

SUBDIVISION REGULATIONS FOR THE TOWN OF EFFINGHAM, NH

As adopted by the Planning Board at the meeting of April 28, 1973

SECTION 1 AUTHORITY

Pursuant to the authority vested in the Effingham Planning Board by the voters of the Town of Effingham at the Town meeting of March 6, 1973, the Effingham Planning Board adopts the following regulations governing the subdivisions of all land in the Town of Effingham. The regulations are adopted for all purposes permitted by law (RSA 674:36) including, but without limitation to the following:

SECTION 2 PURPOSES

- 2.1 Provision against such scattered or premature subdivision of land as would involve either economic and/or environmental danger or injurious impact to health, safety, fire protection or prosperity by reason of the lack of water supply, drainage, transportation or other public services, or necessitate an excessive expenditure of public funds for the supply of such services;
- 2.2 Provide for the harmonious development of the town and its environs, provision for the proper arrangement and coordination of streets within subdivisions in relation to other existing or planned streets or with features of such official map as may be adopted for the town; provision for open spaces of adequate proportions; for suitably located streets of sufficient width to accommodate existing and prospective traffic and to afford adequate light, air, and access to firefighting apparatus and equipment to buildings, and for such coordination as to compose a convenient system; provision for requiring the establishment of parks suitably located for playground or other recreational purposes, and of reasonable size for neighborhood playgrounds or other recreational use; provision that land proposed to be used for building purposes shall be of such character that it can be so used without danger to health; provision of minimum lot areas to conform to local zoning ordinances and to assure additional area as may be needed for each lot for on site sanitary facilities; and other provisions generally tending to create conditions favorable to health, safety, convenience, or prosperity.

SECTION 3 GENERAL PROVISIONS

- 3.1 Title: These regulations shall be known and cited as Subdivision Regulations for the Town of Effingham, New Hampshire.
- 3.2 Jurisdiction: These regulations shall pertain to all land within the boundaries of the Town of Effingham.
- 3.3 Validity: In any case where a provision of these regulations is found to be in conflict with a provision of any other ordinance, regulation, code or covenant in effect in the Town of Effingham, the provision which is more restrictive shall apply, as defined in RSA 676:14.
- 3.4 Severability: The invalidity of any section, subsection, paragraph, sentence, clause, phrase or word of these regulations shall not be held to invalidate any other section, subsection, paragraph, sentence, clause, phrase or word of these regulations.
- 3.5 Penalties: Any owner, or agent of the owner, who transfers or sells any land, before a plat of the said subdivision has been approved by the Planning Board and recorded or filed in the office of the Registry of Deeds, shall forfeit and pay penalty of One Thousand Dollars (\$1000.00) for each lot or parcel so transferred or sold, without exception, and the description by metes and bounds in the

instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties. The Town may enjoin such transfer or sale which violates the provisions of this section and may recover said penalty by civil action. In any such action, The Town may recover reasonable court costs and attorney's fees as may be ordered by the court (RSA 676:16).

If, in the opinion of the Planning Board, the method of disposition or use of any of the land involved appears to have been stated for the purpose of evasion or not divulging the true future intent or purpose for the use of any subdivision or part of a subdivision involved in these regulations, any exemption as stated as having been allowed will become null and void, and the subdivision shall become subject to all of the requirements and improvements and penalties as would any new subdivision.

SECTION 4 DEFINITIONS

ABUTTER: A 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 purposes of receiving testimony only, and not for purposes of notification, the term "abutter" shall include any person who is able to demonstrate that his land will be directly affected by the proposal under consideration. For purposes of receipt of notification by a municipality of a local land use board hearing, in the case of an abutting property being under a condominium or other collective form of ownership, the term abutter means the officers of the collective or association, as defined in RSA 356-B:3, XXIII.

APPOINTED INSPECTOR: A registered engineer as designated by the Effingham Planning Board.

BUILDING: Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind.

EASEMENT: A grant or reservation by an owner of land for the use of all or a portion of such by others, including the public, for a specific purpose or purposes and which must be included in the conveyance of land affected by such easement. The usage of the word "easement" for land platting purposes in these regulations means that such easement area is included within the dimensions and areas of the lots or parcels through which the easement may run, and is not to be separated therefrom as in the case of a right-of-way.

