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**TOWN OF  
LITCHFIELD, NH  
LAND USE LAWS**



**2015 SUBDIVISION REGULATIONS**

*RECODIFIED MARCH 1986*

*RECODIFIED SEPTEMBER 12, 1995*

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**SUBDIVISION CONTROL REGULATIONS**  
**RECODIFIED SEPTEMBER 12, 1995**

**100.00 AUTHORITY AND PURPOSE**

Pursuant to the authority vested in the Litchfield Planning Board by the voters of the Town of Litchfield in March 1957 and in accordance with the provisions of RSA 674:35 of the New Hampshire Revised Statutes Annotated, as amended, the Litchfield Planning Board adopts the following regulations governing the subdivision of land in the Town of Litchfield, New Hampshire.

These regulations are designed to accomplish the purposes set forth in RSA 674:36; to protect the health, safety, convenience, economic and general welfare of Litchfield citizens; and to assure a high standard of subdivision design and construction.

Note: The indented and italicized text (*red on color copies and grey on Black & White copies*) found in portions of this regulation is provided to summarize and/or provide commentary and is subordinate to the complete adopted text, which precedes or follows. (*Amended July 18, 2006*)

**200.00 DEFINITIONS** (*Amended July 20, 2004; October 20, 2009*)

The definitions for any terms used in these regulations not defined below shall be the same as those contained in the Town of Litchfield Zoning Ordinance.

Abutter: Any person whose property adjoins or is directly across the street or stream from the land under consideration by the Board. If an abutting property is under condominium or other collective form of ownership, the officers of the collective or association as defined in RSA 356-B:3, XXIII, shall receive the formal notification. For purposes of receiving testimony only, and not for the purpose of notification, the term "abutter" shall include any person who is able to demonstrate that his land will be directly affected by the proposal under consideration.

Access: A way or means of approach to provide vehicular or pedestrian physical entrance to a property or place.

Access point: The location or intersection that provides access to or from one roadway, property or place to another.

Active and Substantial Development and Building. In the absence of a specific finding of the Planning Board, shall be deemed to have occurred when (1) roadways and access ways have been completed to the crushed gravel base course, (2) all stormwater management and erosion control measures have been installed on any disturbed or cleared land areas on the subdivision plan, and (3) utilities have been extended to the site. Excavation of earth and/or clearing of trees without the completion of items 1, 2, and 3 will not be considered "active and substantial development." Plans that were approved in phases must adhere to this definition for the phase currently being developed.

Agent: Any person designated in writing by the owner to be the representative of the owner in any matter before the Board.

Alter / Alteration. Any change, enlargement, diminution or moving of a specified object, or condition, from what currently exists. For the purpose of these regulations shall include, but is not limited to, structures, utilities, driveways, access points, roadways and right-of-ways.

Applicant. The owner of record of the land to be subdivided or his duly authorized agent.

Approval. Recognition by the Board, certified by written endorsement on the plat, that the final plat meets the requirements of these regulations and in the judgment of the Board satisfies all criteria of good planning and design.

Board. The Planning Board for the Town of Litchfield.

Bonds:

- a. Maintenance Bond: Bond guaranteeing against defects for a specified time period following the completion of a contract.
- b. Performance Bonds: A performance bond protects the owner (obligee) from financial loss caused by the contractor (principal) who fails to build the project in accordance with the terms, specifications, and conditions of the contract for construction.
- c. Surety Bonds: A surety bond is a promise by one party to be liable for the debt, default, or failure of another party. For example, in a contract surety bond obligation, the surety bond is a three-party agreement in which one party (the surety) guarantees or promises a second party (the obligee) that a third party (the principal) will successfully perform a contract.

Buffer. An area within a property or site, generally adjacent to and parallel with the property lines or natural feature such as a wetland or stream, either consisting of natural existing vegetation or created by the use of trees, shrubs, fences and/or berms, designed to limit continuously the view of and/or sound from the site to adjacent sites, properties or roads.

Catch basin. An inlet designed to intercept and redirect surface water, typically associated with stormwater runoff.

Certified Soil Scientist. A person who by reason of special knowledge and experience is qualified to practice soil science and who has been duly certified by the board of natural scientists under RSA 310-A:75-97.

Completed Application. The application form and all supporting documents containing the information the Board needs to make an informed decision, including the payment of all fees and administrative expenses as indicated in these regulations.

Condominium. A building or group of buildings in which units are owned individually, and the structure, common areas and facilities are owned by all the owners on a proportional, undivided basis. Condominiums shall be considered a subdivision under the requirements of RSA 356-B and reviewed accordingly.

Consulting Engineer. The duly designated engineer acting as agent for the Town of Litchfield.

County Conservation District. The Hillsborough County Conservation District (hereafter HCCD).

Cul-de-sac: A minor dead-end street intersecting another street at one end and terminated at the other by a vehicular turn-around.



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Culvert. A drain, ditch, or conduit, not incorporated in a closed system that carries drainage water under a driveway, roadway, railroad, bike/pedestrian trail, sidewalk, or other way.

Development. A planning or construction project involving substantial property improvement and, usually, a change of land use character within the site.

Double Frontage Lot. A lot having street frontage on two opposite sides of the parcel with frontages within 30° of being parallel to each other.

Driveway. The physical structure intended as a dedicated temporary or permanent means of ingress and/or egress to a property or place. For the purpose of these regulations, access from a public or private roadway is being regulated. Internal connections are regulated through subdivision or site plan review.

Easement. A grant of one or more property rights by the owner for limited use of private land for a public or quasi-public purpose and within which the owner of the property shall not erect any permanent structures.

Erosion. The detachment and movement of soil or rock fragments by water, wind, ice or gravity.

Frontage. The length of any one property line of a premises which abuts a legally accessible street right-of-way.

Grading. Any excavating, grubbing, filling or stockpiling of earth materials or any combination thereof, including land in its excavated or filled condition.

Licensed Engineer. An engineer who is licensed by the State of New Hampshire under RSA 310:A3-27.

Licensed Land Surveyor. A land surveyor who is licensed by the State of New Hampshire under RSA 310-A:53-74.

Lot Consolidation. The elimination of an existing boundary line between two parcels under single ownership.

Lot Line Adjustment. The relocation of an existing boundary line that will not create a buildable lot.

Lot of Record. A parcel that exists as shown or described on a plat or deed in the records of the Hillsborough County Registry of Deeds (HCRD)

Master Plan. Overall plan for the development of the Town as adopted by the Planning Board and which may be amended from time to time by the Planning Board.

Monument. Stone or reinforced concrete bounds meeting town specifications.

Road Agent. The duly designated Road Agent for the Town of Litchfield.

Roadway. A road, street, highway or way intended for vehicular traffic, either public (state, county or municipal) or private that is shown upon a plat approved pursuant to law or is approved by other official action.

Roadway, Private. A private road which is depicted on a subdivision plan approved by the Litchfield Planning Board, is designed and constructed to town road standards, is guaranteed

to remain open in perpetuity, and whose permanent maintenance is governed by covenants approved as part of the subdivision approval.

Soil Erosion and Sediment Control Plan. A plan that minimizes soil erosion and sedimentation resulting from development and includes, but is not limited, to a map and a narrative.

