

Town of Landaff

Subdivision Regulations

Adopted - May 3, 1978

Amended - April 11, 2005

Amended - November 11, 2021

Amended - September 12, 2022

Amended – November 14, 2022

LANDAFF SUBDIVISION REGULATIONS

SECTION 1: Authority

1. 01 Authority:

1. Pursuant to the authority vested in the Landaff Planning Board by the voters of the Town of Landaff and in accordance with the provisions of NH RSA 674:35, 36; 675:6 and 676:4 Sections 19-29 and 34, NH Revised Statutes Annotated, the Landaff Planning Board adopts the following regulations governing the subdivision of land in the Town of Landaff, New Hampshire. For the purpose of protecting the health, safety, convenience, prosperity, and welfare of our inhabitants; for the purpose of protecting the economic investments of homeowner residents of subdivisions; for the protection of our Town's scenic beauty; the following land subdivision regulations are hereby enacted.

SECTION 2: Definitions

2. 01 Abutter: Any person whose property is located in Landaff and adjoins or is directly across the street or stream from the land under consideration by the Planning Board. For purpose 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.

2. 02 Approval: Shall mean recognition by the Planning Board, certified by written endorsement on the plat, that the final plat submission meets the requirements of these regulations and all other ordinances and regulations.

2. 03 Board: Shall mean the Planning Board of the Town of Landaff, New Hampshire.

2. 04 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 (2) lots or sites.

2. 05 Easement: Shall mean that land designated through authorization by a property owner for the use of another and for a specified purpose of any designated portion of his property.

2. 06 Engineer: Shall mean the Town Consulting Engineer duly designated on behalf of the Town of Landaff, New Hampshire, or the Board of Selectmen of the Town of Landaff, New Hampshire, or their appointed agent.

2. 07 Final Plat: Shall mean the final drawing or drawings on which the sub divider's plan of subdivision is indicated, prepared as required under the provisions of Section 4. 07 hereof.

2. 08 Health Officer: Shall mean the health officer of the Town of Landaff, New Hampshire.

2. 09 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. For purposes of these regulations, a lot shall have boundaries identical with those recorded with the Register of Deeds.

2. 10 Lot Line Adjustment: The action of abutting property owners taken to reflect the conveyance in recordable form from one to another of title to an area of land not previously separately described in a recorded deed.

- 2. 11 Master Plan:** Shall mean the comprehensive plan or plans of development for the community.
- 2. 12 Minor subdivision:** Shall mean a single-phase subdivision containing three lots or fewer, with no potential for re-subdivision, fronting on an existing street, not involving any new street or road or the extension of municipal facilities and not adversely affecting the development of the remainder of the parcel or adjoining property and not in conflict with any provision of these regulations of any other duly accepted existing or future plan, map or ordinance. This shall include a subdivision for the purposes of annexation in which there is merely a sale, conveyance, or exchange of adjacent land among two or more owners, and which does not increase the number of owners or parcels of land.
- 2. 13 Parking Space:** Shall mean an off-street space for exclusive use as a parking area for motor vehicles, with a minimum size of 10' by 20'.
- 2. 14 Performance Guarantee:** Shall mean any security which may be accepted in lieu of a requirement that certain improvements be made before the Planning Board or other approving authority approves a plat including performance bonds, escrow agreements and other similar collateral or security agreements.
- 2. 15 Poorly Drained Soil:** As defined by the USDA National Cooperative Soil Survey.
- 2. 16 Preliminary Layout:** Shall mean a plan prepared as required in Section 4. 06A or 4. 06B and submitted to the Planning Board prior to preparing the final plat.
- 2. 17 Private Road:** 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 sub divider, abutting landowners or an association of abutting landowners.
- 2.18 Sediment:** Solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin, by air, water or gravity as a product of erosion.
- 2. 19 Site:** Shall mean that portion of a lot, tract, or parcel of land upon which a structure is placed.
- 2. 20 Street:** Shall mean a state highway, or a highway, road, avenue, land and/or any other way which exits for vehicular travel, exclusive of a driveway serving not more than two adjacent lots or sites. The word "street" shall include the entire right of way.
- 2. 21 Street, Local:** A street used primarily to give access to abutting properties.
- 2. 22 Street, Collector:** A street which serves primarily to carry traffic from local streets to arterial streets and to public and other centers of traffic concentration. A collector street may be further classified as a major or minor, depending on average daily traffic count.
- 2. 23 Street, Arterial:** Shall mean a street or highway used primarily for heavy and/or through traffic.
- 2. 24 Sub divider:** The owner of the land to be subdivided, including any subsequent owner of record making any subdivision of such land or any part thereof, or the agent of any such owner.
- 2. 25 Subdivision:** 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 re-subdivision

and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided. The division of a parcel of land held in common and subsequently divided into parts among the several owners shall be deemed a subdivision.

2. 26 Very Poorly Drained Soils: As defined by the USDA National Cooperative Soil Survey.

SECTION 3: Application Procedure

3. 01 General:

1. Whenever any subdivision of land is proposed, before any construction, land clearing or building development is begun, before any permit for the erections of any building in such proposed subdivision shall be granted, and before any subdivision plat may be filed in the office of the Register of Deeds of Grafton County, the sub divider or his authorized agent shall apply for and secure approval of such proposed subdivision in accordance with the following procedure.

3. 02 Preliminary Consultation and Review:

1. The applicant may appear at a regular meeting of the Planning Board to discuss a proposal in conceptual form and in general terms. Such preliminary consultation shall be informal and directed toward:

- a) Reviewing the basic concepts of the proposal.
- b) Reviewing the proposal with regard to the town master plan and zoning ordinance.
- c) Reviewing the town's subdivision regulations as they may apply to this proposal and determination of the proposal as a major or minor subdivision.
- d) Guiding the applicant relative to necessary state and local requirements.

2. This preliminary consultation and review shall not bind the applicant or the Board. Such discussion may occur without formal public notice. However, any discussion beyond the conceptual and general review must include the identification of and notice to abutters and the general public as described in subsection 3. 09.

