

TOWN OF SPRINGFIELD  
SUBDIVISION  
REGULATIONS



PREPARED BY THE SPRINGFIELD PLANNING BOARD

AS AMENDED NOVEMBER 21, 1991



SUBDIVISION REGULATIONS OF THE TOWN OF SPRINGFIELD, NH

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SUBDIVISION REGULATIONS  
TOWN OF SPRINGFIELD, NEW HAMPSHIRE

I. AUTHORITY AND PURPOSE

Authority: Pursuant to the authority vested in the Town of Springfield Planning Board by the voters of the Town of Springfield on March 9, 1971, and in accordance with the provisions of RSA 674:35, 1983, NH Revised Statutes Annotated, as amended, the Town of Springfield Planning Board adopts the following regulations governing the subdivision of land in the Town of Springfield, New Hampshire.

Purpose: As a means of retaining the scenic beauty of our Town, and for the purpose of protecting the health, safety, convenience, prosperity and welfare of our inhabitants, the following land subdivision regulations are hereby enacted. The authority granted to the Planning Board shall be exercised with due regard for adequate access to all lots in a subdivision by ways that will be safe and convenient for travel; for lessening congestion in such ways and in adjacent public ways; for reducing danger to life and limb in the operation of motor vehicle; for securing safety in case of fire, flood, panic, and other emergencies; for insuring compliance with applicable ordinances or by-laws and State laws; for consistency and harmony with the Town Plan; for making sure that provisions for water, sewerage, drainage and other requirements where necessary in a subdivision are proper and safe; and for coordinating the ways in a subdivision with each other and with the public ways in the Town and with the ways in neighboring subdivisions, in a manner that will require a minimum expenditure of Town funds. The Town Plan as adopted December 20, 1979, and as it may be amended, should be used as a source of reference, clarification and policy guidance in administering the following subdivision regulations. Achieving the general and specific goals and objectives of the Town Plan and Zoning Ordinance-is a major purpose of the following provisions.

II. DEFINITIONS

Abutter: Shall mean any person whose property adjoins or is directly across the street or stream or within 200' from land under consideration. 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 the purposes of receipt of notification 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 in RSA 356-B:3 XXIII.

Annexation: Shall mean the sale, transfer, or other conveyance which involves merely an exchange of land among two or more adjacent owners and which does not increase the number of parcels, lots or owners.

Applicant: Shall mean the owner of record of the land to be subdivided, including any subsequent owner of record making any subdivision of such land or any part thereof, or the duly authorized agent of any such owner.

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.

Board: Shall mean the Planning Board of the Town of Springfield.

Building: Shall mean any combination of materials, whether portable, movable or fixed, having a roof and enclosed within exterior walls, built to form a shelter for persons or materials.

Building development: Shall mean the process of changing the character of the land from its existing condition to a more usable condition by the construction or placement of a building thereon.

Building site: Shall mean that portion of a lot, tract, or parcel of land upon which a single building is placed.

Cluster Development: A form of residential subdivision that permits building units to be grouped on lots with reduced dimensions and frontages provided that the density of the tract as a whole shall not be greater than the density allowed under existing regulations and that the remaining land area is devoted to common open space.

Completed application: Shall mean the completed application for approval of a subdivision plat. The following requirements shall constitute a completed application sufficient to invoke Board jurisdiction and to obtain Board approval or disapproval of a subdivision plat: (a) an application for approval of a subdivision plat properly filled out; (b) payment to cover all costs as provided herein; and (c) four paper copies of the plat with accompanying items as described in Section V.

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

Driveway: Shall mean an area located on a lot, tract or parcel of land and built for access to a garage or off-street parking space, serving not more than two (2) lots or sites. The driveway entrance is that area running from the property line abutting the street to a distance of 25" into the property and the width of the driveway.

Dwelling unit: Shall mean one or more rooms arranged for the use of one or more individuals living as a single housekeeping unit, with cooking, living, sanitary and sleeping facilities.

Easement: The right created through written and recorded authorization by a property owner for the use by another landowner and for a specified purpose of any designated portion of this property.

Lot: Shall mean a parcel of land or any part thereof designated on a plat to be filed with the Registrar of Deeds by its owner or owners as a separate lot. For the purpose of these regulations, a lot shall have boundaries identical with those recorded with the Registrar of Deeds.

