TOWN OF SWANZEY, NEW HAMPSHIRE

SUBDIVISION REGULATIONS

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TOWN CLERK, SELECTMEN OR PLANNING BOARD

SUBDIVISION REGULATIONS

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SUBDIVISION REGULATIONS

SECTION 1. Authority and Purpose

Pursuant to the authority vested in the Swanzey Planning Board by the legislative body of the City/Town of Swanzey on 03/07/72 and in accordance with the provisions of RSA 674:35 of the New Hampshire Revised Statutes Annotated, as amended, the Swanzey Planning Board adopts the following regulations governing the subdivision of land in the Town of Swanzey, New Hampshire; and to replace the subdivision regulations adopted on 06/29/72 as amended.

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

SECTION 2. Title

These regulations shall be known and cited as the SUBDIVISION REGULATIONS OF SWANZEY, NEW HAMPSHIRE.

SECTION 3. Definitions

3.01 Abutter: "Abutter" means any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration by the local land use board. For purposes of receiving testimony only, and not for purposes of notification, the term "abutter" shall include any person who is able to demonstrate that his land will be directly affected by the proposal under consideration. For purposes of receipt of notification by a municipality of a local land use board hearing, in the case of an abutting property being under a condominium or other collective form of ownership, the term abutter means the officers of the collective or association, as defined in RSA 672:3.

3.02 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.

3.03 Application, Submitted: Shall mean information by an applicant to the Planning Board, which may or may not be complete enough to warrant acceptance by the Board.

3.04 Application, Accepted: Shall mean an application that has been reviewed by the Planning Board and deemed to be complete for acceptance at a regular Planning Board meeting.

3.05 Approval: Shall mean recognition by the Planning Board, certified by written endorsement on the plat, that the plat meets the requirements of

these Regulations and in the judgment of the Board, satisfies all criteria of good planning and design.

3.06 Board: Shall mean the Planning Board of Swanzey.

3.07 Certified Soil Scientist: Shall mean a person who by reason of special knowledge and experience is qualified to practice soil science and who has been duly certified by the board of natural scientists under RSA 310-A:75.

3.08 Completed Application: Shall mean the application form and supporting documents, as specified in these Regulations, that contains all the information the planning board needs to review a subdivision proposal and make an informed decision. All fees and administrative expenses, as indicated in these Regulations, must be included. For submission requirements, see Sections 7, 9, and 10.

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

3.10 Engineer: Shall mean the duly designated engineer of the Town of Swanzey or, if there is no such official, the planning consultant or official assigned by the selectmen.

3.11 Licensed Land Surveyor: Shall mean a person who engages in the practice of land surveying and is licensed by the State of New Hampshire under RSA 310-A:53.

3.12 Lot: A parcel of land capable of being occupied by one principal use that is of sufficient size to meet the minimum requirements for use, building coverage, and area.

3.13 Lot Line Adjustment: Shall mean the exchange of abutting land among two or more owners which does not increase the number of owners or the number of lots.

3.14 Master Plan: Shall mean a plan for development of the Town of Swanzey developed in accordance with the provisions of RSA 674:2.

3.15 Plat: Shall mean the map, drawing or chart on which the plan of subdivision is presented to the Swanzey Planning Board for approval, and which, if approved, will be submitted to the Register of Deeds of Cheshire County for recording.

3.16 Preapplication Review: Shall mean the two optional steps, Conceptual Consultation and Design Review, that an applicant may follow prior to filing a completed application.

3.17 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.

3.18 Interior Street: A street used primarily to give access to abutting properties, or to provide access to individual homes within a neighborhood. Such streets are designed to carry out volumes of traffic either to or from individual places of residence, and are not designed for through traffic.

3.19 Collector Street: A street which, in addition to giving access to abutting properties, serves to carry traffic from interior streets to thoroughfares and to public and other centers of traffic concentration. A collector street may be further classified as major or minor, depending on average daily traffic count.

3.20 Arterial Street: A street or highway used primarily for heavy and/or through traffic.

3.21 Conservation Agent: Shall mean the local conservation commission of the Cheshire County Conservation Commission.

3.22 Subdivision:

1) "Subdivision" means 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.

2) The division of a parcel of land held in common and subsequently divided into parts along the several owners shall be deemed a subdivision under this title.

3) The grant of an easement in gross to a public utility for the purpose of placing and maintaining overhead and underground facilities necessary for its transmission or distribution network such as poles, wires, cable, conduit, manholes, repeaters and supporting apparatus, including any unmanned structure which is less than 200 square feet, shall not be construed as a subdivision under this title, and shall not be deemed to create any new division or land for any other purpose.

