



**TOWN OF WATERVILLE VALLEY  
NEW HAMPSHIRE**

**SUBDIVISION REGULATIONS**

Effective date ~ April 5, 1973  
Revised ~ October 21, 1981  
Revised ~ March 11, 1986  
Revised ~ March 10, 1987  
Revised ~ March 14, 1989  
Revised ~ March 13, 1990  
Revised ~ May 11, 1995  
Revised ~ October 8, 1998  
Revised ~ June 13, 2002  
Revised ~ May 15, 2004  
Revised ~ January 13, 2005  
Revised ~ April 10, 2008  
Revised ~ March 14, 2013  
Revised ~ March 15, 2015  
Revised ~ March 8, 2016  
Revised ~ March 20, 2017

**DRAFT FOR PUBLIC HEARING ON JULY 8, 2020 at 6:00 p.m.**

**Showing all proposed changes in color - text proposed for removal shown struck out and in red, text proposed for addition shown in blue and underlined, text proposed to be relocated as is shown in green.**

Date of Draft: June 19, 2020



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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, NHNew Hampshire.

The intent of the Town and its residents is to permit development ~~within an approved Master Plan~~ that will ultimately lead to the completion of a high-quality, thoroughly ~~planned resort~~ community. The Town has enacted regulations and ordinances to insure 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 ~~r~~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**

~~Rules of Construction.~~ 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. ~~Words used in these regulations have their ordinary meaning defined herein or in applicable statutes.~~ Unless the context requires otherwise, the singular includes the plural and the plural includes the singular and words of one gender include the other.

Defined Terms. ~~Unless the context requires otherwise, the following terms have the meanings indicated whenever used in these regulations. 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.~~

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.

~~Approval, Final – Approval of a plan by the Planning Board in accordance with SECTION VI, ©.~~

Base Map – The ~~Town Tax Map~~ [town tax map](#).

Board – The Waterville Valley Planning Board.

~~Building Lot – A parcel of land capable of being occupied by one principal use, and limited to that use, which is of sufficient size to meet the minimum requirements of use, building coverage and area (same as below).~~

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~~ [Article V \(B\)](#).

Conditions Precedent – Those conditions that must be fulfilled before the Board may give ~~final~~ 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. ~~See also definition in Zoning Ordinance at ARTICLE III (C) #15.~~

~~Detention Area – Land used to temporarily detain peak discharge of runoff water based on 25-year frequency 24-hour rain fall events.~~

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 duly engineer designated ~~engineer of the Town of Waterville Valley, or other official, assigned~~ by the Planning Board, ~~who shall be a properly~~ licensed engineer in the State of New Hampshire, hired or contracted by the Town of Waterville Valley.

Final Plat – The ~~final drawing or drawings on plat~~ which has received the ~~subdivider’s plan of subdivision is indicated in accordance~~ approval of the Planning Board and will be signed and recorded with ~~ARTICLE VI (E):~~ 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 parcel of land capable of being occupied by one principal use, and limited to that use, which is of sufficient size to meet the minimum requirements for use, building coverage and area.~~

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 ~~T~~town adopted pursuant to RSA 674:2.

Open Space – Land not used by buildings, parking, driveways or roads, but ~~permitted to be used~~ maintained as green space for landscaping, parks, or outdoor recreation, ~~natural resource preserves, or conservation purposes.~~ 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 ~~way or road.~~ 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, Internal – A street entirely within an individual subdivision which gives access to that subdivision only.~~

Street, Local Service – 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, ~~or 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 Minor – The~~, Major – Any subdivision ~~of land into~~ 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 ~~no potential for resubdivision, that fronts~~ frontage on and access to an existing, publicly-maintained street ~~and requires no new, or existing private street previously approved by the Planning Board, and not involving any new or extended~~ streets, utilities or other ~~municipal~~ improvements.

~~Way – Any public or private highway, street, avenue, road, alley, or parkway.~~

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

### ~~Section A3.01~~ General Requirements

- a) ~~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) ~~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.
- e) ~~C.~~ Any person who violates these Regulations is subject to penalties as provided by law, including RSA 676:15-18.

### ~~Section B~~ [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.

### ~~Section C~~ [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 ~~subsection a~~ [Paragraph A above](#).

### ~~Section D~~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.

### ~~Section E~~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.

### ~~Section F~~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, ~~brooks, streets, watercourses~~ and ~~other water bodies~~ wetlands, other natural resources/areas, and historic landmarks.

### ~~Section G~~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 ~~Final Plat~~ 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.

### ~~Section H~~ ~~\_\_\_\_\_~~ Soils Data

~~\_\_\_\_\_ Where private individual sewage disposal systems are proposed, the subdivider shall perform soil tests to be submitted as part of the Design Review Phase and also to be included with subsequent submissions of Completed Application and Final Plat. The subdivider shall arrange to perform such tests under the supervision of the New Hampshire Water Supply and Control Division, at locations recommended by its agent. Percolation test reports shall be included for each proposed lot. The Board may require additional information as it may deem necessary to assure the protection of the environment.~~

### ~~Section I~~ ~~\_\_\_\_\_~~ Drainage

~~Storm drainage shall be carried to existing water courses, or connect with existing storm drains. If a subdivision storm water drainage system creates any additional flow over other property(ies), except through defined water courses, the subdivider shall obtain an~~

~~easement therefore from the other owner and shall hold the Town harmless from any claims for damage resulting there from.~~

## ~~Section J — Special Flood Hazard Areas~~

~~Requirements for 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.~~

~~2.1. 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).~~

~~3.1. 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.a. 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.a. Adequate drainage is provided so as to reduce exposure to flood hazards.~~

## Section K

### 3.08 Conformity to Regulations

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

## ARTICLE IV PREAPPLICATION ~~PHASES~~MEETINGS

~~Preliminary conceptual~~Conceptual consultation and design review meetings under this article are optional and are ~~provided~~offered to assist the applicant and the Board in accordance with RSA 676:4, II. ~~Neither of Discussions during~~ these ~~— phases~~optional meetings is not binding upon either the applicant or the Board. Statements made by Board members during either of these ~~phas~~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.

~~Section A~~ ~~Preliminary 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 ~~T~~town Master Plan and Zoning Ordinance.
  3. Discussing the ~~Town Regulations~~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.
  5. ~~Determining whether the applicant should meet with the Board for Design Review Phase or proceed directly to Completed Application.~~

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- B. A person seeking to meet with the Board shall submit a request for ~~preliminary~~ 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.

~~Section B4.02~~ Design Review Phase(Optional, at the request of the applicant)

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

- A. ~~Submission: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 4C below and fees to cover notices as required by Paragraph ~~3B below~~, not less than twenty-one (21) calendar days, ~~including the day of submission~~, before the regularly scheduled meeting of the Board at which Design Review will begin.
- B. ~~Notification: The~~ Design Review ~~Phase~~ 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 ~~and~~ abutters, and holders of conservation or preservation restrictions shall be notified by certified mail, and posted notice in two public places in ~~T~~town shall notify the general public.
- C. ~~Submission of Data: Design Review maps may be drawn in pencil~~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 ~~the~~ Design Review ~~phase~~ 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 ~~foliage~~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.
- 4.5. Soils data showing results and location of any percolation tests and test pits undertaken ~~in accordance with ARTICLE III, Section H, unless public sewers are to be used.~~if on-site wastewater disposal proposed.

~~5. The Board may require further detailing of information and additional meetings before advising the applicant to proceed with the Completed Application. The applicant shall be guided by the Board as to the need for further meetings and the advisability of submitting a formal application.~~

~~6. A request for Design Review of a phased project, which has been previously reviewed as part of an approved subdivision, may be combined with a formal application for final approval of that phase.~~

## ARTICLE V APPLICATION FOR SUBDIVISION APPROVAL

### ~~Section A~~5.01 Subdivider Obligations

The subdivider shall familiarize himself with all state and town regulations relative to health, ~~comfort~~, 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.

### ~~Section B~~5.02 Submission

Application for subdivision approval shall be initiated by filing a ~~"Submission of Completed an Application"~~ for Subdivision Approval (available at the Town Office), together with all information required under ~~Paragraph D, Sections 5.04~~ and ~~an application plan containing all the data required under Paragraph E 5.05~~, not less than twenty-one (21) calendar days, ~~including the day of submission~~, before the regularly scheduled meeting of the Board.

### ~~Section C~~5.03 Notification

The ~~Completed submission of the~~ Application ~~phase~~ for Subdivision Approval may proceed only after the applicant, ~~the~~; 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 ~~and~~, 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 ~~T~~town shall notify the general public. The notice shall state the date, ~~;~~ time and place of the Board meeting at which the ~~Completed~~ 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.

#### ~~Section D~~ Submission of Data

~~————~~ 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.

#### 5.04 General Requirements

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

##### ~~1. General Materials:~~

~~1.A processing fee of \$500.00 plus \$25.00 per lot for HDR, C1, REC, SC, and VC applications; \$100.00 plus \$10.00 per lot for LDR applications, payable to the Town of Waterville Valley.~~

~~2.Or a processing fee for the first lot line adjustment application of \$100.00 plus \$25.00 for each additional lot line adjustment, applicable to all zoning districts and payable to the Town of Waterville Valley.~~

##### 1. Payment to cover all required application fees.

~~3.~~2. List of abutters and their addresses taken from municipal records not more than five (5) days before ~~submission~~filing the application.

