

**SUBDIVISION REGULATIONS**

**CORNISH, NEW HAMPSHIRE**

ADOPTED BY VOTE OF THE TOWN OF CORNISH PLANNING BOARD  
CORNISH, NEW HAMPSHIRE, DECEMBER 16, 1982

Amended  
August 12, 1993  
May 4, 2006  
December 3, 2015

Replacing Subdivision Regulations Adopted by Planning Board of the Town of Cornish July 20,  
1972 as amended December 11, 1975

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**SUBDIVISION REGULATIONS**

**TOWN OF CORNISH, NEW HAMPSHIRE**

**ARTICLE I**

**Enacting Clause, Title, and Purpose**

A. Authority and Adoption

Pursuant to the authority vested in the Town of Cornish Planning Board by voters at the annual town meeting of March 14, 1967, and in accordance with the provisions of Chapter 674, Sections 35-42, New Hampshire Revised Statutes Annotated 1983, all as amended, the Town of Cornish Planning Board adopts the following regulations governing the subdivision of all land within the boundaries of the Town of Cornish, New Hampshire.

B. Title

These regulations shall be known and cited as the “Subdivision Regulations of the Town of Cornish, New Hampshire.”

C. Purpose

The purpose of these regulations is to provide for orderly and planned development of subdivisions in order to protect the interest of the Town in general and of the taxpayers as a whole by providing standards and procedures of development which will protect the Town from future costs of maintenance and reconstruction of public ways and lands:

- to protect the interests of contiguous landowners from the consequences of subdivision development;
- to protect the purchasers of sites within a subdivision;
- to require proper arrangement and coordination of roads within subdivisions in relation to other existing or planned roads or with features of the official map of the municipality;
- to provide open spaces of adequate proportions;
- to require suitably located roads of sufficient width to accommodate existing and prospective traffic and to afford adequate light, air, and access for firefighting apparatus and equipment to buildings, and be coordinated so as to compose a convenient system;
- to require in proper cases, that plats showing new roads or narrowing or widening of such roads submitted to the Planning Board for approval shall show a park or parks suitably located for playground or other recreational uses;
- to require 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;
- to include provisions which will tend to create conditions favorable to health, safety, convenience, or prosperity; (RSA 674:36) and
- to provide generally for the harmonious development of the Town. In order to assure conformance to the purposes of these regulations:

1. Premature Development No 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, drainage, transportation, schools, fire protection or other public services or necessitate the excessive expenditure of public funds for the supply of such services shall be approved.
2. Character of Land for Subdivision Land of such character that it cannot, in the judgment of the Board, be safely used for building purposes because of exceptional danger to health or peril from fire, flood, sewage, 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 or other hazard. Land with inadequate characteristics or capacity for sanitary sewage disposal shall not be subdivided for residential, commercial, or industrial subdivision purposes unless connected to a municipal sewage system. The Board shall not consider for approval a subdivision served solely by a Class VI road.
3. Adequacy of Public Services Whenever the Board shall determine that a subdivision being proposed shall not be adequately served by existing public highways, water, or sewer systems or that the availability of other existing public services is inadequate to protect the health, safety, or prosperity of the Town or the inhabitants of the subdivision or the area within which it is proposed, but that the improvement of such services within the area of the subdivision has been planned to allow the orderly development of the town, it shall deny the subdivision application and, thereafter, shall give notice to the Selectmen or Commissioner of the utility system deemed inadequate of its action and its recommendation for the improvement of the deficient system or systems. The Board shall not have the authority to allow a subdivision conditioned upon the subdivider's improvements to such system, and all such improvements shall be approved or disallowed by the appropriate agency in its discretion and upon such terms and conditions as it may lawfully establish.
4. Compliance with Master Plan, Official Map, Other Ordinances and Regulations All subdivisions shall be in harmony with the Master Plan, when such exists, and shall be in conformance with all other applicable State and local by-laws, ordinances, regulations, particularly, but not limited to, the Town of Cornish Zoning Ordinance, road standards, and master plan, site plan review, and the State of New Hampshire laws and regulations governing environmental quality.

The subdivider shall familiarize himself with all State and Town regulations relative to health, buildings, roads, and other pertinent data so that he is aware of the obligations and standards with which the proposed subdivision must comply.

- a) Proper provisions shall be made for drainage, water supply, sewage disposal, and other appropriate utility services.

- b) The proposed roads shall provide a safe, convenient, and functional system for vehicular traffic.
  - c) Roads shall be of such width, grade and location as to accommodate prospective traffic as determined by existing and probable future land and building uses.
  - d) Buildings, lots, blocks, and roads shall be so arranged as to afford adequate light, view, and air to facilitate fire protection and to provide ample access for firefighting equipment to buildings.
  - e) Land shall be developed with due regard to topography so that the natural character of the land and vegetation shall be protected and enhanced.
5. Acceptance of Roads and Open Space No road or open space will be accepted by the Town until such time as all improvements have been carried out as shown on the final plat, in accord with the requirements of these regulations and subject to any conditions established by the Planning Board at the time of final plat approval.
6. Lot Layout The layout of lots shall conform to the specifications of the Official Map and the requirements of the Zoning Ordinance where in force and shall be appropriate for the intended construction. Corner lots shall have extra width to permit a setback on each road. Side lot lines shall generally be at right angles to straight road lines or radial to curved road lines.
7. Preservation of Existing Features Due regard shall be given to the preservation and protection of existing features, trees, scenic points, brooks and streams, rock outcroppings, water bodies, other natural resources and historic landmarks.
8. Adequacy of Community Facilities and Services Adequate schools, parks, playgrounds, and other community services shall be located so that residents of proposed subdivisions shall have convenient access to such facilities.
9. Responsibility for Required Improvements All costs of required improvements within the subdivision shall be borne by the subdivider. Nothing contained herein, however, shall be construed to limit the apportionment of costs for external improvements required to be made on account of the development of the subdivision.
10. Certification The subdivider shall certify, before any final plat is approved by the Board, that all arrangements have been made with the appropriate governmental agencies, private utilities and others, including Town departments, to provide and install, in the manner customary in the Town, all usual and necessary utilities and services to each of the lots in the subdivision, unless otherwise exempted by the Planning Board.



11. Erosion Control The subdivider shall provide adequate control of erosion and sedimentation of both a temporary and permanent nature during all phases of clearing, grading, and construction.

D. Prohibited Conduct, Penalties, and Enforcement

1. Prohibited Conduct No subdivision of land shall be made, and no land in any subdivision shall be sold or offered for sale or lease, and no road or utility construction shall be started until a final plat, prepared in accordance with the requirements of these regulations, has been approved by the Board and other required permits have been issued. No building, zoning, or other permit for construction related to a proposed subdivision shall be granted prior to review and approval of said subdivision by the Planning Board.
2. Penalty Any owner, or agent of the owner, of any land located within a subdivision or proposed subdivision in Cornish, New Hampshire, who transfers or sells any land before a plat of the said subdivision has been approved by the Planning Board and recorded or filed in the office of the Sullivan County Register of Deeds, shall forfeit and pay a penalty of Five Hundred Dollars (\$500.00) for each lot or parcel so transferred or sold, and the description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties. The Town of Cornish, New Hampshire, may enjoin such transfer or sale and may recover the said penalty by civil action. In any such action, the prevailing party may recover reasonable court costs and attorneys' fees as same may be ordered by the court.
3. Enforcement Upon determination by the Administrator that the Regulations are being violated, the Administrator shall immediately take informal steps to enforce the provisions of the Regulations. If informal efforts fail to achieve compliance, the Administrator will normally issue a cease and desist order addressed to the violator stating the provisions of the Regulation which is being violated, the facts constituting a reasonable time within which such action shall be taken but in no case longer than 20 days, and notice that failure either to take corrective action or to file an answer will cause the Administrator to issue a citation of land use violation or other appropriate legal action.

If the cease and desist order fails to achieve compliance, the Administrator may elect to issue and serve upon the violator a local land use citation in accordance with the provisions of RSA 676:17-b which will impose a civil penalty not to exceed \$100 a day payable by the offender for each day the violation continued subsequent to the written notice up of a maximum of five days violations charged in one citation. The recipient of the citation may either plead guilty or nolo contendere and pay the fine or answer and request a trial.

Alternatively, the Administrator, after giving the offender notice of the violation and reasonable time to take corrective action, but in no case longer than 20 days, may elect to commence an action directly in Court charging a violation of the Ordinance

and requesting a fine not to exceed \$100 a day. If necessary, the Administrator may seek an injunction in the Superior Court to prevent or remove an unlawful construction or to enjoin an unlawful use. (RSA 676:17-a-b)

E. Court Review

Any persons aggrieved by any decision of the Planning Board concerning a plat or subdivision may present to the Superior Court a petition, duly verified, setting forth that such decision is illegal in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision in the office of the Planning Board. Upon presentation of such petition, the court may allow a certiorari order directed to the Planning Board to review such decision and shall prescribe therein the time within which return thereto shall be made and served upon the petitioner's attorney, which shall not be less than ten (10) days and may be extended by the court. The allowance of the order shall stay proceedings upon the decision appealed from. The Planning Board shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof, or of such portions thereof as may be called for by such order. The return shall concisely set forth such other facts as may be pertinent and material to show the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a referee to take such evidence as it may direct and report the same to the court with his findings of fact and conclusion of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review. Costs shall not be allowed against the municipality, unless it shall appear to the court that the Planning Board acted in bad faith or with malice in making the decision appealed from.

## ARTICLE II

### Definitions

- A-1. ADMINISTRATOR means the administrator of this ordinance. The selectmen or their designee shall be the administrator.
- A. BOARD means the Planning Board of the Town of Cornish, New Hampshire.
- B. COMPLETENESS REVIEW means a public meeting at which time the Board reviews the application to determine whether it is complete or not and whether it accepts or rejects the application.
- C. DRIVEWAY means any route providing vehicular access serving no more than two (2) lots, sites, or dwelling units and intersecting with any road under the jurisdiction of the Town of Cornish or the State of New Hampshire.
- D. EASEMENT means an acquired privilege or right of use which one party may have in the land of another, normally being a strip of land used or intended to be used for a

sanitary sewer or storm sewer line or other utility when such utilities are not included in the road.

- E. ENGINEER means the duly designated registered professional engineer or the subdivider.
- F. ENTRANCE APPROACH means the first fifty (50) feet of a driveway measured from the intersection of the driveway with the traveled surface of the road.
- G. LAYOUT means a map, plan, or drawing on which a subdivision of land is shown in less detail than is required for a plat.
- H. LOT means an area of land capable of being occupied by one principal structure and its accessories or used for one particular purpose and designated as such on a plat.
- I. MINOR SUBDIVISION, for the purposes of these regulations, a minor subdivision shall mean the division of land constituting a subdivision into two (2) lots, sites, or other divisions of land including the parent parcel, and which shall require no new roads, the construction or extension of municipal utilities, or the construction of other municipal improvements such as sidewalks, storm sewers, curbs, and gutters. Minor subdivision shall not mean, and the provisions shall not apply to, a re-subdivision where the total number of additional lots created from the tract or parcel since March 12, 1974, shall exceed one (1). Notwithstanding the foregoing, minor subdivision shall include a subdivision or re-subdivision for the purposes of annexation in which there is merely a sale or exchange of adjacent lands among two (2) or more owners and which does not increase the number of owners.
- J. PARCEL means a lot or contiguous lots under the same ownership. The location of a right-of-way through a parcel shall not affect this definition.
- K. PLAT means a map, plan, drawing, or chart on which a subdivision of land is shown, and Final Plat means the final map, plan, drawing, or chart on which the subdivider's plan or subdivision, in entirety or in phases, is presented to the board for approval and which, if approved, will be submitted to the Register of Deeds of Sullivan County for recording.
- L. PRELIMINARY CONSULTATION shall encompass a general discussion with the Board of the basic concept of the proposed subdivision before any formal submission or application of a subdivision layout.
- M. RIGHT-OF-WAY means a strip of land used for or intended to be used for a road, crosswalk, or for other special public use. The usage of the term "right-of-way" for land platting purposes in these regulations means that every right-of-way hereafter established and shown on a plat is to be separate and distinct from the lots and parcels adjoining such right-of-way and not to be included within the dimensions or areas of such other lots or parcels.

- N. ROAD means a public thoroughfare, highway, street, road, or avenue, lawfully existing and maintained for vehicular travel by the Town of Cornish and/or the State of New Hampshire. Class VI roads are not included in this definition.
- O. ROAD PAVEMENT means the warding and exposed surface of the roadway used by vehicular traffic and the width of it shall be measured at right angles to the center line of the road.
- P. ROAD WIDTH means the width measured at right angles to the center line of the road.
- Q. SETBACK means the distance between a legal boundary (right-of-way, lot line, or property line) and any part of a building, including but not limited to, garages, greenhouses, porches, and patios.
- R. SUBDIVIDER means the registered owner(s) or the authorized agent(s) of the registered owner(s) of a subdivision.
- S. 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 purpose, whether immediate or future, of sale, rent, lease, condominium conveyance, or building development. It includes a re-subdivision and when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided. A division of a parcel of land held in common and subsequently divided into parts among the several owners shall be deemed a subdivision.  
  
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, wire, cable, conduit, manholes, repeater, and supporting apparatus, including any unmanned structure which is less than 200 square feet, shall not be construed as subdivision under these regulations and shall not be deemed to create any new division of land for any other purpose. (RSA 672:14)
- T. UNINHABITABLE LAND means land which is subject to flooding, including swamp and marsh land.

### **ARTICLE III**

#### **Procedure**

- A. Preliminary Consultation  
Before the submission of a subdivision plat, a subdivider may request that a subdivision plan be placed on the agenda for the Planning Board's public meeting by contacting the Planning Board chairman at least seven (7) days prior to the date of the meeting and requesting a preliminary consultation with the Board; such subdivider may appear at the scheduled meeting and submit a general subdivision layout, soils data, utilities information, highway and traffic data, and such other information as the applicant may

deem relevant to inform the Planning Board about the nature, scope, location, intensity, and public impact of the proposed plan. The subdivider should determine in advance of the meeting what, if any, issues may require discussion and should use the preliminary consultation process if there are known developmental problems under the applicable regulations.

The Planning Board and the subdivider shall review the development concept, the effect of the development on the community services, the general road and utility requirements, the requirement of the development for public services, and the availability of such services and shall note the probable compliance or non-compliance with the comprehensive planning maps, zoning, and any other applicable local, State, or Federal regulations.

Any advice, recommendations, or notations of compliance shall not be considered a ruling of law or fact by the Board, and shall not be binding upon or necessarily consistent with the Board's formal action of the plat. Interpretations of law or of these regulations during such consultation shall be subject to change by the Board at any time.

Preliminary Consultation shall not extend to a technical discussion of compliance with these regulations, the layout of roads or highways, or the substantive effect of these regulations on any particular facet of the development.

No act taken or not taken by the Planning Board during the Preliminary Consultation phase shall be deemed a determination of completeness of the plan or an acceptance thereof for the approval or disapproval of the plat.

B. Compliance with Zoning Ordinance and Site Plan Review Regulations and Joint Meetings

The Board will not approve or modify and approve any plan of a subdivision of land unless all buildings, structures, and lots shown on said plan comply with the Zoning Ordinance of the Town or unless a variance from the terms thereof has been properly granted.

The subdivider is advised to consult the Site Plan Review Regulations which may be applicable to the development project. Concurrent public hearings for subdivision and site plan review may be permitted at the Planning Board's discretion. An applicant seeking both Planning Board and Zoning Board of Adjustment approval for a project may petition the boards to hold a joint meeting or hearing. Each board shall have the discretion as to whether or not to hold the joint meeting. (RSA 676:2)

C. 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:

1. Relative size or number of lots or units compared with existing stock.
2. Transportation networks.
3. Proximity to the borders of a neighboring community.
4. Anticipated emissions such as light, noise, smoke, odors, or particles.
5. Proximity to aquifers or surface waters which transcend municipal boundaries.
6. Shared facilities such as schools and solid waste disposal facilities.

Doubt concerning regional impact shall be resolved in a determination that the development has a potential 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. (RSA 36:54-58)

D. Preliminary Design Review

If a person wishes a review of his project which goes beyond discussion of the proposed subdivision in conceptual form, he shall apply in writing on the appropriate Application Form (Form A) and pay the required fees. The application shall be accompanied by all information described in Article V for the Preliminary Design Review. Such application and other required information shall be submitted not less than fifteen (15) days prior to a regular meeting of the Board. The Board shall give formal public notice of the preliminary review in accordance with Section E, below.

The preliminary design review shall be conducted only at formal meeting 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. If the applicant is permitted by the Board to submit a final plat on only a portion of the total land to be subdivided, the preliminary layout submission shall cover the entire area of the tract and shall indicate the appropriate outline and sequence of those portions of the tract for which subsequent final plats will be submitted.

E. Submission of Plat for Subdivision Approval

In order to obtain Planning Board consideration of a proposed subdivision plat, a subdivider shall make application for subdivision approval in accordance with these regulations. Applications therefore shall be on forms provided by the Planning Board (see Form B), shall be accompanied by a subdivision plat depicted on plans which conform to the requirements of Article V hereof (relating to scale, etc.), shall be

accompanied by a filing fee computed in accordance with Article III, Section M.1 hereof, and accompanied by a statement of the subdivider setting forth the names, addresses, and zip codes, if different from the zip code for the Town of Cornish, of each abutter to the proposed subdivision as abutter is defined in Article V, Section B.1(c) hereof. The subdivider shall certify on said statement that the names and addresses as listed reflect the state of the record title as of a date not more than five (5) days before the day upon which the subdivider files the application.

The application shall be filed with the Planning Board by delivery of the completed application to the office of the selectmen not later than twenty (20) days prior to the public meeting date at which the subdivider proposes to submit the plan.

Not less than ten (10) days before the date upon which the application is submitted to the Planning Board, the Secretary of the Planning Board shall mail to each abutter listed a notice that application for subdivision has been received, is to be submitted to the Planning Board for completeness review and, if found complete, will be the subject matter of a public hearing. The notice shall specify the time, date, and place of the submittal meeting and of the public hearing to be held if the application is found to be complete, the name of the subdivider, the number of lots proposed, the road or highway providing the main access to the subdivision, and whether or not the subdivision shall be supplied by public water and/or sewer.

F. Completeness Review & Determination of Regional Impact

The Planning Board shall review all applications for subdivision approval filed with it after October 1, 1981, in accordance with Article V to determine if the application as filed has been completed in conformance to these regulations and contains all information required by the Planning Board to allow the Planning Board to make an informed decision thereon.

No application shall be deemed complete if the fees specified in Article II, Section B, are not paid upon filing of an application, abutters are not identified, or unless the application and accompanying documents shall address and provide information relating to the requirements of Article V of these regulations.

Completeness review of any subdivision application shall not be in order for consideration before twenty (20) days after the filing of an application and shall be subject to action only at the public portion of any Planning Board meeting. If the Planning Board shall determine that an application is not complete, it shall so notify the applicant and shall specify the categories determined by the Planning Board to be incomplete. Upon a determination that the application is incomplete, there shall be no further action on the same application, and the subdivider shall be required to file a new application.

Following the completeness review, a decision concerning the proposal's potential for regional impact shall be made.

If the Planning Board shall determine that the application as filed is complete, it shall accept the application for further consideration under these regulations and shall notify the applicant of the acceptance of the application and the application's status with regard to regional impact (see Form D). The Planning Board shall begin formal consideration of the application after its acceptance and shall render a final decision thereon within ninety (90) days after the date of the acceptance of the application, unless the Selectmen shall grant an extension or unless the application shall waive the 90-day limit.

G. Formal Consideration

1. Board's Procedure on Completed Applications The Planning Board shall hold a public hearing on all subdivision applications accepted by it for consideration as part of its formal review. Unless such a hearing shall have been scheduled and notice therefor given at the time of filing, notice of such hearing shall be given to the public and abutters not less than ten (10) days before the hearing date and to the affected municipalities and Regional Planning Commission not less than fourteen (14) days before the hearing date in the same or substantially the same form as provided in Section E above.

Any person shall be allowed to testify at the hearing.

After the public hearing, the Planning Board shall consider the application and shall approve with conditions, or disapprove, the plat within ninety (90) days after it accepts the application as complete, unless such limit is waived by the applicant or an extension is granted to the Board by the Selectmen.

Within 72 hours after the Board's decision has been made, a final written notice shall be placed on file in the Board's office or with the Town Clerk, shall be made available to the applicant and for public inspection (RSA 676:3). If the Planning Board should disapprove the plat, the ground or grounds therefor shall be specified in the record of the Planning Board and the applicant shall be given notice of the disapproval and the grounds therefor. The notice of decision shall constitute a record of the decision and the grounds therefor.

The Board may grant conditional approval of a plat or application which approval shall become final without further public hearing upon certification to the Board by its designee or based upon evidence submitted by the applicant of satisfactory compliance with the condition imposed. Final approval of a plat or application may occur in the foregoing manner only when the conditions are

- a) Minor plan changes whether or not imposed by the Board as a result of a public hearing, compliance with which is administrative and which does not involve discretionary judgment;
- b) Conditions which are in themselves administrative and which involve no discretionary judgment on the part of the Board; or



- c) Conditions with regard to the applicant's possession of permits and approvals granted by other boards or agencies or approvals granted by other boards or agencies.

All other conditions shall require a hearing and notice (RSA 676:4).

Approval of the subdivision by the Board shall not constitute an acceptance by the Town of any utility, sewerage system, water system, road, highway, right-of-way, or other public open spaces.

- 2. Failure of the Board to Take Action Upon failure of the Board to approve or disapprove the application within ninety (90) days, or within an additional ninety (90) day extension period requested by the Board and approved by the Selectmen, the applicant may obtain from the Selectmen an order directing the Board to act within thirty (30) days. Failure of the Planning Board to act upon such order of the Selectmen shall constitute grounds for the Selectmen, upon petition of the applicant to approve the application pursuant to RSA 676:4 within forty (40) days of the issuance of the order unless within those forty (40) days the Selectmen have identified in writing some specific subdivision regulation or zoning or other ordinance provision with which the application does not comply. Such approval shall cite RSA 676:4 and shall constitute final approval for all purposes including filing, recording, and court review.

Failure of the Selectmen to issue an order to the Planning Board as described above, 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 Town to act was not justified, the court may order the Town to pay the applicant's reasonable costs, including attorney's fees, incurred in securing such order.

The applicant may waive the requirements for the Planning Board's action within the time periods specified and consent to such extension as may be mutually agreeable.  
{RSA 676:4-O(c)(1)-(2)}

- 3. Signing of the Plat Three methods are available to the subdivider, a), b), or c):
  - a) 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 after the improvements have been installed and approved. The plat will be recorded in the Sullivan County Registry of Deeds and the subdivider may then sell and convey lots in the subdivision.

- b) Security and the Signing of the Plat: Before the subdivider starts installation or construction of improvements such as 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.

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

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. 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 the 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.

- c) 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 which use a proposed road for access until either a 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. 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 Article III, Section J. The covenant shall indicate that in order to nullify the covenant, the Planning Board must approve and record an instrument that indicates that either:
  - i) Security in the amount and form acceptable to the Planning Board for the then required subdivision improvements has been furnished to and accepted by the Planning Board; or
  - ii) The required subdivision improvements have been constructed and a Certificate of Performance required has been approved by the Planning Board.
  - iii) Nothing herein shall obligate the Planning Board to approve either the 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 Cornish 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.

- iv) 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.

H. Plat Void if Revised After Approval

No changes, erasures, modification, or revisions shall be made in any subdivision plat or application after acceptance of the application has been given by the Board unless the said plat or application is first resubmitted to the Board and the Board approves any modification. In the event that any such plat is recorded without complying with this requirement, the same shall be considered null and void, and the Board shall institute proceedings to have the plat stricken from the records of the Sullivan County Register of Deeds.

I. Filing with the Registry of Deeds

No sale or transfer of land within a subdivision may be entered into until an approved subdivision Final Plat has been recorded with the Sullivan County Register of Deeds by the Clerk of the Board. The subdivider shall submit to the Board a mylar copy of the approved Final Plat, and the Board will record the Plat at the expense of the subdivider with the Sullivan County Register of Deeds. The act of recording an approved subdivision Plat shall not in itself constitute acceptance by the Town of any road or easement shown thereon. It shall be the responsibility of the Board to notify the subdivider of the book, page, and date of recording. Failure to submit the mylar within sixty (60) days after the Board's approval shall void the approval and no subdivision may be carried out. There is no time requirement concerning the sale of the subdivided land.

J. Five-Year Exemption

Every plat approved or signed by the Board and properly recorded at the Registry of Deeds shall be exempt from all subsequent changes in Subdivision Regulations and Zoning Ordinances adopted by the Town except those regulations and ordinances which expressly protect public health standards such as water quality and sewage treatment requirements for a period of five (5) years after the date of approval; provided, however, that once substantial completion of the improvements as shown on the plat have occurred in compliance with the approved plat, or the terms of said approval, the rights of the owner or his successor in interest shall vest, and no subsequent changes in subdivision regulations or zoning ordinances shall operate to affect such improvements; provided that

1. Active and substantial development or building has begun on the site by the owner or his successor in interest in accordance with the approved plat within 24 months after the date of approval, or in accordance with the terms of said approval, and, if a bond

or other security to cover the costs of roads, drains, or sewers is required in connection with such approval, such bond or other security is posted with the Town at the time of commencement of such development;

2. Development remains in full compliance with the public health regulations and ordinances; and
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 such plat. (RSA 674:39)

K. Revocation of Recorded 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 the following circumstances:

1. At the request of, or by agreement with, the applicant or the applicant's successor in interest.
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, plan, or specifications upon which the approval was based, or has materially violated any requirement or condition of such approval.
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.
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.
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 (RSA 676:4-a).

L. Abandonment and Resubmission

A final plat shall be considered to have been abandoned by the subdivider if he has not complied with the bond requirement of this Article, any other conditions of approval established by the Board and has not submitted the final plat for endorsement by the Chairman of the Board within sixty (60) days after being notified of approval by the Board. The subdivider may be granted only one (1) extension to be limited to not more than sixty (60) days by the Board upon written application and for reasons deemed

adequate by the Board. An abandoned final plat shall require a complete new submission for further consideration by the Board.

M. Fees

1. Filing Fee Application for approval of a subdivision or any phase shall be accompanied by a filing fee, a per lot fee, and a per abutter fee for each phase, as established by the Selectmen. The filing fee for any minor subdivision or annexation shall be a flat fee and per abutter fee as established by the Selectmen.
2. Inspection Fees The Planning Board shall require inspection services for all major subdivisions which include road 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 at least five (5) days 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 Certificate of Performance of Improvements pursuant to Article III, Section N.5. 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	= \$ _____
Initial Account Deposit	\$ _____

3. Professional Review The Board may require the subdivider to pay the cost of a professional review of various parts 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).
4. Other Fees Any and all design engineering and review costs incurred by the municipality in excess of the above-mentioned fees shall be paid by the subdivider prior to any action by the Board to approve or disapprove the final plat.

N. Performance and Maintenance Security

1. Before final approval of a plat, the Board shall require the subdivider to file:
  - a) Performance bond, issued by a surety company authorized to do business in New Hampshire to be filed with the governing body in form and amount satisfactory to it; or,
  - b) Irrevocable letter of credit, cash, or savings bankbook properly endorsed to the Town in an amount to be determined by the governing body, and to be deposited with it; or,
  - c) That, pursuant to an agreement between the subdivider and the Board for tentative approval as authorized by the provisions of RSA (674:36. iii(b) which approval shall not be entered upon the plat but which shall be noted in the Board's minutes and shall constitute authorization for the commencement of construction of required roads and other improvements and installations, the subdivider has received final approval from the appropriate Town agents on all items listed on the engineer's cost estimate noted above; or,
  - d) A combination of a, b, and c.
2. Amount of Security 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.

3. Release of Security As phases or portions of the secured improvements or installations are completed and approved by the Planning Board or its designee, the Town shall partially release said security to the extent reasonably calculated to reflect the value of such completed improvements or installations. Cost escalation factors that are applied by the Planning Board to any bond or other security shall not exceed ten (10) percent per year. {RSA 674:36-iii(b)}

The performance guaranty shall not be released until the governing body has certified completion of the public utilities and improvements in substantial accordance with the requirements and deeds covering land to be used for public purposes, easements and rights-of-way over property to remain in private ownership, and rights-to-drain onto or across private property are submitted in a form satisfactory to the Selectmen. All recording fees shall be borne by the subdivider.

In the case of electric lines or other utilities to be installed by a public utility, corporation or a municipal department, a statement shall be received in writing from such public utility, corporation, or municipal department that the work will be done within a reasonable time and without expense to the Town and that the utilities will be placed underground, if this has been agreed.

4. Maintenance Until Acceptance Upon completion of improvements and approval by the appropriate Town agents, surety covering maintenance of roads and improvements for a period of two (2) years from acceptance by the Town shall be required in an amount based on ten percent (10%) of the engineers' original estimate of such improvements, as approved by the governing body.
5. Certificate of Performance of Improvements Upon completion of all the required improvements associated with the subdivision approval, the subdivider may make application to the Board in writing for a Temporary Certificate of Performance. This application shall include inspection reports from all affected Town departments and/or applicable outside agencies including, but not limited to, the Road Agent, the Fire Department, the sewer commission (should one exist), the water precinct, and the N.H. Department of Transportation. The Board shall issue the Temporary Certificate of Performance and release the original security filed with the Board if the Board determines that the following have been met:
  - a) All of the improvements are without material defects which need correction as determined by the Board, and;
  - b) The subdivider has submitted security for a period of two years 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 two year period not to exceed 10% per year.

After the two-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 two-year waiting period. If all the improvements are without material defects which need correction as determined by the Board, then the 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.

O. Construction of Subdivision

1. Modification of Design Improvements If at any time before or during the construction of the required improvements it is demonstrated that unforeseen conditions make it necessary or preferable to modify the location or design of such required improvements, the Board may authorize minor modifications, provided these modifications are within the spirit and intent of the Board's approval and do not extend to the waiver or substantial alteration of the function of any improvements required by the Board, and provided that the number of lots are not increased, that the character of the development is unchanged, or that the change shall not affect the plan's conformance to these regulations. The Board shall issue any authorization under this paragraph in writing. Any authorized modification shall be included on the official subdivision plat, and notice of the authorized modification shall be transmitted to the Sullivan County Register of Deeds. Any other modification shall constitute a re-subdivision.
2. Inspection of Improvements At least five (5) days prior to commencing construction of required improvements, the subdivider shall pay to the Town an amount of money as estimated in Article III, Section M.2. of these Regulations to fully compensate the Town for all inspection and testing charges deemed necessary for such improvements and also at that time shall notify the Board in writing of the time when he proposes to commence construction of such improvements so that the Board may cause inspection to be made to assure that all Town specifications and requirements shall be met during the construction of required improvements and utilities required by the Board.
3. Proper Installation of Improvements The subdivider shall notify the Board in writing when the improvements are complete. If the Board of Selectmen, or their agent, shall determine upon inspection and testing that any of the required improvements have not been completed in accordance with plan and specifications as filed by the subdivider and as required by the Town, the Board shall notify the subdivider in writing of such deficiency and have the subdivider rectify all deficiencies at the expense of the subdivider. The Board shall notify the subdivider in writing of the satisfactory completion of all improvements including correction or any previously specified deficiencies in the improvements, and issue a Temporary Certificate of Improvements as described in Article III, Section N.5. If the subdivider does not substantially rectify all deficiencies within sixty (6) days of notice, the Board shall notify the agency holding the subdivider's security and take all necessary action to protect and preserve the Town's rights and interests including correction of any deficiencies in the improvements.
4. Guarantee of Improvement Installation Two (2) years after completion of all improvements or two (2) years after the correction of all deficiencies referred to in paragraph O.3. of this Article, whichever occurs last, the Board shall have the required improvements of the subdivision inspected and tested, as it deems necessary, to determine completeness and sufficiency. If the Board finds that the improvements



have failed for any reason or do not meet the specifications as filed by the subdivider and as required by the Town, the Board shall notify the subdivider in writing of such failure and have the subdivider rectify all failures at the expense of the subdivider. If the subdivider does not substantially rectify all failures within sixty (60) days of notice, the Board shall notify the agency holding the subdivider's security and take all necessary action to protect and preserve the Town's rights and interests including correction of any deficiencies in the improvements. A Final Certificate of Performance shall be issued as described in Article III, Section N.5., above.

5. Damage to Adjacent Public and Private Property, Drainage Facilities, and Waterways, Streams, and Brooks. If at any time before all public improvements are finally accepted by the Town and before the bond is totally release, should any condition within the approved subdivision cause damage to adjacent public or private property, drainage facilities and waterways, streams, and brooks, including but not limited to soil erosion and damage to standing vegetation, the Board shall notify the subdivider in writing of such damage and have the subdivider correct all damage at the expense of the subdivider. If the subdivider does not substantially correct all damage within sixty (60) days of notice, the Board shall notify the subdivider's bonding company or escrow agent and take all necessary action to protect and preserve the Town's rights and interests, including correction of these damages.

P. Prior Work

The Board shall not authorize nor permit any work in a subdivision, including clearing and rough grading, prior to its approval of the final plat. If the Board determines that any work undertaken on the subject property does not represent orderly and planned development, the Board may require the subdivider to restore the site, as nearly as possible to a status satisfactory to the Board as a condition of the approval of any plat. This provision shall not be interpreted so as to prohibit utilization of lands for agricultural or silvicultural purposes not associated with the subdivision.

Q. Legal Data Required

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 land to be used for roads and drainage, 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. Descriptions of easements and rights-of-way for public purposes over property to remain in private ownership;
3. Descriptions of easements to drain onto or across other property, whether public or private, including a road;
4. Performance and maintenance bonds.

5. Covenant Restricting Lot Sales – Required if the subdivider chooses this method for the Planning Board to sign the plat as outlined in Article II, Section G.3(c).
6. Covenants (if applicable) – Relating to release of the Town of Cornish, Water Precinct, and Sewer Commission (if applicable) from furnishing certain facilities.
7. Indemnification – 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 Highway Department for subsequent maintenance of pavement, shoulders, catch basins, culverts, storm sewers, and any additional costs.
8. Maintenance Until Acceptance – The subdivider shall provide the Board a written acknowledgement of the subdivider’s responsibility for maintenance of easement areas and the assumption by him of liability for injuries and damages that may occur on any land to be dedicated for public use, until such land has been legally accepted by the Town of Cornish.

## **ARTICLE IV**

### Development Standards

#### A. Roads

1. Cul-de-sac A cul-de-sac road shall not exceed six hundred (600) feet in length and shall not provide entrance to other roads. However, where the density is equal to or less than one (1) residential unit for each three (3) acres, the Board may increase the maximum length to twelve hundred (1200) feet. When there are six (6) residential units or less on a cul-de-sac, the Board may modify the travel way width requirements, provided that the subdivider provides adequate off-road parking facilities. A turn-around shall be provided with a minimum radius of sixty (60) feet at the end of all cul-de-sacs.
2. Standards All roads shall be completely constructed by the subdivider in accordance with the minimum requirements for road construction as established by the Town. In subdivision where the density is one (1) residential unit for each three (3) acres or less, road surface “a” shall be required. In subdivisions where the density is greater than (1) residential unit for each three (3) acres, surface “b” shall be required. Road standards for surfaces “a” and “b” are attached as Appendix A.
3. Layout
  - a) Arrangement – The arrangement of roads in the subdivision shall provide the continuation of principal roads of adjoining subdivisions and for proper projection of principal roads into adjoining properties which are not yet subdivided in order to make possible necessary fire protection, movement of traffic, and construction or extension, presently or when later required, of needed utilities and public services such as sewers, water, and drainage facilities. Where, in the opinion of

the Board, topographic or other conditions make such continuance undesirable or impracticable, the above conditions may be modified.

- b) Topography – Roads shall be logically related to the topography so as to produce usable lots, reasonable grades, and safe intersections in appropriate relation to the proposed use of the land to be served by such roads. Adequate provisions shall be made to control the drainage of each lot by an adequate storm water system.
  - c) Horizontal and Vertical Curves – No horizontal curve shall have a center line radius of less than one hundred and fifty (150) feet. For changes in grade exceeding one percent (1%), a vertical curve shall be provided insuring a minimum sight distance of one hundred and fifty (150) feet.
  - d) Grades – Road grades shall be adequate to provide satisfactory drainage. The maximum allowable grade shall be ten percent (10%). In no case shall a grade greater than five percent (5%) be allowed at or within one hundred and fifty (150) feet of an intersection.
  - e) Intersections – Road intersections shall be as nearly at right angles as possible, and no intersection shall be at an angle of less than sixty (60) degrees.
  - f) Tangents – A tangent of at least one hundred (100) feet in length shall be introduced between reverse curves on all proposed roads.
  - g) Road Jogs – Road jogs with center line offsets of less than one hundred and twenty-five (125) feet shall not be allowed.
  - h) Road Names – Roads shall be identified by name on the preliminary plat. Proposed roads which are obviously in alignment with others already existing and named shall bear the names of existing roads. 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.
4. Entrance Approach These standards for entrance approach construction apply to new subdivisions:
- a) The entrance approach (driveway) within the road right-of-way shall slope down from the crown of the road to the shoulder of the road one (1) inch to the foot.
  - b) Drainage structures as are necessary to maintain new or existing drainage shall be furnished by landowner and shall be not less than fifteen (15) inches in diameter.
  - c) No water shall discharge from the entrance approach (driveway) upon the traveled surface of a road or upon abutters' property.
  - d) A residential entrance approach (driveway) shall not be more than twenty-five (25) feet in width plus flare.
  - e) A non-residential entrance approach (driveway) is considered on an individual basis by the Planning Board and shall not be more than fifty (50) feet in width plus flare.
  - f) An entrance approach shall be laid out so as to intersect with the road as nearly as possible at right angles, but in no case at angle of less than sixty (60) degrees.
  - g) The location shall be selected to provide safe sight distance, based on the standard that the sight distance shall be ten (10) times the speed posted on the existing road (e.g., 30 mph = 300 feet sight distance). For properties where the minimum sight distances described above cannot be met the driveway shall be placed at the safest

possible location and the speed posted on the Town road shall be reduced accordingly, but not less than 30 mph. If a lesser speed is indicated, a yellow warning sign indicating the hazard to be encountered (e.g., Blind Drive) with an advisory speed sign mounted directly below showing the indicated speed to the nearest 5 mph multiple shall be provided. The indicated speed shall be the safe sight distance available divided by ten (10).

- g-1) The entrance to a driveway from a public way shall be such as to allow service vehicles (e.g. fire trucks) to enter the driveway without having to cross the centerline of the public way.
  - h) The grade shall not exceed 5% within 100 feet of the intersection with the Town road.
  - i) A suitable turnaround shall be provided so that emergency vehicles do not have to back down to exit the driveway.
5. Curbs and Sidewalks Curbs and sidewalks may be required on roads by the Board in any subdivision where the density is greater than one (1) residential unit for each three (3) acres.
6. Parking Parking shall be provided according to the standard set forth in the Zoning Ordinance, Article IV, Section 2.

## B. Utilities

1. Water Subdividers shall provide adequate provisions for water supply with the following restrictions:
- a) Subdividers may be required to obtain consent to connect to the public water system or to provide a community water system approved by the State and the Town. In any subdivision where the density is greater than one (1) residential unit for each three (3) acres shall provide the necessary quantity of water at acceptable pressures for fire protection according to the requirements of the New Hampshire Board of Underwriters. If the Planning Board shall determine that water supply and/or pressures as may then exist in the area are inadequate, it shall disapprove the subdivision but may recommend improvements to the appropriate authority pursuant to Article 1, Section C, sub-paragraph 3.
  - b) If the density is less than one (1) residential unit for each three (3) acres of land, the lots shall be so arranged and have the necessary dimensions so that any well will not be within one hundred (100) feet of any part of an existing or proposed sewerage drainage field or the property line.
2. Sewage Disposal the subdivider shall provide adequately for the disposal of sewage with the following restrictions:
- a) The subdivider shall be required to connect to the public sewer systems or provide a community sewer system approved by the Town and the State in any subdivision where the density is greater than one (1) residential unit for each three

(3) acres. The subdivider is required to provide such pumping and other facilities as may be necessary. If the Planning Board shall determine that the sewer system as may then exist in the area is inadequate, it shall disapprove the subdivision but may recommend improvements to the appropriate authority pursuant to Article 1, Section C, sub-paragraph 3.

- b) A private on-lot sewage treatment facility shall meet requirements of the State regulations and, in addition, it shall be the responsibility of the subdivider to provide adequate information to prove the area of each lot is adequate to permit installation and the safe operation of both individual on-lot water and sewerage systems.
  - c) No part of a septic tank or of a drainage field of a private on-lot sewerage treatment facility shall be within ten (10) feet of a property line or one hundred (100) feet of an existing or proposed water supply.
  - d) The minimum distance between sewage disposal systems and water bodies, watercourses, and wetlands shall be 100 feet measured from : a) the mean high water mark of the water feature; b) the top of the bank; or c) the edge of the Regulatory Floodplain, whichever distance provides the greatest setback from the water feature.
  - e) The minimum distance between roads, drives, and parking areas and water bodies, water courses, and wetlands shall be 100 feet except as permitted by special exception granted by the Zoning Board of Adjustment.
  - f) The setback requirements with respect to sewage disposal systems, water bodies, water courses and wetlands shall not be reduced except in accordance with the provisions of Section VII C-5 of the Zoning Ordinance.
3. Electric, Telephone, Cable TV Electric, telephone, and cable TV distribution systems shall be underground, including services to residences and to road lights unless waived by the Planning Board. The subdivider shall coordinate subdivision design with the utility companies to insure adequate and suitable area for underground installations.

C. Road Signs

All road signs and posts shall be provided and installed by the Town at the expense of the subdivider.

D. Storm Drainage

- 1. Removal of Spring and Surface Water The subdivider shall be required by the Board to carry away, by pipe or open ditch, any spring or surface water that may exist either previous to or as a result of the subdivision. Such drainage facilities shall be located in the road right-of-way where feasible or in perpetual unobstructed easements of appropriate width.
- 2. Drainage Structure to Accommodate Potential Development Upstream Culverts of other drainage facilities shall, in each case, be large enough to accommodate potential run-off from the entire subdivision. The Board shall approve the design and size of facilities based on anticipated run-off under condition of total potential development.

The subdivider's engineer shall provide such information as the Board deems necessary to the determination of the adequacy of the facilities.

3. Responsibility for Drainage Downstream The subdivider's engineer shall provide such information as the Board deems necessary to determine the effect of the subdivision on the existing downstream drainage facilities outside of the area of the subdivision. Where the Board anticipates that the additional run-off incident to the development of the subdivision may overload an existing downstream drainage facility so that there may be damage to private property or an increase in the expenditure of public funds, the Board shall not approve the subdivision until the subdivider and the Board of Selectmen agree to share the cost of the necessary improvement required. The Town's share shall be based upon the portion of run-off which the developed area downstream from the subdivider's subdivision contributes to the necessary improvements, except that there shall be credited to the Town's share that portion of the need which can be met by existing facilities.
4. Uninhabitable Land All land to be used for building purposes on the plat submitted for approval shall be of such character that it can be used for building purposes without danger to health or safety.
5. Other Provisions In design of the drainage system, natural waterways shall be utilized to the fullest extent feasible. There shall be at least eighteen (18) inches of cover over culverts crossing roadways, and for culverts over fifteen (15) inches in diameter the Board may specify additional depth of cover. The minimum size culvert installed shall be fifteen (15) inches. Where catch basins are installed, the road shall have curbing unless the Board shall approve an alternate method. Open roadside drainage ditches in excess of five percent (5%) grade shall be paved with stone or asphalt as required by the Board. All culverts shall have headers. Header design shall be approved by the Board. Wherever possible, natural drainage courses should be extended across a road and not diverted to roadside drainage ditches.

E. Lots

The lot arrangement shall be such that in constructing or building in compliance with the Zoning Ordinance there will be no foreseeable difficulties for reasons of topography or other natural conditions.

F. Monuments

Monuments constructed of concrete or stone at least 4 x 4 inches on the top and at least thirty-six inches long shall be set at all block corners and iron pins or equivalent markers at all lot corners. The final plat shall be keyed to several block corner monuments within the subdivision.

G. Open Space

1. Open Space Shown on Town Master Plan Where a proposed park, playground, or other open space shown on the Master Plan is located in whole or in part in a proposed subdivision, the Board shall require substantial compliance with such Master Plan.

As a condition of approval of the final plat, the Board may require that the subdivider either:

- a) Provide an easement or deed land to the Town for public park use or to the Conservation Commission or a 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 100 persons, or
- b) Pay the Town an equivalent sum of money in cases where the Board determines that the subdivision is located adjacent to existing public open space or that due to the size, topography, or location of the subdivision, land for park, playground, other recreational purposes, or open space cannot be properly located therein. This cash payment shall be used by the Town for either land acquisition or the development of public land for recreational purposes for the benefit of the residents of the subdivision.

The Board may approve a combination of the two previous methods in making provision for open space and recreation.

2. Other Open Space If no such open space, park, or playground is shown in the Town Master Plan within the boundaries of a proposed subdivision, the Board may, where it deems essential, require that the plat show one or more sites of character, size, shape, and location suitable to be used as community open space or park, in area not to exceed one acre per one hundred (100) persons. In the case of cluster subdivision or planned unit development, open space shall be not less in area than as provided in the zoning regulations. Such areas of open space, whether privately or publicly owned, shall have a sufficient legal restriction recorded in the County land records to assure permanence of use as open space. Open space land in private ownership shall be deeded in such a way that will assure operation or maintenance of the land in an orderly manner suitable for the purpose intended.
3. Development of Open Space On land to be used as active recreation open space, undesirable growth and debris shall be removed. Wooded and brook areas shall be left natural; active recreation open spaces shall be graded properly to dispose of surface water and shall be seeded with lawn grass. There shall be no depositing, dumping, or storage of waste or other natural or man-made material, supplies, or equipment on any subdivision land designated as open space.

#### H. Trees and Planting

Due regard shall be given to preservation of existing features, trees, scenic points, and other natural and historic resources within the subdivision. The Board may require additional tree planting and other landscaping appropriate to the area being developed. Removal of stripped topsoil or surplus materials from the subdivision area shall not be permitted unless in accord with the zoning regulations.

#### I. Natural Cover

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 run-off, and conserve the natural cover and soil. After application for approval has been submitted to the Board, no topsoil, sand, or gravel shall be removed from the subdivision for any purpose other than to meet construction needs for that particular subdivision or to meet any requirements of these regulations.

#### J. Erosion and Sedimentation Control

1. Purpose 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.

2. Guidelines 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 run-off and conserve the natural cover and soil. 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.

The subdivider shall bear the final responsibility for the installation and construction of all required drainage, slope stabilization, soil erosion and sediment control, and structures according to the provisions of these Regulations.

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

- a) Stripping of vegetation, regrading, or other development shall be done in such a way that will minimize soil erosion.
- b) Whenever practical, natural vegetation shall be retained, protected, and supplemented.
- c) The disturbed area shall be kept to a minimum and the duration of exposure shall be a maximum of six (6) months. In no case shall completed areas be left after October 1<sup>st</sup> of the current year without being seeded and mulched. Disturbed areas remaining idle for more than thirty days shall be stabilized.
- d) Temporary seedings and/or mulching shall be used to protect exposed critical areas during development.



- e) Provisions shall be made to accommodate the increased run-off caused by changed soil and surface conditions during and after development.
- f) Sediment in run-off water shall be trapped by the use of sediment basins or other acceptable methods until the disturbed area is stabilized. Sediment in run-off water shall be trapped and retained within the project area using approved measures. Very poorly drained soils and waterbodies shall be protected from sediment.
- g) Diversions, sediment basins, and other erosion control measures shall be constructed prior to any on-site grading or disturbance of existing surface material.
- h) Should there be an alteration of the terrain bordering surface waters of the state or disturbance of over 100,000 square feet of area, a permit from the Water Supply and Pollution Control Division is required under RSA 485-A:17.
- i) Seeding: All graded areas shall be seeded with conservation mix (USDA approval) at the rate of 60 lbs. per acre.
- j) 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 acre.
- k) Mulch: All seeded areas shall be mulched within 24 hours after seeding. A good quality mulch hay should be used and applied at the rate of 2 tons per acre.
- l) Appropriate control measures shall be installed prior to removal of vegetation.
- m) Off-site surface water and run-off from disturbed areas shall be carried non-erosively through the project area, or diverted away from disturbed areas where feasible.
- n) Naturally occurring streams, channels, and wetlands shall be used for conveyance of run-off leaving the project area.
- o) 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.
- p) Site development shall not begin before the erosion and sediment control plan is approved by the Board.
- q) Erosion and sediment control measures shall be installed as scheduled in the approved plan.
- r) 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 maintain such measures, the Town shall have the authority to perform required maintenance; the cost of such work shall be borne by the owner.

**K. Cluster and Planned Unit Development**

If allowed in the Zoning Ordinance, a subdivision plat may be designated for cluster or planned unit development, provided all requirements of these regulations and the Zoning Ordinance are met.

L. Subdivider's Restrictions

The owner of the subdivision may place restrictions on the subdivision greater than those required by these regulations, the Zoning Ordinance, and any other State or local regulations. Such restrictions shall be attached to the plan and shall also, when applicable, be placed as covenants in the deeds of dedication to the Town.

M. Excavation and Grading

1. General All excavating and filling required for construction of improvements shall be as specified herein. The entire area of work shall be brought to the required lines and grades by excavation or filling. Excavation material, if suitable, may be used in making embankments and in filling low area. A minimum of four (4) inches of topsoil shall be provided to cover all finished slopes. This material shall be spread uniformly over all finished slopes. All roads shall be graded from property line to property line to approved grade and cross section.
2. Suitable Materials Required No stumps, wood, roots, sod, or other fibrous materials shall be placed in any embankment. In those locations where the alignment crosses swamp or marsh lands or other similar soil that is incapable of withstanding expected loads, such inadequate soil shall be entirely removed and replaced with adequate material. The materials so removed shall not be placed in embankment but may be used in flattening embankment slopes or for filling low spots outside the road section. The Board may require the developer to submit evidence of boring and/or other soil investigations to determine the depth, composition, and stability of the subgrade within the road section.
3. Embankments Embankments shall be formed of suitable and acceptable excavated materials and brought to the required lines and grades. The materials for embankment shall be placed in successive horizontal layers, not exceeding six (6) inches in depth extending across the entire fill area. They shall be spread by a bulldozer or other acceptable methods and shall be thoroughly compacted. Successive layers shall not be placed until the layer under construction has been thoroughly compacted. Where embankments are made of rock, the rock shall be deposited so that all voids are filled with earth and in such a way that the compaction specified above may be secured.
4. Subgrade Upon completion of filling and excavating, the subgrade shall be formed to the required grade and contour, and the entire surface again rolled as specified above. High spots shall be removed and low spots filled with acceptable material, and the process of leveling and rolling continued until further depression results.
5. Side Slopes Side slopes in embankment and on roadside drainage ditches shall descend one (1) foot vertically for at least two (2) feet horizontally (2 on 1). Surplus material resulting from excavation of the road prism shall be used to flatten slopes of embankment so that they ascend one (1) foot vertically for at least two (2) feet horizontally (2 on 1). Side slopes in excavation rock shall ascend six (6) feet vertically for at least each one (1) foot horizontally (1 on 6). Where rock cuts have a

face higher than ten (10) feet vertically, a three (3) foot berm shall be provided at each ten (10) foot level above the grade at the edge of the pavement. Side slopes shall not be graded so as to extend beyond the road right-of-way onto land not part of the subdivision unless a suitable slope easement has been properly established and granted by the affected property owners.

N. Regulatory Flood Plain

All subdivision proposals and proposals for other developments governed by these regulations having lands identified as Special Flood Hazard Areas in the “Flood Insurance Study for the County of Sullivan, N.H.” dated May 23, 2006, or as amended, together with the associated Flood Insurance Rate Maps dated, May 23, 2006, or as amended, shall meet the following requirements:

1. Where subdivision proposals and proposals for all other developments are made, the Planning Board shall require the applicant to submit sufficient evidence (construction drawings, grading and land treatment plans) so as to allow a determination that:
  - a) all such proposals are consistent with the need to minimize flood damage;
  - b) all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage; and,
  - c) adequate drainage is provided so as to reduce exposure to flood hazards.
2. Subdivision proposals and other proposed new developments shall include Base Flood Elevation (BFE) data within such proposals (i.e. floodplain boundary and 100-year flood elevation).
3. In riverine situations, prior to the alteration or relocation of a water course, the applicant for such authorization shall notify the New Hampshire Department of Environmental Services, Wetlands Bureau, and submit copies of such notification to the Planning Board, in addition to the copies required by the RSA 482-A:3. Further, the applicant shall be required to submit copies of said notification to those adjacent communities as determined by the Planning Board, including notice of all scheduled hearings before the Wetlands Bureau.

