

**SUBDIVISION REGULATIONS**

**of the**

**TOWN OF HEBRON, NEW HAMPSHIRE**

Subdivision Regulations adopted February 9, 1972

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**of the**  
**TOWN OF HEBRON, NEW HAMPSHIRE**

**SECTION I. AUTHORITY**

Pursuant to the authority vested in the Hebron Planning Board by the voters of the Town of Hebron on March 9, 1971 and in accordance with the provisions of RSA 674:35 of the New Hampshire Revised Statutes Annotated (“RSA”), and as amended, the Hebron Planning Board adopts the following regulations governing the subdivision of land in the Town of Hebron, New Hampshire, hereinafter known as “Subdivision Regulations of the Town of Hebron, New Hampshire.”

**SECTION II. PURPOSE AND APPLICABILITY**

The purpose of these regulations is to provide for the orderly present and future development of the Town by promoting the public health, safety, convenience and welfare of its residents.

These regulations apply to Planning Board review and approval or disapproval of all Subdivisions as defined by RSA 672:14 and minor Lot Line Adjustments or boundary agreements. They do not apply to voluntary mergers as defined by RSA 674:39-a.

**SECTION III. DEFINITIONS<sup>1</sup>**

- 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, Complete:*** Means a final Plat and all accompanying materials and fees as

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<sup>1</sup> Additional definitions may be found in the Hebron Zoning Ordinance.

required by these regulations.

- D. **Approval:** Means recognition by the Planning Board, certified by written endorsement on the Plat by the Chair or Vice-Chair, that the Plat meets the requirements of these Regulations and in the judgment of the Board satisfies all criteria of good planning and design.
- E. **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. This is not to be confused with a Plat that has been approved *subject to certain conditions* that would be met as part of the implementation of the plan.
- F. **Board:** Means the Planning Board of Hebron.
- G. **Development:** Means any construction or grading activities on real estate for other than agricultural and silvicultural (tree care and harvesting) practices.
- H. **Easement:** Means the authorization by a property owner for the use by another, and for a specific purpose, of any designated part of his/her property.
- I. **Engineer or Surveyor:** Means the professional engineer or licensed land surveyor of the subdivider, or duly designated engineer of the Town of Hebron or, if there is not such an official, the Planning Board consultant or official assigned by the Planning Board of Hebron.
- J. **Frontage:** Means that side of a Lot abutting a street or body of water and ordinarily regarded as the front of the Lot.
- K. **Lot:** Means a parcel of land capable of being occupied that is of sufficient size to meet the minimum requirements for use, building coverage, and area.
- L. **Lot of Record:** Means a parcel, the Plat or description of which has been recorded at the county register of deeds.
- M. **Lot Line Adjustment:** Means adjustments to the boundary between adjoining properties, where no new Lots are created.
- N. **Plat:** Means the map, drawing or chart on which the plan of Subdivision is presented to the Board for Approval, and which, if approved, will be submitted to the County Register of Deeds for recording.
- O. **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.
- P. **Public Meeting:** Means the regular business meeting of the Planning Board as required

per RSA 673:10. 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.

- Q. ***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 that lacks adequate Frontage.
- R. ***Sewage Disposal System (Individual):*** Means any on-site sewage disposal or treatment system that receives either sewage or other wastes, or both. For the purposes of this regulation, this means all components of the system, including the leach field.
- S. ***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. The division of a parcel of land held in common and subsequently divided into parts among several owners shall be deemed a subdivision.
- T. ***Subdivision, Conventional:*** Means a Subdivision in which each Lot must meet all Zoning Ordinance requirements regarding Usable Area, Road Frontage, and Setbacks.
- U. ***Subdivision, Cluster:*** Means a Subdivision that meets the ***Zoning Ordinance*** definition of ***Cluster Development***: “a form of residential Subdivision that permits Single Family Dwellings, and, where allowed, Multiple Family Dwellings, to be grouped on lots with dimensions reduced from conventional sizes in order to preserve natural topographic features, promote efficient use of land and facilities and to provide that the remaining undeveloped portion be permanently saved for conservation, recreation, and wildlife habitat in perpetuity, which space may not be further subdivided.”
- V. ***Subdivision, Major:*** Means a Subdivision of four (4) or more Lots, or one which involves the creation of new streets and/or utilities, regardless of the number of Lots.
- W. ***Subdivision, Minor:*** Means a Subdivision of land into not more than three (3) Lots for building development purposes, with no potential for re-subdivision on an existing street and which does not involve the creation of new streets and/or utilities.

#### SECTION IV. GENERAL REQUIREMENTS FOR SUBDIVISION OF LAND

- 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 protect 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.

- 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, historic foundations and cellar holes, rock outcroppings, water bodies, and historic landmarks. Where possible, boundary lines should follow stone walls.
- D. **Conversions to Condominiums or Time Sharing Units:** Whenever any existing developed property is proposed for conversion to condominium or timesharing ownership, the owner or his agent shall apply for and secure subdivision approval of such proposed conversion from the Board.

## SECTION V. SUBDIVISION REVIEW PROCEDURES

### A. **Preliminary Conceptual Consultation**

- 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 pre-application 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, the Hebron Zoning Ordinance, and, for proposed Cluster Subdivisions, conforms with generally accepted principles of Cluster design<sup>2</sup>.
  - c. Explaining the state and local regulations that may apply to the proposal.
  - d. Determination of the proposal as a Major or Minor, and of the submission items that would be required.
- 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 Public Meeting of the Board.

### B. **Design Review Phase**

- 1) Prior to submission of an Application for Board action, an Applicant may request to meet with the Board for non-binding discussions beyond the conceptual and

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<sup>2</sup> Arendt, Randall: *Improving the Subdivision Review Process; Growing Greener: Conservation Subdivision Design*

general stage, involving more specific design and engineering details of the potential Application. The Board strongly encourages Design Review for all Major Subdivision applications.

- 2) The Design Review Phase may proceed only after proper notification, as set forth in *Section V:I Notification*.
- 3) Statements made by Board members shall not be the basis for disqualifying said members or invalidating any action eventually taken on the Application.
- 4) A rough sketch of the proposed Subdivision should be provided, showing:
  - a. Location of Lot lines,
  - b. Lot measurements,
  - c. Streets surrounding the site,
  - d. Internal streets and roadways,
  - e. Building footprints,
  - f. Driveway locations,
  - g. Areas of wetlands<sup>3</sup>, steep slopes (>15%), and very steep slopes (>25%), clearly delineated by color coding,
  - h. And, depending on the type of Subdivision being proposed:

**Conventional Subdivision**: open space set aside for recreational and/or other non-residential uses as specified in Section VII.A.4.

**Cluster Subdivision**: descriptive evidence that the proposed Subdivision follows generally accepted Cluster design principles<sup>4</sup> and that the open space meets the requirements specified in Section VII.B.2.

### **C. Submission of Completed Application**

- 1) A completed Application shall be filed with the Planning Board at least fifteen (15) days prior to its regular business meeting. A completed Application shall consist of all data required in Section VI of these regulations.

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<sup>3</sup> as specified in *Wetlands Protection Overlay District (WPOD)* sections of *Hebron Zoning Ordinance*.

<sup>4</sup> Arendt, Randall: *Improving the Subdivision Review Process; Growing Greener: Conservation Subdivision Design*

- 2) At the next regular business meeting for which notice can be posted, the Board will determine whether the Application is complete. If the Application is incomplete, the Applicant will need to resubmit under a new notification procedure.
- 3) Acceptance of an Application shall occur only at a regular business meeting of the Planning Board after due notification has been given according to Paragraph I. Acceptance will be by affirmative vote of a majority of the Board members present.
- 4) Once an Application has been accepted as complete by the Board, the **65-day review** period begins.

**D. Board Action on Completed Application**

- 1) The Board shall begin consideration of the Completed Application upon acceptance. The Board shall act to Approve, Conditionally Approve, or disapprove the Completed Application within 65 days of acceptance.
- 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) At any Public Hearing for consideration of the Plan, the Board will study the Plan in relation to: these Regulations, the Zoning Ordinance, State and local regulations, the Master Plan and Official Map, the topography of the area, the character of the surrounding neighborhood, the impact on public services, and any other pertinent considerations.
- 4) Approval of the Application shall be certified by written endorsement on the Plat and signed and dated by the Planning Board Chair, or Vice-Chair in the absence of the Chair. 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 not more than six (6) days of the decision.
- 5) An approved plan shall be recorded with the County Register of Deeds within 90 days of Approval. Any Subdivision plan not filed within this timeframe shall be considered void.

