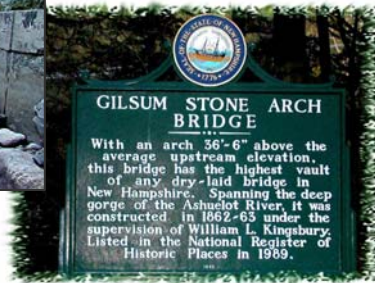
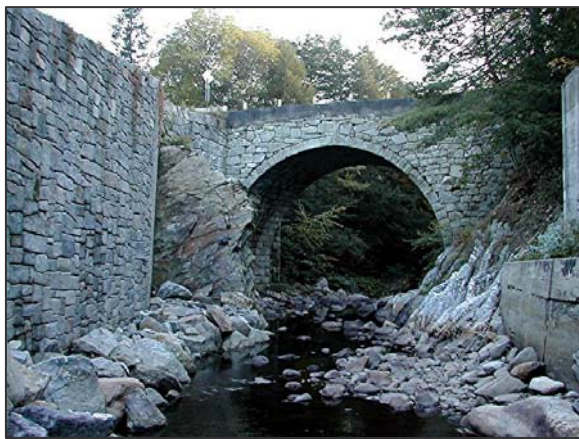


TOWN OF GILSUM, NEW HAMPSHIRE



SUBDIVISION REGULATIONS

ADOPTED SEPTEMBER 6, 1994

AMENDED FEBRUARY 1, 2000

AMENDED JUNE 7, 2005

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TOWN OF GILSUM, NEW HAMPSHIRE
SUBDIVISION REGULATIONS

SECTION I. AUTHORITY AND PURPOSE

Pursuant to the authority vested in the Gilsum Planning Board by the voters of the Town on March 13, 1956 and in accordance with the provisions of RSA 674:35 of the New Hampshire Revised Statutes Annotated, and as amended, the Gilsum Planning Board adopts the following regulations governing the subdivision of land in the Town of Gilsum, New Hampshire. These regulations are designed to accomplish the purposes set forth in RSA 674:36 and for the purpose of protecting the health, safety, convenience, and economic and general welfare of our citizens.

SECTION II. DEFINITIONS

- A. *Abutter:*** Means: (1) 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; and (2) affected municipalities and the regional planning commission(s) in the event of developments having regional impact. For purposes 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 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.
- B. *Applicant:*** Means the owner of record of the land to be subdivided, or his\her designated agent.
- C. *Application, Submitted:*** Means information submitted by an applicant to the Planning Board, which may or may not be complete enough to warrant acceptance by the Board.
- D. *Application, Complete:*** Means the application form and all supporting documents, as specified in these Regulations, that contain all the information the Planning Board needs in order to review a subdivision proposal and make an informed decision.
- E. *Application, Accepted:*** Means an application that has been accepted by a majority vote of the members at a regular Planning Board meeting.
- F. *Approval:*** Means recognition by the Planning Board, certified by written endorsement on the plat, that the plat meets the requirements of these Regulations and in the judgment of the Board satisfies all criteria of good planning and design.
- G. *Approval, Conditional:*** Means recognition by the Planning Board, certified by written endorsement on the plat, that the plat is not finally approved nor ready for filing with the Registry of Deeds until such time as certain conditions, set forth by the Board, are met.
- H. *Board:*** Means the Planning Board of Gilsum.
- I. *Lot:*** Means a parcel of land capable of being occupied by one principal use that is of sufficient size to meet the minimum requirements for use, building coverage, and area.