3. Preliminary consultation and review shall be separate and apart from formal consideration under subsections 3. 03 through 3. 06 and the limits for acting under subsections 3. 07 shall not apply until a formal completed application is submitted.

3. 03 Review for Lot Line Adjustments, and Boundary Agreements which create no new lots:

1. Notice is required.
2. Any abutter may be heard on the application for review at the public meeting when the matter is discussed by the Board. If deemed necessary, the Board may adjourn its consideration to another date and time to allow further abutter participation.
3. A site location map shall be submitted to the Board showing the original boundaries of the adjacent parcels.
4. A detailed plan meeting the requirements of these Subdivision Regulations shall be submitted to the Board showing the new property line or lines created.

5. A statement shall be placed on the plan stating as follows:

“This Plan shows a division of land for the purpose of effecting a lot line adjustment/boundary agreement as defined in the Town of Landaff Subdivision Regulations and does not require the approval of the Planning Board as a subdivision.” (Lot Line Adjustments Require Board Approval)

6. The plan shall be filed by the Board in the Grafton County Registry of Deeds.

3. 04 Minor Subdivisions:

1. Minor subdivisions are defined as those proposal involving:

a) Three lots or less with no potential for re-subdivision and fronting on an existing street.

b) The creation of lots for non-building development purposes.

2. The applicant may first meet with the Board for preliminary consultation and review of their proposal as discussed in subsection 3. 02 to determine if it is a minor subdivision. If it is determined by the Board to be a minor subdivision, the applicant shall submit:

a) A complete application, including all fees required in Section 3. 10.

b) A minor subdivision layout as provided in Section 4. 06 B. Notice of Submission shall be given as provided in subsection 3. 09 and may be combined with the Notice of Public Hearing.

3. The Completed Application under this subsection may be submitted and approved at one or more board meetings but no application shall be approved without the full notice of abutters and public required under subsection 3. 09. A public hearing, duly notified, shall be held only if requested by the applicant or abutters or if the board determines to hold a hearing.

3. 05 Major Subdivision:

1. All other subdivisions ore considered major subdivisions. In order for the board to formally consider a proposal for a major subdivision the applicant shall submit:

a) A completed application including all fees required in Section 3. 10.

b) A Major Subdivision Layout as provided in Section 4. 07 A.

3. 06 Completed Application:

1. A completed application sufficient to invoke jurisdiction of the board, must include sufficient information to allow the board to proceed with consideration and to make an informed decision.

2. A completed application shall consist of an application for subdivision approval properly filled out and executed by the applicant and filed with the board in accordance with subsections 3. 06 together with the following:

a) The names and addresses of the applicant and all abutters as indicated in town records not more than five (5) days before the day of filing.

b) A check payable to the board to cover filing fees, mailing, advertising, recording, and other costs provided in subsection 3. 10.

- c) Three paper print copies of the layout plus all additional information required under 4. 06A for major subdivision or 4. 06B for a minor subdivision.

3. 07 Filing and Submission of Completed Application:

1. The completed application shall be filed with the secretary or the chairman of the board at least fifteen (15) days prior to a scheduled public meeting of the board.
2. The completed application shall be formally submitted to and accepted by the board only at a regularly scheduled public meeting after due notification to applicant, abutters and the general public of the date the completed application will be submitted and received by the board.
3. An incomplete application filed by the applicant will not be formally accepted by the board nor will notices of a public meeting be mailed, posted, or published as provided under subsection 3.09.
4. Applications may be disapproved by the board without public hearing on grounds of:
 - a) Failure of the applicant to supply information required by these Regulations. Including abutters' identification and information required in sections 4. 06 A/B or sections 4. 07.
 - b) Failure to pay costs of notices or other costs and fees required by these regulations.
 - c) Failure to meet any reasonable deadline established by these regulations.
5. Upon determination by the board that a submitted application is complete, the board shall begin formal consideration and shall act to approve, conditionally approve, or disapprove within 65 days, subject to extension or waiver. The board may apply in writing to the Selectmen for extension not to exceed an additional 90 days before acting to approve or disapprove and application. The applicant may waive the requirements for Planning Board action within the time periods specified and consent to such as may be mutually agreeable.

3. 08 Failure to Take Action:

1. Upon failure of the board to approve or disapprove the application, the applicant may obtain from the Selectmen an order directing the board to act within fifteen (15) days. Failure of the Planning Board to act upon such 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 and other ordinances. If the court determines that failure to act within the time specified was the fault of the board and was not justified, the court may order the board to pay the applicant's reasonable costs, including attorney's fees incurred in securing such order.

3. 09 Notices:

1. Notice of the submission of a completed application shall be given by the board to the abutters and the applicant by certified mail, return receipt requested. Mailed at least ten (10) days prior to the submission, and to the public at the same time by posting in at least three public places in the 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. For any public hearing on the completed application, the same notice as required for notice of submission of the completed application shall be given. If the notice of public hearing has been included in the notice of submission or any prior notice, additional notice of the public hearing is not required, nor shall additional notice be required of an adjourned session of a hearing with proper notice if the date, time, and place of the adjourned session was made known at the prior hearing.

3. 10 Public Hearing:

1. Prior to approval of a subdivision, a public hearing shall be held as required by RSA 676:4 and notice to applicant and abutters and the public shall be given in accordance with subsection 3. 08. The public hearing shall be held within thirty (30) days after submission of the completed application. A public hearing may not be required for Minor Subdivisions as provided in subsection 3. 03.

3. 11 Fees:

1. A completed application shall be accompanied by filing fees as posted at the Town Hall.

2. All costs of notices, whether mailed, posted, or published, may be paid in advance by the applicant. Failure to pay costs may constitute valid grounds for the board to terminate further consideration and to disapprove the plat without a public hearing.

3. The board may require special investigative studies, environmental assessments, a review of documents, administrative expenses, and other matters necessary to make an informed decision. The cost of such studies and investigations shall be paid by the applicant prior to the approval or disapproval of the final plan.

