SUBDIVISION REGULATIONS

OF THE

TOWN OF LEMPSTER

NEW HAMPSHIRE

2001

As Last Revised on October 8, 2001

TABLE OF CONTENTS

Page #

SECTION 1 - ADOPTION & PURPOSES 1
1.1 Authority 1
1.2 Title 1
1.3 Purpose 1

SECTION 2 - ADMINISTRATION AND ENFORCEMENT 3
2.1 Interpretation 3
2.2 Waivers 3
2.3 Tree Cutting for Major Subdivision Layout 3
2.4 Professional Review 3
2.5 Developments of Regional Impact 4
2.6 Securing and Signing of the Plat 4
2.6.1 Security and the Signing of the Plat 4
2.6.2 Construction of Required Improvements and the Signing of the Plat 6
2.6.3 Covenant Restricting Lot Sales and Signing of the Plat 6
2.7 Recording of Final Plat 7
2.8 Adherence of Subdivision to Approved Plans 7
2.9 Inspection Services During Construction 8
2.10 Permit to Construct a Subdivision Road 9
2.11 Inspections 9
2.12 Notice Before Inspection 9
2.13 Subdivision As-Built Plans 9
2.14 Temporary and Final Certificate of Performance of Improvements 10
2.14.1 Temporary Certificate of Performance of Improvements 10
2.14.2 Final Certificate of Performance of Improvements 10
2.15 Acceptance of Streets, Open Space and/or Utilities 11
2.16 Four Year Exemption 11
2.17 Revocation of Planning Board Approval 12
2.18 Amendments 12
2.19 Numbering 13
2.20 Conflict with Other Regulations 13
2.21 Appeals 13
2.22 Validity 13
2.23 Enforcement 13
2.24 Penalties 13

SECTION 3 - APPLICATION PROCEDURES 14
3.1 Major Subdivisions 14
3.1.1 General 14

3.1.2 Non-binding Conceptual Consultation and Review Phase 14
3.1.3 Design Review Phase 14
3.1.4 Final Subdivision Review Phase 15
3.1.4.1 Application for Subdivision Approval 15
3.1.4.2 Filing of Application 15
3.1.4.3 Notice of Application; Fees 15
3.1.4.4 Submission and Acceptance of Completed Application 16
3.1.4.5 Formal Consideration at Public Hearing; Time Limits 16
3.1.4.6 Disapproval 17
3.2 Minor Subdivisions 18
3.3 Annexations, Minor Lot Line Adjustments, or Boundary Agreements 18
3.4 Voluntary Merger of Lots of Record 19

SECTION 4 - APPLICATION SUBMITTAL REQUIREMENTS 20
4.1 Minor Subdivision 20
4.1.1 A completed application form and payment of all fees 20
4.1.2 Written authorization 20
4.1.3 Maps 20
4.1.3.1 Site Survey 20
4.1.3.2 Topographic Map 21
4.1.3.3 Soils Map 22
4.1.3.4 Hydrology Map 22
4.1.4 Soils Report 22
4.1.5. Sewage Disposal 22
4.1.6. Water Supply 22
4.1.7. Legal Documents 23
4.1.8 Agency Approvals 24
4.1.9 Additional Information 24
4.2 Major Subdivision 25
4.2.1. Impact Assessment 25
4.2.2. Traffic Impact Study 26
4.2.3. Open Space 26
4.2.4. Fire Protection Plan 26
4.2.5. Drainage & Hydrology Report 26
4.2.6 Sediment & Erosion Control Plans 27
4.2.7. Road Profiles, Cross Sections and Details 28
4.2.8. Security for Subdivision Improvements 28
4.2.9. Public Water Supply Systems 29
4.3 Annexations and Minor Lot Line Adjustments 30
4.4 Voluntary Merger of Lots of Record 31

SECTION 5 - STANDARDS FOR SUBDIVISION DESIGN 32
5.1 General 32

5.2 Best Use of Land 32
5.3 Special Features 32
5.4 Character of Property Proposed for Subdivision 32
5.5 Premature Subdivision Development 33
5.6 Subdivision Design, General 34
5.7 Lot and Site Layout 34
5.8 On-Site Wastewater Disposal Standards 35
5.9 Street Design 36
5.9.1 General 36
5.9.2 Intersections 37
5.9.2.1 Right-Angle 37
5.9.2.2 Grade 37
5.9.2.3 Sight Distance 37
5.9.2.4 Obstructions 37
5.9.2.5 Rounded Property Lines 38
5.9.2.6 Rounded Pavement Edges 38
5.9.2.7 Separation between Street Intersections 38
5.9.3 Right-of-Way 38
5.9.3.1 Public Road, Immediate or Future 38
5.9.3.2 Permanently Private Road 38
5.9.4 Dead-End Streets 40
5.9.4.1 Permanent Turnarounds 40
5.9.4.2 Length 40
5.9.4.3 Temporary Turnarounds 40
5.9.4.4 Isolation 41
5.9.4.5 Through Circulation 41
5.9.4.6 Guardrail 41
5.9.4.7 Plantings 41
5.9.4.8 Alteration of Gradient 41
5.9.4.9 Sidewalks 42
5.9.4.10 Road Names 42
5.9.4.11 Classification of Streets 42
5.10 Park and Open Space Land 47
5.11 Fire Protection 47
5.12 Monumentation 48
5.13 Driveways 48
5.14 Road Signs 48
5.15 Sediment and Erosion Control 48
5.15.1 General 48
5.15.2 Design 49
5.15.3 Standards 49
5.16 Drainage Standards 51
5.16.1. Storm Frequency Design Requirements 51

5.16.2. Culvert Design 51
5.16.3. Closed Drainage System Design 53
5.16.4. Ditches 55
5.16.5. Subsurface Drainage (Underdrains) 56
5.16.6. Stormwater Detention and Retention Pond/Basin 56
5.16.7. Off Site Drainage Considerations 57
5.16.8. Construction Details 57

SECTION 6 - OPEN SPACE HOUSING 58
6.1 Purpose 58
6.2 Standards 58
6.2.1 Permitted Uses 58
6.2.2 Minimum Lot Size 58
6.2.3 Open Space or Common Land 58
6.2.4 Management of Open Space 59
6.2.5 Access to Common Open Land 59
6.2.6 Visibility of Open Space 59
6.2.7 Community Water or Sewer Systems 59
6.2.8 Perimeter Setback 59
6.2.9 Building Separations 59
6.2.10 Frontage and Yard Requirements 59
6.2.11 Misc. Provisions 59
6.3 Open Space Housing May Be Required 59
6.4 Procedure 59
6.5 Review Criteria 59

SECTION 7 - DEFINITIONS 61

SECTION 8 - EFFECTIVE DATE AND CERTIFICATION 67
8.1 Effective Date 67
8.2 Certification 67

SECTION 9 - EXHIBITS 68
EXHIBIT A SUBDIVISION APPLICATION FORM 69
EXHIBIT B SUGGESTED FORM OF ACCEPTABLE IRREVOCABLE LETTER OF CREDIT 70
EXHIBIT C COVENANT RESTRICTING LOT SALES 72
EXHIBIT D MERGER OF LOTS OF RECORD in a RECORDED SUBDIVISION 74
EXHIBIT E MERGER OF LOTS OF RECORD described in RECORDED DEEDS 75

SUBDIVISION REGULATIONS

of the

TOWN OF LEMPSTER, N.H.

SECTION 1 - ADOPTION & PURPOSES

1.1 Authority: By authority given to the Lempster Planning Board by the voters of the Town of Lempster at a Special Town Meeting on June 25, 1975 and confirmed by Chapter 674: Section 35, N.H. Revised Statutes Annotated, 1955, the Lempster Planning Board adopts the following Regulations governing the subdivision of land in the Town of Lempster, New Hampshire.

1.2 Title: These Regulations shall be known as the Town of Lempster Subdivision Regulations, and hereinafter referred to as "these Regulations".

1.3 Purpose: The purpose of these Regulations is to foster the development of an economically and environmentally sound and stable community and to protect the people of the Town of Lempster from the consequences of improper subdivision, unplanned growth and haphazard development by:

1.3.1 protecting and preserving the rural character of the Town;

1.3.2 protecting neighboring and neighborhood land uses, interests, values and concerns through harmonious development of the Town and its environs;

1.3.3 preserving land values and avoiding increased real estate tax burdens;

1.3.4 promoting and protecting the amenities of the Town through provisions for parks, playgrounds and other recreation areas, and the preservation of the environment, natural beauty, trees, wetlands, lakes, ponds, bogs, streams and rivers, wildlife habitat (including deer yards), and other natural and historic resources, values and features;

1.3.5 preventing such scattered or premature subdivisions as would involve danger or injury to health, safety or prosperity by reason of the lack of water supply, drainage, sewage disposal, transportation, schools or other public services; or necessitate excessive expenditure of public funds for the supply of such services;

1.3.6 assuring the adequate provision of safe and convenient traffic access and circulation, both vehicular and pedestrian, through the proper design, construction, arrangement and coordination of streets and ways within a subdivision and in relation to existing or planned streets or with features of an official map of the Town, if adopted;

1.3.7 requiring suitably located streets of sufficient width to accommodate existing and prospective traffic and to afford adequate light, air, and access for fire fighting apparatus and equipment to buildings, and be coordinated so as to compose a convenient system;

1.3.8 requiring that the land indicated on plats submitted to the Planning Board shall be of such character that it can be used for building purposes without danger to health;

1.3.9 prescribing minimum areas of lots so as to assure adequate area, as may be needed for each lot, for on-site sanitary facilities;

1.3.10 including provisions which will tend to create conditions favorable to health, safety, convenience, or prosperity; and

1.3.11 providing uniform standards and procedures for observance by both the subdivider and the Planning Board, thus, encouraging the equitable handling of all subdivision plans.

SECTION 2 - ADMINISTRATION AND ENFORCEMENT

2.1 Interpretation: In the matters of interpretation of these Regulations, the determination of the Board shall prevail.

2.2 Waivers: All plans and all procedures relating thereto shall in all respects comply with the provisions of these rules and regulations, unless the Board authorizes a waiver therefrom in specified instances.

Upon written request of the subdivider, the Board may waive compliance with any part of the Regulations if it determines:

2.2.1 That the request for the waiver arises out of unique physical conditions which exist in the proposed subdivision; and

2.2.2 That literal compliance with the Regulations shall cause the subdivider an unnecessary hardship. An unnecessary hardship is one where there is no public benefit which offsets the private detriment.

2.2.3 That granting the waiver shall not be contrary to the purpose and objective of these Regulations; and

2.2.4 That the public good shall not be adversely affected.

2.3 Tree Cutting for Major Subdivision Layout:

2.3.1 Tree cutting for the purpose of laying out a major subdivision including roads, utility lines, drainage facilities, views for lots, and/or building sites is prohibited prior to final subdivision approval by the Planning Board and subsequent issuance of an Intent to Cut Permit by the Board of Selectmen.

2.3.2 If a landowner makes application to the Planning Board for a major subdivision and it appears to the Planning Board that the landowner has already cut trees for the layout of a subdivision including roads, utility lines, drainage facilities, views for lots, and/or building sites, then the Planning Board shall request the Board of Selectmen to pursue this as a violation of this section of the Land Subdivision Control Regulations and the Planning Board shall suspend further consideration of the subdivision application pending resolution of the violation.

2.4 Professional Review: The Board may require the subdivider to pay the cost of a professional review of various parts or of the whole of the proposed subdivision upon

such terms and conditions as the Board deems to be appropriate as provided by RSA 676:4-I(g). The Board shall select the professional(s). The subdivider shall deposit with the Board the full estimated cost of any professional review prior to the Board initiating the professional review and prior to the Board determining the application is complete.

2.5 Developments of Regional Impact: Upon receipt of an application for subdivision, the Planning Board shall review it and determine whether or not the development, if approved, reasonably could be construed as having the potential for regional impact. Regional impact could result from a number of factors, such as, but not limited to, the following:

2.5.1 Relative size or number of lots or units compared with existing stock of housing units and lots;

2.5.2 Transportation networks;

2.5.3 Proximity to the borders of a neighboring community;

2.5.4 Anticipated emissions such as light, noise, smoke, odors or particles;

2.5.5 Proximity to aquifers or surface waters which transcend municipal boundaries; and

2.5.6 Shared facilities such as schools and solid waste disposal facilities.

If the Planning Board has any doubt concerning the potential for regional impact from a proposed subdivision, the Planning Board shall be conservative and make a determination that the development has the potential for regional impact. Upon determination that a proposed development has a potential regional impact, the Planning Board shall afford the Regional Planning Commission and the affected municipalities the status of abutters for the limited purpose of providing notice and giving testimony. Within 72 hours of reaching a decision regarding a development of regional impact, the Planning Board shall, by certified mail, furnish the Regional Planning Commission and the affected municipalities with copies of the minutes of the meeting at which the decision was made. At least fourteen days prior to the public hearing, the Planning Board shall notify, by certified mail, all affected municipalities and the Regional Planning Commission of the date, time and place of the hearing and the right to testify concerning the development.

2.6 Securing and Signing of the Plat: The Planning Board must sign the final subdivision plat before it can be recorded which must occur before lots in the subdivision may be legally sold. The three methods available (see 2.5.1, 2.5.2 and 2.5.3) to the subdivider to secure the Planning Board's approval to sign the final plat when improvements are required are as follows:

2.6.1 Security and the Signing of the Plat: Before the subdivider starts installation or construction of improvements such as streets or roads, water or sewer service facilities, drainage structures or other utilities, the subdivider shall furnish security in an amount and form acceptable to the Board. The purpose of this

security will be to provide the funds necessary to install the improvements in the subdivision required by the Board in the event the subdivider fails to do so for any reason, including, but not limited to, insolvency, and/or bankruptcy.

2.6.1.1 Amount: The amount of security shall be determined by the Board and shall be sufficient to cover the costs of construction and installation of all subdivision improvements and the estimated cost of inflation over the projected term of the security (not to exceed three years), not to exceed 10% per year. The subdivider must file with the Board a registered engineer's detailed estimate of the costs of the improvements together with maps, plans and supporting data.

2.6.1.2 Form: An irrevocable letter of credit is the preferred form of security. A suggested form for an irrevocable letter of credit is attached as Appendix B. Irrevocable letters of credit with language differing from the suggested form or alternative forms of security must be approved by the Planning Board and may require consultation with Town Counsel at the Planning Board's discretion. The Board will not accept mortgages or escrow accounts from each lot sale as security.

Where a surety bond is required, it shall be issued by a Surety Company authorized to do business in the State of New Hampshire and shall be approved as to form and sureties by the legal counsel of the Town of Lempster.

2.6.1.3 Release of Security: Release of any security after completion of all improvements shall be with the approval of the Planning Board and only after a Temporary Certificate of Performance has been issued by the Planning Board as provided in Section 2.13.1.

2.6.1.4 Signing and Recording the Plat: Where security has been furnished as required by the Board, the subdivider shall then present the plat for signature by a majority of the Board and recording. Upon the recording of the signed plat, the subdivider may then sell lots even though the improvements have not yet been constructed.

2.6.1.5 Time for Completion of Improvements: Where security is furnished, the subdivider must construct and install the improvements within 36 months from the receipt of the notice of decision by the subdivider that all conditions, if any, have been met and final subdivision approval has been granted. The subdivider may request a time extension beyond the 36 months for completion of the improvements and the Planning Board may, for good cause shown, approve such a request.

Alternatively the subdivider could apply for an annexation to combine the subdivided lots and void the subdivision providing for release of the security for the improvements. If the improvements have not been completed within 36 months and no time extension has been approved by the Planning Board, then the Selectmen shall use the security to complete the improvements.

2.6.2 Construction of Required Improvements and the Signing of the Plat: The subdivider shall construct and install all improvements required by the Planning Board within 36 months from the receipt of the notice of decision by the subdivider from the Planning Board. Within that same time period, the subdivider shall present the plat to be signed by a majority of the Board after the improvements have been installed and a Temporary Certificate of Performance of Improvements has been approved by the Board. The plat will be recorded in the Sullivan County Registry of Deeds and the subdivider may then sell and convey lots in the subdivision.

2.6.3 Covenant Restricting Lot Sales and Signing of the Plat: The subdivider shall file with the Planning Board, for recording in the Sullivan County Registry of Deeds, a covenant restricting the sale of interior lots until either a Temporary Certificate of Performance of Improvements has been approved by the Planning Board or security in an amount and form acceptable to the Planning Board has been furnished for any required subdivision improvements serving those lots. The covenant shall include a statement that a breach of the covenant may result in the refusal of a building permit for construction by the Selectmen. The covenant shall reference the Four Year Exemption clause outlined in Section 2.7 of these Subdivision Regulations. The covenant shall indicate that in order to nullify the covenant, the Planning Board must approve and record an instrument that indicates that either:

2.6.3.1 Security in the amount and form acceptable to the Planning Board as outlined in Section 2.5.1 for the then required subdivision improvements has been furnished to and accepted by the Planning Board; or

2.6.3.2 The required subdivision improvements have been constructed and a Temporary Certificate of Performance of Improvements has been approved by the Planning Board.

2.6.3.3 Nothing herein shall obligate the Planning Board to approve either the Temporary Certificate of Performance of Improvements or the proposed security. In the event that at the time said certificate is requested or security is proposed, the Planning Board determines and

finds that circumstances in the Town have so changed so that the continued sale of lots in the subdivision results in the need for either off-site improvements, the assessment of impact fees, restrictions on the issuance of building, sewer or water permits or other material and substantial changes have occurred in the Town of Lempster since the subdivision was approved in which event the Planning Board shall consider the request for said certificate or approval of security as a new subdivision application. A suggested form for a 'Covenant Restricting Lot Sales' is attached as Appendix C.

2.6.3.4 Nothing herein shall obligate the Town to build or complete improvements when, in the opinion of the Planning Board, after consultation with the Selectmen and a public hearing, the Board determines that such improvements are not in the public interest.

2.7 Recording of Final Plat: No sale or transfer of land within a subdivision may be entered into until an approved subdivision Final Plat has been recorded with the Register of Deeds of Sullivan County. If subdivision improvements are required by the Planning Board, then these improvements must be secured by the applicant by one of the methods outlined in Section 2.6 prior to signing and recording the final plat. If the subdivision is approved by the Planning Board with conditions, then the applicant has twelve months, unless an extension is approved by the Planning Board, to satisfy the Planning Board that the applicant has complied with those conditions and the final plat can be signed and recorded. The subdivider shall submit to the Board two mylar copies of the approved Final Plat and the Board will record the Plat, at the expense of the subdivider, with the Register of Deeds of Sullivan County. The act of recording an approved subdivision Plat shall not in itself constitute acceptance by the Town of any street or easement shown thereon. Within thirty days after the plat has been signed by a majority of the Board, the Board shall transmit to the Register of Deeds of Sullivan County the original plat for recording. It shall be the responsibility of the Board to notify the subdivider of the book, page and date of recording. There is no time requirement concerning the sale of the subdivided land.

2.8 Adherence of Subdivision to Approved Plans:

2.8.1 After the Board's approval of a plat, it will be the subdivider's responsibility to see that construction does not deviate from the approved plat. Any changes to utilities, roads, or structures or other subdivision improvements as approved shall be presented to the Planning Board for approval of the proposed changes.

2.8.2 Minor changes, by way of illustration, may include, but are not limited to, small changes to the location of roads, utilities, and building foundations due to subsurface conditions encountered during construction or improvement in

design such as a lower street grade.

2.8.3 Major changes, by way of illustration, may include, but are not limited to, large changes in the location of roads, utilities and building foundations, downsizing utility lines, increasing road grades, and decreasing curve radii. Major changes shall require the resubmission of the final subdivision and approval by the Planning Board before construction can proceed on the basis of the major changes.

2.8.4 Failure of the subdivider to obtain the Board's review of other than minor changes in the approved plat shall cause the Board of Selectman to issue a "stop work" order on their own motion or at the request of the Planning Board detailing the reasons therefore and such other enforcement measures deemed appropriate and necessary to ensure compliance with these regulations.

A stop work order shall include a provision giving the subdivider ten (10) business days to request in writing a hearing before the Board of Selectmen and the terms and conditions of said stop work order. Said hearing shall occur within ten (10) business days of receipt of said request. Dates of notice and/or hearing shall not be counted in the above time periods. This provision does not alter or amend either party's rights of enforcement or appeal pursuant to RSA 676:15-19.

2.9 Inspection Services During Construction: The Planning Board shall require inspection services for all major subdivisions which include street and/or utility line construction or for other subdivisions at the Planning Board's discretion. The cost of the inspection services shall be borne by the subdivider. The Planning Board may require the inspection services to be provided by either Town employees or agents or by an outside consulting, civil engineering firm of the Planning Board's choice. If the Planning Board determines the need for outside inspection services and requires such as a condition of final plat approval, then prior to the start of construction the subdivider shall establish an account for the inspection services. The subdivider shall maintain a positive balance in the account at all times during construction to cover the expenses for inspection services or be subject to a "stop work" order by the Selectmen or such other enforcement measures deemed appropriate. Any remaining balance in the account after issuance of a Temporary Certificate of Performance of Improvements pursuant to Section 2.13.1 of these regulations shall be refunded to the subdivider.

The initial deposit in the account shall be determined as follows:

# of Proposed Lots: ____	X $50/Lot	= $ _____
Length of Proposed Road: _____	feet X $1/ft	= $ _____
Total Initial Account Deposit:		$ _____

2.10 Permit to Construct a Subdivision Road: Following approval of the Board for the construction of a subdivision road, the Board of Selectmen shall issue a permit under such terms and conditions as it shall determine are appropriate. Such permit shall be enforced by the Board of Selectmen under the same terms and conditions as a Building Permit including the right to issue STOP WORK ORDERS for violations of any of the procedures or requirements of the Planning Board.

2.11 Inspections: Inspections by the Town Road Agent or civil engineer of the Planning Board's choice, with or for the Board of Selectmen are required when:

2.11.1 Right-of -way is ready for clearing, but before trees have been cut and removed (please refer to section 2.3 on Tree Cutting for Subdivision Layout).

2.11.2 Right-of-way has been cleared and before base has been laid.

2.11.3 Culverts and other drainage improvements are installed.

2.11.4 Fine grading of the subgrade, side and back slopes.

2.11.5 Base course(s) of sand and/or gravel have been laid and compacted.

2.11.6 Finish course of crushed gravel and shoulders have been laid, compacted and fine graded.

2.11.7 Surfacing with bituminous courses is in progress.

2.11.8 Such other operations as may be found necessary by the Road Agent or the Board or its agent.

2.12 Notice Before Inspection: For required inspections during construction, the Contractor, Owner or Developer shall give at least 48 hours (2 working days) notice to the Road Agent or outside consulting civil engineer in order to coordinate schedules. The Road Agent or outside consulting civil engineer may make such additional inspections as he deems necessary.

2.13 Subdivision As-Built Plans: Following completion of all improvements, the subdivider shall submit As-Built Plan(s) to the Board. This plan shall be drawn to scale and shall indicate by angles and dimensions, all underground utilities, road profiles and centerline elevations and final grading plan showing swales and ditches of the actual constructed improvements. The plan shall show easements, dedicated roadways and road beds.

2.14 Temporary and Final Certificate of Performance of Improvements:

2.14.1 Temporary Certificate of Performance of Improvements: Upon completion of all the required improvements associated with the subdivision approval, the subdivider may make application to the Planning Board in writing for a Temporary Certificate of Performance. This application shall include the above referenced subdivision as-built plans and inspection reports from all affected Town departments and/or applicable outside agencies including, but not limited to, the Road Agent or consulting civil engineer, the Fire Department, and the N.H. Department of Transportation. The Planning Board shall issue the Temporary Certificate of Performance and release the original security filed with the Planning Board if the Planning Board determines that the following have been met:

2.14.1.1 All of the improvements are without material defects which need correction as determined by the Planning Board, and

2.14.1.2 The subdivider has submitted security for a period of one year which is acceptable to the Board to cover corrections of defects, omissions or failure of installation of the subdivision improvements to comply with the approved plans. The amount of security shall be determined by the Board and shall be sufficient to cover the costs of any defects, omissions, as well as failures of installation of the subdivision improvements and may include the estimated cost of inflation over the one year period not to exceed 10% per year.

2.14.2 Final Certificate of Performance of Improvements: After the one year waiting period has expired, then the subdivider may make application to the Board for a Final Certificate of Performance. This application shall include inspection reports from all affected Town departments and/or applicable outside agencies indicating the acceptability of the completed improvements after completion of the one year waiting period. If all the improvements are without material defects which need correction as determined by the Planning Board, then the Planning Board shall issue a Final Certificate of Performance and release the remaining security.

If any of the subdivision improvements are proposed to be turned over to the Town as public improvements with the Town being responsible for maintenance, then the subdivider may apply to the Town for acceptance of these improvements only after the Board has issued a Final Certificate of Performance.

2.15 Acceptance of Streets, Open Space and/or Utilities:

2.15.1 Nothing herein is intended to modify the requirements of law with reference to the acceptance of streets and/or utilities by the Town.

2.15.2 Nothing herein is intended to modify or control the construction, reconstruction, or extension of streets and/or utilities by the Town of State.

2.15.3 No street or open space shall be submitted to the Town for acceptance until such time as all improvements have been carried out as shown on the Final Plat, in accordance with the requirements of these Regulations, and subject to any conditions established by the Board at the time of Final Plat approval, and until the Board has approved a Final Certificate of Performance of Improvements.

2.15.4 Final subdivision approval by the Planning Board does not constitute acceptance of the street(s) by the Town of Lempster. Acceptance of a street for public maintenance shall require a formal vote of acceptance by the legislative body.

2.16 Four Year Exemption: Every plat approved by the Board and properly recorded with the County Register of Deeds shall be exempt from all subsequent changes in Subdivision Regulations adopted by the Board, except those Regulations and ordinances which expressly protect public health standards, such as water quality and sewage treatment requirements, for a period of four (4) years after the date of recording, subject to each of the following conditions:

2.16.1 active and substantial development or building shall have commenced on the site by the owner or his successor in interest in accordance with the approved plat within twelve (12) months after the date of approval, or in accordance with the terms of said approval and where a bond to cover the costs of roads, drains or sewers is required in connection with such approval, such bond is posted with the Town at the time of commencement of such development;

2.16.2 development remains in full compliance with the public health regulations and ordinances specified in this section; and

2.16.3 at the time of approval and recording the plat conforms to the subdivision regulations and zoning ordinances then in effect at the site of each plat.

2.16.4 As part of its approval of a plat or plan, the Planning Board may, with due regard to the scope and details of a particular project, specify the threshold level of work which shall constitute "active and substantial development or building" for purposes of fulfilling paragraph I of this section, or may, for good cause extend the twelve (12) month period set forth in paragraph I.

2.17 Revocation of Planning Board Approval: A subdivision plat which has been filed with the Registry of Deeds under RSA 674:37 may not be revoked in whole or in part, by the Planning Board, except pursuant to RSA 676:4-a, and only under one or more of the following circumstances:

2.17.1 At the request of, or by agreement with, the applicant or the applicant's successor in interest.

2.17.2 When the applicant or successor in interest to the applicant has performed work, erected a structure or structures, or established a use of land which fails to conform to the statements, plans or specifications upon which the approval was based, or has materially violated any requirement or condition of such approval.

2.17.3 When the applicant or successor in interest to the applicant has failed to perform any condition of the approval within a reasonable time specified in the approval, or if no such time is specified, within the time periods specified in RSA 674:39 and Section 2.15.

2.17.4 When the time periods specified in RSA 674:39 have elapsed without any vesting of rights as set forth therein, and the plat, plan or other approval no longer conforms to applicable ordinances and regulations.

2.17.5 When the applicant or successor in interest to the applicant has failed to provide for the continuation of adequate security as provided by RSA 674:36, III(b) and 674:44, III(d) until such time as the work secured thereby has been completed.

The Board shall follow the procedure set forth in RSA 676:4-a with regard to notice, hearing, and the declaration of revocation. A revocation may be appealed pursuant to RSA 677:15.

2.18 Amendments: These Regulations may be amended, changed, altered, added to or rescinded from time to time whenever this action is deemed necessary or advisable by the Planning Board, but not until public hearing on the proposed amendment, change, alteration or rescission.

No Subdivision Regulations or amendment or exception thereto shall be legal or have any force and effect until copies of such, certified by a majority of the Board members, are filed with the Town Clerk, Board of Selectmen and Register of Deeds.

No purported authority granted by the Board pursuant to these Subdivision Regulations shall be legal or have any force and effect unless such Regulations have been certified and filed pursuant hereto.

2.19 Numbering: After amendments are adopted, the Board shall have the authority to renumber the sections consecutively.

2.20 Conflict with Other Regulations: Where these Regulations are in conflict with other Federal, State or local laws, ordinances, bylaws or regulations, the more stringent shall apply.

2.21 Appeals: Any person, aggrieved by an official action of the Planning Board, may appeal therefrom in accordance with the provisions of RSA 677:15.

2.22 Validity: If any section, subsection or phrase of these Subdivision Regulations is found for any reason to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of these Regulations.

2.23 Enforcement: These Regulations shall be enforced by the Board of Selectmen or its duly authorized representative.

2.24 Penalties: Any owner, or agent of the owner, of any land located within a subdivision who transfers or sells any land, before a plat of the said subdivision has been approved by the Board and recorded or filed in the office of the Register of Deeds, shall forfeit and pay a penalty of $1,000 for each lot or parcel so transferred or sold. The Town may seek an appropriate order from a court of competent jurisdiction enjoining or rescinding any such sale or transfer and may recover the said penalty by civil action.

Any violation of these Regulations may be punishable by a civil fine of not more than $275 for each day that such violation is found by a court to continue after the conviction date or after the date on which the violator receives written notice from the Town that he is in violation of these Regulations, whichever date is earlier.

In any legal action brought by the Town to enforce, by way of injunctive relief, any of these Regulations, or to enforce any Planning Board decision, or to seek the payment of any fine levied, the Town may recover its costs and reasonable attorney's fees actually incurred, including, but not limited to, inspection fees, expert fees and investigatory expenses.

If any violation of these Regulations or any violation of a Planning Board decision results in the expenditure of public funds by the Town which are not reimbursed as described above, the court may order, as an additional civil penalty, that a violator make restitution to the Town for such funds so the Superior Court may, upon a petition filed by the Town and after notice and preliminary hearing, as in the case of prejudgment attachments under RSA 511-A, require an alleged violator to post a bond with the court to secure payment of any penalty or remedy of the performance of any injunctive relief which may be ordered or both.

SECTION 3 - APPLICATION PROCEDURES

3.1 Major Subdivisions

3.1.1 General: Anyone proposing a major subdivision as defined in these regulations may request the Board for a non-binding Conceptual Consultation Review (see Section 3.1.2) or apply to the Board in writing for a Design Review or a Final Subdivision Review (see Sections 3.1.3 and 3.1.4). Only the latter is obligatory.

Whenever any subdivision of land is proposed, and before any construction, land clearing or building development is begun, and prior to filing any subdivision plat for recording in the Sullivan County Register Deeds, the subdivider or the subdivider's authorized agent shall apply for and secure approval of such proposed subdivision in accordance with the following procedures.

3.1.2 Non-binding Conceptual Consultation and Review Phase: In order to save expense and unnecessary changes later on, a person may appear at any formal meeting of the Board for a discussion of his proposed concept in general terms such as the desirability of types of development and proposals as guided by the Master Plan and for a review of applicable subdivision regulations, application forms, necessary supporting maps and documents. There is no application fee or time limit for this, nor is this consultation and review binding in any way on either the applicant or the Board. The Board, at this time, will provide a set of subdivision regulations and the appropriate application. The owner of record of the land to be subdivided may authorize an agent to serve on his behalf. Notice to abutters is not required for this step in the subdivision process.

3.1.3 Design Review Phase: If a person wishes a review of his/her project which goes beyond discussion of the proposed subdivision in conceptual form, he/she shall apply to the Board in writing on the appropriate Application Form (see Appendix A) and pay the required fees (see Section 3.1.7). The Board shall then give formal public notice of the Design Review Phase in accordance with Section 3.1.4.3 of these Regulations.

The Design Review may be conducted only at formal meetings of the Board. The Board may review the proposal in detail and receive testimony in person or in writing from any applicant, any abutter or any other person as permitted by the Board. The Board may, but is not required to, give a formal response to the

applicant with respect to the proposal as a whole or any portion of the proposal. Such Design Review shall bind neither the applicant nor the Board. A formal meeting on a particular Design Review may be adjourned to continue on a specific date with no further notice of the re-convened meeting required. There is no time limit on the Design Review Phase of the subdivision process.

3.1.4 Final Subdivision Review Phase: Any person desiring approval for subdivision as defined in these regulations, MUST apply to the Board in writing on the designated Application Form (see Appendix A) and pay the required fees (see Section 3.1.4.3)

3.1.4.1 Application for Subdivision Approval: The completed application shall: 1) include the application form in Appendix A; 2) conform to the requirements and specifications outlined in these Regulations; and 3) specify the regularly scheduled meeting of the Board at which the application will be formally submitted to the Board.

3.1.4.2 Filing of Application: The applicant shall file the application by delivering the application to the designated agent of the Board at least fifteen (15) days prior to the regularly scheduled public meeting of the Board at which the applicant will formally submit the application to the Board for acceptance as a complete application. The application shall include the names and addresses of the applicant and each abutter as shown in the Town records. This information must be current within five (5) days of the application filing date.

3.1.4.3 Notice of Application; Fees: The Board shall notify the abutters, the applicant, any professional consultant involved in preparing the subdivision application and plans and the holders of conservation, preservation and agricultural preservation restrictions as defined in RSA 477:45 on land being considered for subdivision by certified mail of the date upon which the completed application will be formally submitted to the Board. Such notice shall be mailed certified mail at least ten (10) days prior to such formal submission. Such notice shall not count the day notice is posted or the day of the public hearing. Such notice shall also be given to the general public by posting a copy of the notice in two public places in the Town at the same time that notice is mailed to the applicant, any professional consultant involved in preparing the subdivision application and plans and the abutters. The notice shall include a general description of the proposal which is the subject of the application and shall identify the applicant and the location of the property which is the

subject of the application. The Board may also give notice by regular mail to other landowners in the vicinity of the subdivision. The Board may also give notice to the general public by publication in a newspaper of general circulation in the Town with notice to be in such form and published as often as the Board shall determine.

A formal hearing on the particular Final Review may be adjourned to continue on a specific date with no further notice of the re-convened meeting required.

All costs of such notice, including secretarial time and disbursements, shall be paid in advance by the applicant. Failure to pay such costs shall constitute valid grounds for the Board to terminate further consideration and to disapprove the plat without a public hearing. The application will not be accepted for review until the fees set forth in the Board's current fee schedule are paid. Additional fees may be imposed by the Board during the review process to cover fees and disbursement of consultants to the Board, including engineers, surveyors, lawyers and community planners.

3.1.4.4 Submission and Acceptance of Completed Application: The completed application shall be submitted to and accepted for review by the Board at the public meeting of the Board specified in the notice provided for in Section 3.1.4.3. The Board shall, by motion, accept the application, but only if the application is complete and all costs of notice of the application have been paid. If the Planning Board determines an application is incomplete, then the Planning Board shall notify the applicant in writing of the reasons for this determination. Acceptance of the application as complete by the Board is sufficient to invoke jurisdiction of the Board per RSA 676:4, I (b).

3.1.4.5 Formal Consideration at Public Hearing; Time Limits: The board shall, at the next regular meeting or within 30 days following the delivery of the application, for which notice can be given, determine if a submitted application is complete according to the board's regulation and shall vote upon its acceptance. Upon determination by the board that a submitted application is incomplete according to the board's regulations, the board shall notify the applicant of the determination in accordance with RSA 676:3, which shall describe the information, procedure, or other requirement necessary for the application to be complete. Upon determination by the board that a submitted application is complete

according to the board's regulations, the board shall begin formal consideration and shall act to approve, conditionally approve, or disapprove within 65 days, subject to extension or waiver as provided below.

The Planning Board may apply to the Selectmen of the town of an extension not to exceed an additional ninety (90) days before acting to approve, conditionally approve or disapprove the application and, provided further that the applicant may waive the requirement for Planning Board action within the foregoing time periods and consent to such extension as may be mutually agreeable.

Upon failure of the Board to approve, conditionally approve or disapprove the application, the Selectmen shall, upon request of the applicant, immediately issue an order directing the Board to act on the application within 30 days. If the Planning Board does not act on the application within that 30 day time period, then within 40 days of the issuance of the order, the Selectmen shall certify on the applicant's application that the plat is approved pursuant to RSA 676: 4- I(c)(1), unless within those 40 days the Selectmen have identified in writing some specific Subdivision Regulation or other ordinance provision with which the application does not comply. Such a certification, citing RSA 676: 4- I(c)(1), shall constitute final approval for all purposes including filing and recording under RSA 674:37 and 676:18, and court review under RSA 677:15. Failure of the Selectmen to issue an order to the Planning Board, or to certify approval of the plat upon the Planning Board's failure to comply with the order, shall constitute grounds for the superior court, upon petition of the applicant to issue an order approving the application if the court determines that the proposal complies with existing subdivision regulations and zoning or other ordinances. If the court determines that the failure of the Selectmen to act was not justified, the court may order the municipality to pay the applicant's reasonable costs, including attorney's fees, incurred in securing such order.

3.1.4.6 Disapproval: In case of disapproval of any application, the grounds for such disapproval shall be adequately stated upon the records of the Board and a copy thereof shall be mailed to the applicant certified mail, return receipt requested, within seventy-two (72) hours after the decision is made.

3.2 Minor Subdivisions

The application procedure for a Minor Subdivision shall be the same as for Major Subdivision as outlined in Section 3.1.

Minor Subdivision shall mean the subdivision of land into a total of three or fewer lots, plats or sites within a five year period requiring no new roads, utilities, or other public improvements as defined by RSA 676:4,III.

3.3 Annexations, Minor Lot Line Adjustments, or Boundary Agreements

The application procedure for an annexation, minor lot line adjustment or boundary agreement shall be as follows:

3.3.1 Filing of Application: The applicant shall file three (3) complete sets of the application and related materials a minimum of fifteen (15) days prior to the regularly scheduled public meeting of the Board at which the applicant will formally submit the application to the Board.

3.3.2 Notice to Abutters and Public: The Board shall notify abutters, any professional consultants involved in preparing the subdivision application and plans, all holders of conservation, preservation or agricultural preservation restrictions as defined in RSA 477:45 on land abutting the property being considered for subdivision. and the applicant by certified mail of the date upon which the application will be formally submitted to the Board. Such notice to abutters shall provide at least ten (10) days of notice before the Planning Board meeting. Such notice shall not count the day notice is posted or the day of the public hearing. Such notice shall also be given to the general public by posting a copy of the notice in two public places in the Town at the same time that notice is mailed to the applicant, professional consultants and abutters.

3.3.3 Payment of Fees and Notification Costs: All costs of such notice, including secretarial time and disbursements, and application fees established by the Board shall be paid in advance by the applicant. Failure to pay such costs shall constitute valid grounds for the Board to terminate further consideration and to disapprove the plat without a public hearing. The application will not be accepted as complete for review until the fees set forth in the Board's current fee schedule are paid. Additional fees may be imposed by the Board during the review process to cover fees and costs of professional reviewers for the Board including engineers, surveyors, layers, and community planners.

3.3.4 Public Meeting and Time Frame: The Board shall review the application at the scheduled public meeting after determining the application is complete and all

fees have been paid. If notice of the public meeting has been included in the notice of submission of the completed application, then additional notice is not required. The Board shall act to approve or disapprove the application within ninety (90) days after submission and acceptance by the Board subject to the extensions and waivers outlined in Section 3.1.4.5. In case of disapproval of any application, the grounds for such disapproval shall be adequately stated upon the records of the Board and a copy thereof shall be mailed to the applicant certified mail, return receipt requested.

3.3.5 Signing and Recording the Annexation Plan: A majority of the Board shall sign the annexation plat following approval. Within thirty (30) days after the plat is signed, the Secretary of the Board shall transmit to the Register of Deeds of Sullivan County a mylar for recording, charging the developer for the recording fees.

3.4 Voluntary Merger of Lots of Record

The application procedure for a voluntary merger of lots of record shall be as follows:

3.4.1 Filing of Application: The applicant shall complete and sign a Merger of Lots of Record form. When existing lots in an approved and recorded subdivision are to be merged, then the Merger of Lots of Record form found in Appendix B should be used. When existing lots as described in recorded deeds are to be merged, then the Merger of Lots of Record form found in Appendix C should be used.

3.4.2 Approval and Signing by the Planning Board: Except where such voluntary merger would create a violation of the current ordinances or regulations, all such requests shall be approved, and no public hearing or notice shall be required. The Planning Board shall approve and a majority of the Board shall sign the Merger of Lots of Record form after completion and submission of the form to the Board.

3.4.3 Recording of the Merger of Lots of Record form: After the Merger of Lots of Record form is signed, the Secretary of the Board shall transmit the original to the Register of Deeds of Sullivan County for recording, charging the applicant for the recording fees.

SECTION 4 - APPLICATION SUBMITTAL REQUIREMENTS

4.1 Minor Subdivision: Minor Subdivision shall mean the subdivision of land into a total of three or fewer lots, plats or sites within a five year period requiring no new roads, utilities, or other public improvements as defined by RSA 676:4,III.

A complete application for the Final Subdivision Review Phase of a Minor Subdivision Plat shall include the following plans and documents with the application, or the requirement of submission must be waived by the Board; otherwise the application will not be complete and will not be accepted by the Board for review. Provide five (5) copies of each item, except as otherwise stated:

4.1.1 A completed application form and payment of all fees. The application shall include the name and address of the owner of record, the subdivider, any agent for the subdivider and/or any professional(s) working for the subdivider on this application. The applicant shall also provide the names and addresses of all holders of conservation, preservation or agricultural preservation restrictions as defined in RSA 477:45 on the land being considered for subdivision. The application shall also identify the name of the subdivision, the zoning district(s) encompassed by the subdivision and the presence of any municipal boundary line.

4.1.2 Written authorization: The landowner of record shall provide written notarized authorization for any agent(s) to represent the owner;

4.1.3 Maps:

4.1.3.1 Site Survey (to be recorded if approved): The site survey will show the following information and conform to the following specifications:

4.1.3.1.1 be in permanent black ink on permanent reproducible material acceptable to the Sullivan County Register of Deeds;

4.1.3.1.2 have sheet sizes in accordance with requirements of Sullivan County Register of Deeds, but not smaller than 22" x 34" or as otherwise permitted by the Board;

4.1.3.1.3 have scale no smaller than one hundred (100') feet per inch, unless otherwise permitted by the Board;

4.1.3.1.4 be prepared, signed and sealed by a New Hampshire

Registered Surveyor or Engineer;

4.1.3.1.5 show complete boundaries and area of entire parcel, north point, bar scale, date and dates of any revisions;

4.1.3.1.6 show existing and proposed street travel width and width of right-of-way lines, dimensions of tangents, chords and radii; have points of curvature and tangency of curved streets; and angles to lot lines; have names of existing and proposed streets;

4.1.3.1.7 show existing and proposed lot lines, angles and dimensions, lot sizes in square feet or acres, consecutive numbering of lots, monuments at lot corners;

4.1.3.1.8 show location of existing and proposed easements and areas affected by existing and proposed covenants, reservations and restrictions, benefiting or burdening the property;

4.1.3.1.9 show location of existing and proposed parks and other open space, and significant natural and manmade features;

4.1.3.1.10 show location of existing and proposed utilities, wells, septic systems, buildings, drives, parking areas, storm water drainage lines, drainage structures and drainage ways;

4.1.3.1.11 show location and type of all proposed and existing survey monuments;

4.1.3.1.12 show abutting property lines located within two hundred (200) feet of the parcel of land to be subdivided and show the names and addresses of those abutting property owners;

4.1.3.1.13 show a site location map drawn to a scale of one (1) inch to one thousand (1,000) feet and show the location of the proposed subdivision in relation to the general area of the subdivision.

4.1.3.2 Topographic Map: The topographic map shall be drawn to the same scale as the site survey and shall show existing topography and proposed changes in topography at the following intervals:

Grade	Contour Interval
0-2%	2-foot plus spot elevations
2+-5%	2-foot
5+%	5-foot

Also, all low points, high points and other areas needing spot elevations shall be shown. Contours shall be shown in dashed lines. Contours shall be shown for the area included in the subdivision

boundary and, in extenuating circumstances, the Planning Board may require contour lines to be shown up to two hundred (200) feet beyond the subdivision boundary. Contour lines are to be actual and not interpretations of USGS maps for all major subdivisions involving the design and construction of roads or other subdivision improvements. For minor subdivisions and major subdivisions not involved with the design and construction of roads or other subdivision improvements, interpretation and use of USGS Topographic Maps is acceptable.

4.1.3.3 Soils Map: The soils map shall be drawn to the same scale as the site survey and shall show the location of all percolation test sites, soil test pits and borings, and soil mapping units and boundaries as classified by the U.S. Natural Resource Conservation Service with such corrections as are required to reflect the results of all soil tests. A legend on the soils map shall identify mapping unit symbols and soil names.

4.1.3.4 Hydrology Map: The hydrology map shall be drawn to the same scale as the site survey and shall show all surface water on and within two hundred (200) feet of the site, including rivers, streams, intermittent streams, lakes, ponds, marshes, wetlands; areas of high and moderate ground water favorability; flood prone areas; and drainage ditches and swales.

4.1.4 Soils Report: The subdivider shall also submit a soils report which provides an analysis of the suitability of the soils for the proposed development. The report shall include the results of all soil tests, including dates, locations by reference to soil map, percolation rates, soil profile with depth to ledge, clay, hard pan and existing and seasonal high water table, and analysis of suitability of soils in areas proposed for septic systems, roads, drives, and buildings, including U.S. Natural Resource Conservation Service rating of the affected soils for the proposed uses taking topography into account.

4.1.5. Sewage Disposal: All proposed sewage disposal plans including a soils evaluation addressing the adequacy of site for septic system sewage disposal, identification of area(s) proposed for leach field(s) and backup leach field(s) in the event of field failure, and provision for an adequate buffer zone between all portions of a septic system [including area(s) reserved for backup leach field(s)], on-site water supply (well), and surface water. Septic systems must be designed and constructed, at a minimum, in compliance with State Design Criteria.

4.1.6. Water Supply: All proposed water supply plans shall be shown including individual wells to serve individual lots.

4.1.7. Legal Documents: Where applicable to a specific subdivision, the following legal documents shall be submitted with the final subdivision application and approved by Town Counsel prior to signing the final plat if deemed necessary by the Planning Board:

4.1.7.1 all present and proposed easements, covenants, reservations or restrictions benefiting or burdening the property. The location of all areas affected or to be affected thereby shall be clearly identified by appropriate reference to the site survey;

4.1.7.2 most recent deed(s) to the property;

4.1.7.3 agreement to convey to the Town land to be used for streets, open space and other public purposes, with transfer of title to such interests to be effective on such date as the Town accepts such land;

4.1.7.4 description of easements and rights-of-way for public purposes over property to remain in private ownership;

4.1.7.5 descriptions of easements to drain onto or across other property, whether public or private, including a street;

4.1.7.6 a written acknowledgment of the subdivider's responsibility for maintenance of easement areas and common areas, and the assumption by the subdivider of liability for injuries and damages that may occur on lands to be dedicated for public use, until such land has been legally accepted by the Town; and

4.1.7.7 In event of damage to Town property or facilities, incurred by or from work performed by or for the developer, the developer shall indemnify, defend and hold harmless the Town of Lempster for subsequent maintenance of pavement, shoulders, catch basins, culverts, storm sewers and any additional costs.

4.1.7.8. If roads, open space, recreational facilities, fire protection facilities and/or other subdivision improvements are proposed to be privately owned and maintained, then the applicant shall provide the Planning Board with all agreements, deed restrictions and organizational provisions for a homeowner's association or other entity responsible for on-going maintenance.

4.1.8 Agency Approvals: Submit two (2) complete copies of all approvals from, any Federal, State or Town agency having jurisdiction over any aspect of the proposed subdivision, including the following:

4.1.8.1 New Hampshire Department of Environmental Services, Water Supply and Pollution Control Division

4.1.8.1.1 Subdivision Approval for On-Site Wastewater Treatment Systems

4.1.8.1.2. Site Specific Approval (RSA 485-A:17) for land disturbance in excess of 100,000 square feet in area or 50,000 square feet when project borders a body of water;

4.1.8.2. New Hampshire Department of Environmental Services , Wetlands Board: Wetlands Permit for Dredge and Fill

4.1.8.3 Access approval as applicable:

4.1.8.3.1 For access onto a state highway, approval of a state highway access permit by the New Hampshire Department of Transportation;

4.1.8.3.2 For access onto a public town road, approval of a Driveway Permit by the Planning Board or its designee; or

4.1.8.3.3 For access onto a private road, written approval allowing access onto the private road by the governing entity responsible for maintenance of the private road and documentation on inclusion in the governing entity responsible for maintenance of the private road.

4.1.9 Additional Information: The Planning Board may require such additional information to be provided at the subdivider's expense as it deems necessary in order to evaluate the subdivision in relation to the purposes and scope of these regulations.

4.2 Major Subdivision: A complete application for a Major Subdivision Final Plat shall include all of the submittal requirements for a minor subdivision as outlined in Section 4.1 in addition to those submittal requirements outlined to follow. All of the application requirements must either be submitted or the requirement of submission must be waived by the Board after application for the waiver in writing; otherwise the application will not be complete and will not be accepted by the Board for review. Provide five (5) copies of each item, except as otherwise stated:

4.2.1. Impact Assessment: Applicants of all major subdivisions shall submit a written impact assessment of their proposed subdivision. The study will assess the availability and impact upon:

- o Water Service
- o Sewer Service
- o Schools
- o Fire Protection Service
- o Parks and Recreational Facilities
- o Streets and Access
- o Police Protection Service
- o Solid Waste Disposal Service
- o Visual Impact of land clearing and construction
- o Impact on conservation owned land or conservation easements

The Impact Assessment shall include a fiscal impact analysis of the proposed development on the town and school expenditures and revenues.
The Impact Assessment shall demonstrate to the Board that the proposed subdivision is not scattered and premature such that it would involve danger or injury to health, safety, or general welfare by reason of lack of water supply, drainage, transportation, school, fire protection, or other public services, or necessitate an excessive expenditure of public funds for the supply of such services.

The impact assessment shall include an assessment of the impacts of the proposed or potential development of all contiguous land owned by the applicant which might constitute future phases of development.

The Planning Board may require the subdivider to pay the cost of professional review of the subdivider's impact study as provided by these regulations and RSA 676:4,I.(g).

4.2.2. Traffic Impact Study: An analysis of the traffic to be generated by the proposed subdivision and the projected impact on the area surrounding the subdivision and the Town as a whole, capacity of the public roads leading to the area of the subdivision to serve the subdivision safely and efficiently, and statement of work required on existing roads serving or leading to the subdivision to meet the minimum road standards set forth in the Town's Subdivision Regulations.

4.2.3. Open Space: Description of areas to be set aside for park or playground use, open space, or other public or private reservation, with designation of the purpose thereof, and conditions, if any, of the dedication or reservation or a proposal for fee in lieu of land dedication.

4.2.4. Fire Protection Plan: This plan shall show the fire protection measures to be provided to include fire hydrants (active or dry), fire ponds or on-site water supply tanks to meet the standard of providing an adequate water supply for firefighting purposes.