- J. *Lot Line Adjustment:*** Means adjustments to the boundary between adjoining properties, where no new lots are created.
- K. *Plat:*** Means the map, drawing or chart on which the plan of subdivision is presented to the Gilsum Planning Board for approval, and which, if approved, will be submitted to the Register of Deeds of Cheshire County for recording.
- L. *Private Road:*** Means a road that is built to town road specifications that remains under private use and ownership, and is so recorded in deeds of all abutting lots.
- M. *Public Hearing:*** Means a meeting, notice of which must be given per RSA 675:7 and 676:4,I (d), at which the public is allowed to offer testimony.
- N. *Public Meeting:*** Means the regular business meeting of the Planning Board as required per RSA 676:10. Notice must be posted at least 24 hours in advance and the meeting must be open to the public, although participation by the public is at the discretion of the Board.
- O. *Right-of-Way:*** Means a strip of land for which legal right of passage has been granted by the landowner to provide access to a lot which lacks adequate frontage.
- P. *Street:*** Means a publicly-approved road maintained for vehicular travel; a Class VI road; or a private road, either of which appears on a subdivision plat approved by the Planning Board.
- Q. *Subdivision:*** Means the division of a lot, tract, or parcel of land into two (2) or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale, rent, lease, condominium conveyance or building development. It includes resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided. The division of a parcel of land held in common and subsequently divided into parts among several owners shall be deemed a subdivision.
- R. *Subdivision, Major:*** Means a subdivision of four (4) or more lots, or one which involves the creation of new streets and/or utilities.
- S. *Subdivision, Minor:*** Means a subdivision of land into not more than three (3) lots for building development purposes, with no potential for resubdivision on an existing street; or one which does not involve the creation of new streets and/or utilities.
- T. *Subdivision, Technical:*** Means a subdivision of land into two lots or sites for the purpose of conveying one such lot or site directly to an abutting landowner. The parcel to be conveyed does not constitute a separate building lot; however, said parcel may be used for building development in conjunction with contiguous land owned by the abutter.

SECTION III. GENERAL PROVISIONS

- A. CHARACTER OF LAND FOR SUBDIVISION:** Land of such character that it cannot, in the judgment of the Board, be safely used for building development purposes because of exceptional danger to health or peril from fire, flood, poor drainage, excessive slope, or other hazardous conditions, shall not be platted for residential, commercial, or industrial subdivision, nor for such other uses as may increase danger to life or property, or aggravate the flood hazard.

- B. **PREMATURE SUBDIVISION:** The Board may provide against such scattered or premature subdivision of land as would involve danger or injury to health, safety, or prosperity by reason of the lack of water supply, sewage disposal, drainage, transportation, schools, fire protection, or other public services which necessitate the excessive expenditure of public funds for the supply of such services (RSA 674:36,II (a).
- C. **PRESERVATION OF EXISTING FEATURES:** Wherever feasible, suitable steps shall be taken to preserve and protect significant existing features such as trees, scenic points, stone walls, rock outcroppings, water bodies, and historic landmarks. Where possible, the boundary line(s) should follow stonewalls.

SECTION IV. SUBDIVISION REVIEW PROCEDURES (RSA 676:4, I & II)

A. PRELIMINARY CONCEPTUAL CONSULTATION (OPTIONAL)

- 1) The applicant may request a meeting with the Board to discuss a proposal in conceptual form and in general terms. Although this phase is strictly optional, the Board strongly suggests that the applicant avail him/ herself of the opportunity to resolve any issues at this early stage that might become a problem later on. Such preapplication consultation shall be informal and directed toward:
 - a) *Reviewing the basic concepts of the proposal.*
 - b) *Reviewing the proposal with regard to the master plan and zoning ordinance.*
 - c) *Explaining the local regulations that may apply to the proposal.*
 - d) *Determination of the proposal as a major, minor, or technical subdivision.*
 - e) *Guiding the applicant relative to state and local requirements.*
- 2) Preliminary conceptual consultation shall not bind the Applicant or the Board. Such discussion may occur without formal public notice, but must occur only at a posted meeting of the Board.

B. DESIGN REVIEW PHASE (OPTIONAL)

- 1) Prior to submission of an application for Board action, an applicant may request to meet with the Board or its designee for non-binding discussions beyond the conceptual and general stage, involving more specific design and engineering details of the potential application.
- 2) The design review phase may proceed only after identification of and notice to abutters and the general public as required by RSA 676:4,I (d).
- 3) Persons wishing to engage in preapplication design review shall submit a "Request for Preapplication Review" not less than 21 days before the regularly scheduled meeting of the Board. The request shall include:
 - a) *List of abutters and their addresses taken from municipal records not more than five (5) days before submission.*

b) *Check to cover mailing and advertising costs.*

- 4) Statements made by Board members shall not be the basis for disqualifying said members or invalidating any action eventually taken on the application.

C. FILING AND SUBMISSION OF APPLICATION

- 1) Applications are filed with the Town Clerk no later than 21 days prior to the regular meeting of the Planning Board. A completed application shall consist of all data required in Section IX of these regulations.
- 2) The Planning Board will hold a meeting at which the application will be submitted within 30 days of the filing, or at the next regular meeting for which legal notice can be given. At this meeting the application will be reviewed for completeness. If incomplete, the Board must reject the application and notify the applicant in writing within 144 hours of the grounds for rejection.
- 3) A completed application will be accepted by affirmative vote of a majority of the Board members present.

D. BOARD ACTION ON COMPLETED APPLICATION

- 1) Once an application has been determined to be complete, the Board has 65 days to approve, conditionally approve or disapprove the application. Any such decision shall be made at a public meeting of the Board following a duly-noticed public hearing, pursuant to Paragraph G of this section.
- 2) The Board may apply to the Selectmen for an extension not to exceed an additional 90 days before acting to approve, conditionally approve or disapprove an application. An applicant may waive the requirement for Board action within the time periods specified in these regulations and consent to such extension as may be mutually agreeable.
- 3) Approval of the application shall be certified by written endorsement on the Plat and signed and dated by the Chairman of the Board. The Planning Board Clerk is responsible for filing the approved Plat with the Cheshire County Register of Deeds. Any subdivision plan not filed within 90 days of approval shall be considered void.
- 4) If any application is disapproved, the grounds for such disapproval shall be adequately stated in the records of the Planning Board and in written notice given to the Applicant within 144 hours of the decision.

E. FAILURE OF THE PLANNING BOARD TO ACT

- 1) In the event that the Planning Board does not act on an accepted application within the prescribed 65 days, the applicant may petition the Selectmen to issue an order directing the Planning Board to act within 30 days.
- 2) If the Planning Board fails to act within 40 days of this directive, the Selectmen must approve the application unless they find in writing that the plan does not comply with a local regulation. In the event the Selectmen fail to act, the applicant may petition superior court to approve the plan.

F. CONDITIONAL APPROVAL

The Board may grant conditional approval of an application, but the plat will not be signed or recorded until all of the conditions have been met. If the applicant has not complied with the conditions of approval within one (1) year, the approval is considered null and void and the applicant must submit a new subdivision application. A further public hearing is not required when such conditions:

- (1) *are administrative in nature;*
- (2) *involve no discretionary judgment on the part of the Board;*
- (3) *involve the applicant's possession of permits and approvals granted by other boards or agencies, such as the Department of Transportation, the Wetlands Board, or Water Supply and Pollution Control Division; however, any subsequent change to the plan required by such approvals would constitute grounds for a new application process.*

G. EXPEDITED REVIEW

- 1) The Planning Board may allow for an expedited review of applications for lot line adjustments, technical subdivisions or minor subdivisions, as defined in Section II of these regulations.
- 2) The Completed Application may be submitted, accepted and voted on at the same meeting, provided the public notice so indicates.
- 3) The Board may waive certain plat requirements for lot line adjustments, minor and technical subdivisions.

H. PUBLIC HEARING

Prior to the approval of a subdivision, a public hearing shall be held pursuant to RSA 676:4,I (d) with notice given to the applicant, abutters, and the public. Public hearings may be waived for lot line adjustments. Minor or technical subdivisions do not require a public hearing unless requested by either the Planning Board, the applicant or any abutters, except that public notice shall be given prior to approval of the application. If a public hearing is to be held, it shall follow the procedures as outlined in Paragraph I of this section.

I. NOTICES

- 1) Notice of a Design Review or submission of a Completed Application shall be given to all abutters, the Applicant, all holders of conservation, preservation, or agricultural preservation restrictions, and any engineer, architect, land surveyor, or soil scientist whose professional seal appears on any plat submitted to the Board. Notice shall be given by certified mail, mailed at least ten (10) days prior to the submission. The public will be given notice at the same time, by posting at the Town Offices/Library and the Post Office, and publication in the Keene Sentinel.
- 2) The notice shall give the date, time, and place of the Planning Board meeting at which the Application or other item(s) will be formally submitted to the Board, shall include a general description of the proposal which is to be considered, and shall identify the Applicant and the location of the proposal.

- 3) If the notice for the public hearing was included in the notice of submission or any prior notice, additional notice of the public hearing is not required. Additional notice is not required of an adjourned session of a hearing provided that the date, time, and place of the adjourned session was made known at the prior meeting.

J. FEES

- 1) All applications shall be accompanied by a check to reimburse the Board for its administrative and notification costs involved in processing applications.
- 2) All costs of notices, whether mailed, posted, or published, shall be paid in advance by the Applicant. Failure to pay costs shall constitute valid grounds for the Board to not accept the application as complete.
- 3) Pursuant to RSA 676.4,I (g) it shall be the responsibility of the Applicant, if the Board deems it necessary, to pay reasonable fees for special investigative studies, environmental assessments, legal review of documents, administrative expenses and other matters which may be required to make an informed decision on a particular application. Failure to pay such costs shall constitute valid grounds for the Board to terminate further consideration of the application and to disapprove the Plat without a public hearing.

K. SITE INSPECTIONS

- 1) Whenever the Board deems it necessary for the consideration of an application to visit the site, the Board shall request permission from the applicant. Inclusion of the public at the site inspection is at the discretion of the applicant.
- 2) Such a sitewalk shall be posted as a meeting of the Board pursuant to the Right-to-Know provisions of RSA 91-A. If there is a quorum present at the sitewalk, minutes shall be kept.
- 3) All applications are conditioned upon the owner allowing access to the property, to the extent reasonable and necessary to properly review the application. Denial of access automatically terminates any further consideration of the proposal.
- 4) The practice of an applicant directly calling a Board member to invite that person to visit the property without prior Planning Board notice shall be discouraged as inappropriate.

SECTION V. DEVELOPMENTS HAVING REGIONAL IMPACT (RSA 34:54-58)

All applications shall be reviewed for potential regional impacts according to a determination of the Board. Upon such a finding, the Board shall furnish the regional 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 Board shall notify by certified mail the regional planning commission and the affected municipalities of the date, time and place of the hearing, and of their right to appear as abutters to offer testimony concerning the proposal.

SECTION VI. PREVIOUSLY-APPROVED SUBDIVISIONS

If any land shown on a subdivision plat has been part of any previous subdivision approved, constructed, or created by conveyance no more than five (5) years prior to the new proposal, any such previous subdivision will be treated as part of the new proposal for purposes of analyzing its effect and applying all review criteria.

SECTION VII. SPECIAL FLOOD HAZARD AREAS

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. The Board shall require that all subdivision proposals and other proposed new developments greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals base flood elevation data. Sufficient evidence (construction drawings, grading and land treatment plans) shall be submitted so as to allow determination that:

- i) all such proposals are consistent with the need to minimize flood damage;*
- ii) all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage; and*
- (iii) adequate drainage is provided so as to reduce exposure to flood hazards.*

SECTION VIII. LAND AFFECTED BY MUNICIPAL BOUNDARIES

An owner of land which is located in more than one municipality may treat the municipal boundary line as an existing boundary, or may treat the land as a single lot, subject to the applicable provisions outlined in RSA 674:53.

SECTION IX. REQUIREMENTS FOR COMPLETED APPLICATION

A completed application shall consist of the following submission items unless the Board grants any waivers for which the applicant has applied in writing.

- A.** A completed application form, accompanied by: (1) names and addresses of all abutters, taken from the town records not more than five days before the day of filing, (2) all holders of conservation, preservation, or agricultural preservation restrictions, and any engineer, architect, land surveyor, or soil scientist whose professional seal appears on the plat(s), and (3) payment to cover filing and notification fees.
- B.** Plat Requirements: All plats shall be prepared in accordance with the requirements of RSA 478:1-a and the Cheshire County Register of Deeds.
- C.** The plat shall show the following information:

1. Proposed subdivision name or identifying title; name and address of the applicant and of the owner, if other than the applicant.
2. North arrow, scale, date of the plan; name, license number and seal of the surveyor; signature block for Planning Board endorsement.
3. Names of all abutting subdivisions, streets, easements, building lines, parks and public places, and similar facts regarding abutting properties.
4. Locus plan showing general location of the total tract within the town and the zoning district(s).
5. Boundary survey including bearings, distances and the location of permanent markers. The survey shall be conducted according to the standards outlined by the New Hampshire Land Surveyors Association.
6. Location and profiles with elevations of existing and proposed water mains, sewers, culverts, drains, and proposed connections or alternative means of providing water supply and disposal of sewage and surface drainage.
7. Existing and proposed easements, rights-of-way, driveways and buildings or other structures.
8. Location of property lines, including entire undivided lot, lot areas in square feet and acres, tax map and lot number, frontage on public rights-of-way, and building setback lines.
9. Water courses (including intermittent and seasonal), ponds, standing water, rock ledges, stone walls and other natural features; existing and proposed foliage lines; and open space to be preserved.
10. Existing and proposed streets with names, classification, travel surface widths and right-of-way widths.
11. Final road profiles, center line stationing and cross sections.
12. Existing and proposed topographic contours based upon the USGS topographical data.
13. Soil data based on Cheshire County Soil Survey, including wetland delineation; and flood hazard areas.
14. Location of percolation tests and test results; location of 75-foot well radius and 4,000 square-foot septic area.

D. OTHER INFORMATION

- 1) Plan for the control of sedimentation and erosion, if applicable.
- 2) Copy of state septic design approval, where applicable. Copy of certification by septic designer that existing system is adequate for the proposed use, where applicable.
- 3) Copy of State Highway/Town driveway permit, as applicable.
- 4) Any other state and/or federal permits.
- 5) Any deed restrictions; and all deeds covering land to be used for public purposes, easements and rights-of-way over property to remain in private ownership, and rights of

drainage across private property are submitted in a form satisfactory to the Board's counsel.

- 6) Any additional reports or studies deemed necessary by the Board to make an informed decision, including but not limited to: traffic, school, fiscal and environmental impact analyses. The Board reserves the right to request such information after an application has been accepted as complete, as well as before acceptance.

E. SURVEY STANDARDS

All surveys shall be prepared according to the minimum standards for instrument surveys adopted by the NH Land Surveyors Association for Standard Property Surveys. See Appendix.

SECTION X. PERFORMANCE GUARANTEE

- A. As a condition of approval, the planning board shall require the posting of a performance guarantee in an amount sufficient to defray the costs of construction of streets and public utilities such as water and sewer drains and drainage structures. The amount of the security shall be based on an estimate of costs provided by the subdivider and, at the discretion of the Planning Board, reviewed by a licensed engineer. All costs of such review shall be paid by the applicant. The security shall be approved as to form and sureties by the Board and the municipal counsel. The amount of the security shall include fees to cover the cost of periodic inspections.
- B. Where electric lines or other utilities are to be installed by a corporation, municipal department, or public utility, a letter of intent shall be required stating that the work will be done in reasonable time and without expense to the Town. Each approved plat shall contain a time limit for the completion of streets and public improvements.
- C. The performance guarantee shall be released in phases as portions of the secured improvements or installations are completed and approved by the Board or its designee, in accordance with the plan approved by the Board.

SECTION XI. GENERAL REQUIREMENTS FOR THE SUBDIVISION OF LAND

A. LOTS

- 1) Areas set aside for parks and playgrounds to be dedicated or reserved for the common use of all property owners shall be of reasonable size and character for neighborhood playgrounds or other recreational uses.
- 2) Lots shall be laid out and graded to eliminate flood or stagnant water pools. No water shall be permitted to run across a street on the surface, but shall be directed into catchbasins and pipes underground in a pipe of not less than 12 inches in diameter.
- 3) Reserve strips of land that 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.

B. SEPTIC SYSTEMS AND WATER SUPPLY

- 1) It shall be the responsibility of the subdivider or his agent to provide the necessary state approvals for the installation and operation of an individual sewage disposal system. In subdividing parcels with existing dwellings, the subdivider must demonstrate to the satisfaction of the board that the existing septic system is in good working order.
- 2) All new wells shall have a radius of seventy-five (75) feet, said radius to be located entirely on its lot.
- 3) The location, dimensions and design of all water mains and associated systems shall be as approved by the Town Water and Sewer Commission.

C. PRIVATE ROADS

As permitted by the zoning ordinance, 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. Said guarantee shall remain in effect for a minimum of five (5) years and may be extended by the Planning Board for an additional period if deemed necessary, after a site inspection and recommendation by the Town Road Agent.
- 2) A maintenance agreement shall accompany the plan to be recorded that 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 Board may agree to a lesser standard of construction for a private road, with the understanding and agreement of the applicant that, should the Town ever decide to take over the road, it would have to be improved to Town road specifications.
- 4) 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.
- 5) No private subdivision road will be approved unless adequate provision is made for any utilities serving the site. The plan submitted must show the location and size of necessary utility easements; and if private lines are to be connected to public lines, a public "turn off" must be installed and maintained by the Applicant at the end of the public line.

SECTION XII. ROAD DESIGN STANDARDS

- A. No right-of-way shall be less than fifty (50) feet in width. The width of the finished roadway shall be determined by the Planning Board, but in no case shall be less than 18 feet.
- B. No dead-end streets shall be constructed unless provided with a turnaround roadway at the end with a minimum radius of sixty (60) feet.

- C. The arrangement of streets in the subdivision shall provide for the continuation of the principal streets in adjoining subdivisions or for their projection when adjoining property is not subdivided, and shall be of a width at least as great as that of the existing connecting streets.
- D. Streets shall be laid out to intersect as nearly as possible at right angles. No street shall intersect another with an angle of less than sixty (60) degrees. Corner radii shall not be less than 30'.
- E. Streets entering opposite sides of another street shall be laid out either directly opposite one another or with a minimum offset of 125 feet between their center lines.
- F. Names of new streets shall no duplicate nor bear phonetic resemblance to the names of existing streets within the Town. Streets that join or are in alignment with new streets of abutting properties shall bear the same name. Names of all new streets shall be approved by the Selectmen.
- G. The width of blocks shall not be less than 200 feet; nor shall the length exceed 1800 feet, or be less than 500 feet.

SECTION XIII. CONSTRUCTION STANDARDS

- A. Monuments constructed of concrete or stone at least 4 inches square on the top and at least 30 inches long shall be set at all control corners.
- B. Pipes shall be set at all lot corners. Concrete or granite bounds shall be set at all points of curvature and all points of tangent for surveying purposes.
- C. All loam and other yielding material shall be removed from the roadway and replaced with approved material. Boulders and ledge shall be broken off to a depth of not less than 30 inches below finished grade; loose portions of ledge and boulders to be removed.
- D. All streets shall be subgraded with at least 12 inches of bankrun gravel to a width of at least 30 feet and topped with four (4) inches of crushed gravel to a width of 22 feet finished road width.
- E. The surface course shall consist of two applications of Bituminous Concrete consisting of a 2" base course and 1" wearing course after compaction by a roller weighing not less than 10,000 pounds.
- F. Grades of all streets shall conform in general to the terrain and shall so far as practicable not exceed eight percent (8%). No street shall have a grade of less than one-half of one percent (.05%). Where practical, lots shall be graded toward the streets.
- G. All slopes shall be graded, loamed, hayed and seeded. No slope, cut or fill will be greater than two horizontal to one vertical in ledge, or 3 horizontal to one vertical in all other materials.
- H. All proposed drainage facilities and culverts shall be installed. Natural watercourses shall be cleaned and increased in size where necessary to take care of storm runoff. Drainage swales at least three feet in width and 16 inches in depth at its midpoint below centerline grade shall be constructed in the street right-of-way on both sides of the paved roadway. Drainage facilities must be adequate to provide for the removal of storm water to prevent flooding of the pavement and erosion of adjacent surfaces. Roadway drainage shall be sized to accommodate the 25-year rain event; internal drainage shall be sized to accommodate the 10-year rain event.

- I. The recommendations of the Town Road Agent respecting locations of culverts, drainage, and type and quality of fill and subfill shall be followed.

SECTION XIV. ADMINISTRATION AND ENFORCEMENT

- A. These regulations shall be administered by the Planning Board. The enforcement of these regulations is vested with the Selectmen.
- B. PENALTIES AND FINES: Any violation of these regulations shall be subject to a civil fine as provided in RSA 676:16 and 676:17, as amended.
- C. APPEALS: Any person aggrieved by a decision of the Planning Board concerning a plat or subdivision may appeal said decision to the superior court pursuant to RSA 677:15, except when a disapproval by the Board is based upon non-compliance with the zoning ordinance.

SECTION XV: VALIDITY

If any section or part of a section or paragraph of these regulations shall be declared invalid or unconstitutional, it shall not be held to invalidate or impair the validity, force or effect of any other section or part of a section or paragraph of these regulations.

SECTION XVI. EFFECTIVE DATE

These regulations shall take effect upon their adoption, and all regulations or parts of regulations, inconsistent therewith, are hereby repealed.

SECTION XVII. REVOCATION OF PLANNING BOARD APPROVAL (RSA 676:4-a)

An approved and recorded subdivision plat may be revoked by the 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; (4) when four years have elapsed without any vesting of rights and the plan no longer conforms to applicable regulations; or (5) when the applicant has failed to provide for the continuation of adequate security.

APPENDICES:

- ❖ SURVEY STANDARDS
- ❖ CRITERIA FOR DETERMINING REGIONAL IMPACT
- ❖ APPLICATION FORM AND CHECKLIST

SURVEY STANDARDS

Condition	"1"	"2"	"3"
Unadjusted Linear Closure	1:15,000	1:7,500	1:300
Minimum Scale Graduation of Instrument	0/sec.	30/sec.	1
Distance Measurement	EDM/Steel Tape	EDM/Steel Tape	Steel Tape/ Stadia
Elevation Used to Determine Property Lines	0.2' +/-	0.5' +/-	-----

Condition "1" shall be required for any subdivision of less than 2 acres that involves building of any kind, - i.e., residential, commercial or industrial.

Condition "2" is adequate for subdivisions of 2 acres or more in a rural district.

Condition "3" is acceptable for subdivisions involving woodlots, timber lots, or large tracts being dedicated to preservation or conservation. The standards of Condition "3" may be achievable with an instrument survey.

In the case of applications that involve large acreages from which one building lot is being subdivided, the Board may, upon written request, waive the requirement for a complete boundary survey, when it is apparent that the remaining lot can meet existing frontage requirements and is suitable for building.

CRITERIA FOR DETERMINING REGIONAL IMPACT

Impact Criteria shall include, but not be limited to, the following items. These shall in no way be considered exhaustive, but rather guidelines for the Board to follow in making a determination of impact on a neighboring municipality.

- A. RESIDENTIAL DEVELOPMENT:** Proposals for lots or dwellings that would increase the existing housing stock of the town by more than 25%.

- B. COMMERCIAL DEVELOPMENT:** Proposals for new or expanded space of 50,000 square feet or greater.

- C. INDUSTRIAL DEVELOPMENT:** Proposals for new or expanded space of 100,000 square feet or greater.

- D. OTHER FACTORS TO BE CONSIDERED:**
 - 1. Proximity to other municipal boundaries.
 - 2. Traffic impacts on the regional road network.
 - 3. Potential effect on groundwater, surface water and wetlands that transcend municipal boundaries.
 - 4. The potential to disturb or destroy a significant or important natural environment or habitat.
 - 5. The necessity for shared public facilities such as schools or solid waste disposal.
 - 6. Anticipated emissions such as light, noise, smoke, odors, or particulates.
 - 7. The potential for accidents that would require evacuation of a large area.
 - 8. The generation and/or use of any hazardous materials.

GILSUM PLANNING BOARD

GILSUM, NH 03448

Instructions for Subdivision Applicants

1. Applications are filed with the Administrative Assistant during regular business hours. The filing deadline is no later than **21 days** prior to the Board's meeting.
2. The application consists of a completed Application Form, at least one paper copy of the plat, and a check to cover the filing fees (see Fee Schedule below).
3. Applicants are encouraged to meet with the Planning Board for a preliminary discussion prior to filing. At that time the Board will review the Subdivision Checklist and guide the applicant as to the items required for submission. The Planning Board meets on the first Tuesday of each month.
4. Applications can only be accepted by majority vote of the Planning Board at its regularly scheduled meeting. All public hearings on completed applications are scheduled in the order in which applications are filed with the Administrative Assistant.
5. At the time of the public hearing, the applicant must provide one Mylar, five (5) paper copies of the plat, and a check for recording approved plans at the Registry of Deeds (see Fee Schedule below).
6. If another person is representing the property owner a letter of authorization signed by the property owner must be submitted as part of this application.

Subdivision Fee Schedule		
ITEM	Fee	
Filing Fees: (Checks or Money Orders made out to the Town of Gilsum)		
Preapplication Consultation	None	
Basic Application Filing Fee	\$100	
Per Lot Application Filing Fee Waived for Lot Line Adjustments	\$50 per lot, for total number of lots at completion of subdivision.	
Abutters/Notification Fee	\$4.00 per notification per hearing.	
Newspaper Notice Fee	\$40 per notification per hearing.	
	Total for Filing	
Approval Fee: (Made out to Cheshire County Register of Deeds)		
Registry Recording Fee	<ul style="list-style-type: none"> ◆ 8 1/2 x 11 or 11 x 17 = \$11 ◆ 17 x 22 = \$16 ◆ 22 x 34 = \$26 	
Applications that are determined to be of Regional Impact will require additional notification.		
All Fees are subject to change. Notice of any changes will be posted in the Town Offices and Post Office. Applicants are responsible for verification with the Gilsum Planning Board that they have the latest revision of the application form and the latest fee structures.		