Lot line: Shall mean the property line dividing a lot from a street right-of-way, a body of water or adjacent property.

Plat: Shall mean the plan on which the subdivider's plan of subdivision is presented to the Springfield Planning Board for approval and which, if approved, shall be submitted to the Registry of Deeds of Sullivan County for recording.

Reservation strip: Shall mean an area of land retained by the seller of the land which can be used to control or provide access to any land within the subdivision or access from the subdivision to any neighboring property.

Selectmen: Shall mean the Board of Selectmen of the Town of Springfield.

Street: Shall mean a public way that is lawfully existing and is maintained for vehicular travel. The word street shall include the entire right of way. A discontinued street shall not constitute an existing approved street.

Subdivider: Shall mean the owner of record of the land to be subdivided or the duly authorized agent of such owner.

Subdivision: Shall mean the division of the lot, tract, or parcel of land into 2 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. RSA 672:14

Subdivision, minor: Shall mean the division of a lot, tract or parcel into not more than three lots, all of which abut an existing approved street and requiring no new street, utilities or other municipal improvements.

Surveyor, licensed: 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.

Town plan: Shall mean the master plan or plan of development for the Town as defined in RSA 674:2-4.

### III. GENERAL PROVISIONS

#### SUBDIVISION APPROVAL REQUIRED:

Any person wishing to subdivide any land within the Town, before selling any property, or constructing any roads or installing any services shall obtain approval of the Board of the Plat following the procedures required in N.H. RSA 676:4. The foregoing includes any preliminary efforts investigative or otherwise except test pits or borings. Until final acceptance of the plat has been voted on by the Board, no portion of any consultation or hearing is to be taken as implied endorsement by the Board. Except as provided herein, no application may be approved or denied without a public hearing.

LOT AND DENSITY STANDARDS:

Land of such character that it cannot be safely used for building purposes because of danger to health, or peril from fire, flood, slope and foundation failure or other menace shall not be platted for residential occupancy nor for such other uses as may increase the danger to health, life or property or aggravate any such hazard until appropriate measures have been taken by the owner or his agent to correct such hazards.

No subdivision proposal or plan, including those for cluster developments or condominium units, shall be approved which would result in a density of more than one dwelling unit or the equivalent per 1.5 acres (65,340 square feet) exclusive of any easements or rights-of-way and which would result in lots of unusual configuration or with less than 200 feet of frontage on a way unless said lot is located on a cul-de-sac or hammerhead or is affected by other such factors that sound planning justifies less frontage. To this maximum density the slope and soil factors shown in the "Natural Factors Multiplier Table" in Appendix A and in the Zoning Ordinance, unless otherwise specified, shall be applied by the Planning Board in determining appropriate subdivision density for approval to insure that subdivisions are related to land capability. For more specified soil's data concerning a lot or tract a subdivider may present to the Board a soil survey prepared by a soil scientist, certified in New Hampshire, of the actual soils on the lots in question. These actual soil types shall then be the basis to use with the factors in calculating density. The Soil Survey of Town of Springfield, Sullivan County, N.H., issued in January 1975 and revised December 1983, shall be used as the resource for soils data and test pit information.

SEWAGE DISPOSAL:

In areas that will not be served by public sewer systems it shall be the responsibility of the subdivider or his agent to provide adequate information to prove that the land platted is physically suitable for the proper installation and operation of an individual or multi-unit sewage disposal system (septic tank and drain field) as required for subdivision approval from the N.H. Department of Environmental Services.

TEST PIT DATA:

The number and location of test pits shall be determined in consultation with the Planning Board. All test pits shall be sited on the plat. The data shall be logged, recorded and dated on an accompanying sheet. These pits shall be dug to a depth of 10 feet or refusal if ledge. Depth to ledge, clay, hardpan layers, existing and expected maximum seasonal water tables shall be recorded. Test pits shall be required on all lots whose soils indicate their necessity in the opinion of the Board.

PREMATURE SUBDIVISIONS:

Plats will receive approval as covered in Section IV only if:

- A. A subdivision is not considered scattered or premature by reason of involving danger or injury to health, safety, or prosperity by reason of the lack of water supply, drainage, transportation, schools, fire protection, or other public services, or necessitating the excessive expenditure of public funds for the supply of such services;

B. All lots enter or exit onto approved roads.

1. An approved road shall mean: A State road, a Class V Town road currently maintained year-round, or a private road built and maintained to Town standards.
2. Requests for subdivision on existing private roads will have to be examined by the Board to determine if the roadways are acceptable or to what extent they need to be upgraded.
3. The Planning Board cannot give approval to lots that enter or exit onto Class VI roads.
4. A subdivision can be considered premature if the roadway(s) abutting or leading to the subdivision is determined by the Selectmen and/or the Planning Board to be physically inadequate for the potential increased traffic or unsafe for any reason.

STREETS. DRAINAGE FACILITIES AND SIDEWALKS:

Streets: Construction of streets, driveways entrances, drainage facilities, sidewalks and curbs must be done under the supervision and with the approval of the Planning Board, Board of Selectmen and the Road Agent of the Town of Springfield, or of the appropriate State Agency.

The Planning Board shall inspect and an agent, engineer or engineering firm may be appointed by the Board to inspect and/or monitor the construction of the roadway. This will be done at the subdivider's expense.

In all subdivisions that involve the construction of new roadways or require the upgrading of present roadways, those roadways shall be improved or built to the standards specified in TOWN OF SPRINGFIELD, NEW HAMPSHIRE, Design Criteria and Construction Details and Specifications for Road and Drainage Construction, 1987, as it shall be amended. See Appendix F.

Sidewalks: Sidewalks of not less than four (4) feet in width and conforming to the grades of the street may be required on one or both sides of the street when, in the opinion of the Board, such sidewalks are necessary.

DRIVEWAY AND ACCESS PERMITS:

All driveway permits will be issued by a Planning Board member or appointed agent or the Road Agent as the Board decides. All driveways shall be designed and constructed so that no drainage will enter the street Right-of-Way beyond the ditch line. Driveways from the traveled way to a point 25 feet beyond the property line shall have a maximum grade of 4%. (See Appendix G.) Fees for driveway permits are payable to the Selectmen upon application for such permit.

MONUMENTATION:

Permanent bound markers shall be set as required by the Board consisting of 1 1/2" pipe or 3/4 inch reinforcing rod, four (4) feet long or equivalent, driven into the ground 3 feet, or such other permanent monumentation as the Board may require; drill holes must be set with pins permanently mounted in the drill hole, or if the Board approves a rod may be driven beside the drill hole if that rod can be bent up over the drill hole;

CONDITIONAL APPROVAL:

The Planning Board may grant conditional approval of a plat or application, which approval shall become final without further public hearing, upon certification to the Board by its designee or based upon evidence submitted by the applicant of satisfactory compliance with the conditions imposed. Final approval of a plat or application may occur in the foregoing manner only when the conditions are:

- A. Minor plan changes whether or not imposed by the Board as a result of a public hearing, compliance with which is administrative and which does not involve discretionary judgment; or
- B. Conditions which are in themselves administrative and which involve no discretionary judgment on the part of the Board; or
- C. Conditions with regard to the applicant's possession of permits and approvals granted by other Boards or agencies.

The plat will not be signed or recorded until all conditions have been met.

FAILURE TO SUPPLY REQUIRED INFORMATION:

No public hearing is required when the Board acts to disapprove an application based upon failure of the applicant to supply information required by these regulations, including abutter's identification; failure to meet reasonable deadlines established by the Board or failure to pay costs of notice or other fees established by the Board.

TESTIFYING AT HEARINGS:

At all hearings any applicant, abutter, or person with a direct interest in the matter may testify in person or in writing. Other persons may testify at the discretion of the Board.

MINOR LOT LINE ADJUSTMENTS:

Minor lot line adjustments or boundary agreements which do not create buildable lots, require that notice to abutters be given prior to approval of the application.

RESERVATION STRIPS:

Any so-called "reservation strip" must be approved by the Board.

WAIVERS:

The requirements of these regulations may be modified or waived by vote of the Board when specific circumstances surrounding a subdivision or condition of the land in such subdivision indicate that such modification or waiver can be made without violating the purpose and intent of the Town Plan, Zoning Ordinance and these regulations.

IV. PROCEDURES

GENERAL EXPLANATION:

Subdivision of property involves presenting maps and information to the Planning Board with enough information that the Board can make a sound judgment in a timely fashion. To help explain this process the following outline of steps to be taken in the process is given. Reference must be made to the appropriate sections of these regulations for detail.

- A. Consultation (optional) - not a hearing; no notification of abutters
- B. Design Review (optional)
  - 1. Application, 4 copies of sketch, abutter's info and monies to Board administrative assistant or chairman 17 days before hearing. The applicant presents the preliminary information regarding his proposal and abutters, etc. may participate.
- C. Final Plat
  - 1. Application, 4 copies of Plat, abutter's info and monies to Board administrative assistant or chairman 17 days before hearing.
  - 2. Application acceptance voted on before hearing opens.
  - 3. If application is considered complete enough to consider the merits of the request, the hearing is opened. A receipt of the application is given to the subdivider. The 90 day clock starts at this point. Applicant makes his presentation and abutters, etc. can participate.
  - 4. The hearing can be adjourned over a period of 90 days plus one extension until a decision can be made by the Board.
  - 5. If the plat receives approval from the Board, the mylar and the Board's official copy are stamped and signed.
  - 6. The Board then has 30 days to file the plat with the Registrar of Deeds.

CONSULTATION AND DESIGN REVIEW - (optional):

Consultation: Prior to formal submission of a subdivision layout, a subdivider may appear at a regular meeting of the Board to discuss his proposal. The Board and the applicant may discuss proposals in conceptual form only and in general terms such as desirability of types of development and proposals under the Town Plan. Such consultation shall not bind either the applicant or the Board and statements made by Planning Board members shall not be the basis for disqualifying said members or invalidating any action taken. Such discussion may occur without the necessity of giving formal public notice but may occur only at formal meetings of the Board.

Design Review: The Board or its designee may engage in nonbinding discussions with the applicant beyond conceptual and general discussions which involve more specific design and engineering details. Notice to abutters and public is required as described below. For the Design Review, all working information (including soils and slope data) that would be necessary for the Board to advise the subdivider of the feasibility of his proposal shall be presented to the Board. (RSA 676:4 II B) The Board strongly recommends that the subdivider make use of this phase.

SUBMISSION OF APPLICATION:

A request for Design Review, Final Plat or Annexation may be submitted to the Board by the subdivider or his authorized agent. Such requests shall be filed not less than seventeen (17) days, not including the day of the meeting, prior to a regular meeting of the Board. Incomplete applications will not be submitted to the Board; notices will not be issued. The following must be included in order for the Board to consider the request:

- A. The appropriate application form as shown herein as Appendix B or C;
- B. Four (4) copies of all the applicable information required in Section V;
- C. The names and addresses of applicant and all abutters as indicated in Town records at least five (5) days before date of filing;
- D. Payment for notification costs (certified return receipt); Costs for filing and per lot costs must accompany Annexation or Design Review applications or the Final Plat request if Design Review phase is omitted.

The completed application for final plat shall be formally submitted to and accepted by the Board only at such scheduled meeting after due notification to the applicant, abutters and the general public of the date the completed application will be formally submitted to and accepted by the Board. Upon formal acceptance of the application, the Board shall issue a "Receipt of Complete Application" form, included herein as "Appendix D".

NOTICES:

Notice to the applicant, abutters and the public for Design Review, Subdivision Plat and Annexation shall be given as follows: The Planning Board shall notify the abutters and the applicant by certified, return receipt mail of the date upon which the application will be formally submitted to the Board. Notice shall be mailed at least 10 days prior to submission. Notice to the general public shall be posted in Town in two places. The notice shall include a general description of the proposal which is the subject of the application, and shall identify the applicant and the location of the proposal. For any public hearing on the application, the same notice as required for notice of submission of the application shall be given. If notice of public hearing has been included in the notice of submission or any prior notice, additional notice of that hearing is not required nor shall additional notice be required of an adjourned session of a hearing if the date, time and place of the adjourned session is made known at the prior hearing.

Note: It is important that applicant submit correct and current abutter's names and addresses obtained from the Town office. Failure to do so can delay or void an application.

FEES:

A filing fee plus a fee as established by the Planning Board for each lot or lot involved is required of each subdivision or annexation. An additional deposit for fees covering costs for professional advice may be required for all subdivisions creating 5 or more lots.

Costs of any and all additional professional advice required by the Board shall be paid by the subdivider upon presentation by the Board. Payment is to be received in a timely fashion for the Board to continue considering the application. Payment must be received in full prior to any action by the Board to approve or disapprove the Plat.

The cost of any required publication and the cost of mailing notices shall be paid by the subdivider prior to submission of an application to the Board.

The subdivider shall pay to the Board the cost of registering the plat with the Registrar of Deeds before the plat is registered. If given in check form, it is to be addressed to the Registrar of Deeds.

BOARD ACTION ON SUBMITTED COMPLETE APPLICATION:

The Board shall place the proposed subdivision on its agenda within thirty (30) days of its receipt of the completed application at a regular Board meeting.

Within ninety (90) days of submission and acceptance at a public Planning Board meeting of all material required as a part of the completed application for approval of subdivision plat, the Board shall act to approve or disapprove the plat, unless the time for action has been extended or waived in accordance with the provisions of RSA 676:4.

PLAT APPROVAL:

Approval of the Plat shall be attested on the original drawing-by a stamp of approval provided by the Board and signed by the majority of the members of the Board and showing such date of approval.

RECORDING OF PLAT:

Within thirty (30) days after date of final approval, the Planning Board shall transmit to the Registry of Deeds of Sullivan County a copy of the Plat for recording. Plat must contain a stamp of approval and signatures of the Board.

FAILURE OF BOARD TO APPROVE OR DISAPPROVE PLAT:

In the event that the Board shall fail to approve or disapprove the Plat within ninety (90) days after submission to the Board, the Planning Board may apply to the Selectmen for an extension not to exceed an additional ninety (90) days. The applicant may waive the requirement for Board action within such time periods and may consent to such extension as may be mutually agreeable. If no such extension or waiver has been granted and the Board has exceeded allowable time limits for action, the subdivider 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 the proposal complies with existing subdivision regulations and other ordinances.

V. PLAT REQUIREMENTS

DESIGN REVIEW:

Paper copies should show the following:

- A. Location and dimensions of property lines;
- B. A general location map at a scale of one inch equals one thousand feet showing the proposed subdivision in relation to surrounding property}
- C. Appropriate soils and slope information required for determining proper subdivision density, etc. under Article III. SCS Map symbols and WSPCC 1978 as amended in 1983, soil groupings are to be used in all Design Reviews}
- D. Existing topography at not greater than twenty (20) foot intervals, although ten (10) foot intervals may be required, if, in the opinion of the Board, greater accuracy is necessary;
- E. Location, name and width of all existing streets, buildings, easements, water courses, standing water, rock ledge, and other essential site features;
- F. Location, name and width of all proposed streets, including a description of grades, profiles and drainage. (Where the Design Review plan submitted covers only a part of the proposed subdivision, a plan of future lots and street system will be indicated.);
- G. Proposed systems of water supply and sewage disposal and the location of each in relation to approximate sites of proposed buildings and to lot boundaries generally in accordance with NH Environmental Services regulations if requested by the Board;
- H. Driveway entrances, single or common, shall be delineated on all lots;

- I. Proposed subdivision name;
- J. Names and addresses of subdivider and designer;
- K. Names of all abutters, subdivision, buildings, streets, driveways within 200 feet of the parcel to be subdivided;
- L. Date, north arrow, and bar scale;
- M. All utility lines and utility poles by number.

In addition the following information should be submitted:

- N. Proposed subdivision use;
- O. Statement of compatibility of the proposed subdivision with land use designation from the Town Plan and Zoning Ordinance;
- P. Statement of conditions of land re: soil suitability for development if requested by the Board;
- Q. Statement of work required on existing streets to meet minimum standards)
- R. Existing and future subdivision, if any, in and adjacent to the subject subdivision including intended use of any balance of a parcel to be subdivided and future access thereto.
- S. Note: Some subdivisions require application to the Attorney General.

FINAL PLAT:

The Plat shall be clearly and legibly drawn in permanent ink on Mylar material or other, as requested by the Board, by a licensed NH surveyor. The format shall conform to regulations established by the Sullivan County Registry of Deeds. Soil and slope information may be shown on a sheet separate from the Mylar if clarity would be gained.

The Drawings shall be at the scale of 1" = 100" or such scale as the Board may prescribe. The Plat shall be submitted on one (1) Mylar and (4) blue or black line paper prints. Space shall be reserved on the Plat for endorsement by the Board and all appropriate agencies. The Plat shall be consistent with the Design Review if such review has taken place. In addition, the Final Plat shall contain the details outlined below in Section A. The Final Plat shall be accompanied by maps and information outlined below in Section B.

A. Final Plat Contents:

- 1. Name of municipality and subdivision, name and address of the land owner and designer, engineer, and licensed surveyor;

2. Boundaries and area of the entire parcel, whether or not all land therein is to be subdivided (in whatever manner is practical, the subdivision boundary shall be referenced to some point, i.e., public street intersection or U.S.G.S. bench mark); north point, bar scale, date and dates of any revisions; the survey shall be of third order (closed tape and transit) with a minimum error of closure of 1/10,000: unbalanced; all dimensions shall be shown to tenths (1/10) of a foot, and bearings to one (1) minutes, unless the Board decides that conditions warrant less precision; locations of permanent bound markers;
3. Names of abutting property owners, subdivision and buildings within 200 feet of the parcel to be subdivided, and intersecting roads and driveways within 200 feet of the parcel to be subdivided;
4. Existing and proposed street right-of-way lines, dimensions of tangents, chords, and radii; accurate location of all monuments set at street intersections; points of curvature and tangency of curved streets and at angles of lots; names of existing and proposed streets;
5. Existing and proposed lot lines, angles and dimension, lot sizes to the hundredth of an acre, consecutive numbering of lots;
6. Location of existing and proposed easements over and under private property (at least 15' wide with good access to existing or proposed public ways), deed restrictions, building setback lines, parks and other open space, watercourses, and significant natural and man-made features; and all parcels of land proposed for dedication to public use; a statement regarding such easements is to be included on plat;
7. A general site location map (at scale of 1" = 1000') locating exactly the proposed subdivision boundary in relation to major roads and community facilities of the Town; Main roads need to be identified by name;
8. Common driveways serving two (2) lots shall be shown as a common access and Right-of-Way to the approximate building sites for each lot;
9. If the subdivider chooses not to avail himself of the Design Review phase, it shall be a condition of such action that any and all data and information listed in the Design View section, Article V, shall be submitted as an integral part of the Plat;
10. The Plat shall contain the following statement: "The Subdivision Regulations of the Town of Springfield are a part of this plat, and approval of this plat is contingent on the completion of all the requirements of said Subdivision Regulations, excepting only any variances or modifications made in writing by the Board and attached hereto."

B. Maps and information submitted simultaneously with Final Plat:

1. Conditions of all easements and dedication to public use and copies of any and all deed restrictions intended to cover part or all of the tract (page and volume number from tax maps shall be indicated);
2. A written acknowledgement of the land owner's responsibility for maintenance of easement areas, 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;
3. If a subdivision is to be served by private water supply and/or sewer system, a statement from the agency or company involved attesting to the availability of such service;
4. Subdividers shall present written approval for subdivision from the N.H. Department of Environmental Services for any lot under 5 acres;
5. A driveway permit must be obtained from the Planning Board or the N.H. Department of Transportation, whichever is applicable;
6. Boundary markers are to be checked for placement by the Board, and a written certification as to the accuracy of the boundary markers shall be received by the Board from the surveyor if requested by the Board.

As part of the Final Plat submission, the land owner or the land owner's agent may be required by the Board to submit any or all of the following:

7. Subdivision Grading and Drainage Plan: This plan shall be submitted on a separate sheet or sheets and shall provide the following information for the entire area of the proposed subdivision, unless there is a determination by the Board that a lesser area is sufficient:
  - a. Basic street and lot layout, with all lots numbered consecutively;
  - b. Location of all existing buildings and approximate location of proposed buildings, if known;
  - c. Contours of existing grade at intervals of not more than five (5) feet. Intervals less than five feet may be required depending on the character of the topography;
  - d. Final identification, location, elevation, grades and/or contours at intervals of not more than two (2) feet (less interval may be required depending on topography) for the existing and proposed drainage ways, drainage easements, drainage structures and water bodies;

- e. Final identification, specifications and relative location of proposed soil erosion and sediment control measures and structures in accordance with guidelines acceptable to the Planning Board;
- f. Final drawings, details, and specifications for proposed flood hazard prevention measures and structures and for proposed storm water retention facilities;
- g. Final slope stabilization details and specifications;
- h. A timing schedule indicating the anticipated starting and completion dates of the subdivision development and the time of exposure of each area prior to the completion of effective soil erosion and sediment control measures.

Note: The land owner shall bear the final responsibility for the installation and construction of all required drainage, slope stabilization, soil erosion and sediment control measures and structures according to the provisions of these regulations.

- 8. Subdivision Street and Utility Plan: This plan shall be submitted on a separated sheet or sheets and provide the following information:
  - a. Complete plans and profiles of all proposed streets including but not limited to :
    - 1. Horizontal and vertical curve data at the street centerlines;
    - 2. Street stationing every 50 feet;
    - 3. Intersection, turnaround, and/or cul-de-sac radii;
    - 4. Statements and/or typical sections of proposed streets.
  - b. Complete plans and profiles of all proposed sanitary systems and storm drains, including the following:
    - 1. Elevations and original and finished ground profiles above on-site or common septic systems;
    - 2. Profiles and grades of storm drains and inlets;
    - 3. Type of material, class used, and proposed grades.
  - c. Location and details of all existing and proposed underground utilities, including TV cable, telephone, electric, etc. on and adjacent to the land to be subdivided. Culverts, bridges, etc. are also to be included with all watershed calculations.

d. A statement as to: (when applicable):

1. The flow available on existing private water supplies (wells, etc.);
2. The proposed number of units and anticipated septic system capacities;
3. The available storm water facilities downstream of the subdivision;
4. Any other details pertinent to street and/or utility construction.

C. As-built Plans:

In subdivisions requiring construction of roads or other public or private utilities, a survey shall be submitted to the Board after construction has been completed and before release of the bond or other security, certifying that roads, and/or other utilities, have been constructed as shown on the plan and in accordance with the Final Approval. This plan shall be drawn to scale and shall indicate by dimensions, angles and distances, as applicable, the location of all public and/or private utilities, road profiles, and center line elevations and final grading plan showing swales and ditches. Plan shall show easements, roadways and open space. As-built plans shall be submitted by the land owner to the Town on a Mylar with two (2) paper prints.

MINOR SUBDIVISION:

For minor subdivisions which create not more than 3 lots for building development purposes or for proposals which do not involve creation of lots for building development purposes, the board may waive the following:

- A. The requirement of a perimeter survey of the entire parcel, however, specific data for any lot for which sale or lease is contemplated is required;
- B. The requirements of existing and proposed contours, existing and proposed plans for telephone, electricity and gas utilities, proposed storm drainage, drainage analysis map and watershed computations and proposed methods of supplying water.

The Plat shall include a general map inset which indicates the size and shape of the entire parcel within which the lots being subdivided are contained.

Such expedited review may allow submission and approval at one or more Board meetings, but no application may be approved without the full notice to the abutters and public.

ANNEXATION:

Any subdivision for the purpose of annexation as defined in Section II shall be submitted to the Board for review. The Board, after reviewing the facts and merits of the proposal, may at its discretion waive compliance with the requirements of these regulations, providing however, that the following conditions shall be met in all cases:

- A. A general map shall be prepared and submitted to the Board showing the original boundaries of the adjacent parcels in question;
- B. A detailed survey map shall be presented and submitted to the Board showing the property line or lines created as a result of the annexation;
- C. A deed restriction shall be placed on the Plat and in the body of the deed or other instrument of transfer stating as follows: "The grantee(s) by virtue of acceptance of this deed agree that the premises hereby conveyed shall not be deemed a separate lot of record, but 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)"
- D. No annexation may be allowed without the full notice to the abutters and public required by RSA 676:4. A hearing shall be held if requested by the applicant or abutters, or if the Board determines to hold a hearing;
- E. A statement shall be placed at the end of the deed or other instrument of transfer stating as follows: "The above transfer constitutes an annexation of the tract herein conveyed to the said \_\_\_\_\_ by the deed of \_\_\_\_\_ dated \_\_\_\_\_, 20\_\_ and recorded in the Sullivan County Registry of Deeds at Book \_\_\_\_\_, Page \_\_\_\_\_, and therefore does not require subdivision approval of the Planning Board of the Town of Springfield, New Hampshire."

"Signed, \_\_\_\_\_  
Chairman, Springfield, Planning Board"

VI. PERFORMANCE GUARANTEES:

Where applicable to a specific subdivision, the following are required, in a form approved by the attorney for the Town, prior to approval of the final Plat:

- A. Agreement to convey to the Town land to be used for streets, open space and other public purposes, with transfer of title to such interests to be effective on such date as the Town accepts such land;
- B. Descriptions of easements and rights-of-way for public purposes over property to remain in private ownership;

- C. Descriptions of easements to drain onto or across other property, whether public or private, including a street;
- D. As a condition of approval, the Board shall require the posting of performance guarantee in an amount sufficient to defray the costs of construction of streets, public improvements, drainage structures and other improvements of a public utility nature. The amount of the security shall be based on an estimate of costs provided by the subdivider and, at the discretion of the Board, reviewed by a licensed engineer and shall include fees to cover costs of periodic inspections. Such performance fees shall be released in phases as portions of the improvements or installations are completed and approved in accordance with the plan approved by the Board. Performance guarantees will be handled in conjunction with the Selectmen as the Boards mutually agree.

VII. ADMINISTRATION AND ENFORCEMENT:

PENALTIES FOR TRANSFERRING LOT IN UNAPPROVED SUBDIVISION:

Any owner, or agent of the owner, who transfers or sells any land within a subdivision, before the Plat of said subdivision has been approved by the Planning Board and recorded or filed in the office of the Sullivan County Registry of Deeds shall forfeit and pay a penalty of five hundred (\$500) dollars for each lot or parcel so transferred or sold; and the description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the transaction from penalties.

The Town may enjoin such transfer or sale and may recover the said penalty by civil action. In any such action, the prevailing party may recover reasonable court costs and attorney's fees as same may be ordered by the court.

APPEALS:

An appeal of a decision of the Board may be made pursuant to N.H. RSA 677:15.

ENFORCEMENT:

Any violation of these regulations shall be described to the violator by the Planning Board in writing. These regulations shall be enforced as provided in RSA 676:16,17,18. The Selectmen or their agent shall enforce these regulations.

INTERPRETATION:

In matters of judgment or interpretation of the above requirements, the opinion of the Board shall prevail.

SEPARABILITY:

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

CONFLICTING PROVISIONS:

Whenever the regulations made under the authority hereof differ from those prescribed by any ordinance or other regulations, that provision which imposes the higher standard shall govern.

AMENDMENTS:

The regulations may be amended or rescinded by the Board, but only following public hearing on the proposed change, and in accordance with the provisions of RSA 675:6. The Board shall transmit a record of any changes so enacted to the Town Clerk, the Selectmen, Office of State Planning and appropriate regional planning agency.

TIME LIMITS FOLLOWING APPROVAL:

The Plat shall become void one (1) year after approval, unless, in the opinion of the Board, substantial progress in implementing the subdivision described thereon has been made. Any additional expense included in the procedure for approval or disapproval of the subdivision shall be borne by the applicant.

Conditional approval will become void if all conditions specified have not been met after one year from date of such approval. Subdivider must apply to the Board for an extension in order for the conditional approval period to be extended.

FOUR-YEAR EXEMPTION:

As provided in RSA 674:39, every Plat approved by the Board and properly recorded in the Registry of Deeds shall be exempt from all subsequent changes in these regulations, except those regulations and ordinances which expressly protect public health standards such as water quality and sewage treatment requirements, for a period of four (4) years after the date of recording, provided, however, that once substantial completion of the improvements as shown on the plat have occurred in compliance with the approved plat, or the terms of said approval, the rights of the owner or his successor in interest shall vest and no subsequent changes in subdivision regulations or zoning ordinances shall operate to affect such improvements, provided that:

- A. Active and substantial development or building shall have commenced on the site by the owner or his successor in interest in accordance with the approved plat within 12 months after the date of approval, or in accordance with terms of said approval, and, if a bond or other security to cover the costs of roads, drains, or sewers is required in connection with such approval, such bond or other security is posted with the Town at the time of commencement of such development;

- B. Development remains in full compliance with public health regulations and ordinances specified in this section;
- C. At the time of approval and recording, the plat conforms to the subdivision regulations then in effect at the site of such plat.