

LAND SUBDIVISION REGULATIONS

TOWN OF CENTER HARBOR

NEW HAMPSHIRE

Recent Amendments:

2022 Section 5:3:7 Filing Fee

TABLE OF CONTENTS

<u>Section</u>	<u>Page</u>
1. Forward	1
2. Authority	3
3. Title	4
4. Definitions	5
5. Procedure	7
5:1 Preliminary Consultation	7
5:2 Conceptual Sketch	7
5:2:1 Conceptual Sketch	7
5:2:2 Revision of Conceptual Sketch	7
5:3 Application	7
5:3:7 Filing Fee	8
5:3:8 Notification	9
5:4 Abandonment and Resubmission	9
5:5 Final Plat	9
5:6 Board Action on Plats	10
5:6:1 Approval	10
5:6:2 Disapproval	10
5:6:3 Failure of the Board to Take Action	11
5:7 Waiver Procedure	11
6. General Requirements for the Subdivision of Land	12
6:4 High Intensity Soil Survey	12
6:4:1 Purpose	12
6:4:2 Definitions	12
6:4:3 Minimum Lot Sizes	14
6:4:4 Determination of Soil Type	15
6:4:5 Relationship Between State and Local Regulations	15
6:4:6 Saving Clause	15

	6:4:7 Record of Adoption	15
	6:4:8 Effective Date	15
	Standard for High Intensity Soil Map	16
	Key to Soil Types	18
	Table 1 – Minimum Lot Size by Soil Type 1/	20
	Planning Board Unit Density Calculation Sheet	21
7.	Preliminary Plat	24
8.	Final Plat	25
9.	Improvement Construction Requirements	26
	9:1 General Requirements	24
	9:2 Construction Standards	27
	9:3 Inspections	30
	9:4 Drainage	31
	9:5 Miscellaneous	32
	9:6 Approval and Acceptance	32
	Diagram 1: Geometric Cross Section Design Elements	34
	Diagram 2: Cul-De-Sac Suggested Layout and Minimum Requirements	35
	Diagram 3: Typical Driveway Profile	36
	Diagram 4: Typical Sidewalk Construction	37
10.	Flag and Pie Shaped Lots	38
	10:2 Flag Lots	38
	10:3 Pie Lots	38
11.	Miscellaneous	39
	11:1 Variances	39
	11:2 Amendments	39
	11:3 Penalty	39
	11:4 Adoption	39
	11:5 Severability	39
	11:6 Annual Review	40
12.	Administration	41

LAND SUBDIVISION REGULATIONS

Town of Center Harbor, New Hampshire

SECTION 1. FOREWORD

At the Center Harbor Town Meeting on March 14, 1967, the voters approved Article 16 of the Town Warrant which authorized the Planning Board to enact Subdivision Regulations.

The purpose of the proposed regulations is to provide for orderly growth of undeveloped land in Center Harbor according to reasonable standards. The regulations are primarily intended to act as a guide for developers.

Through these regulations, it is also hoped that the following objectives will be achieved:

- 1:1** To afford the best practicable living conditions with regard to the health and safety of residents of the town.
- 1:2** To provide safe and uncongested roads..
- 1:3** To maintain equitable values of land.
- 1:4** To protect the taxpayers from the future costs of correcting unhealthy, over-crowded, and congested developments.
- 1:5** To set standards for:
 - 1:5:1** Streets and roads;
 - 1:5:2** Sewage and drainage lines;
 - 1:5:3** Water supplies;
 - 1:5:4** Community services: schools, churches, shopping centers, parks and playgrounds;
 - 1:5:5** Open space areas;
 - 1:5:6** Population density.

The Center Harbor regulations have been adapted from the following sources:

- 1:6** New Hampshire Department of Resources and Economic Development, Suggested Regulations for Town Planning Boards.

- 1:7** Grafton County, N.H., Comprehensive Plan, Report No. 4, Model Zoning and Land Subdivision Regulations, Oct. 1965.
- 1:8** Subdivision Regulations for the Town of Gilford, N.H.
- 1:9** Subdivision Regulations for the Town of Sanbornton, N.H.
- 1:10** Other sources.

The Center Harbor regulations are not intended to be final and binding as such. Reasonable variances may always be granted by the Planning Board, and changes in the regulations may be made as necessary from time to time. Any suggestions by residents of the Town for improvements in these regulations will be welcome.

The Board has studied as many sources as possible for these regulations and tried to adapt the best ones. They have been reviewed by the State Department of Resources and Economic Development and the Board has consulted with many authorities to aid in establishing a fair and workable set of regulations which should be beneficial to all residents of the Town.

SECTION 2. AUTHORITY

Pursuant to the authority vested in the Center Harbor Planning Board by the voters of the Town of Center Harbor by an affirmative vote on Article 16 of the Town Warrant at the Town Meeting, March 14, 1967, and in accordance with the provisions of Chapter 36, Sections 19-29, New Hampshire RSA, 1955, as amended, the Center Harbor Planning Board adopts the following regulations governing the subdivision of all land in the Town of Center Harbor, New Hampshire.

SECTION 3. TITLE

These regulations shall be known and cited as the Subdivision Regulations of the Town of Center Harbor.

SECTION 4. DEFINITIONS

- 4:1 BOARD** means the Planning Board of the Town of Center Harbor.
- 4:2 EASEMENT** means an acquired privilege or right of use which one person may have in the land of another.
- 4:3 ENGINEER** means the duly designated Engineer of the Subdivider.
- 4:4 LOT** means a parcel of land capable of being occupied by one principal structure and its accessories, or used for one particular purpose and designated as such on a plat.
- 4:5 PLAT** means the map, drawing, or chart on which the subdivider's plan of subdivision is presented to the Center Harbor Planning Board for approval.
- 4:6 RE-SUBDIVISION** shall mean a change in a map of an approved or recorded subdivision or re-subdivision:
- 4:6:1** If such change
- (a) affects any street layout shown on such map, or
 - (b) affects any area reserved thereon for public use, or
 - (c) diminishes the size of any lot shown thereon;
- 4:6:2** If any of the lots shown thereon have been conveyed after the approval or recording of such map.
- 4:7 RIGHT-OF-WAY** shall mean a strip of land used for or intended to be used for a street, crosswalk, water main, sanitary or storm sewer main, or for other special use including public use. The usage of the term "right-of-way" for land platting purposes in these regulations shall mean that every right-of-way hereafter established and shown on a recorded plat is to be separate and distinct from the lots and parcels adjoining such right-of-way, and not to be included within the dimensions of areas or such other lots or parcels.
- 4:8 ROAD AGENT** means the duly designated Road Agent of the Town of Center Harbor.
- 4:9 SETBACK** means the distance between a legal boundary (right-of-way, lot line, or property line) and any part of a building.

- 4:10** **STREET** means and includes street, avenue, boulevard, road, alley, highway or other way, including all the land between the sidelines of the layout or conveyance or dedication thereof, but shall not include driveways serving not more than two adjacent lots.
- 4:11** **SUBDIVIDER** means the owner of record at the time of filing of an approved subdivision plan.
- 4:12** **SUBDIVISION** means the division of the 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 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.
- 4:13** **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 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. 1981, 380:2

SECTION 5. PROCEDURE

5:1 Preliminary Consultation

Prior to the submission of a preliminary plat or formal submission of an application and plat, a subdivider may discuss a proposal in general conceptual terms. No hearing or notification of abutters is required at this stage. The Board shall not make any formal or binding decisions as a consequence of this consultation. There is no time limit between this stage and the submission of a preliminary or formal proposal.