**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 time period, 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 receiving this directive from the Selectmen, 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 the 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 may 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 or Minor Subdivisions, as defined in Section III of these regulations.
- 2) The Application may be submitted, accepted as complete 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 and Minor Subdivisions.

**H. Public Hearing**

Prior to the Approval of an Application, a Public Hearing shall be held. Public Hearings may be waived for Lot Line Adjustments.

**I. Notification**

- 1) Notice of a Design Review, submission of an Application, or a Public Hearing

shall be given by the Board to the Abutters, the Applicant, holders of conservation, preservation or agricultural preservation restrictions, and every Engineer, architect, land Surveyor or soil scientist whose professional seal appears on any Plat.

- 2) Notice shall be 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 Clerk's Office, the Land Use Building, and publication in local newspapers.
- 3) The notice shall give the date, time, and place of the Planning Board meeting at which the Application 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.
- 4) 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) The Applicant shall be responsible for all fees incurred by the processing of Applications. Failure to pay such costs shall constitute valid grounds for the Board to not accept the Application as complete.

If an Application has been continued past one year from the date of its Acceptance as Complete, new notices shall be sent to Abutters, and new Application Fees and Mailing fees shall be assessed to the Applicant.

Fee Schedule

Application Fee \$50

Mailing Fee \$5 each for all Abutters, licensees on final plan, and Applicant.

For any additional legally notified hearings, an additional \$50 will be charged, plus \$5 per Abutter, licensees on final plan, and Applicant.

Fee per Lot: (See table below)

<u># of Lots</u>	<u>Fee per Lot</u>	<u>Total</u>
2	\$20	\$ 40
3	\$30	\$ 90
4	\$40	\$160
5	\$50	\$250
6	\$60	\$360

7	\$70	\$490
8	\$80	\$640
9	\$90	\$810
10	\$100	\$1000
n>10	\$100	\$100 times n

(maximum Fee per Lot is \$100)

Lot Line Adjustments:

Application Fee: \$25

Fee per Lot adjusted: \$25

Mailing Fee - \$5 each for all Abutters, licensees on final plan, and Applicant.

Driveway Permit

Application Fee \$30 (per each entrance onto highway)

- 2) When the Planning Board determines that the impact of the Application is not adequately addressed by the minimum submission requirements, the Board may require any plans, studies, investigations, assessments or other additional information which it determines are reasonably necessary to assist the Planning Board in making an informed decision that protects the health, safety and general welfare of the citizens of Hebron and the region. It shall be the responsibility of the Applicant to pay reasonable fees for said special investigative studies, environmental assessments, legal review of documents, administrative expenses and other matters that the Planning Board may require to in order to make an informed decision on a particular Application. The Planning Board shall have the authority to hire its own consultant(s) to review such additional information and recoup such costs from the Applicant pursuant to RSA 676:4, I (g).
- 3) The Planning Board may waive part or all of the above fees, if conditions warrant.

**K. Site Visits**

- 1) Whenever the Board deems it necessary for the consideration of an Application to visit the site, the Board shall arrange a time that is reasonable for the Applicant.
- 2) Such a site visit 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 site visit, 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 application.

**L. Concurrent and Joint Hearings**

The Applicant or the Planning Board may request a joint hearing with one or more land use boards in conjunction with a Subdivision hearing if Approval from all boards is required for the same project.

**SECTION VI. SUBMISSION REQUIREMENTS**

A completed Application shall consist of the following items unless a written request for waiver(s) is granted by the Board:

**A. A completed Application form, accompanied by:**

- 1) Names and addresses of all Abutters, taken from the current town records;
- 2) Names and addresses of all persons whose name and seal appears on the Plat;
- 3) Names and addresses of all holders of conservation, preservation or agricultural preservation restrictions or easements;
- 4) Payment to cover filing and notification fees;
- 5) One mylar and 10 paper copies of the Plat, prepared according to the standards of the NH Land Surveyors Association and the County Register of Deeds, as follows:
  - a. Plats shall be at any scale between 1"= 20' and 1"=400'.
  - b. The outside dimensions of the Plat shall be 8 ½" X 11", 11" X 17", 17" X 22", or 22" X 34", or as otherwise specified by the County Registry of Deeds.
  - c. The material composition shall be suitable for electronic scanning and archiving by the Registers of Deeds.
  - d. All Plats shall have a minimum ½" margin on all sides.
  - e. All title blocks should be located in the lower right hand corner, and shall indicate:

- 1) Type of survey
  - 2) Owner of record
  - 3) Title of plan
  - 4) Name of the town(s)
  - 5) Tax map and Lot number
  - 6) Plan date and revision dates;
6. Plan of the proposed Subdivision, accurately showing areas of wetlands, steep slopes (>15%) and very steep slopes (>25%), clearly delineated by color coding
  7. Letter of authorization from the owner, if the Applicant is not the owner.

**B. 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 – written and graphic, date of the plan; name, license number and seal of the Surveyor or other person whose seal appears on the plan.
- 3) Signature block for Planning Board endorsement.
- 4) Locus plan showing general location of the total tract within the town and the zoning district(s).
- 5) Boundary survey including bearings, horizontal distances and the location of permanent markers. Curved boundary lines shall show radius, delta, and length.
- 6) Names of all abutting Subdivisions, streets, Easements, building lines, parks and public places, and similar facts regarding abutting properties.
- 7) Location of all property lines and their dimensions; Lot areas in square feet and acres. Lots numbered according to the Town tax map numbering system.
- 8) Location and amount of Frontage on public rights-of-way.
- 9) Location of building Setback lines.
- 10) Location of existing and proposed buildings and other structures.
- 11) Location of all parcels of land proposed to be dedicated to public use.

- 12) Location and description of any existing or proposed Easements.
- 13) Existing and proposed water mains, culverts, drains, sewers; proposed connections or alternative means of providing water supply and disposal of sewage and surface drainage.
- 14) Existing and proposed streets with names, classification, travel surface widths, Right-of-Way widths. (See Appendix A: Road Design and Construction Standards).
- 15) Final road profiles, center line stationing and cross sections.
- 16) Location and width of existing and proposed driveways (See Appendix B: Driveway Design and Construction Standards).
- 17) Water courses, ponds, standing water, rock ledges, stone walls; old foundations and cellar holes, existing and proposed foliage lines; open space to be preserved; and any other man-made or natural features.
- 18) Existing and proposed topographic contours based upon the USGS topographical data, with spot elevations where necessary.
- 19) The Board shall require 2' contour lines in areas of steep slopes (>15%) and in areas of cut-and-fill.
- 20) Wetland delineations and wetlands protective buffers as specified in Wetlands Protection Overlay District (WPOD) of the Hebron Zoning Ordinance.
- 21) Setbacks and buffers from Designated Streams and from bodies of water covered by the *Comprehensive Shorelands Protective Act*.
- 22) Location of percolation tests and test results; certification of Town official witnessing the tests; and outline of required septic area with any applicable Setback lines.
- 23) Location of existing and proposed wells and well radii.
- 24) Base flood elevations and flood hazard areas, based on latest available FEMA maps.

**C. Other Information**

The Board may determine that some or all of the information described below is required prior to accepting the Application as Complete.

- 1) Plan for Stormwater Management and Erosion Control, if applicable (See Section VII).
- 2) State Subdivision Approval for septic systems; septic design approval where applicable; or certification by septic designer of adequacy of existing system.
- 3) Alteration of Terrain Permit from NH Department of Environmental Services.
- 4) State/Town driveway permit, as applicable.
- 5) Report from the Fire Chief, Police Chief, and/or Town Conservation Commission.
- 6) Approval for municipal water/sewer connections.
- 7) 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, submitted in a form satisfactory to the Board's counsel.
- 8) Any other required state and/or federal permits (for example, *Comprehensive Shorelands Protection Act* permit).
- 9) 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.

**D. As Built or Record Plan**

Before the final inspection and acceptance of the road by the Selectmen, the owner shall have prepared a final "As Built or Record Plan." This plan should show as built locations and elevations in a contrasting color (preferably red ink) on a print of the original subdivision or road design. It should show the following: as built centerline of street elevations, as built culvert locations, manhole locations, guard rail locations and underground utilities. In addition to the as built plan a metes and bounds legal description shall be furnished by the owner (prepared by the surveyor, licensed in New Hampshire) of that portion of the road to be deeded to the Town. Accompanying the legal description shall be a certification by the owner's surveyor that the right-of-way bounds have been set at the locations shown on the plans.