Street: A way for vehicular traffic, whether designated as a street, avenue, boulevard, road, lane, alley, highway, freeway, pedestrian way, or however otherwise designated.

- a. Major Street: One that is used primarily for through traffic, local/regional.
- b. Secondary Street: One connecting residential and other service streets to through traffic facilities.
- c. Minor Street: One that is used exclusively for access to abutting properties.

Stormwater Management. The control and management of accumulating precipitation from weather events to minimize or mitigate the detrimental effects of surface runoff. Runoff from other sources is included for the purpose of this regulation shall include, but not limited to, public and private water sources such as hydrants, sprinkler systems and other water sources.

Structure. A combination of materials to form a construction for use, occupancy, or ornamentation whether installed above, or below the surface of land or water. For the purpose of these regulations shall include, but is not limited to, utilities, culverts, catch basins, headwalls, end-sections, basin, retaining wall, ditches, swales, roadways, driveways, sidewalks and bike-pedestrian pathways, bridge, trestle, tunnel, tower, dock, tank, tent, framework, fence, sign, flagpole, reviewing stand, stadium, etc.

Subdivision. The division of a lot, tract or parcel of land into two or more lots, plats, sites or other divisions of land for the purpose, whether immediate or future, of sale, rent, lease, condominium conveyance or building development. It includes re-subdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided. The division of a parcel of land held in common and subsequently divided into parts among the several owners shall be deemed a subdivision.

Subdivision, Major. The subdivision of land into four or more lots.

Subdivision, Minor. The subdivision of land into three or fewer lots, with no potential for re-subdivision, and requiring no new road, utilities or other municipal improvements (certain review procedures may be simplified for minor subdivisions).

Substantial Completion. Substantial completion of the development or approved phase shall be deemed to have occurred when all roadways shown on the subdivision plan or approved phase have been constructed through the base course of hot bituminous pavement, all utilities have been laid in underground conduit ready for connection to proposed structures, all on-site stormwater management and erosion control improvements have been completed, and all other on-site and/or off-site improvements have been determined by the Town of Litchfield or its agent to be in compliance with the approved subdivision plan or satisfactory financial guarantees remain on deposit with the Town to insure completion of such improvements.

**300.00 PROCEDURE**

**310.00 Preapplication Review** (Amended May 19, 2015)

Prior to the submission of a completed application, the applicant is encouraged to come to the Board for a preapplication review. The preapplication review provides an opportunity for the applicant and the Board to discuss the concept of the proposal in the context of the Town's master plan and regulations. The purpose of the review is to ensure complete knowledge of applicable rules and regulations, to save time in the preparation of plans, to ensure that an adequate plan is submitted and to acquaint the board with the intentions of the applicant. All discussions during the preapplication review phase by both the applicant and the Board are non-binding. Though the preapplication review phase is optional, the Board strongly recommends that applicants for major subdivisions participate in this process. There are two optional phases to preapplication review, conceptual consultation and design review.

310.01 Conceptual Consultation. The applicant may request a meeting with the Board to discuss a proposal in conceptual form and in general terms. Conceptual consultations must be conducted at a public meeting of the Board but do not require formal notification of abutters. The conceptual consultation is informal and will adhere to the following.

- a. All requests for conceptual consultations shall be made in writing and received no less than fifteen (15) days prior to the meeting at which the applicant wishes to appear.
- b. The applicant may bring in a site location map or a base map of the site, which provides minimal detail of the proposal.
- c. The board and the applicant may discuss the basic concept of the proposal, review the proposal with regard to the master plan and the zoning ordinance, explain the applicable local regulations and provide guidance relative to other state and local requirements.

310.02 Design Review. (Sept. 2001) The applicant may request a design review with the Board or its designee prior to the submission of a completed application. This phase involves a non-binding review of specific design and engineering details of the proposal. Formal notification of abutters and the general public is required for design reviews. Requests for design review will adhere to the following.

- a. All requests for design review must be submitted no less than fifteen (15) days prior to the scheduled meeting of the Board at which the design review will be considered, with the application form, the appropriate fees and the following information:
  1. A list of abutters and their addresses obtained from the Town records not more than five (5) days before submission and the name and business address of every engineer, architect land surveyor or soil scientist whose professional seal appears on any plat submitted to the Board.
  2. Six copies of the proposal for initial plan submission, four copies of subsequent plan revisions, at a horizontal scale of not more than 1 inch equals 100 feet (1"=100') showing:
    - a) topography for the entire parcel with contours not to exceed five (5) feet;
    - b) soil boundaries certified by a soil scientist, engineer, the HCCD or the Soil Conservation Service;
    - c) the location of wetlands, lakes or ponds and rivers or streams;
    - d) the location of the 100-year floodplain;
    - e) the location of any existing easements on the property; and
    - f) the proposed layout for roads and lot configurations within the subdivision.
- b. No subdivision will be formally accepted by the Board during this phase.

**320.00**     ***Completed Application.*** (Amended November 27, 2012, May 19, 2015)

A completed application provides ample information to allow the Board to make an informed decision. A completed application sufficient to invoke the jurisdiction of the Board shall include all of the information required in Section 500.00 Plat Submission Requirements, Section 700.00 Design Standards, the Subdivision Plan Review Checklist, requests for waivers per Section 320.03 and any additional studies requested by the Board and adhere to the following procedures.

320.01     Application Filing. (Sept. 2001) A Subdivision Review Application must be completed and filed with the Board at least twenty-one (21) days prior to the scheduled public meeting at which the application shall be considered. All of the information required for a completed application by Section 500.00 Plat Submission Requirements, the Subdivision Plan Review Checklist, request for waivers, variances granted by the Zoning Board of Adjustment and any additional studies requested by the Board must accompany the application. Revised plans, letters and other information and materials submitted to the Board or its agents after the filing deadline of 21-days shall not be considered in determining the completeness of a subdivision plan for approval by the Planning Board for that meeting.

320.02     Waivers. (Sept. 2001) The applicant may request in writing that the Board waive any of the requirements contained in Section 500.00 Plat Submission Requirements, the Subdivision Plan Review Checklist and any other standards contained in this regulation. Written waivers requests shall use the Waiver Request Form found in Appendix K and provide the specific section number, title and a justification, which explains how the waiver will not detract from the intent of these regulations. Requests for waivers should accompany the application filing and be discussed with the Board's designated representative prior to the submission of the application. The designated representative will advise the Board on the request for a waiver. The Board shall vote to grant or deny the applicant's written request for a waiver from a specific section of these regulations after a determination of application completeness and the decision shall be recorded in the minutes of the meeting and contained in a written response to the applicant.

320.03     Preliminary Review. All subdivision proposals must be reviewed by the Board's designated representative prior to the submission for Planning Board consideration of application completeness. This process will review if the application and the plats conform to the requirements of the Town's land use regulations and ordinances. At this time, the applicant will be informed of any deficiencies, which will need to be corrected before the proposal can be placed on the agenda for formal consideration. If the application conforms to the regulations or needs only minor revisions, the Subdivision Plan Review Application may be submitted to the Board with the consent of the Board Chairman.