~~4.~~3. Payment of fees to cover the costs of notice for posting and for mailing to abutters as required under ~~Paragraph C and~~Section 5.03 as determined by the Board's designee who receives the ~~submission~~application.

~~5.Evidence of applications to any federal, state or regional agency whose review is requested by law for acceptance of the Completed Application.~~

4. Section E — Application PlanSignature 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 ~~application plan may be drawn in pencil and~~subdivision plat shall be submitted in the following formats:

~~One~~

- a. Four 22"x34" paper print ~~copies~~ies
- b. Electronic ~~.pdf~~PDF file
- c. One 11"x17" paper copy

- d. ~~The data shall be sufficiently clear to illustrate all conditions and to establish the basis and clarify the design requirement for the subdivision plat.~~ Maps shall be at a scale of not more than ~~100'~~ 100 feet to the inch (~~100'=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 (100' 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.

### Boundaries

- b. Existing and area of proposed lot lines within the ~~entire parcel, whether or not all land therein is to be actively included within the specific area proposed for subdivision (in the 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 property 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.~~

- ~~b.c. North~~ determine the appropriate areas which are necessary to be included in the subdivision ~~plans); north~~ point, bar scale, date, and dates of any revisions.

- ~~c.d.~~ Boundaries of Zoning Districts relative to the subdivision; regulated shoreland; flood hazard areas; municipal boundary if any, ~~and land use designation from Master Plan.~~

- ~~e.~~ Existing and proposed lot lines within subdivision; lot dimensions, areas in square feet and acres, consecutive numbering of lots.

- ~~d.a.~~ Locations of existing and proposed easements and rights of way.

~~Existing and future subdivision is any, in and adjacent to the subject subdivision, and identification of separate phases of development within the subdivision.~~

~~Description of all deed restrictions.~~

- ~~f.~~ Areas affected by protective radius for existing or proposed wells.

- ~~g.~~ Soils data if required by ARTICLE III, Section H.

## ~~7. Buildings~~



- e. Locations of all existing buildings in the subdivision and within 200' (two hundred feet) thereof.

~~a. Location of all proposed buildings, including accessory buildings, e.g., bicycle sheds, maintenance enclosures, etc., in relation to topography.~~

~~b.a. Number of dwelling units, their shape, size, height, and capacity.~~

~~c.a. Number of non-dwelling units, their shape, size, height, and capacity.~~

- f. Building setback lines.

g. Locations of existing and proposed easements and rights-of-way.

### 8.7. Streets and Parking

~~a. Existing and proposed street right-of-way lines, widths of streets.~~

~~b.a. Proposed names of new streets.~~

~~Preliminary street profiles, including cross sections.~~

~~c.a. 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.~~

~~d.a. Parking areas, with provision of snow removal or storage.~~

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 ~~and~~ /pedestrian/recreation paths or of easements for the same.

### Drainage and Utilities

~~a. Watershed areas and immediate and long-term drainage computations.~~

~~Contours in sufficient detail to indicate clearly the method of storm water drainage on and off subdivisions (unless otherwise required contour data shall be shown at 5' intervals.~~

~~b. Existing and proposed plans for telephone, electric, water supply facilities, and for sewage disposal. It is specifically requested that developers determine in consultation with both Town and utility officials the most appropriate location for lines, equipment and pedestals.~~

### 2. Landscaping

- k. Locations of existing and proposed open space, watercourses and wetlands, large trees, foliage tree lines; and significant 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.

~~a. — Landscaping~~ A landscape plan as required by ARTICLE VIII (2).

11.

a. A landscape plan showing location and species of new plantings, lawn areas and pedestrian walkways, in addition to existing features to be retained.

~~a.b.~~ A plan for lighting and signage within the subdivision if applicable.

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

~~b. Any additional information, which the Board deems necessary in order to apply the Regulations, contained herein, such as an environmental statement to assess the impact of the proposed subdivision on the Town.~~

~~Section F — Phased or Partial Subdividing Process. If an applicant intends to submit a Final Plat on only a portion of the total land to be subdivided, the application shall cover the entire area of the tract and shall indicate the approximate outline and sequence of those portions of the tract for which subsequent Final Plats will be submitted. The Board reserves the right to require additional information or plans, as it deems necessary in such cases.~~

Section G

5.06 Acceptance/Rejection of Completed Application. ~~The Board shall accept or reject the Completed~~

Following the delivery of an Application for Subdivision Approval, the Board shall, at the next regular meeting at which it is submitted unless the Board decides to defer such action. It may accept or reject the Application at a later meeting without specific for which notice under Paragraph C only can be given or within 30 days, determine if the date, time and place at which it will act are given at the submission meeting. 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~~ 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 ~~Paragraph C~~ Section 5.03 is provided.

ARTICLE VI WAIVER OF REQUIREMENTS6.01 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 ~~COMPLETED~~ APPLICATION

~~Section A7.01 Time for Consideration. Within thirty (30) days of delivery of the Completed Application, the Board shall begin deliberation and consideration on the application.~~

A. Within sixty-five (65) days of the date of formal acceptance of the ~~complete~~ 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).

~~Section B—Public Hearing. When required, except as provided in Paragraph a or b, no application may be finally acted upon until after a public hearing is held as required by RSA 676:4, I (d).~~

- ~~1. The Board may approve the following subdivisions without first holding a Public Hearing, provided that proper notice has been given, and the Board, applicant and the abutters have not requested a public hearing.~~
  - ~~i. Minor lot line adjustments or boundary agreements that do not create buildable lots; or~~
  - ~~ii. Minor subdivisions~~

~~The Board may disapprove an application without public hearing based on the applicant's failure to; timely supply information required by these Regulations or by the Board; timely meet reasonable deadlines imposed by the Board; or timely pay costs of notice or other fees required by the Board.~~

## ~~2. Notification.~~

~~The applicant and all abutters shall be notified by certified mail not less than ten (10) days prior to the said 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.~~

~~If the notice of public hearing has been included in the notice of submission 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.~~

## ~~3. Conduct of Hearing/Deliberation. The 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.~~

- ~~i. The Board shall identify those aspects of the subdivision that require modification or which the Board would like to see changed prior to final approval. Except when acting under expedited review procedure, the Board shall identify those aspects of the submission plan and materials which require alteration, and the applicant shall submit a final plan and materials meeting those requirements and the requirement of ARTICLE VI E, and the final plan shall then be considered under Section E.~~

~~The Board shall require an additional hearing if an application will be changed substantially from that originally submitted to a hearing. Revised plans shall be available for at least ten (10) days prior to the additional hearing.~~

~~The Board may grant conditional preliminary approval subject to conditions precedent. Compliance with conditions precedent may be determined by the Board or its designee without further public hearing in accordance with RSA 676:4, I (i). Determination of compliance with all other conditions precedent shall be made only after public hearing with proper notice.~~

~~Section C Final Action. Except for minor subdivisions, boundary agreements, and lot line adjustments for which expedited review is allowed, the Board shall require submission of a final plat prior to final consideration. The final plat shall meet all requirements imposed by the Board during review and shall conform to this subsection, except as modified by action of the Board.~~

## ~~1. The final plat shall conform to the following:~~

- ~~2. 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 in the Plat for endorsement by all appropriate agencies. The Final Plat shall be consistent with the Board's action on the application.~~
- ~~3. The Final 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 compliance with completion of all the requirements of said Subdivision Regulations, excepting only any variances or modifications made in writing by the Board and attached hereto."~~
- ~~4. The Final Plat shall contain all information required on a submission plan and/or be accompanied by the following information:~~

~~1. Basic Data~~

- ~~a. All data required for the application.~~  
~~b. Name and seal of engineer or licensed land survey.~~

~~2. Site Conditions~~

- ~~a. Final disposition of land into lots, streets, open spaces, drainage courses, and accurate locations of all easements running with the land.~~

~~The subdivision plat shall be based on a boundary survey with a maximum error of closure of 1 to 10,000 certified by a licensed land surveyor. Distances shall be to the nearest 100<sup>th</sup> of a foot and bearing to the nearest 10 seconds.~~

- ~~b. Existing and proposed contours at five foot (5') intervals. Two foot (2') intervals, if necessitated by topography, may be required at the discretion of the Board.~~

~~3. Streets~~

~~Stations, radii, curve data, and paving widths for proposed streets.~~

- ~~a. Accurate locations of all monuments to be set at street intersections, points of curvance and tangency of curved streets and at angles of lots.~~  
~~b. Street right of way lines.~~

~~a. Road/Utility Documents~~

- ~~a. 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.~~  
~~b. If the subdivision abuts a state highway, or if a proposed street intersects a state highway, a written statement from the New Hampshire Department of~~

~~Public Works and Highways approving any proposed driveway or street access to such state highway.~~

- ~~c. If the subdivision abuts a Town road, a written driveway construction permit application must be filed and approved by the Planning Board as per RSA 236:13.~~
- ~~d. 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.~~
- ~~e. 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 will be place underground.~~

~~5. Legal Documents. Where applicable to a specific subdivision, the items listed below are required, in 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.~~

- ~~a. Easements and/or rights of way over property to remain in private ownership.~~
  - ~~b. Rights to drain onto or across property, whether public or private, including a street.~~
  - ~~i. Deeds covering land to be used for public purposes.~~
  - ~~c. Subdivider improvement agreement and performance requirements described in ARTICLE IX.~~
- ~~ii. Approvals. Approvals, as prescribed by law, from any other municipal, state or federal agency which may have jurisdiction.~~
  - ~~iii. Other. Any additional information, which the Board may deem necessary in order to apply the Regulations, contained herein.~~