## SECTION VII. SUBDIVISION DESIGN STANDARDS

### A. Conventional Subdivision:

- 1) All Lots in a Conventional Subdivision shall fully conform to the Usable Area, Setbacks, and Road Frontage requirements of the Hebron Zoning Ordinance.
- 2) The length of a Lot shall not exceed four (4) times the average width of the Lot.
- 3) All new wells and Sewage Disposal Systems shall conform to the relevant sections of *New Hampshire Title L – Water Management and Protection – Chapter 485-A* as amended.
- 4) For Subdivisions consisting of ten (10) or more Lots, or on tracts of land greater than twenty (20) acres, whether the Subdivision is planned or completed at one time or in stages, not more than five percent (5%) of overall acreage shall be required to be reserved as common open space as shall be determined by the Board. The area to be reserved as common open space shall be shown in the Subdivision Plat.

### B. Cluster Subdivision:

- 1) Where Cluster Subdivisions are permitted, the minimum Lot size shall be determined by the Board based upon the character of the land involved, the type of housing proposed and other pertinent factors. The total number of housing units proposed for a Cluster Subdivision shall not exceed the number that would be allowed in a conventional single-family Subdivision layout on the property which meets all requirements of the Zoning Ordinance and Subdivision Regulations.
- 2) Common open space in a Cluster Subdivision shall be at least fifty percent (50%) of the total acreage.
- 3) The common open space shall be so defined on the Subdivision Plat, and shall be made subject to a deed restriction that shall thereafter prohibit further subdivision of open space or the use of the open space for purposes other than originally designated.
- 4) Each Lot in a Cluster Subdivision shall conform to all Setback requirements of the Hebron Zoning Ordinance.
- 5) Each Lot in a Cluster Subdivision shall have some road Frontage, the amount to be determined by the Board.
- 6) All new wells and Sewage Disposal Systems shall conform to the relevant sections of *New Hampshire Title L – Water Management and Protection – Chapter 485-A* as amended.



**C. Fire Protection**

Applications for new Subdivisions shall be required to address water supply needs for fire protection. The Fire Chief shall review all proposals to determine whether or not water supply should be addressed for that particular proposal; if so, the following requirements apply:

- 1) The Fire Chief shall complete an inspection of the proposed site to evaluate the availability of existing water supply in the area.
- 2) The Fire Chief shall implement all applicable provisions of the National Fire Prevention Association's Standard on Water Supplies for Suburban and Rural Fire Fighting.
- 3) The Fire Chief shall determine the type, location and spacing of any water supply (such as fire ponds, cisterns, etc.)
- 4) Following the inspection and evaluation, the Fire Chief will submit his findings in writing to the Planning Board.
- 5) All proposed Developments, whether including the provision of hydrants or other water supply facilities, shall be accessible to firefighting and other emergency equipment.

**E. Sewage Disposal Systems and Water Supply**

- 1) On new Lots of less than five (5) acres, not less than two (2) test pits and at least one (1) percolation test shall be required within the required area designated for a leach field. The subdivider shall be required to provide the necessary equipment and labor for the making of these tests, which shall be overseen by the Town Health Officer.
- 2) In subdividing parcels with existing dwellings, the subdivider must demonstrate to the satisfaction of the Board that the existing Sewage Disposal System is in good working order.
- 3) All new wells and Sewage Disposal Systems shall conform to the relevant sections of *New Hampshire Title L – Water Management and Protection – Chapter 485-A* as amended.

**F. Stormwater Management and Erosion Control**

- 1) The Applicant shall submit stormwater management and erosion control plans when one or more of the following conditions are proposed:

- a. A cumulative disturbed area exceeding 20,000 square feet.
  - b. Construction of a street or road.
  - c. A Subdivision involving three or more dwelling units.
  - d. The disturbance of critical areas, such as steep slopes, wetlands, floodplains.
- 2) Standard agricultural and silvicultural practices are exempt from this regulation.
  - 3) All stormwater management and erosion control measures in the plan shall adhere to the “Erosion and Sediment Control Design Handbook for Developing Areas of New Hampshire”, published by the Rockingham County Conservation District, and the “Model Stormwater Management and Erosion Control Regulation”, published by the NH Association of Conservation Districts, Water Quality Committee.
  - 4) The Applicant shall bear all responsibility for the installation, construction, and disposition of all stormwater and erosion control measures required by the Board. Site development shall not begin before the plan is approved.