5:2 Conceptual Sketch

5:2:1 Conceptual Sketch – Before submissions of the completed application the Board may discuss and review the conceptual sketch in more detail than outlined in Section 5:1. The purpose of the conceptual sketch is to discuss the subdivision in more detail including, but not limited to, the layout of lots, streets, and open space. Whenever a conceptual sketch is discussed, formal notice must be given to the applicant, abutters, and the public as set forth in Section 5:3:8. This section may be waived at the Board's discretion.

5:2:2 Revision of Conceptual Sketch – After discussion and review as outlined in Section 5:2:1, the Board shall communicate in writing within thirty days to the applicant the specific requirements, which it considers necessary for completion of the application. The Board shall make no binding decisions at this stage and any recommended requirements in the conceptual sketch shall be considered tentative. If the applicant wishes to develop a subdivision in sections, this shall be so indicated.

5:3 Application

Whenever a subdivision is proposed and before any contact or offer for the sale, rent, or lease of lots in the subdivision shall have been negotiated, the owner thereof, or the owner's designated agent, shall make application for subdivision in the manner prescribed in Section 5 of these Regulations. No proposal shall be considered unless it is submitted on the application form provided by the Board.

5:3:1 A completed application shall include:

5:3:1:1 An application form for subdivision approval properly completed, which includes the names and addresses of the applicant and all abutters as indicated in Town records not more than five days before the day of filing the application with the Board.

5:3:1:2 Payment of fees to cover all administrative costs pertaining to a subdivision. See 5:3

5:3:1:3 Five copies of a preliminary plat showing or accompanied by information as specified in Section 7.

5:3:1:4 Two sets of abutters address labels.

5:3:2 The completed application shall be filed with the Secretary or the Chairman of the Board at least fifteen (15) days prior to a scheduled public meeting of the Board and shall include all names of persons, including abutters, to be notified of the submission of the application.

5:3:3 Submission of completed application – The completed application shall be formally submitted to and accepted by the Board only at a public meeting of the Board with notice as provided with Section 5:3:8 herein. Acceptance by the Board at this public meeting shall commence the ninety day approval period subject to extension or waiver as provided for in RSA 36:23 I (f) (Supp. 1981)

5:3:4 An incomplete application filed by the applicant will not be formally accepted by the Board nor will notices of a public meeting be mailed, posted in the Town Hall or published as provided under Section 5:3:8 hereof.

5:3:5 Applications may be disapproved by the Board without public meeting on grounds of failure of the applicant to supply information required by these Regulations, including (1) identification of abutters; information required for the Final Plat; (2) failure to pay costs of notices or other costs and fees required by these Regulations; and (3) failure to meet any reasonable deadline established by these Regulations.

5:3:6 In case of disapproval of any application submitted to the Board, the grounds for such disapproval shall be stated in the minutes of the Board.

5:3:7 Filing Fee

Each application for approval of a subdivision or re-subdivision shall be accompanied by an application fee of \$150.00 plus \$100.00 for each lot created. The applicant shall pay any other costs related to the subdivision application including but not limited to, notification, engineering, surveying, legal, Registry fee, and other fees if required by the application, and soil type verification if necessary. Amended April 5, 2022

5:3:8 Notification

The procedure for notification of the applicant, abutters, and the public shall be as follows: The Planning Board shall notify the applicant and abutters by certified mail return receipt requested, of the date upon which the Board will be (1) discussing the preliminary plan; (2) the date the application will be formally submitted to the Board. Notice shall be mailed at least ten days prior to any discussion or submission. Notice to the general public shall also be given at the same time by posting in the Town Hall or by publication in a newspaper. The notice shall include a general description of the proposal which is the subject of the preliminary plan or 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 the public hearing has been included in the notice of submission or any prior notice, additional notice of that public 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 Final Plat without a public hearing.

March 12, 1991

5:4 Abandonment and Resubmission

A preliminary plan shall be considered to have been abandoned by the developer if he has not submitted a final plat for all or a portion of such subdivision within one year from the date of submission of the preliminary plan. The developer may be granted an extension of this time by the Board upon written application, and for reasons deemed adequate by the Board. An abandoned plan cannot be revived but shall require a complete new submission for further consideration by the Board.

5:5 Final Plat

The subdivider, after official notification by the Board with respect to the preliminary plat and the changes, if any, to be made therein shall, within six months or after, file with the Board drawings of the final plat with streets and profiles as described in Section 8, provided, however, that if the preliminary plan

shows development by sections, the Final Plat may be one of the Sections to be then developed.

The subdivider shall tender offers of cession in a form certified as satisfactory by legal counsel for the Town of all land included in streets, highways, or parks not specifically reserved by him, but approval of the plat by the Board shall not constitute an acceptance by the Town of the dedication of any street, highway, park or other public open spaces. Before the Final Plat is approved or disapproved, the Board must have the completed application on file and have held a public hearing on the proposed subdivision. Notice of any public hearing shall be done in accordance with procedures outlined in Section 5:3. A bond must also be filed by the applicant. (See also Section 9:1:3)

The Planning Board may waive the requirement for a public hearing when the Board is considering or acting upon: (1) minor lot line adjustments or boundary agreements which do not create buildable lots, except that notice to abutters shall be given prior to approval of the completed application in accordance with Section 5:3 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 the regulations, including abutters' identification, or failure to meet reasonable deadlines established by the Board, or failure to pay costs of notice or other fees required by the Board.

5:6 Board Action on Plats

5:6:1 Approval – The Planning Board shall consider any application and Final Plat submitted to it within thirty (30) days and shall act to approve or disapprove with sixty-five (65) days after the completed application is accepted by the Board, subject to extension or waiver as provided in accordance with New Hampshire RSA 36:23 (Supp. 1981). Approval of the Final Plat shall be made by written endorsement of the Board, or by other evidence as required herein, and signed by the Chairman and Secretary of the Board. The Chairman or the Secretary or their agent shall transmit a mylar of acceptable standards of the Final Plat with such approval endorsed in writing therein to the Registry of Deeds of Belknap County. The subdivider shall be responsible for the payment of all recording fees and related postage.

Subdividers should be aware that State approval may be required in addition to approval by the Center Harbor Planning Board.

5:6:2 Disapproval – In case of disapproval of any plat submitted, the grounds for such disapproval shall be adequately stated in the records of the Planning Board, and notice given to the applicant.

5:6:3 Failure of the Board to Take Action – If action is not taken by the Board on the final plat within ninety (90) days of the acceptance of the completed application, 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 Superior Court, upon petition of the applicant, to issue an order approving the application, if the Court determines that failure to act within the time specified was the fault of the Planning Board and was not justified, the Court may order the Board to pay the applicants' reasonable costs, including attorney's fees, incurred in securing such order.

March 12, 1991

5:7 Waiver Procedure

When a proposed subdivision on an existing street is presented for approval in which:

5:7:1 No streets are created or extended;

5:7:2 It is unnecessary to install any utility or other public facilities; and

5:7:3 Adequate provision has been made for the logical extension of the street system to all interior parcels in accordance with the standards contained herein:

The Planning Board may modify the platting requirements to a land survey by a Registered Land Surveyor which shows the general location of the property, dimensions of all resulting lots, access provided to each lot, and standards established under section 7 of these regulations.

SECTION 6. GENERAL REQUIREMENTS FOR THE SUBDIVISION OF LAND

The subdivider shall observe the following general requirements and principles of land subdivision. The importance of the Town's policy in regard to the extension of streets and utilities to serve new subdivisions cannot be overstressed.

- 6:1** The plan shall conform with the Comprehensive Town Plan, the Official Map, if and when one is adopted, and any other pertinent State or Town laws or regulations.
- 6:2** In examining and passing upon a proposed subdivision, the Board may make recommendations to the subdivider relating to earth movement and retention of natural cover in order to preserve the natural beauty of Center Harbor and its environment.
- 6:3** The Planning Board shall not approve any subdivision of land of such character or soils or location as would involve danger or injury to health, safety, or prosperity by reason of the lack of water supply, drainage, transportation, or other public services, or which may necessitate an excessive expenditure of public funds for the supply of such services. No natural drainage way shall be obstructed unless adequate means is taken to provide for the runoff. (Amended 24 June 1970).
- 6:4** **High Intensity Soil Survey** may be required.