3.23 Subdivision, Major: Any subdivision not classified as a minor subdivision.

3.24 Subdivision, Minor: Shall mean a subdivision of land into not more than three (3) lots with no potential for resubdivision that fronts on an existing street and requires no new streets, utilities, or other municipal improvements.

SECTION 4. General Provisions

4.01 Before any subdivision is made, or before the transfer or sale of any part thereof, and before any subdivision plat may be filed in the office of the Registrar of Deeds of Cheshire County, the owner or authorized agent shall apply in writing to the Board on a form provided by the Board and secure approval of such proposed subdivision in accordance with these regulations.

4.02 Land of such character that it cannot, in the judgment of the Board, be safely used for building development purposes because of exceptional danger to health or peril from fire, flood, poor drainage, excessive slope, or other hazardous conditions, shall not be platted for residential, commercial, or industrial subdivision, nor for such other uses as may increase danger to life or property, or aggravate the flood hazard. Land with inadequate characteristics or capacity for sanitary sewage disposal shall not be subdivided for residential, commercial, or industrial subdivision purposes unless connected to a municipal sewerage system.

4.03 The Board may provide against such scattered or premature subdivision of land as would involve danger or injury to health, safety, or prosperity by reason of the lack of water supply, drainage, transportation, schools, fire protection, or other public services or necessitate the excessive expenditure of public funds for the supply of such services.

4.04 No underground storage tank, except for water storage, shall be located closer than 125 feet from any wetland, well, or other water supply.

SECTION 5. Subdivision Procedures

5.01 Preapplication Phases (OPTIONAL)

Preliminary Conceptual Consultation

1) The applicant may request a meeting with the Board to discuss a proposal in conceptual form and in general terms. Such preapplication consultation shall be informal and directed toward:

a. Reviewing the basic concepts of the proposal.

b. Reviewing the proposal with regard to the master plan and zoning ordinance.

c. Explaining the local regulations that may apply to the proposal. (Copies of any pertinent regulations should be available.)

d. Determination of the proposal as a major or minor subdivision, and,

e. Guiding the applicant relative to state and local requirements.

2) Preliminary conceptual consultation shall not bind the Applicant or the Board. Such discussion may occur without formal public notice, but must occur only at a posted meeting of the Board.

Design Review Phase

1) Prior to submission of an application for Board action, an applicant may request to meet with the Board or its designee for non-binding discussions beyond the conceptual and general, involving more specific design and engineering details of the potential application.

2) The design review phase may proceed only after identification of and notice to abutters and the general public as required by RSA 676:4,I(d).

3) Persons wishing to engage in preapplication design review, shall submit a "Request for Preapplication Review" and associated fees not less than 21 days before the regularly scheduled meeting of the Board. The request shall include:

* List of abutters and their addresses from municipal records not more than 5 days before submission, and

* Check to cover mailing and advertising costs.

4) Statements made by Board members shall not be the basis for disqualifying said members or invalidating any action eventually taken on the application.

5) The Board shall not accept any submissions by the applicant at this time.

5.02 Completed Application (Required)

1) A completed application sufficient to invoke jurisdiction of the Board shall be filed with the Board's designee at least 21 days prior to the public meeting of the Board at which it is to be submitted.

2) A completed application shall consist of all data required in Section 7 Plat Submission Requirements, Section 9 Design Standards, and Section 10 Required Improvements.

3) The completed application shall include all required fees for notices and any administrative or other fees assessed by the Board under the provisions of RSA 676:4,I(g).

4) The Board (with recommendations from the board's designees) will determine, at a regularly scheduled meeting, if the application is complete.

5) An application that has been determined complete shall be submitted to and accepted by the Board at only a regular meeting after due notification has been given as required by RSA 676:4,I(d).

6) Acceptance will be by affirmative vote of a majority of the Board members present.

7) When a Completed Application has been accepted by the Board, the Board shall provide a receipt to the Applicant indicating the date of acceptance which is the start of the 90 day review.

8) Applications shall be disapproved by the Board without public hearing on the grounds of failure of the applicant to supply information or to pay fees as required by these regulations. The applicant shall be promptly notified in writing of the reasons for disapproval.

5.03 Minor Subdivision

1) The Applicant may meet with the Board for preapplication consultation to determine if the proposal qualifies as a Minor Subdivision as defined in Section 3.18. If so, the applicant shall submit a Completed Application as required in Section 5.02.