ENGINEER: The duly designated engineer of the Town of Effingham, or, the engineer assigned by the Effingham Planning Board. The engineer must be properly licensed and registered in the State of New Hampshire.

LOT LINE ADJUSTMENT: Lot line adjustments include an exchange of land or moving the common boundary between two abutting lots where no new lots are created. An annexation of land between two landowners is included as a lot line adjustment.

LOT OF RECORD: Legally created parcel, the plat or description of which has been recorded at the Registry of Deeds for the County in which it is located.

NON-CONFORMING LOT: A single lot which, at the effective date of this Ordinance, does not meet the minimum lot area, minimum lot area per dwelling unit, or minimum frontage requirements of the district in which it is located. It is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendment took effect.

PLAT: The final map, drawing or chart on which the subdivider's plan of subdivision is presented to the Effingham Planning Board for approval, and which, if approved, will be submitted to the Registry of Deeds of Carroll County for recording.

RIGHT-OF-WAY: A strip of land used for or intended to be used for a street, crosswalk, water main, sanitary or storm sewer main or for any other special use, including public use. The usage of the term "right-of-way" for land platting purposes in these regulations shall mean that every right-of-way hereinafter established and shown on a record plat is to be separate and distinct from the lots and parcels adjoining such right-of-way, and not to be included within the dimensions of such other lots or parcels.

ROADWAY: Finished road surface between the shoulder breaks.

SETBACK: The distance between a legal boundary (right-of-way, lot line or property line) and any part of a building or structure.

STREET : A public highway as defined in RSA 229:1 except a Class VI or discontinued highway; or a private road within a subdivision as platted and recorded in the Carroll County Registry of Deeds, including the full width of the right-of-way.

STRUCTURE: Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground.

SUBDIVIDER: The owner of record, or agent thereof, at the time of filing of an approved subdivision plan.

SUBDIVISION: 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.

The grant of an easement in gross to a public utility for the purpose of placing and maintaining overhead and underground facilities necessary for its transmission or distribution network such as poles, wires, cable, conduit, manholes, repeaters and supporting apparatus, including any unstaffed structure which is less than 500 square feet, shall not be construed as a subdivision under this title, and shall not be deemed to create any new division of land for any other purpose.

The rent, lease, development, or grant of an easement to a person for the purpose of placing and maintaining a wireless communications facility shall not be construed as a subdivision under this title, and shall not be deemed to create any new division of land for any other purpose. For purposes of this paragraph, "wireless communications facilities" means any towers, poles, antennas, or other unstaffed structure of less than 500 square feet intended for use in connection with licensed transmission or receipt of radio or television signals, or any other licensed spectrum-based transmissions or receptions. This paragraph shall not be deemed to affect other local zoning, site plan, or regulatory authority over wireless communications facilities.

SECTION 5 GENERAL REQUIREMENTS

5.1 Character of Land

- A. **Unsafe Land.** The Planning Board shall prohibit or restrict subdivision of any land which is found by the Planning Board to be unsafe for development by reason of being subject to flooding, erosive stream action, unstable slope or fill, or otherwise located in a situation so that safe healthful development cannot be maintained on the land.

- B. Unsuitable Land. The Planning Board shall restrict subdivision of land which is found by the Planning Board to be unsuitable for development by reason of high water table, bedrock or other impervious strata close to the surface or excessive slope.
- C. Part of Lot. The Planning Board may permit, as to unsafe and unsuitable land, that it be platted as part of a lot in which there is sufficient safe and suitable land to satisfy the requirements of these Regulations as to minimum lot size.

5.2 Lots

A. Lot Stipulations

1. Lot Sizes and Areas. The minimum lot size for each lot shall be in conformance with the Town of Effingham Zoning Ordinance Section 402.
2. All lots created shall have contiguous, safe usable land, which does not include wetlands and slopes greater than 15%. Any lot created must be of quadrilateral design and have as close to 90% corners as possible, unless limited by original lot shape. Any and all lots created shall have stone bound, concrete or metal permanent monuments placed at all boundary corners prior to final approval.
3. Frontage: All Lots created shall have the minimum frontage requirements stated in the Town of Effingham Zoning Ordinance Section 402.
4. No lot will have a length to width ration of more than 4 1/2 times the frontage.

- B. The slope of the land may be determined by reference to topographic information provided by a licensed land surveyor or licensed engineer and shown on the subdivision plan submitted. Contours at five (5) foot intervals (or less, when required by the Planning Board) shall be shown. No areas where the average slope exceeds 25% may be used to fulfill any part of the lot size requirement.

- C. Wetlands may not be used to fulfill part of the minimum lot size.

5.3 Grading and Drainage

Lots shall be laid out in relation to the topography and graded sufficiently to provide adequate drainage for the purpose intended without diversion of water onto other lots or onto property adjoining the subdivision. No water shall be permitted to run across the street on the surface, but shall be directed into catch basins or otherwise into ditches; and shall be piped underground in a pipe of not less than fifteen (15) inches in diameter, or such size as may be deemed necessary by the Planning Board, its agent or licensed engineer retained by the Board. Excessive grading and removal of natural cover will not be permitted. A drainage plan will be required if new roads are to be constructed. The drainage facilities for all roads shall be designed by a licensed engineer registered in the State of New Hampshire.

5.4 Streets

The following section in large part references the NHDOT Suggested Minimum Design Standards for Rural Subdivision Streets – dated 12/4/03.

- A. GENERAL STREET PLANS: Approval of the general development street plan should be required before allowing construction of small integral phases of the plan.
- B. STREET LAYOUT: Streets shall be laid out so as to intersect at right angles as nearly as possible and no street shall intersect another at less than 60 degrees. Streets shall be continuous and in alignment with existing streets as far as possible.
- C. DEAD-END STREETS: Dead-end streets, designed to be so permanently, shall not be longer than 1000 ft. and shall be provided with a turnaround having an outside roadway diameter of at least 100 ft.
- D. STREET NAMES: All streets shall be named to comply with the provisions of the “Enhanced 911 System” (RSA 106-H:10,I: RSA 106-H:7, VII).
- E. RIGHT-OF-WAY: The minimum width of right-of-way shall be 50 ft. A greater width may be required for arterial and collector streets.
- F. HIGHWAY RIGHT-OF-WAY BOUNDS: Highway bounds, of a type approved by the Board of Selectmen, shall be installed at all intersection of streets, at all points of change in direction and at any other points the Board of Selectmen may deem necessary to designate the street lines.
- G. ALIGNMENT: No streets shall be constructed with a curvature of less than a 100 ft. radius.
- H. GRADES: Street grades, where feasible, shall not exceed 10 percent, nor shall any be less than 0.50 percent. Special care shall be taken to provide flat grades at all intersections.
- I. CONSTRUCTION SUPERVISION: Construction of the roadway, drainage facilities, sidewalks, curbs and all other elements of the highway must be done under the supervision of, and with the approval of the Planning Board and their Agent.
- J. CLEARING: The entire area of each street shall be cleared of all stumps, brush, roots, boulders, and like material, and all trees not intended for preservation.
- K. SUBGRADE PREPARATION: All loam, humus and unsuitable material such as, but not limited to, stumps, vegetation, demolition debris, and structures shall be removed from the roadway and replaced with suitable fill material. All boulders and ledge shall be removed to a uniform cross sectional depth of not less than 12.0 in. below the subgrade and replaced with sand or gravel.
- L. DRAINAGE: Surface water shall be disposed of by means of culverts of sufficient capacity at water course as determined by standard hydraulic design methods and by construction of a longitudinal storm drainage system whenever required to relieve water in the ditch sections. Construction to be in accordance with New Hampshire Specifications, 2010, Sections 603, 604 and 605.
- M. GRAVEL BASE: All Streets shall be constructed with a minimum of 12.0 in. of gravel per New Hampshire Standard Specifications, 2010, Section 304.
- N. ASPHALT SURFACE: The asphalt surface may be a Bituminous Surface Treatment, Section 410 or Hot Bituminous Pavement, Section 403 of the New Hampshire Standard Specifications 2010, as required by the Selectmen. The minimum traveled way width should be 20 ft. for 51-

750 vehicles per day, 22 ft. for 751-1,500 vehicles per day and, 24 ft. for roads carrying over 1,501 vehicles. A 44 ft. wide pavement may be required in areas where on-street parking is expected on both sides of the travel way. Angle parking shall not be allowed.