320.04     Public Notice. A public hearing shall be held for all submitted applications prior to the acceptance and approval of a subdivision. The secretary will notify the applicant and/or his agent, all abutters and every engineer, architect land surveyor or soil scientist whose professional seal appears on any plat of the submission of an application and/or the date of the public hearing on a proposal by certified mail at least ten (10) days prior to the meeting. Public notice shall be posted in two (2) public places and printed in a newspaper of general circulation in the Town at least ten (10) days prior to the meeting. If the notice for the public hearing was included in the notice of application submission or any prior notice, additional notice of the public hearing is not required. Notice of an adjourned session of a hearing is not required provided that the date, time and place of the adjourned session is announced at the prior meeting.

320.05     Submission and Acceptance. (Sept. 2001) An application shall only be submitted to and accepted by the Board at a properly noticed public hearing as required by RSA 676:4,I(d).

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Upon a determination that the application is complete, the Board may vote to accept the application. Immediately after acceptance of the application, the Board will determine if the application will have regional impact per RSA 36:54 through 36:58. If the finding of the Board is that the application is of regional significance, the Board will not commence review of the application until notice to the regional abutters is officially made.

Once accepted, the applicant may present the proposal to the Board and the general public. The Board will ask questions and discuss the proposal, and then open the floor to questions and comments from abutters and the general public. The date of acceptance recorded in the minutes begins the sixty-five (65) day review period. Should the application not be accepted, the Board must state the reasons and specify any additional requirements to the applicant at the meeting and will provide a written response to the applicant listing the reasons for refusal to accept.

Any plan revisions proposed subsequent to acceptance must be filed a minimum of 7 days prior to the scheduled or continued public hearing.

320.06 Minor Subdivisions / Lot Line Adjustments. (Sept. 2001) Minor subdivisions, including lot-line adjustments and lot consolidations shall follow the same application and approval procedures as other subdivisions; however, they may receive expedited review by the Board where deemed appropriate upon a written request of the applicant. Minor subdivisions which do not create lots that are further sub-dividable may be accepted and approved in one meeting provided the application has been properly noticed and the required information has been provided to the Board to make an informed decision. Applications for lot consolidations must include a notarized, written statement by the owner that the lots being consolidated are not subject to separate mortgages or other encumbrances.

320.07 Action on a Completed Application. (Sept. 2001) The Board shall act to approve, conditionally approve or disapprove a completed application within sixty-five (65) days of its acceptance. The Board may apply to the Selectmen for an extension of the review period not to exceed ninety (90) days. In addition, the applicant may waive the requirement for Board action within the specified time limit and consent to a mutually agreed upon extension.

If the Board has not taken action on a completed application within sixty-five (65) days of its acceptance and has not obtained an extension, the applicant may obtain an order by submitting a written request to the Board of Selectmen requesting them to direct the Planning Board to act on the application within thirty (30) days. If the Planning Board fails to act on the order, the Selectmen shall have forty (40) days to certify that the plat is approved unless noncompliance with some specific provision of the subdivision regulations, zoning ordinance or other ordinance is identified in writing. Failure of the Selectmen to issue an order to the Board or act to certify approval of the plat shall constitute grounds for the applicant to petition the superior court as provided in RSA 676:4,I(c)(2).

320.08 Approval. Approval of the subdivision plat shall be by affirmative vote of the majority of the Board present at the meeting. The plat is certified by the signatures of the Board Chairman and Vice-chairman and the date of approval on the plat. The Board will transmit the signed and dated Mylar copy of the plat to the Hillsborough County Register of Deeds along with the recording fees paid by the applicant. The approved plat will not be recorded until all fees have been paid by the applicant. The applicant may not commence construction of the subdivision until the plat is recorded.

320.09 Conditional Approval. (Sept. 2001) The Board may grant conditional approval of an application if the remaining actions on the application: are administrative in nature; involve the applicant's possession of permits and approvals granted by other boards or agencies, such as the NH Departments of Transportation or Environmental Services ; and/or do not involve discretionary judgment by the Planning Board. In these instances, final approval may be granted without further public hearing. A public hearing will be required to demonstrate compliance with the

terms of all other conditions pursuant to RSA 676:4,I(i). Final approval will be granted when the conditions have been met to the satisfaction of the Board. The plat will not be recorded at the Hillsborough County Registry of Deeds until all of the conditions have been met and confirmed by the Planning Board's designated representative, Chairman, and Vice-Chairman. If the conditions are not met, the conditional approval shall be null and void after 90 days unless an extension is granted by the Planning Board. (*Amended December 7, 2010*).

320.10 Disapproval. (*Sept. 2001*) If an application is not approved, the reasons for the disapproval will be clearly stated in the Planning Board's meeting minutes as well as a written notice of finding to the applicant.

330.00 Fees.

A completed application for a subdivision will only be accepted if accompanied by the required fees established in the Town of Litchfield Application Fee Schedule, contained in Appendix F. Failure to pay the fees constitutes valid grounds for the Board to terminate further consideration of the application and to disapprove the plat without a public hearing.

Pursuant to RSA 676:4,I(g), the applicant is responsible for paying reasonable fees to cover the cost of special investigative studies, environmental assessments, legal reviews of documents, administrative expenses and other matters which are required for the Board to make an informed decision. (*Adopted December 6, 2005*)

**331.00** ***Escrow Accounts.***

An escrow account shall be established and the minimum balance shall be maintained for each approved subdivision or site plan, as required by the Town of Litchfield regulations (See Appendix F, Fee Schedule and Post Approval Procedures for further details). The account shall be the responsibility of the project owner/developer and shall remain adequately funded at all times. In the case of a transfer of ownership rights of a project, the current owner shall be responsible for all charges incurred by the project until the Town is notified by certified mail of a date on which said responsibility is transferred or terminated. Any work or services performed up to midnight of this date shall be invoiced and payable by the current owner's escrow account. Following midnight on the date specified, the new owner shall be responsible for establishing a new escrow account and any remaining balance in the previous account shall be refunded to the former owner as required by law.

**400.00** ***GENERAL REQUIREMENTS FOR THE SUBDIVISION OF LAND***

The applicant shall observe the following general requirements and principles for the subdivision of land.

**401.00** ***Compliance with Subdivision Regulations:***

No subdivision of land shall occur; no land in any subdivision shall be sold or offered for sale, lease, rental, condominium conveyance or building development; and no street or utility construction shall be started until a final plat, prepared in accordance with the requirements of these regulations, has been approved by the Board, all other required permits have been issued and the plat has been recorded at the Hillsborough County Registry of Deeds. **All bonding shall be in place prior to the start of any construction. See PERFORMANCE GUARANTY/BONDING PROCEDURES section in Appendix A.** (*Amended July 20, 2004*)

Where strict conformity to the Subdivision Regulations would result in undue hardship or injustice to the owner of the land, a subdivision plan substantially in conformity with the regulations may be approved by the Board provided the spirit of the regulations, and public health, safety and welfare are not adversely affected.

