to terminate further consideration and to disapprove the application without a public hearing.

3.08 Conformity to Regulations

The Final Plat for the subdivision shall comply with all regulations of the Board, the Zoning Ordinance, NH State Building Code, and other applicable by-laws, ordinances, and regulations at Federal, State, and local levels.

ARTICLE IV PREAPPLICATION MEETINGS

Conceptual consultation and design review meetings under this article are optional and are offered to assist the applicant and the Board in accordance with RSA 676:4, II. Discussions during these optional meetings is not binding upon either the applicant or the Board. Statements made by Board members during either of these steps shall not constitute grounds for disqualification in further proceedings or for invalidating any subsequent Board action. Participation in pre-application review can help prevent delays and redesign costs by making sure requirements are understood prior to preparing an application for subdivision approval.

4.01 Conceptual Consultation (Optional, at the request of the applicant)

- A. Any person may appear at a regular meeting of the Planning Board to discuss a subdivision proposed by that person in conceptual form and in general terms. Such preapplication conceptual consultation shall be informal and directed toward:
 - 1. Discussing the basic concepts of the proposal.
 - 2. Reviewing the proposal with regard to the town Master Plan and Zoning Ordinance.
 - 3. Discussing the town regulations as they may apply to the proposal and determining whether the proposal is a major or a minor subdivision.
 - 4. Guiding the applicant relative to necessary state and local requirements.
- B. A person seeking to meet with the Board shall submit a request for conceptual consultation not later than 10 days before a regular Board meeting. This consultation may occur without formal public notice or notice to abutters, but must occur only at a regular, posted meeting of the Board. Any discussion beyond the general terms and conceptual form may occur only after identification of, and notice to, abutters and the general public.

4.02 Design Review (Optional, at the request of the applicant)

Prior to the submission of the application for subdivision approval, any person proposing a subdivision may request to meet with the Board involving specific design and engineering details of the potential application.

- A. Requirements. Any person seeking Design Review shall submit a “Request for Preapplication Design Review” (available at the Town Office) together with all the data listed in Paragraph C below and fees to cover notices as required by Paragraph B below, not less than twenty-one (21) calendar days before the regularly scheduled meeting of the Board at which Design Review will begin.

- B. Notification. Design Review may proceed only after identification of and notice to the applicant; abutters; holders of conservation, preservation, or agricultural preservation restrictions; and the general public, as required by RSA 676:4, I (d). Not less than ten (10) days prior to the meeting, the applicant, abutters, and holders of conservation or preservation restrictions shall be notified by certified mail, and posted notice in two public places in town shall notify the general public.
- C. Design Review Plan Contents. Data may be tentative, but shall be sufficiently clear to show the land use plan. Maps shall be at a scale appropriate to the amount of detail required. Four paper copies of plans and a PDF shall be included with the application. Material submitted for Design Review shall include the following information:
1. List of abutters and their addresses from municipal records not more than five (5) days before submission.
 2. Site survey map showing boundaries of subdivision area, topography, streams, existing features and tree lines; existing roads, structures and adjacent development; and abutting septic systems and wells, and all wells subject to protective radius affecting the property.
 3. A site location map locating the subdivision boundary and proposed streets in relation to at least two existing intersecting streets or other features shown on the base map.
 4. Proposed lots or sites; landscaping; open space areas, large trees, attractive tree stands and natural areas proposed to be maintained.
 5. Soils data showing results and location of any percolation tests and test pits undertaken if on-site wastewater disposal proposed.

ARTICLE V APPLICATION FOR SUBDIVISION APPROVAL

5.01 Subdivider Obligations

The subdivider shall familiarize himself with all state and town regulations relative to health, buildings, streets, utilities, and other pertinent data, so that he is aware of the obligations and standards expected. The subdivider may request the assistance of the Board's designee or Town Manager before preparation and submission of the application or plans.

5.02 Submission

Application for subdivision approval shall be initiated by filing an Application for Subdivision Approval (available at the Town Office), together with all information required under Sections 5.04 and 5.05, not less than twenty-one (21) calendar days before the regularly scheduled meeting of the Board.

5.03 Notification

The submission of the Application for Subdivision Approval may proceed only after the applicant; holders of conservation or preservation restrictions; all abutters; every engineer, architect, land surveyor, or soil scientist whose professional seal appears on the plat; and the general public have

been notified as required by RSA 676:4, I (d). Not less than ten (10) days prior to the meeting, the applicant, holders of conservation or preservation restrictions, abutters, and any professional whose seal appears on the plat shall be notified by certified mail; and a posted notice in two public places in town shall notify the general public. The notice shall state the date, time and place of the Board meeting at which the Application for Subdivision Approval will be formally submitted to the Board and shall include a general description of the proposed subdivision, its location and the name of the applicant.

In addition, pursuant to RSA 676:4.1.(d)(2), for those proposals in which any structure or proposed building site will be within 500 feet of the top of the bank of any lake, pond, river or stream, the Board shall also notify the NHDES by first class mail at the same time the notice is provided to abutters.

5.04 General Requirements

The Application for Subdivision Approval shall contain or be accompanied by the following material:

1. Payment to cover all required application fees.
2. List of abutters and their addresses taken from municipal records not more than five (5) days before filing the application.
3. Payment of fees to cover the costs of notice for posting and for mailing to abutters as required under Section 5.03 as determined by the Board's designee who receives the application.
4. Signature of owner(s) and signed appointment of any agent to be authorized to represent the owner(s) at Planning Board meetings or in communications with Planning Board designees regarding the application.

5.05 Subdivision Plat Requirements

1. General - The subdivision plat shall be submitted in the following formats:
 - a. Four 22"x34" paper print copies
 - b. Electronic PDF file
 - c. One 11"x17" paper copy
 - d. Maps shall be at a scale of not more than 100 feet to the inch (1:1200), shall be of sufficient scale to clearly depict details of the project, and shall contain a bar scale. The plat shall include or be accompanied by the following:
2. Basic Data
 - a. Name of municipality and subdivision, project name and purpose, name and address of the subdivider, developers if any, designer, name and seal of engineer, and licensed land surveyor.
 - b. Names and addresses of abutting property owners.