Application for Subdivision

Major Subdivision (4 or more lots created)

Minor Subdivision (up to 3 lots created)

Number of proposed lots: _____

Lot Line Adjustment/Technical Subdivision (no new lots created)

1. Name, Mailing Address and Telephone Number of Property Owner of Record:

2. Name of and Location of Subdivision/Tax Map and Lot Number(s):

3. *Abutters: Attach a separate sheet listing the names, mailing addresses and tax map and lot numbers of all abutters, including those across a street, brook or stream; any person whose seal appears on the plan, and any holders of conservation, preservation, or agricultural preservation easements. Abutters' names should be taken from the Town tax records no longer than five (5) days prior to the filing of the application. The abutters' list shall also include the names of all holders of conservation, preservation, or agricultural preservation restrictions, and any engineer, architect, land surveyor, or soil scientist who professional seal appears on the plat.*

4. *The Subdivision Checklist on the following pages lists the items to be shown on the plat, or to accompany this application.*

I, _____ hereby give the Gilsum Planning Board, the Road Agent/Engineer and any other representative of the Planning Board permission to enter upon the subject property as necessary.

Property Owner's Signature

Date

FOR INTERNAL USE ONLY

Application # _____

Is this a project that has Regional Impact?

Yes ____

No ____

Summary:

Application Received by Administration:

Date: _____

Application Submission Not Accepted as Complete by the Planning Board: Date: _____

Application Submission Accepted as Complete by the Planning Board: Date: _____

Application:

Approved Date: _____

Conditionally Approved (see Attached) Date: _____

Disapproved Date: _____

Comments:

SUBDIVISION CHECKLIST

NOTE: The following items are considered to be the minimum requirements for an application. The Board reserves the right to request additional information if the Board deems it necessary in order to make a reasoned decision. Applications for minor or technical subdivisions may not need to provide all of the items listed below. The Board will make that determination at the time of application submission. (Checkmarks are placed in the boxes for those items that are generally required in any case.)

Required			Sub. Reg. Citation	Submitted	
Yes	No			Yes	No
✓		1. Plat prepared according to RSA 478:1-a and Cheshire County Register of Deeds	Sec. IX, B		
✓		2. Name of subdivision; name and address of subdivider.	Sec. IX, C.1		
✓		3. Name, license number and seal of surveyor; north arrow, scale and date of Plan	Sec. IX, C.2		
✓		4. Names of abutting subdivisions, streets, easements, building lines, & other facts regarding abutting properties. (Sec. IX, B.3)	Sec. IX, C.3		
✓		5. Locus plan showing zoning designations.	Sec. IX, C.4		
✓		6. Boundary survey and location of permanent markers.	Sec. IX, C.5		
✓		7. Existing and proposed easements.	Sec. IX, C.7		
✓		8. Existing and proposed rights-of-way and driveways.	Sec. IX, C.7		
✓		9. Existing and proposed buildings and other structures.	Sec. IX, C.7		
✓		10. Location of property lines.	Sec. IX, C.8		
✓		11. Lot areas in square feet and acres; tax map and lot number.	Sec. IX, C.8		
✓		12. Setback lines.	Sec. IX, C.8		
✓		13. Existing and proposed street names, classifications, widths of travel surface and right-of-way.	Sec. IX, C.10		
		14. Watercourses, ponds, standing water.	Sec. IX, C.9		
		15. Rock ledges, stone walls, other natural features.	Sec. IX, C.9		
		16. Existing and proposed foliage lines.	Sec. IX, C.9		
		17. Any open space to be preserved.	Sec. IX, C.9		
		18. Final road profiles, centerline stationing and cross-sections.	Sec. IX, C.11		
		19. USGS contour lines.	Sec. IX, C.12		
		20. Soil data, designating wetlands.	Sec. IX, C.13		
Required			Sub. Reg. Citation	Submitted	
Yes	No			Yes	No

		21. Special flood hazard areas.	Sec. IX, C.13		
		22. Location & profiles of existing and proposed water mains, sewers, culverts, drains and connections.	Sec. IX, C.6		
		23. Percolation test results; location of percolation tests and of 4,000 square-foot septic area.	Sec. IX, C.14		
		24. Location of 75-foot well radius on property.	Sec. IX, C.14		
		25. Plans for soil erosion and sedimentation control.	Sec. IX, D.1		
		26. Copy of state septic approval or certification from septic designer.	Sec. IX, D.2		
		27. Copy of driveway permit.	Sec. IX, D.3		
		28. Copies of any other state or federal permits.	Sec. IX, D.4		
		29. Copy of any deed restrictions.	Sec. IX, D.5		
		30. Copy of deeds covering land to be used for public easements and rights-of-way.	Sec. IX, D.5		
		31. Any additional reports or information required by the Board.	Sec. IX, D.6		

COMMENTS:
