

# TOWN OF THORNTON

## SUBDIVISION REGULATIONS

Amended October 2003

Amended August 2007

Amended July 20, 2023

Amended December 21, 2023

### SECTION I: AUTHORITY

Pursuant to the authority vested in the Thornton Planning Board by the voters of the Town of Thornton at the annual Town Meeting held on March 13, 1979 and the provisions of Section 35 and 36 of Chapter 674 of the Revised Statutes Annotated of New Hampshire, as amended and in accordance with RSA 675:6 the Thornton Planning Board adopts the following regulations governing the subdivision of land in the Town of Thornton, New Hampshire. The purpose of these regulations is to promote the general health and welfare of the Town of Thornton.

### SECTION II: DEFINITIONS

BOARD: The Planning Board of the Town of Thornton, N.H.

ABUTTER: Any person whose property is located in N.H. 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 include any person who is able to demonstrate that his land will be directly affected by the proposal under consideration.

COMPLETED APPLICATION APPROVAL: An expression by the Planning Board that the Completed Application appears to satisfy all requirements established herein for the Completed Application. Conditional Approval does not constitute, nor should it be construed as, approval, either implied or granted, of the final plat.

ENGINEER: The duly designated engineer of the Town of Thornton or if there is no such official, the planning consultant, official or engineer assigned by the Thornton Planning Board.

FINAL PLAT: The final map, drawing or chart on which the sub-divider's plan of subdivision is presented to the Planning Board of Thornton prepared as required in Section VI and which if approved, will be submitted to the Grafton County Register of Deeds for recording.

LOT: A parcel of land or any part thereof designated by its Owner(s) on a plat filed with the Registry of Deeds as a separate lot. For purposes of these regulations, a lot shall have boundaries identical with those recorded with the Register of Deeds.

PRELIMINARY PLAN: A plan prepared as required in Section V and submitted to the Board prior to preparing the Final Plat.

RESUBDIVISION: A change in a map of an approved or recorded subdivision if such a change:

- is a further subdivision of the land;
- affects any street layout shown on such map;
- affects any area reserved for public use; or

- diminishes the size or reduces the road frontage of any lot shown.

**STREET**: Street means and includes street, road, state or town highway, avenue, or any other way which exists for vehicle travel, exclusive of driveways serving not more than two adjacent lots, and shall include the entire right-of-way.

**SUB-DIVIDER**: The registered owner or the authorized agent of the registered owner of a subdivision.

**SUBDIVISION**: The subdivision 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 held in common and consequently divided into parts among the several owners shall be deemed a subdivision. Subdivision further includes a tract of land which has single family and/or multi-family building sites and common property and facilities, and land subject to the New Hampshire Unit Ownership of Real Property Law (RSA Chapter 479:A), the so-called Condominium Law, whether such units are for sale or lease.

**SURVEYOR**: Surveyor shall mean the surveyor of the subdivision who must be licensed in New Hampshire.

### **SECTION III: PROCEDURE**

An application for Subdivision will not be noticed for public hearing until the Planning Board reviews and makes a determination regarding the completeness of the application materials. The determination of completeness will be limited to the review of the application checklist items only. Any discussion regarding the merits of the application will not begin until the application is accepted as complete, the application is noticed in accordance with RSA 676:4, I(d), and the public hearing is formally opened.

#### **A. GENERAL REQUIREMENTS OF APPROVAL**

Whenever any subdivision of land is proposed, before any construction, land clearing or building development is begun, before any permit for the erection of any building in such proposed subdivision shall be granted, and before any subdivision shall be granted, and before any subdivision plat may be filed in the Office of the Register of Deeds of Grafton County, the subdivider or his authorized agent shall apply for and secure approval of such proposed subdivision in accordance with the following procedure.

#### **B. PRELIMINARY CONSULTATION AND REVIEW**

1. Before the formal submission of any Completed Application or any plan, any person contemplating the subdivision of land in Thornton, in order to save time, effort and expense, may appear at a regular meeting of the Planning Board to discuss a subdivision proposal in general and conceptual terms.
2. The preliminary consultation shall be directed toward:
  - i. Reviewing the town's subdivision regulations as they may apply to this proposal and determination of the proposal as major or minor subdivision.
  - ii. Reviewing the basic concepts of the proposal.

- iii. Reviewing the proposal with regard to the Town Master Plan and Zoning Ordinance and guiding the applicant relative to necessary State and local requirements.
3. Preliminary consultation and review shall not bind the Applicant or the Board. Such discussion may occur without formal public notice. However, discussions beyond the conceptual and general review shall not take place without identification of and notice to abutters and the general public as described in Section III H.
4. Preliminary consultation and review shall be separate and apart from formal consideration under Sections III C and III D and the time limits for acting under Section III E shall not apply until a formal Completed Application is submitted.

