

LAND SUBDIVISION REGULATIONS

TOWN OF JACKSON

NOVEMBER 2008

Originally Adopted May 22, 1975

and Revised as Follows:

March 5, 1982

May 1988

June 9, 1994

November 13, 2003

November 13, 2008

CERTIFICATON OF SUBDIVISION REGULATIONS

In accordance with the provisions of RSA 675:6, a majority of the Jackson Planning Board hereby certify that the “Land Subdivisions Regulations Town of Jackson, New Hampshire November 2008” was amended by the Jackson Planning Board on November 14, 2008 by an affirmative vote of a majority of its members.

JACKSON PLANNING BOARD MEMBERS:

Raymond Abbott

Scott Badger

Betsey Harding

Sarah Kimball

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LAND SUBDIVISION REGULATIONS

JACKSON, NEW HAMPSHIRE

SECTION 1. AUTHORITY AND PURPOSE

Pursuant to the authority vested in the Town of Jackson Planning Board by the voters of the Town of Jackson at the Town Meeting, March 4, 1975, and in accordance with the provisions of RSA 674:35, 675:6, and 676:4, as amended, the Town of Jackson Planning Board adopts the following regulations governing the subdivision of all land in the Town of Jackson, New Hampshire. These regulations are designed to accomplish the purposes set forth in RSA 674:36, and for the purposes of protecting the health, the safety, the convenience, the economic and general welfare of our citizens, and in the concept that private land owners wish to demonstrate responsibility and respect for fellow citizens and the community as a whole.

SECTION 2. TITLE

These regulations shall be known and cited as the “LAND SUBDIVISION REGULATIONS FOR THE TOWN OF JACKSON, NEW HAMPSHIRE”.

SECTION 3. DEFINITIONS

3.01 **Abutter:** Shall mean any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration by the local land use board. For purposes of receiving testimony only, and not for purposes of notification, the term “abutter” shall include any person who is able to demonstrate that his land will be directly affected by the proposal under consideration. For purposes of receipt of notification by a municipality of a local land use board hearing, in the case of an abutting property being under a condominium or other collective form of ownership, the term abutter means the officers of the collective or association, as defined in RSA 356-B:3, XXIII.

3.02 **Applicant:** Shall mean the owner of record of the land to be subdivided, including any subsequent owner of record making any subdivision of such land or any part thereof, or the duly authorized agent of any such owner.

3.03 **Approval:** Shall mean recognition by the Planning Board, certified by written endorsement on the plat, that the plat meets the requirements of these Regulations and in the judgment of the Board, satisfies all criteria of good planning and design.

3.04 **Board:** Shall mean the Planning Board of Jackson, New Hampshire.

3.05 **Building:** Shall mean any combination of materials, whether portable, movable or fixed, having a roof and enclosed with exterior walls, built to form a structure for shelter.

3.06 **Building Site:** Shall mean that portion of a lot, tract or parcel of land upon which a single building is placed or is to be placed.

3.07 **Cluster Development:** Shall mean a residential subdivision of a tract of land where dwelling units are grouped on lots of reduced dimensions. The remaining land in the tract which is not built upon is reserved as permanently protected open space.

3.08 **Condominium:** Shall mean real property and any interests therein, lawfully submitted to the state under RSA 356-B by the recordation of condominium instruments pursuant to the provisions of RSA 356-B. No project shall be deemed a condominium unless the undivided interest in the common area are vested in the unit owners.

3.09 **Driveway:** Shall mean an area located on a lot, tract or parcel of land, and built for access to a garage or off-street parking space, serving not more than two (2) lots or dwelling units except in the case of cluster single-family and multi-family developments in which up to four dwellings may be served by a driveway.

- 3.10 **Dwelling Unit:** Shall mean a room or rooms, with its own sanitary and kitchen facilities forming a habitable unit, used or intended to be used for living, sleeping, cooking, eating and sanitation.
- 3.11 **Easement:** Shall mean authorization by a property owner for the use of any designated portion of his/her property by another for a specified purpose.
- 3.12 **Engineer:** Shall mean the designated duly registered/licensed professional or civil sanitary engineer, as required by the N.H. Licensing Laws.
- 3.13 **High Intensity Soil Survey (HISS):** Shall mean an on-site soil survey carried out by a certified soil scientist according to the standards for a HISS developed by the Society of Soil Scientists of Northern New England.
- 3.14 **Land Development:** Shall mean the process of changing the character of the land from its existing condition by any construction or grading activities including but not limited to placing a building or structure on the land.
- 3.15 **Lot:** Shall mean a parcel of land or any part thereof designated on a plat to be filed with the Register of Deeds by its owner or owners as a separate lot – a parcel or portion of lands separated from other parcels or portions of land by a description as on a subdivision or record of survey map or by metes and bounds for the purpose of sale, lease or use.
- 3.16 **Lot Line:** Shall mean the property line dividing a lot from a street right-of-way, a body of water or adjacent lot or property.
- 3.17 **Lot Line Adjustment:** Shall mean the exchange of abutting land among two or more owners which does not increase the number of owners or the number of lots.
- 3.18 **Lot Size:** Shall mean the total horizontal land area within the boundaries of a lot, exclusive of any land area designated for street purposes.
- 3.19 **Master Plan:** Shall mean the comprehensive plan or a plan for development for the municipality as defined in RSA 674:2.
- 3.20 **Open Space:** Shall mean an area of land dedicated without roads or buildings, save building appurtenant to specific family dwelling units. Such open space shall be reasonably located for owners of dwelling units who shall have rights therein for all subsurface uses, surface uses, and for recreational type purposes. This shall include the commercial recreational use of open land for golf courses, ski areas and other commercial recreational uses existing and operating as of December 13, 1974, as may be recommended by the Board and approved by the Selectmen.
- 3.21 **Plat:** Shall mean 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 sub-divider's plan or subdivision is presented to the Board for approval and which, if approved, will be submitted to the Register of Deeds of Carroll County for recording.
- 3.22 **Preapplication Phases:** Shall mean the two optional steps, Conceptual Consultation and Design Review, that an applicant may follow prior to filing a completed application.
- 3.23 **Right-of-Way:** Shall mean a strip of land used for or intended to be used for a street, road, crosswalk, water main, sanitary or storm sewer main, or for other special use including public use.
- 3.24 **Road, Private:** Shall mean a highway, street, road, avenue or way not open to public use as a matter of right for vehicular travel, the maintenance and repair of which shall be borne by the subdivider, abutting landowners or an association of abutting landowners.
- 3.25 **Setback:** Shall mean the distance between a legal boundary such as a right-of-way, property line, or lot line and any part of a building or other entity subject to setback regulations.
- 3.26 **Street/Road:** Shall mean a state highway, or a town highway, street, road, avenue, land and/or other way including a private roadway which exists for vehicular travel. The terms "street" and "road" shall include the entire right-of-way.
- 3.27 **Subdivider:** Shall mean any individual, firm, association, syndicate, co-partnership or corporation, trust or other legal entity having commenced proceedings under these regulations to affect a subdivision of land hereunder for himself or for another.
- 3.28 **Subdivision:** Shall mean: I. 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 Land Development. It includes resubdivision and, when appropriate to the

context, relates to the process of subdividing or to the land or territory subdivided. II. The division of a parcel of land held in common and subsequently divided into parts among several owners shall be deemed a subdivision. III. The grant of an easement in gross to a public utility for the purpose of placing and maintaining overhead and underground facilities necessary for its transmission or distribution network such as poles, wires, cable, conduit, manholes, repeaters and supporting apparatus, including any unmanned structure which is less than 200 square feet, shall not be construed as a subdivision under this definition, and shall not be deemed to create any new subdivision of land for any other purpose.

3.29 **Surveyor:** Shall mean a duly designated registered/licensed land surveyor as required by the N.H. Licensing Laws.

3.30 **Time Sharing (Time Sharing Interest):** Shall mean the exclusive right to occupy one or more units for less than 60 days each year for a period of more than 5 years from the date of execution of an instrument for the disposition of such right, regardless of whether such right is accompanied by a fee simple interest or a leasehold interest, or neither of them, in a condominium unit. Time sharing interest shall include “interval ownership interest”, “vacation license” or any other similar term.

SECTION 4. GENERAL PROVISIONS

4.01 Whenever any subdivision of land is proposed, before any construction, land clearing or Land Development is begun, before any permit for the erection of any building in such proposed subdivision shall be granted, before any contract or offer for sale, rent, condominium conveyance or lease of lots in the subdivision shall have been negotiated, and before a subdivision plat may be filed in the office of the Register of Deeds of Carroll County, the subdivider or his/her authorized agent shall apply in writing to the Board on a form to be provided by the Board and secure approval of such proposed subdivision in accordance with these regulations.

4.02 Land of such character that it cannot, in the judgment of the Board, be safely used for Land Development purposes because of exceptional danger to health or peril from fire, flood, poor drainage, excessive slope, or other hazardous conditions, shall not be platted for residential, commercial, or industrial subdivision, nor for such other uses as may increase danger to life or property, or aggravate the flood hazard. 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 sewerage system.

4.03 The Board shall not permit such scattered or premature subdivision of land as would involve danger or injury to health, safety, or prosperity by reason of the lack of water supply, drainage, transportation, schools, fire protection, or other public services or necessitate the excessive expenditure of public funds for the supply of such services. The following conditions shall be considered in determinations of “scattered and premature” development:

1. Distance from Jackson Grammar School
2. Capacity of School system, effect on school bus transportation
3. Adequacy of access street(s) and sidewalk(s)
4. Adequacy of water supply for domestic and firefighting purposes
5. Potential health problems due to on-site sewage systems and/or water supply
6. Potential fire protection problems due to location and/or special conditions relative to type of use
7. Potential special policing problems
8. Potential drainage problems, both on site and down-stream
9. Causing an excessive expenditure of public funds
10. Other potential problems within the meaning or purpose of this Section.

4.04 The Board will make a determination as to whether the application has a regional impact. If the Board determines that the application has a regional impact then the Board will provide timely notice to the potentially affected municipality(ies) and the regional planning commission in accordance with the provisions of RSA 36:54-58.

- 4.05 Plats for the subdivision of land shall conform with all regulations of the Board, the Zoning Ordinance of the Town of Jackson, the “Board of Selectmen Road Design and Construction Standards”, the Sanitary Code and other applicable by-laws, ordinances and regulations at both State and local levels.
- 4.06 No street or open space will be accepted by the Town of Jackson until such time as all improvements have been carried out as shown on the final plat, in accordance with the requirements of these regulations and with the “Board of Selectmen Road Design and Construction Standards”, and subject to any conditions established by the Board at the time of the final plat approval.
- 4.07 Documentation of Impacts: Pursuant to RSA 674:36, it shall be the responsibility of the developer/subdivider, if the Board deems it necessary, to provide accurately documented information on potential environmental and economic impacts of the proposal. Such information may require documentation on drainage, erosion, forest productivity, ground and surface water quality, traffic safety, public services and other factors that could impact on the short and long-term well-being of the public in the Town of Jackson. In accordance with RSA 674:5, the Town has prepared a Capital Improvements Program indicating anticipated costs of public improvements planned for the future; this document is updated periodically to permit proper planning of expenditures over a six or more year period.
- 4.08 Official Map: The recording of plats which have been approved as provided herein shall without further action modify the official map of the Town of Jackson in accordance therewith. Recording of an approved subdivision plat shall not constitute acceptance by the Town of any street, easement or open space shown thereon.

SECTION 5. SUBDIVISION PROCEDURES

5.01 Preapplication Phases (OPTIONAL)

- (1) Preliminary Conceptual Consultation
 - (a) The applicant may request a meeting with the Board to discuss a proposal in conceptual form and in general terms. Such preapplication consultation shall be informal and directed toward:
 - (i) Reviewing the basic concepts of the proposal;
 - (ii) Reviewing the proposal with regard to the master plan and zoning ordinance;
 - (iii) Explaining the local regulations that may apply to the proposal; and
 - (iv) Guiding the applicant relative to state and local requirements.
 - (b) Preliminary conceptual consultation shall not bind the Applicant or the Board. Such discussion may occur without formal public notice, but must occur only at a posted meeting of the Board.
- (2) Design Review Phase
 - (a) Prior to submission of an application for Board action, an applicant may request to meet with the Board or its designee for non-binding discussions beyond the conceptual and general, involving more specific design and engineering details of the potential application. The purpose of Design Review is for the Planning Board to discuss aspects of the plan with the applicant and communicate specific suggestions to assist in resolving potential problems prior to the submission of a Completed Application.
 - (b) The Design Review Phase may proceed only after identification of and notice to abutters and the general public as required by RSA 676:4,I(d).
 - (c) Persons wishing to engage in preapplication Design Review shall submit a “Request for Design Review” and associated fees not less than fifteen (15) days prior to the meeting at which the application will be discussed by the Board. The request shall include:
 - (i) List of abutters, their addresses and the tax map and lot number of their abutting properties taken from municipal records not more than 5 days before submission, and
 - (ii) Check to cover costs of all abutter and public notices.
 - (d) Statements made by Board members shall not be the basis for disqualifying said members or invalidating any action eventually taken on the application.
 - (e) The Board shall not accept any submission by the Applicant at this time.

- (f) Neither time limits for considerations and action nor the public hearing requirements shall apply to this submission.

5.02 Completed Application (REQUIRED)

- (1) A completed application sufficient to invoke jurisdiction of the Board shall be filed with the Board's designee at least fifteen (15) days prior to the public meeting of the Board at which it is to be submitted.
- (2) A completed application shall consist of all data required in SECTION 7 (PLAT SUBMISSION REQUIREMENTS), and SECTION 9 (DESIGN STANDARDS AND REQUIRED IMPROVEMENTS).
- (3) The completed application shall include all required fees for notices and any administrative or other fees assessed by the Board under the provisions of RSA 676:4,I(g).
- (4) An application that has been determined complete shall be submitted to and accepted by the Board only at a regular meeting after due notification has been given as required by RSA 676:4,I(d).
- (5) Acceptance will be by affirmative vote of a majority of the Board members present.
- (6) When a Completed Application has been accepted by the Board, the Board shall provide a receipt to the Applicant indicating the date of acceptance which is the start of the 90 day review.
- (7) An incomplete Application filed by the Applicant will not be submitted to the Board. Notices will not be issued.
- (8) Applications may be disapproved by the Board without public hearing on the grounds of failure of the applicant to supply all required information or to pay fees as required by these regulations.

5.03 Board Action on Completed Application

- (1) The Board shall begin consideration of the Completed Application within thirty (30) days of its submission.
- (2) The Board shall act to approve, conditionally approve, or disapprove the Completed Application within ninety (90) days of submission.
- (3) The Board may apply to the Selectmen for an extension not to exceed an additional ninety (90) days before acting to approve, conditionally approve or disapprove an application. An applicant may waive the requirement for Board action within the time periods specified in these regulations and consent to such extension as may be mutually agreeable. RSA 676:4,I(f)
- (4) Approval of the Plat shall be certified by written endorsement on the Plat and signed and dated by the Chairman of the Board. The Planning Board's designee shall transmit a copy of the Plat with such approval endorsed in writing thereon to the Register of Deeds of Carroll County. The subdivider shall be responsible for the payment of all recording fees.
- (5) If any submitted plat is disapproved, the grounds for such disapproval shall be adequately stated in the records of the Planning Board and in written notice given to the Applicant.
- (6) If the Planning Board has not taken action on the Completed Application within 90 days of its submission and has not obtained an extension, the Applicant may obtain from the Board of Selectmen an order directing the Board to act within fifteen (15) days. Failure of the Board to act on the order shall constitute grounds for the Applicant to petition the Superior Court as provided in RSA 676:4,I(c).

5:04 Conditional Approval

- (1) The Board may grant conditional approval of an application, but the plat will not be signed or recorded until all of the conditions have been met. A further public hearing is not required when such conditions:
 - (a) Are administrative in nature;
 - (b) Involve no discretionary judgment on the part of the Board; or
 - (c) Involve the Applicant's possession of permits and approvals granted by other boards or agencies, such as the Department of Transportation, the Wetlands Board, or Water Supply and Pollution Control Division.
- (2) A further public hearing will be required to demonstrate compliance with the terms of all other conditions pursuant to RSA 676:4,I(i).

5:05 Public Hearing

Prior to the approval of a subdivision, a public hearing shall be held as required by RSA 676:4,I(d) with notice given to the Applicant, abutters, and the public as stated in Section 5.06.

5:06 Notices

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

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

SECTION 6. FEES

6.01 A Completed Application for all Subdivisions shall be accompanied by a filing fee according to the following fee schedule:

| | |
|---|-------|
| Filing Fee for Major Subdivision | \$200 |
| Filing Fee for Each Lot, Condominium or Time-Share Unit | \$ 30 |
| Filing Fee for Common Land, per acre | \$ 10 |
| Filing Fee for Minor Subdivision (3 lots or fewer), Minor Lot Line Adjustment or Boundary Line Adjustment | \$ 75 |
| Voluntary Merger | \$ 36 |

6.02 Other costs include: (1) A check payable to the Town of Jackson to cover: \$40 for Recording Fee at Carroll County Registry of Deeds; \$24 for Posting and Publication of Notices; \$35 for Secretary's Time; and additional costs as billed for Special Investigative Study Costs or Legal Opinions, (2) A check made payable to: Postmaster, Jackson to cover the current postage costs of mailing a certified letter with return receipt per Abutter for Notification, plus one for the engineer or surveyor, and (3) A separate check for \$25, per plan recorded, payable to Carroll County Registry of Deeds for the L-CHIP program. Each of these checks shall be submitted to the Town of Jackson with the application.

6.03 All costs of notices, whether mailed, posted, or published shall be paid in advance by the Applicant. Failure to pay costs shall constitute valid grounds for the Board to terminate further consideration of the application and to disapprove the Plat without a public hearing.

6.04 Pursuant to RSA 676:4, I(g) it shall be the responsibility of the Applicant, if the Board deems it necessary, to pay reasonable fees for special investigative studies, environmental assessments, legal review of documents, administrative expenses, including inspection of construction for conformance with standards of Life Safety Code and/or Fire Prevention Code as may be adopted by the Town, and other matters which may be required for the Board to make an informed decision on a particular application.

SECTION 7. PLAT SUBMISSION REQUIREMENTS

7.01 Completed Application

(1) Five (5) 36" x 24" blueprint copies, one digital copy on CD-ROM, DVD, or equivalent, and one mylar copy, of the Plat shall be submitted. Space shall be reserved on the plat for all necessary endorsements.

(2) The Plat shall be prepared and certified by a land surveyor registered in the State of New Hampshire.

(3) The Completed Application shall be accompanied by payment to cover filing fees, mailing, advertising, recording, and other costs in Section 6.

(4) A list will be submitted with the Completed Application containing the names, mailing addresses and property tax map and lot numbers of all owners of the property being subdivided, all

abutters (as indicated in town records not more than five (5) days before the day of filing), and the names and mailing addresses of all other persons to whom a Notice (as stated in Section 5.06) is to be sent.

(5) The plat shall include:

- (a) Proposed subdivision name or identifying title;
- (b) Name and address of the applicant and of the owner(s), if other than the applicant;
- (c) Tax Map and Lot Number of the lot to be subdivided;
- (d) Name of zoning district and minimum frontage requirement;
- (e) Scale of 1 inch = 100 feet or better and north arrow;
- (f) A site location map showing the general location of the total tract within Jackson;
- (g) Name, license number, address and seal of the surveyor;
- (h) The following statement shall appear on all Final Subdivision survey plats being considered by the Board:

I certify that all existing property lines shown on this survey plat are accurate and based on deed research and an in-the-field survey and that all newly created lots have a minimum error of closure of 1 part in 10,000. Date: _____

(Name)
Licensed Land Surveyor
SEAL

- (i) Name(s), address(es) and seal(s) of engineer(s);
- (j) Boundary survey including bearings, distances of all lot lines and the location of permanent markers;
- (k) The location of all property lines both current and proposed. Each proposed lot shall be numbered according to tax map numbering system;
- (l) Existing and proposed topographic contour boundaries at 5 foot intervals or better;
- (m) Setback lines;
- (n) Soil mapping types and boundaries with poor and very poorly draining hydric soils clearly identified;
- (o) A soils/minimum lot size chart shall appear on the plat or on a submitted document. The chart shall demonstrate that each proposed lot meets the Zoning Ordinance minimum lot size requirements based on Section 6 of the Zoning Requirements. The chart shall list all the soil types present on each proposed lot and the areas covered by each soil type. The chart shall also calculate the maximum number of units permitted for each proposed lot using the following formula:

$$\begin{array}{l} \text{Maximum Number} \\ \text{of Units} \\ \text{Permitted} \end{array} = \frac{\begin{array}{l} \text{Area (in sq. ft.)} \\ \text{of Soil Type A} \end{array}}{\begin{array}{l} \text{Minimum Lot Size} \\ \text{Permitted for Soil} \\ \text{Type A from Table} \end{array}} + \frac{\begin{array}{l} \text{Area (in sq. ft.)} \\ \text{of Soil Type B} \end{array}}{\begin{array}{l} \text{Minimum Lot Size} \\ \text{Permitted for Soil} \\ \text{Type B from Table} \end{array}} + \text{etc.}$$

NOTE: The Maximum Number of Units Permitted must be equal to or greater than the number of dwelling units proposed for the lot.

- (p) Flood plain land (if applicable) to include – base flood elevation data, floodway, flood hazard area (100 year), flood plain boundary, and the boundary of the River Conservation District (if applicable);
- (q) Existing buildings and other human-made structures to remain;

- (r) Existing and proposed easements, rights-of-way, buildings, water courses, ponds, standing water and other essential site features such as rock ledges, stone walls and tree lines;
 - (s) Open space to be preserved (see Section 9.07, Open Space Design);
 - (t) Deed restrictions; and all easements, including utility easements.
 - (u) Location and profiles, with elevations, of existing water supplies and mains, sewers and septic systems within 200 feet of the lot to be subdivided; also culverts, drains, and proposed connections or alternative means of providing water supply and disposal of sewage and surface drainage;
 - (v) Location of test pit and percolation tests and associated test results within a delineated four thousand square foot area;
 - w) Drainage system (see Section 9.04, Stormwater Drainage and Erosion/Sediment Control);
 - (x) Existing and proposed streets with class, names and right-of-way widths (also, see Section 9.01, Street and Road Standards and Section 9.02, Private Roads);
 - (y) Final road profiles and cross-sections (see Section 9.01, Street and Road Standards);
 - (z) A statement of responsibility and liability for private streets and roads in accordance with Section 9.02(3);
 - (aa) All other data as indicated by the Board as necessary to make an informed decision.
- (6) The final plat shall contain the following statement: “The subdivision regulations of the Town of Jackson, New Hampshire are a part of this plat, and approval of this plat is contingent on completion of all requirements of said subdivision regulations, excepting only any variances or modifications made in writing by the Board and attached hereto.”
- (7) The plat shall be accompanied by certification of all required state and federal permits including the following permits and approvals:
- (a) State subdivision approval. The subdivider shall provide certification of approval of a subdivision by the New Hampshire Department of Environmental Services, Water Supply and Pollution Control Division, Subsurface Systems Bureau. The “Subdivision Approval” certification shall be accompanied by a duplicate copy of all data submitted to the state and will include all state imposed conditions related to their approval;
 - (b) State septic approval. The subdivider shall provide certification of approval of all involved septic systems by New Hampshire Department of Environmental Services, Water Supply and Pollution Control Division, Subsurface Systems Bureau. The “Construction Approval” certification shall be accompanied by a duplicate copy of all data submitted to the state and will include all state imposed conditions related to their approval;
 - (c) State Highway Access permit, as applicable.
- (8) Where applicable to a specific subdivision the following are required prior to approval of a subdivision plat:
- (a) Agreement to convey to the Town land to be used for public streets and other public purposes. Agreement to be in a form certified as satisfactory by Town Counsel as conditional title to all land included in streets, highways or parks not specifically reserved by the subdivider/developer. Transfer of title to such interests to be effective on such date as the Town accepts the land. Approval of the final plat shall not constitute an acceptance by the Town of the dedication of any street, highway, park or other public open space;
 - (b) Easements and Rights-of-Way over the property being subdivided;
 - (c) Performance guarantee as described in Section 8;
 - (d) Open space dedication and the handling and maintenance thereof, described in Section 9.07;
 - (e) Draft condominium documents.
- (9) The Completed Application shall include any additional reports or studies as may be required by the Board.

SECTION 8. PERFORMANCE GUARANTEE

8.01 As a condition of approval, in accordance with RSA 674:36, III (b), the Planning Board shall require the posting of a performance guarantee in an amount sufficient to defray the costs of construction of streets; public improvements; drainage structures; the extension of water and sewer drains, storm drains; underdrains and other improvements of a public utility nature. The amount of the security shall be based on an estimate of costs provided by the subdivider and, at the discretion of the Planning Board, reviewed by a licensed engineer. The cost of such a review shall be paid by the applicant.

8.02 The security shall be approved as to form and sureties by the Board and the municipal counsel.

8.03 The amount of the security shall include fees to cover the cost of periodic inspections.

8.04 Where electric lines or other utilities are to be installed by a corporation, municipal department, or public utility, a letter of intent shall be required stating that the work will be done in reasonable time and without expense to the town.

8.05 Each approved plat shall contain a time limit for the completion of streets and public improvements.

8.06 Each performance guarantee shall contain:

(1) An expiration date and

(2) A statement requiring the company issuing the surety bond or the lender issuing the letter of credit to give the Board of Selectmen thirty days certified notice of the pending expiration of the bond or letter of credit or other security.