**402.00**     ***Compliance with Federal, State and Local Land Use Regulations.***

The subdivision plan shall comply with all applicable local land use regulations and building codes, state and federal laws or regulations. Consistent with NH RSA 676:4,I(i)(3), the planning board may conditionally approve a plat or application, subject to the applicant obtaining all applicable local, state and/or federal permits. (Amended May 19, 2015)

**403.00**     ***Site Analysis.***

The applicant will conduct a site analysis to assess the positive and negative development characteristics of the site. The analysis will include, but not be limited to, the following: soils; topography; existing vegetation; threatened and endangered species; wetlands and surface waters; drainage patterns; groundwater resources; existing structures and road networks; existing and future easements; open space and visual features; historic features; impact on public services and facilities such as water, schools, fire and police; and surrounding land uses. The layout of the subdivision will be based on the site analysis. To the maximum extent possible, development will be located to preserve the natural features of the site, to avoid environmentally sensitive areas and to minimize negative impacts.

**403.01**     ***Soils:***

The purpose of this section is to assure that the land indicated on plats submitted to the Planning Board is of such character that it can be used for building purposes without danger to public health. The subdivision or site plan shall provide soil maps and information in accordance with the Site Specific Soil Maps for New Hampshire and Vermont, SSSNNE Special Publication No. 3, June 1997, as updated and amended. The maps shall be prepared and stamped by a certified soil scientist. All costs of preparing the soil data shall be borne by the applicant. (March 2000)

**404.00**     ***Land Characteristics.***

Land of such character that it cannot, in the judgment of the Board, be safely used for building development purposes because of exceptional danger to health or peril from fire, flood, poor drainage or other hazardous conditions, shall not be platted for residential, commercial or industrial subdivision, nor for such other uses as may increase the danger to life or property, or aggravate the flood hazard. Land with inadequate characteristics or capacity for subsurface sewage disposal shall not be subdivided for residential, commercial or industrial purposes unless connected to a municipal sewer.

**405.00**     ***Special Flood Hazard Areas.***

*(Amended April 17, 2007)* For subdivisions that involve land designated as “Special Flood Hazard Areas” (SFHA) by the National Flood Insurance Program (NFIP):

- a. The Planning Board shall review the proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act of 1972, 33 U.S.C. 1334.
- b. The Planning Board shall require that all proposals for development greater than 50 lots or 5 acres, whichever is lesser, include Base Flood Elevation (BFE) data within such proposals (i.e. floodplain boundary and 100-year flood elevation).

- c. The Planning Board shall require the applicant to submit sufficient evidence (construction drawings, grading and land treatment plans) so as to allow a determination that:
  - 1. all such proposals are consistent with the need to minimize flood damage;
  - 2. all public utilities and facilities, such as sewer, gas, electrical and water systems, are located and constructed to minimize or eliminate flood damage; and,
  - 3. adequate drainage is provided so as to reduce exposure to flood hazards.

**406.00**     ***Scattered and Premature Subdivision.***

The Board shall provide against any scattered or premature subdivision of land which would be injurious to public health, safety or prosperity because of inadequate water supply, drainage, transportation, schools, fire protection or other public services, or would necessitate the excessive expenditure of public funds for the supply of such services.

**407.00**     ***Fire Protection.***

(Sept. 2001) Adequate fire protection shall be provided for all major subdivisions. All fire protection systems shall be designed in accordance with the standards contained in NFPA 1231, "Water Supplies for Suburban and Rural Firefighting." The Litchfield Fire Department shall review and approve the proposed fire protection method prior to Planning Board approval of the subdivision.

In order to protect the general health, safety and welfare of the Town's residents and to promote the use of hydrants for fire protection, it is the general administrative policy of the Board to require subdivisions to connect to the public water system and install hydrants when a connection to the water system is available within a reasonable distance of the proposed subdivision. In instances where a connection to the public water system is not feasible at the time of subdivision approval, the Planning Board in conjunction with the Fire Chief or his designee shall determine an acceptable and appropriate method of fire protection. No building shall be located more than 500 feet from a fire protection water source which complies with the NFPA standards. Measurement is taken along a public or private right-of-way.

**408.00**     ***Additional Studies.***

The Board may require the applicant to conduct and submit additional studies needed to assist the Board in making an educated and informed decision on the proposal including, but not limited to, traffic, fiscal impact, recreation, public service and environmental impact analyses.

**409.00**     ***Visual Quality.***

In examining and passing upon a proposed subdivision, the Board may make recommendations to the applicant relating to earth movement and retention of natural cover in order to preserve the natural, visual quality of Litchfield and its environs. Due regard shall be shown for all natural features, such as large trees, water courses, stone walls, scenic points, historic spots and similar community assets which if preserved will add attractiveness and value to the subdivision.

**410.00**     ***Parks and Open Space***

If there is a specific need created by a proposed subdivision, the Board may require the provision of recreation or open space land to meet the needs of the development. Areas set aside for recreation or open space must be of reasonable size and character to suit the proposed use. No more than 25 percent of any recreation land dedicated to public use shall be wetland unless specified on the plan and approved by the Board.



**411.00 Easements.**

The language of all easements shall be approved by the Planning Board after review with Town Counsel. An application will not be approved by the Board until all easement language has been reviewed and approved by Town Counsel, and the approved version shall be provided to the Board for recording at the HCRD.

411.01 Utilities. Utility easements across lots or centered on rear or side lot lines shall be provided where necessary and shall be at least twenty feet wide, additional width may be required if deemed necessary by the Planning Board.

411.02 Drainage. Proper drainage easements shall be provided for the purpose of maintaining proposed drainage structures, sedimentation/detention ponds or similar runoff control structures such as headwalls, rip-rap, slopes, etc. The easements shall also provide for flowage rights across the subdivision property. Stormwater and Erosion Control measures shall comply with Appendix D, (*Stormwater Management and Erosion Control*) (*Amended May 2003*)

411.03 Slopes. Slope easements shall be provided for the purpose of maintaining roadway slopes outside of the road right of way.

411.04 Conservation. Conservation easements, where required, shall be provided for the purpose of preserving natural features and access by public officials. All conservation easements shall be staked with iron pins capped with the yellow plastic conservation easement marker.

411.05 Temporary: Temporary easements shall be provided for the purpose of operating and maintaining temporary roadway facilities, such as temporary cul-de-sacs or turn around, access roads, etc.

**412.00 Legal Documents.**

Legal documents, including but not limited to easements, restrictive covenants, or other documents affecting legal title to the property, shall be submitted to the Board and approved in form and substance by Town counsel prior to the approval of the subdivision. All legal documents shall be filed in final form with the Board for recording at the HCRD.

**413.00 House Numbers.**

The centerline of the road shall be marked on all subdivision plans with 150 foot increments indicated. Numbers shall be assigned every 150 feet from where the street begins to where it ends and be indicated on the plat. Lots shall be numbered with even numbers on the left and odd numbers on the right of the street. All house numbers shall be reviewed and approved by the Fire Department.

