

From: Bill Klubben, Director
Community Development

Subject: Planning Board Agenda of 2/4/10 - Notice of Public Hearing
on proposed amendments to the **Subdivision Regulations**

Date: January 21, 2010

The below notice should be posted as soon as practical. If you have any questions, please call me at 225-3008. Thank you.

NOTICE OF PUBLIC HEARINGS

Planning Board
Town of Bow

Public hearings will be held at 7:00 PM on Thursday, February 4, 2010 at the Bow Municipal Building, 10 Grandview Road. The purpose of the hearings is to consider amendments to the **Subdivision Regulations**. Proposed amendments to be considered on February 4th include:

- * 4.01 and 6.01 Conceptual Consultation requirements for submittals;
- * 8.01H modify when street lights are required;
- * 3.02 and 6.03D requirements to comply with National Flood Insurance Program;
- new 2.35.04, 3.03E, & 6.03V, revised 8.01A & G2 - provisions for Private Streets for maintenance, obligations for property owners to pay for upgrades, and standards to meet State Fire Code requirements (some apply to public streets);
- * new 3.03E to require restoration plan and performance guarantee to ensure restoration;
- * 4.03I add authorization for access by abutters at Board site walks;
- * new 3.06A, 4.03J1, and 4.05D1 & 2 add requirement to submit Yield Plan to establish the number of units permitted in Open Space Residential Development and offer alternate review process;
- * in definitions section, relocate 2.18 - 2.20 Lot Line Adjustment, Major and Minor Subdivisions to 2.37.04 - .06;
- * 7.01A - permit geotextile fabric; new 6.03V - require operational brief for applications;
- * 7.04 monumentation requirements;
- * 11.00 new statutory standards for waivers; and
- * 6.03 sheet size limit.

Copies of the proposed revisions are available for review at the Municipal Building.

1. **Conceptual Consultation: specific requirements for submittals. The intent of the revision is to focus the presentation and discussion. Affected sections include 4.01 and 6.01.** draft of 12-9-09

Section 4.00 Procedure:

4.01 Preliminary Conceptual Consultation:

- A. Prior to submission of an Application for Board approval, the Applicant may discuss the proposal with the Board's Agent, and may make an appointment to discuss the proposal at a regularly scheduled Board meeting by notifying the Board's Agent three (3) weeks prior to the meeting. At least one week prior to the regularly scheduled meeting, the applicant shall provide the materials required in 6.01. Prior to submission of a Subdivision Application resulting in ten (10) or more lots or including thirty (30) or more acres, the Applicant shall submit a Concept Plan and make an appointment to discuss the proposal.
- B. At the meeting, the Applicant may address the Board concerning the proposal but must limit the presentation to the intent, and location of the proposal, and the materials identified in 6.01 without going beyond a general description of the basic concept.
- C. The Board may briefly outline the steps that an Applicant may take to obtain Board approval. It may discuss the content of the Master Plan of the Town and its relation to the potential Applicant's proposal. The Board may also cite specific Sections of these Regulations or the Zoning Ordinance. The proposal may be discussed in conceptual form only and in general terms, such as the desirability of types of development and proposals under the Master Plan. The Board may make suggestions which might be of assistance in resolving problems with meeting requirements during formal consideration.
- D. A proposal shall neither be accepted as an Application nor be approved or disapproved by the Board under this procedure.
- E. No comments made during this consultation shall bind either the Applicant or the Board.
- F. Statements made by Board members shall not be the basis for disqualifying said members or invalidating any action eventually taken on the Application.
- G. The time limits for Board actions under RSA 676:4, I(c) and Section 4.03I and 4.05D of these Regulations shall not apply to Preliminary Conceptual Consultation."

H. The Board recommends that the applicant contact abutters to discuss the project. The applicant may notify abutters of the Conceptual Consultation or request that the Board agent notify abutters at the applicant's expense.

Section 6.00 Plat Details:

Plans, reports, documents, and other materials submitted to the Planning Board to fulfill the requirements of the Subdivision Regulations shall be free of any restrictions on reproduction. Proximate to any copyright symbols, reservations of rights, or statements of ownership, shall be an affirmative statement which expressly agrees to reproduction.