4.2.5. Drainage & Hydrology Report: A drainage and hydrology report prepared by an engineer shall be submitted which includes the following:

4.2.5.1 Identification of the complete watershed area within which the subdivision is located with boundaries marked on the applicable USGS topographic maps.

4.2.5.2. Computation of quantity and rate of runoff before and after completion of the subdivision for a ten (10) year and twenty-five (25) year storm. Rainfall information for the watershed in which the subdivision is located shall be reviewed as well as the peak rate of runoff history (100 year storm) in order that drainage ways and culverts are properly sized.

The method for calculating the rainfall runoff shall be one approved for the application by the New Hampshire Department of Transportation, "Drainage Manual", the Soil Conservation Service (SCS) method (24 hour storm) or by other methods approved by the Board's agent.

4.2.5.3. Computation of storm water drainage capacity based on the estimated rate of runoff for a ten (10) year and, twenty-five (25) year, and fifty (50) year storm following completion of all phases of the subdivision including impact on downstream drainage structures.

All drainage design calculations shall be presented in the report in an orderly manner. This report shall include referenced Exhibits, USGS

maps, plan sheets etc., used in determining rainfall runoff drainage areas. Drainage pipe sizing, catch basin grate capacity, open channel (ditch design), and stone for erosion control calculations shall be included in the report.

4.2.6 Sediment & Erosion Control Plans: A soil erosion and sediment control plan shall contain proper provisions to adequately control accelerated erosion and sedimentation and reduce the likelihood of excessive storm water runoff from the proposed site, based on the best available technology. The principles, methods and practices outlined in the Erosion and Sediment Control Design Handbook for Developing Areas of New Hampshire (1981), USDA Soil Conservation Service as amended shall be used to prepare an Erosion and Sediment Control Plan. Alternative principles, methods and practices may be used with prior approval of the Planning Board or it's Agent.

Said plan shall contain, but not be limited to:

4.2.6.1 A narrative describing:

- 4.2.6.1.1 the development;
- 4.2.6.1.2 the scheduling for grading and construction activities including: start and completion dates; sequence of grading and construction activities; sequence for installation and/or application of soil erosion and sediment control measures; and sequence for final stabilization of the projeet site.
- 4.2.6.1.3. The design criteria for proposed soil erosion and sediment control measures and storm water management facilities.
- 4.2.6.1.4 The construction details for proposed soil erosion and sediment control measures and storm water management facilities.
- 4.2.6.1.5. The installation and/or application procedures for proposed soil erosion and sediment control measures and storm water management facilities.
- 4.2.6.1.6. The operations and maintenance program for proposed soil erosion and sediment control measures and storm water management facilities.

4.2.6.2. A site plan map at a sufficient scale to clearly show:

- 4.2.6.2.1. The location of the proposed development and adjacent properties;
- 4.2.6.2.2. The existing and proposed final topography including soil types, wetlands, watercourses ad water bodies and the extent of the 100 year flood plain boundaries;
- 4.2.6.2.3. The existing structures on the projects site, if any;
- 4.2.6.2.4. The proposed area alterations including cleared,

excavated, filled or graded areas and proposed utilities, roads and, if applicable, new property lines, and the general location of proposed structures and driveways, earth stockpiles, equipment storage area and stump disposal area(s).

4.2.6.2.5. The location of the design details for all proposed soil erosion and sediment control measures and storm water management facilities;

4.2.6.2.6. The sequence of grading and construction activities;

4.2.6.2.7. The sequence for installation and/or application soil erosion and sediment control measures.

4.2.6.2.8. The sequence for final stabilization of the development site.

4.2.6.3 Any other information deemed necessary and appropriate by the applicant or requested by the Planning Board or its designated agent.

4.2.7. Road Profiles, Cross Sections and Details:

4.2.7.1. Profiles shall be provided of all proposed streets showing existing and proposed elevations along the centerlines and proposed grades. Profiles shall be drawn at a scale of one (1) inch equals fifty (50) feet horizontal scale and one (1) inch equals five (5) feet vertical scale.

4.2.7.2. Cross-sections shall be provided of all proposed streets at fifty (50) foot stations and at all catch basins, bridges, or culverts. Cross-sections shall be drawn to a convenient scale of not more than one (1) inch equals ten (10) feet with both horizontal and vertical scales being the same.

4.2.7.3. Construction details of all roadway, curbing and sidewalk improvements shall be shown.

4.2.8. Security for Subdivision Improvements: If the applicant chooses not to construct the subdivision improvements before the Planning Board signs and records the final subdivision plat, then the amount and form of security for subdivision improvements shall be determined as follows:

4.2.8.1. Amount: The amount of security shall be determined by the Board and shall be sufficient to cover the costs of the improvements and estimated fees for inspections of the improvements by Town Agents or their representatives and the estimated cost of inflation over the projected term of the security not to exceed 10% per year.

The subdivider must file with the Board a registered engineer's detailed

estimate of the costs of the improvements together with maps, plans and supporting data. The Board may require additional estimates of the costs of the improvements from such sources as a second engineer or contractor chosen by the Board in determining the amount of security required. The cost of the additional estimates shall be borne by the subdivider.

4.2.8.2. Form: An irrevocable letter of credit is the preferred form of security. A suggested form for an irrevocable letter of credit is attached as Exhibit B. Irrevocable letters of credit with language differing from the suggested form or alternative forms of security must be approved by the Planning Board and may require consultation with Town Counsel at the Planning Board's discretion. The cost of the time for review and approval by Town Counsel shall be borne by the subdivider. The Board will not accept mortgages or escrow accounts from each lot sale as security.

Where a surety bond is required, it shall be issued by a Surety Company authorized to do business in the State of New Hampshire and shall be approved as to form and sureties by the Town Counsel. The cost of the time for review and approval by Town Counsel shall be borne by the subdivider.

4.2.8.3. Release of Security: Security provided for subdivision improvements shall be released only after a Final Certificate of Performance has been issued by the Planning Board.

4.2.9. Public Water Supply Systems: DES Approval of Public Water Supply systems which will serve more than twenty-five (25) persons for sixty (60) days or more per year must be designed and constructed, at a minimum, in compliance with State Design Criteria. Proposals for such systems must include a description and analysis of the proposed water supply, including computation of requirements and analysis of source in terms of flow rates and quality.

4.3 Annexations and Minor Lot Line Adjustments: A complete application for an Annexation or a Minor Lot Line Adjustment shall include the following plans and documents with the application or the requirement of submission must be waived by the Board; otherwise the application will not be complete and will not be accepted by the Board for review. Provide five (5) copies of each item, except as otherwise stated:

4.3.1 A completed application form and payment of all fees. The application shall include the name and address of the owners of record, any agent for the subdivider and/or any professional(s) working for the subdivider on this application. The applicant shall also provide the names and addresses of all holders of conservation, preservation or agricultural preservation restrictions as defined in RSA 477:45 on land abutting the property being considered for subdivision. The application shall also identify the name of the annexation and the presence of any municipal boundary line.

4.3.2 Written notarized authorization from the landowner(s) of record for any agent(s) to represent the owner(s);

4.3.3 An Annexation plat drawn to a scale of one (1) inch equals one hundred (100) feet in permanent black ink on permanent reproducible material on the size and type of material specified by the Sullivan County Register of Deeds to include:

4.3.3.1 Signature and seal by a NH Registered Surveyor or Engineer.

4.3.3.2 Name of the Town and Annexation.

4.3.3.3 Names and addresses of property owners.

4.3.3.4 Names and addresses of all abutters as they appear in the Town records not more than five (5) days before the date of filing the application.

4.3.3.5 Complete boundary survey of each of the properties involved in the annexation showing the boundary line to be moved as a dashed line and the new boundary line as a solid line.

4.3.3.6 Include a notation which explains the parcels and sizes as they exist and the parcels and sizes which would result with approval of the annexation.

4.3.3.7 North point, bar scale, date of preparation, and dates of any revision, and tax map(s) and lot number(s) of property included in annexation application.

4.3.3.8 Show location of existing or proposed easements and areas affected by existing and proposed covenants, reservations and restrictions benefiting or bordering the property.

4.3.3.9 Include a notation on the annexation plat stating: "The property conveyed as a result of this annexation shall not be deemed or considered a separate lot of record, but shall be regarded as merged into and made an integral part of the contiguous lot of land previously owned by the grantee(s) so that the same shall hereafter be one

confirmed single lot of record."

4.3.3.10 The annexation map shall include the following title block:

NAME OF ANNEXATION:

Name of Surveyor or Engineer:	Name of Owner(s) of Record:
Address of Surveyor or Engineer:	Address(es) of Owner(s) of Record:
Signature and Seal of Surveyor or Engineer:	Date:
Hearing Date:	Approval Date:

TOWN OF LEMPSTER, N.H. PLANNING BOARD

Signatures of Board:

_____	_____
Chair	Vice-Chair
_____	_____
_____	

4.4 Voluntary Merger of Lots of Record: A complete application for a voluntary merger of lots of record consists simply of completing and signing a Voluntary Merger of Lots of Record form and submitting it to the Planning Board for their signatures and recording.

For merging lots of record in an approved and recorded subdivision, applicants should use and complete the Voluntary Merger of Lots of Record Form for Subdivisions found as Exhibit D. For merging lots of record described in recorded deeds, applicants should use and complete the Voluntary Merger of Lots of Record Form for Deeds found as Exhibit E.

The applicant will be invoiced the cost of recording the Voluntary Merger of Lots of Record form with the Sullivan County Registry of Deeds.

SECTION 5 - STANDARDS FOR SUBDIVISION DESIGN

5.1 General: All subdivisions shall conform with and give effect to the purposes of these Regulations and any pertinent Federal, State or local laws, ordinances, bylaws or regulations and with the Master Plan for the Town and Official Maps when adopted. Building permits are issued by the Building Inspector but no building permit shall be granted with respect to property involving a subdivision prior to review and approval of said subdivision by the Board and the recording in the Sullivan County Registry of Deeds of the approved Plat.

5.2 Best Use of Land: The Board, in considering any proposed subdivision plan, will be concerned with the requirements of the community and the best use of the land being subdivided.

The Board will give particular attention to the following items within the proposed subdivision as well as how they may affect existing and potential adjoining land use: width, arrangement and location of streets, sanitation, drainage systems, sizes and arrangement of lots, open space, parks and retention of major site features. Adequate street connections will be required whenever feasible to ensure access to adjoining subdivisions and lands.

5.3 Special Features: The Board may require that the plat show a park or parks suitably located for playground or recreation area. Due regard shall be shown for the preservation and protection of all natural features, such as large trees, water courses, scenic points, historic spots, stonewalls, boundary markers, and other community assets and landmarks, which if preserved will enhance the value of the subdivision and enrich the neighborhood.

5.4 Character of Property Proposed for Subdivision: The Board may not approve a proposed subdivision if it finds that the proposed subdivision would create, or risk the creation of, conditions unfavorable to health, safety, convenience, poor drainage, flood or fire hazard, inadequate water supply or inadequate access.

Applicants shall make every reasonable effort to protect air quality, ground and surface water resources, wildlife habitat and trails, significant natural features and sites, significant historic buildings and sites and agricultural lands designated by the Soil Conservation Service as prime agricultural land or agricultural land of statewide significance. Subdivision applications may be denied by the Planning Board when it has determined that the proposed subdivision may cause significant harm or damage to these important resources.

All lots shall have adequate area, soil and slope conditions to support on-site wells and septic systems. Steep slopes (25 percent and over), flood prone areas, seasonally wet, marsh, muck or peat areas and wetlands may be included as part of a lot provided each lot contains at least one acre of land which is suitable for on-site water and septic systems and which can be accessed and developed without damaging these critical resources.

These environmentally sensitive areas may not be altered, dredged, drained, filled or relocated except for agricultural use and may not be used for building sites, sewage disposal areas, driveways or other forms of development. Natural watercourses, ponds or lakes may not be altered, dredged, drained, filled or relocated and a 125-foot permanent natural greenbelt along water bodies and watercourses is strongly encouraged through deed restrictions or dedication to an appropriate conservation group. The foregoing to the contrary notwithstanding, minor alterations may be permitted in such areas or water bodies at the discretion of the Board if (1) such alterations are authorized by all Federal and State agencies having jurisdiction with respect thereto and (2) the Board finds that the alterations will not have significant negative environmental impact when analyzed in the context of the subdivision as a whole.

5.5 Premature Subdivision Development

Scattered or premature or inappropriate subdivision of land that would involve danger or injury to health, safety, or prosperity by reason of lack of water supply, drainage, transportation, school, fire department, or other public services, or necessitate an excessive expenditure of public funds for the supply of such services shall not be approved by the Board.

The following items shall be considered in determining whether the proposed subdivision is scattered or premature. The subdivider may be required to have studies made as specified by the Planning Board to determine the effect that the proposed subdivision may have:

5.5.1. capacity of the school system and effect on school bus transportation;
5.5.2. adequacy of the access street(s);
5.5.3. adequacy of water supply for domestic and fire-fighting purposes, including available water holes suitable for pumping;
5.5.4. potential health problems due to on-site sewage systems or inadequate water supply;
5.5.5. potential special policing problems;
5.5.6. potential drainage problems either on the site or downstream;
5.5.7. necessitating excessive expenditure of public funds; and
5.5.8. other potential problems related to a development which may be scattered or premature.

If a hazard is created by the present level of development given the present condition of access roads, the Planning Board may find that proposed development is premature.

5.6 Subdivision Design, General

Subdivision design and lot sizes within a subdivision shall be established by giving due regard to all of the factors outlined in these Regulations including water supply, sewage disposal, soil conditions, ground and surface water conditions, drainage, topography, the road system (private and public) which serves or leads to the subdivision and the general area in which the subdivision is located (including the condition of the roads and the present and prospective use of the roads), the need for off-street parking, the need to avoid scattered or premature subdivision, the nature and extent of existing development patterns in the area of the subdivision, the impact of the subdivision on Town services, availability of water supply for fire protection, protection of agricultural land, and the preservation of natural, unique, fragile, or historic features.

Lots which require a waiver from the NH Department of Environmental Services in order to site a well, septic system, driveway or structure shall not be approved by the Planning Board.

5.7 Lot and Site Layout: When laying out or planning a subdivision, the following regulations shall govern the layout of lots and sites:

5.7.1 the lot size, width, depth, shape and orientation shall be appropriate for the parcel being subdivided, for the location of the subdivision and for the type of development and use contemplated;

5.7.2 all new building lots or sites shall abut on (1) a Class V or better highway, or (2) a street , public or private, shown on an approved subdivision plan approved by the Planning Board. Existing nonconforming lots of record which predate the adoption of Subdivision Regulations are exempt from this standard;

5.7.3 where extra right-of-way width has been indicated for widening of existing streets, lots shall begin at such extra width line;

5.7.4 block length and width or acreage within bounding roads shall be such as to provide for convenient access, circulation control and safety of street traffic;

5.7.5 access to lots abutting existing Town or State streets shall be by common driveways, or frontage streets, where appropriate in the judgment of the Board to minimize the number of driveways and/or new streets entering onto these existing streets;

5.7.6 driveways shall be designed to provide safe and convenient access and to control surface water runoff so that it does not damage the street to which the driveway leads and such driveways shall meet the approval of Town or State road officials;

5.7.7 in general, lots with a length: width ratio of greater than 4:1 shall not be approved; and

5.7.8 non-buildable lots shall be permitted provided at the time of subdivision an easement is placed over the entire lot prohibiting its use as a site for the construction of a building as defined in these regulations. Accessory buildings, as defined in these regulations, may be constructed on a non-buildable lot. The final subdivision plat shall include a notation explaining that a building can not be built on such a lot and any deed transferring such a lot shall include a similar provision.

5.8 On-Site Wastewater Disposal Standards:

5.8.1 The Board will not approve a subdivision which creates a lot or site that does not meet the minimum standards and design requirements for on-site waste disposal and water supply imposed by the State of New Hampshire Water Supply and Pollution Control Division of the Department of Environmental Services, Town regulations and the requirements listed below.

5.8.2 The Board requires that all soil tests (test pits and percolation tests) be performed by a certified sewage disposal system designer and in the presence of and certified by the Health Officer or other official representative of the Board designated to inspect soil tests for the purpose of these Regulations. All test pits shall be carefully analyzed to determine seasonal high water table. Seasonal high water table shall be established by (a) clear mottling, (b) a soil scientist from the Soil Conservation Service, or (c) digging a test pit in the wet season.

5.8.3 The sewage disposal system must be able to be designed to divert subsurface and surface runoff waters from the leach bed area.

5.8.4 The Board reserves the right to determine the number and location of percolation tests and test pits.

5.8.5 Soils data shall consist of available soil survey information and soil test results. The subdivider shall furnish a soil survey report and plan as specified in the Application for Subdivision Approval.

5.8.6 All test pits shall be dug to a minimum depth of ten (10) feet or refusal, if

ledge. Depth to ledge, clay, hardpan layers, and existing and expected seasonal high water table shall be recorded on the soil survey plan.

5.8.7 Sufficient test pits shall be dug to insure that an area of twice the design leach field area, but not less than 4,000 square feet is present on each proposed lot.

