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**SUBDIVISION REGULATIONS**

**TOWN OF WARREN, N.H.**

**Adopted February 5, 1987**

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of Subdivision Regulations  
Town of Warren, NH

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## SUBDIVISION REGULATIONS

## TOWN OF WARREN

## NEW HAMPSHIRE

## Article 1 - ADOPTION AND AMENDMENT

1.01 - Authority

Pursuant to the authority granted by the voters of the Town of Warren and in accordance with the provisions of Chapter 674: Section 35, N.H. Revised Statutes Annotated, the Warren Planning Board adopts the following Regulations governing the subdivision of land in the Town of Warren, New Hampshire.

1.02 - Title

These regulations shall be known as the Warren, N.H. Subdivision Regulations.

1.03 - Purpose

The purposes of these Regulations are to:

- \* Provide uniform procedures and standards for subdivisions and street design.
- \* Discourage the scattered and premature subdivision of land.
- \* Prevent poorly designed or inadequate subdivisions which might endanger health, safety, and prosperity because of inadequate drainage, sewage, water supply, or streets.

1.04 - Validity

If any portion of these Regulations is found for any reason to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of these Regulations.

1.05 — Amendment

These Regulations may be amended whenever such action is deemed advisable by the Board following a duly noticed public hearing on the proposed amendment. All amendments to these Regulations shall become effective when adopted by the Board, after the completion of the Public Hearing, by an affirmative vote of a majority of its members, and copies of the amendments are certified by a majority of the Board and filed with the Town Clerk. The amendment shall be filed in a central file with the Office of State Planning.

## Article 2 - ADMINISTRATION AND ENFORCEMENT

2.01 - Administration

The administration of these Subdivision Regulations shall be by the Planning Board or its designated agent.

2.02 - Approval by Planning Board

All subdivision of land in the Town of warren requires approval by the Planning Board in accordance with these Regulations.

2.03 — Definitions

## ABUTTER

Any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration by the Planning Board. For purposes of receiving testimony only, and not for purposes of notification, the term abutter shall also include any person who is able to demonstrate that such person's land will be directly affected by the proposal under consideration.

## APPLICANT

## SUBDIVISION REGULATIONS Town of Warren, NH

Shall mean the person who is proposing the subdivision and who submits the application for subdivision approval, i.e., the sub divider.

### BOARD

The Planning Board of Warren, New Hampshire.

### BUILDING DEVELOPMENT

The creation of sites to be occupied by buildings.

### CONDOMINIUM

The division of a building lot, tract, or parcel of land into two or more lots or buildings sites for the purpose, whether immediate or future, of condominium conveyance under RSA 356-B. More than one building site on land submitted to the condominium form of ownership shall constitute a subdivision.

### DRIVEWAY

An area located on a lot, tract, or parcel of land built for direct access to a garage or off-street parking area serving not more than two adjacent lots or dwelling units.

### EASEMENT

A legal right created by deed for the owner of one lot or parcel of land to use another lot or parcel of land for such purposes as a water line, a driveway, a connection with or location of a septic system, the preservation of a view, a right-of-way for ingress and egress, etc.

### ENGINEER

Shall mean the duly designated registered engineer, consultant, or official assigned by the Warren Planning Board.

### LOT

A parcel of land meeting the minimum requirements of Section 9.09.

### RIGHT-OF-WAY

A right-of-way is an easement. Right-of-way shall mean a strip of land for, or intended to be used for, a street, crosswalk, water main, sanitary or storm sewer drain, or other special purpose, including public use.

The use of the term "right-of-way in these Regulations, for platting purposes, shall mean that every right-of-way established and shown on a record plat is to be separate and distinct from the lots or parcels adjoining the right-of-way That is, the right-of-way Is not included within the dimensions or areas of adjoining lots or parcels.

### ROADWAY

The traveled way of a street including the shoulders.

### STREET

A highway, road, avenue, lane, or other way which exists for automotive travel exclusive of a driveway. The term 'street" shall include the entire right-of-way. A street may be public or private.

### SUBDIVIDER

The owner of record of the land to be subdivided, or the agent of any such owner

### 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, building development, or other form of conveyance. It includes re-subdivision.

When appropriate to the context, subdivision refers to the process of subdividing or the land 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. Land divided by a public highway shall be separate lots on each side of the highway. Subdivisions are further broken down into three categories: 1) Minor lot line adjustments and boundary agreements, 2) Minor subdivisions, and 3) Major subdivisions. See Article 4 - Types of Subdivisions.

This definition establishes the jurisdiction of the Planning Board.

#### TIME

When counting days, as specified in these Regulations, the day on which a filing is done or a notice posted, and the day of the public meeting or hearing, shall be excluded.

#### WETLANDS

Lands containing soils classified by the National

Cooperative Soil Survey as poorly drained or very poorly drained, including fresh water marshes and alluvial soils.

#### 2.04 - Prohibition of Construction Prior to Approval

No construction, land clearing, or building development shall be initiated until the Final Plat of the proposed subdivision has been approved by the Planning Board, as evidenced by the issuance of the Notice of Action (Article B.19).

#### 2.05 — Prohibition of Sale Prior to Endorsement and Recording No sale, rental, lease, or other conveyance of any part of a proposed subdivision shall be entered into by the subdivider until an approved Final Plat has been endorsed by the Planning Board and recorded in the Grafton County Registry of Deeds.

a. In the event the Planning Board accepts a performance bond, In a form acceptable to the Selectmen after review by Town Counsel, the Final Plat shall be endorsed by the Planning Board at the time of approval and thereupon recorded In the Grafton County Registry of Deeds.

b. If construction for the subdivision is not secured by a performance bond, construction of said subdivision shall be fully completed in accordance with Article 15, following which the approved Final Plat shall be endorsed by the Planning Board and recorded in the Grafton County Registry of Deeds.