- O. GRAVEL SURFACE: In unusual cases of low traffic volumes (up to 50 vehicles per day) where the Planning Board feels an asphalt surface is not required, the total usable roadway width shall be a minimum of 22 ft. Provision for a wider section should be considered to allow for future upgrading to an asphalt surface as recommended above.
- P. GRAVEL SHOULDERS: Gravel shoulders, equal to base course depth, shall be constructed adjacent to all asphalt traveled way surfaces as follows: 51-200 vpd, 2.0 ft.; 201-1,500 vpd, 4 ft.; over 1,500 vpd, 8 – 10 ft.
- Q. BRIDGES: Bridges, as defined by State Law (RSA234:2) are all structures of 10.0 ft. or greater clear span, and shall be designed to MS-18 (HS-20) loading (AASHTO Specifications). The minimum roadway width shall be 24 ft.
- R. SIDEWALKS: Sidewalks of 2.0 in. thick asphalt, on a 4 in. gravel base, not less than 5 ft. in width and no closer than 22 ft. to the street centerline, shall be constructed on one or both sides of the street when in the opinion of the Planning Board such sidewalks are necessary.
- S. WETLANDS: Any work that requires impacts (fill, dredge, excavation, etc.) on wetlands or other jurisdictional areas (stream banks, undisturbed tidal buffer zones, etc.) requires coordination with the N.H. Department of Environmental Services Water Division to ensure that all applicable rules and regulations are adhered to.
- T. EROSION CONTROL: A Site Specific permit is required from NHDES whenever a project proposes to disturb more than 100,000 sq. ft. of terrain (50,000 sq. ft. if within the protected shoreland), and as of March 10, 2003 construction activity that disturbs 1 or more acres of land needs a Federal stormwater permit. Selection and design of erosion control measures may be found in the publication “Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire”, prepared by the Rockingham County Conservation District for the New Hampshire Department of Environmental Services, (NH Stormwater and Sediment Controls: Volume #3 2008).
- U. ENVIRONMENTAL IMPACTS: Environmental documentation may also be required to address the natural, socio-economic, and cultural resource impacts. Contact N.H. Department of Environmental Services and N.H. Division of Historic Resources (603-271-3483) for assistance.
- V. UTILITIES: Utility poles should be kept close to the right-of-way line, in no case closer than the ditch line and always well back of a curb. Water and sewer mains should be constructed outside the surface area and preferable outside the ditch line.
- W. SAFETY: Safety is an important factor on all roadway improvements. On development roads it may not be possible or practical to obtain obstacle-free roadsides but every effort should be made to provide clear areas within the maintenance limits. The use of flatter slopes, the use of guardrail where necessary and the use of warning signs are other safety factors to be considered. These areas are addressed in the publication “Roadside Design Guide” by AASHTO, 2011 4th Edition.
- X. MINIMUM STANDARDS: The use of more liberal values than these minimum standards is recommended. For additional guidance and design of local development roads and streets,

reference should be made to the American Association of State Highways and Transportation Officials, "Guidelines for Geometric Design of Very Low Volume Roads" 2001 1st Edition and "Policy of Geometric Design of Highways and Streets" 2011 6th Edition.

- Y. ACCESS TO WATER FOR FIRE FIGHTING: All subdivisions with frontage on bodies of water shall provide year-round access at suitable intervals for fire fighting equipment to access such bodies of water. The Effingham Fire Department will be consulted.
- Z. PRIVATE ROADS: In order to encourage interior development as an alternative to development exclusively or primarily on major roads and streets and to allow development at no additional cost to the Town, the Planning Board may approve the layout of roads to be built and maintained by the landowner(s) according to the following conditions:
 - 1. Before final approval of a private subdivision road, the Applicant shall post a bond or other surety to cover the cost of construction and maintenance of the road and utility lines, if any.
 - 2. A maintenance agreement shall accompany the plan to be recorded which states to what extent each parcel or lot is responsible for maintenance of the private road. The agreement shall run with the land, and upon any future conveyance of property, the agreement shall be incorporated in and made part of a conveyance binding upon the parties thereto, their successors and assignees.
 - 3. The Applicant shall sign a "Statement of Agreement" with the Town, indicating she/he understands that the Town is under no obligation to take over maintenance or ownership of the road.
 - 4. Any maintenance agreement or "Statement of Agreement" shall become null and void if the Town accepts the road as a Town road or public highway.

