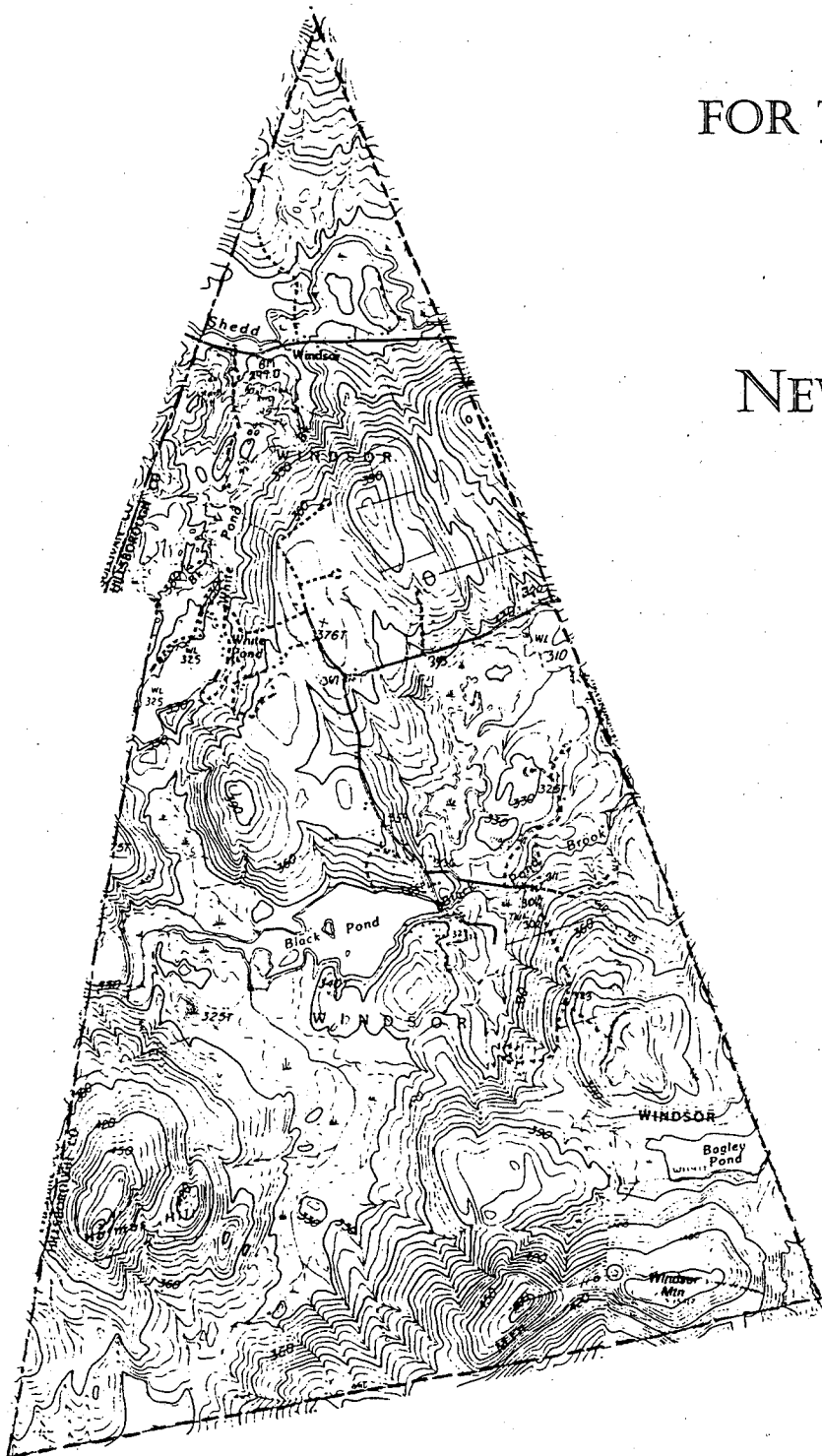


SUBDIVISION REGULATIONS

FOR THE TOWN OF

WINDSOR,

NEW HAMPSHIRE



ADOPTED JUNE 3, 1975

AMENDED FEBRUARY 9, 1987

AMENDED BY VOTE OF THE PLANNING BOARD ON OCTOBER 26,
1996 AFTER PUBLIC HEARING ON OCTOBER 24, 1996

TABLE OF CONTENTS

	<u>PAGE</u>
SECTION 1 - AUTHORITY	1
SECTION 2 - SUBDIVISION APPLICATION PROCEDURES .	1
SECTION 3 - APPLICATION SUBMISSION ITEMS	6
SECTION 4 - GENERAL PROVISIONS	8
SECTION 5 - DESIGN STANDARDS	8
SECTION 6 - ADMINISTRATION AND ENFORCEMENT	10
SECTION 7 - APPEALS	10
SECTION 8 - CONFLICTING PROVISIONS	11
SECTION 9 - INTERPRETATION	11
SECTION 10 - VALIDITY	11
SECTION 11 - AMENDMENTS	11
SECTION 12 - DEFINITIONS	11
APPENDICES:	
APPLICATION FORM	
APPLICATION CHECKLIST	

- b) Preliminary consultation and review shall not bind the Applicant or the Board. Such discussion may occur without formal public notice. However, no discussions beyond the conceptual and general review shall take place without identification of and notice to abutters and the general public as provided for in this section.
- c) Preliminary consultation and review shall be separate and apart from formal consideration under Paragraphs D and E, and the time limits for acting under Paragraph E shall not apply until a formal Completed Application is submitted.

2. DESIGN REVIEW PHASE

- a) Prior to submission of an application for Board action, an applicant may request to meet with the Board or its designee for non-binding discussions beyond the conceptual and general stage, involving more specific design and engineering details of the potential application. The design review phase may proceed only after identification of and notice to abutters and the general public as provided in RSA 676:4, I(d).
- b) Persons wishing to engage in the design review phase shall submit a "Request for Preapplication Review" and associated fees not less than 21 days before the regularly-scheduled meeting of the Board. The request shall include:
 - i) list of abutters and their addresses from town records not more than 5 days prior to submission; and
 - ii) a check to cover mailing and advertising costs.