6.01 Preliminary Conceptual Consultation: The Applicant shall prepare a Concept Plan of the site and surrounding properties in sufficient detail to allow the Planning Board to discuss the proposal. The Concept Plan should be drawn on a USGS, other topographical map or aerial photograph at a scale of one inch equals five hundred feet (1" = 500') or larger, and should show approximate tract boundary lines and tax ~~map~~, block, ~~and~~ parcel numbers for the proposed area of development, all contiguous holdings of the Applicant, and the names and addresses of the owners of all contiguous abutting properties. All existing Streets, sewer and water lines, and other rights_of_way or easements should be shown as appropriate. One week prior to the meeting at which the concept plan is to be discussed, the applicant shall submit a summary of the project; a list of waivers, variances, and special exceptions required; the specific questions to be posed to the Board; and, if the applicant is not the owner, written permission from the owner to proceed.

2. ***Street Lights 8.01 H. The regulations require installation of a street light at every new intersection, but some required lights have been turned off in recent years. The amendment would modify the requirement such that street lights will be required when needed for traffic safety after consultation with the Police Chief and Director of Public Works. Per Chapter 212 Laws of 2009 (HB 585) outdoor lighting systems paid for by municipalities must be dark sky compliant (RSA 9-D:2; III).*** draft of 10-8-09

Section 8.00 Design Standards:

The Subdivision plat shall conform to the design standards set forth herein to encourage good development patterns within the Town. Whether either or both an official map or comprehensive plan has or have been adopted, the Subdivision shall conform thereto with respect to streets, public open spaces and drainage ways.

8.01 Streets:

H. Street lights of a type or style acceptable to the Board, the ~~Read Agent~~ Director of Public Works, and the Police Chief, and compliant with RSA 9-D:2, III shall be provided at ~~all~~ intersections, ~~and at such~~ other locations as the Board may reasonably require, after consultation with the Director of Public Works and Police Chief. Street lights shall be required where

needed for public safety based on traffic volumes and to achieve adequate intersection recognition. At all new intersections, conduits for underground electric power shall be installed to power future street lights.

- 3. Requirements to comply with National Flood Insurance Program. In addition to the amendments to 10.02 of the Zoning Ordinance adopted in May 2008, the Planning Board is required to revise its Subdivision Regulations at 3.02 and 6.03 D.**

draft of 12-9-09

Section 2.00 Definitions:

- 2.15 Flood Zone: Any area designated as a Flood Zone Area on the Town of Bow Flood Insurance Rate Map, effective ~~November 20, 2000~~ as adopted by the Board of Selectmen.

Section 3.00 General Requirements:

- 3.02 All Subdivisions: This Section sets forth certain general requirements that apply to all Subdivisions in the Town of Bow.

- F. State and Federal Approvals: Copies of all Applications to the State of New Hampshire for approval of on_site septic systems, ~~for "Site Specific" Approval alteration of terrain permits, for dredge and fill permits, for and driveway cuts permits, and copies of Applications to federal agencies for Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 USC 1334 or for any other permit or approval required by the State of New Hampshire or federal agency for with regard to the~~ Subdivision must be filed with the Board prior to approval of the Preliminary Plat. Approval of any Final Application ~~will~~ shall be conditioned upon filing with the Board ~~of evidence of the issuance of copies of permits for all such state and federal~~ approvals.

Section 6.00 Plat Details:

Plans, reports, documents, and other materials submitted to the Planning Board to fulfill the requirements of the Subdivision Regulations shall be free of any restrictions on reproduction. Proximate to any copyright symbols, reservations of rights, or statements of ownership, shall be an affirmative statement which expressly agrees to reproduction.

