

# SUBDIVISION REGULATIONS TOWN OF ASHLAND, NEW HAMPSHIRE

## ARTICLE 1 – INTRODUCTION

- 1.1 Authority:** Pursuant to the authority vested in the Ashland Planning Board by the voters of the Town of Ashland in accordance with the provisions of Chapter 674, sections 35-42 of the NH Planning and Land Use Regulations, the Ashland Planning Board adopts the following regulations governing the subdivision of land in the Town of Ashland, New Hampshire.
- 1.2 Title:** These regulations are known as the “*Subdivision Regulations of the Town of Ashland, NH*”.

## ARTICLE 2 – GENERAL REQUIREMENTS FOR THE SUBDIVISION OF LAND

### 2.1 Guidelines

- 2.1a** A proposed subdivision shall conform with the Comprehensive Master Plan, the Official Map, all Town of Ashland ordinances and regulations, and any other pertinent state laws or regulations.
- 2.1b** The subdivider shall give due regard to the preservation and protection of existing features such as trees, scenic points, brooks, streams, water bodies, other natural areas, and historic landmarks in order to preserve the natural environment.
- 2.1c** Land of such character that it cannot be safely used for building development purposes because of danger to health or peril from fire, flood hazard, poor drainage, poor soil conditions, excessive slope or other hazardous conditions shall be identified on the Subdivision Plat. Such characteristics include:
- Steep land (as identified in Section 2.4a of the Ashland Zoning Regulations).
  - Areas with a high water table (within 2 feet of the surface)
  - Flood plains
  - Areas with less than 3 feet of natural soil over the majority of lots
  - Areas with less than 3 feet of natural soil over impermeable material (percolation rate slower than 30 minutes per inch)
- 2.1d** The Planning Board may, after adequate investigation, withhold approval of a lot where there is a question of suitability of said lot for its intended use due to the presence of such factors as:
- Rock formations
  - Tendency to periodic flooding
  - Poor drainage
  - Unsuitable soil or soils, and
  - Inadequate capacity for sanitary sewer disposal
- 2.1e** The Planning Board may disapprove any scattered or premature subdivision of land which would involve danger or injury to health, safety, or prosperity by reason of the lack of water supply, drainage, transportation, schools, fire protections, or other public services, or which would necessitate the excessive expenditure of public funds for and supply such services.
- 2.1f** Adjustment of Boundaries
- The sale or exchange of land between owners of adjoining properties for the express purpose of adjusting boundaries provided: (1) that no additional lots are created thereby, (2) that when relevant, the original properties are not reduced below the minimum requirements of the Zoning Ordinance, and (3) that a sketch or survey map is filed with the Chairman of the Planning Board. Any and all Lot Line Adjustments should be submitted to the Planning

## Subdivision Regulations

Board for a determination of the applicability of the request, after notice to the abutters and discussion at a regularly scheduled meeting of the Planning Board.

**2.2** Lot sizes and frontages and character shall conform to Article 2 of the Zoning Ordinance.

### **2.3** Recreation Land

The Planning Board may require a subdivision with a potential of sixteen or more lots to provide one or more recreational areas, the combined size of which shall be equal to 2,000 square feet of land for each building lot under 50,000 feet in area.

**2.3a** Subdivisions, which represent a continuation of an earlier subdivision, which had a potential of sixteen or more lots, may also be required to meet these standards for recreation land.

**2.3b** The developer shall provide for the maintenance of recreation land in a manner suitable to the Planning Board.

### **2.4** Fire Protection Considerations

Where a subdivision is proposed in a location where a water supply for fire fighting purposes is not readily accessible, the Planning Board shall, as a condition of final approval, require the developer to provide, at the developer's expense, for the installation of fire protection devices including, but not limited to, fire hydrant system, fire ponds, cisterns, dry hydrants, or storage tanks and require the developer to allow access to such devices by reserving water and maintenance easements to the Town, as the Planning Board may deem appropriate.

**2.4a** The Planning Board shall require construction and maintenance of a roadway of suitable materials to facilitate access of fire fighting equipment and maintenance equipment to the water supply and/or dry hydrant. The fire protection devices shall be accessible and usable all year round.

**2.4b** All fire protection devices shall be completed and ready for use prior to occupancy of any units or structures in the proposed subdivision.

**2.4c** Access roads and fire lanes to and around proposed structures shall be sufficient to allow access by fire department apparatus and personnel for fire fighting purposes. The Fire Chief shall determine the adequacy of the proposed access road and fire lanes, relative to accessibility, width, turn around areas, and all necessary requirements for proper fire fighting procedures.