8.07 The performance guarantee shall be released in phases as portions of the secured improvements or installations are completed and approved by the Board of Selectmen, in accordance with the plan approved by the Planning Board.

8.08 All deeds covering land to be used for public purposes, easements and rights-of-way over property to remain in private ownership, and rights of drainage across private property are submitted in a form satisfactory to the Board's counsel.

8.09 All recording fees shall be borne by the subdivider.

SECTION 9. DESIGN STANDARDS AND REQUIRED IMPROVEMENTS

9.01 Street and Road Standards

(1) Proposed street patterns shall give due consideration to contours and natural features. Where required by the Board, provision shall be made for the extension of the street pattern to abutting undeveloped property. Every proposed street in a subdivision shall be laid out and constructed as required by these regulations and the Board of Selectmen "Road Design and Construction Standards".

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

(3) Permanent dead-end streets shall terminate in a hammerhead turn-around not less than one hundred (100) feet in diameter.

(4) Except where it is impracticable, because of the character of the land, streets shall intersect so that within seventy-five (75) feet of the intersection the street lines are at right angles. No structure or planting shall impair corner visibility.

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

(6) All streets shall be constructed, and all bridges, culverts, drainage structures, storm sewers, gutters, drainage ditches, and other improvements required by the subdivision plat and accompanying documents, shall be installed in conformance with the standards and specifications adopted by the Board and the Board of Selectmen "Road Design and Construction Standards".

(7) The Board may modify the maximum and minimum gradient for short lengths of streets where in its judgment, existing topographic conditions or the preservation of natural features indicate that such modification will result in the best subdivision of the land.

- (8) The Board may require greater width of right-of-way where in its judgment, the demands of present or future traffic make it desirable or where topographic conditions create need for greater width for grading.
- (9) All subdivision plans (concerning access to any roadway in town) shall indicate the location of the driveway, entrance, exit or approach and the safe sight distance for each access point.

9.02 Private Roads and Driveways

Private roads with a minimum right-of-way width of fifty (50) feet may be permitted within a subdivision, in the discretion of the Board, provided the following conditions are met:

- (1) The final plat shall specify in bold type that such a road is private; that the Town of Jackson shall have no obligation to maintain and repair such private road; that the Town of Jackson shall not be obligated to provide any services to the subdivision which require the use of such private road, unless the Town vehicle providing the service is able to pass safely over such private road; that the maintenance and repair of such private road shall be borne by the subdivider or an association of the owners abutting such lot or, in default of such obligation by the subdivider or association, by the individual owners; and that the private road shall not become a Town road unless and until it shall meet the road standards of the Town of Jackson then existing.
- (2) All private roads and driveways must be constructed to comply with standards set by the State of New Hampshire and the Town of Jackson.
 - (a) Vehicle access to all lots shall be from a public right of way by a private road or by one or more driveways.
 - (b) The location and design of private roads and driveways shall minimize traffic hazards
 - (c) When a proposed private road or driveway is accessed from a State road, the applicant is also responsible for obtaining the approval and necessary permits from NHDOT. The applicant shall submit a copy of the permit with the application for a building permit or land subdivision.
 - (d) All private roads and driveways shall be designed to accommodate prospective traffic and to meet requirements of the Zoning Ordinance and any additional requirements of the Fire Department.
 - (e) Construction of driveways across or in steep slope areas (20% or greater) shall not result in excess sedimentation, erosion or the creation of a watercourse where one did not previously exist onto neighboring or town property.
- (3) The deed to each lot, parcel or tract within the subdivision shall contain the same restrictions set forth in Section 9.02(1) which shall run with the land. A copy of such deed containing the restrictions shall be submitted to the Board prior to approval of the final plat.
- (4) A statement of the responsibility for the maintenance and repair of the private road shall be delivered to the Board. In the case of the subdivider such a statement must specify the responsibility in the event of the sale of the development, bankruptcy or other default by it. In the case of the association of the land owners, a copy of the Articles of Association shall be submitted to the Board. Such statement, including the Articles of Association, shall specify that in no event shall the Town have any obligation with respect to such private road unless and until it meets the road standards of the Town of Jackson then existing.

9.03 Pedestrian Walks

Where necessary, in the judgment of the Board, rights-of-way for pedestrian travel and access may be required between subdivisions or its parts, or between a subdivision and private property.

9.04 Stormwater Drainage and Erosion/Sediment Control

- (1) An adequate surface storm water drainage system for the entire subdivision area shall be provided. Storm drainage shall be carried to existing watercourses, or connect to existing storm drains. If the storm water drainage system creates any additional flow over any adjacent property, the subdivider shall obtain an easement thereof from the adjacent property owner and shall hold the Town harmless from any claims for damage resulting therefrom.
- (2) No natural drainage way will be obstructed unless adequate means are taken to provide for the runoff.

(3) No water shall be permitted to run across the street on the surface but shall be directed into catch basins, or otherwise into ditches, and shall be piped underground in a pipe not less than 18 inches in diameter, or such size as may be deemed necessary by the Board in consideration of the characteristics of the runoff potential in the drainage area.

(4) All stormwater management and erosion control measures in the plan shall adhere to the “Erosion and Sediment Control Design Handbook for Developing Areas of New Hampshire”, published by the Rockingham County Conservation District, and the “Model Stormwater Management and Erosion Control Regulation”, by the NH Association of Conservation Districts, Water Quality Committee.