3. 12 Scattered or Premature Subdivision:

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

2 The applicant shall provide information to the board regarding the impact of the subdivision and such other information to allow the board to make determination as to whether or not the proposed subdivision will be premature or scattered. The following areas shall be considered in such studies and such information provided to the board to determine the effect of the proposed subdivision.

a) A statement of impact of the proposed development on natural resources and environmental quality including, but not limited to, water quality, air quality, wetlands, soil erosion, agricultural soils and a statement of pollution control and environmental impact mitigation measures.

b) Capacity of the school system; effect on school bus transportation and distance of the proposed subdivision from the nearest elementary school.

c) Adequacy of streets and/or sidewalks in the general area of the subdivision including major intersections providing access, and other such areas as requested by the board.

d) Sufficiency, availability and capacity of utility services to provide water, fire protection, and sewer. Include the impact of the subdivision on municipal solid water disposal facilities.

e) (IF APPLICABLE) The impact of on-site subsurface sewage disposal systems as to adjacent wells, water supply systems and any known aquifers so designated by the United States Geological Survey.

f) Any special fire, police and public safety problems due to locations and/or special conditions relative to the type of use.

g) Impact of drainage from the subdivision on adjacent properties and potential drainage problems both on the site of the subdivision and downstream from the subdivision.

h) Fiscal impact statement analyzing the impact of the subdivision on municipal, school and county revenues and expenditures. Including estimated potential tax revenue and estimated number of children.

3. If a subdivision is determined by the Planning Board to be premature and scattered, the sub divider may show both on and offsite improvements, made at the expense of the sub divider that the subdivision is not premature or scattered or if so is overcome by remedial action of the sub divider, the Planning Board may, if the situation warrants, approve and entire subdivision, allowing only a portion there of to be developed each year. This phased development would help an orderly expansion with the town of its services to match growing needs.

SECTION 4: General Plan Requirements

4.01 Compliance with Regulations:

1. No subdivision of land shall be made, and no land in any subdivision shall be sold or offered for sale or lease, and no street or utility construction shall be started until a final plan, prepared in accordance with the requirements of these regulations, has been approved by the Board, and other required permits have been issued.

4.02 Acceptance of Streets and Open space:

1. No street or open space may be accepted by the town until such time as all improvements have been carried out as shown on the final plan, in accordance with the regulations, and subject to any conditions established by the Planning Board, at the time of final plan approval.

4.03 Land Divided by Public Rights of Way:

1. Any transfer, conveyance or sale of land held in one ownership, equal to or excluding the minimum lot size permitted herein but already divided into lots or parcels of land by an existing public right of way shall not be considered a subdivision for the purposed of these regulations.

4.04 Character of Land for Subdivision:

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

shall not be platted for residential, commercial, or industrial subdivision, nor for other uses as may increase danger to life or property, or aggravate flood hazard.

Land with inadequate characteristics of capacity for sanitary sewage disposal such as wetlands, as defined by the New Hampshire Wetlands Bureau, or slopes over 20% gradient shall not be included in calculating minimum lot size for residential, commercial or industrial subdivision proposed unless connected to a municipal sewage system.

4. 05 Preservation of Existing Features:

1. The sub-divider shall include in his specifications his plan for preservation and protection of existing features, trees, scenic points, brooks, streams, rock outcroppings, water bodies, other natural resources, and historic landmarks. The Sub-divider shall also set forth their plan for removal or alleviation of any hazardous condition such as ruined structures.

4. 06A Major Subdivision Layout:

1. The layout for a major subdivision shall be prepared to a scale of no more than one inch equals 100 feet or at greater detail as directed by the Board to indicate clearly existing and proposed features of the site. Said layout shall be prepared on 22 X 34-inch standard sheets measured from cutting edges. If one sheet is not sufficient to contain the entire area of the site and environs, the layout shall be divided into sections to be shown on separate sheets of equal size with reference on each sheet to the adjoining sheets. The layout for a major subdivision shall show or be accompanied by the following:

- a) Date, name, and location of subdivision on a key map at the Town Base Map scale of one-inch equals 1320 feet showing the relation of the proposed subdivision to existing streets or roads, name of record owner and subdivide, graphic scale and reference meridian, tax map number and lot and name of engineer or surveyor.
- b) Boundaries and area of the entire parcel, whether or not all land therein is to be subdivided, date and date of any revisions.
- c) Names and addresses of abutting property owners and tax block parcel number, subdivisions, and buildings within 100 feet of the parcel to be subdivided and intersecting roads and driveways within 200 feet of the parcel to be subdivided. Proposed lots shall be numbered consecutively as instructed by the Planning Board.
- d) A statement as to the compliance of the proposed lots with the Landaff Zoning Ordinance and location of zoning boundaries.
- e) Existing and proposed street right-of-way lines, widths of streets, and proposed names of new streets.
- f) Existing and proposed lot lines, angles and dimensions in feet, lot sizes in square feet/ acres, and consecutive numbering of lots.
- g) Location of existing and proposed easements, deed restrictions, buildings, accessory buildings, building setback lines, parks and other open space to be reserved or dedicated to public use, water courses, floodplain areas, large trees, water mains, sanitary sewers, storm water drainage lines, drainage structures and drainage ways within the subdivision. All existing structures and wooded areas within 200 feet of boundaries of proposed subdivision.