6:4:1 Purpose

The Planning Board of the Town of Center Harbor, New Hampshire hereby adopts these regulations in accordance with the provisions of RSA 674:35-36 in order to protect the Town against the danger of health, safety and prosperity occasioned by the lack of municipal water and sewer and to prevent the excessive expenditure of public funds for the supply of such services.

6:4:2 Definitions

As used in this regulation, the following terms shall have the following meaning unless the context clearly indicates otherwise:

Certified Soil Scientist: an individual duly qualified in soils classification and mapping, certified by the New Hampshire Board of Natural Scientists under the provisions of RSA 310-A:75 et seq.

Commercial: Occupation, employment, or enterprise carried on for profit by the owner, lessee, or licenses.

Community Water Supply: A non-municipal water supply system that services an average of at least twenty-five (25) individuals daily year-round or that has at least fifteen (15) service connections.

Designated Agent: An individual or organization designated by the Planning Board to carry out its function and purpose.

Light Industry: A use engaged with the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing.

Municipal Wastewater System: A wastewater collection, treatment and disposal system that serves an average of at least twenty-five (25) individuals daily year-round or that has at least fifteen (15) service connections and that is owned and operated by a municipal or regional government.

Municipal Water Supply: A water supply system that serves an average of at least twenty-five (25) individuals daily year-round or that has at least fifteen (15) service connections and that is owned and operated by a municipal or regional government.

Slope: The average steepness of the land surface under consideration expressed in per cent of slope. For the purpose of determining lot size, slope shall be determined by slope factors used for the High Intensity Soil Survey soil classification, where: B=0-8%, C=8-15%, D=15-25%, and E=25%+.

Soil Type: As defined and classified by “Key to Soil Types”. High Intensity Soils maps for NH SSSNNE Special Publication No. 1 as amended.

Subdivision: As defined by the Town of Center Harbor Subdivision Regulations, Section 4:12. Subdivision means the division of the lot, tract, or parcel of land into two or more lots, plats, sites or other divisions of land for the purpose, whether immediate or future, of sale, rent, lease, condominium conveyance or building development. It includes re-subdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided. The division of a parcel of land held in common and subsequently divided into parts among the several owners shall be deemed a subdivision. Adopted 1989.

Wetlands: As defined by the Town of Center Harbor Zoning Ordinance, Section 10:2:1. The Wetlands conservation Overlay District is defined as those areas that are inundated or saturated by surface or ground waters at a frequency and duration sufficient to support a prevalence of vegetation adapted for life in saturated soil conditions. Wetlands include swamps, marshes, bogs, and the very poorly and poorly drained soils as defined by the United States Environmental Protection Agency, the U.S. Army Corps of Engineers and the New Hampshire Wetlands Board, and may include the streams feeding those areas. High Intensity Soil survey Series 5 and Series 6 soils are also included in this definition. Adopted 1991.

6:4:3 Minimum Lot Sizes

In the absence of municipal and/or community wastewater systems, minimum lot size shall, in addition to meeting the requirements of the zoning ordinance for the district wherein the subdivision is proposed, also meet the lot size requirements specified in Table 1, “Minimum Lot Size by Soil Classification”, as attached. Where the minimum lot size in the zoning ordinance differs from those in Table 1, the most stringent shall apply.

The requirement is subject to the following qualifications:

- (A) Where more than one soil type is found on a lot, a weighted average of those soils occurring on the lot shall be used to determine the minimum lot size. See attached formula.
- (B) High water table soils, are to be used as part of the computed lot size according to the following:
 - (1) Areas designated as poorly drained soils (5 Series) may be utilized to fulfill up to 25% of the minimum lot size requirement.
 - (2) Areas designated as very poorly drained, marsh, or alluvial soils (6 Series) may not be utilized to fulfill minimum lot size.
- (C) No subsurface wastewater disposal system shall be constructed within one hundred (100) feet of any Designed Wetlands.
- (D) In subdivisions where a community/municipal water supply and/or municipal wastewater system is to be provided, minimum lot sizes may be reduced by 33 1/3% of the minimum requirements as stated in Table 1.

6:4:4 Determination of Soil Type

- (A) Tests and soil mapping for determining soil information for use in this section shall be performed by a certified soil scientist using standards from “High Intensity Soil Maps for NH SSSNNEE Special Publication No. 1”, as amended.
- (B) Soil data using data standards of High Intensity soil Maps for New Hampshire shall be provided as a part of the subdivision plan at the scale and dimensions required. Any field data and/or reports provided by the certified soil scientist shall also be submitted to the Planning board.
- (C) All costs of performing such investigations shall be borne by the applicant.\

6:4:5 Relationship Between State and Local Regulations

Where both state and local regulations are applicable, the more stringent regulation shall take effect.

6:4:6 Saving Clause

Where any provision included within these regulations is found to be unenforceable by law, it shall be considered severable from the remainder of the regulation and shall not be construed to invalidate any other provision in these regulations.

6:4:7 Record of Adoption

The Subdivision Regulations amendment incorporating soils-based lot size determination has been adopted by majority vote of the Center Harbor Planning Board on March 5, 1991 following a duly notified public hearing held on March 5, 1991.

6:4:8 Effective Date

These regulations are effective as of March 5, 1991, on which day they have been filed with the Center Harbor Town Clerk and Board of Selectmen.

STANDARDS FOR HIGH INTENSITY SOIL MAP

Criteria for High Intensity Soil Map:

1. Use of a base map.
2. Use of a Connotative soil Legend (see attachment-key to Soil Types).
3. Required Map Unit Purity.
4. Minimum Size Delineation.
5. Required accuracy of soil boundary line placement.
6. Map prepared by a Certified Soil Scientist or by an apprentice working under direct supervision of said certified soil scientist.

Base Map:

1. A current perimeter survey by a Licensed Land Surveyor.
2. Map scale of 1" = 100' or larger, i.e. 1" = 50', 1" = 20' etc.
3. Topography with 2 foot contour intervals or less, i.e. 1 foot contour intervals.
4. Ground control is required and shall be at the density specified by the Soil Scientist. The following guidelines are recommended:
 1. Four identified points or features per acre.
 2. Uniformly distributed throughout the parcel.
 3. Points or features will be shown on the base map.

Connotative Soil Legend:

(see attachment – Key to Soil types)

Areas mapped with Symbol B-6 will be identified within the map unit or map unit legend as to what it is, i.e., fill, excavated or regraded.

All map unit symbols used will be derived from the Connotative Soil Legend, with only one soil type per map unit delineation.

High Intensity Map Unit Purity:

The soil within an area enclosed by a soil boundary line (a map unit delineation) will have a minimum of 75 per cent of the soil properties inferred by the soil map symbol derived from, the Key To Soil Types, and places within that map unit delineation. Limiting soil type or types can make up a maximum of 15 per cent of the map unit delineation. The control section for determining soil properties is from the soil surface to a depth of 40 inches.

Minimum Soil Delineation:

The minimum size delineation will refer only to map units of poorly drained, very poorly drained, rock outcrop or slopes of greater than 25 per cent soil types. The minimum size delineation will be 2000 square feet. Smaller areas may be shown at the discretion of the Soil Scientist.

Soil Boundary Line Placement:

Soil boundary line placement should be accurate within 20 feet.

Streams and small water bodies shown at the discretion of the Soil Scientist.

It should be noted that:

THESE ARE MINIMUM STANDARDS FOR HIGH INTENSITY SOIL MAPS.

KEY TO SOIL TYPES

This key is used in determining soil types that are utilized in high intensity soil surveys for administration of lot size by soil type and wetlands regulations. The soil types are defined as soils having the same soil characteristics of drainage class, parent material, restrictive features, and slopes; and are designated by a five part symbol, the parts being A, B, C, D, and E.

SYMBOL A - drainage class

- 1 - excessively drained
- 2 - well drained
- 3 - moderately well drained
- 4 - somewhat poorly drained
- 5 - poorly drained
- 6 - very poorly drained
- 7 - not determinable (to be used only with Symbol B-6)

SYMBOL B - parent material

- 1 - glaciofluvial deposits (outwash/terraces)
- 2 - glacial till material
 - marine or glaciolacustrine deposits
- 3 - very fine sand and silt deposits
- 4 - loamy/sandy over silt/clay deposits
- 5 - silt and clay deposits
- 6 - excavated, regraded or filled (See Connotative Soil Legend)
- 7 - alluvial deposits
- 8 - organic materials – fresh water
- 9 - organic materials – tidal marsh

SYMBOL C - restrictive feature (if more than one applies, list the most restrictive

- 1 - none
- 2 - bouldery, with more than 15% of the surface covered with boulders (larger than 24 inches in diameter).
- 3 - mineral restrictive layer(s) are present in the soil profile less than 40 inches below the soil surface – such as hard pan, platy structure, clayey texture. For examples of soil characteristics that qualify for restrictive layer, See Soil Manual for Site Evaluations in New Hampshire, page 2-22, figure 2-8.
- 4 - bedrock present in the soil profile 0 to 40 inches below the soil surface (bedrock is either a lithic or paralithic contact – see Soil Taxonomy p. 48-49).
- 5 – subject to flooding
- 6 – does not meet fill standards (see addendum – Standards For Fill Material) (only to be used with Symbol C of X).

SYMBOL D – slope class

- B** - 0 to 8%
- C** - 8% to 15%
- D** - 15% to 25%
- E** - 25% &

SYMBOL E – HIGH INTENSITY SOIL MAP IDENTIFIES – H. (See addendum)

March 10, 1992

**TABLE 1
MINIMUM LOT SIZE BY SOIL TYPE**

**Note: The following may not be a complete list of soil types in your town. Contact
Lot sizes in square feet.**

Soil Type	Lot Size	Soil Type	Lot Size	Soil Type	Lot Size
111BH	40000	212BH	75000	23XCH	100000
111CH	45000	212CH	80000	23XDH	140000
111DH	60000	212DH	95000	23XEH	NA
111EH	NA	212EH	NA	241BH	5000
112BH	75000	213BH	50000	241CH	75000
112CH	80000	213CH	75000	241DH	100000
112DH	95000	213DH	100000	241EH	NA
112EH	NA	213EH	NA	243BH	50000
114*H	NA	214*H	NA	243CH	75000
11XBH	80000	21XBH	80000	243DH	100000
11XCH	100000	21XCH	100000	243EH	NA
11XDH	140000	21XDH	140000	244*H	NA
11XEH	NA	21XEH	NA	24XBH	90000
121BH	40000	221BH	40000	24XCH	130000
121CH	45000	221CH	45000	24XDH	180000
121DH	60000	221DH	60000	24XEH	NA
121EH	NA	221EH	NA	251BH	90000
122BH	75000	222BH	75000	251CH	135000
122CH	80000	222CH	80000	251DH	160000
122DH	95000	222DH	95000	251EH	NA
122EH	NA	222EH	NA	253BH	90000
124*H	NA	223BH	50000	253CH	135000
12XBH	80000	223CH	75000	253DH	160000
12XCH	100000	223DH	100000	253EH	NA
12XDH	140000	223EH	NA	254*H	NA
12XEH	NA	224*H	NA	25XBH	130000
161BH	50000	22XBH	80000	25XCH	190000
161CH	55000	22XCH	100000	25XDH	240000
161DH	70000	22XDH	140000	25XEH	NA
161EH	NA	22XEH	NA	261BH	50000
164*H	NA	231BH	40000	261CH	55000
166*H	NA	231CH	45000	261DH	70000
16XBH	90000	231DH	60000	261EH	NA
16XCH	110000	231EH	NA	263BH	60000
16XDH	150000	233BH	50000	263CH	85000
16EH	NA	233CH	75000	263DH	110000
211BH	40000	233DH	100000	263EH	NA
211CH	45000	233EH	NA	264*H	NA
211DH	60000	234*H	NA	266*H	NA
211EH	NA	23XBH	80000	26XBH	90000

See attached "Key to Soil Types and Addendum for Definitions Explanations"

TABLE 1
MINIMUM LOT SIZE BY SOIL TYPE Page 2

Note: The following may not be a complete list of soil types in your town. Contact the Soil conservation Service or the County Conservation District for assistance.

Lot sizes in square feet.

Soil	Lot	Soil	Lot	Soil	Lot
26XCH	110000	33XBH	115000	412BH	145000
26XDH	150000	33XCH	155000	412CH	190000
26XEH	NA	33XDH	205000	413BH	90000
275*H	NA	33XEH	NA	413CH	135000
311BH	60000	341BH	75000	414*H	NA
311CH	90000	341CH	100000	41XBH	150000
311DH	120000	341DH	125000	41XCH	180000
311EH	NA	341EH	NA	421BH	75000
312BH	95000	343BH	75000	421CH	115000
312CH	125000	343CH	100000	422BH	130000
312DH	155000	343DH	125000	422CH	165000
312EH	NA	343EH	NA	423BH	90000
313BH	6000	344*H	NA	423CH	135000
313CH	9000	34XBH	115000	424*H	NA
313DH	120000	34XCH	155000	42XBH	150000
313EH	NA	34XDH	205000	42XCH	180000
314*H	NA	34XEH	NA	431BH	115000
31XBH	100000	351BH	90000	431CH	150000
31XCH	120000	351CH	135000	433BH	115000
31XDH	160000	351DH	160000	433CH	150000
31XEH	NA	351EH	NA	434*4	NA
321BH	50000	353BH	90000	43XBH	175000
321CH	75000	353CH	135000	43XCH	235000
321DH	100000	353DH	160000	441BH	115000
321EH	NA	353EH	NA	441CH	15000
322BH	85000	354*H	NA	443BH	115000
322CH	100000	35XBH	130000	443CH	15000
322DH	135000	35XCH	190000	444*H	NA
322EH	NA	35XDH	240000	44XBH	175000
323BH	60000	35XEH	NA	44XCH	235000
323CH	90000	361BH	70000	451BH	135000
323DH	120000	361CH	100000	451CH	205000
323EH	NA	361DH	130000	453BH	135000
324*H	NA	361EH	NA	453CH	205000

32XBH	100000	363BH	70000	454*H	NA
32XCH	120000	363CH	100000	45XBH	195000
32XDH	160000	363DH	130000	45XCH	285000
32XEH	NA	363EH	NA	461BH	105000
331BH	75000	364*H	NA	461CH	150000
331CH	100000	366*H	NA	463BH	105000
331CH	125000	36XBH	110000	463CH	150000
331EH	NA	36XCH	130000	464*H	NA
333BH	75000	36XDH	170000	466*H	NA
333CH	100000	36XEH	NA	46XBH	165000
333DH	125000	375*H	NA	46XCH	195000
333EH	NA	411BH	90000		
334*H	NA	411CH	135000		

"*" Means any slope or any number

*****" or "****" means additional on-site needed**

N/A Means not allowed

SECTION 7. PRELIMINARY PLAT

Subdividers shall file with the Board five copies of a preliminary plat at a scale of not more than one hundred feet to the inch showing or accompanied by the following information:

- 7:1** Proposed subdivision name; name and address of owner of record; name of subdivider and registered engineer or surveyor; date; north point and scale.
- 7:2** Names of owners of record of abutting properties, abutting subdivision names, streets, easements, setbacks, alleys, parks and public open spaces, and similar facts regarding abutting property.
- 7:3** Location of property lines and their approximate dimensions; existing easements, buildings, water courses, ponds or standing water, rock ledges, and other essential features.
- 7:4** Existing water mains, sewers, culverts, drains and proposed connections or alternative means of providing water supply and disposal of sewage and surface drainage. Location of each percolation test hole, and the results and adequate information with respect to soil conditions to show that, with the lot sizes as proposed, a water well, if required, and a septic tank, if required, can be put on one lot without contamination of the water supply on such lot or on other property.
- 7:5** Location, name and width of existing and proposed streets and highways, and their grades and profiles. The elevations of a sufficient number of points on the property to indicate the general topography.
- 7:6** Where the topography is such as to make difficult the inclusion of any facilities mentioned above within the public area so laid out, the preliminary plat shall show the boundaries of proposed permanent easements over or under private property. Such easements shall not be less than fifteen feet in width and shall have satisfactory access to existing or proposed public ways.
- 7:7** Proposed lots, approximate square-foot size of each lot, and setback lines.
- 7:8** Location of all parcels of land proposed to be dedicated to public use and the conditions of such dedication, and a copy of such private deed restrictions as are intended to cover part or all of the tract.
- 7:9** Preliminary location and size of any bridges or culverts which may be required.
- 7:10** Temporary stakes along center lines of roads shall be driven in the ground to facilitate inspection.

SECTION 8. FINAL PLAT

- 8:1** A mylar and five paper copies of the Final Plat shall be submitted for approval and subsequent recording, (conforming to the requirements of N.H. RSA 478:13-a) for recoding in the Belknap Registry of Deeds. Adequate space should be available on the plat for the necessary endorsement by the proper authorities. Wording for this shall read, “Approved by the Center Harbor Planning Board on _____.” Certified by _____, Chairman, and by _____, Secretary.
- 8:2** The Final Plan shall show: The proposed subdivision name or identifying title, the name and address of owner of record and subdivider, the name of the registered surveyor, or the license number and seal of the professional engineer, date, scale and north point.
- 8:3** Street lines, setback lines, pedestrian ways, lot lines, lot sizes in square feet, reservations, easements and areas to be dedicated to public use and areas the title to which is reserved by the developer;
- 8:4** Typical street cross-sections, approximate street grades and profiles, and location and sizes of any bridges or culverts;
- 8:5** Typical design and location of any proposed on-lot sewage and water systems, and location and size of any proposed storm pipes and catch basins;
- 8:6** Sufficient data to determine readily the location, bearing and length of every street right-of-way line, lot line, easement line, reservation line, and boundary line, and to permit reproduction of such lines upon the ground. All dimensions shall be shown to the nearest hundredth of a foot, and bearings to the nearest minute. The error of closure for blocks enclosed by streets shall not exceed one in five thousand. The Final Plat shall show the boundaries of the property.
- 8:7** A fee sufficient to cover the cost of filing the plat with the County Recorder shall accompany the Final Plat.

May 19, 1992

SECTION 9. DESIGN AND ROAD CONSTRUCTION STANDARDS

9:1 General Requirements

- 9:1:1** Roads shall be related to the topography so as to produce suitable lots and reasonable grades, and shall be in appropriate relation to the proposed uses of the land served by such roads. Provisions shall be made to control stormwater on each lot and minimize the use of road ditching for site drainage.
- 9:1:2** The arrangement of roads in the subdivision shall provide for the continuation of the principal roads in adjoining subdivisions, or for their proper projection when adjoining property is not subdivided, and shall be of a width at least as great as that of existing connecting roads.
- 9:1:3** No road right-of-way shall be less than 50 feet in width and may be required to be more if a greater road width is warranted in the opinion of the Planning Board. Existing roads shall be widened as if they were new roads, with one half of the additional widening to be required on each side.
- 9:1:4** Except where near future connections may be possible, dead-end roads shall not, in general, exceed 1,000 feet in length and shall be provided with a turn-around roadway at the closed end with the minimum radius of 70 feet (see typical cul-de-sac detail).
- 9:1:5** No horizontal curves shall have a center-line radius of less than 150 feet, except turn-arounds on a dead-end road. For changes in grade exceeding one percent, a vertical curve shall be provided ensuring a minimum sight distance of 150 feet.
- 9:1:6** Grades of all roads shall conform in general to the terrain and shall so far as practicable not exceed eight percent and no portion of the vertical alignment shall exceed ten percent. No road shall have a grade of less than one percent. At intersections of an existing roads and proposed roadways, a minus two percent grade for 50 feet from the edge of pavement shall be utilized for traffic storage and drainage.

9:1:7 Intersecting property lines at road intersections shall be joined by a curve of at least 20 foot radius.

9:1:8 Roads shall be laid out to intersect as nearly as possible at right angles. No road shall intersect another with an angle of less than 75 degrees. Roads entering opposite another road shall be aligned or have a minimum offset of 150 feet between their center lines.

9:1:9 Roads that join or are in alignment with roads of abutting or neighboring properties shall bear the same name. Names of new roads shall not duplicate nor bear phonetic resemblance to the names of existing roads within the town and shall be subject to final approval by the Board of Selectmen.

9:1:10 No water shall be permitted to run across the road on the surface, but shall be directed into catch basins, if available, or otherwise into ditches, and shall be piped underground in a pipe of not less than 12 inches in diameter, or such size as may be deemed necessary by the Road Agent.

9:1:11 All roads created by a subdivision, whether public or private, shall require a driveway permit for access to lots.

9:1:12 All State permits are required before preliminary approval.

9:1:13 All improvements shall be made before submission of the final plat, or the subdivider shall file security arrangements prior to approval of the final plat. Security in amount of 110 percent of the construction cost will be required in a form determined acceptable by Legal Counsel.

9:2 **Construction Standards**

All new roads and roadway improvements shall be constructed and installed by the subdivider to the satisfaction of the Center Harbor Board of Selectmen and under the supervision of the Road Agent or designee. Before any construction begins a pre-construction meeting is required. The purpose of the pre-construction meeting is to clarify design and construction standards and to establish a project inspection schedule.

Improvements shall be constructed and installed according to the specifications that follow. In instances where specific improvements are not addressed in this

Section, construction materials and methods shall be in accordance with the New Hampshire Department of Transportation (NHDOT) *Specifications for Road and Bridge Construction* (latest edition).

9:2:1 Before construction a licensed land surveyor or professional engineer will set grade stakes at 50 foot intervals on both sides of the roadway. The subdivider shall maintain the grade stakes until road construction has been completed. If any stakes are removed or destroyed the stakes shall be replaced at the expense of the subdivider. Each stake shall be driven firmly in location where it will not be disturbed during construction and will be clearly marked by a licensed surveyor to provide the following information:

- station number
- offset from center line
- cut or fill to finished centerline grade

9:2:2 Permanent survey monuments shall be constructed and installed by the subdivider to the satisfaction of the Board of Selectmen within four months of final plat approval. Monuments constructed of concrete or stone at least 4x4 inches on the top and at least 36 inches long shall be set at all block corners and iron pins or equivalent markers at all lot corners. Two benchmarks of the same description as the monuments shall be set at opposite ends of the subdivision, whose tops are at an even foot in reference to the USGS datum plane where practical, or to an assumed datum where the preceding is not feasible. Bounds shall be set at both sides of the roadway on the right-of-way limit line, opposite to all points of horizontal curvature and points of tangency. All cul-de-sacs shall have a granite bound placed at its radius center point.

9:2:3 Minimum roadway and shoulders widths exclusive of grass strip and sidewalk areas shall be based on annual daily traffic as outlined in Diagram 1: Geometric Cross Section Design Elements. Greater standards may be required by the Planning Board where the potential for increased future daily traffic is determined.

9:2:4 All topsoil, loam, clay, muck, and stumps, and other improper road foundation material must be removed from the limits of the road bed to a depth of at least 12 inches. Topsoil shall be removed from areas that will be filled. Loam or improper road foundation material must be excavated and replaced with bank-run gravel or equivalent. Clearing shall be performed by cutting and disposing of all trees, down timber, stubs, brush, bushes, and

debris. Trees designated by the Planning Board will be saved; care shall be taken to protect trees that will remain. Grubbing shall be performed by removing and disposing all stumps and roots within the limits of the roadbed to the same width as the subgrade, to a depth of three feet below subgrade. Stumps within the limits of the roadbed below such depth, and stumps under embankments and slopes outside of the roadbed will be removed. Except in areas to be excavated, excavation resulting from grubbing shall be filled with suitable material which shall be compacted to conform to the surrounding ground. Ledge and boulders shall be removed to at least 24 inches below subgrade and replaced with suitable material and compacted to conform to the surrounding ground.

9:2:5 The base course shall consist of bank-run gravel free from loam or organic matter with aggregate no larger than six inches in diameter to a thickness of at least 12 inches after compaction; greater depths are required based on annual daily traffic as outlined in Diagram 1: Geometric Cross Section Design Elements. The base course shall be installed in two six inch lifts compacted to a minimum of 95 percent maximum density.

9:2:6 The finish course shall consist of crushed bank-run gravel with aggregate no larger than 1 ½ inches in diameter to a thickness of at least six inches after compaction to a minimum of 95 percent maximum density; greater depths are required based on annual daily traffic as outlined in Diagram 1: Geometric Cross Section Design Elements. If a road is not paved, the amount of gravel shall be increased by two inches over and above the base stated for paved roads.

9:2:7 The surface course shall consist of hot bituminous mix to be applied in two separate applications consisting of a ¾ inch stone base compacted to a thickness of two inches and a ½ inch stone wearing surface compacted to a thickness of one inch; greater depths are required based on annual daily traffic as outlined in Diagram 1: Geometric Cross Section Design Elements. The wearing course shall not be applied until at least 12 months has passed since the completion of the base course.

9:2:8 The road shall have a cross slope from centerline to edge of shoulder of 1/4 inch per foot and from edge of road to edge of shoulder of 5/8 inch per foot. No slopes with greater than 2:1, with the exception of ledge, shall be accepted.

9:2:9 All proposed drainage facilities and culverts shall be installed. Natural water courses shall be cleaned and increased in size where necessary to

take care of storm runoff. Drainage ditches at least three feet in width and 16 inches in depth at the midpoint below center line grade shall be constructed in the road right-of-way on both sides of the roadway.

9:2:10 The roadway slopes shall be covered with an average of four inches of humus material in areas approved by the Road Agent. Four inches of loam material shall be required in areas that may be mowed. Fertilizer, limestone and seeding shall be in accordance with standard specification application rates and material specifications. Slope seed and park seed areas shall be identified and noted for the final plan. Crownvetch seed shall be required on 2:1 slope. All erosion control measures shall be noted on the plan and constructed. If an RSA 149 8-A site alteration permit is required, a copy of the approved plan shall be received by the Planning Board and Road Agent prior to final approval.

9:2:11 The roadway shall be graded so the final grade is in accordance with the profile and cross section submitted.

9:3 **Inspections**

It shall be the obligation of the developer planning a new road to submit a construction schedule to the Planning Board and update the schedule as necessary to reflect project progress. Inspections, sampling, materials testing, and core test may be taken by the town of Center Harbor at any time during construction and before final acceptance to determine compliance with plans and standard specifications. All costs incurred shall be reimbursed by the subdivider. In the event of unsatisfactory material or workmanship, the Board of Selectmen, at the request of the Road Agent or designee, may order all work ceased until the matter has been resolved.

9:3:1 At minimum, inspections will be required for the following key elements:

- It shall be the responsibility of the developer to request inspection of stumped and grubbed areas prior to excavation or embankment construction for approval by the Road Agent or designee.
- The Road Agent or designee shall approve sources of gravel and crushed gravel prior to materials being delivered to the site. Sieve analysis may be required.

- It shall be the responsibility of the developer to request inspection and approval of the right-of-way, drainage, and subgrade before a base gravel is applied.
- Within 30 days prior to the application of a wearing course, the contractor shall schedule an inspection of the base course by the Road Agent or designee. The wearing course shall only be applied upon approval after such inspection.

9:3:2 The Road Agent or designee shall be notified so that all required inspections can be made before any further work progresses.

9:3:3 Before final inspection, the developer shall remove all trash from the right-of-way and the center of the turn around and shall repair any damage done to the roadway, shoulders, etc.

9:4 Drainage

All drainage calculations shall be submitted to the Planning Board at the time of final application. If considered desirable by the Board, an independent professional engineer may be hired of the Board's choice and at the developer's expense, to review the submitted calculations.

9:4:1 All drainage structures shall be designed to handle a rain storm with a duration of 24 hours and shall be designed according to the design frequencies outlined in Figure 1:

Figure 1

Bridges (HS-20 design loading)	50 years
Culverts	25 years
Storm sewers for depressed sections	25 years
Curbed roadway and roadside ditches	10 years
Storm sewers	10 years
Detention and Retention Areas	10 years

9:5 Miscellaneous

9:5:1 All utilities, (sewer, water, electrical, telephone, gas, cable T.V., etc.) shall be located as directed and approved by the Road Agent or designee. All utilities shall be placed outside of the roadway. Utilities shall be stubbed to five feet beyond right-of-way for each lot. All utilities shall be constructed of approved materials recommended by the agency responsible for maintenance of the utility. All material, workmanship and construction methods shall be in accordance with accepted standard practices relative to each utility.

9:5:2 Guardrails will be required where slopes extend more than ten feet from the height of the break in shoulder to the original grade on a 2:1 slope or in other hazardous areas which will be determined by the Road Agent.

9:5:3 Road signs shall be furnished and installed by the Town Highway Department and the cost of signs and labor shall be borne by the subdivider.

9:5:4 Markings shall include, but not are not limited to:

- Centerline
- Sidewalk line
- Sidewalk universal logo
- Stop bar

9:6 Approval and Acceptance

Approval of roads does not signify acceptance by the town. Acceptance can only be accomplished by placing an article on the warrant to be voted upon at Town Meeting.

9:6:1 Prior to recommending acceptance of roadway, the developer shall furnish to the Planning Board:

- Two complete set of mylars, stamped by a licensed land surveyor, reflecting the as-built location and elevations of the roadway, sewer, water, utilities, sidewalks, curbing and drainage.
- Two complete sets of paper prints of plans outlined above.

- Copies of all the deeds that reflect all easements, description of Right-of-Way, restrictive covenants, utility easements that impact the subdivision and the roadway.

- Additional granite bounds may be asked for to insure that the roadway may be reproduced accurately over a period of time.

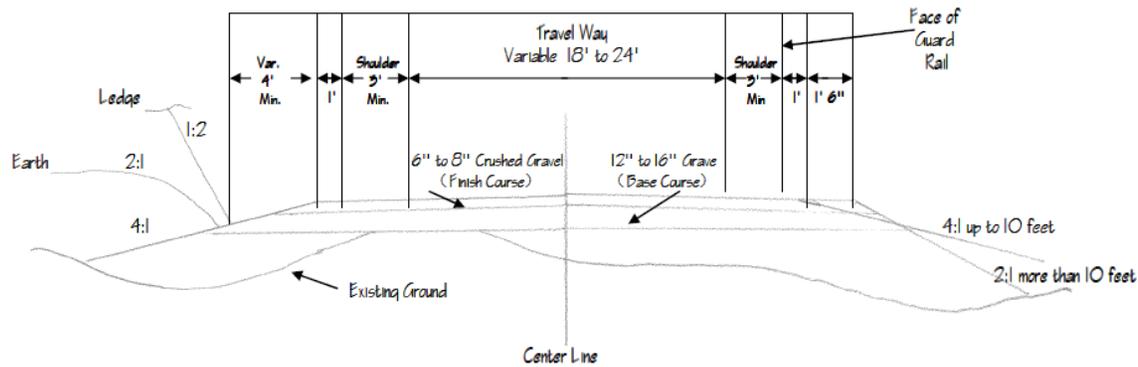
DIAGRAM 1: GEOMETRIC CROSS SECTION DESIGN ELEMENTS

Average Daily Trips	0 - 750	751 - 1,500	> 1,500
Travel Way Width (two lanes)	20'	22'	24'
Shoulder Width	3'	4'	4' (paved)
Gravel Base Course	12"	16"	16"
Crushed Gravel Finished Course	6"	8"	8"
Hot Bituminous Surface Courses (base + wearing)	2" + 1"	3" + 1"	3" + 1"

NOTES:

Gravel surfaces should be paved where steep grades occur
 For Average Daily Traffic over 1,000 vehicles per day, paved shoulders should be considered
 Base Course material depths may need to be increased in areas of poor soils

Typical Cross Section



Slope of Roadway = 2 percent
 NOT DRAWN TO SCALE

DIAGRAM 2: CUL - DE - SAC SUGGESTED LAYOUT & MINIMUM REQUIREMENTS

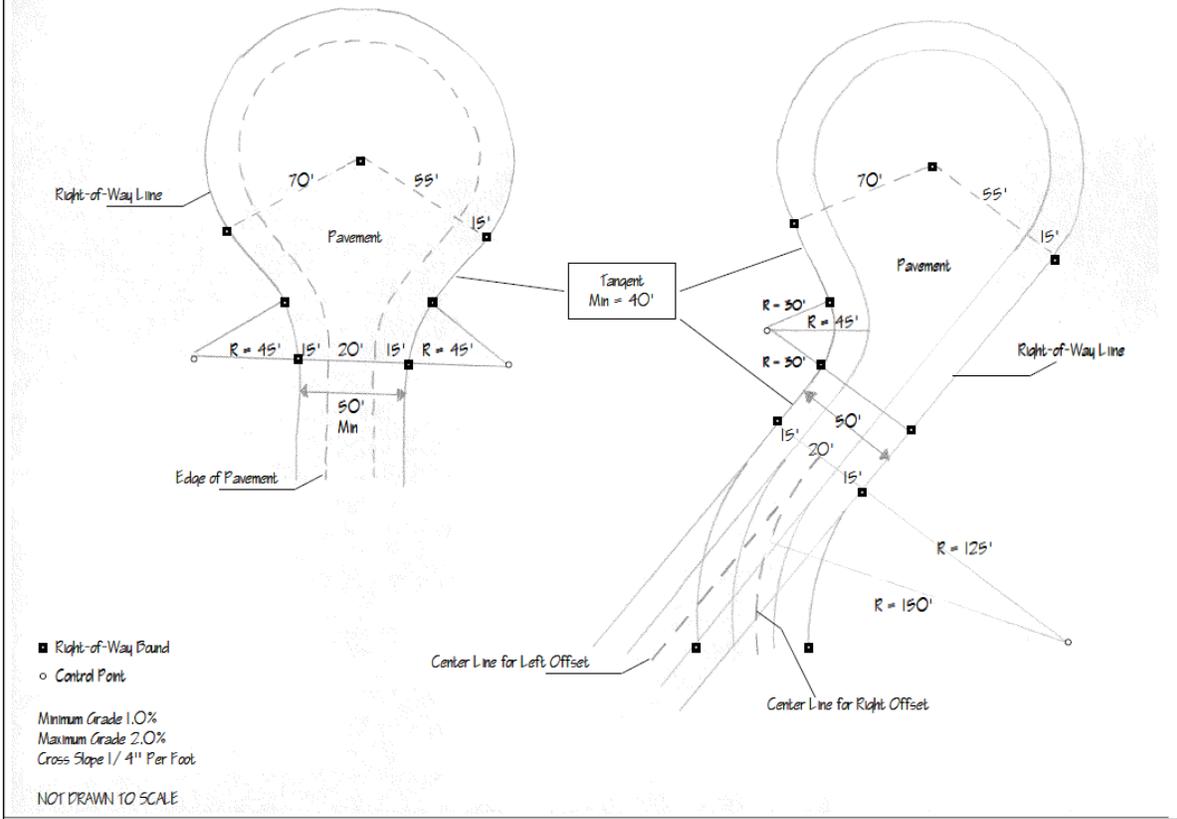
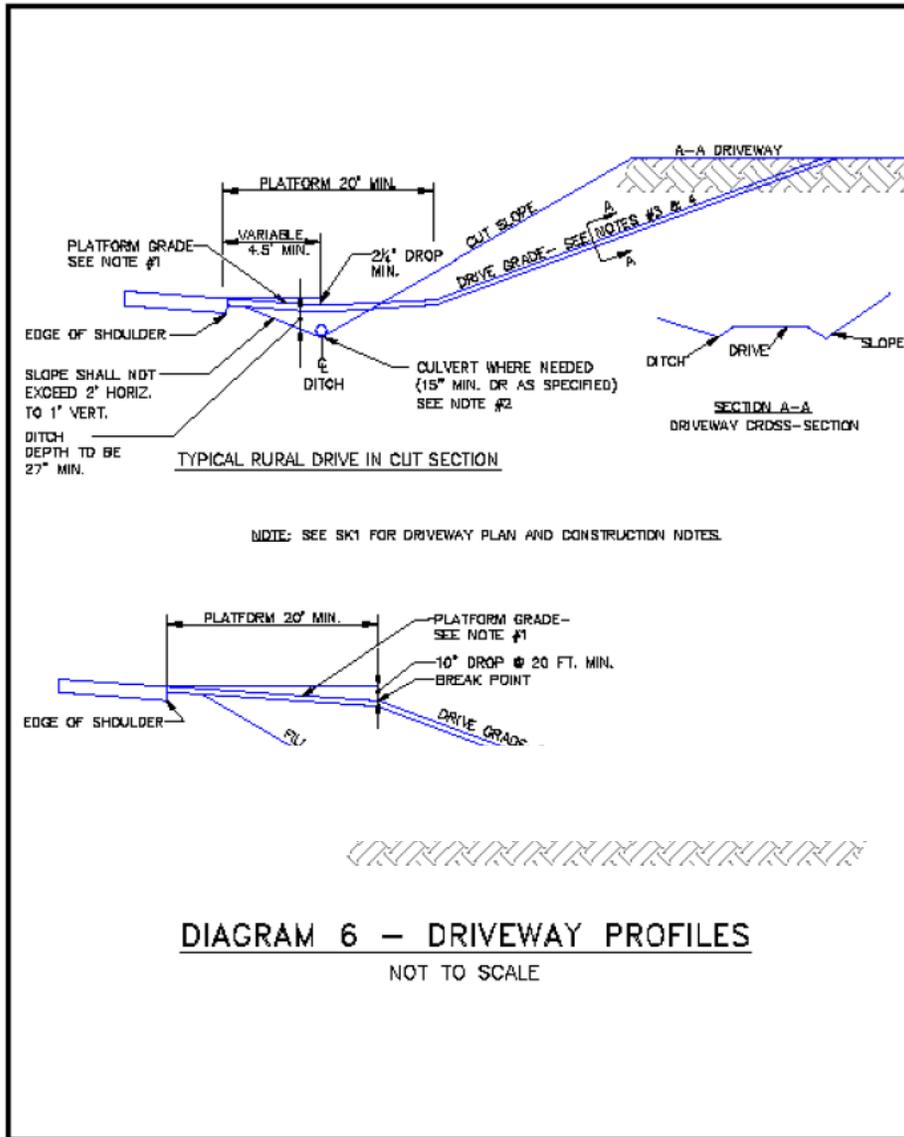
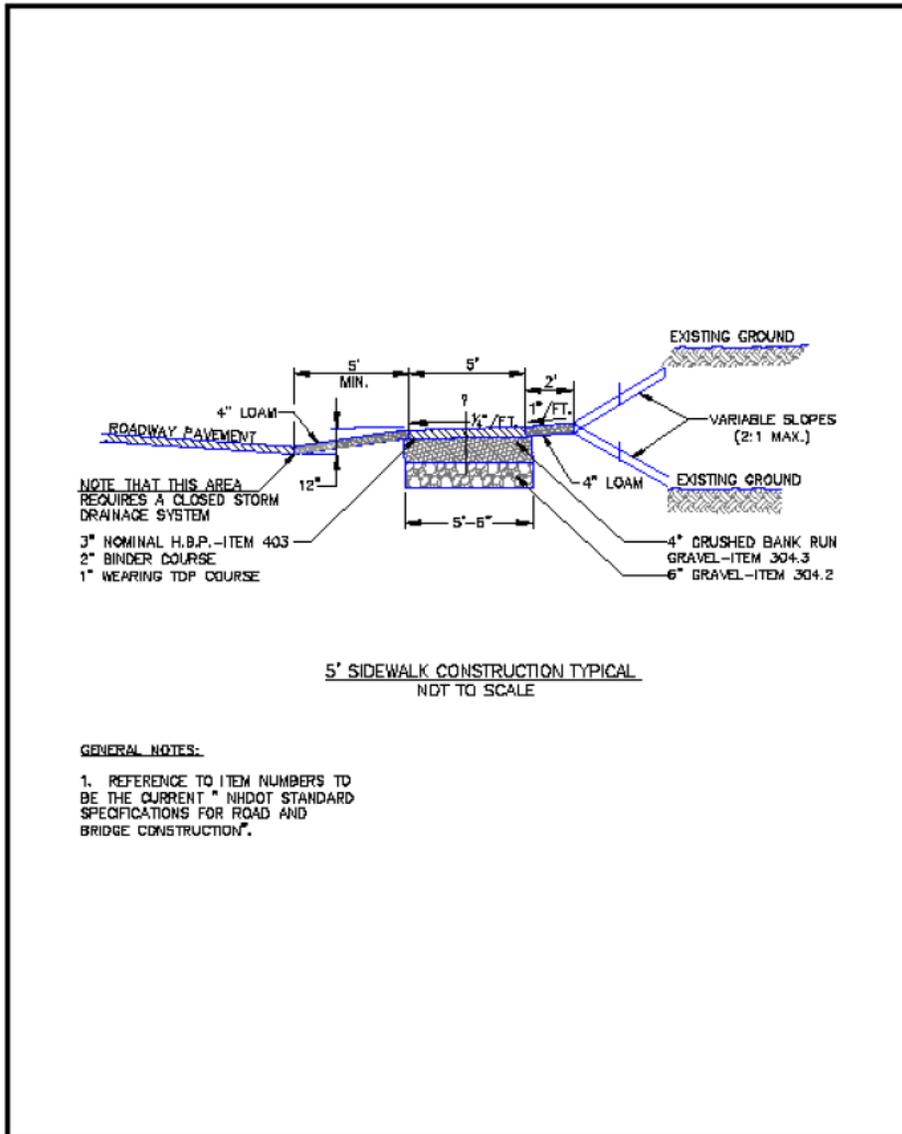