(5) Paving or stone shall be provided in ditches where soil or velocity conditions warrant protection from erosion.

(6) Adequate measures to prevent soil erosion shall be taken during road construction and lot cleaning.. Such measures may include but not be limited to: maintenance of vegetative cover on steep slopes, seeding of road shoulders and embankments, construction of settlement basins and temporary dams.

9.05 Utilities

(1) The subdivider shall install laterals from all utilities in the street right-of-way to the street property line of each building lot.

(2) All such utility system installations shall be at the expense of the subdivider and shall be installed under the supervision of the appropriate Town agency.

9.06 Easements

(1) All subdivisions with frontage on bodies of water shall provide up to 30 foot easements at suitable intervals for access of fire fighting equipment to said bodies of water which shall be used for no other purpose or provide a letter from the Jackson Fire Chief stating that such easement(s) are not necessary. The Town shall have the right to remove obstructions from said easements and to improve them for the purpose intended. In areas remote from access to water, fire ponds, dry hydrants and other fire protection facilities shall be furnished by the subdivider, if deemed necessary by the Board. Such easements and facilities shall be installed according to specifications of the Fire Chief in conformance with appropriate codes and maintained by the developer subject to inspections by the Fire Department.

(2) The Board may require open spaces and/or parts (not to exceed 15% of the total area of the subdivision) suitably located for recreational purposes and of appropriate area and physical characteristics for this use. Areas set aside for parks and playgrounds to be dedicated or to be reserved for the common use of all property owners by a covenant in the deed whether or not required by the Board, shall be of reasonable size and character for neighborhood and playgrounds or other recreational uses.

(3) Utility company easements may contain wording about the right of utility companies to remove all structures or obstructions found within the transmission strip. Consequently, the subdivider should indicate locations of such easements on the submitted plat, and forward to the said utility companies copies of proposed subdivision plans. All such utility system installations shall be shown on the submitted plat.

9.07 Open Space Design

(1) In the case of cluster subdivision or planned unit development, open space shall not be less in area than as provided in the Zoning Ordinance of the Town of Jackson. Areas of open space shall have sufficient legal restrictions recorded in the Town’s 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.

(2) Due regard shall be given to preservation and protection of existing features, trees, scenic points and other natural and historic resources within the subdivision. Existing trees on lots and open space land shall be preserved wherever feasible, or unless otherwise directed by the Board.

(3) On land to be used as active recreational open space undesirable growth and debris shall be removed. Where practical, 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 to prevent erosion. 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 without specific approval of the board.

(4) If allowed in the Zoning Ordinance of the Town of Jackson, a subdivision plat may be designed for cluster or planned unit development, provided all requirements of these and such regulations within the Zoning Ordinance are met. Clustering of housing units may be permitted and is encouraged for the preservation of open space, to promote more efficient use of land and to provide flexibility in subdivision design. Where clustering of multiple dwelling units is permitted, the minimum lot size shall be as determined by the Board as based upon the character of the land involved, the type of housing proposed and other pertinent factors. The total area in the subdivision must still equal the minimum lot size requirements as designated by the zoning ordinance of the Town of Jackson. The area which has not been built upon shall be consolidated into an open space. All other requirements of a conventional subdivision layout and all requirements of the Subdivision Regulations will be met.

9.08 Monuments

- (1) A permanent control monument shall be installed at the beginning of the subdivision, and shall be referenced to the nearest USGS survey benchmark or other permanent point of reference.
- (2) Permanent monuments shall be installed at all other points, where, in the opinion of the Board, such monuments are desirable. All permanent monuments shall be set by a registered land surveyor.

9.09 Flood Plain Land

- (1) The Planning Board shall review the proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
- (2) All subdivision proposals and other proposed new developments shall include Base Flood Elevation (BFE) data within such proposals (i.e., flood plain boundary and 100-year flood elevation).
- (3) All subdivision proposals for land within the boundaries of the flood hazard area identified by the Federal Flood Insurance Administration for the Town of Jackson, NH, dated July 2, 1979, and any additions, amendments or revisions thereto shall comply with the following provisions:
 - (a) All proposals shall be consistent with the need to minimize flood damage;
 - (b) All public utilities and facilities, such as sewer, gas electrical, or water systems shall be located, elevated, and constructed to minimize or eliminate flood hazards;
 - (c) Adequate drainage shall be provided so as to reduce exposure to flood hazards;
 - (d) All new or replacement water supply systems and/or sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems shall be located so as to avoid impairment of them or contamination from them during flooding.

9.10 Conversions to Condominiums Or Time Sharing Units

- (1) Whenever any existing developed property is proposed for conversion to condominium or time sharing ownership and before any building permit is issued for the alteration of such building, the owner or his agent shall apply for and secure approval of such proposed subdivision from the Board.
- (2) The subdivider shall submit for approval a Completed Application.
- (3) Existing subsurface sewage disposal facilities, as a minimum, shall meet current construction design regulations as set by the New Hampshire Department of Environmental Services. The Board may require, if in its judgment the nature and/or complexity of the proposed conversion and in consideration of the topography and soils within the area, additional requirements to protect the health and welfare of the Town, now and in the future.
- (4) An inspection of the existing sewage disposal system and a detailed diagram showing type, extent, and location of the system, certified by a registered/licensed professional sanitary engineer indicating that the system is adequate for its intended and proposed use shall be furnished to the Board.
- (5) Drinking water supplies from groundwater shall be protected by restricting land use and prohibiting all activity detrimental to water quality and quantity, including sewer, sewage or waste disposal systems, within the protective well radii based upon the average daily demand on the system as required by the Water Supply and Pollution Control Division of the New Hampshire Department of Environmental Services.