5.5 Sewage Disposal and Water Supply

- A. On Site, it shall be the responsibility of the subdivider to provide adequate information to prove that the area of each lot is adequate to permit the installation of both individual on-lot water and sewage systems. Each water system shall be at least seventy-five (75) feet from any portion of septic tank or drainage field on its own or adjoining lots and shall be constructed in accordance with State of New Hampshire Water Supply and Pollution Control commission requirements. Each sewage system shall be constructed to conform to any State law or Town ordinance now in effect or later enacted.
- B. Community Water Supply and Sewage Disposal Systems: The design of any community water Supply or sewage disposal systems to be provided by the subdivider shall be approved by appropriate officials of the State of New Hampshire before the Planning Board will approve subdivision.

5.6 Premature and Scattered

Danger to the Public through Insufficiency of Services: Whenever a proposed subdivision poses a danger to the public through insufficiency of services, such subdivision shall be premature or scattered and shall not be approved. The Planning Board shall determine, based on the information presented and other information available and made part of the record, whether or not the amount of the development

contained in the proposed subdivision, in relation to the services available, will create a danger. The Planning Board shall consider but not be limited to the following:

- A. Adequacy of water supply
- B. Adequacy of drainage
- C. Adequacy of transportation
- D. Adequacy of schools
- E. Adequacy of fire protection, police and other emergency services
- F. Adequacy of other public services
- G. The necessity of excessive expenditures of public funds for the supply of any or all of the inadequate services and whether or not such expenditures will place an unreasonable burden on the Town

The Planning Board shall bear in mind that the proposed subdivision is not an island but an integral part of the community which must mesh efficiently with the Town's pattern of streets, water lines and other installations which provide essential services and vehicular access.

5.7 Community Water Supply and Sewage Disposal Systems

The design of any community water supply or sewage disposal systems to be provided by the subdivider shall be approved by Water Supply and Pollution Control Commission before the Planning Board will grant final approval. The Planning Board may impose additional requirements based on a review and recommendations of a licensed engineer.

5.8 Easements

Easements shall be provided as required by topography and use for utilities and other special purposes as foreseen by the Planning Board or subdivider.

5.9 Parks and Playgrounds

Areas set aside for parks and playgrounds to be dedicated or to be reserved for the common use of all property owners in the subdivision, whether or not required by the Planning Board, shall be of reasonable size and character for the intended use.

5.10 Reserve Strips

Reserve strips of land which, in the opinion of the Planning Board, show an intent on the part of the subdivider to control access to land dedicated or to be dedicated to public use shall not be permitted.

5.11 Operation and Maintenance of Common Facilities

The Planning Board will approve no subdivision with a community water supply or sewage disposal system subject to regulation by Water Supply and Pollution Control Commission until provision satisfactory to the Planning Board is made for the continued operation and maintenance of such systems.

The Planning Board encourages, and may require, the subdivider to establish a community association to provide continued maintenance of such community utilities, streets, parks and playgrounds and beaches as may not be dedicated to public use and accepted by the Town.

5.12 Sediment and Erosion Control Standards

The following standards shall be observed by the subdivider in the design, layout and engineering of the subdivision:

- A. Stripping of vegetation, regrading or other development shall be done in such a way that will minimize on-site and off-site soil erosion.
- B. Whenever practical, natural vegetation shall be retained, protected and supplemented.
- C. The disturbed area shall be kept to a minimum, and the duration of exposure shall be less than a maximum of six months.
- D. Temporary seedlings and/or mulching shall be used to protect critical areas during development.
- E. The subdivider shall make provision to accommodate the increased runoff caused by changed soil and surface conditions during and after development.
- F. The subdivider shall make reasonable effort to trap sediment in the runoff water until the disturbed area is stabilized by the use of sediment basins or other acceptable methods.
- G. Diversions, sediment basins, and other erosion control mechanisms shall be constructed by the subdivider prior to any on-site grading or disturbance of existing surface material.

5.13 For subdivisions and site plans that involve land designated as "Special Flood Hazard Areas" (SFHA) by the National Flood Insurance Program (NFIP):

- A. The Planning Board shall review the proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
- B. The Planning Board shall require that all proposals for development greater than 50 lots or 5 acres, whichever is the lesser, include Base Flood Elevation (BFE) data within such proposals (i.e. floodplain boundary and 100-year flood elevation).
- C. 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:
 - 1. All such proposals are consistent with the need to minimize flood damage.
 - 2. All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage.
 - 3. Adequate drainage is provided so as to reduce exposure to flood hazards.

SECTION 6 APPLICATION PROCEDURE

6.1 General Procedure

A. There are three phases to the application procedure:

- Phase 1 Pre-Application consultation and review
- Phase 2 Design review phase
- Phase 3 Completed application and final plan submission

Both Phase 1 and Phase 2 are optional and strongly encouraged by the Planning Board. These phases are to provide guidance for the applicant to minimizing the cost of changes in preparing the final plan.

B. Whenever a subdivision of land is proposed before any contract or offer for sale, rent, condominium conveyance or lease of lots in the subdivision shall have been negotiated; the owner thereof or his authorized agent shall apply in writing to the Planning Board for approval of such subdivision or a form to be provided by the Planning Board. Such application shall give the names and mailing addresses of all abutting property owners. Authorized agents of the owner shall show written authority of their appointment.

C. Procedure when approvals from ZBA are required: When approvals from the ZBA, including variances, special exceptions, or any other approvals are required by the Zoning Ordinance, the subdivider shall first obtain such approval before applying for subdivision review. Any application submitted without the necessary approval shall be deemed incomplete. Any conditions imposed by the Zoning Board of Adjustment shall not be diminished by the requirements contained in the regulations. When the Zoning Board of Adjustment and the Planning Board impose conditions that are not inconsistent, the condition which imposed the more restrictive or higher standard shall be controlling.

D. Approval of Preliminary Plan Required Before Disturbing Environment: No person required to submit application pursuant to these Regulations shall commence the construction of roads within the land proposed to be subdivided, or clear the land of natural vegetation, or place any artificial fill thereon, or do any other act or acts which will alter the natural state of the land or environment unless and until the preliminary plan relating thereto has been submitted and approved in accordance with the requirements of Section 8. Nothing in this paragraph shall be construed to prevent such preliminary ground surveys, marking by stakes, engineering studies, inspections, testing (including test borings and test pits), logging operations, and clearing of land for agriculture or visual use as may be necessary to evaluate the suitability of the land for subdivision and to assemble the information required to be shown by a preliminary plan, or to be accompanied thereby, provided however, that such preliminary surveys, staking, studies, inspections, and testing shall be accomplished without unnecessary disturbance or alteration of the natural state of the land or environment. The requirements of this paragraph are in addition to those imposed by RSA 485-A:29-35.6.02.

6.2 Pre-Application - Consultation and Review (optional)

A. Procedure

1. Any person wishing to discuss any matter with the Planning Board can appear at a regularly scheduled meeting of the Planning Board or make an appointment by contacting the Chairman.

2. No application fees are required for this review.
3. The time limits for a decision shall not apply until a completed application is submitted.
4. Pre-Application consultation and review shall not bind the applicant or Planning Board.

B. Action of the Planning Board

Pre-Application consultation shall be in general terms and directed toward:

1. Reviewing the basic concepts of the proposal
2. Reviewing the proposal with regard to the Town Master Plan
3. Reviewing the Town's subdivision regulations as they may apply to this proposal and determination of the proposal as a Major or Minor subdivision
4. Guiding the applicant relative to necessary state and local requirements

6.3 Design Review Phase (Optional)

The Planning Board or its designee may engage in nonbinding discussions with the applicant beyond conceptual and general discussions which involve more specific design and engineering details; provided, however, that the design review phase may proceed only after identification of and notice to abutters, holders of conservation, preservation, or agricultural preservation restrictions, and the general public as required by subparagraph 676:4,I(d).

6.4 Review of Final Plan

Procedure

- A. A complete application shall be filed with the Planning Board at least twenty-one (21) days prior to the next regularly scheduled meeting of the Planning Board. The complete application must include all requirements outlined in Section 7.
- B. The Planning Board has thirty (30) days after receipt of an application to determine whether the application is complete.
- C. Applications shall be considered incomplete and not accepted by the Planning Board, due to reasons which include, but not limited to: (1) failure of the applicant to supply information required by these regulations, including failure to identify abutters; (2) failure to pay costs of notices or other costs and fees required by these regulations; and (3) failure to provide appropriate plans or documentation.
- D. Once an application is accepted as complete by the Planning Board, a hearing date shall be set.
- E. The Planning Board will issue the required notice of the hearing to abutters and the general public as per RSA 676:4I(d).

- F. The Planning Board has sixty-five (65) days in which to approve or deny an application which has been accepted as complete. The 65 day review period may be extended if needed, not to exceed an additional 90 days per RSA 676:4.
- G. The Planning Board may approve an application with conditions. The Planning Board's decision to approve with conditions may be necessary for a variety of reasons, including but not limited to, missing permits or approvals from other agencies, or needed improvements to roads or utilities.

SECTION 7 SUBMISSION REQUIREMENTS

7.1 A complete application shall consist of the following:

- A. A completed application form
- B. Names and addresses of all abutters, taken from the town records not more than five (5) days before the day of filing
- C. Payment to cover filing and notification fees. An owner residing on property to be subdivided is exempt from paying the application fee on the lot on which he resides, if he retains ownership on said lot and continues to reside on the same. The application fee per lot will apply to all other lots in the same subdivision.
- D. Four (4) copies of the plat shall be submitted with the application. The four copies shall be for the applicant, the Planning Board, the Board of Selectmen, and the Fire Department. The size of the plat shall be 22" x 34" or 24" x 36" with a scale of 1 inch equals 100 feet or larger. All plats shall, at a minimum, show the submission items listed below, unless a waiver from any of these is granted by the Planning Board as per Section XI. All existing conditions shall be drawn in solid lines; proposed conditions shall be drawn in dotted lines.
- E. Upon final approval, a Mylar plat of 22" x 34" or 24"x36" is also required for the Carroll County Registry of Deeds.

7.2. Plat Submission Items

- A. The proposed subdivision name or identifying title, the name and address of applicant and of the owner, if other than the applicant
- B. North arrow, date of the plat, scale appropriate to the scope of the development, name and address of the surveyor, signature block for Planning Board approval
- C. Locus plan showing the general location of the total tract within the town and zoning districts
- D. Names of all abutting landowners, streets, easements, building and structure lines, and similar facts regarding abutting properties
- E. Boundary survey, including bearings, distances, and the location of permanent markers will be provided. The survey shall be conducted according to the standards outlines by the New Hampshire Surveyors Association.

- F. Location and profiles with elevations of existing and proposed water mains, sewers, culverts, drains, and proposed connections or alternate means of providing water supply and disposal of sewerage and surface treatment
- G. Existing and proposed easements, rights-of-way, driveways, and buildings or other structures
- H. Location of property lines, including undivided lot, lot areas in square feet and acreage, frontage on public rights-of-way, and building and structure setback lines
- I. Water courses, ponds, standing water, rock ledges, stone walls, and other natural features
- J. Existing and proposed streets, with names, classifications, travel surface widths and rights-of-way widths
- K. Final road profiles, center line stationing and cross sections
- L. Existing and proposed topographic contours based on the USGS topographical data, with spot elevations where necessary
- M. Soil survey data from the Carroll County Soil Survey, including wetland delineation, and flood hazard areas
- N. Location of percolation tests and test results; location of 75-foot well radius and 4,000 square foot septic area
- O. Base flood elevations
- P. Showing of all unsuitable or unsafe areas as defined in Section 5.1

7.3 Other

- A. Plan for the control of sedimentation and erosion, if applicable
- B. State Septic design approval, if applicable
- C. State highway driveway permit, if applicable
- D. Any other State and/or Federal permits
- E. Any deed restrictions
- F. Any additional reports or studies deemed necessary by the Planning Board to make an informed decision, including but not limited to: traffic, school, fiscal, and environmental impact analyses and/or, approval by other municipalities under RSA 674:53. The Planning Board reserves the right to request such information after an application has been accepted as complete, as well as before acceptance.

SECTION 8 Lot Line Adjustments

Lot Line Adjustments are required for any change of boundaries between abutting lots.

- A. Notice is required only to abutters and the applicant(s).
- B. Submission Requirements: A plat shall be submitted to the Planning Board showing the original boundaries of the adjacent parcels and showing the new property lines as a result of the lot line adjustment/ boundary agreement.
- C. The following procedure shall apply to applicants for lot line adjustments or boundary agreements. Unless otherwise ordered by the Planning Board, an application for lot line adjustments or boundary agreements shall be considered and acted upon at a public meeting without a public hearing.
- D. Any abutter may be heard on the application for review at the public meeting when the matter is discussed by the Planning Board. If deemed necessary, the Planning Board may adjourn its consideration to another date and time to allow further abutter participation.
- E. Submission Requirements: Submission requirements for lot line adjustments shall be as set forth in Sections 7.

SECTION 9 REGIONAL IMPACT

All applications shall be reviewed for potential regional impacts. Upon such a finding, the Planning Board shall furnish the Lakes Region Planning Commission and the affected municipalities with copies of the minutes of the meeting at which the determination was made. The copies shall be sent by certified mail within 72 hours of the meeting. At least 14 days prior to the scheduled public hearing, the Planning Board shall notify by certified mail the Lakes Region Planning Commission and the affected municipalities of the date, time place, of the hearing, and of their right to appear with the status of the abutters to offer testimony concerning the proposal.

SECTION 10 REVOCATION OF SUBDIVISION APPLICATION

An approved and recorded subdivision plat may be revoked by the Planning Board in whole or in part, under the following circumstances: (1) at the request of or by agreement with the applicant; (2) when any requirement or condition of approval has been violated; (3) when the applicant has failed to perform any condition of approval within the time specified or within four years; or (4) when four years have elapsed without any vesting of rights and the plan no longer conforms to applicable regulations.

SECTION 11 ADMINISTRATION AND ENFORCEMENT

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

- A. Waivers: The requirements of these regulations may be waived or modified when, in the opinion of the Planning Board, specific circumstances of the subdivision indicate that such modifications will carry out the purpose and intent of the master plan and these regulations. Requests for waivers must be submitted in writing with the application or at the hearing.
- B. Penalties and Fines: Any violation of these regulations shall be subject to a civil fine as provided in the Town of Effingham Zoning Ordinance, Section 1102.2.
- C. Appeals: Any person aggrieved by a decision of the Planning Board may appeal said decision to the Superior Court pursuant to RSA 677:15. When disapproval by the Planning Board is based

upon non-compliance with the Zoning Ordinance, the applicant may appeal that administrative decision to the Zoning Board of Adjustment.

SECTION 12 AMENDMENTS

These regulations may be amended by the Planning Board as provided in RSA 675:6, which requires a public hearing prior to amendment, and notice as required by RSA 675:7. After the completion of the public hearing, the amendment may be adopted by a majority of the Planning Board. A copy of the amendment shall be certified by the signature of the chairman and secretary of the Planning Board and shall be filed with the Effingham Town Clerk who shall note thereon the date of the recording. The amendment shall be legal and shall be in effect upon recording of the certified copy with the Effingham Town Clerk. The Town Clerk shall send a signed copy to the Office of Energy and Planning (RSA 675:9).

SECTION 13 EFFECTIVE DATE

These regulations and any amendments thereto shall take effect upon their adoption

Adopted by the Effingham Planning Board April 28, 1973

W.C. Edwards	Chairman
James Espie	Secretary

Recorded with Town Clerk, Effingham	
Clifton J Cate	Town Clerk

Filed with Registry of Deeds, Carroll County, April 28, 1973
Percy Blake, Registrar

Amended	January 5, 1974
	March 11, 1978
	March 2, 1982
	October 2, 1984
	November 30, 1987
	August 15, 2002
	October 2, 2003
	April 17, 2008
	February 7, 2013
	January 7, 2016
	December 7, 2017