6.03 Preliminary Plat:

The Preliminary Plat shall be prepared to a scale of not less than one inch equals one hundred feet (1" = 100') or at greater detail as directed by the Board to indicate clearly the existing and proposed features of the site. Said plat shall be prepared on twenty_two by thirty_four inch (22" X 34") standard sheets measured from cutting edges. If one sheet is not of sufficient size to contain the entire area for the site and environs, the plat shall be divided into sections to be shown on separate sheets of equal size with reference on each sheet to the adjoining sheets. The Preliminary Plat shall show or be accompanied by the

following:

- D. Water courses and flood zone locations with base flood elevations that may exist within five hundred feet (500') of the Subdivision boundaries. ~~Utilities and drainage shall be located and designed to be consistent with the need to minimize flood damage and to provide adequate drainage for the area.~~ For Subdivisions that involve land designated as Special Flood Hazard Areas, the applicant shall submit sufficient evidence (construction drawings, grading, and land treatment plans) to allow the Planning Board to determine that the proposal is consistent with the need to minimize flood damage; that all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage; and that adequate drainage is provided so as to reduce exposure to flood hazards.

4. ***Private Roads. At 2.35.04, add a new definition: Private Street: A Street open to the public that is maintained by a private entity. Add a new 3.03 E to provide financial responsibility for upgrading Private Street(s) prior to Town taking over maintenance and new 6.03 V to require submittal of maintenance provisions for private streets and other quasi-public facilities. Reference the State Fire Code requirement for Fire Department Access Roads in 8.01 A. In 8.01 G 2 increase the radius of permanent turnarounds for deadend streets over 300' in length. Add provision to make future owners responsible for the cost of upgrading Private Streets to Town standards prior to the Town taking over maintenance.*** draft of 1-7-10

2.35 Street: Any street, avenue, boulevard, road, lane, alley, viaduct, highway, freeway and other public roadway. For the purposes of these Regulations "streets" shall be further divided into the following classifications:

- 2.35.01 Arterial Street (Class A): An inter-community thoroughfare designed primarily for high volume traffic movement throughout the community and beyond.
- 2.35.02 Collector Street (Class B): A street providing a lower level of traffic service than an arterial street and which is designed to provide access between and among areas of the community.
- 2.35.03 Local Street (Class C): A residential street having the primary function of providing direct access to adjoining properties; such street not being designed to provide for traffic service between and among areas of the community. Class C streets shall not be built in areas with the potential of serving more than fifty (50) units or of serving any commercial facilities.
- 2.35.04 Private Street: A Street open to the public that is maintained by a private entity.

Section 3.00 General Requirements:

3.03 Major Subdivisions: The following general requirements apply only to Major Subdivisions:

E. Private Streets: Where access is to be provided to multiple parcels or sites via a Private Street, a statement shall be added to the recorded plan and included in each deed requiring each parcel, unit, or site owner to be responsible for a proportionate share of the total cost to upgrade the Private Street(s) to Town road standards in the event the Town, in accordance with RSA 231:28-33, chooses to conditionally lay out the Private Street as a Town road. The statement shall include each parcel, unit, or site owner's acknowledgment that the development has been approved conditioned upon the cost of any betterment being unconditionally borne solely by the owners of the land abutting or being served by the betterments. The total cost of the betterment shall include, but is not limited to, construction, engineering, right of way and drainage easements, and relocation of underground utilities.

6.03 Preliminary Plat:

V. Provisions and performance guarantees for the long term maintenance of private streets and quasi-public improvements including utilities, health and sanitation facilities, water supply, cisterns and hydrants, amenities, and other customary shared facilities, including proposed management procedures and contractual arrangements.

∇ W. Other information required by the Planning Board.

Section 8.00 Design Standards:

8.01 Streets:

A. General Design: All streets in the Subdivision, with the exception of a permanent turnaround (see 8.01G2), shall be designed to provide safe vehicular travel at a design speed of 30 MPH. Due consideration shall be also given to the attractiveness of the street layout in order to obtain an optimum livability and amenity of the Subdivision. Where safe vehicular travel and optimum livability and amenity can be demonstrated, alternative designs that incorporate accepted *traffic calming* techniques may be approved by the Planning Board. All Public and Private Streets shall comply with State Fire Code standards (NFPA 1141, Chapter 5 Means of Access) for Fire Department Access Roads. Provisions shall be made for the future extension of streets to adjoining unsubdivided property. Subdivisions that adjoin or include existing streets that do not conform to the width shown on the comprehensive plan or official maps or the street width requirements of these Regulations shall dedicate the differential width along either or both sides of said existing streets in accordance with Section 3.02D. If the Subdivision is along one side only, one_half (½) of the differential width shall be dedicated. Setbacks shall be measured from the new or future right_of_way line.