(6) The responsibility for maintenance, operation, replacement and protection of the water supply and sewage disposal systems shall be clearly established as that of the subdivider or association of owners, or in default of such obligation by the subdivider or association, by the individual owners and a statement to this effect shall appear in the condominium or time sharing agreement. The deed to each condominium or time sharing unit shall contain these restrictions which shall run with the land. In the case of the subdivider such statement must specify the responsibility in the event of sale of the development, bankruptcy or other default by it. In the case of an association of land owners, a copy of the Articles of Association shall be submitted to the Board. Such statement of responsibility including Articles of Association, shall specify that in no event shall the town have any obligation for maintenance, operation, replacement or protection of the water supply and sewage disposal systems.

SECTION 10. LOT LINE ADJUSTMENT

10.01 Procedure

- (1) The applicant shall be responsible for payment of a filing fee according to a fee schedule set at Section 6.01 and 6.02.
- (2) The applicant shall submit a plat containing all information required for a Completed Subdivision application, if applicable (for example, the requirement to submit test pit data and pit location is not typically applicable to a lot line adjustment application).
- (3) All current and proposed lot lines of the involved lots must be shown on the plat along with all pertinent survey data. The surveyor must certify that all involved lot lines are accurate and close in accordance with Section 7.01(5)(h).
- (4) The plat must contain, for all involved lots, minimum lot size calculations as required by Section 7.01(6)(n).
- (5) The plat must contain an ownership chart (example included below) containing:
 - (a) The Tax Map and Parcel Number of each involved lot;
 - (b) The printed and signed name of ALL OWNERS for each involved lot;
 - (c) The before adjustment and after adjustment parcel acreages for each involved lot;
 - (d) The amount of acreage actually being exchanged in acres and square feet.

| Ownership Chart Example | | | | |
|--------------------------------|--|----------------|---------------|--------------------------------------|
| Tax Map & Parcel # | Names of Parcel Owner(s) | Before Acreage | After Acreage | Total Land Exchange in Ac. & Sq. Ft. |
| Tax Map 8 Parcel 4 | _____ John T. Smith _____ Mary Smith | 5.03 Acres | 5.50 Acres | +0.47 Ac. (+20,464 Sq. Ft.) |
| Tax Map 5 Parcel 5 | _____ Jane Doe _____ Elizabeth Doe _____ Mary Doe | 10.43 Acres | 9.96 Acres | -0.47 Ac. (-20,464 Sq. Ft.) |

SECTION 11. VOLUNTARY MERGER

In accordance with RSA 674:39-a, any owner of two or more contiguous preexisting approved or subdivided lots who wishes to merge them for municipal regulation and taxation purposes may do so by applying to the Planning Board. No public hearing or notice shall be required. No new survey plat need be recorded, but a notice of the merger shall be filed with the Carroll County Registry of Deeds. Some fees shall be assigned for the necessary procedures. See Section 6.

SECTION 12. ADMINISTRATION AND ENFORCEMENT

12.01 General

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

12.02 Modifications

The requirements of the foregoing regulations may be modified when, in the opinion of the Board, specific circumstances surrounding a subdivision, or condition of the land in such subdivision, indicate that such modifications will properly carry out the purpose and intent of the master plan and these regulations.

12.03 Penalties and Fines

Any violation of these regulations shall be subject to a civil fine as provided in RSA 676.16 and 676.17, as amended. The Selectmen or the building inspector are designated as the local authorities to institute appropriate action under the provisions of RSA 676.17.

12.04 Appeals

Any person, aggrieved by an official action of the Board, may appeal therefrom to the Zoning Board of Adjustment, if the matter relates to a provision of the Zoning Ordinance (RSA 676:5, III); or to the Superior Court, if the matter concerns only these Subdivision Regulations (RSA (677:15)).

SECTION 13. CONFLICTING PROVISIONS

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

SECTION 14. VALIDITY

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

SECTION 15. AMENDMENTS

14.01 These regulations may be amended by the Planning Board following a public hearing on the proposed change. Such changes shall not take effect until a copy of said change, certified by a majority of the Board, is filed with the municipal clerk.

14.02 A copy of any amendment to these regulations shall also be filed with the New Hampshire Office of Energy and Planning in Concord, New Hampshire (RSA 675:9) and North Country Council regional planning commission.

SECTION 16. EFFECTIVE DATE

These regulations shall become effective upon their official adoption by the Board in accordance with the provisions of RSA (675:6-9), and shall apply thereafter to all subdivisions within the Town of Jackson, except that they shall not apply to subdivisions for which plans have been approved by the New Hampshire Department of Environmental Services, Water Supply and Pollution Control Division as of March 4, 1975, which are on file in the office of the Selectmen of the Town of Jackson.