5.9 Street Design:

5.9.1 General:

5.9.1.1 The proposed street system shall conform with the Town Master Plan.

5.9.1.2 Streets shall be designed and constructed on the centerline of the right-of-way.

5.9.1.3 Street patterns shall give due consideration to contours and natural features of the land and shall minimize the disturbance of the natural terrain by following existing contours to the maximum extent feasible. Aesthetic values shall be considered rather than rigid straight-line, city block layout of streets and roads.

5.9.1.4 All streets shall be constructed, and all bridges, culverts, drainage structures, storm sewers, gutters, drainage ditches, and other improvements required by the subdivision plat and accompanying documents, shall be installed in conformance with the standards and specifications set forth in classification standards for street design found in Section 5.9.4.11.

5.9.1.5 The plan of any proposed subdivision shall show all work required to connect and complete the improvements and utilities between the proposed street pattern and any connecting street in an existing subdivision.

5.9.1.6 Where a proposed subdivision abuts an existing street with an inadequate alignment, or right-of-way width, the subdivision plat shall include a street dedication of all land needed to meet the standards established by these regulations, and as approved by the Board.

5.9.1.7 Where a proposed subdivision abuts an existing subdivision, the subdivider shall make every attempt to design the street system of the proposed subdivision to connect with dead-end or "stub" streets of the existing subdivisions in order to permit safe and reasonable inter-subdivision traffic.

5.9.1.8 The layout of the street pattern shall be based upon a local street system connected to a collector street system connected to an arterial system.

5.9.1.9 Local residential streets shall be designed so as to discourage non-local through traffic.

5.9.2 Intersections:

When a street, public or private, leading from a subdivision is proposed to intersect an existing Town street, the entire intersection shall be examined for safety. The Town shall place a STOP sign on the subdivision street. The driver of the stopped vehicle must be able to see enough of the existing street to turn or cross before a vehicle on it from either direction reaches the intersection or overtakes him. To establish and preserve adequate safe sight distance, the following provisions shall be required of the subdivider:

5.9.2.1 Right-Angle: Except where it is unsuitable because of the character of the land, streets shall intersect so that within 75 feet of the intersection, the street lines shall be at right angles (90 degrees), or in no case shall they be less than 75 degrees.

5.9.2.2 Grade: The subdivision street within 30 feet of the edge of the existing street pavement or proposed subdivision street shall be at a 2% grade upward when approaching the existing street.

5.9.2.3 Sight Distance: The safe sight distance for the selected design vehicle (a single-unit truck, 30 feet long) is 13 times the posted speed of the existing town road or subdivision street (e.g., 30 mph = 390 feet; 35 mph = 455 feet). (Intersections with State of NH roads require an all season safe sight distance of 400 feet). Should it be impossible to comply with the above sight distance requirements, by alternative subdivision lot layout designs, the Selectmen shall be requested to lower the posted speed until the sight distance is satisfied.

5.9.2.4 Obstructions: The eye of the driver of a stopped passenger car at 3.5 feet above the street must be able to see the top of an approaching vehicle at 4.25 feet above the street at the above safe sight distance without obstruction. No structure, vehicle parking, trees or plantings shall impair

corner visibility. A "Sight Line Easement"/Deed Restriction shall be imposed on the corner lots controlled by the subdivider adjacent to the intersection to preserve the above safe sight distances; the Easement/Deed Restriction shall provide the Town the right to trim back or remove any impairment to the required visibility at the lot owner's expense.

5.9.2.5 Rounded Property Lines: Property lines at street intersections shall be rounded to provide a property line radius of not less than 30 feet.

5.9.2.6 Rounded Pavement Edges: At all private and public street intersections, edges of the pavement, traveled way, or curb lines shall be rounded with large enough radii to allow safe passage of "emergency vehicles" as defined by the template, "Minimum Turning Path for Bus Design Vehicle".

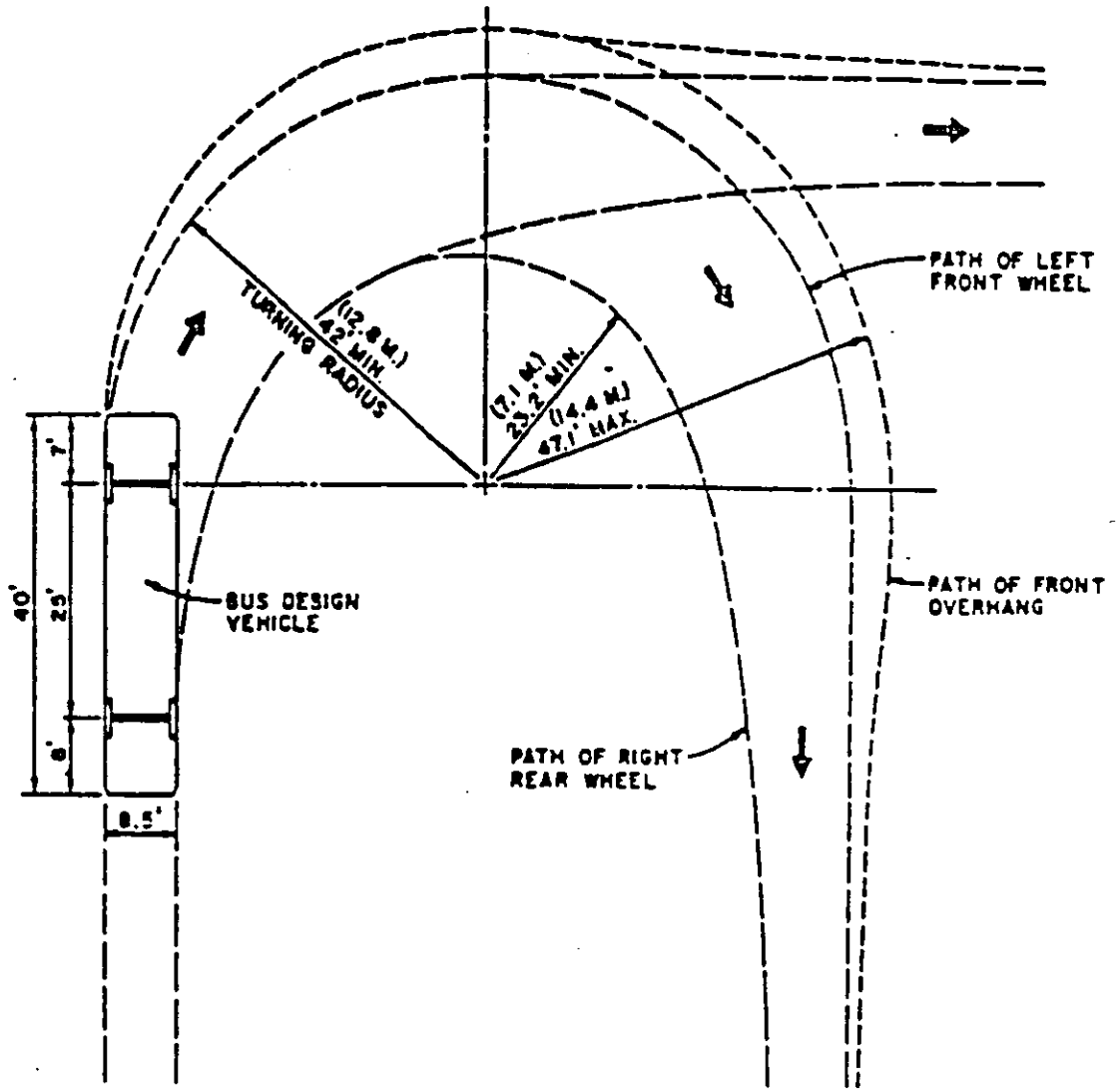
5.9.2.7 Separation between Street Intersections: No street intersection shall be less than eight hundred (800) feet apart from another street intersection, measured from center line to center line.

5.9.3 Right-of-Way:

5.9.3.1 Public Road, Immediate or Future: Any ROW intended to be immediately or in the foreseeable future deeded to the Town within a subdivision shall be clearly indicated by the two sidelines on the Plat and the area of such ROW subtracted from the land to be subdivided. The width between the two ROW sidelines shall be as specified under "Standards for Street Design". This type of ROW will divide the land to be subdivided.

5.9.3.2 Permanently Private Road: Any ROW that is never intended to be deeded to the Town shall be clearly shown on the Plat as a single centerline and shall be considered as having no width which is subtractable from the land to be subdivided. This type of ROW need not divide proposed lots through which it travels to provide legal access to lots further on in the subdivision.

Minimum Turning Path for Bus Design Vehicle



MINIMUM TURNING PATH FOR BUS DESIGN VEHICLE

SCALE: 1" = 20'

ADOPTED BY THE LEMPSTER PLANNING BOARD
AS THE STANDARD FOR ITS "EMERGENCY VEHICLES"

This template for a right hand turn taken from Section 5 of the HIGHWAY DESIGN MANUAL of 1983, New Hampshire Department of Public Works and Highways. For left hand turns, use the obverse of this template.

Additional Requirement: Allow two (2) feet beyond the wheel to curb or edge of pavement for stop and yield traffic, or allow four (4) feet for non stop turning.

5.9.4 Dead-End Streets:

5.9.4.1 Permanent Turnarounds: Streets within a subdivision shall be coordinated with existing and other planned streets. In the event that the Board approves a dead-end street, it shall terminate in either of the following types of turnaround:

5.9.4.1.1 Cul-de-Sac: Only the circular type of Cul-de-Sac shall be approved. The radius to the centerline of the circular roadway shall be 50 feet and the width shall be 20 feet. Drainage of the unsurfaced center of the Cul-de-Sac shall be provided by adequate means including culvert(s) leading to the outside of the Cul-de-Sac.

5.9.4.1.2 Hammerhead "T" Type: Hammerhead "T" type turnarounds shall be 85 feet across and at least 20 feet wide. Drainage around the hammerhead shall be adequate.

5.9.4.1.3 Grades on Turnarounds: The grade on the turnaround and on 30 feet of its approach straightaway shall be no greater than 2% to enable winter plowing.

5.9.4.2 Length: The maximum length of a dead-end street shall not provide access and frontage for more than ten (10) lots and shall terminate in a suitable turnaround as covered in Section 5.9.4.1. The applicant and the Planning Board need to consider the lot length to width ratio of 4:1 outlined in Section 5.7.7.

5.9.4.3 Temporary Turnarounds:

5.9.4.3.1 Temporary dead-end streets, where future extension to another outlet is approved by the Board, may exceed twelve hundred (1,200) feet in length. In such cases, the full width of the right-of-way to the subdivision property line shall be reserved as a street right-of-way.

5.9.4.3.2 If a dead-end street is of a temporary nature, a turnaround shall be provided and provisions made for future extension of the street through to adjacent property and reversion to the adjoining properties of the excess right-of-way for the temporary turnaround.

5.9.4.4 Isolation: A permanent dead-end street shall be isolated by not being extended to the property boundary line, but shall be placed so that the lots separate the road from adjacent property. (This assures for a permanently dead-end street that the smallest size street based on the average daily vehicular traffic and number of housing units can be selected from the table "Standards for Street Design" found in Section 5.9.4.11. since through traffic is eliminated which could necessitate selection of a larger size street.)

5.9.4.5 Through Circulation: The Board shall ensure that there is adequate through circulation when needed as determined by the Board for secondary emergency vehicle access and overall traffic circulation. Traffic circulation patterns for service and local streets shall be designed to discourage through traffic from short-cutting through residential neighborhoods. The size of street needed within a subdivision is based on traffic to be generated by the development plus through traffic anticipated to use the street from outside the development. Whenever provision is made for extending a street through to an adjourning property, the extent of outside or through traffic needs to be accounted for in determining the appropriate size street to develop within the subdivision.

5.9.4.6 Guardrail: Guardrail will be required where slopes extend more than 10 feet from the height of the break in shoulder to the original grade on a 2:1 slope or in other hazardous areas which are determined by the Road Agent and the Board. Where guardrail is required, place face of guardrail at old "Break in Shoulder" and add 18 inches to shoulder construction to a new "Break in Shoulder" to stabilize guardrail posts. (See Typical Road Cross Sections in Section 5.9.4.11.).

5.9.4.7 Plantings: The Board may require planting within the street right-of-way in those subdivisions where, due to the nature and character of the land, it would be appropriate, and planting shall be indicated on the Plat.

5.9.4.8 Alteration of Gradient: The Board may modify the maximum and minimum gradient for short lengths of

street where, in the judgment of the Board, existing topographic conditions or the preservation of natural features indicate that such modification will result in the best subdivision of the land.

5.9.4.9 Sidewalks: Sidewalks of not less than four (4) feet in width and conforming to the grades of the streets shall be constructed on one or both sides of the street when in the opinion of the Board such sidewalks are necessary. Further, the Board may require pedestrian walks and right-of-way for access between parts of a subdivision and/or public property.

5.9.4.10 Road Names: Roads shall be identified by name on the preliminary plat, if submitted. Proposed roads which are obviously in alignment with others already existing and named shall bear the names of existing roads. In order to conform with the 911 Emergency Response System, in no case shall the names for proposed roads duplicate existing road names irrespective of the suffix, be it road, street, avenue, boulevard, driveway, place or court. Road names approved as part of a final subdivision application shall be registered with the 911 Emergency Response System.

5.9.4.11 Classification of Streets: Classification standards for street design shall be as set forth below (See "Typical Cross Section with Open Drainage and Typical Cross Section with Closed Drainage").

STANDARDS FOR STREET DESIGN

	Service[1]	Local	Collector	Arterial
Avcrage Daily Vehicular Traffic[2]	1-40	1-240	241-400	400+
Number of Housing Units	1- 5	1- 30	31- 50	50+
Min. Traveled Surface Width (ft)	14	20	24	26
Min. Shoulder Width (ft) each side[12]	2	3	3	4
Min. Distance between Shoulder Break Points (ft)	18	24	30	34
Base Courses - Sand (in)[3]	4	6	6	6
- Gravel (in)	4	12	12	14
- Crushed Gravel (in)	4	6	6	6
Total Depth of Base Courses (in)	12	24	24	26
Pavement Surface Material[10],[12]	Opt.	P.B.Opt.	Bit.Con.	Bit.Con.
Ditch Line to Ditch Line (ft)[4]	26	32	40	46
Min. Right-of-Way (ft)[5]	40	50	50	60
Design Speed for Street (MPH)[6]	20	30	30	35
Crest Vertical Curve "K" Factor[7]	10	30	30	55
Sag Vertical Curve "K" Factor[7,11]	18	40	40	55
Min. Vertical Curve Length (ft)	60	200	200	200
Min. Horizontal Curve Radii to Centerline of street (ft)[8,9]	140	325	325	400
Max. Curve Banking Cross Slope	4%	4%	4%	4%
Max. Profile Grade[9]	10%	8%	8%	6%

Foot Notes:

1 Service street standards may only be used on application to and with approval of the Board. Extra gravel as determined by the Road Agent shall be required when subgradc is on high silt material or clay.

2 Shall be traffic anticipated 20 years into the future (Assuming 8 trips pcr day per dwelling unit.)

3 Gravcl may be substituted for sand.

4 Ditch lines located at bottom of Base Courses on "subgradc" and on an assumed 4:1 side slope from break point to ditch line. See Typical Cross Section. This influences amount of ROW.

5 The ROW dimension shall be measured perpendicular to straight-line sections and radial to curved sections. The right-of-way shall include five (5) feet more than the toe of the side slope and the top of the back slope (see Typical Cross Section).

6 Establishment of a design speed controls vertical and horizontal curves.

7 Multiply the appropriate Vertical Curve "K" Factor by the algebraic difference in grades in percent to obtain the minimum length of vertical curve for the street's profile. Unsymmetrical vertical curves will not be accepted by the Board.