C. DESIGN REVIEW PHASE:

1. The applicant may appear at a regular meeting of the Planning Board to engage in nonbinding discussions with the Board which involve more specific design and engineering details; provided, however, that the design review phase may proceed only after identification of and notice to abutters, holders of conservation, preservation, or agricultural preservation restrictions, and the general public as required by RSA 676:4, I(d).
2. Design Review is subject to the following:
  - i. Applications for a Design Review Phase (676:4, II (b)) meeting with the Board shall be made on forms provided by the Board and shall be presented to the Secretary of the Board or the Board's agent who shall sign and record the date of receipt.
  - ii. Notice shall be given as required in RSA 676:4, I (d) 10 days before such application is submitted to the Board.
3. The plan shall include at a minimum the following items:
  - i. A site location map placing the parcel in the larger context of the community;
  - ii. A site survey showing pertinent features of the site;
  - iii. An indication of any future subdivisions contemplated in or adjacent to the proposal;
  - iv. A topographic map of the area;
  - v. Any soils information, such as permeability or boring data, that has been gathered; and
  - vi. A sketch showing the proposed layout of lots, structures, parking, streets, and recreation areas; watercourses; natural features and easements, as applicable.
4. The board shall determine the conclusion of the Design Review Phase process and inform the applicant of such determination in writing.
5. Statements made by planning board members during Design Review shall not be the basis for disqualifying said members or invalidating any action taken.

#### D. COMPLETED APPLICATION

A completed application sufficient to invoke jurisdiction of the Board must include sufficient information to allow the Board to proceed with consideration and to make an informed decision.

The following shall be required for and constitute a Completed Application:

1. An application of Subdivision Approval properly filled out and executed by the applicant and filed with the Board in accordance with Section III D.
2. The names and addresses of the Applicant and all abutters as indicated in town records not more than five (5) days before the day of filing.
3. A check payable to the Board to cover filing fees, mailing, advertising, recording, and other costs as provided in Sections III H and I.
4. Two paper print copies of the Preliminary Plan in accordance with and accompanied by the information required in Section V.

#### E. FILING AND SUBMISSION OF COMPLETED APPLICATION

1. The Completed Application shall be filed with Secretary or the Chairman of the Board at least fifteen (15) days prior to scheduled public meeting of the Board.
2. The Completed Application shall be formally submitted to and accepted by the Board only at a regularly scheduled public meeting after due notification to applicant, abutters, and the general public of the date the Completed Application will be submitted and received by Board.
3. An incomplete application filed by the applicant will not be formally accepted by the Board nor will notices of a public hearing be mailed, posted, or published.
4. Applications may be disapproved by the Board without public hearing on grounds of:
  - i. Failure of the Applicant to supply information required by these regulations, including abutter identification and information required for Preliminary Layout.
  - ii. Failure to pay costs of notices or other costs and fees required by these regulations, or
  - iii. Failure to meet any reasonable deadline established by these regulations.
5. When a Completed Application is accepted by the Board, the Board shall provide a receipt to the applicant indicating the date of formal acceptance.

#### F. BOARD ACTION ON COMPLETED APPLICATION

1. The Board shall consider the Completed Application within thirty (30) days of its submission. After review of the Completed Application, and after a duly noticed public hearing as provided in Section III G, the Board may grant a conditional approval of the Completed Application and request the applicant prepare a Final Plat as described in Section VI. The Board shall act to approve or disapprove the Completed Application, and Final Plat within sixty five (65) days after submission or waiver as provided in accordance with RSA 674:4.

2. Approval of the Final Plat shall be certified by written endorsement on the Final Plat and signed by the Chairman or Secretary of the Board. The subdivider or the Board (as determined by the Board) shall be responsible for filing the mylar copy of the Final Plat with such approval endorsed in writing therein with the Register of Deeds of Grafton County.

The sub-divider shall pay all recording fees. In case of disapproval of any plat submitted, it will be recorded in the records of the Planning Board and written notice given to the applicant.

3. If the Planning Board has not obtained an extension and has not taken action to approve or disapprove the Completed Application within sixty-five (65) days of its acceptance, the applicant may obtain from the Selectmen an order directing the Board to act within fifteen (15) days. Failure of the Board to act upon such order of the Selectmen shall constitute grounds for the Applicant to petition the Superior Court as provided in RSA 677:15 as amended.

#### G. MINOR SUBDIVISIONS

1. Minor Subdivisions are defined as those proposals involving:
  - i. Three lots or less with no potential for re-subdivision, fronting on an existing street, or
  - ii. Minor lot line adjustments or boundary agreements which do not create buildable lots.
2. The applicant may first meet with the Board for preliminary consultation and review of his proposal as described in Section III B to determine if it is a minor subdivision. If it is a minor subdivision the applicant shall submit:
  - i. A completed Application, excluding the Preliminary Plan as required in Section III C and
  - ii. A Final Plat as provided in Section VI. Notice of submission shall be given as provided in Section III D and may be combined with the notice of Public Hearing.
  - iii. The Completed Application under this Section may be submitted and approved at one or more Board meetings but no application shall be approved without the full notice to abutters and public required under Section III H. A duly noticed public hearing shall be held only if requested by the applicant or abutters or if the Board determines to hold a hearing.

#### H. PUBLIC HEARING

Prior to approval or disapproval of subdivision, a Public Hearing shall be held as required by RSA 675:6 and notices to applicant, abutters and public shall be given in accordance with Section III H. The public hearing shall be held within thirty (30) days after submission of the completed application. A public hearing may not be required for minor subdivisions as provided in Section III F.

## I. NOTICES

The Planning Board shall notify the abutters, the applicant, holders of conservation, preservation, or agricultural preservation restrictions, and every engineer, architect, land surveyor, or soil scientist whose professional seal appears on any plat submitted to the board by certified mail of the date upon which the application will be formally submitted to the board. Notice shall be mailed at least 10 days prior to submission. Notice to the general public shall also be given at the same time by posting or publication as required by the subdivision regulations. 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. For any public hearing on the application, the same notice as required for notice of submission of the application shall be given. If notice of public hearing has been included in the notice of submission or any prior notice, additional notice of that hearing is not required nor shall additional notice be required of an adjourned session of a hearing with proper notice if the date, time, and place of the adjourned session was made known at the prior hearing. All costs of notice, whether mailed, posted, or published, shall be paid in advance by the applicant. Failure to pay such costs shall constitute valid grounds for the Planning Board to terminate further consideration and to disapprove the plat without a public hearing.

## J. FEES

1. A completed application shall be accompanied by a filing fee of \$100.00 plus \$75.00 per lot or condominium unit. The applicant is also responsible for a recording fee of \$35.00.
2. All costs of notices, whether mailed, posted or published shall be paid in advance by the subdivider. Failure to pay cost shall constitute valid grounds for the Board to terminate formal consideration and to disapprove the plat without a public hearing.
3. The Board may require special investigative studies and environmental assessments; a legal review of documents; and other items necessary to make an informed decision. The cost of such studies shall be paid by the subdivider prior to the approval or disapproval of the Final Plat.

## **SECTION IV: GENERAL REQUIREMENTS FOR THE SUBDIVISION OF LAND**

The sub-divider shall observe the following general requirements and principles of land subdivision:

- A. A proposed subdivision shall conform with the comprehensive plan and the Official Map when adopted, The Thornton Zoning Ordinance, and any other pertinent state or local laws or regulations. Street right-of-way areas shall not be included in the one acre minimum lot size stipulated in Article VI of the Zoning Ordinance. Also, the 100 foot highway frontage requirement stated in the said Article VI shall not be satisfied by frontage on a limited access highway where no entrance right exists.
- B. No owner of land within a proposed subdivision shall construct any roads, grade any land, install any utilities, construct any buildings nor do any act or acts which will alter the natural state of the land or environment in the proposed subdivision until the Planning Board has granted a written approval of the completed application. Test borings, test pits and other preliminary testing to comply with the

requirements of the Department of Environmental Services necessary for their review and approval of the Subdivision Plans are permitted.

- C. Land of such character that it cannot be safely used for building development purposes because of danger to health or peril from fire, flood hazard, poor amended drainage, poor soil conditions, excessive slopes, or other hazardous conditions shall not be used in density calculations. Steep land (35% or steeper), areas with high water table (within 2 feet of the surface), flood plains, and areas with less than 3 feet of natural soil over impermeable material (percolation rate slower than 60 minutes per inch) create problems of such nature as to endanger health, life, or property. Such areas shall not be used to determine overall density.
- D. Scattered or premature subdivision of land as would involve danger or injury to health, safety, or prosperity by reason of lack of water supply, drainage, transportation, school, fire department, or other public services, or that a lack of these facilities would be a hazard or necessitate an excessive expenditure of public funds for the supply of such services shall not be approved by the Board.
- E. Permanent monuments marking the bounds of streets, right-of way and the location of lot corners shall be installed at all points where, in the opinion of the Board, such monuments are desirable.
- F. Copies of approvals by the State of New Hampshire Department of Environmental Services, access approvals from the State Highway Department or Thornton Road Agent Board, and any other required State/ Federal permits, or approvals shall be submitted to the Planning Board as part of the Final Plat prior to final approval by the Board of any subdivision.
- G. Long, narrow lot or lots with very irregular shapes shall not generally be accepted by the Board.

#### H. TREES AND PLANTING

Due regard shall be given to preservation of existing features, stonewalls, trees, scenic points and other natural and historic resources within the subdivision. The Board may require additional tree planting and other landscaping appropriate to the area being developed.

#### I. TABLE OF ROAD CONSTRUCTION STANDARDS

Standards for subdivision approval and current standards for acceptance by the Town of Thornton as a Class V Town road may vary. For the purpose of subdivision approval only if the intent of the sub-divider is to own and maintain these roads by a properly created Homeowners Association (IV M) it is clearly stated that, should the Homeowners Association desire to turn the road over to the Town, the Homeowners Association will bear the cost of upgrading constructing the road to town standards at that time, including paving.

1. Minimum width of right of way 50 ft.
2. Minimum width of roadway (generally centered in R.O.W. shall be 24 ft with 20ft of travel way and 2 ft of shoulders on either side. Shoulders shall be constructed to the same standards as travel way.
3. Minimum grade 0.5%
4. Generally grades shall not exceed 8%, however, a short pitch not to exceed 10% may be accepted on occasion.

5. Maximum grade at intersection, within 100 ft of intersection 5%.
6. Minimum angle at intersection should be 90 degrees. On a case by case basis the Board may accept lesser angles but in no case will angles less than 60 degrees be accepted.
7. Minimum center line radius on curves 100 ft.
8. All dead end streets shall have a 90 ft. diameter loop with a 20 ft. travel-way (24 ft. ditch to ditch) with an island in the middle.
9. Profiles and typical cross sections shall be provided. All proposed grading within proposed ROW shall be shown in 2ft contours.
10. Sloping, seeding, ditching, etc. will be done as necessary and consistent with State and Federal requirements to prevent erosion and runoff problems.
11. The Board may reject the location of a proposed street intersection if, in the opinion of the Board, the location creates a hazard. This includes subdivision roads intersecting State Highways.
12. Trees and stumps shall be removed from the roadway and all material leveled to grade by excavation and the use of good fill material.
13. Good quality gravel shall be placed and compacted to a depth of 12" and 6" of crushed bank run gravel shall be placed and compacted on top to a total depth of 18".
14. All roads shall be paved to a depth of one and one-half (1 1/2) inches base coat (maximum 3/4 inch diameter stone) and one inch coat of wearing surface of no greater than one-half (1/2) inch stone shall be applied three (3) years after the first foundation, slab or mobile home is installed, or at the time that 75% of the house lots have foundations, slabs or mobile homes installed, whichever occurs first. To ensure compliance, the owner of the subdivision, immediately upon subdivision approval, and prior to the signing of the subdivision plat or commencement of any construction, shall be required to post security in a form and amount necessary to ensure the construction of the road, including, but not limited to, all paving.
15. All culverts shall be a minimum of 15" diameter (driveway culverts included) or larger as deemed necessary. They shall be corrugated galvanized steel or other material approved by the Road Agent. The culvert length shall be a minimum of 40 feet.
16. The developer and/or builder of the road shall, prior to the start of construction, contact the Road Agent for the Town of Thornton for the latest requirements for road construction.
17. Names of new streets shall not duplicate nor bear phonetic resemblance to the names of existing streets within the Town (effort should be made to find names that do not

duplicate or resemble names of roads within the area served by the Campton/Thornton Fire Dept.). Check with the Fire Chief.

18. All streets and intersections shall have street signs constructed and installed as follows:
  - a. All roads and intersections shall be identified by a "911" approved sign, on a metal posts.
  - b. Bottom of sign to be 7 feet above road grade and post installed at least 2 feet into ground.
  - c. The cost of the signs including the post is to be paid by the developer/sub-divider.
  - d. The signs will be erected by the Town.
  - e. Temporary road signs shall be erected during construction.

#### J. STREET CONTINUATION

Whenever possible, the arrangement of new streets in a subdivision shall provide for the continuation of subdivisions. The designation of right-of-way strips to the subdivision boundary for this purpose may be requested by the Board.

#### K. IMPROVEMENTS TO EXISTING STREETS

As provided for in RSA 674:35 existing streets outside the subdivision, but by which there is access to the subdivision, shall if deemed necessary by the Board be widened, extended, or improved, and brought up to town specifications at the expense of the sub-divider. These improvements shall be subject to approval by the Selectmen and/or Town Road Agent. (See the impact fee ordinance.)

#### L. PARKING

All subdivisions shall provide adequate off-street parking dependent on the proposed use needs.

#### M. ROADS, DRIVEWAYS AND PERMITS

1. The sub-divider shall make legal provisions for the long-term maintenance of all roads and driveways within the subdivisions serving more than one lot. Said provisions shall be stated on the Final Plat and shall be a deed covenant in all conveyances from the owner at the time of final approval to all new owners. The subdivider shall create a Homeowners Association which provides for maintenance and ownership of all roads. Driveways serving more than one lot shall have deeded provisions for maintenance.
2. A driveway, which shall not serve more than two adjacent lots, may be constructed to lesser standards than those stipulated in IV I with the approval of the Road Agent.
3. A driveway, entrance, exit or approach within the limits of the right-of-way of any highway maintained by the Town of Thornton may not be constructed or altered in any way that substantially effects the size or grade until an application permit is obtained from the Planning Board or the Town Clerk and an on-site inspection is made and said permit is signed by the Town Road Agent. All driveways or points of access for which a permit is required shall thereafter be constructed pursuant to the terms and conditions of said permit. Driveways in new subdivisions shall also comply with this section. When a driveway permit is issued by the State of New Hampshire for a state highway entrance (See RSA 236:16) or the Town Road Agent for a town road entrance said permit must be acceptable to the Planning Board. All subdivisions must have access that is safe, that

does not endanger health, life or property. Grades, angles of intersections, and line of sight must be acceptable to the Planning Board. In situations where a new development is planned with roads on the interior of the property to be subdivided, all driveways shall access the newly proposed interior road and shall exit onto existing town or state roads.

#### N. DRAINAGE DESIGNS (amended 7/15/04)

For all new development that will create more than ½ acre of impervious surface (including gravel roads) shall demonstrate that the following requirements are met.

##### 1. FLOOD ATTENUATION

Storm water run off generated from a developed property shall be detained such that post development peak flows at the property line for the 2 and 10 years storm event in a pre-developed condition.

- a. Calculations shall include run off from adjacent up gradient properties, where applicable.
- b. Any combinations of detention or retention may be used to meet the flood attenuation requirements.
- c. All detention or retention pond structures shall be designed according to standard engineering practices and shall include the following:
  - i. A sediment forebay equal to 10% of the pond's volume
  - ii. Vegetated side slopes that are no steeper than 4:1
  - iii. Suitable access and easement for cleaning and maintained the pond.
  - iv. The preservation or installation of shade trees within 30 feet of the top of the southern end of the pond. Shade trees shall have an expected mature height that is equal to at least 50% of the ponds north-south diameter.
  - v. For any pond with a length and width that is greater than 40 feet.
    1. A pond drain shall be provided to facilitate draining of the pond for maintenance or clean out.
    2. A crushed gravel maintenance ramp for access to the floor of the structure with a slope of no steeper than 6:1.

##### 2. STORM TREATMENT

Drainage designs shall demonstrate features that provide 80% removal of total solids and 40% removal of phosphorus.

- a. Flexibility in meeting this standard is encouraged, however the following will implicitly be considered to have met the treatment standards for total suspended solids, phosphorous and groundwater recharge (specified below) :
  - i. providing a mechanism for infiltrating 3600 cubic feet of run off (one acre inch) per acre of impervious surface (or increments there of), consistent with 3.c and 3.d below.
- b. Applicants not wishing to employ 2.a must be able to provide suitable documentation that the total suspended solids and phosphorus treatment standards have met.

3. GROUNDWATER RECHARGE

Drainage designs shall demonstrate that the average annual recharge rate for the major hydrologic soil groups found on site are maintained in order to preserve existing groundwater table elevations.

- a. This standard shall be waived if the applicant chooses to meet the stormwater treatment standard in 2.a (1) above.
- b. For all areas covered by man impervious surfaces the total volume of recharge that must be maintained shall be calculated as follows:

$$\text{REQUIRED RECHARGE VOLUME (ft}^3\text{)} = (\text{soil Recharge Factor}) \times (\text{Area})$$

Where: SOIL RECHARGE FACTOR is expressed as follows:

NRCS Hydrologic Soil Group to be covered by proposed manmade impervious surfaces

- A= 0.40
- B= 0.25
- C= 0.10
- D= 0.00

Where: AREA is square footage of proposed man made impervious cover

EXAMPLE

Applicant proposes 30,000 square foot parking lot over C soils.

$$\begin{aligned} \text{REQUIRED RECHARGE VOLUME} &= 0.10 \times 30,000 \\ &= \frac{3,000}{12} \\ \text{REQUIRED RECHARGE VOLUME} &= 250 \text{ ft}^3 \end{aligned}$$

- c. All non-rooftop run off must be pretreated prior to its entrance into the groundwater recharge device by:
  - 1. first routing it over a durable level spreader to encourage sheet flow and then down a vegetated slope of less than 3%; or
  - 2. by routing it through a vegetated swale with a two-year peak velocity of less than one foot per second; or
  - 3. by some other alternative method, acceptable to the Planning Board, that will remove materials that would clog the soils receiving the recharge water.
- d. The floor of the recharge device shall be at least 2 feet above the seasonal high-water table, or ledge.

## O. SECURITY FOR PERFORMANCE

1. Except in the case of a minor subdivision in which each lot is fronting on an existing street or a private way, no subdivision plat filed with the Board shall be approved until the sub-divider has provided security to the Town, in an amount sufficient to cover the cost of the preparation and installation of streets, public and private, improvements, storm drains, water supply for fire protection ( per Section IX) under drains, monuments, erosion control, power and telephone lines and any other improvements required by these subdivision regulations or the terms of the Boards' approval. The following are the only methods which will be accepted by the Board to secure performance:
  - a. Surety Bond, issued by a surety company authorized to do business in New Hampshire, to be filed with the Planning Board in a form approved by Town Council.
  - b. Cash or savings bank book property endorsed to the Town, in the amount to be determined by the Planning Board and to be deposited with the Planning Board.
  - c. An unconditional irrevocable letter of credit in an amount acceptable to the Planning Board and in a form approved by Town Council. Review of such documents by Town Council shall be at the expense of the developer. The following criteria will apply to all of the above alternatives:
    1. The sub-divider must file with the Board a contractors detailed estimate of the costs of improvements together with maps, plans and supporting data.
    2. The Board may require additional estimates of the costs of the improvements from as a second contractor or contractors chosen by the Board in determining the amount of surety required. The cost of the additional estimates shall be borne by the sub-divider.
    3. The developer shall notify the Town when all streets and improvements are scheduled for construction and shall make the improvements accessible to Town representatives throughout construction. Said notification shall be in writing to the Town Selectmen.
    4. All improvements shown on the plat or required by regulations or the approval of the Planning Board shall require a completion date as agreed upon with the Planning Board on a case by case basis. In the event that the developer fails to comply with the agreed completion date. Then the Selectmen shall use the security to complete the improvements.
    5. Cost of water supply for fire protection system shall be included in bond as appropriate.

## P. RELEASE OF SECURITY FOR PERFORMANCE

The Security Guarantee shall not be released until:

1. The Board receives a statement from a registered land surveyor stating that the subdivision has been constructed in substantial compliance with the final or as built plans

by a registered land surveyor. A site visit is conducted with the Board of Selectmen, Planning Board, and the town Road Agent and the Road Agent certifies to the Board of Selectmen that all roads are completed according to the Town specifications.

- a. The Fire Chief has certified that the firefighting water supply system, if required, has been inspected and is functioning. Upon receipt of the certifications as outlined above, the Town shall release the security guarantee or an appropriate portion thereof.
- b. Certification and/or release of security guarantee does not constitute acceptance of roads or streets by the Town of Thornton.