#### 2.06- 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 said subdivision has been approved and endorsed by the Planning Board and recorded in the Grafton County Registry of Deeds shall pay a penalty of five hundred dollars (\$500.00) for each lot or parcel so transferred or sold as assessed and imposed by the Planning Board. The Town may enjoin such transfer or sale and may recover the penalty by civil action. As may be ordered by the court, the prevailing party may recover reasonable court costs and attorneys' fees. In addition, action may be taken for any violation of these regulations as provided In RSA 676:17.

#### 2.07 - Appeals

Any person aggrieved by any decision of the Board may appeal therefrom to the Superior Court as provided in RSA 677:15.

## SUBDIVISION REGULATIONS Town of Warren, NH

### 2.08 - Construction of Subdivision

A subdivider shall construct the subdivision in compliance with the approved Final Plat and all requirements set forth in the Notice of Action (Article 8.19). Construction of improvements shall be in accordance with the provisions of Article 15.

### 2.09 - Acceptance of Streets

Any new street within a subdivision shall be completed as shown on the Final Plat in accordance with the Regulations and the Town Road Construction Specifications and subject to any conditions imposed by the Board at the time of approval of the Final Plat. The construction and completion of a private street or highway shall not obligate the Board of Selectmen to accept the offer to dedicate the street or private highway as a public street or public highway.

## Article 3 - WAIVERS OF COMPLIANCE

### 3.01 - Relaxation of Requirements

Upon the request of the subdivider, the Board may grant a relaxation of the provisions of Regulations as it deems appropriate, provided the Board shall first determine the following:

- a. That the relaxation is related to unique physical conditions peculiar to the proposed subdivision;
- b. That the granting of the relaxation will not be contrary to the purposes and objective of the regulations; and
- c. That the public good will not be adversely affected. On—site water and sewage disposal must meet requirements noted in Article 13.

## Article 4 - TYPES OF SUBDIVISIONS

For the purpose of these Regulations, three types of subdivisions are defined. All types may involve residential, commercial, or industrial development.

### 4.01 – Minor Lot Line Adjustments, and Boundary Agreements which Create No New Lots

The procedure for minor lot line adjustments and boundary agreements which create no new lots is set forth in Article 6.

### 4.02 - Minor Subdivision

A subdivision resulting in no more than three (3) lots and requiring no new streets or public improvements. The procedure requiring only the Final Plat, is set forth in Article 7."

### 4.03 — Major Subdivision

Any subdivision resulting in four (4) or more lots or requiring new streets or public improvements. Applications are normally processed in three steps; an informal discussion, a review of the preliminary layout, and a review of and public hearing on the Final Plat. Procedures and requirements are set forth in Article 8.

Article 5 - SUBDIVISION APPLICATION: GENERAL INFORMATION

5.01 — Submission of Application

Application for subdivision approval, and subsequent submission of required information, shall be made to the Planning Board. Inquiries for advice concerning procedures or requirements may be made to any member of the Board.

5.02 - Notice

When Notice is required in the Regulations, the Board shall give Notice as follows:

- a. The Notice shall include a general description of the proposed subdivision which is the subject of the Application; shall identify the subdivider and the location of the proposed subdivision; and shall state the day, time, and place of the public meeting/hearing.
- b. A copy of the Notice shall be sent to the abutters and the subdivider by certified mail, return receipt requested.
- c. For the purpose of the Regulations, in counting days, the day on which Notice is given and the day of the public meeting/hearing shall be excluded.
- d. Notice shall be mailed at least ten days prior to the public meeting/hearing.
- e. Notice to the general public shall be given by posting a copy of the Notice described herein in at least one public place, at least ten days prior to the public meeting/hearing.
- f. The application shall include the names and addresses of the subdivider and all abutters of the entire parcel as indicated in the town records not more than five days before the day of filing. Abutters shall also be identified on any plat submitted to the Board. Subdivider shall provide the list and a verification from the Tax Collector that the addresses are the same as shown on the Town tax records.
- g. The subdivider shall pay, in advance, all costs of Notice to abutters. Failure to pay costs may be the basis for disapproval of the Application.

5.03 — Filing Fees, Administrative Expenses, and Other Costs Incurred by the Town and Board

The subdivider shall pay the filing fees according to the Schedule of Fees adopted by the Board. In addition, the Board may require the subdivider to pay additional reasonable fees to cover its administrative expenses and costs of special investigative studies, review of documents, and other matters which may be required by particular applications (RSA 676:4(g)). Such additional fees may also include an appropriate allocation of legal fees incurred by the Board.

Article 6 - PROCEDURE FOR MINOR LOT LINE ADJUSTMENTS AND BOUNDARY AGREEMENTS WHICH CREATE NO NEW LOTS

- a. 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.
- b. A site location map shall be submitted to the Board showing the original boundaries of the adjacent parcels.
- c. A detailed plan shall be submitted to the Board showing the new property line or lines created.
- d. A statement shall be placed on the plan stating as follows:

"This Plan meets the current subdivision regulations of the Town of Warren, New Hampshire.

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

Article 7 — PROCEDURE FOR MINOR SUBDIVISIONS

7.01 — Definition

A subdivision resulting in no more than three (3) lots and requiring no new streets or public improvements.

7.02 — Subdivision Standards

All Minor Subdivisions shall conform to applicable standards set forth in Articles 9 and 10.

7.03 — Procedure for Review

The Minor Subdivision process requires only the submission of the Final Plat, as set forth in Article 7B below. At an informal meeting with the subdivider, the Board shall first determine that the proposed subdivision qualifies for the Minor Subdivision procedure, following which *the subdivider may submit the Final Plat. Review of the Final Plat will be in accordance with the procedure in Article 8D - Action on Final Plat.*

7.04 - Expansion of Procedures

If, in the judgment of the Board, the subdivision as initially presented does not meet the requirements for a Minor Subdivision as stated in the Definition, the Board shall require the subdivision to be processed as a Major Subdivision.

7.05 - Resubdivision

In the event a parcel of land has been divided in accordance with a minor subdivision procedure, a further subdivision of the same parcel of land shall not be eligible for five years for minor subdivision procedure. The calculation of lots shall include the prior minor subdivision as well as the proposed additional subdivision. This requirement may be waived by the Board for good cause.

A. INFORMAL DISCUSSION

7.06 - Procedure

Upon request of the subdivider, the Planning Board Chairman shall place on the agenda of the Planning Board at a regularly scheduled meeting an *Informal Discussion* between the subdivider and the Board. No fee shall be assessed for the Informal Discussion. No notice to abutters is required.

7.07 — Information Requested

The subdivider shall provide the Board with the sketch plan showing the location and type of the proposed development, with additional information such as general topography including prominent natural features of the tract and, if applicable, how the concept conforms with the Master Plan.

7.08 - Action of the Board

The Informal Discussion between the subdivider and the Board shall be limited to a discussion of the concept of the subdivision. In general terms, the Informal Discussion is for the limited purpose of familiarizing the Board with the location and type of development; and of familiarizing the subdivider with general requirements of the Board as set forth in these Regulations. Following the Informal Discussion, and after determining the general character of the proposed subdivision, the Board shall advise the subdivider concerning subsequent procedures and submission requirements according to these Regulations.

B. FINAL PLAT

7.09 - Description of Final Plat

The Final Plat shall be in permanent black ink on a permanent reproducible polyester film. It shall be submitted in two (2) polyester film copies and three (3) paper prints. Sheet sizes shall be in accordance with the requirements of the Grafton County Registry of Deeds (11x17, 17x22, or 22x34). Space shall be reserved on the Plat for endorsement by the Board. The Final Plat shall contain the following statement:

"The Subdivision Regulations of the Town of Warren are a part of this Plat, and approval of the Plat requires the completion of all the requirements of said Subdivision Regulations excepting only any relaxation of requirements granted in writing by the Board."

7.10 — Information Required

For Minor Subdivisions the Final Plat shall contain or be accompanied by the following maps and information. Maps shall be drawn at a scale of no more than one hundred feet (100') per inch, unless otherwise specified by the Board.

- a. Name of municipality and subdivision; names and addresses of the subdivider and designer.
- b. Names and addresses of abutting property owners.
- c. Name and seal of engineer and/or land surveyor licensed by the State of New Hampshire who prepared the Final Plat.
- d. A general site location map locating the proposed Minor Subdivision boundaries in relation to major roads.
- e. Boundaries and areas of the entire parcel referenced to a public street intersection or USGS benchmark; north point, scale, date, and dates of any revisions. The Board may waive the requirement of a perimeter survey for the entire parcel and may require specific data only for lots for which sale or lease is contemplated; in such instances, the Final Plat shall include a general map insert which indicates approximately the size and shape of the entire parcel to be subdivided.
- f. Existing and proposed building sites, if known, and lot lines, angles and dimensions, lot sizes in square feet and acres, consecutive numbering of lots.
- g. Location of existing and proposed easements, deed restrictions, other open spaces, water courses, and significant natural and man-made features.
- h. Flood hazard areas as indicated on the National Flood Insurance maps available in the Town Office.
- i. Where individual on-lot sewage disposal systems are proposed, the subdivider shall present evidence of State approval of the suitability of each lot for on-site sewage disposal for building purposes.

For lots greater than five (5) acres, an opinion by N.H. Licensed Subsurface Designer that a suitable site for subsurface disposal system exists may be substituted for state approval.

For lots greater than ten (10) acres, a request for a waiver from this requirement may be made when supported by appropriate soil data. In all instances where state review is not available, the plat shall specifically indicate on each such lot that state approval for an on-site subsurface/disposal system has not been granted.

7.11 - Other Information

When, in the judgment of the Board, additional information is required to serve the purposes of these Regulations, the Board may require such other information.

7.12 — Action of the Board

The procedure for the Action of the Board is set forth in Article 8D - ACTION ON FINAL PLAT.

Article 8 - PROCEDURE FOR MUOR SUBDIVISION

8.01 — Definition of Major Subdivision

Any subdivision resulting in four (4) or more lots or requiring new streets or public Improvements.

8.02 - Subdivision Standards

All Major Subdivisions shall conform to the requirements of Articles 9 through 15.

8.03 - Procedure for Review

These procedures usually involve three steps: an Informal Discussion for which no fee shall be assessed (Article 8A), a review of the Preliminary Layout (Article 8B) and a review of and public hearing on the Final Plat (Article 8C).

A. INFORMAL DISCUSSION

8.04 - Procedure

Upon request of the subdivider, the Planning Board Chairman shall place on the agenda of the Planning Board at a regularly scheduled meeting an Informal Discussion between the subdivider and the Board. No fee shall be assessed for the Informal discussion. No notice to abutters is required.

8.05 - Information Requested

The subdivider shall provide the Board with the sketch plan showing the location and type of the proposed development, with additional information such as general topography including prominent natural features of the tract and, if applicable, how the concept conforms with the Master Plan.

8.06 - Action of the Board

The Informal Discussion between the subdivider and the Board shall be limited to a discussion of the concept of the subdivision. In general terms, the Informal Discussion is for the limited purpose of familiarizing the Board with the location and type of development; and of familiarizing the subdivider with general requirements of the Board as set forth in these Regulations. Following the Informal Discussion, and after determining the general character of the proposed subdivision, the Board shall advise the subdivider concerning subsequent procedures and submission requirements.

B - REVIEW OF PRELIMINARY LAYOUT

8.07-Procedure

Unless waived by the Board following the Informal Discussion, the subdivider shall submit to the Planning Board for review a Preliminary Layout of the proposed subdivision.

8.08 - Description of Layout

Three copies of the Preliminary Layout shall be submitted to the Planning Board. Dimensions may be approximate. Data may be tentative but shall be sufficiently clear to establish the basis of and to clarify the design requirements for the subdivision Final Plat. Maps shall be at a scale of no more than one hundred feet (100') per inch unless otherwise specified by the Board.

8.09 - Information Required

The following information shall be submitted to the Board as the Preliminary Layout:

## SUBDIVISION REGULATIONS Town of Warren, NH

- a. Name of municipality and subdivision; name and address of subdivider and designer or engineer; names and addresses of abutters (all of these items shall appear on the Layout).
- b. General site location map locating the subdivision boundary and proposed streets in relation to major roads or other features shown on the Town base map.
- c. Boundaries and area of the entire parcel owned by the subdivider, whether or not all land therein is to be subdivided, referenced to a public street intersection or USGS bench mark; north point, bar scale, date, and dates of revision.
- d. Approximate contours at 10 foot intervals taken from a standard USGS map or Town base map.
- e. Soil mapping units and boundaries as classified by the U.S. Department of Agriculture Soil Conservation Service.
- f. Subdivision and buildings within one hundred feet (100') of the parcel to be subdivided; roads, streets, and driveways within two hundred feet (200') of the parcel to be subdivided.
- g. Location of parks and other open space, watercourses, flood-prone areas, significant natural and man-made features.
- h. Existing and proposed lot lines; existing and proposed easements, deed restrictions.
- i. Preliminary road profiles showing grades, existing and proposed street right-of-way lines (including side slopes), widths of streets, proposed names of new streets.
- j. Location of existing and proposed storm drainage lines, drainage structures and drainage ways; existing and proposed facilities and/or utilities.
- k. Preliminary drainage analysis and computations; watershed areas.
- l. Recommendations on Preliminary Layout from the Fire Chief, the Police Chief, and any other Town Board or official as requested by the Planning Board.

### 8.10 - Review of the Layout

Upon receipt of the complete Preliminary Layout the Board shall conduct a review of the proposed subdivision during a regularly scheduled public meeting. Notice shall be given to the subdivider, the abutters, and the general public for such public meeting.

### 8.11 — Action of the Board

After the receipt of the complete Preliminary Layout by the Planning Board, and after the review of the Preliminary Layout by the Board, the Board shall submit to the subdivider in writing its recommendations and reservations with respect to the proposed subdivision and the advisability of preparing a Final Plat.

## C. REVIEW OF FINAL PLAT

### 8.12 - Procedure

Three copies of the proposed Final Plat shall be submitted to the Planning Board Chairman.

### 8.13 — Information Required on Final Plat

The Final Plat shall contain or be accompanied by all of the information listed in Article 8.09 for the Preliminary Layout, whether or not a Preliminary Layout has been prepared for the proposed subdivision. In addition, the Final Plat shall contain the following maps and information. Maps shall be drawn at a scale of no more than one hundred feet (100') per inch, unless otherwise specified by the Board:

- a. A boundary survey certified by a land surveyor licensed to practice in the State of New Hampshire.
- b. Approximate contour lines at five-foot (5') intervals taken from a standard USGS map or Town base map.

- c. Soil test data, sewage disposal information, and approvals as required in Article 13.
- d. Existing and proposed lot lines and building sites, lot sizes in square feet and acres, consecutive numbering of lots.
- e. Existing and proposed street right-of-way lines; dimensions of tangents, chords, and radii; location of all monuments to be set at street intersections; points of curvature and tangency of curved streets and angles of lots; names of existing and proposed streets.
- f. The base flood elevation data, if the proposed subdivision is located in the Flood Plain.

#### 8.14 - Additional Information for Final Plat

As part of the Final Plat submission to the Board, the subdivider shall submit any or all of the following Information if required by the Board by Its action on the preliminary layout:

##### a. Subdivision Grading and Drainage Plan:

This Plan shall be submitted on a separate sheet or sheets and shall provide the following Information for the entire area of the proposed subdivision, unless there is a determination by the Board that a lesser area is sufficient:

- 1. Basic street and lot layout, with all lots or sites numbered consecutively.
- 2. Location of all existing buildings and approximate location of proposed buildings, if known.

##### b. Subdivision Street Plan:

This Plan shall be submitted on a separate sheet or sheets and shall provide the following information: Complete plans and profiles of all proposed streets, including but not limited to horizontal and vertical curve data at the street centerline, street stationing every fifty feet and turnaround radii, and typical sections of proposed streets.

##### c. Request for Waivers:

All requests for relaxation of requirements (as described in Article 3) shall be included in the Application.

##### d. Information If a Performance Bond is Requested of the Subdivider:

If a performance bond is to be requested, the subdivider shall furnish an estimate of the full cost of all improvements and a description of the surety or security to be offered to secure the performance bond.

##### e. Other Plans:

The Board may require such other information as It deems necessary to serve the purposes of the Regulations during the public hearing stage.

#### D. ACTION ON FINAL PLAT

##### 8.15 - Submission of an Application for Final Plat Approval

##### a. Necessity for Acceptance of a Completed Application:

Before any review of the proposed final subdivision Application, the Board shall first determine if the Application is complete.

##### b. Time for Filing an Application:

The subdivider shall file the Application for Final Plat approval with the Planning Board Chairman at least fifteen (15) days prior to the public meeting at which the Application is to be considered for acceptance by the Board.

##### c. Action by the Board on the Request to Accept the Completed Application:

The Application shall be presented to the Board by the subdivider at a public meeting of the Board for which Notice has been given. The Board, by motion, shall accept or reject the



Application at the public meeting or an adjourned session thereof, and such action shall be noted on the Application and In the records of the Board.

8.16 - Consideration and Action on Final Plat

The accepted Application shall be deemed to be submitted to the Board as Of the date on which the Board accepted the Application. Within thirty (30) days of such date the Board shall begin formal consideration of the Application at a public hearing for which Notice has been given. The Board shall act to approve, approve with modifications, or disapprove the Application within ninety (90) days of the date of submission. The Board may apply to the Board of Selectmen prior to the expiration of the 90 day period for an extension of time not to exceed ninety (90) days before acting to approve or disapprove the Application. The subdivider may consent to an extension of time for the Board to act beyond the initial 90 day period on the condition that such consent shall be In writing and shall be made part of the Board's record.

8.17 - Notice for Meetings/Hearings

Notice shall be given to the abutters, the subdivider, and the general public as to all public hearings on the application. As provided by law, any public meeting or public hearing for which Notice was required may be adjourned without additional Notice. The Board shall announce at the prior public meeting or prior public hearing that such meeting or hearing shall be adjourned to a fixed day, time, and place. For a valid adjournment the records of the Board must contain a statement that such announcement was made and Included also the day, time, and place when the adjourned meeting/hearing is to be held.

8.18 - Failure of the Board to Approve or Disapprove the Application Within the Specified Time Limit

The subdivider upon the failure of the Board to approve or disapprove of the Application within the time specified may obtain from the Selectmen an order directing the Board to act within fifteen (15) days.

The failure of the Board to act within 15 days shall constitute grounds for the Superior Court upon petition of the subdivider to Issue an order approving the Application if the Court first determines that the proposed subdivision complies with the existing Subdivision Regulations, and other applicable ordinances. If the court determines that the failure to act within the time specified was the fault of the Board and was not justified, then the Court may order the Board to pay the subdivider's reasonable costs and attorney's fees incurred in securing the Court order.

8.19 - Notice of Action on the Final Plat

The board shall notify the subdivider, by Notice in writing signed by the Chairman, of its actions on the Final Plat. In case of disapproval, the grounds for such disapproval shall be set forth in the Notice which shall become part of the records of the Board. In case of approval, the Notice of Action shall set forth the following:

- a. A copy of any deed restrictions submitted by the subdivider and accepted by the Board.
- b. All requirements for off-site improvement.
- c. A description of land, if any, to be dedicated to widen existing streets.
- d. A description of any relaxation of requirements granted to the subdivider.
- e. When applicable, the statement described in Article 9.08 concerning liability for public use of land.
- f. All agreements, if any, between the subdivider and the Board concerning matters not required by these Regulations, but to be performed by the subdivider.
- g. A statement that the subdivision shall be completed and constructed in conformance with the Final Plat and the Regulations.
- h. A reference to the bond to be provided by the subdivider as guarantee of performance

## SUBDIVISION REGULATIONS Town of Warren, NH

In construction of the subdivision as set forth in Article 8.21 and Article 15.03 of these Regulations.

### 8.20 — Acknowledgement of Receipt of Notice

Until the subdivider shall acknowledge receipt of the Notice and acceptance of all provision set forth therein and shall return a signed copy of same to the Board, no further action shall be taken with regard to the Final Plat. Failure to acknowledge receipt of Notice of Action and acceptance within ninety (90) days of mailing of the Notice of Action will cause approval to lapse.

### 8.21 - Performance Bond

When the Board agrees to accept a performance bond, the subdivider shall submit a performance bond providing for and securing to the Town the completion of the actual construction and installation of all improvements and utilities within three years from the date of acknowledgement and acceptance of the Notice of Action. The bond shall be in an amount acceptable by the Planning Board and in conformity with the requirements of Article 15.03.

### 8.22 - Description and Recording of Final Plat

The subdivider shall submit to the Board two (2) Mylar copies and three (3) paper prints of the approved Final Plat. Sheet sizes shall be in accordance with the requirements of the Grafton County Registry of Deeds. Space shall be reserved on the Plat for endorsement by the Board. The Final P1st shall contain the following statement:

"The Subdivision Regulations of the Town of Warren are a part of the Plat, and approval of this Plat requires the completion of all the requirements of the Subdivision Regulations excepting only any relaxation of requirements granted in writing by the Board.<sup>1</sup>

The Board shall cause one copy of the approved and endorsed Final Plat to be recorded in the Grafton County Registry of Deeds. The subdivider shall be responsible for the payment of all recording fees. The second copy will be retained by the Town for its records. All graphic material and presentations shall be on that surface of the Mylar Plat which is suitable for writing. The act of recording an approved subdivision Plat shall not in itself constitute acceptance by the Town of any street or easement shown thereon,

## Article 9 — GENERAL PROVISIONS

### 9.01 - Compliance With Other Ordinances

All subdivisions shall be in harmony with the Master Plan and shall be in conformance with other applicable federal, state, and local by-laws, ordinances, and regulations. Where the Regulations are in conflict with such other ordinances or regulations, the more stringent of those setting the higher standard shall apply.

### 9.02 - Character of Land for Subdivision

Land of such character that It cannot, in the opinion of the Board, be safely used for building development because of danger to health or peril from fire, flood, poor drainage, excessive slope, or other hazardous conditions, shall not be platted for residential, commercial, or industrial subdivision, not for such other uses as may increase danger to life or property. All proposals for subdivision of land shall be consistent with the need to minimize flood damage. Land with inadequate characteristics or capacity for on-site sanitary sewage disposal shall not be subdivided for residential, commercial, or industrial subdivision purposes.

### 9.03 - Prohibition of Premature or Scattered Subdivision

Scattered or premature subdivision of land as would involve danger or injury to health, safety, or prosperity by reason of inadequate water supply, drainage, transportation, school, fire protection, or other public services, or would necessitate an expenditure of

public funds for the supply of such services, shall not be approved by the Board.

#### 9.04 — Preservation of Existing Features

Prominent natural features within a subdivision, such as trees, scenic points, brooks, streams, rock outcroppings, water bodies, stone walls, boundary markers, and historic landmarks, shall be preserved and protected to the maximum extent possible by the subdivider. The subdivider shall demonstrate to the satisfaction of the Board the manner by which the subdivider intends to protect existing features.

#### 9.05 - Off-Site Improvements

If, upon the finding of fact, the Board determines that the proposed subdivision will adversely affect existing public facilities, such as streets, causing them to be inadequate to meet the additional needs created by the subdivision, then the subdivider shall pay for such upgrading of the public facilities to an extent necessary to protect the public interest. If other properties benefit from the upgrading of such off-site public Improvements, the Board shall determine the portion of the cost to be paid by the subdivider, taking into consideration the following elements:

- a. The character of the area.
- b. The extent that other public and private property will be benefited by the upgrading.
- c. Any other factors that the Board deems appropriate to establish a rational connection between the needs created by the subdivision and the amount to be paid by the subdivider.

#### 9.06 - Fire Protection Requirement

All subdivisions shall meet the approval of the Fire Chief relative to fire prevention and protection and emergency access.

#### 9.07 - Sewage Disposal Requirements

No subdivision of land will be approved by the Board where It creates a lot or site that will not meet the minimum design and construction standards and requirements imposed by the State of New Hampshire Water Supply and Pollution Control Commission for subdivision for building purposes. All proposed lots or sites shall include an "approval for subdivision for building purposes" for at least one subsurface disposal system on each such lot or site, In accordance with the most recent regulations of the New Hampshire Water Supply and Pollution Control Commission.

For lots greater than five (5) acres in minor subdivisions only, an opinion by a registered Sub-Surface Designer that a suitable site for a subsurface disposal system exists may be substituted for state approval. For lots greater than ten (10) acres in minor subdivisions only, a request for a waiver from this requirement may be made when supported by appropriate soil data.

In all instances where state review is not available, the plat shall specifically indicate on each such lot that state approval for an on-site subsurface disposal system has not been granted.

A septic system must be set back at least seventy five feet (75') from any year-round open water.

#### 9.08 - Liability for Public Use of Land

On land required to be dedicated for public use, the subdivider shall file a statement in writing accepting liability for personal injuries and/or property damage arising from any negligence of the subdivider or agents of the subdivider suffered by any person or to the property of any person until such offer of dedication is accepted by the Town. In addition, the Subdivider's statement shall acknowledge responsibility for the maintenance of any

## SUBDIVISION REGULATIONS Town of Warren, NH

easement areas until such time as the areas are dedicated and accepted by the Town or transferred to an association of owners or the like. The subdivider shall furnish evidence of sufficient insurance coverage with regard to such liability in an amount and form satisfactory to the Town legal counsel and Selectmen.

### 9.09 - Minimum Lot Size

Minimum lot size will be established based on the suitability of the soils to accept subsurface sewage disposal with additional area for a replacement system. Other factors affecting lot size will include H well location and provisions for light, air and harmony with the surrounding area.

## Article 10 - LOT AND SITE LAYOUT

### 10.01 — Lot Frontage

All lots in major subdivisions shall front on a regularly maintained public street (Class V highway), or on a street planned, built, and maintained to Town specifications and standards and shown on the subdivision plan.

Lots with frontage on bodies of water shown on the Master Plan map shall have a minimum of one hundred feet (100') frontage on the water.

### 10.02 - Marking of Lots

At the earliest practical stage during the application, the subdivider shall place on the ground clearly observable survey stakes or ribbons marking the corners of all proposed lots or sites. At the time of submission of the Final Plat, the subdivider shall place iron pins at the corners of all lots.

## Article 11 — OPEN SPACE REQUIREMENT

### 11.01 — Reservation of Land

When deemed necessary in the judgment of the Board, land for open space and recreation areas within a subdivision shall be reserved for the benefit of the subdivision. The Board shall determine whether such land shall be deeded to the Town or shall be reserved for the common use of all property owners of the subdivision covenant in the deeds to the lots. All areas to be reserved for open space or recreation shall be of reasonable size, slope, and character for neighborhood playground or other recreational uses

## Article 12 — STREET LAYOUT MD DESIGN

### 12.01 — General Design

All streets in a major subdivision shall be designed to provide safe vehicular travel. Consideration shall also be given to the street layout blending in with the topography and other natural features.

All streets in any future subdivision shall meet the minimum standards set forth herein.

For proposed residential and commercial development along town or state roadway frontage that exceeds six hundred feet (600'), the construction of an Internal street system or service road outside of the roadway right-of-way will be required to provide greater safety for the development occupants, as well as the highway users. Unusual land conditions may provide the basis for an exception, however, the Planning Board must first review and approve the proposal.

### 12.02 - Naming

No street shall have a name which duplicates or which is substantially similar to the name

of an existing street. The continuation of an existing street shall have the same name.

12.03 — Right of Way

All street right of way widths shall be a minimum of fifty feet (50').

12.04 - Alignment

Street intersections and curves shall be so designed as to permit adequate visibility for both pedestrian~ and vehicular traffic. Curves, in general, shall have a minimum radius of one hundred feet (100') and no Intersection shall be acceptable at less than sixty (60) degrees. Streets entering opposite sides of another Street shall be laid out directly opposite one another or with a minimum of one hundred twenty five feet (125') between their center lines.

12.05 - Grade

Grades of all streets shall not be less than 0.5 percent or more than 10.0 percent. The Planning Board may modify the maximum grade for short lengths of streets where topographic conditions indicate such modification will result in the best subdivision of land and shall not endanger the safety of persons using such streets. All changes in grade exceeding 0.5 percent shall be connected by vertical curves of sufficient length to provide adequate sight distances. A maximum grade of 2.0 percent will be allowed within fifty feet (50') of an intersection.

12.06 - Dead End Streets

All dead end streets shall be provided with a cul-de-sac or turnaround providing adequate room for the movement of snow plows and fire equipment. Permanent dead end streets shall not be longer than fifteen hundred feet (1500'). This limitation may be waived under the provisions of Section 3.01, Relaxation of Requirements. Temporary dead end streets, where future extension to another outlet is approved by the Planning Board, shall provide full width of the right of way to the subdivision property line. A turnaround shall be provided with provision for future extension to the adjacent property and reversion of the excess right of way to adjoining properties. Cul-de-sac turnarounds shall have a minimum radius of sixty feet (60').

12.07 — Design Criteria

Average Daily Traffic (ADT)	0-50	51-250	251-400	401 & Up
Pavement or Gravel Width (feet)	20	20	24	24
Shoulder Width (feet)	2	4	4	8-10
Pavement Type*				
Urban	Penetration & Sealer	2 ½" A.C.	3" A.C.	Varies
Rural	Gravel	Penetration & Sealer	3" A.C.	Varies
Pavement Cross Slope	½" per foot	¼" per foot	¼" per foot	¼" per foot
Crushed Gravel				
Top Course (Min.)	4"	4"	4"	4"
Base Course (Min.)	12"	12"	18"	18"
(See Note B below)				

NOTES:

- A. Average Daily Traffic is based on eight (8) trips per day per dwelling unit.
- B. Material specifications shall conform to the latest approved and adopted standard specifications for road and bridge construction by the New Hampshire Department of Public Works and Highways.
- C. Design standards shall conform to geometric design guides by the American Association of State Highway and Transportation Officials.
- D. A.C. Indicates asphaltic concrete or hot bituminous asphalt pavement in accordance with New Hampshire Standard Specifications 403.
- E. Gravel may be used as pavement only when grade of street is eight percent (8%) or less.
- \* F. In general, new roads entering onto tar roads will be tarred; roads entering onto gravel can be gravel, subject to note E above.

12.08 - Culverts

All culverts shall be of approved quality and of sufficient capacity and placed where necessary to reduce exposure to flood hazards. The minimum culvert size shall be twelve inches (12") in diameter. All culverts are subject to approval by the Planning Board.

12.09 - Driveways

A permit shall be required to connect any driveway to a town maintained road. The Board appoints the Road Agent to act as its agent in this matter.

12.10 - Clearing and Grubbing

The entire right of way area of each street shall be cleared of all stumps, brush, roots, boulders and like material, and all trees not intended for preservation.

Article 13 - UTILITIES, DRAINAGE, AND SEWAGE DISPOSAL

13.01 - Provision for Water and Drainage

All subdivisions shall make adequate provision for water supply, drainage, and sanitary sewage disposal,

13.02 - Avoidance of Flood Damage

All utilities and facilities such as septic systems, electrical, and water systems shall be located elevated, and/or constructed to minimize or eliminate flood damage.

13.03 - Storm Water Drainage System

An adequate surface storm water drainage system for the entire subdivision shall be provided so as to reduce exposure to flood hazards. The subdivider shall provide a suitable designed on—site drainage retention system wherever possible. Otherwise, storm drainage shall be carried to existing watercourses or shall connect to existing storm drains. If the storm water drainage system creates an additional flow over any adjacent property, the subdivider shall hold the Town harmless from any claims for damage resulting therefrom. For the purpose of preparing drainage plans, storm sewers and subdivision drainage facilities shall be based on a ten year storm design flow.

13.04 - Sewage Disposal Design

The design of sewage disposal systems for all subdivisions shall meet the requirements of Article 9.07.

Article 14 - SEDIMENT AND EROSION CONTROL

14.01 - Purpose

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

14.02 - Standards

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

- a. Stripping of vegetation, regrading, or other development shall be done in such a way that will minimize on—site and off—site soil erosion.
- b. Whenever practical, natural vegetation shall be retained, protected, and supplemented.
- c. The disturbed area shall be kept to a minimum, and the duration of exposure shall be less than a maximum of six (6) months.
- d. Temporary seedings and/or mulching shall be used to protect exposed critical areas during development.

- e. The subdivider shall make provision to accommodate the increased runoff caused by changed soil and surface conditions during and after development.
- f. The subdivider shall make reasonable effort to trap sediment in the runoff water until the disturbed area is stabilized by the use of sediment basins or other acceptable methods.
- g. Diversions, sediment basins, and other erosion control mechanisms shall be constructed by the subdivider prior to any on-site grading or disturbance of existing surface material.

## Article 15 — CONSTRUCTION OF SUBDIVISION

### 15.01 - Inspection

During construction of an approved subdivision, Inspection shall be made by the Board or its designated agent.

### 15.02 - Time for Completion of Construction

The subdivider shall construct the subdivision and shall comply with all requirements of the Final Plat as set forth in the Notice of Action within three (3) years from the date of acknowledgment and acceptance of the Notice of Action (Article 8.19). Upon written request of the subdivider, when the Board finds that conditions beyond the control of the subdivider prevent compliance within the three (3) year period, the Board may grant an additional period of time for compliance with the Notice.

### 15.03 — Performance Bond

As provided in Article 8.21, the subdivider shall execute and deliver to the Board, in a form acceptable to Town Counsel, a bond conditioned on the performance of all terms and conditions of Final Plat approval.

#### a. Amount of Bond:

The subdivider's engineer shall furnish to the Board an estimate of the full cost of all improvements. The Board shall determine the amount of the Bond.

#### b. Surety or Security:

The subdivider's obligations as set forth in the performance bond shall be secured by surety or other security as approved by the Town Counsel. All documents evidencing or establishing the surety or security shall be prepared at the subdivider's expense and approved by Town Counsel.

#### c. Reduction of Security:

The security may be reduced during the course of construction by the Board in such amounts as the Board deems to be in the best interest of the Town but on the condition that the remaining security shall be sufficient to complete all remaining construction.

#### d. Release of Bond:

The performance bond shall be released when the Board is satisfied that the subdivider has complied with all requirements as set forth in the Notice. The decision to release the bond shall be based upon an assessment of the plans, the engineers' preparatory work for construction, engineering inspection during construction, and the final plans on completed work. When all conditions of the bond have been performed, the Board shall release the bond.

#### e. Enforcement of Bond:

If the subdivider has not totally complied within three (3) years of the date of the recording of the Final Plat in the Grafton County Registry of Deeds, the Town shall enforce its rights under the performance bond and the surety or security given to



secure it. In the event that the Town is required to enforce the bond, it shall be entitled to have reasonable attorney's fees paid by the subdivider and awarded by the Court.

15.04 - Modification of Design and Improvements

If at any time before or during the construction of the subdivision the Board determines that unforeseen conditions make it necessary or desirable to modify the location or design of any of the required Improvements or installations, the Board may authorize such modifications which shall be set forth in writing and signed by the Chairman of the Board.

15.05 — Inspection of Construction

Prior to commencing construction the subdivider shall pay to the Town an amount of money estimated by the Board to compensate fully the Town for all inspection and testing charges deemed necessary. The subdivider shall notify the Board in writing of the time when construction is proposed to commence so the Board may cause inspection to be made to insure that all Town specifications and requirements shall be met.

15.06 - Certification of Compliance

The subdivider shall notify the Board in writing when all requirements of the Final Plat have been met. The subdivider's engineer shall certify compliance with the Notice' Including total recertification to the extent necessary of any original installation, the guarantee, and damage deficiencies.

15.07 - Correction of Deficiencies

If the Board determines that any of the required improvements have not been completed in accordance with the plans and specifications as filed by the subdivider and as required by the Town, the Board shall notify the subdivider in writing of any deficiencies. The subdivider shall rectify all deficiencies at the expense of the subdivider. If the subdivider does not substantially rectify all deficiencies within a reasonable time as determined by the Town, the Town shall take all necessary action to protect and preserve the Town's rights and interests. In the event of legal action, the Town shall be entitled to have reasonable attorney's fees paid by the subdivider and awarded by the court.

15.08 - Guarantee of Installation of Improvements

For a period of two (2) years after completion of all improvements or one (1) year after the correction of all deficiencies as described above, whichever occurs last, if the Board determines that the improvements have failed for any reason or do not meet the specifications as filed by the subdivider and as required by the Town, the Board shall notify the subdivider in writing of such failure and the subdivider shall rectify all failures at the expense of the subdivider. If the subdivider does not substantially rectify all deficiencies within a reasonable time as determined by the Town, the Board shall take all necessary action to protect and preserve the Town's rights and interests. In the event of legal action, the Town shall be entitled to have reasonable attorney's fees paid by the subdivider and awarded by the court.

15.09 - Damage to Adjacent Public and Private Property, Drainage

Facilities, Waterways, Streams, and Brooks If at any time before all public improvements are finally accepted by the Town and before the performance bond is totally released, should any condition within the approved subdivision cause damage to adjacent public or private property, drainage facilities and waterways, streams and brooks, including but not limited to soil erosion and damage to standing vegetation, the Board shall notify the subdivider in writing of such damage and the subdivider shall correct all damage within a reasonable period of time as set forth in the notice by the Town, the Town shall take all action necessary to protect and preserve its rights and interests including injunctive relief. The Town shall be entitled to have reasonable attorney's fees paid by the subdivider and awarded by the court.

15.10 - Erosion Control After Construction

For a period of one year after completion of all improvements, the subdivider shall be responsible for the control of soil erosion and any resulting sedimentation, in accordance with the requirements of Article 14.

15.11 – 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; the point of intersection of short curves may be used instead, where such is practical, at the discretion of the Board. Monuments shall be placed on one side of the street only and at only one corner of the intersecting streets. Adjacent monumented points shall be in sight of one another.

Monuments shall be referenced to a public street intersection, USGS benchmark, or other recognized existing monument.

Monuments shall be of stone, concrete, or 1' iron pipe. Concrete monuments shall be reinforced with steel rods. A plug, brass plate, or pin shall serve as the point of reference, and a magnetic rod or other suitable metal device shall be placed adjacent to the monument to allow for recovery.

15.12 — Conveyance of Easements and Rights-of-Way

Upon completion of the construction of the subdivision, the subdivider shall convey all easements and rights-of-way as may be required under the Notice of Action by deeds in a form and manner satisfactory to the Town Counsel.