- h) The purpose of any easements or land reserved or dedicated to public use shall be designated and the proposed use of sites other than residential shall be noted.
- i) Existing and proposed plans for telephones, electricity, and gas utilities.
- j) Topographical map with a contour interval of 5 feet. A contour interval of less than 5 feet may be required by the Board if deemed necessary. Contour lines shall extend a minimum of 100 feet beyond subdivision boundaries.
- k) At least one benchmark tied to USGS elevations.
- l) The Grafton County soil survey as amended.
- m) A statement of conditions of land as to the soil suitability for development, including soil limitations for septic systems, the extent of wetlands and slopes over 20% shall be shown on the plan and the areas subtracted from the area for minimum lot size requirements.
- n) Location and data for all soil test pits, percolation pits and wells; a minimum of one test pit, 10 feet deep is required for each lot with a description of soil horizons, depth to seasonal high water table and depth to restrictive layer or ledge.
- o) A statement of the work required on existing streets to meet the minimum standards to set forth herein including cost estimates.
- p) Preliminary road design with profiles.
- q) A statement that proposed street centerlines have been adequately flagged on the ground at the site.
- r) Preliminary drainage analysis including drawings, plans and sizes for surface and subsurface drainage, storm drainage, and erosion and sediment control. All measures shall meet as a minimum the best management practices set forth in the "Storm water Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire." New Hampshire Department of Environmental Services, as amended.
- s) A copy of the application and approvals as prescribed by law, from any other municipal, state, or federal agency which may have jurisdiction including the NHWSPCC, the NH Wetlands Board, and the NH Department of Public Works and Highways.
- t) A copy of any investigative studies required by the board including environmental, traffic, community facilities, and fiscal impact assessments. This includes information the board will need to make a determination as to whether or not the proposed subdivision will be premature or scattered.
- u) A copy of the plan on permanent reproducible film to be recorded at the Register of Deeds and three blue or black paper copies. The plan shall contain the following statement: "The Subdivision of Regulations of the Town of Landaff are a part of this plan, and approval of this plan is contingent on completion of all the requirements of said subdivision regulations, excepting only any waivers or modifications made in writing by the Board and attached hereto."

4. 06B Minor Subdivision Layout:

1. The layout for a minor subdivision shall be prepared to a scale of no more than one-inch equals 100 feet or at greater detail as directed by the Board to indicate clearly existing and proposed features of the site. Said layout shall be prepared on 22 X 34-inch standard sheets measured from cutting edges. If one sheet is not sufficient to contain the entire area of the site and environs, the layout shall be divided into sections to be shown on separate sheets of equal size with reference on each sheet to the adjoining sheets. The layout for a minor subdivision shall show or be accompanied by the following:

a) Date name and location of subdivision on a key map at the Town Base Map scale of one-inch equals 1320 feet showing the relation of the proposed subdivision to existing streets or roads, name of record owner and sub divider, graphic scale and reference meridian, tax map number and lot and name of engineer or surveyor.

b) Boundaries and area of the entire parcel, whether or not all land therein is to be subdivided, date and date of any revisions.

c) Names and addresses of abutting property owners and tax block parcel number, subdivisions, and buildings within 100 feet of the parcel to be subdivided and intersecting roads and driveways within 200 feet of the parcel to be subdivided. Proposed lots shall be numbered consecutively as instructed by the Planning Board.

d) A statement as to the compliance of the proposed lots with the Landaff Zoning Ordinance and location of zoning boundaries.

e) Existing and proposed street right-of-way lines, widths of streets, and proposed names of new streets.

f) Existing and proposed lot lines, angles and dimensions in feet, lot sizes in square feet and acres, and consecutive numbering of lots.

g) Location of existing and proposed easements, deed restrictions, buildings, accessory buildings, building setback lines, parks and other open space to be reserved or dedicated to public use, water courses, floodplain areas, large trees, water mains, sanitary sewers, storm water drainage lines, drainage structures and drainage ways within the subdivision. All existing structures and wooded areas within 200 feet of boundaries of proposed subdivision.

h) The purpose of any easements or land reserved, or dedicated to public use shall be designated and the proposed use of sites other than residential shall be noted.

i) Existing and proposed plans for telephones, electricity, and gas utilities.

j) Topographical map with a contour interval of 5 feet. A contour interval of less than 5 feet may be required by the Board if deemed necessary contour lines shall extend a minimum of 100 feet beyond subdivision boundaries.

k) At least one benchmark tied to USGS elevations.

l) Soil types and map boundaries from the most recent Soil Conservation Service Map enlarged to plan scale. The Board may require more detailed mapping of soils if deemed necessary.

m) A statement of conditions of land as to soil suitability for development, including soil limitations for septic systems.

- n) Location and data for all soil test pits, percolation pits and wells; a minimum of one test pit 10 feet deep is required for each lot with a description of soil horizons, depth to seasonal high-water table and depth to restrictive layer or ledge.
- o) A statement of the work required on existing streets to meet the minimum standards to set forth herein including cost estimates.
- p) Preliminary road design with profiles.
- q) Final drainage analysis including drawings, plans and sizes for surface and subsurface drainage, storm drainage and erosion and sediment control, based on a 10-year peak flow using USDA Soil Conservation Service methods and standards. (See Section 4. 15).
- r) A copy of approvals from any other municipal, state or federal agency which may have jurisdiction including the NHWSPCC, the NH Wetlands Board, and the NH Department of Public Works and Highways.
- s) The plan will be held for 30 days for public review and then recorded. A copy of the plan on permanent reproducible film to be recorded at the Register of Deeds and three blue or black paper copies. The plan shall contain the following statement: "The Subdivision of Regulations of the Town of Landaff are a part of this plan, and approval of this plan is contingent on completion of all the requirements of said subdivision regulations, excepting only any waivers or modifications made in writing by the Board and attached hereto."

4. 07 Major Subdivision Final Plan:

1. The plan will be held for 30 days for public review and then recorded. The final plan to be recorded at the Register of Deeds shall be on permanent reproducible film. Three blue or black line paper copies shall also be submitted. The plan shall contain the following statement: "The subdivision regulations of the Town of Landaff are a part of this plan, and approval of this plan is contingent on completion of all the requirements of said Subdivision Regulations, excepting only any waivers or modifications made in writing by the Board and attached hereto." The Final Plan shall contain all of the maps and information required in the Completed Application in their final form, except as waived above by the Planning Board. The Final Plan shall also contain the following information:

a) Copies of any easement or deed restrictions for land reserved for conservation, recreation, or other nonresidential use.

b) A written acknowledgment of the sub-divider's responsibility for maintenance of easement areas, and the assumption of liability for injuries and damages that may occur on any land to be dedicated for public use, until such land has been accepted by the town.

c) For subdivisions to be served by public water or sewers, a statement from the municipal department or company involved attesting to the availability of such service.

e) Final Street and Utility Plan including the following:

1. Complete plans and profiles of all proposed streets including but not limited to:

- a) Horizontal and vertical curve data at the street centerline.
- b) Street stationing every 50 feet.

- c) Intersection, turnaround, and or cul-de-sac radii.
 - d) Statements and/or typical sections of proposed streets.
2. Complete plans and profiles of all proposed sanitary and storm sewers, including the following:
- a) Invert elevations, original and finished ground profiles above these sewers and top of manhole elevations.
 - b) Profiles and grades of storm sewer lines and inlets.
 - c) Type of material and class used and proposed grades.
3. Location and details of all existing and proposed utilities, including water mains, gas mains, telephone, electric, on and adjacent to the land to be subdivided.
4. A statement as to:
- a) The flow available on existing water mains.
 - b) The proposed number of units and anticipated sanitary sewer flow.
 - c) The available storm water facilities downstream of this subdivision.
 - d) Drainage across other property.
5. Final Drainage and Erosion and Sediment Plan including the following:
- a) Final identification: location, elevation, grades and/or contours at intervals of not more than two (2) feet (less interval may be required depending on topography) for the existing and proposed drainage ways, drainage easements, drainage structures and water bodies.
 - b) Final identification and relative location of proposed soil erosion and sediment control measures and structure in accordance with standards and specifications of the bylaw county member district.
 - c) Final drawings. Details and specifications for proposed flood hazard prevention measures and structures for proposed storm water retention basins.
 - d) Final slope stabilization details and specifications.
- f) Written statements from the fire chief and police chief stating the proposed subdivision will be satisfactory with regard to public safety issues including access for emergency vehicles, water, and traffic safety.
- g) Any other data required by the Town of Landaff shall be included as part of the subdivision "as Built" conditions. Prior to acceptance of the utilities of the Town, the sub divider shall submit an "as-built" plan. This plan shall be drawn to scale and shall indicate by dimension, angles, and distances, as applicable, the location of sewer and drain Y-branches, laterals, manholes, catch basins, hydrants, valves, curb shut-offs, road profiles and centerline elevations and final grading plan showing swales and ditches. Plan shall show easements and dedicated roadways.
- h) Any other details pertinent to street and/or utility construction.

4. 08 Street Design: Use the below table for street classification.

STANDARDS FOR STREET DESIGN

	LOCAL		COLLECTOR		ARTERIAL
	MINOR 0-50	MAJOR 50-100	MINOR 100-200	MAJOR 200-400	400-UP
AVERAGE DAILY TRAFFIC 2					
MINIMUM RIGHT OF WAY 4	50	60	70	80	100
MINIMUM TRAVEL SURFACE WIDTH (FT) 4	18	20	22	24	VARIABLE
MINIMUM SHOULDER WIDTH (FT) EACH SIDE	2	2	4	4	VARIABLE
MINIMUM DISTANCE FROM CENTER OF ROAD TO CENTER OF DITCH (FT) 4	16	16	18	VARIABLE	VARIABLE
MINIMUM HORIZONTAL CURVE RADII (FT)	100	100	150	300	500
MINIMUM VERTICAL CURVE RADII (FT)	100	100	100	200	VARIABLE
	IN NO CASE LESS THAN 20' FOR 1% DIFFERENCE IN GRADE		IN NO CASE LESS THAN 30' FOR EACH 1% DIFFERENCE IN GRADE		
BASE COURSE DEPTH	12"	12"	16"	18"	24"
MINIMUM LENGTH OF TANGENTS BETWEEN CURVES	100	100	100	200	VARIABLE
MAXIMUM GRADE	10%	10%	8%	8%	5%
MINIMUM GRADE	0.5%	0.5%	0.5%	0.5%	0.5%
MINIMUM HORIZONTAL SIGHT DISTANCE 3	200'	200'	250'	250'	300'
SURFACE TYPE 5	H. BITUMINOUS	H. BIT	H. BIT	H. BIT	H. BIT

Surface type at the discretion of the planning board with advice from the road agent.

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

a) All streets shall be constructed, and all bridges, runnel 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 contained in State Specifications for Road and Bridge Construction, State of New Hampshire.

b) 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.

c) Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless in the opinion of the Planning Board such extension is not necessary or desirable for

the coordination of the layout of the subdivision with the existing layout or the most advantageous future development or adjacent tracts.

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

e) Subdivision streets shall be so laid out as to provide a curvilinear street pattern.

f) Local and collector streets shall not intersect with arterial streets less than eight hundred (800) feet apart, measured from centerline to centerline.

g) Except where it is impracticable, because of the character of the land, streets shall intersect so that within 75 feet of the intersection the street lines are at right angles and in no case less than 75 degrees. The grade within 100 feet of an intersection shall not exceed one percent. No structure or planting shall impair corner visibility.

h) Multiple intersections involving a junction of more than two streets shall be prohibited. If at all possible, four-way intersections shall be avoided on all local and minor collector streets.

i) The minimum distance between centerline offsets at street jogs shall be one hundred fifty (150) feet.

j) Permanent dead-end streets should where possible not exceed 600 feet in length and shall terminate in a turnaround 100 feet in diameter.

k) Temporary dead-end streets, where future extension to another outlet is approved by the Board, or where indicated on the plan, may exceed 1,000 feet in length. In such cases, the full width of the right-of-way to the subdivision property line shall be reserved as a street right-of-way or turnaround.

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

m) The turnaround at the end of a cul-de-sac street should be located so that it drains toward its entrance.

n) Unless there is the expectation of extending the street through to the adjoining property, a cul-de-sac street should never be brought to the property boundary line but should be placed so that the lots can back on the property line of the subdivision.

4. 09 Road Regulatory Signs:

1. The applicant shall deposit with the local government at the time of final subdivision approval sum of money (specified at that time) for each road sign required by the Engineer at all road intersections.

4. 10 Classification of Streets:

1. The classification of new streets shall be as determined by the Board in accordance with the above street standards table. The following standards of design shall apply to streets related to subdivision.

2. 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 modifications will result in the best subdivision of land.
3. The Board may require greater width of right-of-way where, in its judgment, the demands of present or future traffic make it desirable or where topographic conditions create a need for greater width for grading.
4. In rural areas, streets shall have a minimum travel surface width as prescribed above, with shoulders not less than 2 feet wide. The Board may require a greater travel surface width and shoulders for Arterial and Collector Streets. In urban or village areas, the Board may require a greater width of right-of-way and paving, together with curbs and sidewalks.
5. In the case of subdivisions requiring construction of new streets, any existing street which provides either frontage to new lots or access to new streets shall meet the minimum standards established in Section 4.11 for such streets. Where a subdivision requires undue expenditures by the Town to improve existing streets to conform to minimum requirements, the Board may disapprove such subdivision until the Selectmen/Council shall certify that funds for the improvements have been assured by the municipality.

4. 11 Required Improvements:

4. 11A Streets:

1. Subgrades: All topsoil, stumps, brush, roots, boulders, and like materials shall be stripped or removed from the proposed subgrade area. All stumps and excess material shall be disposed of according to state regulations. The subgrade shall be shaped and compacted evenly at a depth of at least 24 inches for all streets below the finished surface of said streets. All soft and spongy pious shall be excavated to such depth as shall be necessary to stabilize the foundation of the road and refilled solidly with sub-base material as directed by the Engineer.
2. Before any clearing has started on the R. O. W. the centerline of the new road shall be staked, and side staked at 50-foot intervals. Side stakes to be set back off the R. O. W. at right angles from the centerline to be out of the construction area and with stationing and distances to the centerline of the road.
3. Limits of clearing shall be marked by stakes or flagging. Distances from the centerline to be obtained from the cross-sections.
4. After clearing is done and before excavation is started, elevations shall be taken on the tops of side stakes. Cuts and fills shall be marked on sidewalks.
5. After the street has been excavated and graded, excess loam, gravel, rock and organic matter shall be either re-graded or disposed of as the case may be, in accordance with all applicable state, federal and local laws and regulations so as to leave the appearance of the area in a natural condition as comparable as practical to its appearance before road construction was initiated.
6. Local streets cover not only lightly developed through streets, but also, dead-end, cul-de-sac and marginal access streets.
7. Future anticipated traffic shall be estimated. (Assuming 8 trips per day per dwelling unit.)

8. Sight distance shall be measured between two points along the center line of the street on a straight line entirely within the street right-of-way and clear of obstructions. One of the points to be at the surface and the other 4 and one-half feet above the surface.
9. All cross-section horizontal distances shall be measured perpendicular to straight-line sections and radial to curved sections.
10. All surfaces will be as shown unless otherwise specified by the Board. All subgrade and finish grade material shall meet "Standard Specifications for Road and Bridge Construction, State of New Hampshire, Department of Transportation," as amended.
11. Embankments shall be formed of suitable material placed in successive layers of not more than twelve (12) inches in depth for full width of the roadway cross-section and shall be compacted uniformly and sufficiently to prevent settlement. Stumps, trees, rubbish, and other unsuitable materials of substance shall not be placed in the fill. The fill shall be allowed to thoroughly settle before applying gravel base material.
12. All road construction shall be completed according to "Standard Specifications for Road and Bridge Construction, State of New Hampshire, Department of Transportation," as amended.
13. No cutting of trees or stumping of right-of-way is permitted until all local, state and federal permits are obtained.

4. 11B Drainage:

1. Underdrains: Underdrains shall be installed where the character and composition of the soil in the roadbed and other areas of the subdivision render such installation necessary in the opinion of the Engineer. These underdrains shall consist of perforated metal pipe or perforated fiber pipe of a minimum six (6) inches in diameter and laid in the bottom of a trench at such depth and width as may be necessary. The trench shall be filled with clean bank run gravel, or equivalent material approved by the Engineer.
2. Storm drains, culverts and related installations, including catch basins and drop inlets, shall be installed within or without the subdivision as necessary to permit unimpeded flow of all natural watercourses, to insure adequate drainage of all low points along streets, and to intercept storm water runoff along streets at intervals reasonably related to the extent and grade of the area drained. (Where required, catch basins may be on both sides of the roadway on continuous grade at intervals of approximately three hundred (300) feet.) Drainage improvements shall meet the specifications of AASHO (American Association of State Highway Officials) in regard to material and strength requirements. Catch basins and drop inlets, shall be equal to New Hampshire Standard Type A or acceptable to the Engineer. Storm sewer pipes and culverts shall have a minimum diameter of twelve (12) inches and shall be of reinforced concrete, corrugated aluminum, bituminous coated corrugated steel, or equivalent and shall have a minimum two (2) foot cover over all pipes. Headwalls where required shall be either of concrete or rubble masonry. Storm drainage shall be carried to existing water courses 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 therefore from the adjacent owner and shall hold the Town harmless from any claims for damage resulting there from.
3. Erosion Protection Ditches: Paving or stone shall be provided in ditches where soil or velocity conditions warrant protection from erosion as determined by the Engineer.

4. Debris and Waste: Cut trees, timber, debris, earth, rocks, stones, soil, junk, rubbish, or other waste materials shall be placed in a site designated by the developer and subject to approval of the Planning Board.

5. Monuments: Permanent survey monuments shall be set in the boundary of rights of way at intersecting streets, point of curvature and point of tangency of curves, though the point of intersection of short curves may be used instead, where such is practical, at the discretion of the town engineer. Monuments shall be placed on one side of the street only and at only one corner of intersecting streets. Adjacent monument points shall be inter-visible.

a) Monuments shall be tied into a public street intersection, USGS benchmark or another recognized existing monument. Monument locations shall be shown and properly dimensioned on the final plat.

b) Monuments shall be of stone, concrete, or other material acceptable to the town engineer, and not less than four (4) inches in diameter or square, and not less than forty-two (42) inches long. Concrete monuments shall be reinforced with steel rods, and a plug, brass plate, or pin shall serve as the point of reference and a magnetic rod or other suitable metal shall be placed adjacent to the monument to allow for recovery.