~~a. Upon receipt of the Final Plat and all other required information, the Board shall schedule a final consideration of the application. Additional public hearings shall not be required unless: the application has been significantly changed; the Board deems it appropriate; or the determination of compliance with conditions precedent so requires. The Board shall approve, with or without conditions precedent and/or subsequent, or disapprove.~~

~~b. A conditional approval may require additional conditions precedent or subsequent for final approval in the same manner as conditional preliminary approval is given or may be conditional final approval subject to conditions subsequent. A conditional final approval shall be treated the same as a final approval, but the applicant shall remain obligated to perform the conditions and may be required to supply and maintain surety for performance. The conditions of approval shall be stated clearly in the notice of decision and the Board may require the applicant to enter a Subdivider Improvement Agreement. Compliance with conditions subsequent shall be ascertained under such procedures as the Board may determine, but abutters shall be notified of the manner in which applicant claims to have complied and shall be provided requiring discretionary judgment and not involving ministerial matters. Notice of claimed compliance and~~



~~of any compliance hearing shall be sent in the same manner as notice of hearings. (See ARTICLE VI, Section B-2).~~

- ~~e. The Board shall issue a notice of decision whenever it finally acts upon an application. The notice shall indicate the nature of the action. In the case of a denial, the Board shall set forth its reasons for denial. Any conditional approval shall note the condition that are to be met and the time frame for compliance, if any.~~

~~Section D Time for Action.~~ If the Board has not acted within 65 (sixty-five) days of acceptance of the application and if it has not received ~~either an extension or “waiver” (see Article VI, A),~~ permitting postponement of action, the applicant may proceed under RSA 676:4, I(c) and obtain an order from the ~~Select Board~~Selectboard directing the Board to act within ~~15 (fifteen)~~30 (thirty) days. If the Board does not thereafter act within the time frame required by statute, ~~the Select Board~~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 ~~Select Board~~Selectboard to so act shall constitute grounds for the applicant to petition the Superior Court as provided in RSA 676:~~144~~, 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. ~~Section E Recording of Approved Plat. 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.

#### ~~Section F~~7.06 Effect of Recording

~~The recording of an approved Final Plat~~final plat shall be deemed to modify the ~~T~~Town's base map and the Board shall send a copy to the ~~Select Board~~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. ~~To~~Acceptance may occur only through action of the ~~extent that~~Board of Selectmen or Town Meeting as appropriate. In no case shall acceptance of any street, rights, easements, or open space or other dedication ~~is~~is proposed in connections with any subdivision, ~~acceptance thereof~~ by the Town ~~shall not~~ 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. ~~Acceptance may occur only through action of the Board of Selectmen or Town Meeting as appropriate.~~

### 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. ~~ARTICLE VII - EXEMPTIONS AND WAIVERS~~

#### ~~Section A - Exemption from Review~~

~~An exemption from review under these regulations may be granted by the Board for the sale or exchange of parcels of land between owners or adjoining properties, or the adjustment of boundary lines, providing that no additional lots are created, the number of owners does not increase, and the original parcels are not reduced below the minimum size required by the Zoning Ordinance. The Board shall require a satisfactory written explanation of the proposed transaction from the owners and shall notify abutters of the proposed exemption. Where the written approval of the Board is necessary for the recording of the plat so exempted from these regulations with the Grafton County Registry of Deeds, the Board's Chairperson, Vice Chairperson or Secretary may denote such approval, indicating the date of which the Board voted to grant the exemption.~~

#### ~~Section B - Waivers~~

~~The Board may waive strict application of any regulation or requirement of these regulations when, in its opinion, specific circumstances surrounding a subdivision, or condition of the land in such subdivision, indicate that such strict compliance is not required to properly carry out the purpose and intent of the Master Plan and of these Regulations.~~

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.

## ~~ARTICLE VIII      STANDARDS FOR APPROVAL~~

### ~~Section A      Design for Open Spaces~~

~~A. Master Plan Designation. Where a proposed park, playground or other open space shown on the Master Plan is located in whole or in part in a proposed subdivision, the Board shall require substantial compliance with such Master Plan. As a condition of approval of the Final Plat, the Board may require that the area shown thereon as open space be offered for dedication to the Town. The Board shall not require such dedication in excess of fifteen percent (15%) of the total area of the subdivision      without      reasonable compensation, and if the Town does not take steps within a period      of one (1) year from the date of approval of the subdivision plat to acquire the portion of the open space in excess of said 15% (fifteen percent), the subdivider may submit to the Board a~~

~~plan for subdivision of such portion, provided such additional subdivision does not conflict with the Zoning Regulations for the applicable district and meets requirements of these Subdivision Regulations.~~

- B. Landscaping, Preservation of Top Soil/Trees. In addition to the preservation of existing features required in ~~ARTICLE III, (F)~~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. ~~Existing trees on lots and open-space land shall be preserved wherever feasible or unless otherwise directed by the Board.~~
- 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. ~~Wooded~~Tree stands to be maintained and ~~brook~~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 ~~subdivision plan~~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 ~~site plan prepared by a competent person~~plan shall have been approved by the Board.

#### ~~Section B9.02~~ 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.

#### ~~Section C9.03~~ Access Ways, Street and Utility StandardsStreets

- 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
- ~~i. Private Driveways — An access to a single residence needs no approval, —~~  
~~but~~1. All driveways, including common driveways, shall be subject to fire lande requirements -
  - ~~ii. Common Driveways — Can access up to four multiple buildings or lots —~~  
~~and requires the approval of~~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.
  - ~~iii. An Access —~~3. A way that provides unobstructed 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 to five ~~or more buildings or~~ between the lots, and or from off a public street parking to a 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 ~~have a minimum width of at least 18'~~ 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**

- i. Proposed streets shall ~~coordinate~~ 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 ~~T~~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.
- iii. 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.
- iii. ~~Permanent~~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 avoided if possible, and in any event, shall terminate in a turnaround ~~sixty~~ constructed with a cul-de-sac or turn-around 100 feet (60') in diameter, with a paved area ~~fifty~~ 80 feet (~~50'~~) in diameter. ~~This requirement may be varied within limits by local, state or federal legislation. or larger as required to provide adequate room for movement of snowplows and fire equipment.~~ Turning areas shall have a maximum grade of 3%.
- iv.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 planing shall impair corner visibility.
- v.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 ~~in an~~ 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**

<u>Classification</u>	<u>ADT</u> <u>Note 1</u>	<u>Minimum</u> <u>Pavement Width</u>	<u>Minimum</u> <u>Right-of-Way</u> <u>Notes 2,3,4</u>	<u>Maximum</u> <u>Gradient</u> <u>Note 5</u>	<u>Minimum</u> <u>Centerline</u> <u>Radius of</u> <u>Curve-Feet</u>
<u>Arterial</u>	<u>Over 400</u>	<u>24 ft.</u>	<u>60 ft.</u>	<u>8%</u>	<u>700</u>
<u>Collector</u>	<u>161-400</u>	<u>22 ft.</u>	<u>50 ft.</u>	<u>10%</u>	<u>400</u>

<u>Local</u>	<u>1-160</u>	<u>20 ft.</u>	<u>50 ft.</u>	<u>12%</u>	<u>125</u>
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 ~~specification adopted by the Town~~ 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.

~~A. Classification of Streets~~

- ~~i. The classification of Town streets shall be as defined in the Town's Master Plan, these Regulations, and as shown on the Base Map. The proposed classification of new streets and streets now shown on such plan shall be as determined by the Board. Acceptance of a street by the Town may be accomplished only by the Town Meeting and such acceptance shall be determined on an individual basis. The design criterion set forth in Table 1 shall apply to all new streets:~~

**TABLE 1**

<b>Classification</b>	<b>Minimum Pavement Width In Feet</b>	<b>Minimum Right-of-Way Feet</b>	<b>Maximum Gradient Percent</b>	<b>Minimum Centerline Radius of Curve Feet</b>
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Arterial	24	60	8	700
Collector	22	50	10	400
Turn-Around	50	60	3	N/A
Internal Road	20	None	13	125
<b>THE MINIMUM GRADIENT SHALL BE 0.5%</b>				

~~ii. The Board or its designee 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.~~

~~iii. The Board or its designee may require greater width of rights of way where, in its judgment, the demands of present or future traffic (cars, bicycles, pedestrians) make it desirable or where topographic conditions create a need for greater width for grading.~~

#### ~~B. Street Improvements~~

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. ~~Maximum grade of shoulders shall be 1.3'.~~ 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.](#)
- ~~3.4.~~ 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 ~~Section C~~ [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 ~~for approximately an~~ eight ~~feet~~ (8') ~~of public~~ wide right-of-way, near all ~~existing or~~ proposed streets and/or for accessing ~~public open space, common areas~~ for pedestrian and/or bicycle paths. ~~The applicant may be required to construct these paths, but in any case the~~ The paths shall connect with existing or posted pedestrian and bicycle paths when appropriate and be consistent with existing construction standards. The applicant ~~must provide a public use easement for pedestrian and/or bicycle~~ may be required to construct these paths.

#### Section D9.04 Utilities

- A. Applicants shall determine in consultation with ~~T~~own and ~~U~~tility officials the most appropriate location for utility lines, equipment and pedestals.
- B. All subdivisions shall make adequate provisions for water supply, ~~storm water~~ 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 sewers ~~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 Agency~~ 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.

### ~~Section E—Storm Drainage~~

#### ~~Storm drainage~~9.05 Stormwater Management

Stormwater management systems shall be designed to permit unimpeded flow of all natural water courses ~~and to insure~~, ensure adequate drainage of ~~storm water~~stormwater away from and off of streets, and prevent soil erosion and ~~lots~~the resulting sedimentation. Storm drains, culverts and related installations, including catch basins and drops inlets shall be installed within and without the subdivision as necessary.

- ~~1. Storm drainage shall be designed to handle adequately a 25-year frequency 24-hour rainfall amount as determined by the U.S. Weather Bureau.~~

~~2.1. All storm drainage installations and materials shall meet the standards set forth in Standard Specifications for Road and Bridge Construction, State of New Hampshire, Department of Public Works and Highways and the Town of Waterville Valley's Rules, Regulations and Specifications of the Highway Department. 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 inch (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. 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.~~

~~Section F—Erosion and Sediment Control. For all subdivisions, except minor subdivisions, adequate erosion and sediment control measures for 25-year frequency 24-hour rainfall as determined by the U.S. Weather Bureau shall be prepared and installed as approved by the Board 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.
  - ~~1. Increased run-off water caused by changed soil and surface conditions during and after development shall be detained in a way that will not increase the peak discharge of run-off water (based upon 25-year frequency 24-hour rainfall) occurring on the site before any development begins. Land used to temporarily detain this increased run off is called a detention area.~~
  - ~~2. Sediment in run-off water shall be trapped and retained on the project area.~~

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.
- 6.8. Off-site surface water shall either be diverted around or conducted safely through the project area.
- 7.9. Disturbed areas shall be protected from erosion; temporary seedings and/or mulching shall be used to protect exposed critical areas during development.
10. ~~Section G—Boundary Markers.~~ 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

- i1. Permanent monuments shall be not less than ~~thirty-four~~ thirty-four inches (~~30")~~42" in length with thirty-six inches (36") in the ground, not less than ~~two and one-half~~ two and one-half inches (~~2-1/2")~~4" in ~~cross-section,~~ diameter, and marked on top with a cross, brass plate, ~~plug, iron rod, or other durable material~~ 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.
- ii2. Steel pins shall be at least thirty-six inches (36") long and ~~seven~~ seven ~~five~~ five-eighths inch (~~75~~75/8") 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

~~i. A registered or professional~~ 1. An engineer or ~~licensed~~ land surveyor licensed in the state of New Hampshire shall set all monuments.

~~ii. No permanent monuments shall be set until all construction, which would disturb or destroy the monuments is completed.~~

D. Temporary Markers

~~i. 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~~ effor compliance with setback requirements. Stakes or other suitable markers indicating minimum setbacks for building locations must be maintained during the construction period.

~~ii. All visible markers will be maintained during the period of construction.~~

**ARTICLE ~~IX~~ PERFORMANCE/MAINTENANCE AND INSPECTION OF IMPROVEMENTS; CONDITIONS OF APPROVAL**

~~Section A~~ 10.01 Performance Requirements

~~The Board shall indicate in its minutes and notice of de~~ action all required improvements, ~~which 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 ~~extra~~ inspections of improvements by appropriate ~~T~~own 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.

~~Section B~~ 10.02 Conditional Approvals with Performance Surety

~~In lieu of completion of all or a portion of such~~ the required improvements prior to final approval, ~~they may~~ the Board may, at the applicant's request, grant an approval subject to the performance of such obligations as conditions subsequent. ~~The Board may, and~~ require ~~such~~ surety for the performance of the conditions, as it deems necessary. Such surety shall be in a form acceptable to ~~it and by a surety acceptable to~~ the Board. ~~Surety shall normally be filed in the form of, 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 resolaution in New Hampshire.
2. The performance surety shall be released as specified in the ~~subdivider~~ improvement agreement 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. ~~The~~ At the recommendation of the Town Planning Engineer, the Board may retain a portion of the surety ~~in place or require replacement~~ surety for up to assure ~~maintenance and repairs for such period of time as the Board~~ deems appropriate, not to exceed two (2) years. ~~Such maintenance bond may~~ be required even if the Town has determined to accept 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 a ~~registered~~ an engineer ~~and/or~~ surveyor, licensed ~~surveyor 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 ~~(telephone and electric)~~ 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.
  6. ~~At the Board's request or if the Board so determines at the request of the~~ Subdivider or a directly affected person, the Board shall schedule a compliance hearing to determine if the Subdivider has complied with conditions subsequent. Notice of the compliance hearing shall be provided in the same manner as for a subdivision hearing and shall be sent to the Subdivider, all abutters, and all other directly affected parties. The Board need not schedule a hearing to ascertain compliance with conditions, which are ministerial in nature.

### Section C

#### 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.

~~Section D~~ 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**

~~Section A — Modifications. The requirements of the foregoing Regulations may be modified when, in the opinion of the Planning Board, specific circumstances surrounding a subdivision, or condition of the land in such subdivision, indicate that Plan modification will properly carry out the purpose and intent of the Master plan and of these Regulations.~~

~~Section B — Implementation of Approved Plats~~

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

~~1.—A. Pursuant to RSA 674:39, a plat every plat approved by the Board and properly recorded in the Grafton County Registry of Deeds ~~is granted limited exemptions~~ shall be exempt from all subsequent changes in ~~the~~ Subdivision Regulations ~~and Zoning Ordinance. In order for such exemptions to apply the Subdivider must take timely action to implement the subdivision approval.~~~~

~~Approvals shall be valid for a term of one year unless otherwise stated in the approval and notice of decision. If active and substantial development on an approval in accordance therewith has not begun within one year (or such other stated time) 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.

### ~~Section D~~ 11.04 Other Regulation-s

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

### ~~Section E~~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.

- ~~A. Site Inspections. A Town Planning Engineer, or in the absence of a Town Planning Engineer, a properly licensed engineer hired by the Town shall inspect all site improvements. The developer shall pay the costs of the employment of said engineer and the cost of any inspections and tests deemed necessary by the Selectmen or the Planning Board or the Town Planning Engineer. The developer's concurrence with the employment of said engineer will be a part of the Subdivider's Improvement Agreement. The Selectmen or the Planning Board shall have the right to waive this requirement for a minor subdivision or lot line adjustment.~~

### Section F

#### 11.06 Penalties

~~Any person violating these Regulations shall be subject to penalties provided by law. Violations of these ~~R~~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.~~

### ~~Section G~~11.07 Appeals

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

### ~~Section H~~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.~~

### ~~Section I~~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.~~

~~Section J Effective Date. These Regulations were originally adopted by the Planning Board to be effective on April 5, 1973. They were amended February 26, 1981; October 21, 1981; March 13, 1986; March 10, 1987; March 14, 1989; March 13, 1990; and June 8, 1995. They were also amended on June 13, 2002. The~~

~~\_\_\_\_\_ Planning Board amended Article V, Section D; Processing Fees for Subdivision  
\_\_\_\_\_ Applications on April 10, 2008. Amended March 14, 2013.~~

~~Appendix A \_\_\_\_\_ SUMMARY OF APPLICATION, SUBMISSION AND REVIEW PROCEDURES AS PER  
\_\_\_\_\_ SUBDIVISION REGULATIONS~~

~~I. \_\_\_\_\_ OPTIONAL PREAPPLICATION REVIEW~~

~~\_\_\_\_\_ Phase 1 \_\_\_\_\_ Conceptual consultation (RSA 676:4, [11.10](#) [Effective Date](#))~~

All changes to these Regulations shall become effective when adopted and signed by a & c)

- ~~○ Applicant may discuss the proposal in conceptual terms as related to the Master Plan and local Regulations. No plans may be submitted.~~
- ~~○ Discussion must be at posted meeting majority of the Planning Board. No additional notice is required.~~
- ~~○ No time limits apply. The discussion is not binding on either the Board or the applicant. No decisions are made.~~
- ~~○ Statements made by the Board members cannot be used to disqualify them or to invalidate any action.~~

~~Phase 2 — Design Review Phases (RSA 676:4, b & c)~~

- ~~○ Consultation between the applicant and the Board or the Board's agent/designee. May involve more than a general discussion.~~
- ~~○ The abutters and general public must be notified under procedures in RSA 676:4, I (d).~~
- ~~○ The Applicant must pay costs/processing fees in advance:
 
  - ~~● \$500 plus \$25 per lot for HDR & VC approvals.~~
  - ~~● \$100 plus \$10 per lot for LDR approvals~~
 Payable to and filed with the Town of Clerk.~~

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

- ~~○ Statutory time limits do not apply. The discussion is not binding on either the Board or the applicant. No decisions are made.~~
- ~~○ Statements made by Board members cannot be used to disqualify them or to invalidate any action.~~

## ~~Appendix B~~ ~~PROCEDURES FOR PROCESSING SUBDIVISION~~

### ~~II.~~ ~~REQUIRED REVIEW~~

#### ~~Step 1~~ ~~Completed Application~~ ~~RSA 676:4, I (b)~~

- ~~○ Subdivision Regulations specify what information is needed for the Board to make an informed decision.~~

#### ~~Step 2~~ ~~File the Application~~ ~~RSA 676:4, I (b)~~

- ~~○ Application containing all the elements required by local regulations must be prepared and filed with the Board or its agent. Filing must be done at least 15 (fifteen) clear days before the date of the Planning Board meeting at which the application is to be submitted.~~
- ~~○ Names and addresses of abutters taken from the town records not more than five (5) days before filing must be included with the application.~~
- ~~○ Fees for the filing of the application and the cost of notices must be paid in advance. Failure to pay all costs is valid reason for the Planning Board to disapprove an application without further action.~~

#### ~~Step 3~~ ~~Notices Required~~ ~~RSA 676:4, I (d)~~

- ~~At least ten days before the date of the meeting at which the application will be submitted to the Board, notice must be given to the abutters and the applicant by certified mail. The general public must be notified by posting a notice in at least two public places.~~
- ~~Notice must include the location and general description of the proposal.~~

#### ~~Step 4 – Submission and Acceptance of Complete Application – RSA 676:4, I(d)~~

- ~~When all the required information is submitted, the Planning Board accepts the application for review. A vote is recommended.~~
- ~~The 65-day review period begins as the date the completed application is submitted and accepted by the Board.~~

#### ~~Step 5 – Public Hearing – RSA 676:4, I(d)~~

- ~~A public hearing must be held before a Planning Board makes a decision on a Subdivision Application. Notice of the hearing must be given to the applicant, abutters and the general public. This notice may be included with the notice of the meeting at which the completed application is submitted.~~
- ~~No public hearing is required for minor lot line adjustments or minor subdivisions; however, abutters must be notified.~~
- ~~No public hearing is required if the applicant fails to supply information required by the Regulations, or misses reasonable deadlines imposed by the Board.~~

#### ~~Step 6 – Formal Consideration – RSA 676:4~~

- ~~Formal consideration must be given within 30 (thirty) days of the delivery of a completed application.~~
- ~~Formal consideration may include review of materials by other boards or consultants, site visits and setting the public hearing date.~~

#### ~~Step 7 – The Decision – RSA 676:4, I(c)~~

- ~~The Planning Board may approve, disapprove or conditionally approve an application. Conditional approval may require additional public hearings.~~
- ~~A decision must be made with 65 (sixty-five) days of the submission and acceptance of a completed application unless:
 
  - ~~The Planning Board requests, and is granted, a 90-day extension from the Board of Selectmen; or~~~~



- ~~The applicant has waived the time limit and the extension is mutually accepted.~~

~~Step 8 – Failure to Act – RSA 676:4, I(c)~~

- ~~○ If no decision is made within 65 (sixty-five) days of the submission and acceptance and no extension has been granted, the applicant may obtain an order from the Selectmen directing the Planning Board to act within 30 (thirty) days.~~
- ~~○ Failure to act constitutes grounds for petition to superior court to issue an order approving the application if it complies with local regulations.~~
- ~~○ Municipality/Planning Board can be ordered to pay the applicant’s costs and attorney fees if the court finds the failure to act was unjustified.~~

~~Step 9 – Recording the Plat – RSA 676:16~~

- ~~○ The approved plat must be filed with the Grafton County Registry of Deeds before any lot can be sold or transferred. A plat that is to be recorded must be prepared and certified by a licensed land surveyor.~~

~~Appendix C 1 – REQUEST FOR PRE APPLICATION REVIEW (optional)~~

~~A meeting is hereby requested with the Waterville Valley Planning Board to discuss in general terms the Board’s Subdivision Regulations and how they pertain to a potential subdivision being considered. It is understood this discussion can only be general in nature and is not binding in nature on either the applicant or the Board.~~

~~Request for  Conceptual Consultation (submitted 20 days prior)  Design Review\* (submitted 15 days prior)~~

~~\*If this is a request for Design Review, the applicant and the public must be notified. See ARTICLE IV, Section B of the Subdivision Regulations.~~

~~1. Name of Applicant: \_\_\_\_\_~~

~~2. Address of Applicant: \_\_\_\_\_~~

~~3. Name of Owner of Record: \_\_\_\_\_  
If other than applicant~~

~~4. Address of Owner of Record: \_\_\_\_\_~~

~~5. Name of Proposed Subdivision: \_\_\_\_\_~~

~~6. Location of Proposed Subdivision: \_\_\_\_\_~~

~~7. Tax Map. No.: \_\_\_\_\_~~

8. ~~Submissions: (design review only):~~

9. ~~Abutters: Attach a separate sheet listing the name, mailing address, and Tax Map # of all abutters, including those across a street or stream. Names should be those of current owners as recorded in \_\_\_\_\_ the Town of Waterville Valley's tax records five days prior to filing this application.~~

~~Site Survey Map  \_\_\_\_\_ Site Location Map  \_\_\_\_\_ Soils Data~~

10. ~~Fees: (Design Review only) Abutter Notification \$ \_\_\_\_\_~~

**Appendix C 2 \_\_\_\_\_ SUBMISSION OF SUBDIVISION OR LOT LINE ADJUSTMENT APPLICATION**

\_\_\_\_\_ Page 1 of 2

The bolded items are the items required for a **Minor Subdivision/Lot Line Adjustment** for the initial submission of the application. Further items may be needed.

This form and all required information as outlined in ARTICLE V., Sections D & E, must be filed at least 21 clear days before the date of the meeting at which it is to be submitted to the Board. Filing is to be done at Rust Municipal Building or by mail to PO Box 500, Waterville Valley, NH 03215.

1. **Name of Applicant:** \_\_\_\_\_

2. **Address of Applicant:** \_\_\_\_\_

3. **Name of Owner of Record:** \_\_\_\_\_

If other than applicant

4. **Address of Owner of Record:** \_\_\_\_\_

5. Name of Proposed Subdivision: \_\_\_\_\_

6. **Location of Proposed Subdivision:** \_\_\_\_\_

7. **Tax Map No.:** \_\_\_\_\_

8. **Number of Lots and/or Units:** \_\_\_\_\_ Lots \_\_\_\_\_ Units

9. ~~Type(s) of dwellings proposed in Subdivision:~~

~~\_\_\_\_\_ Single Family \_\_\_\_\_ Duplex \_\_\_\_\_ Units~~

10. ~~Water Supply and Pollution Control Division No: \_\_\_\_\_~~

11. ~~Name of Surveyor/Planner: \_\_\_\_\_~~

12. ~~Address of Surveyor/Planner: \_\_\_\_\_~~

13. ~~Abutters: Attach a separate sheet listing the name, mailing address, and Tax Map # of all abutters, including those across a street of stream. Names should be those of current owners as recorded in the Town of Waterville Valley's tax records five days prior to filing this application.~~

~~All items are required under ARTICLE V, Section D & E, of the Waterville Valley Subdivision Regulations.~~

14. _____	<del>Fees: Abutter Notification</del>	<del>\$ _____</del>
_____	<del>Processing Fee</del>	<del>\$ _____</del>
_____	<del>Administrative/Technical Review Costs</del>	<del>\$ _____</del>
_____	<del>Other</del>	<del>\$ _____</del>

~~If this application is determined by the Planning Board to be complete, it will be placed on the \_\_\_\_\_ for submission~~

~~Appendix C-2 SUBMISSION OF COMPLETED APPLICATION~~

~~\_\_\_\_\_ Page 2 of 2~~

~~The applicant and/or owner or agent hereby submits a completed application as required by the Town's Subdivision Regulations and respectfully requests the Board's approval of said application. In consideration of approval and the privileges accruing thereto, the applicant and/or owner or agent hereby agrees/certifies.~~

- ~~1. That this application is correctly completed with all required attachments and requirements and that any additional costs for engineering or professional services incurred by the Waterville Valley Planning Board in the final subdivision process of this property shall be borne by the applicant and/or owner.~~
- ~~2. To carry out the improvements agreed upon and as shown and intended by the Final Plat, including any work made necessary by unforeseen conditions, which become apparent during construction.~~
- ~~3. That all streets are private until accepted by the Town.~~
- ~~4. To give the Town proper deeds for land or easements reserved on the plat for streets, drainage, etc., as agreed upon.~~
- ~~5. To make no changes whatsoever in the Final Plat as approved by the Board unless the Board approves a revised plat or a plat of resubdivision.~~
- ~~6. To save the Town harmless from any obligation it may incur or repairs it may make, because of the applicant's failure to carry out any of the foregoing provisions.~~

~~\_\_\_\_\_~~  
~~\_\_\_\_\_~~  
~~Date \_\_\_\_\_ Applicant and/or Owner or Agent~~

~~I hereby authorize the Waterville Valley Planning Board and its agents to access my land for the purpose of reviewing this subdivision plan, performing road inspections, and any other inspection deemed necessary by the Board or its agents, to ensure conformance of the on-site improvements with the approved plan and all other applicable ordinances and regulations.~~

\_\_\_\_\_  
Date \_\_\_\_\_ Applicant and/or Owner or Agent

~~Appendix C2-A SUBMISSION OF COMPLETED CHANGE OF USE APPLICATION~~

~~Page 1 of 2~~

~~This form, and all required information as outlined in ARTICLE V, Sections D & E, must be filled it at least 21 clear days before the date of the meeting at which it is to be submitted to the Board. Filing is to be done at Rust Municipal Building or by mail to PO Box 500, Waterville Valley, NH 03215.~~

1. Name of Applicant: \_\_\_\_\_

2. Address of Applicant: \_\_\_\_\_

3. Name of Owner of Record: \_\_\_\_\_

If other than applicant

4. Address of Owner of Record: \_\_\_\_\_

5. Name of Proposed Subdivision: \_\_\_\_\_

6. Location of Proposed Subdivision: \_\_\_\_\_

7. Tax Map. No.: \_\_\_\_\_

8. Number of Lots and/or Units: \_\_\_\_\_ Lots \_\_\_\_\_ Units

9. Type(s) of dwellings proposed in Subdivision:  
 \_\_\_\_\_ Single Family \_\_\_\_\_ Duplex \_\_\_\_\_ Units

10. Water Supply and Pollution Control Division Subdivision No.: \_\_\_\_\_

11. Name of Surveyor/Planner: \_\_\_\_\_

12. Address of Surveyor/Planner: \_\_\_\_\_

13. Abutters: Attach a separate sheet listing the name, mailing address and Tax Map No. of all abutters, including those across a street or stream. Names should be those of current owners as recorded in the Town of Waterville Valley tax records five days prior to filing of this application.