**2.4d** Proposed structures, buildings or facilities shall conform to the applicable building and/or fire codes and standards as required by the Town of Ashland.

**2.4e** The Planning Board shall require, as a condition of preliminary approval, that the Fire Chief review and make recommendations concerning the Fire Protection aspect of the application, and, the Planning Board shall require that the applicant comply with approved design specifications, and fire regulations and codes, as required by the Town.

### **2.5** Water Supply

Water in sufficient quantity (to be determined by the Fire Chief or designee) to handle a fire in the structure under consideration must be available for use by the fire department. Normally a water supply should be within hose laying distance for the fire department. If water supply, for fire fighting purposes is an issue, the proposed shall be reviewed by the Fire Chief, and the Board may make his recommendation a condition of approval.

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- 2.6** Cluster Development is permitted and encouraged for the preservation of open space, to promote more efficient use of land, and to provide flexibility in subdivision design.
- 2.6a** When cluster housing or multiple dwelling units are proposed, the minimum lot size shall be determined by the Planning Board based upon the character of the land involved, the type of housing proposed, and other pertinent factors. The total area in the subdivision must meet the requirements of Article 2 of the Zoning Ordinance.
- 2.6b** The area, which has not been built upon, shall be consolidated into open space and designed as an integral part of the development. It may be used for recreation, conservation, or park purposes by the owners and occupants of the lots in the cluster development.
- 2.6c** The common open space shall be so defined on the subdivision plan and shall be made subject to a deed restriction, which shall thereafter prohibit further subdivision of that open space, or the use of it for purposes other than originally designated.
- 2.6d** A statement of adequacy of utility systems for the provision of water service, fire protection, sewer service, and storm drainage shall be provided to the Planning Board where applicable.
- 2.6e** Regulations pertaining to building height, parking and setback requirements found in Articles 2 and 4 of the Zoning Ordinance shall be complied with.
- 2.7 Flood Hazard Areas [amended December 27, 2023]**
- 2.7a** All proposals governed by these regulations having lands identified as Special Flood Hazard Areas on the current (at the time of application) Flood Insurance Rate Map of the Town of Ashland shall:
- Include the 100-year flood elevation data (base flood elevation) for proposals of more than fifty lots or five acres, whichever is less
  - Provide that all construction – including public utilities and facilities, such as sewer, gas, electrical, and water systems – will be located, elevated, and constructed to minimize or eliminate flood damage
  - Provide adequate drainage to reduce exposure to flood hazards
  - Shall be consistent with the need to minimize flood damage
- 2.7b** New or replacement water supply systems and/or sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems. The discharge from such systems shall be located so as to avoid impairment of them or contamination from them during flooding.
- 2.7c** For proposals, that include the alteration or relocation of a watercourse, the subdivider shall submit to the Planning Board evidence of:
- Notification of adjacent communities as requested by the Planning Board
- 2.7d** For proposals, which include the alteration or relocation of a watercourse, the sub divider shall submit to the Planning Board certification provided by a registered professional engineer assuring that the flood carrying capacity of the watercourse will be maintained.
- 2.7e** Waterfront subdivisions with frontage on Little Squam Lake and the Squam and Pemigewasset River must comply with Article 5 of the Zoning Ordinance.

## **2.8 Easements**

- 2.8a** Reserve strips of land which, in the opinion of the Board, show intent on the part of the subdivider to control access to land dedicated (or to be dedicated) to public use shall not be permitted.
- 2.8b** All plats or layouts shall show the boundaries of proposed permanent easements for utilities over or on the property. Such easements shall have satisfactory access to existing or proposed public streets. Watercourses proposed for public control shall have a permanent easement of not less than twenty feet.

## **2.9 State Permits**

The applicant shall provide:

- Certification of approval of subdivision by the NH Department of Environmental Services
- A duplicate copy of all data submitted to NHDES plus any stipulations related to approval
- Driveway permits (or a conditional letter of approval for driveway permits from the NH Department of Transportation) for any new or altered streets or driveways connecting directly to state highways, and for any proposed lots that will require new or altered driveways from state highways
- Any other required state permits and approvals

## **2.10 Erosion Control**

Adequate measures to prevent soil erosion shall be taken during road construction and lot clearing. Such measures may include, but are not limited to:

- Maintenance of vegetative cover on steep slopes
- Seeding of road shoulders and embankments
- Construction of settlement basins and temporary dams

## **2.11 Monuments**

Granite or concrete monuments at least 4" x 4" and a minimum of 36" in length shall be set at all lot corners having frontage on a town or private road (traveled way) and at such other points as the Board may decide. These monuments shall be a minimum of 4" above ground level.