G. Deadend Streets: Deadend streets shall be provided with an approved type turnaround, as determined by the Planning Board to be a "Temporary" or "Permanent" need. Design for the turnarounds shall be as follows:

2. Permanent turnaround: All streets that shall permanently terminate, as shown on plans, shall have a turnaround constructed to the following minimum specifications: The right_of_way shall be flared so as to form a circular, or partially circular section or roadway for the ease of maintenance and travel. The radius of the centerline of the pavement around the turnaround shall be a minimum of seventy-five (75) feet. For deadend streets in excess of three hundred (300) feet, the radius of the centerline of the pavement around the turnaround shall be a minimum of one hundred five (105) feet. Shapes such as a "tear drop" or a "P" are preferred over the "lolly_pop" shape. Pavement widths shall be the same as for the road servicing the development as will all other improvements within the turnaround area. The Deed to the Town for the roadway shall include ALL lands within the outermost dimensions of the turnaround area. All drainage, signs, and other improvements within the area of the turnaround shall be as per guidelines contained within these Regulations for "Required Improvements". (SEE TYPICALS IN REAR OF THESE REGULATIONS). [Section continues]

5. ***Site Restoration and related Performance Guarantee. Under 3.03 general requirements for Major Subdivisions, add a new 3.03 E. For developments that require an Alteration of Terrain 485-A:17 permit or a new street, require that a restoration plan be submitted to reclaim disturbed areas until permanently stabilized. In addition the applicant must submit an independent cost estimate to implement the restoration plan. Once the cost estimate is approved, a performance guarantee shall be submitted to ensure completion of the restoration plan.***

draft of 1-7-10

3.03 Major Subdivisions: The following general requirements apply only to Major Subdivisions:

E. Restoration Plan and Performance Security Required: A restoration plan shall accompany all Applications for Major Subdivisions that require an Alteration of Terrain Permit or propose a new street. The purpose of the plan and security is to ensure that disturbed areas are permanently stabilized if construction ceases for more than one year, if erosion and sedimentation controls during construction are not maintained in accordance with the approved plan, if the developer disturbs an area outside the area or phase approved, or if the Town determines that the site has been abandoned. The plan shall specify the methods and standards proposed to permanently reclaim disturbed areas. The plan shall be accompanied by an independent cost estimate to implement the

restoration plan. The cost estimate shall be subject to approval by the Board. An approved performance security sufficient to implement the restoration plan shall be submitted prior to altering the natural state of the land (see 3.02 M).

6. **Site walks and access by abutters. Revise 4.03 I, that authorizes site visits by the Board and staff, to add authorization for access by abutters and interested persons during a posted Board site walk.** Please see also draft amendment to Planning Board Rules of Procedure at the end of the document.

draft of 12-9-09

4.03 Preliminary Application:

I. Consent to On Site Board Inspection:

1. By filing an Application, the Applicant consents to the inspection of the property by Board members and Board agents at reasonable times and in a reasonable manner. The consent includes attendance by Abutters, as defined in 2.01, and other interested parties at a posted on-site visit.
2. Prior to the Board's approval of a Preliminary Application, at least three (3) members of the Board shall schedule and conduct an on_site inspection of the property. All lot corners on existing streets, the centerlines of all new streets, wetlands, and the perimeter of the Subdivision shall be staked ~~and~~ or flagged prior to such inspection.
3. The on_site visit and final action on the Preliminary Application may be postponed until no later than May 1st following the acceptance of the Application if, in the opinion of the Board, winter conditions prohibit making a proper inspection and evaluation of the site.
4. An on-site visit is considered a meeting of the Planning Board. As such, minutes and attendance shall be taken and attendees have the same rights to hear and record the meeting as a meeting of the Board. Where an applicant states in writing that security issues as envisioned in RSA 91-A:3, II.(i) are present at the site and requests prior to scheduling of an on-site visit that on-site attendees not take photographs or use video recorders, the Board may prohibit such use.