14. All items are required under ARTICLE V, Section D & E, of the Waterville Valley Subdivision Regulations.

15.	<b>Fees: Abutter Notification</b>	\$ _____
	<b>Processing Fee</b>	\$ _____
	<b>Administrative/Technical Review Costs</b>	\$ _____
	<b>Other</b>	\$ _____

If this application is determined by the Planning Board to be complete, it will be placed on the \_\_\_\_\_ for submission.

**Appendix C 2A SUBMISSION OF COMPLETED CHANGE OF USE APPLICATION**

Page 2 of 2

The applicant and/or owner or agent hereby submits a completed application as required by the Town's Subdivision Regulations and respectfully requests the Board's approval of said application. In consideration of approval and the privileges accruing thereto, the applicant and/or owner or agent hereby agrees/certifies:

1. That this application is correctly completed with all required attachments and requirements and that any additional costs for engineering or professional services incurred by the Waterville Valley Planning Board in the final subdivision process of this property shall be borne by the applicant and/or owner.
2. To carry out the improvements agreed upon and as shown and intended by the Final Plat, including any work made necessary by unforeseen conditions that become apparent during construction.
3. That all streets are private until accepted by the Town.
4. To give the Town proper deeds for land or easements reserved on the plat for streets, drainage, etc., as agreed upon.
5. To make no changes whatsoever in the Final Plat as approved by the Board unless the Board approves a revised plat or a plat of resubdivision.
6. To save the Town harmless from any obligation it may incur or repairs it may make, because of the applicant's failure to carry out any of the foregoing provisions.

\_\_\_\_\_  
 Date \_\_\_\_\_ Applicant and/or Owner or Agent

I hereby authorize the Waterville Valley Planning Board and its agents to access my land for the purpose of reviewing this subdivision plan, performing road inspections, and any other inspection deemed necessary by the Board or its agents, to ensure conformance of the on-site improvements with the approved plan and all other applicable ordinances and regulations.

\_\_\_\_\_  
Date \_\_\_\_\_ Applicant and/or Owner or Agent

**Appendix C3** \_\_\_\_\_ **SUBDIVISION OR LOT LINE ADJUSTMENT APPLICATION TICK LIST**  
\_\_\_\_\_ Page 1 of 3

The bolded items are the items required for a Lot Line Adjustment for the initial submission of the application. Further items may be needed.

	Applicant	Planning Board
Name of Subdivision	_____	_____
<b>Name/Address of Subdivider</b>	_____	_____
<b>Name of Developer</b>	_____	_____
Name of Designer	_____	_____
Name of Engineer	_____	_____
<b>Name of Surveyor</b>	_____	_____
<b>Location of Property</b>	_____	_____
<b>Street and Tax Map No.</b>	_____	_____

In order to complete, a Subdivision Application shall contain the following information, where applicable:

<b>List of abutters and addresses</b>	_____	_____
<b>All Notice fees</b>	_____	_____
<b>Administrative Costs</b>	_____	_____
<b>Investigative Costs</b>	_____	_____

**Two Copies of the plan showing the following:**  
(See ARTICLE V, Section E for details)

**Existing and Proposed Site Conditions**

~~~ A Site Map~~ \_\_\_\_\_

~~Boundaries and Area of Entire Parcel~~ \_\_\_\_\_

Waterville Valley Planning Board Approval:

Chair

Vice-Chair

~~▪ North Point~~ \_\_\_\_\_

~~▪ Bar Scale~~ \_\_\_\_\_

~~▪ Date and Revision Dates~~ \_\_\_\_\_

~~~ Boundaries of Relative Zoning Districts~~ \_\_\_\_\_

~~~ Existing and Proposed Lot Lines within Subdivision~~ \_\_\_\_\_

~~▪ Lot Dimensions~~ \_\_\_\_\_

~~▪ Areas in Square Feet and Acres~~ \_\_\_\_\_

~~▪ Numbering of Lots~~ \_\_\_\_\_

~~~ Locations of Existing and Proposed Easements~~ \_\_\_\_\_

~~~ Existing and future Subdivision if any, in and adjacent to subject subdivision~~ \_\_\_\_\_

~~~ Identification of Separate Phases~~ \_\_\_\_\_

~~~ Description of Deed Restrictions~~ \_\_\_\_\_

~~~ Areas affected by Protective Radius of Wells~~ \_\_\_\_\_

~~~ Soils Data, if required (private sewer)~~ \_\_\_\_\_

**Buildings**