## **ARTICLE 3 – STREET DESIGN AND CONSTRUCTION**

**3.1** The arrangement of streets in the subdivision:

- Shall provide for the continuation of the principal streets in adjoining subdivision
- Shall provide for their proper projection when adjoining property is not subdivided, and
- Shall be as wide as existing connecting streets

**3.2** Width

**3.2a** No street or highway right-of-way shall be less than 50 feet wide, and it may be required to be more if a wider street is warranted in the opinion of the Planning Board.

**3.3** Except where near-future connections may be possible, dead-end streets shall not exceed a length of 1000 feet or a length approved by the Planning Board. Dead-end streets shall be equipped at the closed end with either:

- A circular turnaround with a minimum radius of 60 feet from the center to the outside edge of the right-of-way

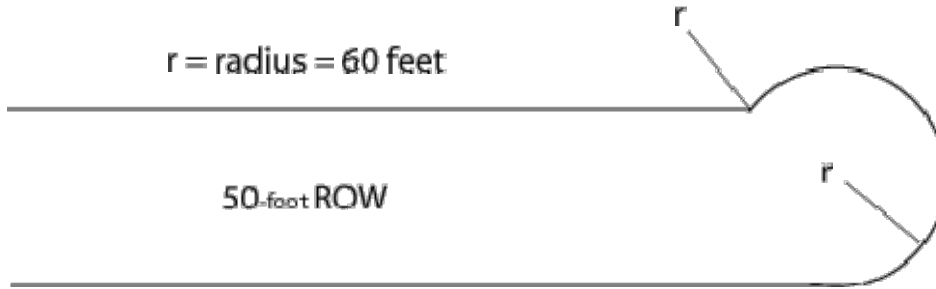
- A teardrop-shaped turnaround with the minimum dimensions shown on the accompanying diagram, or
- (In certain circumstances, with the approval of the Planning Board) at T-type turnaround having a minimum length of 65 feet and a minimum width of 20 feet.

R = radius = 60 feet

50-foot ROW

r = radius = 60 feet

50-foot ROW



- 3.4** Intersecting property lines at street intersections shall be joined by a curve of at least a 20-foot radius.
- 3.5** Grades of street, so far as practicable, shall conform to the existing terrain and shall not exceed 10%.
- 3.6** Streets that join or are in alignment with streets of abutting or neighboring properties shall bear the same name. Names of new streets shall not duplicate, nor bear phonetic resemblance to, the names of existing streets within the Town of Ashland. Street names shall be subject to the approval of the Board of Selectmen. Metal street signs of a type approved by the Board of Selectmen shall be erected by the developer. Lots shall be assigned house numbers as directed by the Planning Board.
- 3.7** Existing streets within, abutting, or servicing subdivision shall, whenever necessary in the opinion of the Planning Board, be widened and improved by the developer so that they meet the specifications contained in these regulations. Where access to the subdivision is over a private right-of-way, a Class VI road, or an unpaved or otherwise inadequate street, the Planning Board may require the developer to improve the access road so that it meets the specifications contained in these regulations.
- 3.8** The Planning Board will not approve any plan unless the road design meets the following specifications and construction standards. The Planning Board may increase the travel way width

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**3.9** requirement for those subdivision roads, which have a reasonable likelihood of serving as access to other roads and town roads.

