

**LAND SUBDIVISION CONTROL REGULATIONS**

**TOWN OF SHARON, NH**

**Table of Contents**

<b>SECTION I: Authority</b>	<b>2</b>
<b>SECTION II: Definitions</b>	<b>2</b>
<b>SECTION III: Application Procedures</b>	<b>3</b>
<b>A) General Procedure:</b>	<b>3</b>
<b>B) Subdivision Type:</b>	<b>3</b>
<b>C) Preliminary Consultation and Review:</b>	<b>3</b>
<b>D) Public Hearing:</b>	<b>3</b>
<b>E) Preliminary Layout:</b>	<b>4</b>
<b>F) Submission of an Application:</b>	<b>4</b>
<b>G) Board Action on Completed Applications:</b>	<b>4</b>
<b>H) Fees:</b>	<b>5</b>
<b>I) General Requirements for the Subdivision of Land:</b>	<b>5</b>
<b>J) The Preliminary Layout:</b>	<b>7</b>
<b>K) Final Plat:</b>	<b>7</b>
<b>L) Waivers:</b>	<b>8</b>
<b>M) Amendments:</b>	<b>8</b>

## LAND SUBDIVISION CONTROL REGULATIONS

### TOWN OF SHARON, NH

As a means of retaining the scenic beauty of our Town and for the purposes 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 vehicles; for securing safety in the case of fire, flood, panic, and other emergencies; for insuring compliance with the applicable zoning ordinances or by-laws and State laws; for securing adequate and safe provisions for water, sewerage, drainage and other requirements where necessary in a subdivision; 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.

### SECTION I: Authority

Pursuant to the authority vested in the Sharon Planning Board by the voters of the Town of Sharon and in accordance with the provisions of Chapter 674:35 N.H. Revised Statutes Annotated, 1983 (formerly Chapter 36:19-29, 1955), the Sharon Planning Board adopts the following regulations governing the subdivision of land in the Town of Sharon, New Hampshire.

### SECTION II: Definitions

**Abutter**, as defined in Sharon's Zoning and Building Ordinance, Article XVII, Definitions.

**Applicant** means the owner of record of the parcel, lot or tract of land under consideration by the Planning Board and/or the duly authorized agent of such owner.

**Board** means the Planning Board of the Town of Sharon.

**Building** means a structure designed and built or occupied as a shelter or roofed enclosure for persons, animals, and property of any kind (and used for residential, institutional, religious, educational, recreational or professional purposes). Such buildings include open porches, open breezeways, other roofed areas, and decks.

**Building Development** means the construction, erection or location on any lot of the structure defined in Definitions: Building.

**Engineer** means the duly designated engineer of the Town of Sharon or if there is not such official, the planning consultant or official assigned by the Sharon Planning Board.

**Minor Subdivision** refers to an application wherein the applicant intends to separate an existing parcel of land into no more than three parcels.

**Plat** means the final map, drawing or chart on which the sub-divider's plan of subdivisions presented to the Sharon Planning Board for approval, and which, if approved, will be submitted by the Board to the Register of Deeds of Hillsborough County for recording.

**Street** means and includes street, avenue, boulevard, road, alley, highway and other public way, including the required right of way.

**Subdivision** means the division of a lot, tract or parcel of land into two or more lots, plats, sites or other divisions of land for the purpose, whether immediate or future, of sale, rent, lease, condominium conveyance or building development. It includes 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.

## SECTION III: Application Procedures

### A) General Procedure:

Whenever any subdivision is proposed to be made, the owner thereof or his authorized agent, must apply for, and secure the approval of such subdivision from the Planning Board of the Town of Sharon in accordance with the procedures and specifications contained in these regulations.

### B) Subdivision Type:

If the Application is for a Minor Subdivision as defined in Section II, the application process is abbreviated, requiring attention only to the following Subsections:

Subsection C: Preliminary Consultation and Review,

Subsection D: Public Hearings,

Subsection E: Completed Application,

Subsection G: Filing and Submission of Completed Application,

Subsection H: Board Action on Completed Application,

Subsection I: Fees,

Subsection J: General Requirements for the Subdivision of Land,

Subsection L: Final Plat,

Subsection M: Waivers.

**For all other Subdivisions, applications must adhere to all of the following Subsections**

### C) Preliminary Consultation and Review:

- 1) The Applicant is strongly encouraged to appear at a regular meeting of the Planning Board to discuss a proposal in concept for information and review. Such preliminary consultation shall be informal and directed toward:
  - a) Reviewing the basic concepts of the proposal,
  - b) Reviewing the proposal with regard to the Town Master Plan and applicable ordinances or regulations, including the Town's subdivision regulations, and
  - c) Guiding the applicant relative to necessary State and Local requirements.
- 2) Views expressed in a preliminary consultation and review shall not be binding to the applicant or the Board. Such discussions may occur without formal public notice, but no discussion beyond the conceptual and general review shall take place without identification of and notice to abutters and general public as described in Subsection III-D.
- 3) Preliminary consultation and review shall be separate and apart from formal consideration under Subsections III-D and E, and the time limits for acting under Subsection III-F shall not apply until a formal Completed Application is submitted.

### D) Public Hearing:

Upon receipt of a Completed Application, a public hearing shall be held as required by RSA 676:4 and a site visit must be scheduled for the members of the Board and interested citizens prior to the formal public hearing.

Notice of the submission of a Completed Application shall be given by the Board to the abutters and the Applicant by certified mail, return receipt requested, mailed at least ten (10) days prior to the hearing, and to the public at the same time by posting in at least two public places in the Town and publication in a newspaper of general circulation. The notice shall give the date, time and place of the Board meetings at which the Application or other item(s) will be formally submitted to the Board, and shall include a general

description of the proposal which is the subject of the Application or of the item to be considered and shall identify the Applicant and location of the proposed subdivision.

No additional notice shall be required of an adjourned session of a hearing with proper notice if the date, time and place of the next session was made known at the prior hearing.

The public hearing shall be held within thirty (30) days of submission of the Completed Application.

**E) Preliminary Layout:**

- 1) The applicant may submit a Preliminary Layout to the Chair of the Board not less than twenty (20) days before any regular meeting of the Board. This optional step may aid both the applicant and the Board in reviewing the proposal. The Board may discuss the plan with the applicant and, after such discussion the Board may communicate to the Subdivider specific suggestions to assist in resolving problems prior to the submission of a Completed Application.
- 2) Neither time limits for consideration and action nor the public hearing requirements shall apply to this preliminary layout submission.

**F) Submission of an Application:**

- 1) The Submitted Application shall be filed with the Secretary or the Chairman of the Board at least twenty (20) days prior to a scheduled public meeting of the Board.
- 2) The Submitted Application shall be presented and accepted by the Board only at a regularly scheduled public meeting.
- 3) A submitted application sufficient to invoke jurisdiction of the Board must include sufficient information to allow the Board to proceed with consideration and to make an informed decision. The following shall be required for and constitute a Completed Application:
  - a. The Application for Subdivision Approval Form properly filled out and executed by the Applicant and filed with the Board in accordance with Subsection III-B.
  - b. The names and addresses of the Applicant, any and all engineers who have been consulted in preparation of the Application and all abutters as indicated in town records not more than five (5) days before the day of filing.
  - c. A check payable to the Board to cover filing, mailing, notice costs, advertising, recording and other costs as provided in Subsection III-H.
  - d. Three paper print copies of the Preliminary Layout in accordance with and accompanied by the information required in Subsection III-J.
- 4) An incomplete Application filed by the Applicant will not be accepted by the Board nor will notices of a public hearing be mailed, posted, or published as provided under Subsection III-D.
- 5) Applications may be disapproved by the Board without public hearing on grounds of failure of the Applicant to supply information required by these regulations, including:
  - a) Abutters' identification and information required for Preliminary Layout,
  - b) Failure to pay costs of notices or other costs and fees required by these Regulations, or
  - c) Failure to meet any reasonable deadline established by these Regulations.
- 6) When a Submitted Application is accepted as Complete by the Board, the Board shall provide a notice to the Applicant indicating date of formal acceptance.

**G) Board Action on Completed Applications:**

- 1) The Board shall consider the Completed Application within thirty (30) days of its submission. After review of the Completed Application, and after a duly noticed public hearing as provided in Subsection III-D, the Board may grant a conditional approval of the Completed Application and request the Applicant prepare a Final Plat as provided for in Subsection III-K. The Board shall act to approve or disapprove the Completed Application and Final Plat within sixty-five (65) days after submission of the Completed Application, subject to extension or waiver as provided in accordance with NH RSA 676.4.

- 2) Approval of the Final Plat shall be certified by written endorsement on the Final Plat and signed by the Chairman and Secretary of the Board. The Chairman or Secretary of the Board shall transmit a copy of the Final Plat with such approval endorsed in writing thereon to the Registrar of Deeds of Hillsborough County. The sub-divider shall be responsible for any payment of all recording fees. 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 written notice given to the Applicant.
- 3) If the Planning Board has not obtained an extension as provided in Subsection III-G, Item 1, and has not taken action to approve or disapprove the Completed Application within sixty-five (65) days of its acceptance, the Applicant may obtain from the Selectmen an order directing the Board to act within fifteen (15) days. Failure of the Board to act upon such order of the Selectmen shall constitute grounds for the Applicant to petition the Superior Court as provided in RSA 676:4.

#### H) Fees:

- 1) A Completed application shall be accompanied by an application fee of one hundred dollars (\$100.00) and a fee of twelve dollars (\$12.00) for each abutter and licensed engineer utilized on this proposal for certified, return receipt posted notices. Failure to pay such fees shall constitute valid grounds for the Board to terminate consideration and to disapprove the application without a public hearing.
- 2) The Board may require investigative studies, environmental assessments, legal review of documents, administrative expenses, and other matters necessary to make an informed decision. The cost of such studies and investigations shall be paid by the Applicant prior to the approval or disapproval of the Final Plat.

#### I) General Requirements for the Subdivision of Land:

The Subdivider shall conform to the following general requirements and principles of land subdivision.

- 1) The arrangements of streets in the subdivision shall provide for the continuation of the principal streets in adjoining subdivisions or for their proper projection when adjoining property is not subdivided, and shall be at least as wide as such existing connecting streets.
- 2) No street or highway right-of-way shall be less than fifty (50) feet in width and may be required to be more if a greater street width is warranted in the opinion of the board. The apportioning of the street widths among roadway, sidewalks and possible grass strips shall be subject to the approval of the Board.
- 3) Except where near-future connections may be possible, dead-end or cul-de-sac streets shall not in general exceed four hundred (400) feet in length, and shall be equipped with a turn-around roadway at the closed end with a minimum radius of sixty (60) feet from the center to the outside edge of the right-of-way.
- 4) Reserve strips of land which, in the opinion of the Planning Board, show an intent on the part of the Subdivider to control access to land dedicated or to be dedicated to public use shall not be permitted.
- 5) Individual lots shall be as nearly rectangular as possible.
- 6) The widths of blocks shall not be less than three hundred (300) feet, nor shall the length exceed twelve hundred (1200) feet.
- 7) Intersecting property lines at street intersections shall be joined by a curve of at least twenty (20) feet radius.
- 8) There shall be adequate width and area on every lot after the erection of a residence, to permit the parking within the lot of at least two cars for each family dwelling unit.
- 9) Grades of all streets shall conform in general to the terrain and shall, so far as practicable, not exceed five (5) percent for major streets and eight (8) percent for minor streets. No street shall have a grade of less than one half (1/2) percent. Streets shall have a minimum crown of four (4) inches. Side embankments shall be constructed at a minimum grade of 1:2 except that the Town Engineer may prescribe a grade or 1:3 or greater if deemed necessary.
- 10) Land of such character that it cannot be safely used for building purposes because of exceptional danger to health or peril from fire, flood, or other menace shall not be platted for residential occupancy, nor for such other uses as may increase danger to health, life, or property or aggravate the flood hazard, until appropriate measures have been taken by the owner or his agent to lessen such hazards.

- 11) The board in its discretion may require that the sub divider provide parks and playgrounds to be dedicated or to be reserved for the common use of all property owners and that said parks and playgrounds may constitute up to twenty-five (25) percent of the entire area of the subdivision.
- 12) Streets which join or are in alignment with streets of abutting or neighboring properties shall bear the same name. Names of new streets shall not duplicate, nor bear phonetic resemblances to the names of existing streets within the Town of Sharon.
- 13) The Planning Board may disapprove a proposed subdivision under RSA 674:36 if it finds, after study, that the proposal is premature. A premature subdivision is defined as one which would involve danger or injury to health, safety, or property by reason of the lack of water supply, drainage, transportation, schools, fire department, or other public services, or necessitate an excessive expenditure of public funds for the supply of such services. An unplanned, piecemeal subdivision or a strip development could be considered premature.
- 14) Pavement and drainage facilities, curbs and sidewalks, when required, shall be installed and constructed in accordance with the standard specifications of the Town of Sharon and in all cases must be constructed under the supervision of a Consulting Engineer. All new roads shall be designed by a licensed professional engineer.
- 15) The paved portion of a roadway shall have a width of at least eighteen (18) feet.
- 16) The roadway shall be constructed in accordance with the following specifications:
  - a) The entire area of each new street shall be cleared of all stumps, brush, roots, boulders and like material and all trees not intended for preservation.
  - b) All topsoil or loam must be removed from the limits of the road bed to a depth of at least twelve (12) inches. Topsoil shall be removed from areas that will be filled. Where loam or improper road foundation materials exceed twelve (12) inches in depth, such material must be excavated and replaced with bank run gravel or broken rock.
  - c) The base course shall consist of bank run gravel, free from loam or organic matter, rolled and compacted with a 10-ton roller to a thickness of at least twelve (12) inches and extending two (2) feet beyond either side of the paved portion.
  - d) The finish course shall consist of at least six (6) inches of bank run crushed gravel capable of being passed through a four (4) inch screen.
  - e) The surface shall consist of one (1) application of primer applied at the rate of one (1) gallon per square yard and one (1) application of sealer applied at the rate of one-quarter (1/4) gallon per square yard. The surface shall be sanded with clean sharp sand following the final coating of oil.
  - f) Adequate disposal of surface water shall be provided for. Catch basins shall be built where required and culverts of at least fifteen (15) inches in diameter installed at all water courses with necessary headers of an approved construction. All necessary water and sewer lines shall be installed at the extreme side of the proposed streets and to required specifications of the Water and Highway Department of the Town of Sharon, and shall include service lines running from the water mains to the curb to service each lot.
- 17) The roadway shall be graded and paved to the final grade in accordance with the profile submitted.
- 18) In cases where geologic, topographic, traffic volume or other unusual conditions warrant, the Town, its Planning Board, or its Board of Selectmen may require stricter road construction standards and specifications than those specified herein.
- 19) All buildings in any subdivision shall be located not closer than one hundred (100) feet from the nearest edge of the front right of way, and not closer than fifty (50) feet from any side or back lot line or right of way.
- 20) In subdivisions where extensive grading, road building, or drainage are needed, the Planning Board may require that the Applicant post a performance bond with the Town in an amount deemed sufficient by the Board to effectuate the proposed plan. Such bond shall be posted prior to any clearing, grading, or construction on the site and shall be forfeited if all work does not comply with this ordinance and the proposed plan as determined by the Planning Board or its agents. The bond shall be returned upon satisfactory completion of the subdivision plan as approved by the Board or its agents.

- 21) A performance bond shall be approved as to form and sureties by the legal counsel of the Town of Sharon, and conditioned upon the completion and guarantee of such improvements within the period specified by the Planning Board and expressed in the Board.

**J) The Preliminary Layout:**

The importance of a clear statement of the Town's policy in regard to the extension of streets and utilities to serve new subdivisions cannot be overstressed.

The Subdivider shall file with the board three copies of a preliminary layout at a scale of not more than one hundred (100) feet to the inch showing or accompanied by the following information:

- 1) Proposed subdivision name; name and addresses of owner of record; Subdivider and designer; date; north point and scale.
- 2) Names of owners of record of abutting properties, abutting subdivision names, streets, easements, building lines, alleys, parks and public open spaces and similar facts regarding abutting property.
- 3) Location of property lines and their approximate dimensions; existing easements, buildings, water courses, ponds and standing water, rock ledges and other essential features.
- 4) Existing water mains, sewers, culverts, drains and proposed connections or alternative means of providing water supply and disposal of sewerage and surface drainage.
- 5) Location, name and widths of existing and proposed streets and highways with their grades and profiles and the elevations of sufficient points on the property to indicate the general topography of the property.
- 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 Layout shall show the boundaries of proposed permanent easements over or under private property. Such easements shall not be less than ten (10) feet in width and shall have satisfactory access to existing or proposed public ways.
- 7) Location of all parcels of land proposed to be dedicated to the public use, the conditions of such dedication, and a copy of such private deed restrictions as are intended to cover part or all of the tract.
- 8) Preliminary designs of any bridges or culverts which may be required.
- 9) Where the Preliminary Layout submitted covers only a part of the sub-divider's entire holding, a sketch of the prospective future street system of the un-submitted part shall be furnished and the street system of the submitted part will be considered in the light of adjustments and connections with the street system of the part not submitted.
- 10) It is the duty of the Town Planning Board to inspect the site of all proposed subdivisions, and to require grading and installation as outlined in this ordinance for common use, and to approve the same when satisfied that such proposed plans are in harmony with, and not detrimental to existing values; but in no case shall this approval by the Board be deemed an acceptance by the Town for the maintenance of the street or streets within the subdivision.

**K) Final Plat:**

- 1) The Final Plat submitted for approval and subsequent recording shall be submitted in triplicate. The size of the sheets shall conform to the requirements of the Registry of Deeds of Hillsborough County, for filing. The margin of at least one (1) inch shall be provided outside ruled border lines on three sides and of at least two (2) inches along the left side for binding. Adequate space shall be available on the map for the necessary endorsement by the proper authorities. The drawings shall be of a scale of not more than one hundred (100) feet to the inch.
- 2) The Final Plat shall show:
  - a) Proposed subdivision name or identifying title, the name and address of owner of record and Subdivider, and the name, license number and seal of the designer, date, scale, and north point.
  - b) Street and right of way lines, building lines, pedestrian ways, lot lines, reservations, easements and areas to be dedicated to public use and areas for which the title is reserved by the developer.
  - c) Sufficient data acceptable to the Engineer to determine readily the location, bearing and length of every street and right of way line, lot line, boundary line, and to be able to reproduce such lines upon the ground. All dimensions shall be shown to hundredths (100<sup>ths</sup>) of a foot and bearings to at least

minutes. The error of closure shall not exceed one (1) to two thousand (2000). The final plat shall show the boundaries of the property.

- 3) Permanent easements shall be set as required by the Engineer.
- 4) The Planning Board may require that the Town Soil Map be superimposed on the Final Flat.

**L) Waivers:**

As allowed by RSA 674:36, II (n) the Planning Board may waive any portion of these regulations if the Board finds, by majority vote, that:

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

The basis for any waiver granted by the Planning Board shall be recorded in the minutes of the Board.

**M) Amendments:**

New Hampshire RSA 675:6 empowers the Planning Board to amend subdivision regulations after public hearing. The Chairman or Secretary of the Planning Board shall transmit a record of any changes so authorized to the Registry of Deeds of Hillsborough County.

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