## **SECTION V: PRELIMINARY PLAN**

- A. Every applicant for subdivision shall file with the Board two paper copies of a Preliminary Plan of the proposed subdivision. The drawing shall normally be at a scale of not more than one hundred feet to the inch and be submitted in one of the following sheet sizes: 17" x 22" or 22" x 34".
- B. The Preliminary Plan shall contain the following information:
  1. The name of the subdivision; name and address of the sub-divider; and seal of a land surveyor licensed in New Hampshire; date; scale; north arrow; location map; and abutters' name.
  2. Sufficient data acceptable to the Board to determine approximately the location, bearing and length of every street line, lot line and boundary.
  3. Area and frontage of each lot.
  4. Location, name and width of all existing streets, buildings, wells, water courses, standing water, rock ledge, stonewalls, and other essential features within 30' of the boundary line.
  5. For major subdivisions, contours of existing topography at not more than ten (10) foot intervals. The Board may modify this requirement depending upon the character of the land and the proposed use. The Board also reserves the option of requiring contour data for minor layout, soil capability, etc.
  6. Flood Hazard Areas.
  7. Location, name and width of all proposed streets and easements (including utility rights-of-way) and location and size of any bridges or culverts.
  8. Preliminary description of all proposed streets and easements including a description of grades, profiles, and drainage.
  9. Proposed system and location of water supply and sewage disposal if required.
  10. A sketch map showing any future plans for additional subdivision on the property.

11. A layout indicating how the site will be served by telephone, electricity and any other public utility must be approved by the Planning Board. The Board may require underground services or a special utility corridor to preserve existing features, trees, scenic points and other natural and historic resources. If the utility company (s) require an easement to provide services, no final approval shall be granted by the Board until such easements are obtained by the utility company (s) and submitted to the Board.

12. Plans to meet the requirements of section IX certified by the Fire Chief.

C. The Board may conduct a site inspection of the proposed subdivisions prior to conditional approval to ascertain the natural conditions of the site and to inspect the layout of proposed lots and streets. Temporary stakes shall be driven in the ground along the center lines of proposed streets and roads to facilitate the site inspection, if requested by the Board.

## **SECTION VI: FINAL PLAT**

A. The Final Plat submitted for approval consists of one mylar copy (to be signed and recorded) and two amended, blue or black line paper copies which the Planning Board will sign and keep for the records. The drawing shall normally be at a scale of not more than one hundred feet to the inch and submitted in one of the following sheet sizes: 17" x 22" or 22" x 34". Adequate space shall be available on the plat for the necessary endorsement of the Board. Once endorsed, the sub-divider or the Board (at the Boards' option) will be responsible for recording the plat at the sub-divider's cost. The Final Plat shall include the:

The Subdivision Plan has been reviewed and approved by the  
Thornton Planning Board.

Certified by: \_\_\_\_\_  
Date: \_\_\_\_\_

The final plat shall include the following statement: The approval of this subdivision in no way obligates the Town of Thornton to accept or maintain the roads shown on this plat.

- B. The Final Plat shall include or be accompanied by the information required for the Preliminary Plan and the following additional items:
1. The final lot lines, dimensions, frontage, and area of each lot.
  2. For all existing and proposed streets, the final right-of-way lines with dimensions of tangents, chords, and radii.
  3. Final road profiles and final designs and location of any bridges, culverts or drainage system alternations.
  4. Location of all parcels of land proposed to be dedicated to public or common use and the conditions of such dedications, and a copy of such private deed restrictions as are intended to cover part of all of the tract. In the event that the subdivider proposes to give land to the Town, he shall offer in a form, certified as satisfactory to the Board of Selectmen, right-of-way water supply systems for fire fighting, parks or playgrounds not

specifically reserved by him. The approval of the final plat shall not constitute acceptance of such property.

5. A copy of any restrictive covenants to be attached to the deed including, if required, restrictions on re-subdivision of the land and of any easements required across other property.
  6. The location and descriptions of permanent monuments shall be shown. All such monuments shall be installed before approval of the final plat.
  7. Driveway access approval from the State, if a Class I or II highway is involved, and from the road agent, for roads under town jurisdiction.
  8. State DES subdivision approval if required.
  9. Such other information as the Board may have requested either at the Preliminary Plan viewing or as a result of an on-site inspection after the submission of a Preliminary Plan.
- C. If required, the sub-divider shall submit a bond, as described in Section IV N, the form and content of which shall be satisfactory to the Town Attorney and Board of Selectmen.
- D. All subdivisions of 5 or more lots or dwellings units will comply with Thornton Subdivision Fire Regulations, section 4.10.

## **SECTION VII ADMINISTRATION AND ENFORCEMENT**

### **A. ENFORCEMENT**

These subdivision regulations shall be enforced by the Planning Board or its duly authorized representative.

### **B. ADMINISTRATION**

The Planning Board of the Town of Thornton shall administer these regulations. Where the endorsement of the Planning Board is a prerequisite for recording of any plat the Chairman or Secretary are hereby empowered to certify on such plat to the statement, "This plat is not subject to Subdivision Regulations of Thornton".

### **C. INSPECTION**

The Planning Board or its agent shall have the right to visit approved subdivision sites to inspect the construction of required improvements and the actual layout of lots to insure compliance with the subdivision plans as approved by the Board.

### **D. PENALTY FOR NON-COMPLIANCE WITH REGULATIONS**

No subdivision of land shall be made, and no land in any subdivision shall be transferred, sold or offered for sale until a Final Plat, prepared in accordance with these regulations, has been approved by the Thornton Planning Board. 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 filed in the Office of the Register of Deeds, shall forfeit and pay a penalty of One

Thousand Dollars (\$1,000.00) for each lot or parcel so transferred or sold. The Town may enjoin such transfer or sale and may recover the said penalty in civil action. In any such action the prevailing party may cover reasonable court costs and attorneys fees as same may be ordered by the court. For any violation of these regulations, including each instance of site work construction (except for surveying and soil testing) begun without approval of the final plat by the Planning Board, the Planning Board, in enforcing these regulations, may institute such appropriate penalties as they deem appropriate for the infraction. A fine of not more that Two Hundred Seventy Five Dollars (\$275.00) a day may be implemented.

E. WAIVER

Strict compliance with the requirements of these regulations may be waived or modified when, in the judgment of the Board, such action is consistent with the spirit and intent of these regulations and the public convenience, health, safety, or welfare are not adversely affected.

F. OTHER REGULATIONS

In any case where a provision of this ordinance is found to be in conflict with a provision of any other ordinance or regulation in effect in the Town of Thornton, the provision which is the more restrictive shall prevail.

G. VALIDITY

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

H. AMENDMENTS

These regulations may be amended or rescinded by the Board in accordance with RSA 674:35 and 36 but only following public hearings on the proposed change. The Chairman or Secretary of the Board shall transmit a record of any changes so authorized to the Register of Deeds of Grafton County.

I. EXEMPTION FROM SUBDIVISION REGULATIONS

An exemption to these regulations may be considered, providing the following is supplied to the Board.

1. The names and addresses of the owners of the adjoining properties and all abutters as indicated in the Town records not more than five (5) days before the date of filing, which is eighteen (18) days before the meeting that the request for exemption will be presented.
2. A check payable to the Board to cover mailing, advertising and other costs.
3. Three copies of a survey, plat or sketch showing the property to be transferred, a legal description of the boundaries, and the total acreage.
4. A letter to the Board describing the transaction and stating that no additional lots are created, the number of owners does not increase and the original parcels are not reduced below the requirements of the Zoning Ordinance and the Subdivision Regulations.

## **SECTION VIII: GENERAL REQUIREMENTS FOR FLOOD HAZARD AREAS**

All subdivision proposals governed by these regulations having lands identified as special flood hazard areas on FEMA's Flood Insurance Rate Maps for the Town of Thornton shall meet the following requirements.

- A. Subdivision proposals and proposals for other developments shall be located and designed to assure that all public utilities and facilities such as sewer, gas, electrical and water systems are located and constructed to minimize/eliminate flood damage and adequate drainage is provided to reduce exposure flood hazard.
- B. Subdivision proposals and other proposed new developments greater than five (5) acres shall include base flood elevation data.
- C. In a riverine situation, prior to any alteration or relocation of a watercourse, the applicant for such authorization shall notify the Department of Environmental Services and submit copies of such notification to those adjacent communities as determined by the Planning Board. Note that the Pemigewasset River is included in RSA 483:9-aa.
- D. Within the altered or relocated portion of any watercourse, the applicant shall submit to the Planning Board, certification provided by a registered professional engineer assuring the flood carrying capacity of the watercourse has been maintained.
- E. Where new replacement water and sewer systems (including on-site systems) are proposed in flood-prone areas the applicant shall provide the Planning Board with assurance that new and replacement sanitary sewage systems are designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters and on-site waste disposal systems are located to avoid impairment to them or contamination from them during flooding.
- F. 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 Amendments of 1972, 33 U.S.C. 1334.

## **SECTION IX: THORNTON SUBDIVISION FIRE REGULATIONS**

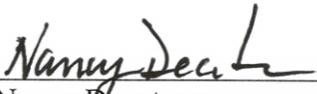
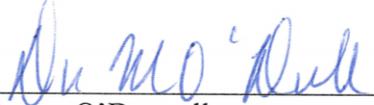
- A. All subdivisions of five (5) or more lots or dwelling units shall comply with the Thornton Subdivision Fire Regulations relative to fire fighting water supply.
- B. For the purpose of a subdivision approval, this section (IX) shall not be waived due to the consideration of life safety of residents and emergency personnel, unless a subdivision is protected by an accessible water supply within 2000 feet, with sufficient resource as approved by the Fire Chief.
- C. Each subdivision site shall require investigation and analysis by a licensed/registered professional engineer to finalize design. The Planning Board reserves the right to have an independent engineer review the design at the expense of the applicant.