- c) Statements made by Board members shall not be the basis for disqualifying said members or invalidating any action eventually taken on the application.

C. Completed Application (Required)

- 1. The Completed Application shall be filed with the Secretary or the Chairman of the Board at least fifteen (15) days prior to a scheduled public meeting of the Board.
- 2. The Completed Application shall be formally submitted to and accepted by the Board only at a regularly-scheduled public meeting after due notification to Applicant, abutters and the general public.
- 3. An incomplete application filed by the Applicant will not be formally accepted by the Board nor will notices of a public meeting be mailed, posted, or published.

SECTION 1 - AUTHORITY

Pursuant to the authority vested in the Windsor Planning Board by the voters of the Town of Windsor and in accordance with the provisions of Chapter 674:36 NH Revised Statutes Annotated, 1983, the Windsor Planning Board adopts the following regulations governing the subdivision of land in the Town of Windsor, New Hampshire.

SECTION 2 - SUBDIVISION APPLICATION PROCEDURES

A. General Procedure

Whenever any subdivision is proposed to be made and before any contract for sale of or offer to sell, such subdivision or part thereof shall have been negotiated, before any construction, land clearing or building development is begun, before any permit for the erection of any structure in such proposed subdivision shall be granted, and before any subdivision plat may be filed in the Office of Register of Deeds of Hillsborough County, the owner thereof, or his authorized agent, shall apply for, and secure, the approval of such subdivision from the Planning Board of the Town of Windsor in accordance with the procedures and specifications as contained in these regulations.

B. Preapplication Review (Optional)

Both phases of the Preapplication Review phase are optional at the request of the applicant. The Board may ask the applicant to sign an agreement that states the purpose of the preapplication review and notes that he/she understands that this is an optional procedure, binding neither party. Under no circumstances will the Board vote on any aspect of a preapplication review.

1. PRELIMINARY CONSULTATION AND REVIEW

- a) The Applicant may appear at a regular meeting of the Planning Board to discuss a proposal in conceptual form and in general terms. Such preliminary consultation shall be informal and directed toward:
 - i) reviewing the basic concepts of the proposal;
 - ii) reviewing the proposal with regard to the town master plan, applicable land use and development regulations;
 - iii) reviewing the town's subdivision regulations as they may apply to this proposal and determination of the proposal as a major or minor subdivision; and
 - iv) guiding the Applicant relative to necessary state and local requirements.

-
4. Applications may be disapproved by the Board without a public hearing on grounds of failure of the applicant to supply information required by these Regulations, failure to pay costs of notices or other costs and fees; or failure to meet any reasonable deadline established by these Regulations.

D. Board Action on Completed Application

1. The Board shall begin consideration of the Completed Application within 30 days of its acceptance. The Board shall act to approve, conditionally approve, or disapprove the application within 90 days of its acceptance.
2. Approval of the application shall be certified by written endorsement on the plat and signed by the Chairman and Secretary of the Board. The Planning Board is responsible for the filing of the approved plat with the Register of Deeds of Hillsborough County. The applicant is responsible for all recording fees. Any subdivision plat not filed with the Registry within 90 days of approval shall be considered void.
3. In the case of disapproval, the grounds for such disapproval shall be adequately stated in the records of the Planning Board and in written notice given to the applicant within 72 hours of the decision.
4. The Board may grant conditional approval of an application, but the plat will not be signed or recorded until all of the conditions have been met. If the applicant has not complied with the conditions of approval within one year, the approval is considered null and void and the applicant must submit a new application. A further public hearing is not required for conditional approval when such conditions are:
 - a) administrative in nature;
 - b) involve no discretionary judgment on the part of the Board;
or
 - c) involve the applicant's possession of permits and approvals granted by other boards or agencies; however, any subsequent change to the plan required by such approvals would constitute grounds for a new application process.
5. The Board may apply to the Selectmen for an extension not to exceed an additional 90 days before acting on an application. An applicant may waive the requirement for Board action within the time periods specified and consent to such extension as may be mutually agreeable.

E. Failure of the Board to Act

In the event that the Planning Board fails to act on a completed application within the prescribed time period, the applicant may petition the Selectmen to issue an order directing the Planning Board to act within 30 days. If the Planning Board fails to act within 40 days of this directive, the Selectmen must approve the application unless they find, in writing, that the plan does not comply with local regulations. In the event the Selectmen fail to act, this shall constitute grounds for the applicant to petition the superior court for approval.

F. Expedited Review

1. The Planning Board may allow for an expedited review of applications for minor subdivisions. The application may be submitted, accepted and voted on at the same meeting. A public hearing is only required if requested by either the applicant, any abutter or the Planning Board, but no application shall be acted on without full notice to abutters and the public.
2. The Board may waive certain plat requirements for minor and technical subdivisions. Waiver must be requested by the applicant in writing. Any waivers granted will be done by a vote of the Board at a regular Board meeting.
3. In the event that the Planning Board considers a proposed minor subdivision contrary to the public welfare or creates an engineering problem for the town, it may require the subdivider to follow procedures for major subdivisions.

G. Public Hearing

Prior to approval of a subdivision, a public hearing shall be held as required by RSA 675:4(d), with notice to applicant, abutters and the public. A public hearing is not required for minor subdivision proposals.

H. Notices

1. Notice shall be given by the Board to the abutters and the Applicant by certified mail, mailed at least ten (10) days prior to the submission, and to the public at the same time by posting in at least two public places in the town and publication in a newspaper of general circulation.
2. The notice shall give the date, time, and place of the Board meeting at which the Application or other item(s) will be formally submitted to the Board, and shall include a general description of the proposal which is the subject of the Application or of the item to be considered and shall identify the Applicant and location of the proposed subdivision.

-
3. If the notice of public hearing has been included in the notice of submission or any prior notice, additional notice of the public hearing is not required, nor shall additional notice be required of an adjourned session of a hearing with proper notice if the date, time and place of the adjourned session was made known at the prior hearing.

I. Fees

1. A Completed Application shall be accompanied by a filing fee of \$25 plus \$10 per lot.
2. All costs of notices, whether mailed, posted or published, shall be paid in advance by the Applicant. Failure to pay costs shall constitute valid grounds for the Board to terminate further consideration and to disapprove the plat without a public hearing.
3. The Board may require special investigative studies, environmental assessments, a legal review of documents, administrative expenses, and other matters necessary to make an informed decision. The cost of such studies and investigations shall be paid by the Applicant prior to the approval or disapproval of the Final Plat.

J. Site Inspections

- 1) Whenever the Board deems it necessary for the consideration of an application to visit the site, the Board shall request permission from the applicant. Inclusion of the public at the site visit is at the discretion of the landowner.
- 2) Such a site inspection shall be posted as a meeting of the Board pursuant to the Right-to-Know provisions of RSA 91-A. If a quorum of the Board is present, minutes shall be taken.
- 3) All applications are conditioned on the owner allowing reasonable access to the property, to the extent necessary to properly review the application. Denial of access automatically terminates further consideration of the application.

K. Developments Having Regional Impact

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

SECTION 3 - APPLICATION SUBMISSION ITEMS

A. Application Form

A completed application form, accompanied by names and addresses of all abutters taken from the town records not more than five (5) days before the day of filing, and payment to cover filing and notification fees.

B. Plat Submission

Three paper print copies of the plat. Sheet sizes shall be in accordance with requirements of the Register of Deeds of Hillsborough County, but in no case smaller than 8½" x 11", and shall show or be accompanied by the following information, unless a written waiver from the applicant has been granted by the Board:

1. Proposed subdivision name or identifying title; name and address of owner.
2. North arrow, scale, seal and license number of surveyor; date of plan and any revisions; signature block for Planning Board endorsement. Drawings shall be at a scale of no more than 100 feet to the inch (1"=100').
3. Locus plan showing general location of the total tract within the town.
4. Names of all abutting subdivisions, streets, easements, and other similar facts regarding abutting properties.
5. Boundaries and area in acres and square feet of the entire parcel; existing and proposed lot lines, lot areas in acres and square feet; lots numbered according to Windsor tax map numbering system.
6. Existing and proposed street and right-of-way lines, widths and classification of streets; traveled surface; frontage of the subdivision.
7. Location of existing and proposed easements, deed restrictions, buildings, accessory buildings and other structures.
8. Water courses, ponds, open space areas, significant natural and man-made features.
9. Location of existing and proposed utilities on or adjacent to the parcel.
10. Location of percolation tests and test pit data; location of 75-foot well radius and 4,000 square feet septic area.
11. Existing and proposed topographic contours, with spot elevations where applicable, based on USGS topographical data.

12. Soil data based on Hillsborough County Soil Survey, including wetland delineation.
13. Plan for the control of sedimentation and erosion.
14. Any necessary state or federal permits.

C. Other Information

The Board reserves the right, per RSA 676:4, I(g), to request any additional reports or studies deemed necessary by the Board to make an informed decision, including but not limited to: traffic, school, fiscal and environmental impact analyses.

D. Subdivision "As Built" Plans

Supplemental information may be required by the Board to update the final plat to reflect "as built" conditions and details. A security bond may be required to guarantee performance of the subdivider's obligations. "As built" plans shall be submitted on a mylar.

E. Where applicable to a specific subdivision, the following are required, in a form as approved by the Town Attorney, prior to approval of the final plat:

- 1) Agreement to convey to the Town of Windsor 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.
- 2) Easements and rights-of-way over property to remain in private ownership.
- 3) Rights to drain onto or across other property, whether public or private, including a street.

F. Performance Guarantee

In any subdivision which includes the construction of a new road or municipal facility, the subdivider shall, as a condition of approval, post with the Planning Board a bond or other surety to secure the construction of said roads or facilities in an amount and type as determined by the Planning Board, and in a form as approved by the Town's Attorney.

SECTION 4 - GENERAL PROVISIONS

- A.** Land of such character that it cannot, in the judgment of the Board, be safely used for building development purposes because of exceptional danger to health or peril from fire, flood, poor drainage, excessive slope, or other hazardous conditions, shall not be platted for

residential, commercial, or industrial subdivision, nor for such other uses as may increase danger to life or property, or aggravate the flood hazard.

- B. The Board may provide against such scattered or premature subdivision of land as would involve danger or injury to health, safety, or prosperity by reason of the lack of water supply, sewage disposal, drainage, transportation, schools, fire protection, or other public services which necessitate the excessive expenditure of public funds for the supply of such services.
- C. No privately-owned reserve strip, except an open space area, shall be permitted which controls access to any part of the subdivision or to any other parcel of land from any street, or from any land dedicated to public use, or which may be so dedicated.
- D. The subdivider shall be familiar with all State and Town regulations relative to health, buildings, roads and other pertinent data, so that he/she is aware of the obligations and standards with which the proposed subdivision must comply.
- E. All new lots of less than five (5) acres must receive subdivision approval from the Water Supply and Pollution Control Division of the NH Department of Environmental Services. When subdivision involves existing dwellings, the applicant must demonstrate to the Board that the existing septic system is in good working order. New wells must be setback 75 feet from any part of a septic system, and must be located entirely on their own lots.

SECTION 5 - DESIGN STANDARDS

A. Street Design:

Proposed streets shall be in harmony and conformance with existing and proposed streets. Street patterns shall give due consideration to contours and natural features. Where required by the Board, provision shall be made for the extension of the street pattern to abutting undeveloped property. Every proposed street in a subdivision shall be laid out and constructed as required by the following regulations:

- 1. 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 adopted by the Town.
- 2. The plan of any proposed subdivision shall show all work required to connect and complete the improvements and utilities between the proposed street and any connecting street in an existing subdivision.

3. Where a subdivision abuts an existing street with an inadequate alignment, or right-of-way width, the subdivision plat shall include in the street dedication all land needed to meet the standards established by these regulations and as approved by the Board.
4. 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 "stud" streets of the existing subdivision.
5. If a dead-end street is of a temporary nature, a turn-around shall be provided and provisions made for future extension of the street through to adjacent property and reversion of the excess right-of-way to the adjoining properties.

B. Minimum Road Specifications:

All roads built in the Town of Windsor by any developer, contractor or private person shall be built to the following specifications:

1. A fifty (50) foot right-of-way.
2. Forty (40) feet of the required right-of-way must be cleared of all trees and brush.
3. All topsoil shall be removed from the road bed.
4. Roads shall have a minimum of 18 inches of gravel.
5. The top 6 inches to have no stones larger than 3 inches in diameter.
6. Road width to be 24 feet with 20 feet of 3-inch pavement mixed in place.
7. No grade shall exceed 8 percent.
8. All culverts to be a minimum of 15 inches in diameter.
9. All dead-end roads shall have a cul-de-sac of not less than 40 feet inside radius.
10. All signs and poles to be a minimum of 8 feet from the shoulder of the road (drainage area).
11. The Board may require greater width of right-of-way where, in its judgment, the demands of present or future traffic make it desirable or where topographic conditions create a need for greater width for grading.

C. Acceptance of Streets:

No streets will be accepted by the Town 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 Planning Board at the time of final plat approval.

D. Drainage:

An adequate surface stormwater drainage system for the entire subdivision shall be provided. Storm drainage shall be carried to existing watercourses, or connect to existing watercourses, or connect to existing storm drains. If the stormwater drainage system creates any additional flow over any adjacent property, the subdivider shall obtain an easement therefor from the adjacent owner and shall hold the Town of Windsor harmless from any claims for damage resulting therefrom.

E. Utilities:

All utility system installations shall be at the expense of the subdivider and shall be installed, inspected and accepted under the supervision of the appropriate Town agency.

SECTION 6 - ADMINISTRATION AND ENFORCEMENT

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

B. Modifications:

The requirements of the foregoing regulations may be modified when, in the opinion of the Board, specific circumstances surrounding a subdivision, indicate that such modification will properly carry out the purpose and intent of the Subdivision Regulations.

C. Penalties:

Any violation of these regulations shall be subject to the penalties and fines as provided in RSA 676:16 & 17, as amended. The Selectmen are designated as the authority to institute appropriate legal action under the provisions of RSA 676:17.

SECTION 7 - APPEALS

Any person, aggrieved by an official action of the Board, may appeal therefrom to the Superior Court as provided by RSA 677:15.

SECTION 8 - CONFLICTING PROVISIONS

Where these regulations are in conflict with other local, state or federal ordinances, the more stringent shall apply.

SECTION 9 - INTERPRETATION

In the matters of interpretation of these regulations, the opinion of the Board shall prevail.

SECTION 10 - VALIDITY

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

SECTION 11 - AMENDMENTS

These regulations may be amended or rescinded by a majority vote of the Board following a public hearing on the proposed change(s) as required by RSA 675:6. Such changes shall not take effect until a copy of said change(s) is filed with the Town Clerk.

SECTION 12 - DEFINITIONS

- A. **Abutter** shall mean any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration by the Planning Board, and in the event of developments having regional impacts, all affected municipalities and the regional planning commission(s). For the purposes of receiving testimony only, and not for the 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.
- B. **Application, Complete** shall mean the application form and all supporting documents, as specified in these regulations, that contain all the information required in order to be accepted by the Board for consideration. All fees and administrative expenses are included in the application requirements.
- C. **Application, Accepted** shall mean an application that has been accepted by a majority vote of the members at a regular Planning Board meeting.
- D. **Board** shall mean the Planning Board of the Town of Windsor, New Hampshire.
- E. **Easements** shall mean the land area created through authorization by a property owner for the use by another and for a specified purpose of any designated portion of his property.

-
- F. **Frontage** shall mean the length of a lot bordering on a town- or state-maintained road or a Class VI highway or private road.
- G. **Lot Line Adjustment** shall mean adjustments to the boundary between adjoining properties. These may or may not involve exchange of property.
- H. **Plat** shall mean the map, drawing or chard on the which the plan of subdivision is presented to the Planning Board and which, if approved, with be filed with the Hillsborough County Register of Deeds.
- I. **Private Road** shall mean a road that is built to town road specifications and that remains under private use, ownership, and maintenance, and is so recorded in all applicable deeds.
- J. **Public Street** shall mean a street or road which is open for use by the public and which the town or state has a responsibility to maintain.
- K. **Subdivider** shall mean the owner of record of the land to be subdivided, including any subsequent owner of record marking any subdivision of such land or any part thereof, or the agent of any such owner.
- L. **Subdivision** shall mean the division of a lot, tract, or parcel of land into two or more lots, plats, sites, or other divisions of land for the purposes, 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 a parcel of land held in common and subsequently divided into parts among the several owners shall be deemed a subdivision.
- M. **Subdivision, Major** shall mean all subdivisions not qualifying as a minor subdivision.
- N. **Subdivision, Minor** shall mean proposals involving:
- 1) three lots or less with no potential for resubdivision and fronting on an existing street, or
 - 2) the creation of lots for non-building development purposes, or
 - 3) minor lot line adjustments or boundary agreements which do not create buildable lots.
- O. **Subdivision, Technical** shall mean a subdivision of land into two lots or site for the purpose of conveying one such lot or site directly to an abutting landowner. The parcel to be conveyed does not constitute a separate building lot; however, said lot may be used for building development in conjunction with contiguous land owned by the abutter.