8 Radii based upon the design speed for the street.

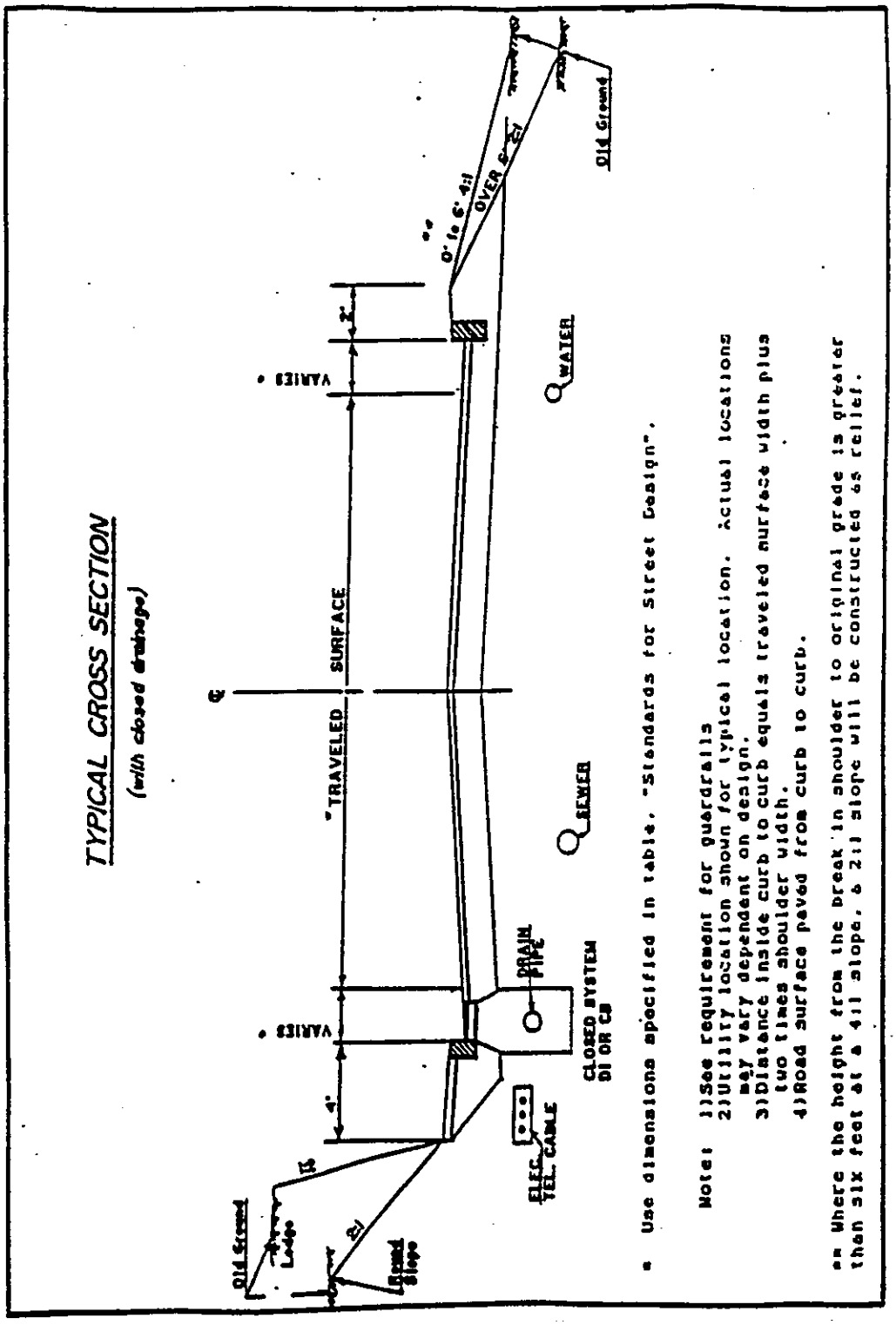
9 When horizontal radii within ten percent of the minimum are combined with profile grades within ten percent of maximum, one or the other shall be improved by twenty percent to preserve safety.

10 Profile grades equal to or over eight (8) percent shall be paved with bituminous concrete. Also, provide a 200 foot paved run-out on each end. "Opt" equals optional. "P.B. Opt" equals Planning Board's option or determination on requirement for bituminous concrete surface. "Bit Conc." equals bituminous concrete obligatory.

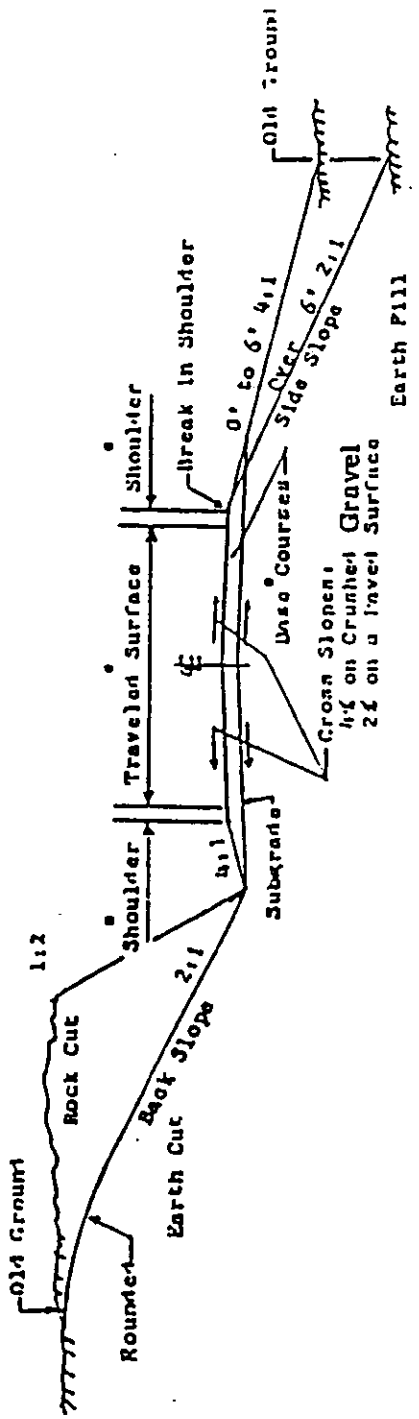
11 Use 'Service Street' 'K' Factor for stop intersections.

12 Streets designcd with closed drainage shall have a paved surface curb to curb.

Typical Cross Section with Closed Drainage



TYPICAL CROSS SECTION WITH OPEN DRAINAGE



* Use dimensions specified in table, "Standards for Street Design"
** When the height from the break in shoulder to original grade is greater than six feet at a 4:1 slope, then as relief a 2:1 slope shall be constructed.

Note: See requirement for guardrails

5.10 Park and Open Space Land: The subdivider shall provide an easement or deed land to the Town for public park use or to the Conservation Commission or Land Trust for public conservation or open space land or provide privately maintained recreational facilities and/or open space land within the residential project at a standard of one (1) acre per each 50 persons.

5.11 Fire Protection: The purpose of this standard is to specify minimum requirements for water supply for fire fighting that will provide a reasonable degree of protection to life and property in the area. All proposals shall be reviewed for a recommendation by the Fire Department during the Final Plat phase. The Planning Board shall make the final decision on required fire protection measures.

For all subdivision applications of four or more lots, the subdivider shall provide a water supply for fire fighting purposes which meets the following standards:

5.11.1. There shall be at least two thousand (2,000) gallons of usable water available for each lot or principal building in the development. Total content of tank, reservoir, pond or cistern shall not be less than ten thousand (10,000) gallons of usable water (above figured on dwellings 1,200 square feet and under).

5.11.2. Water supply shall be located to be available at all seasons of the year, so that no more than one thousand (1,000) feet of hose has to be laid to the furthest building to be protected. A pull-off area for a fire vehicle which is maintained year-round and a dry hydrant connection with specifications consistent with the Lempster Fire equipment shall be provided.

5.11.3. At no time shall any form of legal constraint(s) be placed on access to the water supply limiting access for fire fighting purposes. Access to the water supply will be provided so that fire equipment will be able to reach the supply at all times. Should the water supply by on private property, the Town shall be supplied with the necessary easements for access. An access road complying with the construction criteria for a "Service Road" at a minimum shall be provided with a sufficient turnaround. In no case shall the turning radii be less than fifty (50) feet or grades be steeper than ten percent (10%).

5.11.4. When questions develop not covered by this standard, the National Fire Protection Association Standard 1231 or the most recent Town approved Standard will be used.

5.11.5. All commercial applications shall be considered on an individual basis and the National Fire Protection Association Standard 1231 or the most recent Town approved Standard will be used to determine the occupancy hazard and the fire protection required.

5.12 Monumentation:

5.12.1 Locations: Permanent survey monuments shall be set in the boundary of all property corners and of rights-of-way at intersection of streets, points of curvature and points of tangency of curves; the point of intersection of short curves may be used instead, where such is practical, at the discretion of the Board. Adjacent monuments shall be in sight of one another by a standing person. Monuments shall be placed on both sides of the street.

5.12.2 Monuments: Monuments shall be of 3/4" ribbed rebar, stone, concrete or other material acceptable to the Board or its engineer. Stone or concrete bounds shall be not less than 4" in diameter or square. Concrete monuments shall be reinforced with steel rods and a plug, brass plate or pin shall serve as the point of reference. Monuments shall be placed a minimum of 24' below the ground surface. Monuments shall be placed flush with the ground surface where the bound may be disturbed such as along a road or within the cleared and maintained area of the lot. In wooded or areas to remain undisturbed, monuments shall be placed a minimum of 4" above the ground surface. Monuments shall be tied into a public street intersection, USGS benchmark or other recognized existing monument. Monument locations shall be shown and properly dimensioned on the Final Plat. The monuments shall be installed prior to the Planning Board signing and recording the final subdivision plat. The Planning Board shall have the discretion to approve alternative monumentation where physical constraints impose severe difficulty in complying with these standards.

5.13 Driveways: Each lot shall be served by a driveway which conforms with the standards specified in the Lempster Driveway Regulations.

Location of driveways is intended to prove that there is at least one location for each lot that can meet the requirements, especially safety, of the Driveway Regulations of the Town of Lempster before all opportunity for lot line change is foreclosed by the Board's approval of the Plat. These driveway regulations apply to both private and public streets.

5.14 Road Signs: All road signs and posts shall be provided and installed by the Town of Lempster at the expense of the subdivider.

5.15 Sediment and Erosion Control:

5.15.1 General: The purpose of this section is to control soil erosion and the resulting sedimentation from occurring in subdivision areas by requiring proper provisions for water disposal and the protection of soil surfaces during and after construction in order

to promote the public health, safety, convenience and general welfare of the community. Land shall be subdivided and improved in reasonable conformity to existing topography in order to minimize grading, cut and fill, and to retain, insofar as possible, the natural contours, limit storm water runoff and conserve the natural cover and soil.

5.15.2 Design: Sediment and erosion control plans shall be designed using the Erosion and Sediment Control Design Handbook for Developing Areas of New Hampshire prepared by the USDA - Soil Conservation Service.

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

5.15.3.1. Stripping of vegetation, regrading, or other development shall be done in such a way that will minimize on-site and prevent all off-site soil erosion.

5.15.3.2. Whenever practical, natural vegetation shall be retained, protected and supplemented. The stripping of vegetation will be done in a manner that minimizes soil erosion.

5.15.3.3. The disturbed area shall be kept to a minimum, and the duration of exposure shall be less than a maximum of six months. Disturbed areas remaining idle for more than thirty days shall be stabilized.

5.15.3.4. Temporary seedings and/or mulching shall be used to protect exposed critical areas during development.

5.15.3.5. The subdivider shall make provision to accommodate the increased runoff caused by changed soil and surface conditions during and after development.

5.15.3.6. 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. Measures shall be taken to control sediment and retain it within the project area. Sediment in runoff water shall be trapped and retained within the project area using approved measures. Very poorly drained soils and waterbodies shall be protected from sediment.

5.15.3.7. 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. If straw or hay bales must be used, limit each row to intercepting no more than one half (½) acre of runoff area.

5.15.3.8. Should there be an alteration of the terrain of over 50,000 square feet bordering surface waters of the State or land disturbance of over 100,000 square feet of area elsewhere, a permit from the Water Supply and Pollution Control Division of the Department of Environmental Services is required under RSA 117-a.

5.15.3.9. Seeding: All graded areas shall be seeded with conservation mix (USDA approval) at the rate of 60 lbs. per acre.

5.15.3.10. Fertilizer: All seeded areas shall be fertilized. The fertilizer shall have an analysis of 5-10-10 and be applied at the rate of 3 lbs. per 100 square feet.

5.15.3.11. Mulch: All seeded areas shall be mulched within 24 hours after seeding. A good quality of mulch hay should be used and applied at the rate of 2 tons per acre.

5.15.3.12. Appropriate control measures shall be installed prior to removal of vegetation.

5.15.3.13. Off-site surface water and runoff from disturbed areas shall be carried non-erosively through the project area, or diverted away from disturbed areas where feasible.

5.15.3.14. Naturally occurring streams, channels and wetlands shall be used for conveyance of runoff leaving the project area.

5.15.3.15. All temporary erosion and sediment control measures shall be removed after final site stabilization. Trapped sediment and other disturbed soil areas resulting from removal of temporary measures shall be permanently stabilized within thirty (30) days.

5.15.3.16. Site development shall not begin before the erosion and sediment control plan is approved by the Board.

5.15.3.17. Erosion and sediment control measures shall be installed as scheduled in the approved plan.

5.15.3.18. The subdivider shall maintain all soil erosion and sediment

control measures, including devices and plantings as specified in the approved plan, in effective working condition. Responsibility for maintenance by subsequent property owners on which permanent measures have been installed shall be included in the deed and shall run with the land. If the owner fails to adequately maintain such measures, the town shall have the authority to perform required maintenance. the cost of such work shall be borne by the owner.

5.16 Drainage Standards:

The following design criteria shall apply to proposed drainage systems:

5.16.1. Storm Frequency Design Requirements:

5.16.1.1. Cross culvert pipes - 25 year storm frequency; check impacts for 50 year storm;

5.16.1.2. Closed drain system - 10 year storm frequency; check impacts at sag points for a 25 year storm;

5.16.1.3. Storm water detention facilities - 25 year storm frequency; check impacts for 50 year storm;

5.16.1.4. Storm water retention facilities - 25 year storm frequency; check impacts for 50 year storm.

5.16.1.5. Box culverts and bridges - 50 year storm frequency; check impacts for 100 year storm.

Note: The Board reserves the right to require that storm drain systems be designed for less frequent, more intense rainfalls where conditions warrant.

5.16.2. Culvert Design:

5.16.2.1. All computations for culvert pipes shall be documented and included in the drainage report. These shall be performed under the supervision of an engineer. The engineer shall stamp and sign the drainage report.

5.16.2.2. All available records concerning rainfall and floods shall be used in the design of culverts and storm sewers.

5.16.2.3. Pipe culverts will be designed as open flow channels. They will either be

under inlet or outlet control. The exact control can be found by following the procedure outlined in "Hydraulic Charts for the Selection of Highway Culverts", published by Bureau of Public Roads as H.E.C. No. 5. This material can also be found in the NH DOT, DRAINAGE MANUAL.

5.16.2.4. Minimum pipe culvert sizes are as follows:

* Roadways - 15"
* Drives - 12"

5.16.2.5. Pipe culverts with a span of 10 feet or more will be considered as bridges.

5.16.2.6. It is preferred that culverts be located to fit natural channels in lines and grade.

5.16.2.7. The minimum grade of culverts shall be 0.4% or able to maintain a velocity of 2 fps while flowing one-third full.

5.16.2.8. Collars will be designed for culverts whose grade exceeds 20%; erosion control should be considered on all culverts.

5.16.2.9. When the computed outlet velocity is in the range beyond normal design of 10 fps additional outlet protection shall be considered.

5.16.2.10. The maximum headwater depth of flow immediately upstream from a pipe culvert shall be controlled by the following:

* Damage to adjacent property;
* Damage to culvert and the roadway;
* Traffic interruption;
* Hazard to human life; and,
* Damage to stream & floodplain environment.

As a guide, the following table may be used under "normal conditions":

PIPE SIZE	MAXIMUM ALLOWABLE HEADWATER
12" - 30"	2 times pipe diameter
36" - 48"	1 ½ times pipe diameter
54" - up	1 times pipe diameter

5.16.2.11. Minimum cover for culverts, measured between the pipe crown and finished grade, shall be as follows:

* Paved and Unpaved Roads - 3' for all type of pipe material
* Under Drives - 1' for all type of pipe material
* Under Grassed - 2' for all type of pipe material

Acceptable pipe materials for culverts include: reinforced concrete; corrugated, galvanized steel; corrugated aluminum; and smooth lined, corrugated PVC pipe or other material acceptable to the Planning Board or its designated agent.

5.16.2.12. All culverts shall be constructed with end sections, headers, or stone slope paving as specified below. End sections shall be permitted on all pipes less than 48" diameter, except 24" diameter where there is an active stream. Stone slope paving or riprap shall be permitted at culvert ends for pipes up to 24" in diameter.

5.16.3. Closed Drainage System Design:

5.16.3.1. A closed drainage system design may be required at the Planning Board's discretion in commercial or densely developed residential areas.

5.16.3.2. All computations for closed drainage system designs, shall be documented and included in the drainage report. These shall be performed under the supervision of an engineer.

5.16.3.3. Storm drains shall be designed on the assumption that each inlet intercepts all runoff that contributes to it, providing the inlet capacity is equal to or greater than the design runoff.