2) Notice of Submission shall be given and may be combined with the Notice of Public Hearing, if one is to be held.

3) The Completed Application under this Section may be submitted and approved at one or more Board meetings but no application shall be approved without the full notice of abutters and public. A public hearing shall be held only if requested by the applicant or abutters, or if the Board determines to hold a hearing. Certain requirements may be waived by the Board for the minor and technical subdivisions.

5.04 Board Action on Completed Application

1) The Board shall begin consideration of the Completed Application within 30 days of its submission.

2) The Board shall act to approve, conditionally approve, or disapprove the Completed Application within 90 days of submission.

3) The Board may apply to the Selectmen for an extension not to exceed an additional 90 days before acting to approve, conditionally approve or disapprove an application. An applicant may waive the requirement for Board action within the time periods specified in these regulations and consent to such extension as may be mutually agreeable. (RSA 676:4,I(f))

4) Approval of the Plan shall be certified by written endorsement on the Plat and signed and dated by the Chairman of the Board. The Clerk shall transmit a copy of the Plat with such approval endorsed in writing thereon to

the Register of Deeds of Cheshire County. The subdivider shall be responsible to the payment of all recording fees.

5) If any submitted plat is disapproved, the grounds for such disapproval shall be adequately stated in the records of the Planning Board and in written notice given to the Applicant.

6) If the Planning Board has not taken action on the completed Application within 90 days of its submission and has not obtained an extension, the Applicant may obtain from the Board of Selectmen an order directing the board to act within fifteen (15) days. Failure of the Board to act on the order shall constitute grounds for the Applicant to petition the Superior Court as provided in RSA 676:4,I(c).

5.05 Conditional Approval

The Board may grant conditional approval of an application, but the plat will not be signed or recorded until all of the conditions have been met. If conditions have not been met within (one) year, the approval is null and void and the applicant must resubmit his application. A further public hearing is not required when such conditions:

1) Are administrative in nature.

2) Involve no discretionary judgment on the part of the Board, or

3) Involve the application's possession of permits and approvals granted by other boards or agencies, such as the Department of Transportation, the Wetlands Board, or Water Supply and Pollution Control Division.

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

5.06 Public Hearing

Prior to the approval of a subdivision, a public hearing shall be held as required by RSA 676:4,I(D) with notice given to the Applicant, abutters, and the public.

No public hearing is required for 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 application in accordance with RSA and any abutter may be heard on the application upon request.

5.07 Notices

1) Notice of the design review phase or submission of a completed application shall be given by the Board to the abutters and the Applicant by certified mail, mailed at least ten (10) days prior to the submission.

2) The public will be given notice at the same time, by posting at the East Swanzey and West Swanzey Post Offices, Town Hall and publication in the Keene Sentinel.

3) The notice shall give the date, time, and place of the Planning Board meeting at which the Application or other item(s) will be formally submitted to the Board, shall include a general description of the proposal which is to be considered, and shall identify the Applicant and the location of the proposal.

4) If the notice for the public hearing was included in the notice of submission or any prior notice, additional notice of the public hearing is not required. Additional notice is not required of any adjourned session of a hearing provided that the date, time, and place of the adjourned session was made known at the prior meeting.

SECTION 6. Fees

1) A completed Application for Major Subdivision shall be accompanied by a filing fee of $60.00 plus $20.00 per lot, and $10.00 per lot for Fire Department Review.

2) All costs of notices, whether mailed, posted or published, shall be paid in advance by the applicant. Failure to pay costs shall constitute valid grounds for the Board to terminate further consideration of the application and to disapprove the Plat without a public hearing.

3) Pursuant to RSA 676:4,I(g), it shall be the responsibility of the Applicant, if the Board deems it necessary, to pay reasonable fees for special investigating studies (by the Swanzey Fire Department or another entity), environmental assessments, legal review of documents, administrative expenses and other matters which may be required to make an informed decision on a particular application.

SECTION 7. Plat Submission Requirements

7.01 Completed Application

Seven copies and mylar of the plat shall be submitted. Space shall be reserved on the plat for all necessary endorsements.

(Size determined by the requirements of the Registrar of Deeds.)

The plan shall be prepared and certified by a licensed land surveyor registered in the State of New Hampshire. The plat shall show or be accompanied by:

1) The names and addresses of all abutters, as shown in Town records not more than 5 days before the day of filing.