Within the altered or relocated portion of any water course, the applicant shall submit to the Planning Board certification provided by a registered professional engineer assuring that the flood-carrying capacity of the water course has been maintained.

4. Where new and replacement water and sewer systems (including on-site systems) are proposed in flood prone areas, the applicant shall provide the Planning Board with assurance that the new and replacement sanitary sewage systems and discharges from the systems into flood waters and on-site waste disposal systems

are located to avoid impairment to them or contamination from them during flooding.

5. The applicant must provide for the Planning Board's review of all necessary permits which have been received from those governmental agencies from which approval is required by Federal or State law, including section 404 of the Federal Pollution Control Act Amendments of 1972, 33 USC 1334, and including, but not limited to, State Dredge and Fill Permits.

O. Fire Protection

An adequate water supply for fire protection shall be available within the subdivision or within a reasonable distance from the subdivision as determined by the Board after recommendation from the Fire Chief.

## ARTICLE V

### Application Requirements

- A. Information for Preliminary Design Review The preliminary design may be drawn in pencil and shall be submitted in eight (8) paper print copies. Dimensions may be approximate; the data may be tentative, but shall be sufficiently clear to illustrate all conditions and establish the basis and clarify the design requirements for the subdivision final plat. Maps shall be at a scale of no more than one hundred feet (100') per inch. The standards for subdivision design and lot and site layout shall apply. The preliminary design submission shall be accompanied by the following maps and information:
1. Name of municipality and subdivision, name and address of the subdivider and designer;
  2. Boundaries and area of the entire parcel, whether or not all land therein is to be subdivided; north point, bar scale, date, and dates of any revisions;
  3. Names and addresses of abutting property owners of record, locations of subdivisions, and buildings within two hundred feet (200') of the parcel to be subdivided, and intersecting roads and driveways within two hundred feet (200') of the parcel to be subdivided.
  4. Existing and proposed road right-of-way lines, widths of roads, proposed names of new roads, existing and proposed lot lines;
  5. Location of existing and proposed easements, existence of deed restrictions, buildings, accessory buildings, building setback lines, parks and other open space, watercourses, flood prone areas, large trees, foliage lines, and significant natural and man-made features, water mains, sanitary sewers, storm water drainage lines, drainage structures, and drainage ways;

6. Existing and proposed plans for telephone, cable television, electricity, gas, and any other utility;
  7. Boundaries and designations of Zoning Districts lying within the subdivision, municipal boundary if any, land use designation from Master Plan;
  8. A general site location map at the scale of the Official Map or Town base map, locating exactly the subdivision boundary and proposed roads in relation to at least two (2) existing intersecting roads or other features shown on the official map.
  9. Soil mapping units and unit boundaries, soil tests, and sewage disposal information;
  10. A statement of conditions of land as to soil suitability for development;
  11. A statement of the work required on existing roads to meet the minimum standards set herein;
  12. A statement as to the compliance of the proposed lots with zoning variances, the statement should include reference to each variance;
  13. Existing and future subdivisions, if any, in and adjacent to the subject subdivision;
  14. A statement and contours in sufficient detail to indicate clearly the method of storm water drainage on and off the subdivision, methods of sanitary sewage disposal, and water supply;
  15. Watershed areas, preliminary drainage analysis, and preliminary drainage computations;
  16. Preliminary road profiles;
  17. Approval, as prescribed by law, from any other municipal, state, or federal agency which may have jurisdiction.
- B. Information for Major Subdivision Final Application The final application shall consist of five copies (unless otherwise noted) of the following documents:
1. Final Plat
    - a) The final plat shall be furnished as a 105 millimeter Micro-Master negative with five (5) prints, 24"x36" at a scale of not more than one hundred (100) feet per inch.
    - b) Title Information and Ownership of Surrounding Area The Final plat shall show the proposed subdivision name or identifying title, the name and address of owner

of record and subdivider, the name, license number, and seal of the professional engineer, date, scale, and north point.

- c) Abutters The names and addresses of owners of record of abutting properties, abutting subdivision names, roads, easements, alleys, parks, and public open spaces to a distance of at least two hundred (200) feet from the boundaries of the subdivision.
- d) Certification Form the final plat submitted for approval and subsequent recording shall conform to the requirements for recording in Sullivan County. Adequate space should be available on the map for the necessary endorsement by the proper authorities. Wording on this shall read: "Approved by the Cornish Planning Board on . Certified by , Chairman. Subdivision Regulations of the Town of Cornish are a part of this plat, and approval of this plat is contingent on completion of all the requirements of said Subdivision Regulations, excepting only any variances or modifications made in writing by the Board and attached hereto."
- e) Lot Features, Property Lines, and Topography Road lines, setback lines, pedestrian ways, lot lines, dimensions and bearings, lot sizes in square feet, reservations, easements, and areas to be dedicated to public use and areas, the title to which is reserved by the developer, buildings, water courses, ponds, or standing water, and other essential features, including the mapping of the entire subdivision in five (5) foot contours.
- f) Monuments and Road Locations Sufficient data to determine readily the location, bearing, and length of every existing and/or proposed road right-of-way line, lot line, easement line, reservation line, and boundary line, and to permit reproduction of such lines upon the ground. All dimensions shall be shown to the nearest hundredth of a foot, and bearings to the nearest minute. The error or closure for blocks enclosed by roads shall not exceed one (1) in every five thousand (5,000). The final plat shall show the boundaries of the property.

The location of monuments and bench marks shall be shown as well as the elevation of the bench marks.

- 2. Soil Survey Plan Map and Soils Report The subdivider shall furnish a soil survey plan and report which cover the area of the proposed subdivision approval by the Board. The soil survey plan shall show:
  - a) The location of the soil mapping units and soil mapping unit boundaries as indicated in the most recent town or Sullivan County Soil Survey as prepared by the U.S. Department of Agriculture Soil Conservation Service;
  - b) The location of all percolation test sites and date of witness by Selectboard representative, soil test pits and borings, and soil mapping units and boundaries;
  - c) The results of all soil tests including dates, locations by reference to soil map, percolation rates, soil profile with depth to ledge or bedrock, clay, hard pan, and existing and seasonal high water table;
  - d) A legend on the soils plan shall identify soil mapping unit symbols and soil names.

The Board may require that the soils survey plan be prepared by a Soils Scientist or an engineer to conform with the soil classifications and standards prepared by the Society of Soil Scientists of Northern New England in their publication “High Intensity Soil Maps for New Hampshire.”

In addition to the Soils Map, the subdivider shall submit a Soils Report prepared by a Certified Soil Scientist or an engineer which provides an analysis of the suitability of the soils for the proposed development.

3. Subdivision and Grading and Drainage Plan This plan shall be submitted on a separate sheet or sheets and shall provide the following information for the entire area of the proposed subdivision, unless there is a determination by the Board that a lesser area is sufficient:
  - a) Basic road and lot layout, with all lots numbered consecutively;
  - b) Location of all existing buildings and approximate location of proposed buildings, if known;
  - c) Location of all surface water on and within two hundred (200) feet of the subdivision including rivers, streams, intermittent streams, lakes, ponds, marshes, and wetlands, and location of all flood prone areas;
  - d) Contours of existing grade at intervals of not more than five feet (5'). Intervals less than five feet (5') may be required depending on the character of the topography. Contour lines shall extend a minimum of one hundred feet (100') beyond the subdivision boundary. Contour lines are to be actual and not interpolations of USGS maps. Existing contours shall be shown as dashed lines and proposed contours shall be shown as solid lines;
  - e) A drainage and hydrology report prepared by an engineer shall be submitted which includes the following:
    - i) Identification of the complete watershed area within which the subdivision is located with boundaries marked on the applicable USGS topographic maps.
    - ii) Computation of quantity and rate of run-off 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 run-off history (100 year storm) in order that drainage ways and culverts are properly sized.

The method for calculating the rainfall run-off 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.

- iii) Computation of storm water drainage capacity based on the estimated rate of run-off for a ten (10) year, 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 run-off drainage areas. Drainage pipe sizing, catch basin grate capacity, open channel (ditch design), and stone for erosion control calculations shall be included.

- f) Final identification, location, elevation, grades and/or contours at intervals of not more than two feet (2') – less interval may be required depending on topography – for the existing and proposed drainage ways, drainage easements, drainage structures, and water bodies;
  - g) Final identification and relative location of proposed soil erosion and sediment control measures;
  - h) Final drawings and specifications for each proposed soil erosion and sediment control measure in accordance with guidelines acceptable to the Planning Board. 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 as a guide to the Board in their review;
  - i) Final drawings, details, and specifications for proposed flood hazard prevention measures and for proposed storm water retention facilities;
  - j) Final slope stabilization details and specifications;
  - k) A timing indicating the anticipated starting and completion dates of the subdivision development and the time of exposure of each area prior to the completion of effective soil erosion and sediment control measures.
4. Subdivision Road and Utility Plan This plan shall be submitted on a separate sheet or sheets and provide the following information:
- a) Complete plans and profiles of all proposed roads and driveways including but not limited to
    - i) Horizontal curve alignment and vertical profile at the centerline;
    - ii) Stationing every fifty feet (50');
    - iii) Intersection, turnaround, and/or cul-de-sac radii;
    - iv) Construction details, including typical sections, of all roadway, curbing, and sidewalk improvements.
  - b) Complete plans and profiles of all proposed sanitary and storm sewers, including the following:
    - i) Invert elevations, original and finished ground profiles above the sewers, and top of manhole elevations;
    - ii) Profiles and grades of storm sewer lines and inlets;
    - iii) Type of materials and class, used and proposed grades.
  - c) Location and details of all existing and proposed utilities, including water mains, gas mains, telephone, electric, and cable on and adjacent to the land to be subdivided.



- d) A statement as to
    - i) The flow (G.P.M.) available on existing water mains;
    - ii) The proposed number of units and anticipated sanitary sewer flow;
    - iii) The available storm water facilities downstream of this subdivision;
    - iv) If a subdivision is to be served by a public water supply or by public sewers, a statement from the municipal department or company involved attesting to the availability of such a service.
  - e) Location of existing or proposed wells and on-site sewage disposal systems.
  - f) Fire protection measures to be provided to include fire hydrants (active or dry), fire ponds, or on-site water supply tanks. In addition, the applicant shall submit the covenant relating to the release of the Town of Cornish from furnishing any public fire protection facilities in the proposed subdivision of land.
  - g) Any other details pertinent to road and/or utility construction.
5. Subdivision As-Built Plans Prior to acceptance of the roads and/or utilities by the Town, the subdivider shall submit an As-Built Plan. This Plan shall be drawn to scale and shall indicate by dimensions, angles, and distances, as applicable, the location of sewer and drain Y-branches, laterals, manholes, catch basins, hydrants, valves, curb cut-offs, road profiles, and center-line elevations and final grading plan showing swales and ditches. The Plan shall show easements and dedicated roadways. As-Built Plans shall be submitted by the subdivider to the town on a permanent, recordable print.
6. 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
- a) Water Service
  - b) Sewer Service
  - c) Schools
  - d) Fire Protection Service
  - e) Parks and Recreational Facilities
  - f) Roads and Access
  - g) Police Protection Service
  - h) Solid Waste Disposal Service
  - i) Visual Impact of Land clearing and Construction
  - j) Impact on Conservation Land

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 a professional review of the subdivider's impact study as provided by these Regulations and RSA 676:4, I.(g).

7. Agency or Permit Approvals The following applicable permits shall be obtained and submitted with the application for final subdivision approval:
  - a) A 485-A:17 Permit from the N.H. Water Supply and Pollution Control Division for land disturbance in excess of 100,000 square feet in area or when project borders a body of water;
  - b) A Dredge and Fill Permit from the N.H. Wetlands Board; and
  - c) A Town of Cornish Zoning Permit.

The following applicable permits shall be obtained and submitted prior to signing and recording the subdivision plat:

- a) An Access Permit from the N.H. Department of Transportation or from the Road Agent.
- b) Approval of Water Supply Systems and/or Subdivision Approval for On-Site Sewage Disposal from the N.H. Water Supply and Pollution Control Division.
- c) Permit from Army Corps of Engineers showing compliance with Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

8. County Fee

The subdivider shall be responsible for the cost of filing the plat with the County Register of Deeds.

- C. Information for Annexation or Boundary Line Adjustment A complete application for an Annexation, Minor Lot Line Adjustment or Boundary Agreement shall include the application fee and three copies of the following items:

1. A completed application form;
2. Written authorization from the landowner of record for any agent(s) to represent the owner;
3. A plat drawn to 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:
  - a) Signature and seal by a bonded NH Registered Surveyor or Engineer;
  - b) Name of Town and project;
  - c) Names and addresses of property owners;

- d) Names and addresses of all abutters as they appear in the Town records not more than (5) days before the date of filing the application;
- e) 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;
- f) 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;
- g) 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;
- h) Show location of existing or proposed easements and areas affected by existing and proposed covenants, reservations, and restrictions benefiting or bordering the property;
- i) 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.”

D. Information for Minor Subdivisions

1. The Planning Board, during its completeness review, may waive compliance with such provisions of these regulations for a minor subdivision where compliance therewith is not, in the opinion of the Board required to give effect to the general purposes of these regulations. The Board shall require a final plat accompanied by an application which shall show the following:
  - a) The title of the subdivision, the name and address of the owner of record, and subdivider, the name of the preparer of the plan and the license number and seal or other evidence of compliance with RSA 310-A, north point, and the names and addresses of all abutters, and a small location map depicting the location of the proposed subdivisions.
  - b) Boundaries and designations of Zoning Districts lying within the subdivision, municipal boundary if any.
  - c) The location of existing property lines, the proposed lot lines, the dimensions of all lines, setback lines, and the location of all monuments set or to be set, the location of existing structures, if any, the location of any easements. The Board may waive the requirements for the depicting of the perimeter of the existing tract if it is satisfied by other evidence that the division shall not create any lot or site which shall not conform to the minimum lot size and setback requirements contained in the Zoning Ordinance.
  - d) Contour lines at 5 foot intervals for the proposed house site, including area proposed for the septic system and water source.
  - e) Existing or proposed access from a proposed building site to the intersection with any road under the jurisdiction of the Town of Cornish (Class VI Roads excluded) or the State of New Hampshire. In cases where the grade of any portion of the

proposed access exceeds ten percent (10%), a profile of the existing or proposed access shall be required.

- f) Existing water supplies, sewers, culverts, drains, septic systems, proposed connections or alternative means of providing water supply and disposal of sewage, and surface drainage. The location of all percolation test sites and date of witness by Selectboard representative, the results and adequate information with respect to soil conditions to show that, with the lot sizes as proposed, a water well, if required, and a septic system, if required can be put on one (1) lot without contamination of the water supply on such lot or on other property. The Board may waive the provision hereof in the event the subdivision is for the purpose of annexation for which compliance with RSA 485-A is not required.

## ARTICLE VI

### Waivers and Modifications

- A. Modifications & Waivers All plans and all procedures relating to these Regulations shall in all respects comply with the provisions of these rules and Regulations, unless the Board authorizes a waiver therefrom in specified instances. The requirements of the foregoing regulations may be modified or waived when, in the opinion of the Board, after public hearing, specific circumstances surrounding a subdivision, or condition of the land in such subdivision, indicate that such waiver or modification will properly carry out the purpose and intent of the Master Plan and of these Regulations. Upon request of the subdivider, the Board may waive compliance with any part of the Regulations if it determines
  - 1. That the request for the waiver arises out of unique physical conditions which exist in the proposed subdivision; and
  - 2. That literal compliance with the Regulations shall cause the subdivider an unnecessary hardship. (An unnecessary hardship in one where there is no public benefit which offsets the private detriment); and
  - 3. That granting the waiver shall not be contrary to the purpose and objective of these Regulations; and
  - 4. That the public good shall not be adversely affected.

Where the Planning Board finds that compliance with these regulations would cause unusual hardship or extraordinary difficulties because of exceptional and unique conditions of topography, access, location, shape, size, drainage, or other physical features of the site, the minimum requirements of the regulations may be modified to mitigate the hardship, provided that the public interest is protected and the development is in keeping with the general spirit and intent of these regulations.

No such modifications may be granted if it would have the effect of nullifying the intent and purpose of the Zoning Ordinance, the Master Plan, or these Regulations.

In granting waivers or modifications, the Planning Board may require such reasonable conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so waived or modified.

**B. Planned Unit Development**

The standards and requirements of these Regulations may be modified by the Planning Board in the case of a planned unit development which, in its judgment, provides adequate public spaces and improvements for the circulation, recreation, light, air, and service needs of the tract when fully developed and which also provides such covenants or other legal provisions as will assure conformity to and achievement of the proposal.

## **ARTICLE VII**

### **Administration and Enforcement**

**A. Conflict with Other Laws**

Whenever the requirements of the Regulations are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive, or that imposing the higher standards shall govern.

**B. Enforcement**

These Regulations shall be enforced by the Town Planning Board. No building permit shall be issued by the Selectmen or their designee except where all the provisions of these Regulations have been complied with.

**C. Building Permits in Approved Subdivisions**

1. No permit for the erection of any building shall be issued unless a road giving access to such proposed structure is an existing road.
2. No such permit shall be issued unless such road has been suitable improved.

**D. Amendments**

These regulations may be amended or rescinded by the Board, but only following public hearing on the proposed change, notice of which shall be posted in three (3) places in Cornish and published in a newspaper having circulation in Cornish at least fifteen (15) days prior to the public hearing. The Chairman or Secretary of the Board shall transmit a record of any changes adopted by the Board to the Register of Deeds of Sullivan County and the Town Clerk.

E. Separability

If any section, article, portion, or paragraph of these regulations shall be held to be invalid or unconstitutional by any court of competent authority, such holding shall not affect, impair, or invalidate any other section, article, provision, portion, or paragraph of these regulations.