**G. Surveys**

All surveys shall be prepared by an Engineer or Surveyor, as defined.

**H. Monuments**

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. In those cases where a survey corner falls upon rock or ledge, that corner point may be embedded in that rock or ledge.

- 1) If the Subdivision involves the construction of a roadway, all monuments shall be in place before 50% of the surety held for the construction is released. If no road construction is involved, all monuments must be in place prior to the signing of the Plat by the Board Chair.
- 2) 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.
- 3) Monuments shall be tied in to a public street intersection, a U.S.G.S. benchmark, or other recognized existing monuments.

## **SECTION VIII. DEVELOPMENTS HAVING REGIONAL IMPACT**

- A.** All Applications shall be reviewed for potential regional impacts (RSA 36:54-58). Upon such a finding, the Board shall furnish the regional planning commission(s) 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 144 hours of the meeting.
- B.** At least 14 days prior to the scheduled Public Hearing, the Board shall notify by certified mail the regional planning commission(s) 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.
- C.** RSA 36:55 defines “regional impact” as: *any proposal before a local land use board which in the determination of such local land use board could reasonably be expected to impact on a neighboring municipality, because of factors such as, but not limited to, the following:*
  - I. Relative size or number of dwelling units as compared with existing stock,*
  - II. Proximity to the borders of a neighboring community,*
  - III. Transportation networks,*
  - IV. Anticipated emissions such as light, noise, smoke, odors, or particles,*
  - V. Proximity to aquifers or surface waters which transcend municipal boundaries,*
  - VI. Shared facilities such as schools and solid waste disposal facilities.*

## **SECTION IX. SPECIAL FLOOD HAZARD AREAS**

- 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 Board shall require that all Subdivision proposals and other proposed new developments greater than five (5) acres include base flood elevation data. Sufficient evidence (construction drawings, grading and land treatment plans) shall be submitted so as to allow determination that:
  - 1) all such proposals are consistent with the need to minimize flood damage;
  - 2) all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage; and
  - 3) adequate drainage is provided so as to reduce exposure to flood hazards.

## **SECTION X. PERFORMANCE GUARANTEE**

- A.** As a condition of Approval, the Board shall require the posting of a surety in an amount sufficient to defray the costs of construction of streets and public utilities. The amount of the surety shall be based on an estimate of costs provided by the sub-divider and, at the discretion of the Planning Board, reviewed by a licensed Engineer. All costs of such review shall be paid by the Applicant.
- B.** The surety shall be approved by the Board and municipal counsel. The amount of the surety shall include fees to cover the cost of periodic inspections.
- C.** Where electric lines or other utilities are to be installed by a corporation 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.
- D.** Each approved Plat shall contain a time limit for the completion of streets and public improvements. 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. In the case of road construction, the Board may require that the surety stay in place until one full year has passed after completion of the road.

## **SECTION XI. REVOCATION OF PLANNING BOARD APPROVAL**

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 ; (4) when four years since the date the plat was recorded 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.

## **SECTION XII. ADMINISTRATION AND ENFORCEMENT**

- A.** These regulations shall be administered by the Planning Board. The enforcement of these regulations is vested with the Selectmen.
- B.** No Subdivision regulation or amendment, adopted under RSA 674:35-42, shall be legal or have any force and effect until copies of such are filed with the Town Clerk.
- C.** **Waivers:** The requirements of these regulations may be waived or modified when, in the opinion of the Board, specific circumstances surrounding the Subdivision, or the

condition of the land in such Subdivision, indicate that such modifications will properly carry out the purpose and intent of these Regulations and of the Master Plan.

- D. 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.

### **SECTION XIII. 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, in which case the appeal must be taken to the Board of Adjustment pursuant to RSA 676:5, III.

### **SECTION XIV. 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 XV. AMENDMENTS**

These regulations may be amended by a majority vote of the Planning Board after at least one (1) Public Hearing following the notification procedure outlined in Section IV, H & I.

### **SECTION XVI. EFFECTIVE DATE**

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