3. Existing and Proposed Site Conditions

- a. A site location (Locus map) at the scale of the official map (1,000 feet to the inch) identifying exactly the subdivision location and proposed street in relation to at least two existing streets and intersections and other major features shown on the town tax maps.
- b. Existing and proposed lot lines within the subdivision with bearings and distances, prepared and stamped by a land surveyor licensed in the state of New Hampshire, prepared in accordance with the requirements for a Standard Property Survey (Urban) and Administrative Rules of the NH Board of Licensure for Land Surveyors, including lot dimensions, areas in square feet and acres, consecutive numbering of lots. Distances shall be shown to the nearest 100th of a foot and bearing to the nearest 10 seconds. In the case of a large parcel owned by a single entity, the Board may waive survey requirements for a portion of the parcel if judged unnecessary to review the application.
- c. North point, bar scale, date, and dates of any revisions.
- d. Boundaries of Zoning Districts relative to the subdivision; regulated shoreland; flood hazard areas; municipal boundary if any.
- e. Locations of all existing buildings in the subdivision and within 200' (two hundred feet) thereof.
- f. Building setback lines.
- g. Locations of existing and proposed easements and rights-of-way.
- h. Existing and future subdivision if any, in and adjacent to the subject subdivision, and identification of separate phases of development within the subdivision.
- i. Description of all existing and proposed deed restrictions.
- j. Locations of existing and proposed bicycle/pedestrian/recreation paths or of easements for the same.
- k. Locations of existing and proposed open space, watercourses and wetlands, large trees, tree lines and tree stands, scenic points, rock outcroppings, other natural resources/areas, and manmade features. The percentage of open space relative to the lot size shall be designated on the plat.
- l. Areas affected by protective radius for existing wells.
- m. Soil types.

- n. Location of town sewer main to be utilized for wastewater disposal, or, where private on-site wastewater disposal systems are proposed, location and results of at least one test pit and percolation test per proposed lot with location suitable for on-site system.
 - o. Location of town water main to be utilized for water supply, or where private well is proposed, location of potential well site with protective radius.
 - p. Existing and proposed contours at five-foot (5') intervals, extending 100 feet beyond subdivision boundary.
 - q. Existing and proposed driveways.
 - r. Existing and proposed monuments.
- 4. Requests for waivers, if any, pursuant to Article VI.
 - 5. Any additional information which the Board deems necessary in order to apply the regulations contained herein, including but not limited to, an environmental statement to assess the impact of the proposed subdivision on the town.
 - 6. The subdivision plat shall contain the following statement: "The Subdivision Regulations of the Town of Waterville Valley are a part of this plat, and approval of this Plat is contingent upon completion of all the requirements of said Subdivision Regulations, excepting only any waivers or modifications made in writing by the Board and attached hereto."

Additional Requirements for Major Subdivisions

- 7. Buildings
 - a. Location of all proposed buildings and other structures, including accessory buildings, e.g., bicycle sheds, garages, or maintenance enclosures, etc., in relation to topography.
 - b. Number of dwelling units, their shape, size, height, and capacity.
 - c. Number of non-dwelling units, their shape, size, height, and capacity.
- 8. Streets and Parking
 - a. Existing and proposed street right-of-way lines, widths of streets.
 - b. Proposed names of new streets.
 - c. Street profiles and cross sections.
 - d. Stations, radii, curve data, paving and shoulder widths, and grades for proposed streets.

- e. Accurate locations of all monuments to be set at street intersections, points of curvature and tangency of curved streets and at angles of lots.
 - f. A statement of the work required on existing public streets to meet the minimum standards set in these Regulations, including cost estimates and the method of meeting such costs.
 - g. Parking areas, with provision of snow removal or storage.
9. Grading and Drainage
- a. Watershed areas and immediate and long-term drainage computations.
 - b. Identification, location, elevation, grades and contours at intervals of not more than two (2) feet (smaller interval may be required depending on topography) for the existing and proposed drainage ways, drainage easements, drainage structures, and water bodies.
 - c. The identification and relative location of proposed temporary and permanent stormwater, soil erosion and sediment control measures and structures.
 - d. Drawings and specifications for each proposed stormwater, soil erosion and sediment control measure and structure in accordance with guidelines acceptable to the Town of Waterville Valley.
 - e. Drawings, details, and specifications for proposed flood hazard prevention measures and structures.
 - f. Slope stabilization details and specifications.
 - g. A timing 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 measures.
10. Utilities
- a. Existing and proposed plans for telephone, electric, water supply facilities, sewage disposal, and if applicable, cable and internet. It is specifically requested that developers determine in consultation with both town and utility officials the most appropriate location for lines, equipment and pedestals.
11. Landscaping
- a. A landscape plan showing location and species of new plantings, lawn areas and pedestrian walkways, in addition to existing features to be retained.
 - b. A plan for lighting and signage within the subdivision if applicable.

- c. Location and proposed screening method for all exterior mechanical/electrical equipment, waste receptacles and other outdoor storage areas.

5.06 Acceptance/Rejection of Application

Following the delivery of an Application for Subdivision Approval, the Board shall, at the next regular meeting for which notice can be given or within 30 days, determine if the submitted application is complete and vote upon its acceptance.

- A. When the Board accepts an application for subdivision approval as complete, it shall provide a notice to the applicant, indicating the date of formal acceptance and the deadline for final action.
- B. The Board may reject any application if it does not meet any of the filing or submission requirements of these Regulations, including failure to meet reasonable deadlines established by the Board, or failure to pay the cost of notices or other fees required by the Board. If the Board rejects an application, it shall notify the applicant of the reasons for rejection. A rejected application may be resubmitted at a later date when the submission materials are complete and after notice under Section 5.03 is provided.

ARTICLE VI WAIVER OF REQUIREMENTS

6.01 Waiver of Application Requirements

Upon written request by the applicant, or upon the motion of any Board member, the Board may vote to waive, in whole or in part, any provision(s) of Section 5.05 when, in the majority opinion of the Board, such provision(s) would be inappropriate or superfluous to informed evaluation of the site in question. If, during the course of its review, the Planning Board determines that the waived information is necessary to complete its review, then the applicant shall provide that information.

6.02 Waiver of Standards

Upon the written request by the applicant, the Board may grant a waiver or relaxation of the provisions of these Regulations as it deems appropriate per NH RSA 674:36, II(n), by majority vote of the Board. Reasons for the waiver shall be recorded in the meeting minutes. The requirements of these Regulations may only be modified or waived by the Board when:

1. Strict conformity would pose an unnecessary hardship to the applicant and a waiver would not be contrary to the spirit and intent of the regulations; or
2. Specific circumstances relative to the subdivision, or conditions of the land in such subdivision, indicate that the waiver will properly carry out the spirit and intent of the regulations.

In approving waivers, the Planning Board may require such conditions as will, in its judgment, substantially secure the objective of the standard or requirement of these Regulations that is being waived.

ARTICLE VII ACTION ON APPLICATION

7.01 Time for Consideration

- A. Within sixty-five (65) days of the date of formal acceptance of the application as complete, the Board shall approve, conditionally approve, or disapprove the proposed subdivision. The 65-day period for action may be extended by application to the Board of Selectmen or by agreement with the applicant pursuant to RSA 676:4, I (f).
- B. If the Board has not acted within 65 (sixty-five) days of acceptance of the application and if it has not received an extension permitting postponement of action, the applicant may proceed under RSA 676:4, I(c) and obtain an order from the Selectboard directing the Board to act within 30 (thirty) days. If the Board does not thereafter act within the time frame required by statute, then within 40 days of the issuance of the order, the Selectboard shall certify the plat as approved unless they determine that the application does not conform to applicable laws, rules, regulations, or ordinances or find other good reason for not approving the application. Failure of the Selectboard to so act shall constitute grounds for the applicant to petition the Superior Court as provided in RSA 676:4, I(c) 2.

7.02 Public Hearing

Except as provided in Article VIII Expedited Review, no application may be finally acted upon until after a public hearing is held as required by RSA 676:4, I (d). The Board may however disapprove an application without public hearing based on the applicant's failure to: supply information required by these Regulations or by the Board; meet reasonable deadlines imposed by the Board; or pay costs of notice or other fees required by the Board.

- A. Notification. The applicant; all abutters; holders of conservation or preservation restrictions; and every engineer, architect, land surveyor, or soil scientist whose professional seal appears on the plat, shall be notified by certified mail not less than ten (10) days prior to the public hearing. At the same time, a posted notice in two public places in town shall notify the general public. The notice shall give the date, time, and place of the Board meeting at which the public hearing will be held and shall include a general description of the proposed subdivision, its location and the name of the applicant.

In addition, pursuant to RSA 676:4.I.(d)(2), for those proposals in which any structure or proposed building site will be within 500 feet of the top of the bank of any lake, pond, river or stream, the Board shall also notify the NHDES by first class mail at the same time the notice is provided to abutters.

If the notice of public hearing has been included in the notice of submission of the application or any prior notice, additional notice is not required. Additional notice of a continuation of a

recessed session of a hearing for which proper notice has been given is not required if the date, time and place of the continued session is made known at the prior session.

At the discretion of the Planning Board Chair, a public hearing may be held at the same meeting as the submission of the application, provided the application is accepted as a complete application for subdivision approval by the Board and the public notice included the public hearing.

- B. Additional Notice Requirements for Developments of Regional Impact. Pursuant to the provisions of RSA 36:56, upon receipt of an application for subdivision approval, the Board shall review it and determine whether or not the development, if approved, could reasonably be construed as having a regional impact. Doubt concerning regional impact shall be resolved in a determination that the development has a potential regional impact. This regional impact could result from a number of factors, such as, but not limited to, the following:
1. Relative size or number of lots or units compared with existing stock.
 2. Proximity to the borders of a neighboring community.
 3. Transportation networks.
 4. Anticipated emissions such as light, noise, smoke, odors or particles.
 5. Proximity to aquifers or surface waters which transcend municipal boundaries.
 6. Shared facilities such as schools and solid waste disposal facilities.

Pursuant to RSA 36:57, upon determination that a proposed development has a potential regional impact, the Board shall afford the Regional Planning Commission and the affected municipalities the status of abutters for the limited purpose of providing notice and giving testimony. Not more than 5 business days after reaching a decision that a development has regional impact, the Board shall, by certified mail, furnish the Regional Planning Commission and the affected municipalities with copies of the minutes of the meeting at which the decision was made. The Board shall, at the same time, submit an initial set of plans to the Regional Planning Commission, the cost of which shall be borne by the applicant. At least fourteen (14) days prior to the public hearing, the Board shall notify, by certified mail, all affected municipalities and the Regional Planning Commission of the date, time and place of the hearing and their right to testify concerning the development.

- C. Conduct of Hearing/Deliberation. The public hearing and Board deliberations and discussions with the applicant shall be conducted in accordance with Board procedures and policies. The Board shall hear and consider all appropriate evidence and concerns. The Board may continue a hearing or decide to call additional hearings. The Board shall attempt to identify additional studies or information which it may require during deliberations as soon as practicable.
- D. Additional Public Hearing. The Board shall require an additional hearing if an application will be changed substantially from that originally submitted. Revised plans shall be available for at least ten (10) days prior to the additional hearing.