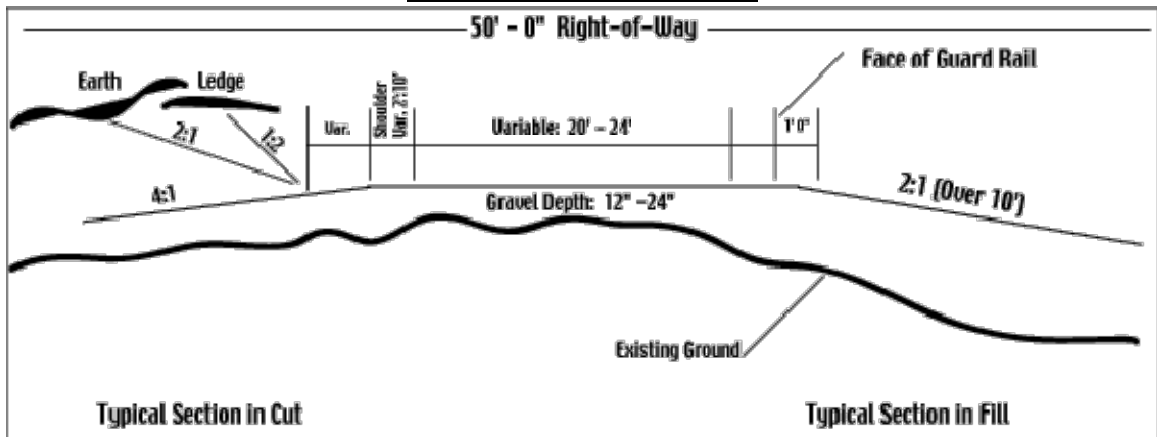
STANDARDS FOR TRAVELLED WAY

|   |         |                |         |         |         |
|---|---------|----------------|---------|---------|---------|
| Average Daily Traffic                                   | 0-50    | 50-100         | 100-250 | 250-400 | 400-up  |
| Minimum Travel Way Width (Feet)                         | 20      | 20             | 20      | 22      | 24      |
| Minimum Shoulder Width (Feet)                           | 2       | 2              | 4       | 4       | 8-10    |
| Minimum Distance from Center of Road to Center of Ditch | 15      | 16             | 18      | 19-21   | Varies  |
| Pavement Type H. Bituminous                             | H.Bit   | H. Bit         | H. Bit  | H. Bit  | H. Bit  |
| Slope of Roadway  | 1/2"/ft | 1/2 to 3/8"/ft | 1/4"/ft | 1/4"/ft | 1/4"/ft |
| Base Course Depth                                       | 12"     | 12"            | 16"     | 18"     | 24"     |

**3.8a** After consultation with the selected experts the Planning Board may waive the requirement of H. Bituminous.

**3.8b** The Planning Board may increase the traveled way width requirement as to those subdivision roads, which have a reasonable likelihood of serving as access to other land or access roads.

TYPICAL STREET SECTION



**3.8c** All topsoil, loam, clay, muck, stumps and other improper road foundation material must be removed from the limits of the roadbed to a depth of at least twelve inches. Topsoil shall be removed from areas that will be filled. Loam or improper road foundation materials must be excavated and replaced with bank-run gravel or broken rock and must be removed from the subject property.

**3.8d** The pavement base course shall consist of not less than twelve inches of bank-run gravel free from loam or organic matter with three inches of crushed bank-run gravel to be fine graded before surfacing.

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- 3.8e** The road surface shall consist of hot bituminous mix, to be applied in two separate applications, consisting of 1 ½ inch of ¾ inch diameter stone base and 1 inch of ½ inch wearing surface of finish coat. The percentage of liquids will be determined by estimating the weight of vehicles that will use the road. The Planning Board, after consultation, may waive the hot bituminous requirement.
- 3.8f** All road designs shall incorporate appropriate drainage features to protect road stability, abutting property and natural watercourses.
- 3.9** Private ways shall be clearly identified on the plat. The plat shall include the following: “Prior to acceptance by the Town of Ashland, a private way shall meet the standards for streets set forth in the Subdivision Regulations of the Town of Ashland at the time of acceptance, unless all abutters agree to be assessed by the Town for necessary improvements to the road.”
- 3.10** Private ways which are created to serve back lots which are physically capable of further subdivision shall be required by the Planning Board to meet all standards as outlined in Article 3.8.
- 3.11 Bridges**
- Bridge designs shall be approved by the Ashland Highway Agent. Bridges with an estimated average traffic of:
- Less than 250 vehicles per day shall have a roadway width of twenty feet
  - More than 250 vehicles per day shall have a roadway width of at least twenty-two feet
  - More than 400 vehicles per day shall have a roadway width of at least twenty-four feet

Bridges shall be designed to carry a load of at least thirty tons, and the structural safety and load carrying capacity of a proposed bridge shall be certified by a civil engineer with the cost of certification to be borne by the developer. All necessary state permits shall be obtained for any proposed bridge.

## **ARTICLE 4 – WATER AND SEWAGE SYSTEMS**

- 4.1** If the subdivision is to be served by public water and/or sewage lines, the developer shall be responsible for the installation of all lines within the subdivision and for the construction of any lines needed to connect the subdivision lines to existing public water and sewage lines. In addition, the developer shall be responsible for any rebuilding or upgrading of the existing public water and sewage systems necessary to meet the increased demand placed on the public systems by the subdivision, including, but not limited to, the installation of pumping stations and the replacement of existing lines with larger sized lines. The new water and sewage lines shall be built according to the standards of the Ashland Water and Sewer Department.
- 4.2** The developer shall provide the Ashland Water and Sewer Department with plans of extensions of the public and private community water and sewer systems when said extensions are completed. The plans shall show the systems or extensions as built with sufficient elevation, profiles, and reference points so that the lines can be easily located in the ground.
- 4.3** If the subdivision is to be served by a private community water supply, the water supply must be adequate to meet the needs of the subdivision at all times. Private community water supply systems and private community sewage systems and treatment plants must be constructed according to the standards of the NH Department of Environmental Services.
- 4.4** Private sewage disposal systems shall be in accordance with 2.3b of the Ashland Zoning Ordinance.

**ARTICLE 5 – SUBDIVISION PROCEDURES AND REQUIREMENTS**

**5.1** The subdivider or his/her agent shall secure approval of the Planning Board:

- Before any construction begins
- Before a building permit may be issued
- Before a lot created by subdivision may be sold
- Before a subdivision plat may be filed with the Grafton County Register of Deeds.

**5.2** Pre-Application Consultation

As provided in RSA 676:4 II and prior to submission of a subdivision application, a subdivider may meet with the Planning Board and engage in non-binding discussions in the following manner:

**5.2a** Preliminary Conceptual Consultation: In preparation for the submission of a subdivision application, a developer may appear at a regularly scheduled meeting of the Planning Board to submit a sketch plan and to discuss the proposal in conceptual form only. The Planning Board may make suggestions, which pertain to:

- Conformance with the Master Plan, the Zoning Ordinance, and the Subdivision Regulations, and the Site Plan Review Regulations
- Required permits from Town and State agencies
- Procedures required to obtain final subdivision approval

**5.2b** Design Review Hearing: The Planning Board and the subdivider may discuss specific design and engineering details at a regular or special meeting for which ten days notice is given to abutters and the general public as required by RSA 676:4. A request by the subdivider for such a meeting must be accompanied by:

- A list of the names and addresses of abutters
- Sufficient funds to cover expenses of postings, notifications, advertising and any other costs deemed necessary by the Planning Board to be determined at the time of the request for a design review hearing.

**5.3 Subdivision Application**

**5.3a** A completed application shall be filed at the Town Office at least 20 days prior to the scheduled public meeting of the Planning Board. A completed application shall include:

- A properly completed application form and the required fees as provided by the Planning Board
- The name and address of the applicant and/or his/her agent
- Eight [one 22X34 and seven 11X17] copies of the Preliminary Subdivision Layout with all the information required in Section 5.4

**5.3b** The completed application shall be formally submitted to and accepted by the Planning Board only at a scheduled public meeting for which due notification to the applicant, abutters and the general public has been given.

**5.3c** If the application is accepted by the Planning Board, the Board may immediately hold a public hearing as outlined in Section 5.6.

**5.3d** An application shall be denied by the Planning Board without a public hearing if the applicant:

- Fails to supply information required
- Fails to pay costs of notices and fees required
- Fails to meet established deadline



## Subdivision Regulations

The reason(s) for refusal shall be stated in the minutes or records of the Planning Board.

### **5.4 Preliminary Subdivision Layout**

At the public hearing for subdivision approval, the subdivider shall provide the Planning Board with eight paper copies of the preliminary subdivision layout having a map scale of no more than 100 feet per inch. The sheet size in inches shall be 11X17 or 22 x 34, with separate sheets numbered and showing their relationship to each other. A margin of at least one-half inch on each side shall be provided outside of the ruled borderline. The preliminary subdivision layout, any subsequent revisions, and the final Subdivision Plat shall show or be accompanied by:

- 5.4a** The proposed subdivision name or identifying title; the name and address of the owner, the designer, and the sub divider; the name, license number, and seal of the land surveyor licensed by the State of New Hampshire; the date, a bar scale; a revision block, and a north arrow.
- 5.4b** The names of abutting property owners lot lines within 100 feet of the parcel to be subdivided, and roads within 200 feet of the parcel to be subdivided.
- 5.4c** Sufficient data to determine (on the ground as well as on the plat) the location, bearing, and length of every street line, lot line, and boundary line. The subdivision plat shall be based upon a boundary survey, and shall be certified by a State of New Hampshire licensed surveyor.
- 5.4d** The name of the Zoning District (and Overlay District if appropriate) in which the property lies. If the property lies within more than one district, the boundary line between them shall be shown.
- 5.4e** The area of the entire parcel to be subdivided, the locations, names, and widths of existing and proposed streets, right-of-way lines, lot frontages, lot sizes in square feet and acres, existing and proposed easements and deed restrictions over and under private property, the location of all parcels of land proposed to be dedicated to public use with the conditions of such dedications, notations pertaining to private roads, areas to be dedicated to public use, and existing buildings, watercourses, ponds or standing water, rock ledges, and other essential features.
- 5.4f** A general site location map locating the proposed subdivision boundary in relation to major roads and community facilities
- 5.4g** A statement, if the subdivision is to be served by public water supply or public sewers, from the appropriate municipal department stating the availability of such service. If the subdivision is to be served by a private community water supply, the Planning Board may require proof that the water source is sufficient to supply the subdivision with an adequate water supply at all times.
- 5.4h** The slope of the land as determined by the surveyor, and the soil types as determined by on-site inspection by a qualified soil scientist or by reference to the Soil Survey Report of Ashland prepared by the USDA Soil Conservation Service. When a parcel contains more than one soil, the soil boundary lines shall be shown on the plat. If any lot contains more than one of the soil and slope categories found in the Soils and Slopes Table in Section 2.4a of the Zoning Ordinance, the surveyor shall provide in a separate block the areas of all soils and slopes categories in the lot. This information may be omitted if the subdivision is to be served by public sewers, or if the purpose of the subdivision is the transfer of land between abutters (with no contemplated building on the transferred land).
- 5.4i** Surface elevations sufficient in number on the property to indicate the general topography as determined by the surveyor (not required for a Minor Subdivision as defined in Article 7).

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- 5.4j** The approximate grades and profiles of all streets with typical cross-sections indicating cut and fill, and the location and size of any bridges, culverts, or drains which may be required, including provisions for handling storm drainage. (This information may be provided by the surveyor or by an engineer.)
- 5.4k** Copies of all information required by Section 2.9 from any state agency for approval, including necessary state approvals for permits; and copies of such private deed restriction as are intended to cover part or the entire tract.
- 5.4l** Information required in Section 2.7 for Flood Hazard Areas.

### **5.5 Public Hearing for Subdivision Application**

If the Subdivision Application is in order, the Planning Board shall hold a public hearing as required by the provisions of RSA 676:4. Not less than ten days in advance, the subdivider and all abutters shall be notified of the hearing by certified mail, return receipt requested, and the general public shall be notified by notice in a newspaper of local circulation. The Planning Board shall approve or disapprove the application within 90 days of its submission, subject to an extension or waiver as provided in accordance with RSA 676:4. The Planning Board must begin formal consideration of a completed application within 30 days of its submission.

- 5.5a** The subdivider or his/her agent shall present the preliminary subdivision layout.
- 5.5b** At, or subsequent to, the public hearing the Planning Board may require changes or modifications to the preliminary subdivision layout, and it shall advise the subdivider or his/her agent what changes, if any, it will require for approval of the final plat.
- 5.5c** The Board may require:
  - Special investigation studies by a qualified engineer for the purpose of reviewing certain features of a subdivision plan, including provisions for drainage and erosion control, sewage disposal, water supply, and road construction
  - Review, by legal counsel and others, of documents and other materials relating to the application
  - Expert advice on questions raised by the subdivision proposal.

The Planning Board shall determine the scope of such investigative studies, reviews, and expert advice, and it shall determine the person and/or persons or firms to be hired for them with the expense of all studies, reviews, and expert advice, including legal fees, being paid for by the developer in advance.
- 5.5d** At the hearing, the applicant, any abutter, or any person with a direct interest in the matter may testify in person or in writing. Other persons may testify subject to Board approval.
- 5.5e** The Chair of the Planning Board may announce a continuation of the hearing to a specific place, date, and time prior to the next order of business following the scheduled hearing. Such an announcement shall be in lieu of the notifications required in section 5.5.
- 5.5f** The Planning Board may deny approval of a subdivision, but it shall state the grounds for such disapproval in the minutes or records of the Board.

### **5.6 Specifications for Final Subdivision Plat**

The final subdivision plat shall be submitted in permanent black ink on "wash off" mylar with two paper prints. It shall have identical dimensions to, and show all of the information required on, the preliminary subdivision layout described in Section 5.4.

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### **5.7 Performance Bond**

No subdivision plat filed with the Planning Board shall be approved until the sub divider shall have filed a bond in an amount sufficient to cover the cost of:

- The preparation and installation of streets and bridges
- The extension of public water and sewer lines, if available
- The installation of facilities for handling storm drainage, monuments, etc
- Remediation of construction work, or other facilities, or design features incorporated into the Planning Board approval.

**5.7a** This bond, or other appropriate surety, shall be approved as to form and surety by the Planning Board and the legal counsel of the Town of Ashland, and as such it shall be conditioned upon the completion of such improvements within two (2) years, or a shorter or longer period as may be determined by the Planning Board, of the date of the bonding. The Planning Board may require satisfactory evidence of the financial ability of any surety of financial institution to pay the bond (or other type of security).

**5.7b** The amount of the performance bond shall be based upon an engineer's cost estimate of the necessary improvements. The estimate shall be approved by the Planning Board prior to obtaining the bond. All bonds shall be in an amount of 100 percent of the estimated cost and shall be payable to the Town of Ashland.

**5.7c** In lieu of a performance bond:

- The developer shall have the option of depositing with the Town of Ashland cash or a savings bankbook properly endorsed to the Town of Ashland in an amount to be determined by the Planning Board to cover the completion of all the above improvements. The Town shall use the sum so deposited to pay the costs of the construction for which the bond is required.
- The Planning Board may allow an irrevocable letter of credit.

**5.7d** The developer shall notify the Town when all improvements are scheduled for construction and shall make the improvements accessible to Town Inspectors throughout construction. The costs of inspection during and after construction of the improvements shall be paid by the developer.

**5.7e** Neither the performance guaranty nor any portion of the guaranty shall be released until the Planning Board has certified completion of required improvements, or portions thereof, to the Board of Selectmen. A copy of the certification shall be sent to the developer. The certified statement of completion shall indicate that the improvements are in substantial accordance with the requirements of subdivision design and construction standards and in accordance with the plan approved by the Planning Board. Upon receipt of the certified statement, the Town shall release the performance guaranty or appropriate portions thereof.

### **5.8 Final Board Action**

**5.8a** Approval of the subdivision shall be certified by written endorsement on the Final Subdivision Plat and shall be signed by the Chair and Recording Secretary of the Planning Board. In the absence of either, the Board shall designate another member to sign the plat.

**5.8b** Pending minor changes or the receipt of permits and approvals from other boards or agencies, or in the event of a unique situation, the Planning Board may grant conditional approval, without further public hearing, in accordance with RSA 676:4 I (i).

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- 5.8c** The Chair or the Recording Secretary shall transmit a copy of the Final Subdivision Plat with such approval endorsed in writing thereon to the Grafton County Registry of Deeds. The subdivider shall be responsible for the payment of the recording fees.
- 5.8d** In the case of disapproval of any subdivision application or plat submitted, the grounds of such disapproval shall be adequately stated in the minutes or records of the Planning Board, and a Notice of Decision shall be given to the subdivider in writing.

## **ARTICLE 6 – ADMINISTRATION**

### **6.1 Enforcement**

Upon determination by the Planning Board that a violation of these regulations or statutory provisions has occurred, notice shall be given to the Board of Selectmen recommending appropriate enforcement procedures. The Board of Selectmen is responsible for the enforcement of these regulations. However, the Selectmen may appoint the Planning Board, in appropriate cases, to enforce the provision thereof.

### **6.2 Penalties**

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 plat of the subdivision has been approved by the Planning Board and recorded or filed in the Office of the Grafton County Registry of Deeds shall forfeit and pay a penalty of \$500 for each lot or parcel so transferred or sold. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt such transfer or sale or agreement from such penalty. The execution of a deed, which constitutes a subdivision, is subject to the foregoing penalty. The Town may enjoin such transfer and may recover the said penalty by civil action. In any such action, the prevailing party may recover reasonable court costs and attorney's fees as it may be ordered by the Court.

### **6.3 Waiver**

When strict conformity to the Subdivision Regulations would cause undue hardship or injustice to the owner of the land, a subdivision plan substantially in conformity with regulations may be approved by the Planning Board provided that the spirit of the regulations and public convenience and welfare will not be adversely affected. Said Waiver shall be attached to the plat.

### **6.4 Appeals**

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

### **6.5 Validity**

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

- 6.6** These regulations may be amended or rescinded by the Board but only following a public hearing on the proposed change. The Chair or Recording Secretary of the Planning Board shall transmit a record of any changes so authorized to the Board of Selectmen, the Town Clerk, and to the Grafton County Registry of Deeds.

### **6.7 Adoption**

These regulations shall become effective after a public hearing and filing with the Town Clerk, the Board of Selectmen, and the Grafton County Registry of Deeds.

Subdivision Regulations

**ARTICLE 7 – DEFINITIONS**

|                               |   |
|-------------------------------|---|
| <b>Abutter</b>                | Any person whose property adjoins or is directly across the street or stream from the land under consideration. For the 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/her land will be directly affected by the proposal under construction. |
| <b>Applicant</b>              | The owner of record or his/her duly authorized agent in writing at the time of the application.   |
| <b>Community Water System</b> | As defined in RSA 485:1-a   |
| <b>Developer</b>              | The individual, partnership, or corporation which will be responsible for making all improvements and for the sale of lots and/or dwelling units.   |
| <b>Easement</b>               | Authorization by a property owner of the use by another, for a specified purpose, of any designated part of the property. The usage of the word “easement” for land platting purposes means that such easement area is excluded from the lot or parcel through which the easement may run.  |
| <b>Engineer</b>               | Any registered engineer.  |
| <b>Flood Plain</b>            | The land area adjoining a river, stream, watercourse, or lake, which is likely to be flooded. Those areas containing soils formed in thick alluvial deposits are delineated by the United States Soils Conservation Service.  |
| <b>Lot</b>                    | A parcel of land of sufficient size to meet minimum zoning requirements for use, building coverage, setback and area. There shall be only one principal structure or use and its accessory structures or uses, as may be permitted by the Zoning Ordinance, per lot.  |
| <b>Minor Subdivision</b>      | The subdivision of land into three or fewer lots, with no potential for re-subdivision, with frontage of each new lot on an existing street, and requiring no new utilities or other municipal improvements.  |
| <b>Municipal Water Supply</b> | Potable water supplied by the town or municipality  |
| <b>Open Space</b>             | The area of a lot unoccupied by a building, unobstructed to the sky by man-made objects not devoted to streets, driveways, parking or loading, and suitable for recreation, gardens, or household service activities. Open space shall be expressed as a percentage of total lot area.  |
| <b>Parcel</b>                 | An area of land, which is part of a tract and capable of division into one or more lots in accordance with these regulations.   |

Subdivision Regulations

|                             |  |
|-----------------------------|--|
| <b>Plat</b>                 | The map, drawing, or chart on which the developer's plan of subdivision is presented to the Planning Board for approval and which, if approved in final form, will be submitted to the Grafton County Register of Deeds for recording.   |
| <b>Private Way</b>          | A deeded, private right-of-way serving as access to not more than two adjacent lots.   |
| <b>Slope</b>                | The steepness of land surface expressed as the change in elevation between two points on a line perpendicular to the contours divided by the horizontal distance between those same points.  |
| <b>Soil Type</b>            | Defined by the United States Department of Agriculture Soil Conservation Service, Grafton County Conservation District in the "Soils Survey Report – Ashland, New Hampshire."  |
| <b>Shore Frontage</b>       | The measured distance along the natural shoreline at high water.   |
| <b>Street or Public St.</b> | A public right-of-way which the town or state has the duty to maintain regularly, or a right-of-way shown on a subdivision plat approved by the Planning Board, recorded with the Grafton County Registry of Deeds, and providing the principal means of access to abutting property.  |
| <b>Subdivider</b>           | The owner of the land being subdivided.  |
| <b>Subdivision</b>          | The process of dividing 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 not, of sale, rent, lease, condominium conveyance, or building development.<br>The lots, plats, sites, or other divisions created are collectively known as a subdivision. The division of a parcel of land held in common and subsequently divided into parts among several owners shall be deemed a subdivision. |
| <b>Surveyor</b>             | The licensed New Hampshire surveyor of a subdivision.  |
| <b>Tract</b>                | Any single land area, including contiguous lots, parcels, or tracts of land which is in the same ownership whether conveyed to the owner or owners by one or by separate deeds, which is not divided by a public street or highway, and which is capable of division into two or more lots in accordance with these regulations.   |
| <b>Town Engineer</b>        | The duly designated engineer of the Town of Ashland.   |
| <b>Wetland</b>              | Wetlands means an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal conditions does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. (Amended November 5, 2014)   |

**Adopted:**      ***March 5, 1974***

|                 |                    |                    |                  |
|-----------------|--------------------|--------------------|------------------|
| <u>Amended:</u> | April 8, 1975      | September 21, 1982 | October 28, 1986 |
|                 | March 22, 1978     | December 22, 1982  | October 27, 1987 |
|                 | April 10, 1979     | September 27, 1983 | March 7, 1989    |
|                 | May 27, 1980       | February 13, 1984  | October 26, 1993 |
|                 | September 22, 1981 | May 6, 1986        | April 16, 2003   |
|                 | October 13, 1981   | May 27, 1986       |                  |

|                  |  |                   |                  |
|------------------|--|-------------------|------------------|
| <u>Amended :</u> | Reviewed for grammar and punctuation: March 2006 |                   |                  |
|                  | October 3, 2007                                  | May 7, 2008       | November 7, 2012 |
|                  | November 5, 2014                                 | December 27, 2023 |                  |