

Draft for Public Hearing January 12, 2022

Town of Bethlehem, New Hampshire Subdivision Regulations

Amended November 1, 2017

For Public Hearing on January 12, 2022

**Showing How the Document Will Read
if the Amendments are Adopted as Proposed**

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SECTION 1. AUTHORITY AND PURPOSE

Pursuant to the authority vested in the Bethlehem Planning Board by the legislative body of the Town of Bethlehem and in accordance with the provisions of RSA 674:35, the Bethlehem Planning Board adopts the following regulations governing the subdivision of land in the Town of Bethlehem, New Hampshire.

These regulations are designed to accomplish the purposes set forth in RSA 674:36 and for the purposes of protecting the health, safety, convenience, and economic and general welfare of our citizens.

SECTION 2. TITLE

These regulations shall be known and cited as the Bethlehem Subdivision Regulations and hereinafter referred to as "these Regulations."

SECTION 3. DEFINITIONS

- 3.01 **Abutter:** Means any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration by the local land use 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. For purposes of receipt of notification of a Planning Board hearing, in the case of an abutting property being under a condominium or other collective form of ownership, the term abutter means the officers of the collective or association, as defined by RSA 356-B:3, XIII.
- 3.02 **Applicant:** Shall mean the owner(s) of record of the land to be subdivided, including any subsequent owner(s) of record making any subdivision of such land or any part thereof, or the duly authorized agent of any such owner(s).
- 3.03 **Approval:** Shall mean recognition by the Planning Board, certified by written endorsement on the plat, that the plat meets the requirements of these Regulations and, in the judgment of the Board, satisfies all criteria of good planning and design.
- 3.04 **Board:** Means the Planning Board of Bethlehem, New Hampshire.
- 3.05 **Boundary Line Agreement:** Means an agreement between two abutting landowners as to the location of a common boundary and is used whenever a precise point or line determining the boundary between two or more parcels of real property cannot be identified from the existing public record, monuments, and landmarks. The agreed boundary shall be shown on a plan to be recorded in the Grafton County Registry of Deeds.
- 3.06 **Completed Application:** Shall mean the application form and supporting documents, as specified in these Regulations that contain all the information the Planning Board needs to review a subdivision proposal and make an informed decision. All fees and administrative expenses, as indicated in these Regulations, must be included. For submission requirements, see Section 7.

- 3.07 **Licensed Land Surveyor:** Shall mean a person who engages in the practice of land surveying and is licensed by the State of New Hampshire under RSA 310-A:53.
- 3.08 **Lot:** Means a single parcel or unit of land with defined, fixed boundaries, represented and identified by a recorded plat or deed. Land divided by a proposed road shall be considered to be separate lots on each side of the road.
- 3.09 **Lot Line Adjustment, Minor:** Means the sale, transfer, or other conveyance of land to the owner of adjoining land which does not increase the number of parcels or lots.
- 3.10 **Plat:** Shall mean the map, drawing or chart on which the plan of subdivision is presented to the Bethlehem Planning Board for approval, and which, if approved, will be submitted to the Register of Deeds of Grafton County for recording.
- 3.11 **Pre-application Review:** Shall mean the two optional steps, Preliminary Conceptual Consultation and Design Review, that an applicant may follow prior to filing a completed application.
- 3.12 **Street:** Includes "road" or "highway," and means a public or private road, highway or other way that exists for vehicular travel, exclusive of a driveway serving two adjacent lots. When used in reference to lot frontage or access to a lot, shall mean only an existing Class V or better public highway, or a private road shown on a plat approved by the Bethlehem Planning Board and recorded with the Grafton County Registry of Deeds, and constructed and maintained to Town specifications as contained in these Regulations. Unless the context refers to the traveled portion, the word street shall include the entire right-of-way.
- 3.13 **Subdivision:** Means 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 resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory to be 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. The grant of an easement in gross to a public utility for the purpose of placing and maintaining overhead and underground facilities necessary for its transmission or distribution network such as poles, wires, cable, conduit, manholes, repeaters, supporting apparatus, including any unmanned structure which is less than 200 square feet, shall not be construed as a subdivision under this title, and shall not be deemed to create any new division of land for any other purpose.
- 3.14 **Subdivision, Major:** Means a subdivision of four (4) or more lots; or that involves the upgrade, creation or extension of streets and/or utilities, regardless of the number of lots; or that has the potential for resubdivision.
- 3.15 **Subdivision, Minor:** Means a subdivision of land into not more than three (3) lots, with no potential for resubdivision; each lot fronting on and with Board-approved access to an existing, publicly-maintained street or existing private street previously approved by the Planning Board and constructed and maintained to Town specifications; not involving any common water supply or wastewater disposal, or other public improvements, or extension of municipal facilities.

SECTION 4. GENERAL PROVISIONS

- 4.01 Before any subdivision is made, before any construction, land clearing or building is begun, before any permit for the erection of any building in such proposed subdivision shall be granted, or before the transfer or sale of any part thereof, and before any subdivision plat may be filed in the office of the Register of Deeds of Grafton County, the owner or authorized agent shall apply in writing to the Board on a form provided by the Board and secure approval of such proposed subdivision in accordance with these Regulations. No clearing of land, site construction or building is allowed during the Board's preliminary or final subdivision review process.
- 4.02 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, excessive slope, or other hazardous conditions, shall not be platted for residential, commercial, or industrial purposes, nor for other uses as may increase danger to life or property, or aggravate the flood hazard. Such land, however, may be used, with approval of the Board, for parks, playgrounds, or other open space uses. Land with inadequate characteristics or capacity for sanitary sewage disposal shall not be subdivided for residential, commercial, or industrial subdivision purposes unless connected to a municipal sewerage system.
- 4.03 Scattered or premature subdivision of land as would involve danger or injury to health, safety, or prosperity by reason of the lack of water supply, drainage, transportation, schools, fire department or other public services, or necessitate an excessive expenditure of public funds for the supply of such services, shall not be approved.
- 4.04 Land designated for public use may not be subdivided for any other purpose.
- 4.05 The subdivision plan should be in harmony with the Bethlehem Master Plan and shall conform with the Bethlehem Zoning Ordinance and all other applicable federal, state and local by-laws, ordinances and regulations.
- 4.06 All proposed subdivisions shall be reviewed by the Board with respect to their effect upon existing community services and facilities including schools and recreation areas. The Board shall advise the applicant regarding the designation of space for any necessary future community facilities to meet the needs of the subdivision and may make such plat designation a condition precedent to final approval.
- 4.07 The Board may require that a proposed subdivision plan preserve such natural features as trees, streams, watercourses and scenic views. The street and lot layout shall be adapted to the topography. Extensive grading and filling shall be avoided as far as possible.
- 4.08 Street trees, esplanades, and open spaces may be required at the discretion of the Board. When such improvements are required they shall be incorporated in the final plan.
- 4.09 If the Board determines that improvements to highways, drainage, water or sewer located outside the boundaries of the property that is subject to the subdivision application will be necessitated by the development, then the applicant may be required to pay a reasonable share for such upgrading

of the public facilities to the extent necessary to protect the public interest. If other properties benefit from the upgrading of such off-site public improvements, the Board shall determine the portion of the cost to be paid by the applicant. The applicant's share shall be paid to the Town prior to the signing of the final plat for recording purposes. These funds shall be held in a special account established by the Town to be expended on the upgrading of the public facilities.

SECTION 5. SUBDIVISION PROCEDURES

5.01 Pre-application Phases (Optional)

Preliminary Conceptual Consultation

1. The applicant may request a meeting with the Board to discuss a proposal in conceptual form and in general terms. Such pre-application consultation shall be informal and directed toward:
 - a) Reviewing the basic concepts of the proposal;
 - b) Reviewing the proposal with regard to the Master Plan and Zoning Ordinance;
 - c) Explaining the local regulations that may apply to the proposal;
 - d) Determination of the proposal as a major or minor subdivision; and
 - e) Guiding the applicant relative to state and local requirements.
2. There is no fee for a Conceptual Consultation and no public notice is required. A sketch plan may be utilized to show the location and type of proposed development, with additional information such as general topography and prominent natural features. If the subdivider brings in a detailed plan of any type or preliminary plan prepared by a surveyor or engineer, the Board will recess any discussion until notice has been given as provided in Section 5.07.

Design Review Phase

1. Prior to submission of an application for Board action, an applicant may request to meet with the Board for non-binding discussions beyond the conceptual and general, involving more specific design and engineering details of the potential application. The intent of Design Review is to enable the applicant, the Planning Board and support staff to review, discuss and evaluate a proposed subdivision at a time when modification will not result in substantial loss of engineering or surveying costs to the subdivider. It is also intended that the Design Review be an opportunity for the applicant to discover and resolve problems any final plat may have with the Bethlehem Subdivision Regulations. Such review does not bind either the applicant or the Board.
2. The Design Review phase may proceed only after notice as described in Section 5.07. Such review does not bind either the applicant or the Board.
3. Persons wishing to engage in Design Review shall submit a "Request for Pre-application Review" with the Board's designee at the Town Offices. The request shall be accompanied by:

- a. List of owners and abutters, their tax map and lot numbers and mailing addresses from municipal tax records not more than 5 days before filing; and names and addresses of holders of conservation, preservation or agricultural preservation restrictions; and of any engineer, land surveyor or soil scientist whose professional seal appears on the plat.
 - b. Check to cover filing fees, mailing and advertising costs.
 - c. A preliminary plan should contain information similar to that listed in Section 7; data may be tentative.
 - d. The Board shall assign a prompt but appropriate meeting date.
4. Statements made by Board members shall not be the basis for disqualifying said members or invalidating any action eventually taken on the application.
 5. The Board shall not accept any final application submissions by the applicant at this time.

5.02 Completed Application (Required)

1. The applicant is solely responsible for submitting a completed application to the Board.
2. A completed application sufficient to invoke jurisdiction of the Board shall be filed with the Board's designee at the Town Offices at least 21 days prior to the public meeting of the Board at which it is to be submitted 676:4, I (b).
3. A completed application shall be submitted to and accepted by the Board only at a regular Board meeting after due notification has been given as required by RSA 676:4,I(d).
4. A completed application shall consist of all data required in Section 7 – Plat Submission Requirements.
5. The complete application shall include all fees herein required by Section 6 Fees.
6. The Board shall, at the next regular meeting or within 30 days following the delivery of the application, for which notice can be given, determine if a submitted application is complete. Acceptance that an application is complete will be by affirmative vote of a majority of the Board members present.
7. Before acceptance, the Board may determine that additional information is necessary in order to make an informed decision. The Board can require that additional reports or studies be submitted before it will vote to accept the application as complete.
8. When a completed application has been accepted by the Board, the Board shall provide a receipt to the applicant indicating the date of acceptance which is the start of the 65-day review.
9. An incomplete application submitted by the applicant shall not be accepted for review by the Board. An application may be disapproved by the Board without public hearing on the grounds of failure of the applicant to supply required information or to pay fees as required by these Regulations.

5.03 Minor Subdivision

1. The applicant may meet the Board for pre-application conceptual consultation to determine if the proposal qualifies as a Minor Subdivision as defined in Section 3.15.
2. Notice of Submission for a Minor Subdivision may be combined with the Notice of Public Hearing.

5.04 Board Action on Completed Application

1. The Board shall act to approve, conditionally approve, or disapprove the completed application within 65 days of its formal submission to and acceptance by the Board.
2. The Board may apply to the Selectmen for an extension not to exceed an additional 90 days before acting to approve, conditionally approve or disapprove an application. An applicant may waive the requirements for Board action within the time periods specified in these Regulations and consent to such extension as may be mutually agreeable. (RSA 676:4, I (f))
3. Approval of the final plat shall be certified by written endorsement on the plat and signed and dated by the Chairman of the Planning Board. The Planning Board designee shall transmit a copy of the plat with such approval endorsed in writing thereon to the Grafton County Register of Deeds. The applicant shall be responsible for the payment of all Registry recording fees.
4. If any submitted plat is disapproved, the grounds for such disapproval shall be adequately stated in the records of the Planning Board and in written notice given to the applicant.
5. If the Planning Board has not taken action on the completed application within 65 days of its submission and has not obtained an extension, the applicant may obtain from the Board of Selectmen, an order directing the Board to act within thirty (30) days. If the Board does not act on the order, then within 40 days the Selectboard shall certify that the plat is approved unless within those 40 days the Selectboard has identified in writing some specific requirement contained in these Regulations or the Zoning Ordinance or other ordinance provision with which the application does not comply.

5.05 Conditional Approval

The Board may grant conditional approval of an application, but the plat will not be signed or recorded until all of the conditions precedent have been met. A further hearing is not required when such conditions:

1. Are administrative in nature;
2. Involve no discretionary judgment on the part of the Board; or
3. Involve the applicant's possession of permits and approvals granted by other boards or agencies, such as the NH Department of Transportation (NHDOT) or NH Department of Environmental Services (NHDES).

A further public hearing will be required to demonstrate compliance with the terms of all other conditions pursuant to RSA 676:4, I (I).

5.06 Public Hearing

Prior to the approval of a subdivision, a public hearing shall be held as required by RSA:4, I(d) with notice given as provided in Section 5.07 Notice.

A public hearing shall not be required when the Board is considering or acting upon:

1. Minor lot line adjustments or boundary line agreements, except that notice to abutters shall be given prior to approval of the application and any abutter may be heard on the application upon request; or

2. Disapprovals of applications based upon failure of the applicant to supply information required by these Regulations, including abutters identification; failure to meet reasonable deadlines established by the Board; or failure to pay costs of notice or other fees required by the Board.

5.07 Notice

1. Notice of Design Review Phase, notice of submission of an application to be considered for acceptance as a Complete Application, or notice of a public hearing shall be given to the abutters; the applicant; holders of conservation, preservation or agricultural preservation restrictions; and any engineer, land surveyor or soil scientist whose professional seal appears on the plat by certified mail, mailed at least 10 days prior to the Planning Board meeting. For subdivisions in which any structure or proposed building site will be within 500 feet of the top of the bank of any pond, river or stream, notice shall also be given to NHDES by first class mail.
2. The public will be given notice at the same time, by posting in two public places and in a newspaper of general circulation.
3. The notice shall give the date, time, and place of the Planning Board meeting at which the application or other item(s) will be considered. It shall also include a general description of the proposal which is to be considered, and shall identify the applicant(s) and the location of the proposal.
4. If the notice for a public hearing was included in the notice of submission or in any prior notice, additional notice of the public hearing is not required. Additional notice is not required of an adjourned session of a hearing provided that the date, time and place of the adjourned session were made known at the prior meeting.

5.08 Notice of Decision

The Board shall notify the applicant in writing, signed by the Chair, of its actions on the final plat. In case of disapproval, the grounds for such disapproval shall be set forth in the Notice of Action, which shall become part of the public records of the Board. For the purpose of calculating the 30-day period within which to file an appeal under RSA 677:15, the 30-day period will begin with the date following the date upon which the Planning Board voted to approve or disapprove the application. In case of approval, the Notice of Action shall set forth the following as applicable:

1. A statement that the subdivision shall be completed and constructed in conformity with the approved final plat and these Regulations.
2. Any waivers granted by the Board from the requirements of these Regulations pursuant to Section 11.03(2).
3. Conditions of approval precedent, i.e., required prior to signing and recording final plat, if any, such as:
 - a. Any conditions of approval that must appear on the final plat, e.g., long-term responsibility for maintenance of roads, stormwater and other utilities and facilities, restrictions on the use of the property, or safeguards that must be observed during development of the property or once the project is in use.

- b. A description of land, if any, to be dedicated to widen existing streets or accomplish some other purpose.
 - c. Amount of security to be provided to the Town to guarantee performance.
 - d. Amount to be provided to the Town to escrow for inspection fees.
 - e. Road/Utility Documents:
 - i. If a subdivision is to be served by public water or public sewer, a statement from the Water and Sewer Department attesting to the availability of such service.
 - ii. In the case of electric lines or other utilities to be installed by a public utility corporation, a statement shall be received in writing from such public utility that the work will be done within a reasonable time and without expense to the Town and that utility lines will be placed underground.
 - f. Legal Documents:

Where applicable to a specific subdivision, the items listed below are required, in a form as approved by the Town's attorney, prior to final approval of the subdivision plat. All recording fees shall be borne by the subdivider.

 - i. The language of any deed restrictions, covenants or articles of association submitted by the applicant and accepted by the Board.
 - ii. Easements and/or rights-of-way over property to remain in private ownership.
 - iii. Rights to drain onto or across property, whether public or private, including a street.
 - iv. Deeds covering land to be used for public purposes, including titles to be transferred to the Town effective on such date as the Town accepts the land through the town meeting process.
 - g. Approvals, as prescribed by law, from any other municipal, state or federal agency which may have jurisdiction, for example, NHDOT or town driveway permit, NHDES Shoreland, Wetlands, or Alteration of Terrain permits, or state subdivision approval.
4. Conditions of approval subsequent, i.e., special conditions placed on the approval, if any, such as the following, and specifying which must appear of the final plat to be signed and recorded:
- a. Long-term responsibility for maintenance of roads, stormwater and other utilities and facilities.
 - b. Restrictions on the use of the property or of the open space areas.
 - c. Safeguards that must be observed during development of the property or once the project is in use.
 - d. Natural features to remain.
 - e. Requirements regarding utilities or fire protection.
5. A statement that all improvements, including off-site improvements, required by the Planning Board shall be completed and constructed at the sole expense of the applicant or the successors and assigns of the applicant.
6. A statement of responsibility for possible damage to existing streets during construction.
7. A written acknowledgement of the subdivider's responsibility for maintenance and the assumption by the subdivider of liability for injuries and damages that may occur on any land to be dedicated for public use, until such land has been legally accepted by the Town.

8. A statement that if the subdivider and Planning Board have agreed that any road(s) are to remain private, the landowners shall be required to conduct, at no expense to the Town, any maintenance, repairs and/or repaving deemed necessary by the Town prior to any future dedication and acceptance or petition to layout a town road over said private road.
9. All agreements, if any, between the applicant and Board concerning matters not required by these Regulations, but to be performed by the applicant.
10. Criteria established by the Board for determining “active and substantial development” and “substantial completion” pursuant to RSA 674:39 Five-Year Exemption.

Unless all of the above information appears on the final plat to be signed and recorded, the Notice of Decision shall be recorded at the Grafton County Registry of Deeds with the final plat.

SECTION 6. FEES

- 6.01 A Complete Application shall be accompanied by an application fee, plus current certified notice fees and the fee to cover the cost of the newspaper notice.
- 6.02 All costs of notices, whether mailed, posted, or published, shall be paid in advance by the applicant. Failure to pay costs shall constitute valid grounds for the Board to terminate further consideration of the application and to disapprove the Plat without a public hearing.
- 6.03 Pursuant to RSA 676:4, I(g) it shall be the responsibility of the applicant, if the Board deems it necessary, to pay reasonable fees for special investigative studies, environmental assessments, legal review of documents, administrative expenses and other matters which may be required to make an informed decision on a particular application. These fees and costs must be paid before the Board certifies approval of the application.
- 6.04 To aid the Board in determining if the application is complete and in conformance with the Zoning Ordinance and these Regulations, applications may undergo a technical review by a person or group of people designated by the Planning Board. If the Board designates an outside consultant to assist the Board with this technical review, then the applicant shall be responsible for all fees associated with this review pursuant to RSA 676:4,I(g) and 676:4-b.
- 6.05 The Planning Board shall record all approved subdivision plats with the Grafton County Register of Deeds. The applicant is responsible for the payment of all recording and other outstanding fees related to the subdivision application before the Board Chairman signs the final plat.

SECTION 7. PLAT SUBMISSION REQUIREMENTS

7.01 Application for Subdivision Approval

Three copies of the plat shall be submitted on one or more 24' x 36" sheet (s) at a sufficient scale to clearly depict the details of the project, not more than 100 feet to the inch, along with a PDF containing all application material. The Plat shall be prepared and stamped by a land surveyor licensed in the State of New Hampshire.

The plat shall be accompanied by:

1. A list of the names, addresses and tax map and lot numbers of the owner(s) and all abutters as shown in the Town records not more than 5 days before the day of filing; names and addresses of holders of conservation, preservation or agricultural preservation restrictions; and of any engineer, land surveyor or soil scientist whose professional seal appears on the plat.
2. Payment to cover application fees, mailing and advertising costs, and other fees as may be required.
3. A copy of the Subdivision Application and Checklist with all of the appropriate categories in the "applicant" column checked off.
4. Any additional information which the Board deems necessary to evaluate the application in relation to these Regulations. This may include, but not be limited to, traffic, school, fiscal and environmental impact analysis and legal reviews.
5. Any waivers being requested pursuant to Section 11.03 with justification.

The plat shall include:

6. Proposed subdivision name or identifying title.
7. Name(s) and address of the owner(s).
8. Graphic scale, north arrow and date of plat preparation; dates of any revisions.
9. A locus plan which centrally locates the site under consideration and clearly identifies streets nearest the proposed subdivision.
10. Signature block for Planning Board.
11. The statement: "The subdivision regulations of the Town of Bethlehem, New Hampshire, are a part of this plat, and approval of this plat is contingent on completion of all requirements of said subdivision regulations, excepting any waivers or modifications made in writing by the Board."

12. A boundary survey of the entire lot, prepared in accordance with the Requirements for a Standard Property Survey (Urban) and Administrative Rules of the NH Board of Licensure for Land Surveyor, showing bearings to the nearest minute and distances to nearest 0.01 feet on all property lines. A note shall state the deed and plan source(s) of such information. In the case of irregular boundaries, such as brooks, and in the case of non-tangential curves, the bearing and distance of tie lines and long chords, respectively shall be shown.
13. Acreage and tax map-parcel number of the lot proposed to be subdivided, and the acreage, square footage and consecutive numbering of each proposed lot.
14. Ownership and location of abutting properties. Show where the boundary line of abutting properties abuts the site to be subdivided.
15. Zoning on and adjacent to the site, including overlay districts such as Flood Hazard Areas and Groundwater Protection District. A zoning district line abutting a parcel proposed to be subdivided shall be clearly shown.
16. The location, length, width and changes in direction (with bearings and distances) of all existing and proposed rights-of-ways. The name(s) of all existing or proposed streets shall appear within the street right-of-way lines.
17. The location, length, width and changes in direction (with bearings and distances) of all existing and proposed easements.
18. Location of all monuments existing and/or proposed. The type of monument shall be clearly indicated and whether it preexists or is to be set. See Section 8.02.
19. The location of all existing and proposed structures (including building lines); well and septic system sites and well protective radii; utility poles; excavation and “borrow” pits; and other man-made features.
20. Existing and proposed driveways.
21. Year-round and seasonal watercourses, wetlands, ponds; tree lines of wooded areas; rock outcroppings; and other significant natural features.
22. The type and location of all existing and proposed surface water drainage.
23. The location of all existing and/or proposed utilities-water, gas, electricity, or other.
24. Within the Water and Sewer District – the type and location of all existing and/or proposed sanitary sewers showing their sizes, profiles and cross-sections; or, in areas outside the Water and Sewer District – logs of test pits and percolation tests shall be provided to the Board as a separate document with their locations shown on the plan.
25. Existing and proposed topography at two-foot intervals.

26. Soil types according to Natural Resource Conservation Service (NRCS) mapping. Soil group limits may be adjusted to conform with topography. Class 5 and 6 soil shall be labeled “poorly drained” or “very poorly drained.” An on-site soil survey may be required if NRCS mapping does not appear to be accurate at the required scale or if natural characteristics appear to limit development potential.
27. For lots with on-site wastewater systems proposed, a soils/minimum lot size chart shall appear on or accompany the plat. The chart shall state the minimum lot size from the Bethlehem Zoning Ordinance and also show for each proposed lot:
 - a) The name of each individual soil type;
 - b) The square footages of each individual soil type;
 - c) The individual soil group minimum lot sizes set by NH Code of Administrative Rules Env-Wq 1005;
 - d) The minimum lot size per NH Code of Administrative Rules Env-Wq 1005;
 - e) A tabulation of on-site soil group square footages demonstrating that the proposed lot(s) meet or exceeds NHDES Regulations and the Bethlehem Zoning Ordinance.
28. For all proposed lots 5 acres or less in size located in areas outside of the Water and Sewer District, the Board shall require a written approval for subdivision from the NHDES prior to certifying the final plat as approved. The NHDES subdivision approval number shall appear as a note on the final plat.
29. Minimum building setback lines and any buffer areas required by the Bethlehem Zoning Ordinances shall be drawn on all proposed new lots and other sites.
30. Any additional information which the Board deems necessary in order to apply the regulations contained herein.

The following application requirements apply to Major Subdivision Applications Only:

31. Location, size, planting and landscaping of such parks, esplanades, other open spaces as may be proposed by the applicant or required by the Board.
32. Proposed common areas, e.g., for recreation, public access, multi-use paths.
33. Plans for any extensions of water or sewer lines required to serve the subdivision with sizes, profiles, cross sections.
34. Road plan. When new or upgraded roads are proposed, a road design shall be submitted in plan and profile on sheets twenty-two by thirty-four (22 x 34) inches in size and having a horizontal scale of one (1) inch equals fifty (50) feet and a vertical scale of one (1) inch equals ten (10) feet. Three (3) copies shall be submitted to the Planning Board for review and approval. The plan shall display the stamp of a professional engineer and include the following information:
 - a) Title, including the name of the subdivision, name of the owner, name of road, date, scale and name of designer/engineer.
 - b) Right-of-way lines.

- c) Slope and drainage easements.
- d) All center line data.
- e) Edge of pavement lines, pavement and shoulder widths.
- f) Typical cross section.
- g) Existing grade at each half station (on profile).
- h) Proposed grade at each half station (on profile).
- i) Length of vertical curves and data (on profile).
- j) Dimensions of curves - tangents, chords, and radii.
- k) Utility locations.
- l) Specific material or reference.
- m) Construction details of all roadways, bridges, culverts, curbing and walkways.
- n) Drainage structure location, inverts, skew, station, length, slope and end treatments.
- o) Location of all monuments to be set at road intersections; points of curvature and tangency of curved roads; and corners and angles of lots.
- p) Average daily traffic.
- q) A detailed engineer's estimate of construction costs.

35. Stormwater management plan including the location and construction details of all existing and proposed temporary and permanent erosion and sedimentation and stormwater management and treatment facilities, including culverts, drains, swales, retention and detention areas, including drainage computation.

36. A plan for proposed signage and lighting.

37. Provisions for snow removal and storage.

Prior to endorsement of the final plat:

38. Mylar of approved plat in a format acceptable for recording with the Grafton County Registry of Deeds.

39. All required federal, state or local permits and approvals must be obtained and filed with the town office, including, but not limited to:

- a. state or local driveway permit
- b. NHDES wetlands permit
- c. NHDES shoreland permit
- d. NHDES alteration of terrain permit
- e. NHDES state subdivision approval
- f. Water and Sewer District approval
- g. Fire Chief approval

7.02 Application for Minor Lot Line Adjustment or Boundary Line Agreement

Lot line adjustments or boundary line agreements require the approval of the Board to make certain that no new lots will be created and the changes will not result in or increase any lack of conformance with

the Zoning Ordinance or other requirements. The applicant shall submit the following materials to the Board or designee at least 21 days before a regular Board meeting:

1. Completed Application and Checklist for Minor Lot Line Adjustments and Boundary Agreements.
2. Names and addresses of all interest holders as listed in Section 5.07.
3. All applicable fees.
4. A PDF and three paper copies of a survey plan prepared and stamped by a NH-licensed land surveyor on a 24' x 36" sheet at a sufficient scale to clearly depict the details of the project, not more than 100 feet to the inch, showing:
 - a. a locus map indicating parcels in relation to major streets and intersections;
 - b. the tax map and lot number and zoning district;
 - c. new property line or lines created in solid lines, and dotted lines showing the original;
 - d. lot areas and dimensions;
 - e. all existing buildings and other structures, septic systems and wells with protective radii, rights-of-way, driveways;
 - f. abutters' names and addresses and tax map and lot numbers; and
 - g. the following statement: "The property conveyed herein shall not be deemed or considered a separate lot of record, but upon the recording of this plan and the accompanying deed, shall be regarded as merged into and made an integral part of the contiguous lot of land previously owned by the grantee(s) so that the same shall hereafter be one combined single lot of record."

An application filed under this subsection may be accepted and approved at one Board meeting if all materials are in proper order and all requirements are met. No public hearing is required for minor lot line adjustments or boundary line agreements, but interest holders must be notified 10 days prior to the meeting to review the applications and interest holders may be heard upon request per RSA 676:4, I(e)(1).

After final approval is given, the mylar will be held and not recorded until the Town has received the accompanying deed and can record them both at the same time with the Grafton County Registry of Deeds.

SECTION 8. DESIGN STANDARDS

8.01 Stormwater and Erosion Control

1. Stormwater management systems shall be designed to permit unimpeded flow of all natural watercourses, ensure adequate drainage of stormwater away from buildings and parking areas and off of streets, and prevent erosion and the resulting sedimentation. All subdivisions shall be developed in accordance with the NHDES *New Hampshire Stormwater Manual*, latest edition, to the extent practicable.
2. Where individual lots in a subdivision are to be traversed by a stormwater drainage way, the plat shall show a stormwater easement or drainage right-of-way of such nature, width, and location as the Board deems adequate;

8.02 Monuments

1. Permanent monuments shall be set at all corners and angle points of the subdivision boundaries, and at all street intersections and points of curvature.
2. An engineer or land surveyor licensed in the state of New Hampshire shall set all monuments.
3. Location
 - a. Monuments. Stone, concrete, or other approved permanent monuments shall be placed not more than 500' apart on any straight line and at all corners, at each end of all curves, at the point a curve changes its radius, at all principal angle points in any line, and at all principal angle points along the meander line, said points to be not less than twenty feet (20') from the bank of any river or stream.
 - b. Steel Pins. Relevant features of lot lines, angle points along meander line, and any other pertinent points not marked by monuments of stone or concrete shall be marked by steel pins.
4. Specifications
 - a. Permanent monuments shall be not less than forty-two inches (42") in length with thirty-six inches (36") in the ground, not less than four inches (4") in diameter, and marked on top with a cross, brass plate, plug or pin securely imbedded to serve as a point of reference. All permanent monuments shall contain ferrous material at subsurface levels, or, if stone, marked by an adjacent iron rod. If site conditions do not permit the installation of concrete or stone monuments, the surveyor may use 5/8" rebar set in concrete or drill holes in rock with magnetic nails inset to facilitate retrieval.
 - b. Steel pins shall be at least thirty-six inches (36") long and five-eighths inch (5/8") in diameter or square.
5. The type of marker set should be noted on the final plat if possible.
6. Monuments shall contain the name and/or license number of the surveyor.

8.03 Sidewalks

1. Sidewalks or other pedestrian/bicycle access shall be installed at the expense of the subdivider where the subdivision abuts or fronts onto a major street, and at such locations as the Board may deem necessary for pedestrian safety.

8.04 Street Systems

1. Any proposed subdivision shall be so designated that every lot has frontage on and access to a publicly-maintained street or a private road approved by the Planning Board and constructed and maintained to the Town's road standards as listed below. Any lot granted a waiver from this requirement pursuant to Section 11.03 and approved by the Planning Board shall require compliance with RSA 674:41 as a condition precedent to ensure the lots will be buildable. The design of streets shall provide for proper continuation of streets from adjacent subdivisions and built up areas and proper projection of streets into adjacent subdivided and open spaces.

2. Right-of-Way
 - a. The minimum right-of-way width shall be 50 feet. The Board may require a greater width where in its judgment such is necessitated by the demands of the present or future traffic (including cars, trucks, bicycles, and pedestrians) or utilities, or where topographic conditions create a need for greater width for grading.
 - b. For internal roads, i.e., those serving multiple buildings or sites on the same lot, a reduction in the width of the area reserved for the purposes of the roadway from 50 feet to 40 feet may be considered by the Board provided the applicant can demonstrate the adequacy for providing all future utilities, grading and drainage, and safe passage for users, including cars, trucks, bicycles and pedestrians.
3. Grades of all streets shall not be less than 1% or more than 8% unless specifically approved by the Board where, in its judgment, existing topographic conditions or the preservation of natural features indicate that such modifications over short distances will result in the best subdivision of land. A maximum of one percent (1%) grade shall be allowed within one hundred (100) feet of an intersection.
4. Streets shall intersect at right angles where possible but under no circumstances at an angle of less than 75 degrees.
5. “T” intersections formed on opposite sides of the same collector street shall no be closer than 200 feet center line to center line.
6. Street lines at intersections shall be cut back to provide for curb radii of not less than 30 feet.
7. Street intersections and curves shall be so designed as to permit adequate visibility for both pedestrians and vehicular traffic. Curves shall have a minimum centerline radius of 200 feet; a larger radius may be required when supported by design speed, topography, and other local conditions.
8. A dead-end street shall not generally exceed 600 feet in length and shall be provided with a suitable turnaround at the closed end. The closed end shall be either circular, T-shaped, or hammerhead design with the width and pavement type providing adequate room for movement of snowplows and fire equipment as determined by the Board. When a turning circle is used, it shall have a minimum outside radius of 65 feet.
9. All roadways and materials shall be constructed in accordance with the NHDOT *Standard Specifications for Road and Bridge Construction*, latest edition, including Supplemental Specifications if any.
10. No gravel roads shall be allowed.
11. Design standards, including but not limited to minimum sight distances at intersections and at changes in grade, shall conform to geometric design guides by the American Association of State Highway and Transportation Officials (AASHTO), *A Policy on Geometric Design of Highways*

and Streets, latest edition, or, if applicable, *Guidelines for Geometric Design of Very Low-Volume Roads*, latest edition.

12. Construction Specifications

Average Daily Traffic (vehicles/day)	1-50	51-200	201-750	751-1500	Over 1500
Travelled Way	18 ft.	20 ft.	20 ft.	22 ft.	24 ft.
Shoulder Width	2 ft.	2 ft.	4 ft.	4 ft.	8-10
Wearing Surface	Bituminous Surface Treatment or Hot Bituminous Pavement		Hot Bituminous Pavement		
Crushed Gravel	5 in.	6 in.	6 in.	6 in.	6 in.
Gravel Base	12 in.	16 in.	18 in.	18 in.	18 in.

- a. Vehicles per day shall be calculated as 8 trips per possible dwelling unit. A traffic study may be required for nonresidential development.
- b. Gravel shoulders, equal to the base course depth. In some cases where needed for pedestrian/bicycle safety, paved shoulders and a greater width may be required.

13. Bridges. On stream crossings of 10 feet or more span, the structure shall be designed to HS-20 loading (AASHTO *LRFD Bridge Design Specifications*) The minimum roadway width shall be 24 feet.

14. Maintenance Responsibility

- a. The Planning Board’s approval of a proposed street as part of a subdivision application does not constitute or imply any future acceptance of the road by the Town. All subdivision streets shall be noted on the plat as private unless already accepted by the Town. Acceptance of a street by the Town may be accomplished only by the Town Meeting or as provided by RSA 674:40-a; such acceptance shall be determined on an individual basis.
- b. The developer, landowners, or homeowners association shall be responsible for maintenance and repair of private roadways until or unless accepted by the Town. The applicant shall demonstrate that an entity (e.g. developer, landowners, or homeowners association) will be in place having the responsibility and financial substance to ensure maintenance and repair of proposed roads in a manner which provides safe access for all users, including residents, visitors, delivery and emergency vehicles.
- c. Covenant language shall be incorporated in deeds within the subdivision to provide for maintenance and repair. The proposed covenant language shall be provided for review and approval by the Planning Board, Selectboard and town attorney and shall include:
 - i. The legal description of all properties that have a right to use the street.
 - ii. The legal owner of the street.
 - iii. The manner in which the responsibility for carrying out and paying for maintenance and repairs is to be shared by the parties.
 - iv. The process for emergency repairs.
 - v. The consequences for non-participation.

vi. The statement that in the event any lot owner petitions the Town to take over maintenance, the road owner(s) will be solely responsible for paying any costs of upgrading the road to town road specifications if required.

8.05 Street Signs

1. Street names shall conform with the Enhanced 911 System per RSA 106-H.
2. Roadway signage shall conform with the FHWA *Manual on Uniform Traffic Control Devices* (MUTCD), latest edition.
3. All required street signs shall be furnished and installed by the subdivider. The type, size, and location shall be approved by the Selectboard.

8.06 Utility Systems

1. The size, type and location of public utilities such as streetlights, electricity, telephones, gas lines, fire hydrants, etc., shall be approved by the Board and installed in accordance with local practice.
2. Utilities shall be installed underground except as otherwise approved by the Board.
3. Appropriate on-site easements shall be required for all utilities required by an applicant's subdivision design.

8.07 Water Supply and Sewage Disposal Systems

1. The subdivider shall file a bond in an amount sufficient to cover the cost of the preparation and extension of public water and/or public sewerage, if available. The bond shall be approved as to form and sureties by the legal counsel of the Town of Bethlehem and conditioned on the completion of such improvements within two years of the date of bond.
2. The applicant shall install sanitary sewers in any subdivision located within or near the Water and Sewer District of the Town (if required by the Board and/or the Water and Sewer District Commissioners). Such sanitary sewers shall be located within street rights-of-way unless topography dictates otherwise. When located in easements on private property, the subdivider shall deed access to the Town Water and Sewer District and shall identify the sanitary sewer easements on the final plat. The width and location of such easements shall receive the approval of the Water and Sewer District Commissioners. All plans and profiles associated with Water and Sewer District sanitary sewer lines shall receive the approval of the Water and Sewer District Commissioners before final Board approval.
3. Where a subdivision is traversed by a future sewer line there shall be provided an easement within such subdivision and over the property of owners abutting upon it of such nature, width, and location as the Board deems adequate.
4. In the areas not served by public water and sewer systems, it shall be the responsibility of the subdivider to prove that the area of each lot is adequate to permit the installation of individual on-lot water and sewage systems.

5. All water supply and wastewater systems shall be designed and installed in accordance with the standards of the NHDES.

8.08 Fire Protection

All subdivisions shall meet the approval of the Bethlehem Fire Department, documented by the Fire Chief or designee, relative to emergency access, and fire prevention, protection, and water supply. Installation of cisterns or fire ponds may be required by the Planning Board if recommended by the Fire Chief or designee.

8.09 Special Flood Hazard Areas

The following requirements shall apply to subdivisions having land designated as “Special Flood Hazard Areas” (SFHA) by the National Flood Insurance Program (NFIP):

1. 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 Amendments of 1972, 33 U.S.C. 1334.
2. The Planning Board shall require that all subdivision proposals greater than 50 lots or five acres, whichever is the lesser, include Base Flood Elevation (BFE) data within such proposals (i.e., floodplain boundary and 100-year flood elevation).
3. 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:
 - a. All such proposals are consistent with the need to minimize flood damage;
 - b. All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage; and
 - c. Adequate drainage is provided so as to reduce exposure to flood hazards.

SECTION 9. PERFORMANCE GUARANTEES

9.01 Requirements

1. The applicant shall file with the Town, before the Board certifies the approved final plat, a performance guarantee in an amount sufficient to assure that the full cost of the on-site and the subdivider’s share of all off-site improvements required by the subdivision shall be met.
2. Improvements shall mean the furnishing, installing, connecting and completing (to the Town’s satisfaction) all streets, roads, driveways, parking, drainage, utilities and other necessary improvements required by the Planning Board.

3. The performance guarantee shall be in the form of cash, a certified check, bond or irrevocable letter of credit – all payable to the Town of Bethlehem.
4. The condition and amount of the performance guarantee shall be determined by the Planning Board with the advice of the various municipal boards, departments and agencies concerned. Cost escalation factors may be applied by the Planning Board to any performance guarantee but shall not exceed 10 percent per year.
5. The Planning Board shall, at the time of plan approval, prior to the approval endorsement of the final plat, require the applicant to establish an appropriate escrow in an amount estimated by the Board to fully compensate the Town of Bethlehem for all inspection and testing charges deemed necessary to confirm that construction is completed in conformance with the approved plans and/or applicable specifications, codes and standards.
6. All on and off-site improvements shall be completed within two (2) years of the date the Planning Board certifies the subdivision final plat.
7. The applicant may seek, in writing, an extension of time to complete the improvements. The Planning Board may, if the applicant demonstrates good cause for such extension (and after consulting with other interested municipal Boards, officials agencies or legal counsel) recommend to the Board of Selectmen approval of such extension.
8. If the Board finds that the developer has not:
 - a. installed improvements satisfactorily; or
 - b. has not completed those improvements within the time of completion; or
 - c. has not maintained those improvements in a satisfactorily condition;

then the Board may provide notice to the developer and may take such further action or make such use of the performance guarantee as may be appropriate in the judgment of the Board to complete those improvements.

9. The performance guarantee may be released, in whole or in part, following notice from relevant Town departments, agencies or the Board's consulting engineer that required improvements have been installed in a satisfactory manner. Partial performance guarantee release will be considered following receipt and approval of a revised estimate of the cost of the remaining improvements.

SECTION 10. CONSTRUCTION OF SUBDIVISION

10.01 Modification of Design

If, at any time before or during the construction of required on or off-site improvements, it is demonstrated to the Board's satisfaction that unforeseen conditions make it necessary or preferable to modify the location or design of such required improvements, the Board may (but shall not be required to) authorize such modifications.

10.02 Notification of Commencement of Improvements

The subdivider shall, at least five (5) days prior to commencing construction of any required on or off-site improvements, notify the Planning Board or its designee in writing of the date they propose to commence construction.

10.03 Proper Installation of Improvements

1. The subdivider shall notify the Planning Board or its designee in writing when it believes that construction of any improvements has been completed.
2. If the Board or its designee determines, upon inspection and testing, that any required on or off-site improvements have not been completed in accordance with the plat or other plans or specifications filed by the applicant and required and approved by the Planning Board, the Board shall notify the subdivider in writing of such deficiency.
3. The subdivider shall rectify all deficiencies at their own expense and bear all costs for municipal inspection.
4. If the subdivider does not rectify all deficiencies within sixty (60) days of receipt of such notice, the Planning Board shall notify the Board of Selectmen and the Board of Selectmen shall notify the subdivider's bonding company or agent of the default and may order all further construction work and sales to stop.

SECTION 11. ADMINISTRATION AND ENFORCEMENT

11.01 Administration

These regulations shall be administered by the Planning Board.

11.02 Enforcement

The enforcement of these Regulations is vested with the Board of Selectmen.

11.03 Modification of Subdivision Regulations

1. Waiver of Application Requirements

Upon written request by the applicant, or upon the motion of any Planning Board member, the Board may vote to waive, in whole or in part, any provision(s) of Section 7 when, in the majority opinion of the Board, such provision(s) would be inappropriate or superfluous to informed evaluation of the site in question. If, during the course of its review, the Planning Board determines that the waived information is necessary to complete its review, then the applicant shall provide that information.

2. Waiver of Standards

Upon the written request by the applicant, the Planning Board may grant a waiver or relaxation of the provisions of these Regulations as it deems appropriate per NH RSA 674:36, II(n), by majority vote of the Board. Reasons for the waiver shall be recorded in the meeting minutes. The requirements of these Regulations may only be modified or waived by the Board when:

- a. Strict conformity would pose an unnecessary hardship to the applicant and a waiver would not be contrary to the spirit and intent of the regulations; or
- b. Specific circumstances relative to the subdivision, or conditions of the land in such subdivision, indicate that the waiver will properly carry out the spirit and intent of the regulations.

In approving waivers, the Planning Board may require such conditions as will, in its judgment, substantially secure the objective of the standard or requirement of these Regulations that is being waived.

11.04 Penalties and Fines

Any violations of these Regulations shall be subject to a civil fine as provided in RSA 676:17, as amended. The Board of Selectmen is designated as the local authority to institute appropriate action under the provisions of RSA 676:17.

SECTION 12. COMPLIANCE WITH OTHER PROVISIONS

Any proposed subdivision shall be in conformity with the provisions of all pertinent state and local codes and ordinances.

SECTION 13. CONFLICTING PROVISIONS

Where any conflict between these Subdivision Regulations and other state or local codes and ordinances appears, the stricter provision shall apply.

SECTION 14. VALIDITY

If any section or part of section or paragraph of these Regulations shall be declared invalid or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other section or sections or part of a section or paragraph of these Regulations.

SECTION 15. AMENDMENTS

1. These Regulations may be amended by the Planning Board following a public hearing on the proposed change(s), certified by a majority of the Board, and filed with the Town Clerk.

2. A copy of any amendments to these Regulation should also be provided to the NH Office of Planning & Development (RSA 675:9).

ADOPTION

These Regulations were amended xxx, 2022 by the Bethlehem Planning Board.

Bethlehem Planning Board Approval:

_____	_____
_____	_____
_____	_____
_____	_____

Received by Town Clerk:

Signature

Date