

ARTICLE III

APPLICATION PROCEDURES FOR MAJOR SUBDIVISIONS

SECTION 11. **APPLICABILITY**

The following rules and regulations shall pertain to Major Subdivision of land which is defined as the subdivision of land into four (4) or more additional parcels, a subdivision that requires any new streets, the extension of municipal facilities, or the creation of any public improvements. A subdivision shall also be considered major if in the judgment of the Planning Board the proposed subdivision may present significant engineering/planning problems or there is the likelihood of further subdivision of any of the parcels at a later date.

SECTION 12. **PHASE 1: PRELIMINARY CONCEPTUAL CONSULTATION** (See Appendix C. "Suggested Procedure for processing Subdivisions")

- A.** In order to save applicants expense and avoid unnecessary changes in the future it is strongly suggested that all applicants for Major Subdivision approval request, before the submittal of a formal application, to be included on the agenda of a regularly scheduled Planning Board meeting in order to discuss the subdivision proposal. This discussion shall be directed at a review of the basic concepts of the proposal and suggestions which might be of assistance in resolving problems with meeting regulatory requirements during final consideration. A sketch may be submitted by the applicant to facilitate discussion. The Board and the applicant may discuss the subdivision proposal in conceptual form only and in general terms such as desirability of types of development and proposals under the Master Plan.

- B.** The applicant may elect to forego or engage in preliminary conceptual consultation with the Planning Board. Such consultation however shall not bind either the applicant or the Planning Board and statements made by the Planning Board members shall not be the basis for disqualifying any board members or invalidating any action taken. Notification of the public is not required for preliminary conceptual consultation.

SECTION 13. **PHASE II: DESIGN REVIEW FOR MAJOR SUBDIVISION** (See Appendix C, Suggested Procedure for Processing Subdivisions)

- A.** If an applicant desires a review of the subdivision proposal beyond preliminary conceptual consultation, the applicant shall file a design review application with the Planning Board. Applicants are strongly encouraged to apply for a design review in order for the applicant to have a complete understanding of the types of data, special studies or other information the application will need in order to submit a complete formal application. During this phase the Board and the applicant may discuss specific design and engineering details of the proposal.

- B.** The applicant may elect to forego or engage in the design review phase with the Planning Board. Such review however shall not bind either the applicant or the Planning Board and statements made by the Planning Board members shall not be the basis for disqualifying any Board Members or invalidating any action taken.

- C. To be considered by the Planning Board, a design review application shall:
1. Be made on forms available at the Planning Board Office. An example of this application form is included in the Appendix to these regulations.
 2. Include three (3) copies of the design review plat layout as more fully described in Section 29.
 3. Include a fee in an amount to be determined in accordance with the fee schedule outlined in Section 52 of these regulations.
 4. Be filed with the Planning Board at least fifteen (15) calendar days prior to a regularly scheduled meeting of the Board. Included with the design review application shall be the names and mailing addresses of all abutters as indicated in the Town record. The names of all abutters shall be obtained from Town records not more than five (5) calendar days before filing.
- D. The design review shall only be conducted at a public meeting of the Planning Board after public notice has been provided in accordance with Section 16. The Board may receive testimony in person or in writing from the applicant, an abutter or any other person as permitted by the Board. The Board shall give a response to the applicant with respect to the design review of the proposal as a whole or any portion of the proposal by informing the applicant in writing of modifications or additional information that may be required if a formal application for plat approval is submitted. This response shall be given within ninety (90) days of the submission of the design review application. The response of the Planning Board concerning a design review application shall not bind either the applicant or Board.

SECTION 14. PHASE III: FORMAL APPLICATION SUBMITTAL AND REVIEW FOR MAJOR SUBDIVISION

(See Appendix C, Suggested Procedure for Processing Subdivisions)

Anyone desiring to subdivide a tract of land shall file a formal application with the Planning Board. Only complete applications will be reviewed by the Board. To be considered complete an application shall:

- A. Be made on forms available at the Planning Board Office. An example of the application form is included in the Appendix to these regulations.
- B. Include five (5) copies of the final plat layout and the plat construction detail sheets as more fully described in Section 30 and Section 31 in these regulations.
- C. Include a fee in an amount to be determined in accordance with the fee schedule outlined in Section 52 of these regulations.
- D. Comply in all respects with Article VI, Article VII and Article VIII of these regulations except where a specific waiver has been informally approved by the Planning Board during the design review phase.