2) Payment to cover filing fees, mailing, advertising, recording, and other costs in Section 6.

3) Additional reports or studies, as may be required by the Board, including but not limited to: traffic, school, fire safety, fiscal and environmental impact analyses, to allow the Board to make an informed and educated decision concerning the proposal.

4) The plat shall include:

a. Proposed subdivision name or identifying title;

b. Name and address of the applicant and of the owner, if other than the applicant;

c. Scale of 50 ft. to 1 inch, north arrow;

d. Locus plan showing general location of the total tract within the city/town;

e. Name, license number, and seal of the surveyor;

f. Boundary survey including bearings, distances, and the location of permanent markers;

g. Location and profiles with elevations of existing water mains, sewers, culverts, drains, and proposed connections or alternative means of providing water supply and disposal of sewage and surface drainage;

h. Existing and proposed easements, rights-of-way, buildings, water courses, ponds, standing water, rock ledges, stone walls and other essential site features;

i. Location of property lines, including entire undivided lot, lot areas and frontage on public right-of-way. Each lot shall be numbered according to tax map numbering system. Number will be assigned by the Town prior to submission of final mylar;

j. Existing and proposed topographic contour boundaries at five foot intervals;

k. Location of ground water, and percolation tests and test results;

l. Soil mapping types/slopes and boundaries;

m. Deed restrictions;

n. open space to be preserved;

o. Existing buildings and other man-made structures to remain;

p. Existing and proposed streets with class, names, and right-of-way widths;

q. Final road profiles and cross sections;

r. All drainage and erosion control plans approved by CCCD;

s. State subdivision approval;

t. State Highway/Municipal Access permit, as applicable;

u. State septic approval or copy of application. Approval is not final until permits have been received.

SECTION 8. Performance Guarantee

As a condition of approval, the planning board shall require the posting of a performance guarantee in an amount sufficient to defray the costs of construction of streets, public improvements, drainage structure, the extension of water and sewer drains, storm drains, underdrains 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 Planning Board, reviewed by a licensed engineer. The cost of such a review shall be paid by the applicant.

1) The security shall be approved as to form and sureties by the Board and the municipal counsel.

2) The amount of the security shall include fees to cover the cost of periodic inspections.

3) Where electric lines or other utilities are to be installed by a corporation, municipal department, or public utility, a letter of intent shall be required stating that the work will be done in reasonable time and without expense to the town.

4) Each approved plat shall contain a time limit for the completion of streets and public improvements.

5) The performance guarantee shall be released in phases as portions of the secured improvements or installations are completed and approved by the Board or its designee, in accordance with the plan approved by the Board. A percent of the guarantee may be retained by the Town for a period of up to two years to insure that the roads and all drainage facilities are functioning properly.

6) All deeds covering land to be used for public purposes, easements and rights-of-way over property to remain in private ownership, and rights of

drainage across private property are submitted in a form satisfactory to the Board's counsel.

7) All recording fees shall be borne by the subdivider.

SECTION 9. Design Standards

The subdivider shall observe the following general requirements and principles of land subdivision.

1) Streets:

a. The arrangement of streets in the subdivision shall provide for the continuation of principal streets in adjoining subdivisions or their proper projection when adjoining property is not subdivided, and shall be of a width at least as great as that of such existing connecting streets, and the Board may require subdivision streets to have at least one additional access to a thru road it, in the opinion of the Board, the size of the subdivision and/or topography of the land warrants it.

b. 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 Swanzey.

c. Streets shall be logically related to the topography so as to produce suitable lots and reasonable grades, and shall be in appropriate relation to the proposed uses of land to be served by such streets. Where practical, lots shall be graded toward the streets.

d. Streets shall be laid out to intersect as nearly as possible at right angles. No street shall intersect another at an angle of less than 60 degrees. Streets entering opposite sides of another street shall be laid out either directly opposite one another or with a minimum offset of 125 feet between their center lines.

e. No street or highway right-of-way shall be less than 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.

f. Except where near-future connections may be possible, dead end or cul-de-sac streets shall be equipped with a turn around roadway at the closed end with a minimum radius of 60 feet from the center to the outside right-of-way. The Road Agent may require a hammerhead rather than a cul-de-sac. Loop roads rather than deadend streets are to be encouraged.

g. Street intersections and intersecting property lines at street intersections shall be joined by a curve of at least 20 foot radius.

h. Grades of all streets shall conform, in general, to the terrain and shall, as far as is practicable, not exceed five percent for arterial and collector streets and eight percent for local streets. No streets shall have a grade of less than one percent and no further subdivisions and/or streets will be allowed or expanded that will, in the opinion of the Board, create or increase hazardous or dangerous accesses or situations.

i. Road crowns on all roads shall have a minimum of one percent slope and a maximum of three percent slope.

j. No horizontal or vertical curve shall have a center line radius of less than 150 feet, except a horizontal curve on a turn around on a dead end way. For changes in grade exceeding one percent, a vertical curve shall be provided ensuring a minimum sight distance of 150 feet.