6. Water and Sewer Facilities:

a) Common Systems: Common systems proposed by a sub divider shall be of sufficient capacity to serve the subdivision and shall be designed and constructed for incorporation into future town or precinct systems. All such facilities shall meet the requirements of and be approved by the state water supply and pollution control commission, local and county health and public works agencies, and/or public body having jurisdiction, and shall be accepted by the engineer.

b) Individual Service: Individual wells and subsurface disposal facilities shall on all respects comply with all applicable local, county and/or state requirements including those of state water supply and pollution control commission. In areas not currently served by common sewer systems, it shall be the responsibility of the sub divider to provide adequate information to prove that the area of each lot is adequate to permit the installation and operation of an individual sewerage disposal system (septic tank and drain field). The sub divider shall be required to provide the necessary equipment and labor for the making of these tests required by local, county and/or state authorities having jurisdiction.

4.12 Performance Bond:

1. Before approval of a final plat by the Board, all required improvements. Such as streets, storm drains, etc. shall be guaranteed by the sub divider by one of the following alternatives as determined by the Board:

a) Construction of all the agreed upon improvements prior to final approval of the plat by the Board. Before the Board gives its approval, the improvements must be inspected and approved by the Board of Selectmen. No lot shall be sold prior to this final approval.

b) The sub divider shall provide a performance bond or irrevocable letter of credit in such type and amount as the Board shall specify to secure to the Town the actual

construction and installation of such improvements within a specified time as determined by the Board and expressed in the bond or irrevocable letter of credit. The Board shall also have discretion to require satisfactory evidence of the financial ability of any surety or financial institution to pay such bond or irrevocable letter of credit.

1. No building located with a subdivision the final approval of which has been obtained by the providing of a performance bond or irrevocable letter of credit shall be used or occupied until completion of the required improvements.

2. The amount of the performance bond or irrevocable letter of credit shall be based upon an engineer's cost estimate of the necessary improvements. The Board may require a review of the submitted plans and cost estimate, at the sub divider's expense, of a Registered Professional Engineer chosen by the Board.

3. No performance bond or irrevocable letter of credit shall be released until the required improvements are completed according to the subdivision and/or roadway construction design standards set forth in these regulations or according to such standards or terms as the Board may have authorized as part of its decision approving the subdivision plan.

4. 13 Parking:

1. All subdivision development shall contain off-street parking to be provided at the rate of at least two (2) parking spaces per dwelling unit.

4. 14 Pedestrian Walks:

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

2. All such utility system installations shall be at the expense of the sub divider and shall be installed under the supervision of the selectmen or their agent

3. The Board may require the installation of street lighting in any subdivision where it deems necessary.

4. Where underground utilities are to be furnished from a public source, all necessary mains, branch offsets to each lot, and fire hydrants shall be installed by the sub divider, as approved by the corporation or municipal department having jurisdiction, and to the satisfaction of the governing body, and without expense to the Town.

4. 15 Sediment and Erosion Control:

1. General: The purpose of this section is to control soil erosion and the resulting sedimentation from occurring in subdivision areas by requiring proper provisions for water disposal and the protection of soil surfaces during and after construction in order to promote the public health, safety, convenience and general welfare of the community.

2. Standards: The following standards shall be observed by the sub divider in the design, layout engineering of the proposed subdivision in both the Sections 4. 06 A and 4. 06 B.

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 areas shall be kept to a minimum and the duration of exposure shall be under a maximum of six (6) months.
- d) Temporary seeding and/or mulching shall be used to protect exposed critical areas.
- e) Provisions shall be made to accommodate the increased runoff caused by changed soil and surface conditions during and after development.
- f) Sediment in the runoff water shall be trapped until the disturbed area is stabilized by the use of sediment basins or other acceptable methods.
- g) Diversions, sediment basins, and so forth, shall be constructed prior to any on-site grading or disturbance of existing surface material.

4. 16 Open Space:

1. If no such open space, park or playground is shown on the Town Master Plan within the boundaries of a proposed subdivision, the Board, may, where it deems essential, require that the plan 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 15 percent of the total area of the subdivision. The sub divider may of his own volition exceed the above area requirements. 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 Town 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.

4.17 Development of Open Space:

1. 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. No work, removal, or filling shall be done, nor shall the existing natural characteristics of open space land be altered from the original condition, until the sub divider's plans for recreational development of said open space have been reviewed and approved by the Board as part of the final plan submission.

4. 18 Trees and Planting:

1. Due regard shall be given to preservation of existing trees, shrubbery, and other vegetation within the subdivision. The Board may require additional tree planting and other landscaping appropriate to the area being subdivided. The sub divider shall comply with the following requirements:

- a) To the fullest extent possible, all existing trees and shrubbery shall be preserved by the sub divider. Special consideration shall be given to the arrangement and ultimate improvement or development of the lots to this end. Precautions shall also be taken to protect existing trees, shrubbery, and vegetation during the construction of roads and utilities.

b) Where any land other than that included in public rights of way is to be dedicated to the public use, the sub divider shall not remove any trees from the site without written permission from the Planning Board.

c) Topsoil moved during the course of construction shall be redistributed so as to provide at least four (4) inches of cover to all disturbed areas of the subdivision. At no time shall topsoil be removed from the site without written permission from the Planning Board.

d) All disturbed areas which are not covered by structures or paving shall be properly seeded or replanted by the sub divider.