7. ***Yield Plan and alternate review process. To establish the number of units permitted in an Open Space Residential Development, the applicant would be required to submit a yield plan. The yield plan would show enough detail in a conventional layout to support a finding by the Planning Board that the subdivision is approvable. To clean up a conflict with statute on time limit for review, amendments to 4.03 J 1 & 4.05 D 1 & 2 have been added.***

1-15-09 draft

Section 3.00 General Requirements:

- 3.01 Subdivider's Responsibility: It is the responsibility of each Subdivider or Applicant to read and follow these Regulations. If a Subdivider or Applicant does not fully understand the Regulations, it is his or her responsibility to seek the advice and counsel of Town officials, agents, or other qualified persons.
- 3.06 Open Space - Residential Development: All residential Subdivisions resulting in ten (10) or more lots or including thirty (30) or more acres shall comply with the provisions of section 7.02 Open Space - Residential Development of the Zoning Ordinance of the Town of Bow, and amendments thereto.
- A. To comply with section 7.02 B 2 of the Zoning Ordinance, the Subdivider shall submit a Yield Plan in conformance with Section 6.05 of the Subdivision Regulations.

Section 4.00 Procedure:

4.03 Preliminary Application:

E. Action on Preliminary Application:

1. The official submission date of the Application shall be the date of the first regular meeting at which the Application is considered. At that meeting, the Board will consider whether the Application includes the information required by Sections 3.00 and 4.00 of these Regulations.
2. A Preliminary Application which is not complete will be rejected by the Board. If the Board votes to reject an Application, it shall provide the Applicant with written notice of its decision which shall describe the reasons for the rejection.

Yield Plan Acceptance. An applicant for Open Space Residential Development may request that the Planning Board accept a Yield Plan in conformance with Section 6.05 that does not include the information required by Sections 3.00 and 4.00. If accepted by the Board, the Board shall begin consideration of the Yield Plan within thirty (30) days and shall take final action within sixty-five (65) days in accordance with Section 4.03.

3. If a Preliminary Application is accepted by the Board, the Board shall begin formal consideration of the proposal within thirty (30) days thereafter. The Applicant may waive this and all other time periods and consent to such extensions as may be mutually agreeable.

J. Final Action on Preliminary Application:

1. Subject to the provisions of Section 4.03H, the Board shall approve or deny a Preliminary Application within ~~sixty-five (605)~~ sixty-five (65) days of its submission and acceptance by the Board. The Applicant may waive this time period and consent to such extensions as may be mutually agreeable.

4.05 Final Application:

D. Action on Final Application:

1. Subject to the provisions of Section 4.03H, the Board shall act to approve, conditionally approve, or disapprove any Final Application which has been timely filed and complies with these Regulations and with the approval of the Preliminary Plat within ~~ninety (90)~~ sixty-five (65) days after the Board voted to accept the Preliminary Application. The Applicant may waive this time period and consent to such extensions as may be mutually agreeable.
2. The Board may apply to the Board of Selectmen for an extension, not to exceed an additional ~~ninety (90)~~ sixty-five (65) days, to act on the Final Application. The Applicant may also waive this time period and consent to such extensions as may be mutually agreeable.