**414.00 Underground Utilities.**

All major subdivisions that include new roads shall provide underground electric, telephone, television and other communication lines, both main and service connections, within easements or dedicated public rights-of-way. Underground utilities shall be installed in accordance with the prevailing standards and practices of the utility or other companies providing such services. Lots abutting existing easements or public rights-of-way where overhead electric or telephone distribution supply lines and service connections have previously been installed may be supplied with electric and telephone service from those overhead lines, but the service connections from the utilities overhead lines shall be install underground. (6-17-97)

**415.00**     ***Irregular Shaped Subdivision Lot.***

A subdivision lot layout resulting in an unusual shape solely to satisfy minimum area requirements of the Zoning Ordinance will not be approved. To ensure regular shaped lots, the following standard applies. The Regularity or "R" value of a lot shall be no less than 0.40, where (16 times the area of the lot) is divided by (the perimeter of the lot, squared). A perfect square has an "R" value of 1.0. The applicant shall also demonstrate that each dwelling unit is in a feasible location for safe and convenient access for a driveway without unreasonable grades. (*Adopted December 7, 2004*)

**416.00**     ***External Lighting.***

See the External Lighting section of the Site Plan regulations. Non-residential areas (See Definition) and public access areas of Home Occupations are required to comply with this regulation. (*Adopted December 7, 2004*)

**500.00**     ***PLAT SUBMISSION REQUIREMENTS***

The following guidelines are designed to provide the Board with the information necessary to make informed decisions and to establish a uniform format for plat layout.

**510.00**     ***Plat Standards.*** (*Amended May 19, 2015*)

The applicant shall file six (6) copies of the subdivision plat, any associated information, or additional requested information with the Board for plan acceptance and initial review. The applicant shall file four copies of subsequent plan revisions. Only two copies of state permit documentation shall be filed. All plats shall conform to the standards established below and contain the following:

- a. a standard title block, contained in Appendix E, which includes: the proposed subdivision name, name and address of the owner of record, name of the subdivider and engineer or surveyor, and the date of the first draft located in the lower right corner of the plat;
- b. the tax map and lot number(s) of the parcel(s) being subdivided and the zoning districts within which it is located;
- c. the signature of the owner or his/her designated (in writing) representative;
- d. the name and business address of every engineer, architect, land surveyor or soil scientist whose professional seal appears on any plat submitted to the Board;
- e. the seal and signature of a land surveyor licensed in the state of NH;
- f. the seal and signature of a professional engineer licensed in the state of NH (where required for engineering designs);
- g. horizontal scale not to exceed 100 feet to the inch;
- h. a bar scale for the plat;
- i. sheet size 22 x 34 inches;
- j. separate sheets shall be numbered consecutively, showing their relationship to each other;
- k. a margin of at least 1 inch shall be provided outside ruled border lines on 3 sides and at least 2 inches along the left side for binding;
- l. the purpose of the subdivision;
- m. lots will be numbered consecutively starting with 1
- n. signature block located in the lower right above the title;
- o. place for the recording of the HCRD number and date recorded above the signature block;
- p. a locus map depicting the site with regard to surrounding development at a scale of 1 inch equals 2,000 feet;
- q. north arrow;
- r. a revision block sectioned off to record the date and the changes of each revision; and

- s. a “notes” section for information relative to the plan.

**520.00**     ***Abutting Property Information.***

The following information shall be provided on the plat for all abutting properties:

- a. tax map and lot numbers;
- b. the names and addresses of owners of record;
- c. abutting subdivision names;
- d. the names, locations and dimensions of existing streets, easements, setbacks, alleys, parks and public open space;
- e. the location of existing buildings, septic system leachfields, water supply wells and protective well radii within 100 feet of the property boundaries;
- f. the location of property lines; and
- g. the location of existing driveways within 200 feet of the property boundaries.

**530.00**     ***Subdivision Information.***

The applicant shall provide the Board with the following information regarding the parcel to be subdivided.

- a. Information on any deed restrictions, covenants or other encumbrances relative to the parcel(s) being subdivided.
- b. A boundary survey for the entire parcel including bearings, distances and the location of permanent markers with a maximum error of closure of 1 part in 10,000.
- c. The locations, bearings and distances of proposed lot lines, including length of frontage on a public right-of-way, and the location of monuments, pins and drill holes clearly and accurately identified on the plan.
- d. The area of all proposed lots denoting wetland area, dry area and total area (in acres).
- e. Existing and proposed topography for the entire parcel with contour intervals not to exceed 5 feet.
- f. The location of the 100 year floodplain as designated on the National Flood Insurance Program, Flood Insurance Rate Maps for the Town of Litchfield.
- g. Soil types, location of soil boundaries and accompanying information as mapped in accordance with the Site Specific Soil Maps for New Hampshire and Vermont. (March 2000)
- h. The location of existing and proposed water bodies, watercourses, wetlands, rock/ledge outcrops or other significant natural features. Any areas proposed for dredge and fill shall be noted on the plat.
- i. The locations of existing and proposed snow storage area and plan for stump and debris removal. (*Amended May 2003*)
- j. Any easements, buildings, utility lines or other features existing on the parcel.
- k. The location of existing and proposed water, sewer and drainage systems accompanied by plans for the proposed system indicating interconnections, profiles and elevations; drainage plans will be based on a 25 year storm.
- l. If public water is proposed for use, a letter from the water company stating the availability of and the intent to provide service.
- m. Erosion and sediment control plans based on a 25-year storm event in accordance with the standards in Appendix D.
- n. If on-site water is to be provided, the locations of proposed water supply wells, protective well radii and any proposed well radii easements.
- o. If on-site waste disposal is to be provided, the locations of the 4,000 square foot septic reserve area, test pits and test pit information for each lot.

- p. The locations and specifications for fire protection on the site.
- q. The centerline of all roads shall be indicated with 150 foot increments delineated and house numbers assigned.
- r. The locations, names and widths of existing and proposed streets and highways showing grades, radii, culvert locations, bridge designs and connecting stubs in conformance with the standards set forth in Appendix A.
- s. Proposed driveway locations.
- t. The locations and dimensions of any proposed easements.
- u. The location of all parcels of land to be dedicated for public use.
- v. If the proposed subdivision covers only a portion of the entire tract, a statement concerning the intended future use of the remainder and a sketch of the prospective future street system. The street system for the submitted portion will be considered with regard to adjustments and connections with the street system for the entire parcel.
- w. The existing zoning district boundaries as designated on the Town of Litchfield zoning map.
- x. Any revisions made to any sheets are to be so noted in the revision block.
- y. A Curb-cut Approval Permit from the NH Department of Transportation for subdivision driveways and/or streets accessing a state highway or state maintained road.
- z. Two copies of all federal, state and local permits which may be required for the project including:
  - 1) NH Department of Environmental Services (DES) Water Supply and Pollution Control Division (WSPCD) Subdivision Septic Approval permit;
  - 2) NH DES WSPCD Site Specific Permit;
  - 3) NH Wetlands Board Dredge and Fill Permit; and
  - 4) Army Corps of Engineers Dredge and Fill permit.*(Amended May 19, 2015)*
- aa. A letter from the Fire Chief confirming adequacy of the proposed fire protection method for all major subdivisions per Section 407 and that access for emergency vehicles is adequate.  
*(Amended November 27, 2012)*
- ab. The proposed use of the subdivision (i.e. single-family, duplex, industrial, commercial).

540.00

**Field Delineation.**

The following aspects of the proposal will be delineated in the field to facilitate ease of identification during site investigations. Additional delineations may be requested by the Planning Board.

- a. Wetland areas are to be flagged in the field prior to the submission of the application.
- b. The centerline of all proposed roads will be staked.

**550.00**

***Final Plat.***

The applicant shall submit four (4) paper copies of the complete proposal, plus one Mylar original in permanent black ink for each page of the final plat to be recorded in conformance with the standards of the Hillsborough County Register of Deeds. All four (4) paper copies and the Mylar copy shall be signed and dated. The Mylar original, containing all of the basic information for the subdivision including all applicable permit numbers, will be dated and signed by the Chairman and the Vice-chairman of the Board and recorded at the HCRD.  
*(Amended May 19, 2015)*

The approval signature block shall provide adequate space for the necessary endorsement by the proper authorities, and read:

Approved by the Litchfield Planning Board on \_\_\_\_\_.

Certified by \_\_\_\_\_, Chairman and by \_\_\_\_\_, Vice-chairman or designated member."

**600.00**     ***PERFORMANCE GUARANTY/BONDING REQUIREMENTS AND PROCEDURES***

All bonding shall be in place prior to the start of any construction. See PERFORMANCE GUARANTY/BONDING PROCEDURES section in Appendix A. (Amended July 20, 2004)

**700.00**     ***DESIGN STANDARDS.***

Site improvements shall be designed, installed and constructed in conformance with the standards contained in these regulations and any standards contained in the appendices.

**710.00**     ***Monumentation.***

Monumentation shall be provided for the roadway right-of-way and property lines. The proposed right-of-way shall be bounded at each point of curvature (PC), point of tangency (PT) and along tangent sections with at least one bound every 600 feet. The monuments shall be set no less than 6" and no higher than 9" above the final grades. Monuments shall be granite or reinforced concrete and shall conform to Section 622 of the current NH Department of Transportation "Standard Specifications for Road and Bridge Construction," except for size. The required sizes of monuments are as follows:

- a. Roadway Right of Way. 6" X 6" X 4'-0" in length.
- b. Property lines. 4" X 4" X 4'-0" in length. A bound shall be placed on all property lines at break points.
- c. Easements. Solid iron pins 1/2" minimum diameter X 5' in length placed at each break point in the easement line. Pins shall protrude 4 inches above the natural ground surface if in mowing land, 6 inches if in land not under cultivation, or 12 inches if in woodland. Each iron pin shall be identified with a 4" wooden riser, painted orange and tied with orange surveyor's flagging.

Where the placement of a required bound is impractical or impossible, the monumentation shall be provided by an approved alternate method.

At least one right-of-way bound per roadway shall be designated as a project benchmark. The elevation of each designated bound shall be determined and recorded on the as-built plans submitted to the Town. The reference elevation shall be the United States Geodetic Survey (USGS) system, if a USGS reference marker is located within 1,000 feet of the subdivision

Each bound shall be provided with a metal rod sufficient in size and volume to elicit a response from portable metal detection device. It is preferable that the iron rod be embedded in the stone bound.

**720.00**     ***Subsurface Sewage Disposal.***

All lots proposed with on-site septic systems shall have adequate capacity to handle effluent and meet the following requirements.

- a. A 4,000 square foot septic reserve area or an area two (2) times the area required by state standards, whichever is greater, shall be designated and reserved on each lot.

- b. The designated leachfield must be left open and cannot be used for incompatible purposes, including, but not limited to driveways or structures of any type. Parking areas may be located over the leachfield only if a chambered or other appropriate system is used.
- c. Septic systems and leachfields shall be constructed and maintained in accordance with the standards set and enforced by the New Hampshire Department of Health and Welfare, by the New Hampshire Department of Environmental Services Water Supply and Pollution Control Division and the Town of Litchfield.
- d. No septic system or leachfield shall be located in poorly or very poorly drained soils (Hydric A or Hydric B).
- e. Septic systems and leachfields shall be set back 100 feet from wetlands, water bodies, brooks and streams.

**730.00**     ***Streets and Roads.***

All streets and roads shall be constructed to meet the requirements contained in these regulations and the Road Design and Plan Requirements contained in Appendix A and the Construction Requirements in Appendix B.

- 730.01     Layout. Streets and roads shall be logically related to the topography of the site to minimize cuts and fills, to provide for reasonable grades and safe intersections, and to produce usable lots. Subdivision streets shall be arranged to provide for the continuation of the principal streets in adjoining subdivisions, or for their proper projection when adjoining property is not subdivided. Connecting streets will conform in width, but in no instance will any new street be narrower than 24 feet. Where a subdivision abuts or contains an existing or planned major street, the Board may require a secondary or minor street, reverse frontage with screen planting contained in a non-access reservation along the rear property line, deep lots with rear service streets, or other such treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic. In addition, Albuquerque Avenue is designed as a limited access road and no driveways shall be constructed to take access directly off of Albuquerque Avenue. (6-17-97)
- 730.02     Street Names. Streets which join or are in alignment with streets on abutting properties shall have the same name. New Street names shall not duplicate or bear phonetic resemblance to the names of existing streets within the Town of Litchfield. All street names are subject to final approval by the Board of Selectmen and the Fire Department.
- 730.03     Street and Traffic Signs. The Developer shall provide and install street and traffic signs approved by the Board and/or the Board's Agent in conformance with the current volume of the "Manual on Uniform Traffic Control Devices." Street signs shall be installed at the corners of intersections prior to the start of building construction.
- 730.04     Design and Construction Standards. Street and road networks, including pavement, drainage facilities, curbs and sidewalks, will be designed in accordance with the standard specifications contained in Appendix B. The road agent and/or the consulting engineer will oversee the construction of all roads and perform all required inspections.
- 730.05     Paving. Pavement shall consist of two courses. A 2-inch base course and a 1-inch wearing course. The wearing course shall not be applied until two (2) years after the base course, 80 percent of the occupancy permits have been issued, and the road has been duly inspected for deficiencies. No paving of streets and roads shall take place during the period from November 15 to April 1. In the event of suitable weather within this period, any paving shall only be conducted with the prior approval of the Litchfield Road Agent and the consulting engineer. (Amended July 9, 2013)

730.06 Winter Maintenance. The subdivider is responsible for all snow removal until the road is approved and accepted by the Town on a maintenance bond. To allow for planning winter maintenance demands and schedules, the subdivider shall notify the Town Road Agent by September 30 of any roads proposed to be maintained by the Town. Winter maintenance on any road for which the Town has not received notice by September 30 will be the responsibility of the subdivider for the following winter season.

**740.00 Storm Drainage.**

Natural drainage patterns and offsite runoff shall be maintained at predevelopment locations and volumes to the maximum extent feasible. Disturbed areas shall be graded to eliminate pooling of water. Provisions shall be made to control the drainage from the development through the use of a storm water management system designed in accordance with Section 4.0 Stormwater Management of the Road Design and Plan Requirements contained in Appendix A and Stormwater and Erosion Control measures contained in Appendix D, (*Stormwater Management and Erosion Control*) and approved by the Board and/or the consulting engineer. Runoff is not permitted to run across the street surface; it must be directed into catch basins, ditches, or piped underground in a pipe of such size as deemed necessary by the road agent and/or the consulting engineer. (*Amended May 2003*)

The stormwater drainage plan shall show:

- a. the existing and proposed methods of handling stormwater runoff;
- b. the direction of runoff using arrows;
- c. the location, elevation and size of all catch basins, drainage ditches, swales, retention basins and storm sewers; and
- d. drainage calculations.

**750.00 Erosion and Sediment Control.**

The applicant shall submit a stormwater management and erosion control plan to the Planning Board for any tract of land being developed or subdivided, where one or more of the following conditions are proposed:

- a. A cumulative disturbed area exceeding 15,000 square feet.
- b. Construction or reconstruction of a street or road.
- c. A subdivision of more than three building lots.
- d. Disturbed critical areas. (See Definitions)

The erosion and sediment control plan shall conform to the standards contained in Stormwater and Erosion Control measures contained in Appendix D, (*Stormwater Management and Erosion Control*), and include temporary and permanent control measures. The Board may waive this requirement upon the request of the applicant provided all local ordinances; state and federal statutes are satisfied. The Board may require an evaluation of the potential erosion and sedimentation impacts of the proposed development by the HCCD, the consulting engineer or other consultant selected by the Board prior to granting a waiver. (*Amended May 2003*)

**800.00 PRECONSTRUCTION MEETINGS.**

A preconstruction meeting will be required by the Planning Board for all major subdivisions with roadways or drainage. The preconstruction meeting shall be held prior to the commencement of any activity on the site. The purpose of the preconstruction meeting(s) is to ensure that all parties involved with the development of the project are familiar with the approved design, terms and conditions, and to ensure all performance guarantees are adequate and in place. Representatives from the Planning Board and the Board of Selectmen shall be notified a minimum of fifteen (15) days prior to a scheduled meeting and may designate a representative to attend these meetings. Attendees shall include, but are not limited to, the owner and/or the developer, the contractors and builders, the Planning Board's designated representative (consulting engineer), and as required, the Code Enforcement Officer, and the road agent or their designated representatives.

The owner and/or the developer shall be responsible for the expense and personnel required for recording and distribution of pre-construction meeting minutes to attendees and the Town Clerk in accordance with RSA 91-A:2 and 91-A:4. (Amended July 20, 2004)

**850.00 POST APPROVAL PROCEDURES.**

*(Adopted August 1, 2006)*

*Post approval procedures provide a way to ensure compliance with the subdivision plan and any conditions of approval. They also ensure that necessary funds to guarantee project completion are provided.*

850.1 Final Plat.

850.1.1 Recording. Upon a vote by the majority of the Planning Board to approve a subdivision plan, the application shall be deemed to have final approval and the subdivision plan shall be signed by the Chairperson of the Board and shall be filed with the Planning Board secretary and/or the Code Enforcement Officer. Any plan not so filed within thirty (30) days of the date upon which such plan is approved and signed by the Board shall become null and void. In addition, the signed plan shall be recorded in the Hillsborough County Registry of Deeds (HCRD) within sixty (60) days of the vote to approve the plan. Plans are not valid until recorded at the registry of deeds. The Planning Board, by vote, may extend the filing period for good cause.

*Approved plans should be signed by the Chair of the Planning Board and filed with the registry of deeds within 60 days of approval or the plan will expire. Extensions may be granted to deadlines.*

850.1.2 Incorporation of Approved Plan. One copy of the approved subdivision plan shall be provided prior to the initial (first) building permit for the project and all construction activities shall conform to the approved plan, including any conditions of approval and minor changes approved by the Planning Board or Town Engineer/Inspector/Code Enforcement Officer to address field conditions.

*A copy of an approved plan shall be provided prior to the initial (first) building permit application so that the Building Inspector is aware of the Planning Board's approval. All construction must comply with the approved plan, including any conditions.*

850.2 Conditions of Approval. All terms of a conditional approval shall be met as determined by the Planning Board in its affirmative vote on the motion for conditional approval, prior to recording of the plan at the HCRD. All other requirements, bonds and/or guarantee shall be



in place prior to construction beginning. A certificate of occupancy shall not be issued prior to all required improvements necessary to support the dwelling(s) has been completed as required by the regulations and approved plan (E.g. road base-course, signage, guardrails, stormwater drainage, utilities, fire protection, etc.). .

*All conditions of approval must be met prior to recording plans. All bonds or other requirements should be met prior to recording plans.*

850.3 As-Built Plans Required. Any project involving the construction of public or private roads, common driveways, or any Stormwater Management construction, including required driveway culverts, shall provide the Planning Board or Town Engineer and/or Code Enforcement Officer with a set of construction plans showing the building(s) and site improvements as actually constructed on the site. These "as-built" plans shall be submitted within thirty (30) days of the issuance of the final certificate of occupancy for the project or upon completion of applicable improvements, whichever comes first. A copy of this plan shall also be provided the Planning Board for their records.

*As-Built plans are required for any plan with public or private roads, common driveways, or which stormwater management devices will be constructed.*

850.4 Inspections and Site Visits. Prior to approval, site visits may be required by the planning board to better understand the features of the land and the relationship and effect of the proposed development on the land and the abutters. Proposed centerline to roads and/or access-ways, test-pits, existing lot lines or other markings typical in the engineering process may be required prior to a site walk to aid the Board.

*Pre-approval site inspections may be required by the Planning Board to best determine the land characteristics before engineering plans are detailed. Road centerlines, wetlands, existing bounds and test pit locations should be marked.*

A *Technical Review Fee* for engineering inspections for approved subdivision plans shall commence the establishment of an escrow account or other account for expenses for plan review and inspections incurred by the Planning Board, in accordance with RSA 674:44 V and RSA 676:4 I (g), shall be borne by the applicant. This includes, but is not limited to, review by consulting engineers or other consultants to assess the environmental impact, hydrological impact, ground water quality impact, traffic impact, or any other study deemed necessary by the Planning Board in order to make an informed decision.

Inspections include verification of overall compliance with the approved subdivision plan. In the case of inspections, funds are due prior to commencing site work or construction and not at the time of application. Funds from the account will be disbursed on a monthly basis upon satisfactory completion of service. Inspection reports shall be provided to the Board for their records. At any time the funds in this account are depleted to \$1,500.00 (one thousand five hundred), and prior to commencement of any new inspections, the account shall be replenished by the applicant to the full amount required in the Fee Schedule, as established by the Planning Board or Board of Selectmen.

The use of escrow accounts for engineering inspections is cumbersome on part time staff in smaller towns. Cash or other means of secure payment may be approved for short duration projects.

Upon written request by the applicant, any remaining funds in excess of \$5.00 (five) shall be returned to the applicant, provided the municipality receives documentation from the

engineer/inspector that the project has been completed according to the approved plans and to the satisfaction of the project inspector. The building inspector shall not issue a Certificate of occupancy until all required improvements necessary to support the dwelling(s) has been completed as required by the regulations and approved plan (E.g. road base-course, signage, guardrails, stormwater drainage, utilities, fire protection, etc.). Final performance guarantees shall not be released until all required improvements are constructed as shown on the approved subdivision plan and any final inspections or approvals completed.

If permission to inspect is denied by the landowner, the designated agent shall secure an administrative inspection warrant from the district or Superior Court under RSA 595-B, *Administrative Inspection Warrants*.