- D. The design of the water supply system shall be submitted to the Planning Board and Fire Chief for approval prior to construction. All plans shall be stamped with a licensed/registered professional engineer's stamp, and signed by the engineer who finalized the plan, as appropriate.
- E. The installer shall be responsible for any repairs or problems with the water supply system for a period of one (1) year after recording of the subdivision plan by the Planning Board. A bond equal to the cost of installation shall be protected for this period.
- F. The water supply system shall be located no more than 2000 feet hose run from the access driveway of the furthest dwelling. This may require the installation of more than one water supply source depending on the length of the road(s) serving the subdivision. All water supply systems are to be installed and operational prior to the release of the security payment.
- G. The water supply system shall be located with direct access from a road built to town specifications, or other Class V road (or better), with a permanently deeded easement to the Town of Thornton.
- H. The water supply system shall include a dry fire hydrant connection to which a Fire Department pumper may be able to connect with one ten foot length of suction hose. This dry hydrant shall be accessible at all times of the year, and when in use, the pumper shall not block any street, road, driveway, or any other access way to a building.
- I. In a private development, the developer, homeowners' association, or other party shall own the water supply system. The designated party shall be responsible for completely filling and maintaining the system. Access to the water supply shall be maintained twelve (12) months of the year by an agreement with the homeowners association/property owner. Amended (10/21/04)
- J. The Town shall not take ownership of a water supply system within a private development.
- K. Should the land on which the water supply system is located at some future time be deeded to the Town, the deeded land shall contain an area of no less than twenty-five (25) foot radius for a dry hydrant, and twenty-five (25) feet from any walls of a cistern.
- L. Acceptance of a deed for ownership of a water supply system, accessed by a public way shall be at the recommendation of the Fire Chief and with the approval of the Board of Selectmen. The means by which the town accepts a deed for ownership or an easement will be worked out on a case by case basis.
- M. The Planning Board may also require that the applicant comply with further specifications required by the Fire Chief.
- N. Water supply systems:
  - 1. Dry hydrants located in ponds, lakes, or rivers shall conform to the National Fire Protection Standard 1142, with the following clarifications:
    - a. Suction strainer shall not have a gravel covering.
    - b. Suction strainer shall be below normal freeze depth of the pond, lake, or river.
    - c. Fire Department suction connection shall be determined by the Fire Chief.
    - d. Suction connection height shall be determined by the Fire Chief.

- e. The suction connection shall be protected by posts that are 5 inch diameter concrete filled steel pipe, 8 feet long, and embedded in the ground in a concrete base 4 feet below grade. The post locations shall be 4 feet apart from each other and 3 feet away from the suction connection towards roads.
2. In those areas not within 2000 foot hose run of an accessible pond, lake, or river ( as determined by the Fire Chief ) a fire protection cistern shall be installed.
- a. The cistern shall have a minimum capacity of 30,000 gallons of water.
  - b. The cistern shall be an underground, steel-reinforced, concrete tank. A minimum of 2 ½ inches of concrete must be maintained over all reinforcing steel. The Fire Chief has the authority to approve other materials for the tank construction.
  - c. Cast-in-place concrete shall achieve a 28 day strength of 3000 psi. Concrete shall be placed with a maximum of 4 inch slump, and vibrated in a professional manner.
  - d. A Slump and Strength Test shall be performed by an independent testing agency, with the results sent to the Planning Board and the Fire Chief before final acceptance of the cistern.
  - e. Concrete shall be mixed, placed, and cured without the use of calcium chloride. Winter placement and curing shall follow the accepted American Concrete Institute Codes.
  - f. The base shall be designed so that the cistern will not float when empty.
  - g. Perimeter of cistern at floor/wall joint shall be sealed with 8 inch PVC waterstop.
  - h. Bedding for the cistern shall be a thickness of 12 inches minimum, and bedding material shall be ¾ to 1 ½ inch crushed, washed stone and compacted. No filler to be used under stone.
  - i. The entire cistern shall be completed and inspected, with roof panels in place prior to any backfilling.
  - j. Backfill for the cistern shall be screened gravel with no stone larger than 1 ½ inches, and shall be compacted to 95% American Society for Testing and Material Schedule #1557. Backfill over the cistern shall be 4 feet in thickness.
  - k. All construction, backfill, and grading material shall be in accordance with proper construction practices, and acceptable to the Planning Board, Building Inspector, and Fire Chief. After backfilling, the cistern shall be protected by a fence or large stones.
  - l. The suction riser pipe shall be 6 inch steel, Schedule 40. The suction pipe shall attach to a 4' x 4' x 1/4" anti-vortex plate 6 inches off of the bottom of the cistern.
  - m. Bottom of suction pipe to pumper connection shall not exceed 14 feet of vertical distance.
  - n. Suction pipe height and specifications shall be determined by the Fire Chief.
  - o. The suction connection shall be protected by posts that are suitable to the Fire Chief.
  - p. The fill pipe shall be a 4 inch steel pipe Schedule 40 to terminate with 4 inch NST male elbow with a protective cap. The elbow will be 36 inches above final grade.
  - q. Vent pipe shall be 4 inch Schedule 40 steel or PVC pipe with bug screen. The end of the pipe shall be no closer than 36 inches to finish grade.
  - r. All piping shall be ASTM Schedule 40 PVC pipe must have glued joints.

- s. The cistern shall be provided with an acceptable standard sized manhole with an approved locking mechanism. The lock will be supplied by the Fire Department.
  - t. The installer shall be responsible for completely filling the cistern after cistern is accepted by the Building Inspector and Fire Chief.
- O. Both the Planning Board and the Fire Chief shall approve the design of the water supply system. Any changes in the water supply system plans must be submitted in writing, to the Planning Board and the Fire Chief and shall include specific reasons for the changes. All work and material require the approval of the Fire Chief, who shall make a final inspection of the water supply system after installation.
- P. Any Industrial and Commercial building Fire Protection system shall meet National/State Fire Protection Codes which ever is more restrictive.
- Q. If all homes in a subdivision contain domestic sprinkler systems, the water supply requirement shall be waived.
- R. In subdivisions of less than five (5) lots, the Planning Board shall have the authority to require a fire protection system as specified in section IX A-Q.

Thornton Planning Board:

 _____ Nancy Decoteau	 _____ Donna O'Donnell	 _____ Steve Babin
 _____ Frank Freeman	 _____ David Levin	 _____ Cynthia Schofield
 _____ Jack Gaites		