SECTION 5: Administration and Enforcement

5. 01 Review by Other Town Officials:

1. Before approval of the final plat is given, the applicant shall obtain for the Planning Board written statements that the proposed subdivision plat is satisfactory to Town Officials as follows (if applicable):

a) The Board of Selectmen as to the relationship of the proposed water and drainage facilities to the water and drainage lines in existing public ways.

b) The town road agent as to the design of the street system, location of easements. And design of the water and drainage systems, including appurtenances

c) The chief of the fire department as to the location and spacing of hydrants, where they are provided.

d) The chief of the police department as to vehicular and pedestrian traffic safety and access for emergency vehicles.

5. 02 Certification:

1. The following listed certifications shall be affixed to the final plat plan together with the appropriate signatures and scale (when available) prior to the approval by the Planning Board.

a) It is hereby certified that the lands subdivided on this plat are owned by title of record and that consent to the approval of said map is given.

(Date) _____

(Corporate or Individual Name) _____

b) I hereby certify that this plat and survey has been made under my supervision. The date of the survey was

(Date) _____

(Licensed Land Surveyor) _____

c) I certify that a bond has been given to the municipality guaranteeing the construction of all public facilities such as roads, drains, and monuments, and other appurtenances as shown on this map.

(Date) _____

(Municipal Clerk) _____

This plat is hereby approved by the Landaff Planning Board at an official meeting held on

_____ and shall be filed on or before _____ with the Grafton County Register of Deeds.

(Date) _____
Board) _____

(Chairman/Secretary Landaff Planning

5. 03 Performance and Inspection Work:

1. All work necessary for the construction of required improvements shall conform to the requirements of these regulations. Such work shall be performed in a good and workmanship like manner and shall be free from faults and defects. All materials incorporated in such construction shall conform to the requirements of these regulations and shall be of good quality. Any work or materials not conforming to the foregoing standards may be considered defective and rejected by the engineer. All work and materials rejected by the engineer as defective shall be removed and corrected by the sub divider.

2. The engineer will be the town's representative during the construction of required improvements. He shall at all times have access to the site when the work is in preparation and progress. He will make periodic visits to the site to familiarize himself generally with the progress and quality of the work and to determine in general if the work is proceeding in accordance with the requirements of these regulations. The sub divider shall provide the engineer in advance with a schedule of work to be performed outside of the engineer's normal office hours and give the engineer timely notice of the completion of each major stage in the construction of any required improvement so that the engineer may inspect the work so completed prior to the covering thereof, and the engineer shall make all such inspections with reasonable promptness so as to cause no delay in work. In particular, the sub divider shall, in the case of streets, give timely notice to the engineer of the completion of subgrades, drainage base course, and base and final surfacing.

3. The sub divider shall give the engineer notice when any required improvement is completed and ready for final inspection. The engineer will promptly make such inspection and, when he finds that the improvement has been fully completed in accordance with the requirements of these regulations, he shall approve the same in writing. Such approval, in the case of a street, shall not constitute the legal acceptance of the street by the Town nor shall it modify in any way the requirements of law for the acceptance of streets by the Town.

4. The sub divider shall promptly remedy any defects in any required improvement due to faulty workmanship or materials which appear within a period of two (2) years after approval thereof by the engineer.

5. Notwithstanding the on-site observations and inspections of the engineer, any directions given by him, and any approvals of required improvements issued by him, the sub divider shall be and remain fully responsible for the performance of the construction work in accordance with the requirements of these regulations and the engineer shall have no responsibility for the failure of the sub divider to carry out the work as required herein.

6. The sub divider shall be responsible for all costs associated with the Town of Landaff's inspection and observation of construction and improvements as part of this subdivision.

5.04 Data Listing:

1. The following listed data shall be included on the final plat prior to approval by the Landaff Planning Board:

- a) Area of land subdivided _____ acres.
- b) Number of building lots _____ total number.
- c) Length of streets _____ feet.
- d) Area of open space/conservation strips _____ acres.
- e) List of abutters.

5.05 Interpretation:

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

5.06 Acceptance of Streets and/or Utilities:

1. Nothing herein is intended to modify the requirements of law with reference to the acceptance of streets and/or utilities by the Town. Nothing herein is intended to modify or control the construction, reconstruction, or extension of streets and/or utilities by the Town or State.

5.07 Other Regulations:

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

5.08 Enforcement:

1. These regulations shall be enforced by the Board or its duly authorized representatives.

5.09 Compliance with Regulations:

1. Penalties: No subdivision of land shall be made, and no land in any subdivision shall be transferred, sold, or offered for sale until a final plan prepared in accordance with the requirements of these regulations, has been approved by the Planning Board. As provided in RSA 676: 16, any owner, or agent of the owner, of any land located within a subdivision, who transfers or sells any land before a plan of the said subdivision has been approved by the Planning Board and recorded or filed in the office of the Register of Deeds, shall forfeit and pay a penalty of five hundred dollars (\$500) for each lot or parcel so transferred or sold;

and the description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the transaction from such penalties. The Town of Landaff 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 the same may be ordered by the court.

5. 10 Waivers:

1. General: Where the Planning Board finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations and/or the purposes of these regulations may be served to a greater extent by an alternative proposal. It may approve waivers to these subdivision regulations so that substantial justice may be done, and other public interest secured, provided that such a waiver shall not have the effect of nullifying the intent and purpose of these regulations, and further provided the Planning Board shall not approve waivers unless it shall make findings based upon evidence presented to it in each specific case that:

a) The granting of the waiver will not be detrimental to the public safety, health, or welfare or injurious to other properties located nearby.

b) The conditions upon which the request for a waiver is based are unique to the property for which the waiver is sought and are not applicable generally to other property.

c) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations are carried out.

d) Conditions: In approving waivers, the Planning Board may require such conditions as will, in its judgement, secure substantially the objectives of the standards or requirements of these regulations.

5. 11 Amendments:

1. These regulations may be amended by the Planning Board but only following public hearing on the proposed changes. The Chairman or Secretary of the Planning Board shall transmit a record of any changes so authorized to the Register of Deeds of Grafton County.

5. 12 Appeals:

1. 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 per RSA 677: 15.