Section 6.00 Plat Details:

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6.05 Yield Plan:

The Yield Plan shall be a realistic, reasonable, regular and ordinary layout reflecting a development pattern that could be expected to be implemented, taking into account the presence of wetlands and buffers, floodplains, steep slopes, existing easements and encumbrances, and suitability of soils for on-site sewage disposal. The plan shall depict lots that conform to dimensional standards of the Zoning Ordinance, roads, and other pertinent features of the site. The plan shall be prepared to a scale of not less than one inch equals two hundred feet (1" = 200') or at greater detail as directed by the Board to indicate

clearly the existing and proposed features of the site. The Yield Plan shall show or be accompanied by the following:

- A. Date of survey, name and legal description of Subdivision, locus map superimposed on the Town Tax map (scale of 1"=1,000') showing the relation of the proposed Subdivision to existing streets, and surrounding property within one thousand feet (1000'), name of owner of record and Subdivider, north arrow showing grid north and magnetic north as of the date of the survey, and graphic scale.
- B. Tract boundary lines, right of way lines of streets, existing easements and other rights of way, and land to be reserved for open space. All lot lines and right of way lines of streets shall be shown with accurate dimensions.
 - 1. Lots shall show gross and net buildable area and depict a 100' radius on the front to confirm required lot width.
 - 2. Within proposed street rights-of-way, areas of slopes in excess of 10% shall be identified.
- C. Water courses and flood zone locations within the Subdivision boundaries.
- D. All land within one thousand feet (1000') of any portion of the Subdivision in which the owner/Subdivider or any person or entity which has an interest in the owner/Subdivider has an interest. If the plans include only a portion of the entire holdings, the Planning Board may require a sketch for these remaining holdings showing possible road layout.
- E. The tax block parcel number and names and addresses of owners of property abutting the tract to be divided.
- F. Name and address of engineer or surveyor, and certification and seal of engineer or surveyor as to accuracy of the plan details.
- G. Existing and proposed ground elevation contours for areas containing roads and the front 200' of proposed lots. The contours shall be based on USGS topographic data and tied to a Town of Bow, State of New Hampshire, or United States government benchmark with a maximum of five foot (5') contour intervals.
- H. Existing soils delineation based on the "Merrimack and Belknap Counties Soils Survey" (Soils Maps, Version 4, 2007 or later edition) USDA Natural Resources Conservation Service available at Web Soil Survey and a legend which explains the map symbols, describes the Water Division soils groups, and describes the properties of the soils regarding septic leach fields.
- I. All areas of wetlands, surface waters, and associated buffer areas as

defined in the Town of Bow Zoning Ordinance Section 10.01 B. 2. with certification of Wetland Scientist for areas containing roads and the front 200' of proposed lots. Very poorly drained soils, bogs, vernal pools, streams, and the high water mark of water bodies shall be labeled.

1. All wetland crossings required for roads shall be identified with approximate square footage of impact to wetlands and buffers.

J. Locations of all existing and proposed sanitary sewer systems and water mains.

K. A statement that approximate proposed street center lines and lot locations have been adequately flagged on the ground at the site to allow on site evaluation of the plan.

L. Certification that the Applicant is the agent for the owner or is the owner of the land, or that the owner has given consent under an option agreement.

M. Data Listing: The following listed data shall be included on the Yield Plan:

1. Area of Land subdivided _____ acres.

2. Number of building lots _____.

3. Length of streets _____ feet.

4. List of abutters with addresses.

N. Other information required by the Planning Board.

8. In the definitions section, relocate 2.18 - 2.20 Lot Line Adjustment, Major and Minor Subdivisions, to 2.37.04 - .06 under the definition of 2.37 Subdivision. A public hearing is not required. The Board can make formatting changes that do not change substance by a vote. draft of 10-8-09

2.36 Subdivider: Any Applicant who has or who intends to request the Board to approve a Subdivision or Lot Line Adjustment.

2.37 Subdivision:

2.37.01 "Subdivision" means the division of the lot, tract, or parcel of land into two (2) or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale, rent, lease, condominium conveyance, conversion to condominium form of ownership, or building development. It includes Resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided.

2.37.02 The division of a parcel of land held in common and subsequently divided into parts among the several owners shall be deemed a subdivision under this title.