2) Lots:

a. Lots shall be laid out and graded to eliminate flood or stagnant water pools. No water shall be permitted to run across a street on the surface, but shall be directed into catch basins or culverts and piped underground in a pipe of not less than 12 inches in diameter.

b. There shall be adequate width and area on every lot after the erection of a residence, to permit the parking within the lot of an least two cars for each family dwelling unit, at the rate of 200 square feet per car.

3) Septic Tanks and Water Supplies:

a. In areas not currently served by public sewer systems, it shall be the responsibility of the subdivider or his agent to provide adequate information to prove that the area of each lot is adequate to permit the installation and operation of an individual sewage disposal system (septic tank and drain field) consistent with "The Septic Tank System of Sewage Disposal") recommended by the N.H. Water Supply and Pollution Control Commission. In addition to this, the Planning Board may require soil data, test pit and perc data as it deems necessary. Soil data shall be consistent with the certified Cheshire County Soil Conservation District. A High Intensity Soil Survey may be required.

b. In areas not currently served by public water systems, it shall be the responsibility of the subdivider to provide adequate information to prove that the area of each lot is adequate to permit the installation and operation of both individual on-lot water and sewage systems. Swanzey Wetland Ordinance requires 125 feet setback from wetlands or surface water for installation of septic tanks and leach fields.

c. The location of all wells, and location, dimensions and design of all septic tanks, leach fields, and any other water supply or sewage disposal

systems, shall be as approved by the N.H. Water Supply and Pollution Control Commission, the Sewer Commissioners, the Board or their designee.

d. The location, dimensions, and design of all water mains and associate systems shall be approved by the Selectmen's Office and the Board or their designee.

e. No building permit shall be issued until a driveway permit is issued and the access is approved by the Road Agent or the State Highway Department.

4) Fire ponds, dry hydrants, cisterns, sprinkler systems, and other fire safety or fire protective facilities shall be furnished by the subdivider, if deemed necessary by the Fire Department and the Board.

5) Easements:

Where the topography is such as to make difficult the inclusion of any utilities or other facilities within the public area so laid out, the preliminary layout shall show the boundaries of the proposed permanent easements over or under private property. Such easements shall be not less than 15 feet in width and shall have satisfactory access to existing or proposed public ways. Water courses proposed for public control shall have a permanent easement of not less than 25 feet.

6) Other Requirements:

a. The widths of blocks shall not be less than 200 feet, nor shall the length exceed 1,200 feet.

b. Pavement and drainage facilities, curbs or sidewalks, where required, shall be installed and constructed in accordance with the standard specifications of the Town of Swanzey, and in all cases must be inspected by the Engineer. All lots shall have access approval from the Selectmen, the Road Agent, or the State.

c. 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.

d. Areas set aside for parks and playgrounds to be dedicated or to be reserved for the common use of all property owners by covenant in the deed, whether or not required by the Board, shall be of reasonable size and character for neighborhood playgrounds or other recreational use.

e. Where any part of a subdivision shall front on an existing Class VI road, the subdivider shall, at his expense, upgrade the road to Class V Town specifications.

7) Standards for Flood Hazard Areas:

All subdivision proposal and other proposed new developments shall be reviewed to determine whether such proposals will be reasonably safe from flooding. If any part of a subdivision proposal or other new development is located within the Flood Hazard Area established under the Flood Hazard Area Zoning By-Laws, it shall be reviewed to assure that it meets requirements of the Flood Plain Section of the Zoning Ordinance.

a. The proposal is designed consistent with the need to minimize flood damage, and

b. All public utilities and facilities, such as sewer, gas, electrical, and water systems shall be located and constructed to minimize or eliminate flood damage.

c. Adequate drainage systems shall be provided to reduce exposure to flood hazards, and

d. Base flood elevation (the level of the 100 year flood) data shall be provided for proposals greater than 5 lots or 5 acres, whichever is the lesser, for that portion within the Flood Plain District.