DIAGRAM 3: TYPICAL DRIVEWAY PROFILE



Source: NH Department of Transportation, *Specifications for Road and Bridge Construction*

DIAGRAM 4: TYPICAL SIDEWALK CONSTRUCTION



Source: NH Department of Transportation, *Specifications for Road and Bridge Construction*

April 3, 2012

SECTION 10. FLAG AND PIE SHAPED LOTS

10:1 Flag lots and pie shaped are allowed. These lots shall conform to the area restrictions and side line setbacks of the district in which they are located. i.e. Ag/Rural. The road frontage required for the pole of a flag lot or the apex of a pie shaped lot is a minimum of fifty (50) feet.

10:2 Flag Lots

10:2:1 Flag lots shall have an access strip of at least fifty (50) feet in width. This strip shall be part of the lot and not a Right-of-Way.

10:2:2 The individual flag lot shall contain only one (1) dwelling unit.

10:3 Pie Lots

10:3:1 Pie lots are defined as lots radiating from a turn around circle of at least one hundred and forty (140) feet in diameter to the outside edge of the Right-of-Way. (See subdivision regulations).

10:3:2 The street setback for a pie lot with fifty (50) feet of road frontage shall be one hundred (100) feet. The setback to be established by a line drawn between points measured one hundred (100) feet along each side line starting at the outer edge of the Right-of-Way.

10:3:3 Lots with road frontage larger than fifty (50) feet shall have a setback determined by establishing a line one hundred and fifty (150) in length between a point on each side line equidistant from the outer edge of the Right-of-Way.

10:3:4 In no case shall the setback be less than fifty (50) feet from the outer edge of the turn around circle Right-of-Way.

SECTION 11. MISCELLANEOUS

11:1 Variances

Where strict conformity with these regulations would cause undue hardship or injustice to the subdivider, a subdivision plan substantially in conformity with these regulations may be approved by the Board, provided that the spirit of these regulations and the public convenience and welfare will not be adversely affected.

11:2 Amendments

These regulations may be amended or rescinded by the Board but only following a public hearing on the proposed change. The Chairman or Secretary of the Board shall transmit a record of any changes so authorized to the Registrar of Deeds of Belknap County.

11:3 Penalty

Whoever, being the owner or agent of the owner of any land located within a subdivision, transfers or sells any land by reference to, or exhibition of, or by other use of, a plat of a subdivision, before such plat has been approved by the Planning Board and recorded or filed in the office of the appropriate Registrar of Deeds, shall forfeit and pay a penalty of five hundred dollars (\$500.00) for each lot or parcel so transferred or sold; and the description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties. The Town through its solicitor or other official designated by its Selectmen may enjoin such transfer, or sale, or agreement and may recover the said penalty by civil action. (R.S.A., 35:27, rev. 1970).

11:4 Adoption

These regulations shall become effective after a public hearing or hearings in accordance with New Hampshire RSA Chapter 36:19 have been held, and after having been passed by the vote of a majority of the Planning Board.

11:5 Severability

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.

11:6 Annual Review

These regulations shall be reviewed annually at a public meeting of the Planning Board. Any necessary hearings for revision of the regulations shall be held in accordance with Section 11:2.

SECTION 12. ADMINISTRATION

The Selectmen may appoint an agent charged with the responsibility of receiving for the Planning Board preliminary plats and Final Plats, checking them to determine if they meet the requirements of the Subdivision Regulations, and inspecting improvements for compliance with the Subdivision Regulations and requirements of the Board of Selectmen.

Where the approval of the Planning Board is a necessary prerequisite for the recording of any plat, not covered under these regulations, the Planning Board Chairman and Secretary jointly are hereby empowered to certify that the plat complies with the requirements of these regulations.