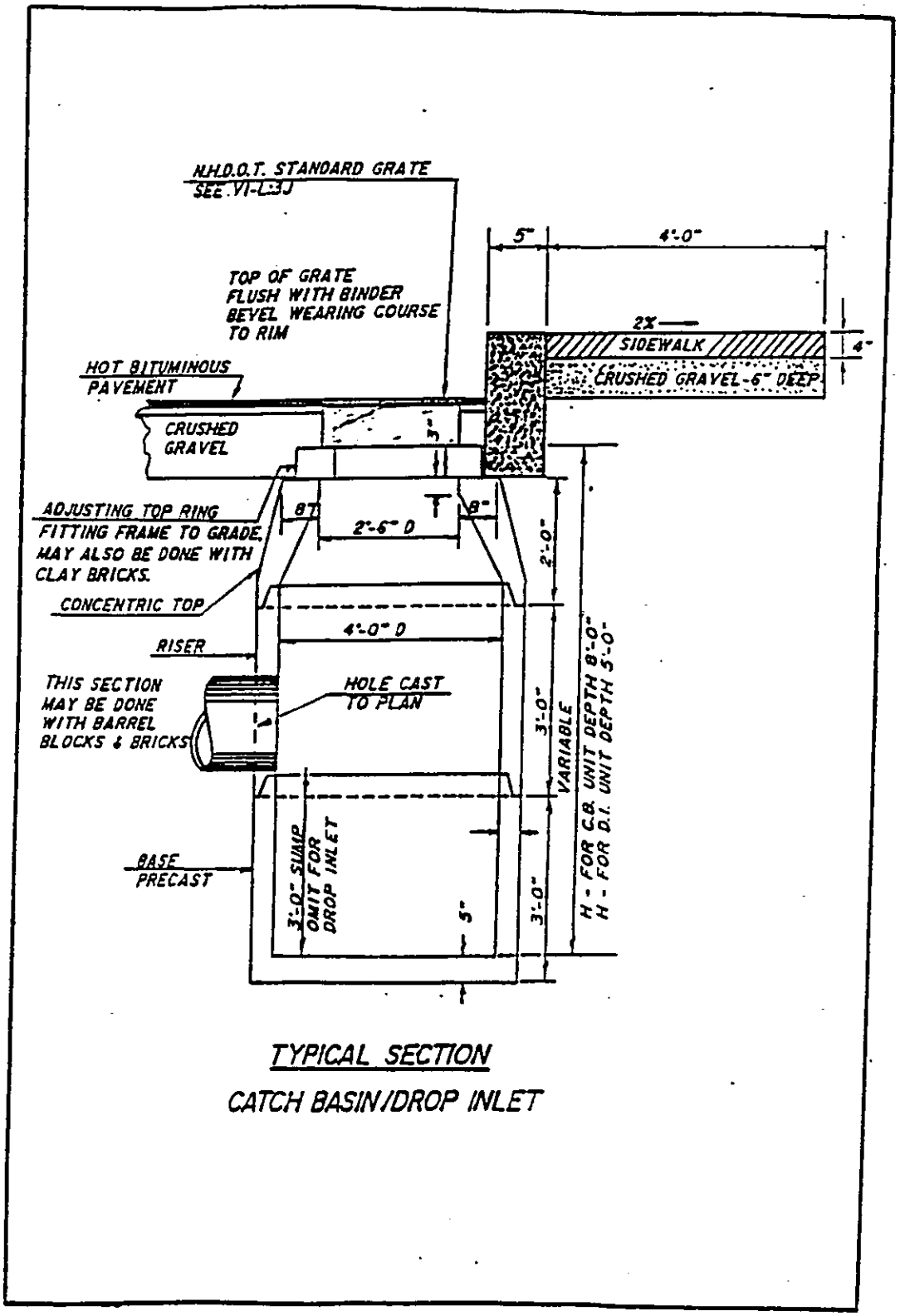
5.16.3.4. The compatibility of grate capacity, pipe capacity and design flow must be considered in closed system design.

5.16.3.5. The minimum grade of closed system pipes will be 0.4% or able to maintain a velocity of 2 fps while flowing one-third full.

5.16.3.6. Manholes shall be placed wherever a change in grade of alignment of a storm drain occurs but, in any case, a storm drain shall normally not have a manhole, catch basin or drop inlet more than 300 feet apart.

5.16.3.7. In general use catch basins rather than drop inlets. Call for drop inlets only where no pipe inlet occurs and where soils and other debris are not liable to wash in, on slope drainage, in embankments, and in culverts. Refer to the Section showing the Typical Catch Basin and Drop Inlet Design.

Typical Section - Catch Basin/Drop Inlet



TYPICAL SECTION

CATCH BASIN/DROP INLET

5.16.3.8. The minimum pipe size for closed systems under roadways is 15" diameter.

5.16.3.9. Minimum cover for closed drainage systems, measured between the pipe crown and finished grade, shall be as follows:

* Paved and Unpaved Roads - 3' for all type of pipe material
* Under Drives - 1' for all type of pipe material
* Under Grassed - 2' for all type of pipe material

Acceptable pipe materials for closed drainage systems include: reinforced concrete; corrugated, galvanized steel; corrugated aluminum; and smooth lined, corrugated PVC pipe.

5.16.3.10. The type of grate chosen will be based on the following usage restrictions:

NH DOT GRATE STD.	WHERE UTILIZED
A	In roadways, ditches, medians where bicycle traffic is NOT anticipated.
B & B Alt.	In roadways, ditches, medians, where bicycle and pedestrian traffic is anticipated.
C	In ditches & sumps off the roadway where vehicles cannot make contact with the structure.
E & E Alt.	Where high grate capacity is required and bicycle or pedestrian traffic is NOT anticipated.

5.16.3.11. Placement of catch basins in curbed roadway sags shall conform to the following:

At least one catch basin will be located at the bottom of a sag. Depending on roadway classification and design considerations, an additional catch basin on either side could be necessary. The spacing between the three catch basins shall be such as to prevent ponding of ½ of the traveled way.

5.16.3.12. No surface flow shall be allowed across streets.

5.16.4. Ditches:

5.16.4.1. A maximum length of 400 feet for a ditch to a catch basin or drop inlet is required. Local conditions may require variations. Any variations must be approved by the Board or the Board's Agent.

5.16.4.2. In order to keep the ditch self-cleaning, a minimum grade of 0.5% shall be required, except for "Site Specific Swales" as required by RSA 117-a.

5.16.4.3. All ditches shall be checked for possible erosion and subsequent siltation of streams. Acceptable methods of treatment include matting for erosion control, stone for erosion control, stone fill and riprap.

5.16.4.4. All ditches steeper than 5% shall be adequately protected against soil erosion. Matting for erosion control or stone linings shall be provided, as determined by an engineering evaluation.

5.16.4.5. Ditches shall be used at the top of backslopes only when excessive offsite runoff could damage slopes and/or overtax on-site systems.

5.16.5. Subsurface Drainage (Underdrains):

Subsurface drainage systems (underdrain pipe) shall be provided where the seasonal high ground water table is within five feet (5') of the finished roadway grade. Test pits or borings in roadway cut sections shall be taken, as required or ordered by the Board's Agent, to locate the Seasonal High Water (SHWT) Table and determine the need for underdrain pipe. This pipe shall be perforated PVC with a minimum diameter of 6". Alternative underdrain pipe material shall require specific approval by the Board or its Agent. This design and construction shall be supervised by a civil engineer.

5.16.6. Stormwater Detention and Retention Pond/Basin:

5.16.6.1. Consideration shall be given to use of stormwater detention and retention basins to reduce the rainfall run-off rate from the subdivision. For the purpose of this regulation the following definitions shall apply:

> Detention Pond or Basin - A stormwater storage facility which acts as a temporary reservoir, allowing rainfall runoff to be released at slow, pre=determined rates.
>
> Retention Pond or Basin - A stormwater storage facility which acts as a temporary reservoir which does not allow any surface release of rainfall runoff until after a storm, if at all. Most often the retained stormwater is discharged into the ground by infiltration, or into the atmosphere by evaporation and transpiration by plants (collectively called evapotranspiration).

5.16.6.2. All computations for Detention or Retention Ponds/Basins shall be performed

under the supervision of an engineer.

5.16.6.3. Considerations shall be given to providing adequately for emergency or flooding conditions.

5.16.6.4. Detention Pond/Basin side slopes shall not exceed 4 to 1 (4:1) horizontal to vertical dimension ratio unless the area is enclosed with suitable fencing.

5.16.6.5. Retention Ponds/Basins must be enclosed with suitable fencing.

5.16.6.6. Adequate drainage easements and access ways (drives) must be provided to assure access to the proposed Detention or Retention Pond/Basin for maintenance purposes.

5.16.7. Off Site Drainage Considerations:

The subdivider's engineer shall determine the effect of a subdivision on the existing drainage facilities outside of the area of the subdivision ("off-site") and report the conclusions of this study to the Board. Where the Board anticipates that additional run-off incident to development of the subdivision will overload an existing downstream drainage facility so that there will be damage to private property or an increase in the expenditure of public funds, the Board shall not approve the subdivision until adequate provision is made, at the subdivider's expense, for all downstream drainage. The Board would accept a drainage easement obtained by the subdivider from downhill property owner if an increased storm water flow is expected over their property and the subdivider submits a written undertaking to hold the Town harmless for any claims for damage resulting therefrom.

5.16.8. Construction Details: The subdivider shall include the following in the proposed construction plans.

5.16.8.1. Pipe profiles for all culverts and closed drain system pipes. These may be shown on roadway cross sections, roadway profile or on a completely separate profile, including existing and proposed finished grades, as required. Plans shall specify pipe type, size, length, slope and invert elevations.

5.16.8.2. All catch basins, drop inlets and man-holes shall be shown in profile, the type of grate with rim elevations shall be specified.

5.16.8.3. Any ditch section proposed, which is different from the typical roadside ditch, shall be shown in detail giving the bottom width, side slopes and minimum depth of ditch.

5.16.8.4. Permanent erosion control measures shall be specified and detailed on the plans for all roadside ditches (where required) and the drainage pipe outlets. Sufficient detail shall be provided to properly construct the intended item (ie., stone size, thickness of stone layer, subgrade preparation or protection, depth of stone lining in ditch, ete).

5.16.8.5. Sufficient plans and construction details for Detention and Retention Ponds shall be provided.

SECTION 6 - OPEN SPACE HOUSING

6.1 Purpose: The purpose of Open Space Housing is to encourage flexibility in residential development design by permitting mixed housing types which may be grouped on lots of reduced dimensions to allow for a more economic provision of street and utility network, to protect environmentally sensitive areas and to encourage the preservation and recreational use of open space in harmony with the natural terrain, scenic qualities, and outstanding land features. The remaining land in the tract which is not built upon is reserved as permanently protected open space.

6.2 Standards: The following standards shall be met by all Open Space Housing:

6.2.1 Permitted Uses: All residential uses including single family dwellings and presite built housing.

6.2.2 Minimum Lot Size: The minimum lot size for each dwelling unit within the Open Space Housing shall be three-fourths (3/4) of an acre.

6.2.3 Open Space or Common Land: The land area not used for individual lots, construction of buildings and roads shall be permanently protected using a conservation easement as open space or common land for the purposes of recreation, conservation, park or public easement forestry or agriculture. A minimum of fifty percent of the overall tract shall remain in open space. The open space or common land or any portion of it shall be held, managed and maintained by the developer until it is owned in one or more of the following ways:

6.2.3.1 By a homeowner's association, set up by the developer and made a part of the deed or agreement for each lot or dwelling unit;

6.2.3.2 By the Town, subject to aeceptance at Town meeting;

6.2.3.3 By the developer, as appropriate, for areas such as golf courses and outdoor recreational areas.

6.2.4 Management of Open Space: All agreements, deed restrictions, organizational provisions for a homeowner's association and any other method of management of the common land shall be established prior to approval.

6.2.5 Access to Common Open Land: Each dwelling unit shall have reasonable access to the common open land, but need not front directly on such land.

6.2.6 Visibility of Open Space: The open space of Open Space Housing shall be visible from a Town or state road wherever possible. Also, the development should not be seen from a major road or lake wherever possible.

6.2.7 Community Water or Sewer Systems: Where a community water and/or sewer disposal system located on common land is proposed, legal responsibility for ownership and maintenance must be established as part of the approval process.

6.2.8 Perimeter Setback: No structure shall be located closer than one hundred (100) feet to the perimeter of the tract unless approved by the Planning Board.

6.2.9 Building Separations: Buildings shall be separated by a minimum of thirty (30) feet.

6.2.10 Frontage and Yard Requirements: The minimum frontage and yard requirements within Open Space Housing shall be determined by the Planning Board based on the type of housing proposed and maintaining adequate access and separations for fire protection purposes.

6.2.11 Misc. Provisions: The plan shall provide for the convenience and safety of vehicular and pedestrian movement on the site and for adequate location of driveways in relation to street traffic. Conformance with maximum building height and parking standards shall be required.

6.3 Open Space Housing May Be Required: In order to conserve environmentally significant areas, the Planning Board may require that proposals for major subdivisions be laid out according to the open space housing standards contained in this section. In determining whether open space housing will be required, the Planning Board shall review information provided by the applicant or otherwise available, regarding the significant environmental attributes of the parcel, including wetlands, prime agricultural soils, frontage on lakes, ponds or streams, and significant wildlife habitat as determined by the New Hampshire Natural Heritage Program or the New Hampshire Fish and Game Department.

6.4 Procedure: Subdivision approval by the Lempster Planning Board is required for all Open Space Housing. An Open Space Housing proposal shall be processed concurrently with the required subdivision application.

6.5 Review Criteria: The Planning Board shall not approve any Open Space Housing unless it shall make the following findings:

6.5.1 Approval of the Open Space Housing would result in a more desirable environment than would be possible through a conventional subdivision.

6.5.2 The proposed Open Space Housing will harmoniously integrate into the surrounding neighborhood in such a way that the visual qualities between existing land uses(s) and the Open Space Housing are complementary.

6.5.3 The location, size, nature and topography of the open areas make them suitable for use as common areas for park, recreational purposes, conservation purposes, buffer areas and/or agricultural purposes.

6.5.4 The proposed Open Space Housing plan will develop the property in harmony with the natural environment by concentrating the development on those parts of the property which have the least natural limitations to accommodate development and by protecting those parts of the property which are most environmentally sensitive such as wetlands, flood plains, aquifers, steep slopes, ridge tops, stream banks and lake shores.

6.5.5 The Open Space Housing shall conform with the standards outlined in Article 6.2 above.

6.5.6 The Open Space Housing proposal complies with all requirements of the Subdivision regulations.

SECTION 7 - DEFINITIONS

7.1. Abutter means any person whose property adjoins or is directly across the street or stream or within 200 feet of the land under consideration by the planning board or any other 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. The names of all abutters shall be obtained from the Town Tax List as it exists, not more than five days before the date of filing the application.

7.2. Acceptance means an affirmative vote by a majority of the planning board at a public meeting that an application contains all the items required by the subdivision regulations.

7.3. Accessory Building shall mean any combination of any materials whether portable, movable or fixed, having a roof and enclosed within exterior walls, built to form a structure for the shelter of animals or property.

7.4. Agent shall mean a person retained by the owner to officially act on behalf of and in place of the owner.

7.5. Alter means any structural change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders, or interior partitions, as well as any structural change in doors, windows, means of ingress or egress, or any enlargement or diminution of a building or structure, whether horizontally or vertically.

7.6. Annexation shall mean the sale, transfer, or other conveyance which involves merely an exchange of land among two or more adjacent owners and which does not increase the number of parcels, lots or owners. Annexations include minor lot line adjustments and boundary agreements.

7.7. Applicant for the purposes of these regulations shall not be limited to the owner, but shall include the owner's agent.

7.8. Application means the packet of information prepared by the applicant to meet the requirements of the subdivision regulations. The planning board may prepare a form or checklist on which the information is presented.

7.9. Approval shall mean recognition by the Planning Board, certified by written endorsement on the final plat, that the final plat submission meets the requirements of these regulations and all other applicable ordinances and regulations.

7.10. Approval, Conditional means recognition by the Planning Board 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.

7.11. Board shall mean the Planning Board of the Town of Lempster.

7.12. Boundary Agreement shall mean an agreement between adjoining owners of real estate for the purpose of establishing a common boundary. Reference is made to RSA 472, entitled "Boundary Lines", for an example and form of a boundary line agreement under State law. Boundary agreements are included in the definition of annexation.

7.13. Building shall mean any combination of any materials, whether portable, moveable or fixed, having a roof and enclosed within exterior walls, built to form a structure for the shelter of persons.

7.14. Building Development shall mean the process of changing the character of the land from its existing condition to a more useable condition for the construction or placement of a building thereon..

7.15. Building Site shall mean that portion of a lot, tract or parcel of land upon which a single building is placed.

7.16. Clear Days For the purpose of public notice, clear days shall not include the day of publication or posting of the notice and shall not include the day of the public hearing.

7.17. Cluster Development - A subdivision for single and two family residential dwellings which permits the housing units to be clustered on a portion of the entire parcel on the condition that the remaining land in the tract is reserved for open space, the future development or subdivision of which is prohibited. The number of permitted units is to be determined by the density permitted in the underlying zoning district.

7.18. Completed Application means that sufficient information is included or submitted to allow the Board to proceed with consideration and to make an informed decision.

7.19. Condominium means the division of a lot, tract, or parcel of land into two or more lots or building sites, whether immediate or future, which lots shall be submitted to the condominium form of ownership and for which there shall be condominium conveyances, whether immediate or future, in conformity with RSA 356-B. A condominium consisting of a single building on a lot shall not be subject to subdivision review. More than one building site on land submitted to the condominium form of ownership shall constitute a subdivision.

7.20. Dead-End Street shall mean a strect configuration where one must exit from the same place where one entered.

7.21. Decision means the action taken by a majority vote of the Planning Board to approve, conditionally approve, or disapprove the application. The decision must be placed on file in the Planning Board's office and shall be available to the public within 72 hours after the decision is made. If the decision is a denial, the applicant must be given written reasons for the action.

7.22. Denial means the action taken by majority vote of the Planning Board to disapprove the application. The decision must be placed on file in the Planning Board's office and shall be available to the public within 72 hours after the decision is made. The applicant must be given written reasons for the denial.

7.23. Development means any construction or grading activities on real estate for other than agricultural and silvacultural practices.

7.24. Disturbed Area means an area where the natural vegetation has been removed exposing the underlying soil.

7.25. Driveway shall mean an area located on a lot, tract or parcel of land, and built for direct access to a garage or off-street parking space, serving no more than two (2) lots, sites or dwelling units.

7.26. Dwelling shall mean a privately or publicly owned building containing a dwelling unit or dwelling units.

7.27. Dwelling Unit shall mean one or more rooms arranged for the use by one or more individuals living as a single housekeeping unit, with cooking, living sanitary and sleeping facilities.