SECTION 10. Required Improvements

The developer shall be financially responsible to the town for all clearing, grading, drainage, graveling, surface pavement, loaming, and seeding within the rights-of-way, and for the installation of the required improvements. The following improvements shall be installed and constructed by the subdivider to the satisfaction of the town designated engineer, and such improvements shall be made before submission of the final plat, or the subdivider, together with the final plat, shall file a bond sufficient to cover the cost of the improvements.

1) Monuments constructed of concrete or stone at lease 4 inches on the top and at least 30 inches long shall be set at all block corners. Two bench marks 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.

2) Pipes shall be set at all lot corners. Concrete or granite bounds shall be set at all points of curvature and all points of tangent for surveying purposes.

3) The roadway or traveled way exclusive of grass strip and sidewalk areas shall have a width of at least 20 feet.

4) The roadway shall be constructed in accordance with the T.R.A. State specifications and will meet the approval of the Selectmen and the Road Agent. The applicant will provide the Planning Board with a signed statement from the Selectmen/Road Agent indicating their approval of any proposed road.

5) All proposed drainage facilities and culverts of not less than twelve (12) inches in diameter shall be installed. Natural water courses shall be cleaned and increased in size where necessary to take care of storm runoff. Drainage swales at least three (3) feet in width and sixteen (16) inches deep at its midpoint below center line grade shall be constructed in the street right-of-way on both sides of the roadway. If the Board considers it necessary storm drainage system shall be designed to handle a storm of two (2) inches per hour for a duration of one hour for the drainage area encompassed by the proposed development.

6) The roadway shall be graded to the final grade in accordance with the profile and cross-section submitted and as approved by the Selectmen and Road Agent.

7) Slopes and drainage ditches shall be seeded and mulched or otherwise stabilized to prevent erosion and as approved by the Town Engineer and Road Agent. A timetable for road, drainage and erosion control will be submitted with plan.

8) All accesses to multi-family housing and commercial property will meet state requirements for this type of development and also have the approval of the Road Agent or other designee.

9) To insure the proper installation of the street improvements proposed, including all storm drainage facilities, to the specifications required by the Town of Swanzey and the State of New Hampshire, and in conformance with the detailed plans approved by the board as part of the plan of subdivision, the subdivider shall employ an engineer, licensed by the State of New Hampshire to establish the lines and grades of the street required, and to supervise the construction thereof. Said engineer shall submit signed statements at completion of work certifying that the roads and all drainage structures and pipes have been installed in conformance with the approved plans and profiles, and the road construction regulations.

10) Before offering any road or drainage facilities to the Town for acceptance, the subdivider shall submit an as built plan of said road and drainage facilities showing the improvements as actually constructed. In addition to all information shown on the original construction plans, said as built plan shall show the as built profiles of the centerline, each shoulder line, and each ditch line, along with the actual grades, sizes and elevations of all pipes installed. As built plans shall be sealed by a professional engineer or land surveyor, licensed by the State of New Hampshire.

11) Timetable. A timetable for construction of roads and drainage ways shall be submitted with plans. No winter construction will be allowed unless agreed upon by board and town engineer.

12) No underground installation shall be covered until inspected by the appropriate town officials or their authorized agent.

13) Any bond shall be released by the Planning Board or their designee only upon certification by the Engineer and the Road Agent to the Planning Board, that all improvements and requirements have been completed in accordance with the plans and specifications.

SECTION 11. Administration and Enforcement

11.01 These regulations shall be administered by the Board. The enforcement of these regulations is vested with the Selectmen.

11.02 Modifications

The requirements of the foregoing regulations may be modified when, in the opinion of the Board, specific circumstances surrounding a subdivision, or condition of the land in such subdivision, indicate that such modifications will properly carry out the purpose and intent of the master plan and these regulations.

11.03 Penalties and Fines

Any violation of these regulations shall be subject to a civil fine as provided in RSA 676:16 and 676:17, as amended. The Selectmen or the building inspector are designated as the local authorities to institute appropriate action under the provisions of RSA 676:17.

SECTION 12. Conflicting Provisions

Where these regulations are in conflict with other local, state or federal ordinances, the more stringent shall apply.

SECTION 13. Validity

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

SECTION 14. Amendments

These regulations may be amended by the Planning Board following a public hearing on the proposed change. Such changes shall not take effect until a copy of said change, certified by a majority of the Board, is filed with the municipal clerk.

A copy of any amendments to these regulations shall also be filed with the Office of State Planning in Concord, New Hampshire (RSA 675:9)