7.03 Notice of Action

The Board shall vote to approve, with or without conditions precedent and/or subsequent, or disapprove the application. The Board shall notify the applicant of the decision in writing, signed by the Chair. The Notice of Action shall also be on file with the meeting minutes within five (5) business days of the vote and available for public inspection. In the case of a disapproval, the Board shall set forth its reasons for disapproval. In the case of approval, the Notice shall set forth the following as applicable, and the timeframe for compliance, if any:

1. A statement that the subdivision will be completed and constructed in conformance with the approved final plat and these Regulations.
2. Any waivers granted by the Board from the requirements of these Regulations, including modifications of Standards for Approval, Article IX.
3. Conditions of approval precedent, i.e., required prior to signing and recording final plat, if any, such as:
 - a. Any conditions of approval that must appear on the final plat, e.g., long-term responsibility for maintenance of roads, stormwater and other utilities and facilities, restrictions on the use of the property, or safeguards that must be observed during development of the property or once the project is in use.
 - b. A description of land, if any, to be dedicated to widen existing streets or accomplish some other purpose.
 - c. Amount of security to be provided to the Town to guarantee performance.
 - d. Amount to be provided to the Town to escrow for inspection fees.
 - e. Road/Utility Documents
 - i. If a subdivision is to be served by public water or public sewer, a statement from the Municipal Services Department attesting to the availability of such service.
 - ii. In the case of electric lines or other utilities to be installed by a public utility corporation, a statement shall be received in writing from such public utility that the work will be done within a reasonable time and without expense to the Town and that utility lines will be placed underground.
 - f. Legal Documents. Where applicable to a specific subdivision, the items listed below are required, in a form as approved by the Town's attorney, prior to approval of the Subdivision Final Plat. All recording fees shall be borne by the subdivider.
 - i. The language of any deed restrictions, covenants or articles of association submitted by the applicant and accepted by the Board.
 - ii. Easements and/or rights-of-way over property to remain in private ownership.
 - iii. Rights to drain onto or across property, whether public or private, including a street.
 - iv. Deeds covering land to be used for public purposes.
 - v. Subdivider improvement agreement.
 - g. Approvals, as prescribed by law, from any other municipal, state or federal agency which may have jurisdiction, for example, NHDOT or town driveway permit, NHDES Shoreland or Alteration of Terrain permits.

4. Conditions of approval subsequent, i.e., special conditions placed on the approval, if any, such as:
 - a. Long-term responsibility for maintenance of roads, stormwater and other utilities and facilities.
 - b. Restrictions on the use of the property or of the open space areas.
 - c. Safeguards that must be observed during development of the property or once the project is in use.
 - d. Natural features to remain.
 - e. Requirements regarding utilities or fire protection.
5. A statement that all improvements required by the Planning Board shall be completed and constructed at the sole expense of the applicant or the successors and assigns of the applicant.
6. A statement of responsibility for possible damage to existing streets during construction.
7. A written acknowledgement of the subdivider's responsibility for maintenance and the assumption by the subdivider of liability for injuries and damages that may occur on any land to be dedicated for public use, until such land has been legally accepted by the Town.
8. All agreements, if any, between the applicant and Board concerning matters not required by these Regulations, but to be performed by the applicant.
9. Criteria established by the Board for determining "active and substantial development" and "substantial completion" pursuant to RSA 674:39 Five-Year Exemption.

Unless all of the above information appears on the final plat to be signed and recorded, the Notice of Action shall be recorded at the Grafton County Registry of Deeds along with the final plat.

7.04 Compliance with Conditions Precedent

- A. Compliance with conditions precedent may be determined by the Board or its designee without further public hearing when:
 1. Minor plan changes occur, whether or not imposed by the Board as a result of a public hearing, compliance with which is administrative and does not involve discretionary judgment.
 2. Conditions occur which are in themselves administrative and which involve no discretionary judgment on the part of the Board; or
 3. Conditions occur with regard to the applicant's possession of permits and approvals granted by other boards or agencies.

Determination of compliance with all other conditions precedent shall be made only after public hearing with proper notice.

- B. Approval shall lapse if the applicant fails to comply with all of the conditions precedent as set forth in the Notice of Action and provide the final plat for recording as described in Section 7.05 below within 1 year or as extended with approval of the Board.

7.05 Recording of Approved Plat

- A. Upon approval by the Planning Board and completion of all conditions precedent, the applicant shall provide the final approved plat for recording. The final plat shall be in permanent black ink, on a permanent reproducible line or polyester film. It shall be submitted in two (2) originals and two (2) blue or black prints on paper. One original shall be returned to the applicant after approval. Sheet sizes shall be in accordance with requirements of the Grafton County Registry of Deeds. Space shall be reserved on the Plat for endorsement by the Board. The final plat shall be consistent with the Board's action on the application.
- B. The final plat, when approved, shall be signed by the Board's Chairperson, Vice Chairperson or Secretary. The approved signed plat, along with the Notice of Action unless all conditions are stated on the plat, shall be recorded by the Town with the Grafton County Registry of Deeds. Upon receipt of the recording date, the Town shall so notify the subdivider.

7.06 Effect of Recording

The recording of an approved final plat shall be deemed to modify the town's base map and the Board shall send a copy to the Selectboard or their designee for incorporation therein. Approval of the plat shall not constitute acceptance by the Town of any street, easement or open space shown thereon, nor shall approval be construed as a representation or guarantee that such acceptance may occur. Acceptance may occur only through action of the Board of Selectmen or Town Meeting as appropriate. In no case shall acceptance of any street, rights, easements, or open space or other dedication proposed in connection with any subdivision by the Town occur until such time as all improvements have been carried out as shown on the approved plat in accordance with these Regulations and subject to any conditions established by the Board.

ARTICLE VIII EXPEDITED REVIEW

8.01 Voluntary Merger of Lots

- A. Any owner of two or more contiguous pre-existing approved or subdivided lots or parcels, who wishes to merge them pursuant to RSA 674:39-a may do so by applying to the Board. Persons wishing to perform a voluntary merger of adjoining lots should contact the Board and ask to be placed on the agenda for its regular meeting. A completed Voluntary Merger application must be delivered prior to scheduling a meeting for evaluation by the Board.
- B. Except where such merger would create a violation of then current ordinances or regulations, all such requests shall be approved, and no public hearing or notice shall be required. No new survey plan need be recorded, but a notice of merger containing a description of the two lots merged into one lot including tax map and lot number and signed by the Board shall be filed in the Grafton County Registry of Deeds under the name of the owner or owners as grantors,

and a copy shall be provided to the town assessing official for attachment to the town's tax assessing records.

- C. If there is any mortgage on any of the lots, the applicant shall give written notice to each mortgage holder at the time of the submission of the application. The written consent of each mortgage holder shall be required as a condition of approval of the merger, and shall be recorded with the notice of the merger. Upon recordation of the notice and each consent, the mortgage or mortgages shall be deemed by operation of law to apply to all lots involved in the merger. The municipality shall not be liable for any deficiency in the notice to mortgage holders.
- D. Any future subdivision of the merged lot shall require subdivision approval.

8.02 Lot Line Adjustments and Boundary Line Agreements

Lot line adjustments or boundary line agreements require the approval of the Board to make certain that no new or non-conforming lots have been created. If a proposal meets the requirements for a lot line adjustment or boundary agreement, the applicant may request expedited approval by submitting the following materials to the Clerk of the Board or designee at least 21 days before a regular Board Meeting:

1. Completed application for approval of a lot line adjustment or boundary agreement.
2. Names and addresses of all interest holders.
3. All applicable fees.
4. A detailed survey plan shall be submitted to the Board showing and labeling the new property line or lines created, and dotted lines showing the original boundary, and all existing wells and septic systems.
5. A statement shall be placed on the survey plan stating as follows: "The property conveyed herein shall not be deemed or considered a separate lot of record, but upon the recording of this plat and the accompanying deed, shall be regarded as merged into and made an integral part of the contiguous lot of land previously owned by the grantee(s) so that the same shall hereafter be one combined single lot of record."

An application filed under this subsection may be accepted and approved at one Board meeting if all materials are in proper order and all requirements are met. No public hearing is required for lot line adjustments or boundary agreements, but interest holders must be notified 10 days prior to the meeting to review the applications and may be heard upon request per RSA 676:4, I(e)(1). The decision to give such expedited review and approval is at the discretion of the Board.

After approval is given, the mylar will be held and not recorded until the Town has received the accompanying deed and can record them both at the same time with the Grafton County Registry of Deeds.

ARTICLE IX STANDARDS FOR APPROVAL

9.01 Design of Open Space

- A. Open Space. Open space provided shall meet the minimum requirements of the Zoning Ordinance, provide for an attractive development in keeping with the character of the community, and shall meet the needs of future occupants of the subdivision for light, air and green space.
- B. Landscaping, Preservation of Top Soil/Trees. In addition to the preservation of existing features required in Section 3.06, the Board may require additional tree planting and other landscaping appropriate to the area being developed. Removal of stripped topsoil or surplus materials from the subdivision area shall not be permitted unless in accordance with the Zoning Ordinance.
- C. Development of Open Space. On land to be used as active recreation space, growth and debris shall be removed as approved by the Planning Board. Tree stands to be maintained and watercourse and wetland areas shall be left natural. Active recreation open spaces shall be graded to dispose of surface water and shall be seeded with lawn grass or treated with other erosion control measures. There shall be no depositing, dumping, or storage of waste or other natural or manmade materials, supplies or equipment on any area designated as open space. No work, removal, or filling shall be done, nor shall the existing natural characteristics of open-space land be altered from the original condition until a plan shall have been approved by the Board.

9.02 Planned Unit Development

A subdivision plat may be designated for a Planned Unit Development, provided all requirements of these Subdivision Regulations and the Zoning Ordinance (ARTICLE V, Section O) are met.

9.03 Access Ways and Streets

- A. Frontage and Access. All lots shall have frontage and access on (1) a Class V or better highway or (2) a street shown on an approved subdivision plat and constructed to the required specifications. Any waivers granted by the Planning Board pursuant to Section 6.02 involving the creation of new lots shall require compliance with RSA 674:41 as a condition precedent to ensure the lots will be buildable.
- B. Access Ways
 1. All driveways, including common driveways, shall be subject to fire lane requirements and driveway permit regulations.
 2. All common driveways shall be a minimum of 12 feet wide and require approval by the Public Safety Department in addition to the Planning Board.
 3. A common driveway providing access to two to four single-family lots may be approved by the Planning Board only when in the judgment of the Board this will result in the most efficient and appropriate use of land.

4. A common driveway serving separate lots must provide direct access between the lots and a public street or private street that is not an internal road and has been approved by the Planning Board and constructed to the construction standards below.
5. Internal roads shall meet the street design and construction standards below and require approval by the Public Safety Department in addition to the Planning Board.

C. Street Design

1. Proposed streets shall be designed to provide a safe, efficient transportation system for all users, including motor vehicles, pedestrians and bicycles, coordinated with and conforming to existing and proposed streets, as well as the town's Master Plan and Base Map. Street patterns shall give due consideration to contours and natural features.
2. Every proposed street in a subdivision shall be laid out and constructed as required by these Regulations.
3. Where required by the Board, provisions shall be made for the extension of the street pattern to abutting undeveloped property. Where a subdivision abuts an existing street with an inadequate alignment or right-of-way width, the subdivision plat shall include in the street dedication all land needed to meet the standards established by these Regulations as approved by the Board.
4. Design features affecting safety, including, but not limited to, minimum stopping and sight distance, shall conform to *A Policy on Geometric Design of Highways and Streets*, American Association of State Highways and Transportation Officials, latest edition.
5. All dead-end streets shall be constructed with a cul-de-sac or turn-around 100 feet in diameter with a paved area 80 feet in diameter or larger as required to provide adequate room for movement of snowplows and fire equipment. Turning areas shall have a maximum grade of 3%.
6. Except where it is impracticable because of the character of the land, streets shall intersect so that within seventy-five feet (75') of the intersection the street lines are at right angles. No structure or planting shall impair corner visibility.
7. The plan of any proposed subdivision shall show all work required to connect and complete the improvements and utilities between the proposed street pattern and any connecting street and/or existing subdivision.
8. The design criteria set forth in Table 1 shall apply to all new streets and required upgrades:

TABLE 1
Minimum Standards for Street Design

Classification	ADT Note 1	Minimum Pavement Width	Minimum Right-of-Way Notes 2,3,4	Maximum Gradient Note 5	Minimum Centerline Radius of Curve-Feet
Arterial	Over 400	24 ft.	60 ft.	8%	700
Collector	161-400	22 ft.	50 ft.	10%	400
Local	1-160	20 ft.	50 ft.	12%	125
The minimum gradient shall be 0.5%. Note 5					

- Note 1. ADT = Average Daily Traffic at full build-out. Assume 8 trips per day per possible dwelling unit. May require a traffic impact study for commercial development.
- Note 2. For a local road the Planning Board may approve a reduction in the right-of-way width to 40 feet, provided the applicant can demonstrate the adequacy for providing all future utilities, grading and drainage, and safe passage for users, including cars, trucks, bicycles and pedestrians.
- Note 3. The Board may require a greater width of right-of-way where, in its judgment, such is necessitated by the demands of present or future traffic (including cars, trucks, bicycles and pedestrians) or where topographic conditions create a need for greater width for grading.
- Note 4. Since an internal road serves only a single lot, the right-of-way for an internal road is not identified as a discrete area of land of a certain width.
- Note 5. The Board may modify the maximum and minimum gradient for short lengths of streets where, in its judgment, existing topographical conditions or the preservation of natural features indicate that such modification will result in the best subdivision of land.

D. Street Construction

1. All streets shall be constructed and paved, and all bridges, culverts, drainage structures, storm sewers, gutters, drainage ditches, and other improvements required by the subdivision plat and accompanying documents shall be installed in conformance with the standards and specifications adopted by the Town and contained in *Town of Waterville Valley Highway Department Rules, Regulations and Specifications*, Section VI. Specifications for the Construction or Reconstruction of Streets, and Appendix B. Highway Department Road Regulation, as amended.
2. Streets shall be paved to a minimum width as prescribed above in Table 1, with each shoulder not less than two feet (2') wide. The Board or its designee may require a greater width of paving and shoulders for arterial and collector streets. In areas of high pedestrian traffic, the Board or its designee may require a greater width of right-of-way and paving, together with curbs and sidewalks.
3. All material specifications shall conform to *NHDOT Standard Specifications for Road and Bridge Construction*, latest edition, including Supplemental Specifications if any.
4. In the case of subdivisions requiring construction of new streets, any existing street which provides either frontage to new lots or access to new streets shall meet the minimum standards established in Table 1 for that classification of street. Where a subdivision requires expenditures to improve onsite or offsite existing streets to conform to minimum requirements, the Planning Board may conditionally approve the subdivision upon the applicant agreeing to perform a reasonable amount of such improvements and providing surety for the performance of such improvements.

E. Maintenance Responsibility

1. The Planning Board's approval of a proposed street as part of a subdivision application does not constitute or imply any future acceptance of the road by the Town. All subdivision streets shall be noted on the plat as private. Acceptance of a street by the Town may be accomplished only by the Town Meeting or as provided by RSA 674:40-a; such acceptance shall be determined on an individual basis.

2. The developer, landowners, or homeowners association shall be responsible for maintenance and repair of private roadways. The applicant shall demonstrate that an entity (e.g. developer, landowners, or homeowners association) will be in place having the responsibility and financial substance to ensure maintenance and repair of proposed roads in a manner which provides safe access for all users, including residents, visitors, delivery and emergency vehicles.
 3. Covenant language shall be incorporated in deeds within the subdivision to provide for maintenance and repair. The proposed covenant language shall be provided for review and approval by the Planning Board, Town Manager and town attorney and should include:
 - a. The legal description of all properties that have a right to use the street.
 - b. The legal owner of the street.
 - c. The manner in which the responsibility for carrying out and paying for maintenance and repairs is to be shared by the parties.
 - d. The process for emergency repairs.
 - e. The consequences for non-participation.
 - f. The statement that in the event any lot owner petitions the Town to take over maintenance, the road owner(s) will be solely responsible for paying any costs of upgrading the road to town road specifications if required.
- F. Pedestrian and Bicycle Paths. The applicant may be required to provide an eight foot (8') wide right-of-way near all proposed streets and/or for accessing common areas for pedestrian and/or bicycle paths. The paths shall connect with existing or posted pedestrian and bicycle paths when appropriate and be consistent with existing construction standards. The applicant may be required to construct these paths.

9.04 Utilities

- A. Applicants shall determine in consultation with town and utility officials the most appropriate location for utility lines, equipment and pedestals.
- B. All subdivisions shall make adequate provisions for water supply, stormwater and sanitary sewage disposal, and required utilities and improvements. All utility lines must be installed underground. Exterior mechanical/electrical equipment shall be adequately screened from public view.
 1. The Board may require the extension of public water and sewer to and within a proposed subdivision, without cost to the Town. All subdivisions shall comply with the *Municipal Water & Sewer Regulations*. The subdivider shall install laterals from all utilities in the street right-of-way to the street property line of each building lot. Any habitable buildings constructed in the subdivision shall have house connections installed and have such connections extended inside the building. All such utility system installations shall be at the expense of the subdivider and shall be installed under the supervision of the appropriate town official.
 2. Where underground utilities are to be furnished from a public source, all necessary mains, branch offsets to each lot, and fire hydrants shall be installed by the subdivider, as

approved by the Municipal Services Department and to the satisfaction of the Board of Selectmen and without expense to the Town.

- C. The Board may require the installation of street lighting of an approved design in any subdivision where it deems necessary.

9.05 Stormwater Management

Stormwater management systems shall be designed to permit unimpeded flow of all natural water courses, ensure adequate drainage of stormwater away from and off of streets, and prevent soil erosion and the resulting sedimentation. Storm drains, culverts and related installations, including catch basins and drop inlets shall be installed within and without the subdivision as necessary. All subdivisions will be developed in accordance with the following standards:

1. All stormwater management and erosion control measures in the plan shall adhere to the *New Hampshire Stormwater Manual*, current edition, published by NHDES, to the extent practicable.
2. The development should be fitted to the existing topography to the extent practical to prevent erosion.
3. Stripping of vegetation, regrading, or other development shall be done in a way that will minimize soil erosion.
4. Whenever practical, natural vegetation shall be retained, protected and supplemented.
5. The disturbed area shall be kept to a minimum practicable, and the duration of exposure shall be as short as practicable.
6. During construction, sediment in the runoff water shall be trapped until the disturbed area is stabilized by the use of sediment basins or other acceptable methods.
7. Diversions, sediment basins, and so forth, shall be constructed prior to any on-site grading or disturbance of existing surface material.
8. Off-site surface water shall either be diverted around or conducted safely through the project area.
9. Disturbed areas shall be protected from erosion; temporary seedings and/or mulching shall be used to protect exposed critical areas during development.
10. Land shall not be left exposed during the winter months.
11. Storm drainage shall be designed to handle adequately a 50-year frequency 24-hour rainfall amount as determined by the National Weather Service or other source based on current data and trends acceptable to the Planning Board, with emergency overflow structures based on assessment of the 100-year 24-hour frequency storm discharge rate.
12. Flow volume, velocity and pollutant loading shall not be higher at the property line post-development when compared with pre-development conditions.
13. All storm drainage installations and materials shall meet the standards set forth in the *2016 Standard Specifications for Road and Bridge Construction*, State of New Hampshire, Department of Transportation, as amended, and the Town of Waterville Valley's Highway Department *Rules, Regulations and Specifications*. All pipes shall have a minimum diameter of fifteen inches (15"). There shall be a minimum subgrade cover of fifteen inches (15") over pipes of fifteen inches (15") diameter. Those pipes having a diameter greater than fifteen inches (15") shall have a subgrade cover equal to the diameter of the pipe installed. If a culvert

- diameter is proposed that is smaller than any upstream culvert, the applicant shall provide a statement from an engineer licensed in New Hampshire verifying that the proposed culvert size is adequate to handle projected flows received from the larger upstream culvert.
14. Sod, paving, asphalt, or stone shall be provided in ditches where soil or velocity conditions warrant protection from erosion as determined by the Planning Board or its agent.
 15. Where individual lots in a subdivision are to be traversed by a stormwater drainage way, the plat shall show a stormwater easement or drainage right-of-way of adequate width.
 16. The applicant shall bear final responsibility for the installation, construction, and establishment of provisions for ongoing maintenance of all stormwater and erosion control measures required by the Planning Board. Final approval will not be granted until the plan and a mechanism for ensuring ongoing maintenance are approved by the Planning Board.

9.06 Special Flood Hazard Areas

The following requirements shall apply to subdivisions having land designated as “Special Flood Hazard Areas” (SFHA) by the National Flood Insurance Program (NFIP):

1. The Planning Board shall review the proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by federal or state law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
2. The Planning Board shall require that all subdivision proposals greater than 50 lots or five acres, whichever is the lesser, include Base Flood Elevation (BFE) data within such proposals (i.e., floodplain boundary and 100-year flood elevation).
3. The Planning Board shall require the applicant to submit sufficient evidence (construction drawings, grading and land treatment plans) so as to allow a determination that:
 - a. All such proposals are consistent with the need to minimize flood damage;
 - b. All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage; and
 - c. Adequate drainage is provided so as to reduce exposure to flood hazards.

9.07 Fire Protection

All subdivisions shall meet the approval of the Waterville Valley Department of Public Safety, documented by the Fire Chief or designee, relative to emergency access, fire prevention, protection, and water supply.

9.08 Boundary Markers

The external boundaries, right-of-way lines, block corners, and other significant boundaries of a subdivision shall be marked as follows:

A. Location

1. Monuments. Stone, concrete, or other approved permanent monuments shall be placed not more than 500' apart on any straight line and at all corners, at each end of all curves, at the point a curve changes its radius, at all principal angle points in any line, and at all principal angle points along the meander line, said points to be not less than twenty feet (20') from the bank of any river or stream.
2. Steel Pins. Relevant features of lot lines, angle points along meander line, and any other pertinent points not marked by monuments of stone or concrete shall be marked by steel pins.

B. Specifications

1. Permanent monuments shall be not less than forty-two inches (42") in length with thirty-six inches (36") in the ground, not less than four inches (4") in diameter, and marked on top with a cross, brass plate, plug or pin securely imbedded to serve as a point of reference. All permanent monuments shall contain ferrous material at subsurface levels, or, if stone, marked by an adjacent iron rod. If site conditions do not permit the installation of concrete or stone monuments, the surveyor may use 5/8" rebar set in concrete or drill holes in rock with magnetic nails inset to facilitate retrieval.
2. Steel pins shall be at least thirty-six inches (36") long and five-eighths inch (5/8") in diameter or square.
3. The type of marker set should be noted on the final plan if possible.
4. Monuments shall contain the name and/or license number of the surveyor.

C. Placement

1. An engineer or land surveyor licensed in the state of New Hampshire shall set all monuments.
2. No permanent monuments shall be set until all construction which would disturb or destroy the monuments is completed.

D. Temporary Markers

1. Prior to construction, all lot boundaries must be established on the ground by accurate placement of markers in sufficient numbers to allow inspection by the Town for compliance with setback requirements. Stakes or other suitable markers indicating minimum setbacks for building locations must be maintained during the construction period.
2. All visible markers will be maintained during the period of construction.

ARTICLE X PERFORMANCE AND INSPECTION OF IMPROVEMENTS

10.01 Performance Requirements

The Board shall indicate in its minutes and notice of action all required improvements that the applicant must perform to receive final subdivision approval. The Board may require the applicant to enter a Subdivider Improvement Agreement specifying such obligations in a form satisfactory to the Planning Board and Town Manager. The agreement may include fees for inspections of improvements by appropriate town agents, including but not limited to the appointment of a

Town Planning Engineer for the project. Each such conditional approval shall specify the time limit within which public streets and other public improvements shall be completed, not to exceed two years unless extended by the Board.

10.02 Conditional Approvals with Performance Surety

In lieu of completion of all or a portion of the required improvements prior to final approval, the Board may, at the applicant's request, grant an approval subject to the performance of such obligations as conditions subsequent, and require surety for the performance of the conditions as it deems necessary. Such surety shall be in a form acceptable to the Board, such as a performance bond issued by a company authorized to do business in New Hampshire, or letter of credit issued by a New Hampshire financial institution.

1. The surety shall provide that any action in relation thereto shall be brought only in a New Hampshire court with appropriate jurisdiction or by alternative dispute resolution in New Hampshire.
2. The performance surety shall be released as specified in the Subdivider Improvement Agreement or as determined by the Board. The Board and the applicant may agree upon phased performance of improvements which will allow phased release of surety as improvements are satisfactorily performed in accordance with RSA 674:36, III.
3. At the recommendation of the Town Planning Engineer, the Board may retain a portion of the surety for up to two (2) years if deemed necessary to determine the satisfactory performance of the improvements.
4. Final release of surety may occur only after the Board determines that the improvements have been satisfactorily installed and it receives as-built plans of all improvements, public or private, with certifications printed thereon by an engineer or surveyor, licensed in the state of New Hampshire, that all installations are as shown.
5. The as-built plans shall show true locations of sewer and drain manholes, culverts, headers, underground utility locations and depths, water mains, shut-offs and entrance, and any other pertinent information. The Building Inspector shall certify to the Board that all improvements are completed according to the approved plan. As-built plans shall be one mylar and one paper copy.

10.03 Inspection

A Town Planning Engineer shall inspect all site improvements. The subdivider shall pay the costs of the services of said engineer and the cost of any inspections and tests deemed necessary by the Planning Board or Engineer. The developer's concurrence with the employment of said engineer will be a part of the Subdivider Improvement Agreement.

The Board shall, at the time of approval of the subdivision application, prior to the approval endorsement and recording of the final plat, require the applicant to establish an appropriate escrow with the Town in an amount estimated by the Board to fully compensate the Town of Waterville Valley for all inspection and testing charges deemed necessary to confirm that construction is completed in conformance with the approved plans and/or applicable specification, codes and standards.

10.04 Subdivider Responsibility for Damages

The Subdivider shall be responsible for all damage to existing streets, utilities and other public improvements and the Board may require surety in connection therewith.

10.05 Final Action

Conditions of approval shall not be deemed met until the site is cleaned up and adequately landscaped. The Subdivider is responsible for such clean-up and landscaping whether or not the project is completed as planned.

ARTICLE XI ADMINISTRATION AND ENFORCEMENT

11.01 Time for Completion of Construction

The subdivider shall construct the subdivision and shall comply with all requirements set forth in the Notice of Action within two years from the date the final plat has been signed and recorded. Upon written request of the applicant, when the Planning Board finds that conditions beyond the control of the applicant prevent compliance within the two-year period, the Board may grant an additional period of time for compliance with the Notice.

11.02 Five Year Exemption

- A. Pursuant to RSA 674:39, every plat approved by the Board and recorded in the Grafton County Registry of Deeds shall be exempt from all subsequent changes in subdivision regulations and other local land use ordinances and regulations, except those which expressly protect public health, such as water quality and sewage treatment requirements, for a period of five years after the date of approval, provided, however, that:
1. Active and substantial development or building has begun on the site by the owner or his successor in accordance with the approved plat within 24 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, sewers or other improvements is required in connection with such approval, such bond or other security remains current.
 2. Development remains in full compliance with the public health regulations and ordinances specified in this section.
 3. At the time of approval and recording, the plat conforms to the subdivision regulations then in effect at the location of such subdivision.

Once substantial completion of the improvements has occurred in compliance with the approved plat, or the terms of said approval, the rights of the owner or his/her successor in interest shall vest and no subsequent changes in subdivision regulations or other land use regulations shall operate to affect such improvements.

- B. For the purposes of Section 11.02.A., “substantial completion” of improvements shown on the plat shall be as determined by the Board with due regard to the scope and details of a

- particular project. This might include, for example, all subdivision roadways have been completed, all proposed utilities have been extended throughout the subdivision, all on-site stormwater management and erosion control improvements have been completed, and all other on-site and off-site improvements have been determined to be in compliance with the approved subdivision plan. If the Board does not specify which such improvements will constitute “substantial completion,” “substantial completion” shall then be interpreted as completion of ninety percent (90%) of the required improvements on a cost basis.
- C. For the purposes of Section 11.02. A.1., “active and substantial” development or building shall be as determined by the Board. “Active and substantial” development might be deemed to have occurred, for example, when roadways have been completed to the crushed gravel base course, stormwater management and erosion control measures have been installed on any disturbed or cleared areas, utilities have been extended to the site, and any required off-site improvements have been completed. If the Board does not specify which such improvements will constitute “active and substantial” development, “active and substantial” shall be interpreted as fifty percent (50%) of the required improvements on a cost basis. However, in no case will excavation of earth and/or clearing of trees alone be considered “active and substantial” development.
- D. If active and substantial development of an approved subdivision has not begun within two years (or such other stated time) after the date of final approval, the Board may at any time require the Subdivider to appear before the Board and provide a status report. The Board reserves the right to reconsider approval and imposition of conditions.
- E. The Board may, for good cause, extend the two-year period set forth in Section 11.02. A.1.

11.03 Revocation of Approvals

In accordance with RSA 676:4-a, the Board may institute procedures to revoke or rescind approvals for the reasons stated therein.

11.04 Other Regulations

In the case of conflict between these Regulations and any other local ordinance or regulations or state statutes, the more stringent shall apply.

11.05 Enforcement

These Subdivision Regulations shall be enforced by the Board of Selectmen or its duly authorized representative in accordance with RSA 676:15-18.

11.06 Penalties

Any person violating these Regulations shall be subject to penalties provided by law. Violations of these Regulations shall include, but not be limited to, any instance of sitework or construction (except for surveying and soil testing) begun prior to approval by the Board or any transfer, offer of sale, or sale of land within a subdivision before any approved plat of the subdivision has been

approved by the Board and recorded with the Grafton County Registry of Deeds. The Selectmen, in enforcing these Regulations may institute such action as they deem appropriate.

11.07 Appeals

Any person aggrieved by an action of the Board under these Regulations, may appeal therefrom to the Superior Court as provided by RSA 677:15.

11.08 Amendments

These Regulations may be amended by the Board after a duly noticed public hearing is held in accordance with RSA 675:6-7. The text of any adopted amendment shall be filed with the Town Clerk.

11.09 Separability

If any provision of these Regulations is found for any reason to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of these Regulations.

11.10 Effective Date

All changes to these Regulations shall become effective when adopted and signed by a majority of the Planning Board members and filed with the Town Clerk.

These regulations were amended _____, 2020 by the Waterville Valley Planning Board.

Waterville Valley Planning Board Approval:

Chair

Vice-Chair

Secretary

Select Board Representative

Received by Town Clerk:

Signature

Date