7.28. Easement means a right of use which one party may have in the land or a designated portion of the land of another intended to be used for, but not limited to, utilities or driveway access created through authorization by a property owner.

7.29. Engineer shall mean the Town (Consulting) Engineer duly designated on behalf of the Town of Lempster, New Hampshire.

7.30. Erosion means the detachment and movement soil or rock fragments by water, ice, wind or gravity.

7.31. Erosion and Sediment Control Plan: A plan to manage stormwater which adequately controls erosion and sedimentation. The plan needs to be developed using a combination of structural, non-structural, and vegetative Best Management Practices (BMPs) to adequately control erosion and sedimentation. The plan shall consist of a narrative, a plan map, and the design calculations, drawings, and specifications. Erosion and Sediment Control Plans shall be designed in accordance with the Best Management Practices (BMPs) for Stormwater Management and Sediment and Erosion Control as specified in the *Stormwater Management and Sediment and Erosion Control Handbook for Urban and Developing Areas in New Hampshire*, August 1992

prepared by the Rockingham County Conservation District.

7.32. Escrow means a deposit of cash with the local government or escrow agent to secure the promise to perform some act.

7.33. Filing means delivery of an application to the Planning Board or its agent/designee. It must be received at least 15 days before the date of the Planning Board meeting at which it is to be submitted and must include fees for all required notices and the names and addresses of abutters, as well as the name and business address of every engineer, architect, land surveyor, or soil scientist whose professional seal appears on the plat for required notification.

7.34. Final Plat shall mean the final plan, with all required data, maps and narrative materials, on which the subdivider's plan of subdivision is presented to the Board for approval and includes the Site Survey Plat which if signed by a majority of the Board will be recorded in the Registry of Deeds of Sullivan County.

7.35. Formal Consideration means the first action taken by the Planning Board following acceptance of a completed application. This must begin within 30 days of acceptance and may include a site visit, a request for review by other boards, or scheduling of a public hearing.

7.36. Frontage means the length of the lot bordering on the public or private right-of-way. For clarification, frontage as used here refers to road frontage; lake or shore frontage is not considered frontage under this definition. The orientation of the house has no bearing on the determination of frontage.

7.37. Lot. A tract, plot, or portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership, or possession, or for building development.

7.38 Lot Line means the property line dividing a lot from a street right-of-way, a body of water or adjacent property.

7.39. Lot Measurements Depth of a lot shall be considered to be the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear. Width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard, provided however that width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than 80 percent of the required lot width except in the case of lots on the turning circle of cull-de-sac, where the 80 percent requirement shall not apply.

7.40. Lot of Record A lot which is part of a subdivision recorded in the office of the Merrimack County Registry of Deeds, or a lot of parcel described by metes and bounds, the description of

which has been so recorded.

7.41. Lot Size shall mean the total horizontal land area within the boundaries of the lot, exclusive of any land area designated for street purposes.

7.42. Major Subdivision shall mean the subdivision of land into four or more lots, plats or sites as defined by RSA 674:4,III.

7.43. Master Plan means the comprehensive plan or plan of development of the Town of Lempster as defined by RSA 674:1.

7.44. Minor Lot Line Adjustment means an exchange of land or the transfer of part of one lot to the adjoining landowner where such exchange or transfer does not create a new lot. A minor lot line adjustment is included in the definition of annexation.

7.45. Minor Subdivision shall mean the subdivision of land into a total of three or fewer lots, plats or sites within a five year period requiring no new roads, utilities, or other public improvements as defined by RSA 676:4,III.

7.46. Open Space shall mean those areas within a tract that are held or used in common for purposes other than dwelling units, parking, or streets.

7.47. Owner shall mean the owner of record at the time an application is made under these regulations.

7.48. Plat shall mean final plat.

7.49. 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.

7.50. Project Area means the area within the subdivision boundaries.

7.51. Right-of-way means and includes all town, state and federal highways, and rights-of-way public or private and the land on either side of same as covered by the Statutes to determine the widths of the right-of-way.

7.52. Security means a letter of credit, performance bond, cash escrow or other security acceptable to the Planning Board provided by the applicant to secure its promises to complete the subdivision improvements.

7.53. Sediment means solid material , either mineral or organic, that is in suspension, is transported, or has been moved from its site of origin by erosion.

7.54. Site shall mean building site.

7.55. Stream means a stream that flows for sufficient times of the year to develop and maintain defined channels, but may not flow during dry portions of the year. It includes, but is not limited to all perennial and intermittent streams located on U.S. Geological Survey Maps.

7.56. Street shall mean a Class V highway or better, or a road or right-of-way shown on a subdivision plat approved by the Board, exclusive of a driveway. The word street shall include the entire right-of-way.

7.57. Street, Local shall mean a street used primarily to give access to abutting properties.

7.58. Street, Collector shall mean a street which serves primarily to carry traffic from local streets to arterial streets and to public and other centers of traffic concentration.

7.59. Street, Arterial shall mean a street or highway used primarily for heavy and/or through traffic.

7.60. Structure. Anything constructed or erected with a fixed location on the ground, or attached to something with a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, billboards, and poster panels, and accessory structures (including dish antennas or satellite earth stations of over three (3) feet in diameter).

7.61. Subdivider means the owner of record of land to be subdivided or the agent of the owner. Agents shall present their authority from the owner in writing.

7.62. Subdivision as specified in RSA 672:14, means:

I. The division of the 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.

II. 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 these regulations.

III. 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 then 500 square feet, shall not be construed as a subdivision under this title, and shall not be deemed to create any new subdivision of land for any other purpose.

IV. 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 the 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.

7.63. Subdivision Improvements means the various improvements which may be required by the Planning Board in approving a final subdivision application including, but not limited to, roads improvements, drainage improvements, water system improvements, sewer system improvements, temporary and permanent sediment and erosion control measures, and fire protection measures.

7.64. Submission means the presentation of the application to the Planning Board. Submission must take place at a public meeting of the Board, following the proper filing of all applications and required notice to abutters and the general public under RSA 676:4,I(d).

7.65. Surveyor or Engineer as used herein shall mean a person duly registered as such under the laws of the State of New Hampshire.

7.66. Town means the Town of Lempster, New Hampshire.

7.67. Wetland means an area that is inundated or saturated by surface or ground water at a frequency and duration sufficient to support and that under normal conditions does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands include, but are not limited to, swamps, marshes, bogs and similar areas.

SECTION 8 - EFFECTIVE DATE & CERTIFICATION

8.1 Effective Date: The effective date of these Regulations shall be Oct. 9, 2001 the date of filing with the Lempster Town Clerk.

8.2 Certification: Certified to be a true copy, attest:

CHAIR

Co-Chair

Sec.

SECTION 9 -EXHIBITS

Application Deemed Complete _____ _____
Date Initials
Date Application Accepted _____
Date Subdivision Approved _____

EXHIBIT A: SUBDIVISION APPLICATION FORM

Planning Board
Town of Lempster

1. Subdivision Name: _____

2. Subdivision Location: _____

3. Tax Map #: _____ Lot #: _____

4. Type of Application:
   _____ Minor Subdivision
   _____ Major Subdivision
   _____ Annexation, Minor Lot Line Adjustment or Boundary Agreement

5. Landowner of Record:
   Name: _____
   Address: _____
   _____
   _____
   Phone Number: _____

6. Is the land in current use? _____

7. Has this land been a part of a subdivision within the last five years? _____

8. Has an agent been appointed to represent the Owner(s)? _____Yes _____ No
   [The landowner of record shall provide written **notarized** authorization for any agent(s) to represent the Owner(s)].

   Agent Name: _____
   Address: _____
   _____
   _____
   Phone Number: _____

_____
Signature of Landowner(s)

State of New Hampshire
County of Sullivan

On this ___ day of _____, 20__ personally appeared _____ _____ and he/she/they acknowledged the appointment of _____ as his/her/their agent.

_____
Notary Public

ATTACH A LIST OF THE NAMES AND ADDRESSES OF ABUTTERS

EXHIBIT B

SUGGESTED FORM OF ACCEPTABLE IRREVOCABLE LETTER OF CREDIT

Board of Selectmen
Town of Lempster
Town Office
Lempster, N.H. 03606

RE: Irrevocable Letter of Credit
_____ Subdivision

Dear Town Officials:

By this document the _____ Bank (hereinafter "issuer") hereby issues an Irrevocable Letter of Credit in the amount of $ _____ to the Town of Lemster on behalf of _____ (hereinafter "developer"). This Irrevocable Letter of Credit is issued to guaranty completion of all improvements required by the Lempster Planning Board and the Town of Lempster Subdivision Regulations in conjunction with a subdivision plan entitled "_____", dated _____, prepared by _____, and approved by the Lempster Planning Board on _____.

It is understood that the improvements guaranteed by this Irrevocable Letter of Credit include, but are not limited to the following:

1. Construction of _____ linear feet of roadway along with all associated utilities. Said roadway being shown on the above referenced plan as _____.

2.

3.

It is agreed and understood by the issuer of this letter of credit that it shall be issued for a period of _____ months. If all improvements guaranteed by this letter of credit are not completed by _____ (date) and if a certificate indicating completion of all improvements has not been issued by the Planning Board, then this letter of credit shall be automatically considered to have been called and without further action of the Town of Lempster or its Planning Board, the _____ Bank shall forward a check in the amount of $_____ to the Treasurer of the Town of Lempster. The funds so forwarded to the Town Treasurer shall be used exclusively for the purpose of completing the improvements which are guaranteed by this letter of credit. Any funds not needed by the Town to complete the improvements required by the subdivision plan referred to above shall be returned to the _____ Bank.

_____ (Signature of Bank Official)
Date: _____

I have read this letter of credit and agree to its terms.

_____ (Signature of Developer)

EXHIBIT C

COVENANT RESTRICTING LOT SALES

_____ SUBDIVISION

LEMPSTER, N.H.

This covenant relates to property in the Town of Lempster, Sullivan County, New Hampshire, and is made on this _____ day of _____, 19_____, by (Subdivider Name) _____ _____, (Address) _____ _____.

RECITALS

1. The subdivider has proposed to subdivide land located _____ Lempster, Sullivan County, New Hampshire. The proposed subdivision is shown on a plan entitled, _____, dated _____, 19____, prepared by _____which plan is to be recorded in the Sullivan County Registry of Deeds.

2. The land for the subdivision was conveyed to the subdivider by deed of _____ _____, dated _____, 19___, and recorded at the Sullivan County Registry of Deeds in Book _____, Page _____.

3. The subdivider will be constructing and installing improvements for the subdivision, and, in accord with Section _____ of the Lempster Subdivision Regulations, the Lempster Planning Board has required the subdivider to do one of the following in order for the Planning Board to sign the plat: (1) complete the improvements, (2) post security for completion of the improvements, or (3) record a Covenant Restricting Lot Sales with the Sullivan County Registry of Deeds.

4. This restrictive covenant is filed pursuant to Section _____ of the Lempster Subdivision Regulations last amended on _____, 19__.

PROVISIONS

1. The Planning Board shall approve the plan and record the plan as an approved subdivision, subject to this covenant.

2. The subdivider will not sell interior lots in the subdivision until this covenant is released as provided below. This release may be done in phases. The interior lots that will not be sold until this covenant is released are: _____.

3. The following lots are not subject to this covenant, and the subdivider may sell these lots prior to this covenant being released: _____.

4. In accord with Section _____ of the Lempster Subdivision Regulations, the Planning Board shall release this covenant by approving and recording an instrument that indicates that either:

a. Security in the form and amount acceptable to the Planning Board for the then required subdivision improvements has been furnished to and accepted by the Planning Board; or

b. The required subdivision improvements have been constructed and a Temporary Certificate of Performance required by Section _____ of the Lempster Subdivision Regulations has been approved by the Planning Board.

5. The subdivider's breach of this covenant may result in the Selectmen's refusal of a building permit for construction.

6. As indicated in Section _____ of the Lempster Subdivision Regulations, nothing in this covenant shall obligate the Planning Board to approve either the certificate of performance of improvements or the proposed security. If at the time the certificate is requested or the security is proposed and the Planning Board determines that circumstances in the Lempster have so substantially changed so that the continued sale of lots in the subdivision results in the need for either off-site improvements, impact fees, restrictions on the issuance of building, sewer or water permits, or other material or substantial changes have occurred in the Town of Lempster since the subdivision was approved, the Planning Board shall consider the request for the certificate or approval of security as a new subdivision application.

7. Once approved, this subdivision is subject to and benefitted by Section _____ FOUR YEAR EXEMPTION of the Lempster Subdivision Regulations.

By: (Subdivider Signature) _____

STATE OF NEW HAMPSHIRE
COUNTY OF SULLIVAN
Personally appeared before me this _____ day of _____, 199_____,
_____, duly authorized owner of _____, a New Hampshire Corporation, on its behalf.

_____
Notary Public
My Commission expires _____

The Lempster Planning Board has read and approved this covenant.

THE TOWN OF LEMPSTER PLANNING BOARD

By:_____
Chair

MERGER OF LOTS OF RECORD in a RECORDED SUBDIVISION

The undersigned, being the owner of ___ certain parcels of land situate in Lempster, in the County of Sullivan and State of New Hampshire, known as Lots ___ and ___ in Section ____ on a plan of lots in the _____ Subdivision, which plan was recorded in the Sullivan County Register of Deeds, on _____, 20__ as Plan Number ____, to which reference is made, and having requested approval by the Planning Board of the Town of Lempster to declare the land described on said referenced plan to be, in fact, a single lot of record, in consideration of mutual agreements, does hereby covenant, grant and agree to and with the Town of Lempster, its successors, and assigns, as follows:

A. On behalf of himself, and his successors in title of this tract of land, agrees that those portions of this parcel or tract cannot be sold separately without lawful subdivision from the Lempster Planning Board.

B. On behalf of himself, and his successors in title of this tract or parcel of land, understands and agrees that this tract or parcel will be treated as a single parcel of land for tax and other purposes.

C. This Covenant shall run with and be binding upon the foregoing tract of land and every part thereof and shall be recorded in the Sullivan County Register of Deeds as evidence thereof. In each and every Deed to this parcel or tract the owner will undertake to insert a clause referring to this Covenant and binding the Grantee to it.

Current Tax Map and Lot Numbers for properties referenced above:

Tax Map # _____ Lot # _____ Tax Map # ____ Lot # _____
Tax Map # _____ Lot # _____ Tax Map # ____ Lot # _____

NAME OF PROPERTY OWNER: _____
(Please print or type) ADDRESS: _____

SIGNATURE OF PROPERTY OWNER: _____ DATE: _____, 20___

_____ Date:_____, 20___

STATE OF NEW HAMPSHIRE
COUNTY OF SULLIVAN, SS

At _____ in said county and state personally appeared _____
_____, who acknowledged his/her/their signature(s) on this

(Continued on page two)

instrument to be his/her/their free act and deed.

_____
Notary Public

APPROVED BY LEMPSTER PLANNING BOARD ON _____ 20___

SIGNATURE (CHAIRPERSON) _____

SIGNATURES (PLANNING BOARD MEMBERS)

_____ _____

_____ _____

VI. EXHIBIT E: MERGER OF LOTS OF RECORD described in RECORDED DEEDS

The undersigned, being the owner of ___ certain parcels of land situate in Lempster, in the County of Sullivan and State of New Hampshire, as more particularly described in deeds to the undersigned, dated: _____ and recorded in the Sullivan County Register of Deeds, book ____, page ____; a deed dated: _____, and recorded in he Sullivan County Register of Deeds, book ____, page ____; and a deed dated: _____ and recorded in the Sullivan County Register of Deeds, book ____, page ____, to which reference is made, and having requested approval by the Planning Board of the Town of Lempster to declare the land described in said deeds to be, in fact, a single lot of record, in consideration of mutual agreements, does hereby covenant, grant and agree to and with the Town of Lempster, its successors and assigns, as follows:

A. On behalf of himself, and his successors in title of this tract of land, agrees that those portions of this parcel or tract cannot be sold separately without lawful subdivision from the Lempster Planning Board.

B. On behalf of himself, and his successors in title of this tract or parcel of land, understands and agrees that this tract or parcel will be treated as a single parcel of land for tax and other purposes.

C. This Covenant shall run with and be binding upon the foregoing tract of land and every part thereof and shall be recorded in the Sullivan County Register of Deeds as evidence thereof. In each and every Deed to this parcel or tract the owner will undertake to insert a clause referring to this Covenant and binding the Grantee to it.

Current Tax Map and Lot Numbers for properties referenced above:

Tax Map # _____ Lot # _____ Tax Map # ____ Lot # _____
Tax Map # _____ Lot # _____

NAME OF PROPERTY OWNER: _____
(Please print or type) ADDRESS: _____

SIGNATURE OF PROPERTY OWNER: _____ Date: _____, 20___
_____ Date: _____, 20___

STATE OF NEW HAMPSHIRE
COUNTY OF SULLIVAN, SS

At _____ in said county and state personally appeared _____
_____ who acknowledged his/her/their signature(s) on

this instrument to be his/her/their free act and deed.

_____
Notary Public

APPROVED BY LEMPSTER PLANNING BOARD ON _____ 20___

SIGNATURE (CHAIRPERSON) _____

SIGNATURES (PLANNING BOARD MEMBERS)

_____ _____

_____ _____