~~~ Location of all Existing Buildings within Subdivision~~ \_\_\_\_\_

**Appendix C3 SUBDIVISION OR MINOR LOT LINE ADJUSTMENT APPLICATION TICK LIST**

Page 2 of 3

~~Location of all Existing Buildings within 20'~~ \_\_\_\_\_

~~Location of all Proposed Structures~~ \_\_\_\_\_

~~Including Accessory Buildings~~ \_\_\_\_\_

~~~ Number of Dwelling Units~~ \_\_\_\_\_

~~▪ Shape~~ \_\_\_\_\_

~~▪ Size~~ \_\_\_\_\_

~~▪ Height~~ \_\_\_\_\_

~~▪ Capacity~~ \_\_\_\_\_

|                                                           |       |       |
|-----------------------------------------------------------|-------|-------|
| ~ Number of Non-Dwelling Units                            | _____ | _____ |
| ▪ Purpose                                                 | _____ | _____ |
| ▪ Shape                                                   | _____ | _____ |
| ▪ Size                                                    | _____ | _____ |
| ▪ Height                                                  | _____ | _____ |
| ▪ Capacity                                                | _____ | _____ |
| ~ <b>Building Setback Lines</b>                           | _____ | _____ |
| ~ Streets and Parking                                     | _____ | _____ |
| ~ Existing and Proposed Street Right-of-Way Lines         | _____ | _____ |
| ~ Widths of Streets                                       | _____ | _____ |
| ~ Proposed Names of New Streets                           | _____ | _____ |
| ~ Preliminary Street Profiles, including Cross Sections   | _____ | _____ |
| ~ Statement of Work required on Existing Public Streets   | _____ | _____ |
| To meet minimum standards, including costs                | _____ | _____ |
| ~ Parking Areas                                           | _____ | _____ |
| ~ Snow Removal and Storage Provisions                     | _____ | _____ |
| ~ Locations of Bicycle and Pedestrian Paths               | _____ | _____ |
| ▪ Written Easements for Such Paths                        | _____ | _____ |
| <br>Drainage and Utilities                                |       |       |
| ~ Watershed Areas and Drainage Computations               | _____ | _____ |
| ~ Contours to indicate the Method of Storm Water Drainage | _____ | _____ |
| ~ Plans for Utilities                                     | _____ | _____ |
| ▪ Telephone                                               | _____ | _____ |
| ▪ Electric                                                | _____ | _____ |
| ▪ Water                                                   | _____ | _____ |
| ▪ Sewer                                                   | _____ | _____ |
| <br>Landscaping ~ Locations of Open Space                 |       |       |
| ▪ Water Courses                                           | _____ | _____ |
| ▪ Large Trees                                             | _____ | _____ |
| ▪ Foliage Lines                                           | _____ | _____ |
| ▪ Natural and Man-Made Features                           | _____ | _____ |
| Landscape Plan                                            | _____ | _____ |

**Appendix C3**                      **SUBDIVISION OR LOT LINE ADJUSTMENT APPLICATION TICK LIST**  
 \_\_\_\_\_  
 \_\_\_\_\_  
 Page 3 of 3

|                                                                     |       |       |
|---------------------------------------------------------------------|-------|-------|
| Lighting and Signage Plan                                           | _____ | _____ |
| Location of and Proposed Screening of Exterior Mechanical Equipment | _____ | _____ |

The following items may be required by the Planning Board before approval is granted:



|                                    |       |       |
|------------------------------------|-------|-------|
| Erosion and Sediment Control Plan  | _____ | _____ |
| Environmental Impact Statement     | _____ | _____ |
| Wetlands Board Permit              | _____ | _____ |
| Driveway Access Permit             | _____ | _____ |
| Major Alteration Permit            | _____ | _____ |
| Town Engineer Review of Proposal   | _____ | _____ |
| Miscellaneous Engineering Studies  | _____ | _____ |
| Subdivider's Improvement Agreement | _____ | _____ |
| Construction Bonding               | _____ | _____ |

**Appendix C4 DELIVERY OF COMPLETED APPLICATION**

**Name of Applicant:** \_\_\_\_\_

**Name of Subdivision:** \_\_\_\_\_

**Date Delivered:** \_\_\_\_\_

~~The Planning Board has, as of this date, received delivery of a Completed Application. The Planning Board must, within 30 (thirty) days of the above delivered date, determine if the submitted application is complete according to the Board's regulations and shall vote upon its acceptance. Upon determination that a submitted application is complete, the Board shall begin formal consideration and shall act to approve or disapprove said application with 65 (sixty five) days. RSA 676:4~~

Determination hearing date if: \_\_\_\_\_

\_\_\_\_\_  
~~Planning Board Chairman or~~ Secretary

\_\_\_\_\_  
Date

~~Appendix C5~~ ~~NOTICE OF DECISION – COMPLETED APPLICATION~~

You are hereby notified that the Application of \_\_\_\_\_

To subdivide land located on Tax Map No. \_\_\_\_\_,

at \_\_\_\_\_ in the Town of Waterville

Valley, NH has been:

\_\_\_\_\_  **APPROVED** \_\_\_\_\_  **DISAPPROVED**

By majority vote of the members of the Planning Board on \_\_\_\_\_

The following motion:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
Planning Board Chairman or Secretary

\_\_\_\_\_  
\_\_\_\_\_  
Date

**Appendix C6** \_\_\_\_\_ **CHECKLIST FOR PLANNING BOARD APPROVAL**

\_\_\_\_\_ Page 1 of 4

Project Name: \_\_\_\_\_

Subdivider: \_\_\_\_\_ Address: \_\_\_\_\_

Designer: \_\_\_\_\_ Address: \_\_\_\_\_

Engineer: \_\_\_\_\_ Address: \_\_\_\_\_

Surveyor: \_\_\_\_\_ Address: \_\_\_\_\_

1. ~~Preliminary Conceptual Consultation~~ Date of Meeting: \_\_\_\_\_  
Request for Consultation \_\_\_\_\_

Select Board Representative

a. ~~Received~~ \_\_\_\_\_ Date Received: \_\_\_\_\_  
~~\_\_\_\_\_ Must be at least 10 days prior to scheduled meeting~~

- b. ~~Proceed to~~
- 1. ~~Design Review Phase~~
- 2. ~~Completed Application~~

c. ~~Comments:~~ \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. ~~Design Review Phase~~ \_\_\_\_\_ Date of Meeting: \_\_\_\_\_

- a. ~~Request for Consultation Received~~ \_\_\_\_\_ Date Received: \_\_\_\_\_
- 1. ~~List of Abutters~~
- 2. ~~Site Survey Map~~
- 3. ~~Site Location Map~~
- 4. ~~Soils Data (if private sewer)~~

~~Above material must be received 15 days prior to meeting~~

b. ~~Notices to Abutters Mailed~~ \_\_\_\_\_ Date Mailed: \_\_\_\_\_  
~~Notice Posted in Two Places~~ \_\_\_\_\_ Date Posted: \_\_\_\_\_  
~~\_\_\_\_\_ 10 days prior to meeting~~  
~~Notice Costs: \$ \_\_\_\_\_ Billed: \$ \_\_\_\_\_ Rec'd: \$ \_\_\_\_\_~~

c. ~~Additional Information Needed:~~

\_\_\_\_\_ Rec'd: \_\_\_\_\_  
 \_\_\_\_\_ Rec'd: \_\_\_\_\_  
 \_\_\_\_\_ Rec'd: \_\_\_\_\_

d. ~~Comments:~~ \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

e. ~~Proceed to: Additional Design Review Phase Meeting:~~ \_\_\_\_\_  
~~Completed Application:~~ \_\_\_\_\_

**Appendix C6 CHECKLIST FOR PLANNING BOARD APPROVAL**  
Page 2 of 4

Project Name: \_\_\_\_\_

- 3. **Completed Application** \_\_\_\_\_ Date of Meeting: \_\_\_\_\_
- a. Application Received \_\_\_\_\_ Date Received: \_\_\_\_\_
  - 1. List of Abutters \_\_\_\_\_
  - 2. Two Copies of Information \_\_\_\_\_
  - 3. Processing Fee Paid \_\_\_\_\_

*Above material **must** be received **15 days** prior to meeting*

- b. Notices to Abutters Mailed \_\_\_\_\_ Date Mailed: \_\_\_\_\_
- Notice Posted in Two Places \_\_\_\_\_ Date Posted: \_\_\_\_\_
- \_\_\_\_\_ 10 days prior to meeting
- Notice Costs: \$ \_\_\_\_\_ Billed: \$ \_\_\_\_\_ Rec'd: \$ \_\_\_\_\_

- c. Cost of Investigative Studies/  
Environment Assessments: \$ \_\_\_\_\_ Billed \_\_\_\_\_ Rec'd \_\_\_\_\_

d. Review by the Municipal Services Dept. \_\_\_\_\_ Sewer Design  [Town Clerk:](#) \_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

- \_\_\_\_\_ Water Design
- \_\_\_\_\_ Solid Waste Container Placement

- e. Additional Information Requested: \_\_\_\_\_
- \_\_\_\_\_ Rec'd: \_\_\_\_\_
- \_\_\_\_\_ Rec'd: \_\_\_\_\_
- \_\_\_\_\_ Rec'd: \_\_\_\_\_

f. Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

g. Decision on Completed Application: \_\_\_\_\_ Accepted  \_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_ Rejected  Date: \_\_\_\_\_

Reason: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

h. Acceptance Notice Mailed to Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

i. Additional Meeting on Completed Application: \_\_\_\_\_ Date: \_\_\_\_\_  
\_\_\_\_\_ Date: \_\_\_\_\_

**Appendix C6 CHECKLIST FOR PLANNING BOARD APPROVAL**

Page 3 of 4

Project Name: \_\_\_\_\_

**4. Public Hearing** \_\_\_\_\_ Date of Meeting: \_\_\_\_\_

a. Notice to Abutters Mailed \_\_\_\_\_ Date Mailed: \_\_\_\_\_

Notice posted in Two Places \_\_\_\_\_ Date Posted: \_\_\_\_\_

\_\_\_\_\_ 10 days prior to Meeting unless combined with previous notice

Notice Costs: \$ \_\_\_\_\_ Billed: \$ \_\_\_\_\_ Rec'd: \$ \_\_\_\_\_

b. Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**5. Final Action** \_\_\_\_\_ Date of Meeting: \_\_\_\_\_

A. Final Plat Submitted (Two Mylars and Two Prints)

a. Notice to Abutters Mailed \_\_\_\_\_ Date Mailed: \_\_\_\_\_

Notice posted in Two Places \_\_\_\_\_ Date Posted: \_\_\_\_\_

\_\_\_\_\_ 10 days prior to Meeting unless combined with previous notice

Notice Costs: \$ \_\_\_\_\_ Billed: \$ \_\_\_\_\_ Rec'd: \$ \_\_\_\_\_

b. Acknowledgement of Subdivider's Responsibility on Land to be dedicated for public use.

Rec'd \_\_\_\_\_

c. Statement approving proposed Driveway or Street Access:

State Approval: \_\_\_\_\_ Town Approval: \_\_\_\_\_

d. Statement of Availability of Municipal Services Water:

Water Dept. \_\_\_\_\_ Sewer Dept.: \_\_\_\_\_

e. Statement from Fairpoint Communications, Electric Co-Op, utilities:

Rec'd: \_\_\_\_\_

f. Easements and/or Rights-of-Way:

\_\_\_\_\_ Rec'd \_\_\_\_\_  
\_\_\_\_\_ Rec'd \_\_\_\_\_  
\_\_\_\_\_ Rec'd \_\_\_\_\_

- g. Time limit for completion of Public Streets and Other Public Improvements (not longer than two years) \_\_\_\_\_
- i. Action on Completed Application      Approved: \_\_\_\_\_
- Disapproved: \_\_\_\_\_
- Conditional: \_\_\_\_\_

\_\_\_\_\_

**Appendix C6      CHECKLIST FOR PLANNING BOARD APPROVAL**  
 \_\_\_\_\_  
 \_\_\_\_\_  
 Page 4 of 4

Project Name: \_\_\_\_\_

Conditions Imposed: \_\_\_\_\_  
 \_\_\_\_\_ Met: \_\_\_\_\_  
 \_\_\_\_\_ Met: \_\_\_\_\_  
 \_\_\_\_\_ Met: \_\_\_\_\_

Mylar Signed      Recorded       Book/Page: \_\_\_\_\_/\_\_\_\_\_  
 \_\_\_\_\_  
 Subdivider's Agreement signed      Yes       No

Performance Guaranty:  
 Performance Bond:      \$ \_\_\_\_\_      Rec'd: \_\_\_\_\_  
 Letter of Credit:      \$ \_\_\_\_\_      Rec'd: \_\_\_\_\_

- Depository: \_\_\_\_\_
- a. \_\_\_\_\_ Construction completed of public streets, public improvements, drainage and/or other utilities off site. \_\_\_\_\_