- 2.37.03 The grant of an easement in gross to a public utility for the purpose of placing and maintaining overhead and underground facilities necessary for its transmission or distribution network such as poles, wires, cable, conduit, manholes, repeaters and supporting apparatus, including any unmanned structure which is less than two hundred (200) square feet, shall not be deemed to create any new division of land for any other purpose.
- 2.37.04 Lot Line Adjustment: A minor adjustment of the location of the boundary between two or more Lots which results in no new Lots, which involves no construction of new Streets or other public improvements, and which is not a Resubdivision. [Was located at 2.18]
- 2.37.05 Major Subdivision: Any Subdivision not classified as a Minor Subdivision. [Was located at 2.19]
- 2.37.06 Minor Subdivision: Any Subdivision which creates three (3) or fewer lots or condominium units with no potential for future subdivision, which would result in an aggregate number of greater than three (3) lots, which does not require the construction of any new Street or the extension of municipal facilities, and which is not in conflict with any duly accepted or approved Street, plan or map. For the purposes of determining the applicable requirements of these Regulations, a Lot Line Adjustment shall be deemed to be a Minor Subdivision. [Was located at 2.20]

9. DROPPED FROM CONSIDERATION 9-17-09

10. ***Substituting geotextile fabric and common fill for the 12" sand blanket on new roads. The requirement for the 12" layer of sand has been waived in favor of the fabric.*** draft of 10-8-09

Section 7.00 Required Improvements:

7.01 Public and Private Streets:

- A. Subgrades: All topsoil, stumps, brush, roots, boulders, and like materials shall be stripped or removed from the proposed subgrade area. The subgrade shall be excavated to a depth not less than twelve inches (12") below the bottom of the bank run gravel grade or to such limits as the Engineer may direct and backfilled with compacted sand meeting the requirements of NHDOT Standard Specification 304.1. A geotextile fabric meeting NHDOT specifications for Geotextiles, installed in accordance with the manufacturer's specification over compacted fill, all as approved by the Engineer, may be substituted for the 12" compacted sand layer. The subgrade shall be shaped and compacted evenly as shown on the profile and cross sections (see typical). All soft and spongy places shall be excavated to such a depth as shall be necessary to stabilize the foundation of the road and refilled solidly with sub_base material as

directed by the Engineer. Compaction is to be obtained by use of approved rollers and equipment, to at least ninety-five percent (95%) of the Standard Proctor Density (ASTM_698). Said density to be checked by an approved Testing Service, and the results of all tests are to be provided to the Town for incorporation into the proper records. All costs incurred for the conduction of such tests shall be the responsibility of the Developer/Contractor.

11. ***Operational brief for applications 6.03 Preliminary Plat, add new section V. Add requirement for written description of the project. The purpose is to ensure that the applicant has investigated the property and its environs and has considered amenities and hazards in design. The operational brief will also be useful in assessing the impacts of the development.*** Please note that amendment 4 also proposes a new 6.03 V. If both are adopted, this section will be "W" and "Other information..." will become "X". draft of 12-9-09

6.03 Preliminary Plat:

The Preliminary Plat shall be prepared to a scale of not less than one inch equals one hundred feet (1" = 100') or at greater detail as directed by the Board to indicate clearly the existing and proposed features of the site. Said plat shall be prepared on twenty-two by thirty-four inch (22" X 34") standard sheets measured from cutting edges. If one sheet is not of sufficient size to contain the entire area for the site and environs, the plat shall be divided into sections to be shown on separate sheets of equal size with reference on each sheet to the adjoining sheets. The Preliminary Plat shall show or be accompanied by the following:

- V. Operational Brief for Major Subdivisions. A written description of the development to include: natural features of the site and identification of those to be preserved; market orientation of the project and how the site features will be used in marketing; special design considerations or theme; access routes to the site; neighborhood and abutting sites and uses and proposed relationship to surrounding properties; known historical features of site; and NHDES / USEPA environmental status including known releases of regulated substances, hazardous waste sites, and storage tanks for regulated materials on site and surrounding properties.

∅ W Other information required by the Planning Board.