*Money to cover inspections and reviews should be placed in escrow prior to the inspections in order to ensure that the community is not stuck with the bill. Payment for inspections or reviews should be disbursed monthly to the inspector in accordance with the fee schedule. A Certificate of Occupancy, allowing the occupation of the building for its stated purpose will not be issued unless the improvements necessary to support the dwelling(s) is completed in accordance with the approved plans.*

850.5 Performance Guarantees.

850.5.1 *Application.* The Planning Board may require the posting of an improvement guarantee in such amount and form as specified in Performance Guaranty/Bonding Requirements and Procedures as found in Appendix A of the Town of Litchfield's regulations, as is reasonably necessary to ensure the proper installation of all on and off-site improvements required as conditions of approval. The nature and duration of the guarantee shall be structured to achieve this goal without adding unnecessary costs to the applicant.

Upon substantial completion of all required improvements, the developer shall notify the Planning Board, in writing, of the completion or substantial completion of improvements, and shall send a copy of such notice to the appropriate municipal officials. The respective municipal officials shall inspect all improvements and shall file a report indicating approval, partial approval, or rejection of such improvements with a statement of reasons for any rejection.

The Planning Board shall approve, partially approve, or reject the improvements on the basis of the report of the municipal officials. If the improvements are approved, the guarantee shall be released. Where partial approval is granted, the developer shall be released from liability only for that portion of the improvements approved.

- a. *Form of Guarantee.* Performance guarantees may be provided by a variety of means, as detailed in Appendix A, that shall be approved as to form and enforceability by the Planning Board and Municipal Attorney.

*Reasonable secured funds may be required to ensure completion of all required on and off-site improvements. This section prevents the community from having to complete the improvements if the developer fails to do so.*

*The security will be released once an inspection confirms they are completed as required. A reduction in the guarantee will be granted for partially approved improvements. For example, the developer may construct part of a roadway to access a certain phase of the development. Once completed, the security for this section of roadway can be released.*

- 850.6 Minor Changes to Approved Plans. Minor changes in approved plans necessary to address field conditions may be approved by the Planning Board or Town Engineer/Inspector/Code Enforcement Officer provided that any such change does not affect compliance with the standards or alter the essential nature of the proposal. The Planning Board or Town Engineer/Inspector/Code Enforcement Officer shall endorse any such change in writing on the approved plan.
- 850.7 Major Changes to Approved Plans. Approvals of subdivision plans are dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from the plans, proposals, and supporting documents, except for minor changes that do not affect approval standards, are subject to review and approval in a formal public hearing after proper abutter notification. Engineering and studies applicable to the new subdivision plan may be resubmitted in order to reduce cost to the applicant, at the Boards discretion.
- 850.8 Expiration of Approved Plans (Vesting). In accordance with RSA 674:39, *Five Year Exemption*, subdivision plan approvals shall become vested from subsequent changes to zoning ordinances and regulations for a period of five (5) years, provided “active and substantial development and building” as defined by the Planning Board, has occurred within twenty-four (24) months of the date of final approval, the exception being those ordinances and regulations which expressly protect public health standards. If “active and substantial development and building” has not been achieved within twenty-four (24) months, the plan shall not be vested and is subject to changes in zoning and regulations. If site development and/or construction do not achieve “substantial completion” within five (5) years from the date of subdivision plan approval, the approved plan may be subject to revocation pursuant to RSA 676:4-a. Once “substantial completion” of the improvements shown on the subdivision plat has occurred in compliance with the terms of approval the plan shall be vested from any subsequent changes to the Zoning Ordinance and/or Site Plan Review, and Subdivision Regulations, except impact fees. If the plan does not achieve substantial completion within five (5) years, the applicant may reapply for subdivision plan approval. The applicant may request an extension of the approval deadline prior to the expiration of the period. Such request shall be in writing and shall be made to the Planning Board. The Planning Board may grant up to two (2), six (6) month extensions to the periods if the approved plan conforms to the ordinances and regulations in effect at the time the extension is granted and any and all federal and state approvals and permits are current. (*Amended May 19, 2015*)
- 850.9 Revocation of Approved Plans. In accordance with RSA 676:4-a *Revocation of Recorded Approval*, a subdivision, plat, street plat, subdivision plan or other approval which has been filed with the appropriate recording official, under RSA 674:37, *Recording of Plats*, may not be revoked by the planning board in whole or in part except as detailed in the statute. Failure to conform to the statements, plans or specifications upon which an approval was based; failure to provide adequate security; failure to meet conditions of approval within the time period set forth in the approval, or if no time period was set, then the time periods specified in RSA 674:39, *Four Year Exemption*, are grounds for revocation under RSA 676:4-a.
- 850.10 Digital Data Submission Requirements. The following apply to the submission of site or subdivision plans.
- 850.10.1 All plans and specifications must be submitted on CD\_ROM in IBM-PC compatible format. Acceptable file formats for plan sheets to be recorded include AutoCAD DWG, AutoCAD DXF, or ArcView (shapefile or geodatabase), or as otherwise directed. The files must be identical to the printed plan and contain all information included thereon. Upon project

completion, a digital submission of the “as-built” plan is required for final release of the performance bond associated with any project.

In addition, a complete plan sets shall be provided in Adobe Acrobat (PDF) format at a resolution sufficient to produce full size copies.

850.10.2 All digital mapping data shall be registered horizontally to the New Hampshire State Plane Coordinate System, North American Datum 1983 (NAD83) feet. Vertical datum shall be the North American Vertical Datum 1988 (NAVD88).

850.10.3 Each feature type (roads, buildings, lot lines, etc) must be organized in the CAD or GIS file as a separate layer. Layer names must clearly describe the features within each layer. For example,

<b>Feature Type</b>	<b>Layer Name</b>
Lot Line	LOT_LINE
Building	BUILDING
Roads	ROAD
Driveways	DRIVEWAY

850.10.4 Disks submitted in duplicate to the Litchfield Planning Board must be labeled with project name, submitting consultant, file name, date, and whether the plan is preliminary, approved, or as-built.

850.10.5 Digital files shall be submitted upon subdivision or site plan approval. For site plans, upon project completion, a digital submission of the “as-built” plan is required for final release of the performance bond associated with any project.

**900.00 ADMINISTRATION AND ENFORCEMENT.**

These regulations shall be administered by the Board, its designated representative, the Code Enforcement Officer and/or the consulting engineer. The enforcement of these regulations is vested with the Litchfield Board of Selectmen and/or their designated agent.

**1000.00 PENALTY.**

Any violation of these regulations shall be subject to a civil fine as provided in RSA 676:16 and 676:17, as amended. The Selectmen or the Code Enforcement Officer are designated as the local authorities to institute appropriate action under the provisions of RSA 676:17 and 676:17-a. (Amended May 2003)

**1100.00 CONFLICTING PROVISIONS.**

Where these regulations are in conflict with other local, state or federal ordinances or regulations, the provision that imposes the greater restriction or higher standard shall apply.

**1200.00 VALIDITY.**

If any section or part of a section or paragraph of these regulations shall be declared invalid or unconstitutional, it shall not impair or invalidate any other section, clause, provision, portion or phrase of these regulations.

**1300.00** *AMENDMENTS.*

These regulations may be amended by the Board following a public hearing on the proposed changes. Amendments to the regulations take effect when a copy of the amendments, certified by a majority of the Board, is filed with the Town clerk. A copy of any amendments shall also be filed with the NH Office of State Planning in accordance with RSA 675:9.

**1400.00** *EFFECTIVE DATE.*

The September 1995 recodified version of these regulations takes effect fifteen days after their adoption.

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