  - b. \_\_\_\_\_ Damage to existing streets, utilities and other public improvements restored. \_\_\_\_\_
  - c. \_\_\_\_\_
  - d. \_\_\_\_\_ Site cleaned up and adequately landscaped.
  - e. \_\_\_\_\_
  - f. \_\_\_\_\_ As built plans of project received. \_\_\_\_\_

g. Maintenance Bond:      \$ \_\_\_\_\_      Rec'd: \_\_\_\_\_  
 \_\_\_\_\_  
 Depository: \_\_\_\_\_  
 Released: \_\_\_\_\_

~~Appendix C7 SUBDIVIDER IMPROVEMENT AGREEMENTS~~~~Page 1 of 4~~

Agreement made this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by and between \_\_\_\_\_ of \_\_\_\_\_ County of \_\_\_\_\_, State of \_\_\_\_\_, (“Developer) and the Town of Waterville Valley, a New Hampshire municipal corporation situated in Waterville Valley, Rust Municipal, County of Grafton, State of New Hampshire, (“Town”).

WHEREAS, Developer has applied to the Waterville Valley Planning Board for approval of a Subdivision Plan of property located in Waterville Valley, as shown on a plan titled “\_\_\_\_\_,” Dated: \_\_\_\_\_ and (“the Subdivision Plan”)

WHEREAS, the Subdivision will require the installation of certain improvements to be installed by, and at the expense of, the Developer; and

WHEREAS, the Developer seeks to obtain approval of the subdivision under RSA 674:36 and Waterville Valley Subdivision Regulations, ARTICLE IV, Section E, while providing satisfactory surety for the performance of these obligations and proposes to complete these obligations under this Agreement as a Condition of Subdivision Approval.

NOW THEREFORE, in consideration of the mutual terms and conditions hereinafter set forth, Developer and Town agree as follows:

- a. ~~General Compliance.~~ Developer agrees to abide by all requirements of the Waterville Valley Subdivision Regulations as they pertain to subdivision of this property. Developer agrees to install all improvements and take all other actions required by the Waterville Valley Subdivision Regulations and as shown on the Subdivision Plan whether or not the installation of said improvements and performance of said obligations are secured under this Agreement.
- b. ~~Secured Improvements.~~ Developer’s performance with regard to installation and construction of the improvements shown on the Subdivision Plan that are described in



this section shall be secured in the manner provide by this Agreement. The improvement for which surety of performance is required is as follows:

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**Appendix C7 SUBDIVIDER IMPROVEMENT AGREEMENTS**

Page 2 of 4

- ~~c. Nature of Work. All improvements, whether secured or not, shall be made in accordance with the specifications and requirements of the Town as specified in the Waterville Valley Subdivision Regulations, the plans, drawings and specifications approved by the Planning Board in association with the developer’s application for subdivision approval, the Waterville Valley Municipal Services Water/Sewer Regulations, and the Waterville Valley Highway Department Regulations.~~
- ~~d. Timing. Developer shall commence installation and construction of improvements no later than \_\_\_\_\_ days after preliminary approval by the Waterville Valley Planning Board. Installation and construction shall proceed in a timely fashion, according the schedule affixed hereto as Exhibit 1, and in accordance with the following requirements:
 
  - ~~1. Installation and construction shall be performed in a proper, workmanlike manner and in full compliance with Town requirements, approval conditions, and approved plans, \_\_\_\_\_ drawings and specifications. Developer shall be responsible for appropriate stabilization and restoration of the area during and after construction.~~
  - ~~2. Developer shall work with the Town Water and Sewer Superintendents and Code Compliance Officer to assure compliance with the requirements, conditions, and \_\_\_\_\_ specifications. The Town may engage an independent engineer to inspect for compliance with costs thereof being borne by the Developer.~~~~
- ~~e. Surety. Developer shall tender and Town will accept, prior to the commencement of construction and recording of conditional approval, as surety for the satisfactory completion of Developer’s obligations under this agreement, a Performance Bond or a Letter of Credit properly endorsed to the Town, satisfactory in form and substance to the Town and subject to the following terms and conditions:~~

1. ~~Upon receipt of a certificate of satisfactory completion of obligations under this Agreement to be submitted by the Planning Board, Developer shall be released from further obligation under this agreement, except as otherwise provided, and the surety may be released. Obligations of the Developer under the subdivision approval and in accordance with the subdivision documents reviewed by the Planning Board shall continue as stated in those documents.~~
2. ~~The surety shall be partially released as portions of the construction are satisfactorily performed in accordance with RSA 674:35, II (b). The schedule of values for partial release shall be as set forth in Exhibit 2.~~

~~Appendix C7~~ ~~SUBDIVIDER IMPROVEMENT AGREEMENTS~~

~~Page 3 of 4~~

3. ~~Upon failure of Developer to satisfactorily and timely perform its obligations under this Agreement, the Town, after notice to the Developer, may withdraw from the surety so deposited such amounts as it requires in accordance with the following procedures.~~
  - i. ~~Town shall notify Developer of any asserted failure of performance. If Developer does not satisfactorily remedy the failure within 30 days after notice, the Town, by its Planning Board or other designee, may utilize the surety for payment of costs associated with correcting the failure to perform. In matters determined by the Planning Board to immediately concern public health or safety, the 30-day period for remedial action may be waived with such notice as may be appropriate under the circumstances.~~
  - ii. ~~Developer may cure the default of failure to perform within 30 days after notice to avoid utilization of the surety, except as stated under subparagraph 12.~~
  - iii. ~~Failure to perform, as used in this paragraph, includes failure to comply with the requirements and conditions referred to in this Agreement, or to timely carry out the responsibilities for construction of improvements under this Agreement. Work interruptions caused by acts of God, labor disputes or other causes beyond the control of the Developer shall cause said period to be extended by the period of any such interruptions.~~
  - iv. ~~If Town received notice or has reason to believe that the surety may be revoked, rescinded, or otherwise placed in jeopardy, after reasonable notice~~

~~to Developer, and if Developer does not provide adequate replacement surety approved by the Planning Board, the Town may draw on the then existing surety for such amounts as it deems necessary to protect the Town's interest.~~

- ~~v. The surety shall be in an amount not less than \$ \_\_\_\_\_ and shall be released upon certification of completion of the improvements as satisfactory by the Planning Board or its designee and upon final approval of the Subdivision Plan, following a public hearing. The full amount of the surety may be so released subject to replacement by a maintenance bond in the amount of \$ \_\_\_\_\_ to be kept in force for two years following final approval. Drawing upon the maintenance bond shall be in the same manner as is provided for drawing on construction surety. Any unused balance shall be released at the expiration of the 2-year period.~~

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**Appendix C7 SUBDIVIDER IMPROVEMENT AGREEMENTS**

Page 4 of 4

~~f. Acceptance of Road. In accordance with RSA 674:38, approval of the subdivision and construction of the road does not constitute or result in acceptance of the road by the Town of Waterville Valley. If Developer seeks to have the road become a Town road, it may become a Town road only by acceptance or layout in accord with applicable law.~~

~~g. Inspection. The Town may at any time inspect the work to insure that it is being performed in compliance with this Agreement. The Town shall, upon receipt of notice from the Developer that it believes the work has been completed in compliance with this Agreement, inspect the work.~~

~~Drawing upon the performance surety shall not be deemed the exclusive remedy that the Town may exercise and the Town is not limited by the dollar limit of such surety in seeking other relief.~~

~~The Agreement constitutes the entire agreement of the parties relative to its subject matter and may not be modified except by a written duly executed by the authorized agent of each party.~~

~~This Agreement is binding upon the heirs, successors and assigns of the parties.~~

~~This Agreement shall be construed under New Hampshire law. The parties, including any surety providing bond or letter of credit for the Developer, agree that any action under this Agreement shall be brought and pursued in a Court of Law located in New Hampshire.~~

~~IN WITNESS WHEREOF, the parties have executed this Agreement on the date indicated.~~

\_\_\_\_\_  
Witness \_\_\_\_\_ Developer \_\_\_\_\_ Date \_\_\_\_\_

IN WITNESS WHEREOF, the Town of Waterville Valley has executed this document by its Planning Board on the date indicated.

\_\_\_\_\_  
Witness \_\_\_\_\_ Town Manager \_\_\_\_\_ Date \_\_\_\_\_

**Appendix C8 NOTICE OF LOT MERGER**

Pursuant to RSA 674:39 a, the owner(s) of the following described lots located in the Town of Waterville Valley, Grafton County, New Hampshire, has merged them for municipal planning and assessment purposes. The following described lots cannot be conveyed separately, without subdivision approval.

OWNER(S) OF RECORD: \_\_\_\_\_

**LOTS TO BE MERGED:**

**TAX MAP # \_\_\_\_\_ REGISTRY BOOK & PAGE: \_\_\_\_\_ REGISTRY PLAN # \_\_\_\_\_**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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The consent(s) of person(s) holding mortgages, liens, encumbrances, or other interests in said lots or parcels, which are attached hereto, are incorporated in this Notice.

IN WITNESS WHEREOF, \_\_\_\_\_  
Have executed this Notice of Merger this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_  
Witness \_\_\_\_\_ Owner \_\_\_\_\_

\_\_\_\_\_  
Witness \_\_\_\_\_ Owner \_\_\_\_\_

Copies of each property deed, to be considered by the Planning Board, must be attached to this notice.

**GRAFTON COUNTY, STATE OF NEW HAMPSHIRE**

The foregoing instrument was acknowledge on \_\_\_\_\_  
\_\_\_\_\_  
(mm/dd/yyyy)

\_\_\_\_\_  
Before me,

\_\_\_\_\_  
Notary Public/Justice of the Peace  
My commission expires: \_\_\_\_\_

The Waterville Valley Planning Board approved the merger of the foregoing lots Pursuant to RSA 674:39  
a on \_\_\_\_\_  
\_\_\_\_\_  
(mm/dd/yyyy) \_\_\_\_\_  
Chairman, Waterville Valley Planning Board