- E.** Be filed with the Planning Board at least fifteen (15) calendar days prior to a regularly scheduled meeting of the Board. Included with the application shall be the names and mailing addresses of all abutters as indicated in the Town records. The names of all abutters shall be obtained from Town records not more than five (5) calendar days before the filing.
- F.** Include computations, calculations, and engineering data as well as special investigative studies, review of documents and other matters, if required for the particular application as informally determined by the Planning Board in the design review phase. If the applicant has not participated in the design review phase, the Board reserves the right during consideration of the application to require submission of such data as the need becomes apparent.
- G.** Establishment of an escrow account in an amount to be determined by the Board which will be used to reimburse the Town for the cost of the review of plans and/or studies submitted by the applicant. Such account shall be replenished when the balance is reduced to \$500 or less. All reviews on the project will be discontinued until the balance is reestablished to the original amount. The Board may waive this requirement should there not be any internal roadways or special reports or studies involved with the proposed subdivision. (RSA 676:4I(g)) Any monies not expended in review of the plans will be returned to the applicant.

SECTION 15.

ACTIONS BY THE BOARD/PUBLIC HEARINGS

- A.** The Planning Board shall, by majority vote of its members present, accept a formal application to subdivide at its regularly scheduled meeting only if the application has been submitted in accordance with Section 14. Notice of said public meeting shall be provided to the applicant, abutters and the public in accordance with Section 16 (RSA 676: 4-I (d)).
- B.** The Board shall begin consideration of a formal application within thirty (30) days after submission and acceptance of the completed application. The Board shall act to approve conditionally approve or disapprove within ninety (90) days after accepting a formal application subject to extension or waiver as set forth in paragraph C below (RSA 676: 4-I (c)).
- C.** The Planning Board may apply to the Board of Selectman for an extension not to exceed an additional ninety (90) days before acting to approve, conditionally approve or disapprove a formal application. The applicant may also waive the time period requirements for Planning Board action and consent to such extension as may be mutually agreeable (RSA 676: 4-I (f)). In granting any such extensions, the Board shall consider the concerns and involvement by abutters to proposed subdivision and the progress of the applicant to minimize needless or unwarranted extensions.
- D.** No formal application shall be approved or disapproved without a public hearing on said application except as noted in Section 15 (G) below. Notice of the public hearing shall be provided in accordance with Section 16.

notice be required of a recessed public hearing if notice is provided at the public hearing, (including date, time and place) when the hearing will be resumed.

- B.** Notice shall be mailed at least ten (10) calendar days prior to the official submittal date of the application.
- C.** Notice to the general public shall be at the same time by advertising in a newspaper of general circulation or by posting. The notice shall include a general description of the proposal which is the subject of the application and shall identify the applicant and the location of the proposal.
- D.** All costs of the notice, including mailing, posting and/or publishing, shall be paid by the applicant. Failure to pay such costs shall constitute valid grounds for the Planning Board to terminate further consideration and to disapprove the application without a public hearing.

SECTION 17. PLAT CERTIFICATION; RECORDING, PERFORMANCE AND MAINTENANCE GUARANTY

- A.** Upon plat approval, certification will be executed when the applicant files and original and four (4) copies of the approval plat layout with the Planning Board for signing by the Planning Board Chairman. The signed original shall be filed by the Board with the Office of the Registry of Deeds of Rockingham County within thirty (30) days of the date of said signing.
- B.** The approved plat layout shall be clearly and legibly reproduced on linen, mylar, or any other permanent polyester base material and shall conform to the specifications detailed in Article V, Article VI, Article VII and Article VIII.
- C.** Approval of subdivision application shall not be deemed to constitute or effect an acceptance by the Town of the dedication of any street, open space or parks shown upon the approval plat layout.
- D.** The applicant shall file, as per judgment of the Planning Board, an irrevocable letter of credit and/or cash as required by Article V prior to approval of the plan.
- E.** The conditions precedent of a conditional approval shall be fulfilled and the plan recorded within six (6) months of the granting of the conditional approval, or the approval shall be null and void unless an extension is granted by a vote of the Planning Board.