12. ***DROPPED FROM CONSIDERATION 9-17-09***

13. ***Definition of Abutter (section 2.01). The proposal would expand the definition of abutters to include persons who own property within 200'.***

draft of 10-8-09

Section 2.00 Definitions:

2.01 Abutter: Any person whose property is located in New Hampshire and either (a) adjoins or is directly across the street or stream from or (b) is within two hundred (200) feet of the land under consideration by the Board. Professionals whose stamp appears on documents submitted to the Board and holders of conservation easements on abutting properties shall be notified as abutters. For purposes of receiving testimony only, and not for purposes of notification, the terms "abutter" shall include any person who is able to demonstrate that his land will be directly affected by the proposal under consideration. For purposes of receipt of notification by the Board of a hearing, in the case of an abutting property being under a condominium or other collective form of ownership, the term "abutter" means the officers of the collective or association, as defined in RSA 356_B:3, XXIII.

14. Monumentation requirements (section 7.04). The amendment is intended to clarify where monuments are required and would reduce the number of locations where 4"x4"x35" stone or concrete bounds are required.

draft of 1-7-10

7.04 Monuments:

A. All lot lines, beginning and end of curves, and points of a curve change shall be identified in the field by monuments in conformance with NH Land Surveyors Association Ethics and Standards for acceptable monuments (6.2 and 6.2a for materials), August 1989. Principal corners that monument the furthest extent of each lot shall be of stone or concrete, 4" X 4" X 35" long. Concrete bounds are to be reinforced with two ½" diameter reinforcing bars of a minimum diameter of ½". The final plat shall identify each monument found or set and shall describe the monument.

A change in bearing along a property line or an accumulated change of bearing of five (5) degrees or greater shall indicate separate lot lines and shall be monumented. Where such lines are marked in the field with stone walls, the stone wall may be used for monumentation, except on principal corners.

B. All monuments shall be set ~~by a registered professional engineer or~~ under the direct supervision of a licensed land surveyor. All monuments shall be flush with finished grade. No monument shall be set until all construction which would disturb or destroy the monument is completed. The maximum distance between monuments shall be 500 feet.

C. All monuments shall be set and their installation certified by a licensed land surveyor prior to recording the final plat unless installation of the monuments is assured by a performance guarantee in conformance with Section 9.02.

15. Waivers of Subdivision Regulations (section 11.00). Chapter 292 Laws of 2009 (HB 43) established new standards for granting waivers [RSA 674:36, II,(n)].

draft of 10-8-09

Section 11.00 Waivers:

The proposed Subdivision shall conform to the Zoning Ordinance of the Town of Bow. Where (a) strict conformity to these Subdivision Regulations would cause undue hardship or injustice to the owner of the land or where (b) specific circumstances relative to the subdivision, or conditions of the land in such subdivision, indicate that the waiver will properly carry out the spirit and intent of the regulations, a Subdivision plan substantially in conformity with these Regulations may be approved by the Board, provided that the spirit of these Regulations and public convenience and welfare will not be adversely affected.

Requests for waivers shall be submitted in writing and shall include the basis for granting the waiver. The Board may accept an oral request for waiver at the public hearing for a subdivision application. The basis for any waiver granted by the Board shall be recorded in the minutes of the board.

16. Sheet size limit for submitted plans (section 6.03).

draft of 11-5-09

Section 6.00 Plat Details:

Plans, reports, documents, and other materials submitted to the Planning Board to fulfill the requirements of the Subdivision Regulations shall be free of any restrictions on reproduction. Proximate to any copyright symbols, reservations of rights, or statements of ownership, shall be an affirmative statement which expressly agrees to reproduction.

6.03 Preliminary Plat:

The Preliminary Plat shall be prepared to a scale of not less than one inch equals one hundred feet (1" = 100') or at greater detail as directed by the Board to indicate clearly the existing and proposed features of the site. **Said plat shall be prepared on twenty_two by thirty_four inch (22" X 34") standard sheets measured from cutting edges.** If one sheet is not of sufficient size to contain the entire area for the site and environs, the plat shall be divided into sections to be shown on separate sheets of equal size with reference on each sheet to the adjoining sheets. The Preliminary Plat shall show or be accompanied by the following: