

**TOWN OF WALPOLE  
NEW HAMPSHIRE**

**LAND  
SUBDIVISION  
CONTROL  
REGULATIONS**

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AMENDED JULY 12, 1977  
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AMENDED JUNE 8, 1982**

**LAND SUBDIVISION CONTROL REGULATIONS  
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# LAND SUBDIVISION CONTROL REGULATIONS

## Town of Walpole, New Hampshire

### Section I

#### Authority

Pursuant to the authority vested in the Walpole Planning Board by the voters of the Town of Walpole, and in accordance with the provisions of Chapter 36, Sections 19-29, NH Revised Statutes Annotated 1973 as amended, the Walpole Planning Board adopts the following regulations governing the subdivision of land in the Town of Walpole, New Hampshire.

### Section II

#### Definitions

- A. BOARD means the Planning Board of the Town of Walpole.
- B. 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 under these regulations.
- C. SUBDIVISION, MINOR means those proposals involving:
  - a. Four lots or less with no potential for re-subdivision and fronting on an existing street, or
  - b. The creation of lots for non-building development purposes, or
  - c. Minor lot line adjustments or boundary agreements which do not create buildable lots.
- D. LOT means any parcel of land duly recorded as a lot of record at Cheshire County Registry of Deeds.
- E. FINAL PLAT means the drawings on which the subdivider's plan of subdivision is presented to the Walpole Planning Board for approval, and which, if approved, must be submitted to the Registry of Deeds of Cheshire County for recording by the subdivider prior to any sale or transfer of land within the subdivision.
- F. PUBLIC STREET means any highway, street, road, avenue, land, or other right-of-way over which the public has a right to pass and repass, and which the State, County, or Municipality has a responsibility to maintain. The phrase, "Public Street", shall include the entire right-of-way.

- G. SUBDIVIDER means 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 agent of any such owner.
- H. ENGINEER OR SURVEYOR means the duly designated and legally recognized engineer or competent surveyor of the subdivider as may be pertinent to the actual services to be performed in accordance with the provisions of chapter 319, sections 1-30, NH Revised Statutes Annotated, 1973, and as amended.
- I. ABUTTER means the current owner of record of any property which is located in New Hampshire and adjoins, or is directly across the street or stream from, the land under consideration by the Planning Board. For purposes of receiving testimony only, and not for purposes of notification, the term abutter shall include any person who is able to demonstrate that his/her land will be directly affected by the proposal under consideration.
- J. EASEMENT means the land area created through authorization by a property owner for use by another and for a specified purpose of any designated portion of his property.
- K. PRELIMINARY LAYOUT means a plan prepared as required in Section 3-D and submitted to the Board prior to preparing the Final Plat.
- L. FLOOD PLAIN means those areas containing soils formed in thick alluvial deposits and delineated by the National Cooperative Soil Survey, and other soils so delineated in other Governmental Flood Plains Studies.
- M. WET LAND means those areas identified and delineated as poorly drained or very poorly drained soils by the National Cooperative Soil Survey.

### Section III

#### Application Procedures

##### A. General Procedure

Whenever any subdivision is proposed to be made, and before any contract for sale of or offer to sell, such subdivision, or part thereof, shall have been negotiated, before any construction, land clearing, or building development is begun, before any permit for the erection of any structure in such proposed subdivision shall be granted, and before any subdivision plat may be filed in the Office of Registry of Deeds of Cheshire County, the owner thereof, or his authorized agent, shall apply for, and secure, the approval of such subdivision from the Planning Board of the Town of Walpole in accordance with the procedures and specifications contained in these regulations.

##### B. Preliminary Consultation and Review

- I. The applicant may appear at a regular meeting of the Planning Board to discuss a proposal in conceptual form and in general terms. 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;
  - c. Reviewing the Town's Subdivision Regulations as they may apply to this proposal and determination of the proposal as a major or minor subdivision; and
  - d. Guiding the applicant relative to necessary state and local requirements.
2. Preliminary consultation and review shall not bind the applicant or the Board. Such discussion any occur without formal public notice as provided in paragraphs H and I. However, no discussions beyond the conceptual and general review shall take place without identification of and notice to abutters and the general public as described in paragraph I.
  3. Preliminary consultation and review shall be separate and apart from formal consideration under paragraphs E and F. The time limits for acting under paragraph G shall not apply until a formal completed application is submitted.

#### C. Minor Subdivision

The applicant may first meet with the Board for preliminary consultation and review of his proposal as discussed in paragraph B to determine if it is a Minor Subdivision, the applicant shall submit:

1. A completed application, as required in paragraph E, excluding the preliminary layout.
2. A final plat as provided in Section VI. Notice of submission shall be given as provided in paragraph I and may be combined with the Notice of Public Hearing.

The completed application under this paragraph 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 required under paragraph I of this section. A public hearing duly noticed as per paragraph H shall be held only if requested by the applicant or abutters or if the Board determines that such a hearing is necessary.

#### D. Preliminary Layout – Major Subdivisions

1. The applicant may submit a preliminary layout to the Board not less than fifteen (15) days before any regular meeting of the Board. This optional step may aid both the applicant and the Board in reviewing the proposal. The preliminary layout shall include:
  - a. List of all abutters and their addresses.
  - b. Check to cover mailing and advertising costs as stated in paragraph J. and
  - c. Preliminary Plan in accordance with Section V.
2. The Board, before taking action on the Preliminary Layout, 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.

3. Notice of submission of a Preliminary Layout shall be given as provided in paragraph I of this section.
4. Neither time limits for consideration and action nor the public hearing requirements shall apply to this submission.

#### E. Completed Application

1. A completed 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.
2. The following shall be required for and constitute a completed application:
  - a. An application for subdivision approval form properly filled out and executed by the applicant and filed with the Board in accordance with paragraph F together with the following:
    - i. The names and addresses of the applicant and all abutters as indicated in county records not more than five (5) days before the filing
    - ii. A check payable to the Town of Walpole to cover filing fees, mailing, advertising, recording, and other costs as provided in paragraph J.
    - iii. Three paper print copies of the preliminary layout in accordance with and accompanied by the information required in Section V.

#### F. Filing and Submission of Completed Application

1. The completed application shall be filed with the board at least fifteen (15) days prior to a scheduled public meeting of the Board.
2. The completed application shall be formally submitted to, and accepted by, the Board only at a regularly scheduled meeting after due notification to applicant, abutters, and the general public of the date the completed application will be submitted and received by the board.
3. The Board will not accept an incomplete application filed by the applicant nor will notices of a public meeting be mailed, posted, or published as provided under paragraph I.
4. 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. Abutter's identification and information required for the 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.
5. When a completed application is accepted by the Board, the Board shall provide a receipt to the applicant indicating the date of formal acceptance.

#### G. Board Action on Completed Application

1. The Board shall consider the completed application within thirty days of its submission. After review of the completed application, and after a duly noticed public hearing as provided in paragraph H, the Board may grant a conditional approval of the completed application and request the applicant prepare a Final Plat as provided for in Section VI. The Board shall act to approve or disapprove the completed application and Final Plat within ninety (90) days after submission of the completed application, subject to extension or waiver as provided in accordance with Section 23, Chapter 36 NH RSA 1955, as amended.
2. Approval of the Final Plat shall be certified by written endorsement on the Final Plat and signed by Chairperson and Secretary of the Board. The applicant shall transmit a copy of the Final Plat with such approval endorsed in writing thereon to the Registry of Deeds of Cheshire County. The subdivider 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.
3. If the Planning Board has not obtained an extension as provided in paragraph G-1 and has not taken action to approve or disapprove the completed application within ninety (90) 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 Section 23, Chapter 36 NH RSA 1955, as amended.

#### H. Public Hearing

1. Prior to approval of a subdivision, a public hearing shall be held as required by RSA 36:23-1 and notice to applicant and abutters and the public shall be given in accordance with paragraph I of this section. The public hearing shall be held within thirty (30) days after submission of the completed application. A public hearing may not be required for Minor Subdivisions as provided in paragraph C.

#### I. Notices

1. Notice of the submission of a preliminary layout or 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 submission, 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 meeting 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.
2. For any public hearing on the completed application, the same notices as required for notice of submission of the completed application shall be given. If the notice of public hearing has been included in the notice of submission or any prior notice, additional notice of the public hearing is not required, nor shall additional notice be required of an adjourned session of a hearing if proper notice of the date, time, and place of adjourned session was made know at the prior hearing.

J. Filing Fee and Other Costs

A filing fee of \$25.00 shall be submitted by all prospective subdividers as a part of the submission requirements. In addition, the subdividers shall pay all costs of notices to abutters and other legally required notices at the prevailing rates for "certified mail". The subdivider shall reimburse the Board for any expense which the Board may incur in securing information relative to the proposal, including legal, engineering, surveying, or other pertinent service. Said fees and costs shall be paid prior to any action by the Board to approve or not approve the proposal. Checks should be made payable to the Town of Walpole.

**Section IV**

**General Requirements for the Subdivision of Land**

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

- A. The arrangement of streets in the subdivision shall provide for the continuation of the principal streets in adjoining subdivisions, or for the 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.
- B. No 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.
- C. Permanent dead-end streets shall not exceed six hundred (600) feet in length, and shall terminate in a turn-around one hundred (100) feet in diameter, with a paved area eighty (80) feet in diameter. Temporary dead-end streets, where future extension to another outlet is approved by the Board, or where indicated on the plan, may exceed six hundred (600) feet in length. In such cases, the full width of the right-of-way to the subdivision property line shall be dedicated to the municipality.
- D. Reserve strips of land which, in the opinion of the Board, show intent on the part of the subdivider to control access to land dedicated, or to be dedicated, to public use shall not be permitted.
- E. Intersecting property lines at street intersections shall be joined by a curve of at least a twenty (20) feet radius.
- F. Grades of all streets shall conform in general to the terrain and shall, so far as practicable, not exceed 5% for the major streets and 8% for the minor streets. The Board may modify the maximum and minimum gradient for short lengths of streets where, in its judgement, existing topographic conditions or the preservation of natural features indicate that such modifications will result in the best subdivision of land.

The Board may require greater widths of right-of-way where, in its judgement, the demands of present or future traffic make it desirable or where topographic conditions create a need for greater width for grading.

- G. Character of land for subdivisions- All land to be subdivided for building purposes shall be, in the judgement of the Board, of such character that it can be used without danger to public health or safety, or to the environment. Land subject to periodic flooding, poor drainage, or other hazardous condition, shall not ordinarily be subdivided. Land with inadequate capacity for sanitary sewer disposal shall not be subdivided unless connected to public sewers.

Plats for the subdivision of lands shall conform to all regulations of the Board, the Zoning Regulations, the Sanitary Code, and other applicable by-laws, ordinances, and regulations at both State and local levels.

- H. 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 uses.
- I. 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 resemblance to the names of existing streets within the Town of Walpole.
- J. Soils data - Where private individual sewer disposal systems are proposed, the subdivider shall perform soils tests to be submitted as part of the preliminary layout and final plat. The subdivider shall arrange to perform such tests under the guidelines of the NH Water Supply and Pollution Control Commission.
- K. Utilities, drainage - All subdivisions shall make adequate provisions for water supply, storm water, and sanitary sewage disposal, and required utilities and improvements. The Board may require the extension of public water and sewers to and within a proposed subdivision, without cost to the Town of Walpole, where existing lines are, in the sole judgement of the Board, within a reasonable distance of the proposed subdivisions.

The subdivider shall install laterals from all utilities in a street right-of-way to the street property line of each building lot. Any habitable buildings constructed in a subdivision shall have house connections installed, and shall have connections extended inside of the building.

All such utility systems installations shall be at the expense of the subdivider and shall be installed under the supervision of the appropriate Town of Walpole agency.

An adequate surface storm water drainage system for the entire subdivision area shall be provided. Storm drainage shall be carried to existing water courses or connect to existing storm drains. If the storm water drainage system creates any additional flow over any adjacent property the subdivider shall obtain an easement therefore from the adjacent property owner and shall hold the town of Walpole harmless from any claims from damage resulting therefrom.

The Board may require the installation of street lighting in any subdivision where it deems necessary.

Where underground utilities are to be furnished from a public source, all necessary mains, branch offsets to each lot, and fire hydrants shall be installed by the subdivider, as approved by the corporation or municipal department having jurisdiction, and to the satisfaction of the governing body and without expense to the Town of Walpole.

- L. Pavement, drainage facilities, curbs, and sidewalks, when required, shall be installed and constructed in accordance with the standard specifications of the Town of Walpole and in all cases must be constructed under the supervision of the Selectmen, or their authorized agent. See appendix for standard specifications.
- M. It shall be the responsibility of the subdivider, where public water supply is not available, to provide adequate information to prove that the area of each lot is adequate to permit the installation and operation of an individual, on-lot, water system at least 75 feet from any portion of a septic tank or drainage field.
- N. Performance Bond- Except in the case of a subdivision in which each lot is on an existing improved town road, no subdivision plat filed with the Board shall be approved until the subdivider shall have filed with the Board an engineer's statement of cost of streets, public improvements, drainage structures, and other utilities, together with maps, plans, and supporting data, accompanied by either:
  - a. Surety bond, issued by a surety company authorized to do business in New Hampshire, to be filed with the governing body in form and amount satisfactory to it.
  - b. Cash, or savings bank book properly endorsed to the Town of Walpole, in an amount to be determined by the governing body, and to be deposited with it.

The amount of performance bond to include fees for inspection of improvements by the appropriate Town of Walpole agents.

In the case of electric lines or other utilities to be installed by a public utility corporation or a municipal department, a statement shall be received in writing from such public utility, corporation, or municipal department, that the work will be done within a reasonable time and without expense to the Town of Walpole and that the utilities will be placed underground, if this has been agreed.

Each approval of a plat shall contain a time limit within which streets and public improvements shall be completed, not to exceed three years, unless extended with the owner's consent by the Planning Board.

Upon completion of improvements and approval by the Town of Walpole agent, surety covering maintenance of roads and improvements for a period of two years from completion may be required, in an amount based on the cost of such improvements, as approved by the governing body.

The performance guarantee shall not be released until the governing body has certified completion of the public utilities and improvements in substantial accordance with the requirements, and deeds covering land to be used for public purposes, easements and rights-of-way over property to remain in private ownership, and rights-to-drain onto or across private property are submitted in a form satisfactory to the Town of Walpole attorney. All recording fees shall be borne by the subdivider.

- O. 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 proposed permanent easements over or under private property. Such easements shall be not less than fifteen (15) feet in width and shall have satisfactory access to existing or proposed public ways. Watercourses proposed for public control shall have a permanent easement of not less than twenty (20) feet.
- P. The proposed subdivision shall conform to any Zoning Ordinance of the Town of Walpole or any Precinct in which the subdivision is located.
- Q. Soils Data- the Board may require subdivisions to have the soil types, for the entire parcel of land delineated on a plan in accordance with the National Cooperative Soil Survey. The soils information provided on the plan shall be certified on the plan by the Cheshire County Soil Conservation District. A legend prepared by the Cheshire County Soil Conservation District shall accompany the reproducible acetate or polyester film plan. The legend shall show map symbols, soil names, depth to seasonal high water table, depth to bed rock, permeability, soil limitations, and such other information deemed appropriate by the Cheshire County Conservation District for determining whether land is suitable for development, and/or to identify areas that require specific design and construction techniques.

## Section V

### Preliminary Layout

Each subdivider shall file with the Board, three black and white copies of a preliminary layout at a horizontal scale of not more than 100 feet to the inch and a vertical scale of not more than 40 feet to the inch. The overall sheet size shall be of a size acceptable to the Registry of Deeds. (8 1/2" X 11", 11" X 17", 17" X 22", and 22" X 34"). Final determination of plat size shall be made by the Planning Board. The separate sheets should be numbered and show their relationship to each other. The plans should show or be accompanied by the following information:

- A. Proposed subdivision name, name and address of owner of record, subdivider and engineer or surveyor, date, north point, and scale.
- B. Names and addresses of owners of record of abutting properties, abutting subdivision names, streets, easement, setbacks, alleys, parks, and public open spaces and similar facts regarding abutting property.
- C. Location of property lines and their approximate dimensions, existing easements, building, water courses, ponds, or standing water, rock ledges, and other features.
- D. Existing water mains, sewers, culverts, drains, and proposed connections or alternative means of provided water supply and disposal of sewage and surface drainage. Location of each percolation test hole and the results, each proposed septic tank and drainage field, each proposed well, and typical designs of the on-lot water and sewerage system.

- E. 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.
- F. 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 be not less than 15 feet in width and shall have satisfactory access to existing or proposed public ways.
- G. Proposed lots, approximate square foot size of each lot, and setback lines. All lots shall be numbered.
- H. Location of all parcels of land proposed to be dedicated to public use and the conditions of such dedication, and a copy of such private deed restrictions as are intended to cover part or all of the tract.
- I. Preliminary location and size of any bridges or culverts which may be required.

Where the preliminary layout submitted covers only a part of the subdivider's entire holding, a sketch of the prospective future street system of the unsubmitted part shall be furnished and the street system of the submitted part shall be considered in light of adjustments and connections with the street system of the part not submitted.

## Section VI

### Final Plat

- A. The final plat submitted for approval and subsequent recording shall be submitted in triplicate. One copy shall be on mylar for recording with the Registry of Deeds of Cheshire County. All plats shall be at a scale appropriate to the size of parcel being subdivided and a size acceptable to the Registry of Deeds. (8 1/2" X 11", 11" X 17", 17" X 22", and 22" X 34"). Final determination of plat size shall be made by the Planning Board. The plat shall contain the following statement: the subdivision regulations of the Town of Walpole are a part of this plat, and approval of this plat is contingent upon completion of all the requirements of said subdivision regulations, excepting only any variances or modifications made in writing by the Board and attached hereto, together with the following information:
  - 1. All data required for preliminary layout submission.
  - 2. Name and seal of engineer and of land surveyor licensed by the State of New Hampshire.
  - 3. Final disposition of land and of lots, streets, open spaces, drainage courses, and any easements running with the land. The subdivision plats shall be based on tape and transit surveys with maximum error of closure of one in three-thousand. Distances shall be to the nearest tenth of a foot and degrees to the nearest one-half minute. The Board may permit other methods of survey, but in no case will the error of closure be more than one in two-hundred. Distances shall be to the nearest foot and bearings to the nearest degree. Surveyors registered in the State of New Hampshire shall certify as to the method used

and the error of closure. The Board may waive requirements of a perimeter survey. A general site location map would be required.

4. Stations, radii, curve data, and paving widths for proposed streets.
5. Lot dimensions, areas in square feet or acres, consecutive numbering of lots.
6. Accurate locations of all easements, either on or off the site. A written acknowledgement of the subdivider's responsibility for maintenance, and the assumption by him 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 of Walpole.
7. Approved names of proposed streets.
8. Accurate locations of all monuments to be set at street intersections, points of curvature and tangency of curved streets, and at angles of lots.
9. Existing and proposed contours at 5 foot intervals.
10. Existing and proposed plans for telephone, electricity and gas utilities.
11. Proposed methods of sanitary sewerage and computations therefore; proposed storm drainage accompanied by a drainage analysis map and computations for the entire watershed area; methods of supplying water.
12. Final road profiles and cross-sections.
13. If the subdivision abuts a state highway, or if a proposed street intersects a state highway, a written statement from the New Hampshire Department of Public Works and Highways approving any proposed driveway or street access with such state highway.
14. If a subdivision is to be served by public water supply or by public sewers, a statement from the municipal department or company involved attesting to the availability of such service.
15. A dated receipt of the final plat shall be furnished the subdivider and a copy forwarded to the Town Clerk.

## Section VII

### **Amendments**

The Subdivision Regulations may be amended or rescinded by the Board, but only following public hearings on the proposed change. The Chairperson, or secretary, of the Board shall transmit a record of any changes so authorized to the Registry of Deeds of Cheshire County.

Authorized at Town Meeting on March 8, 1966.

Adopted May 10, 1966.

Revised July 12, 1977.

Revised April 17, 1979 (Section V, Preliminary Layout, p. 7 and Section VI, Final Plat, p. 8.)

Revised July 10, 1979 (Section VI, Final Plat, p. 9)

Revised June 8, 1982 (Section II, B, C, and I, pp. 1 and 2 and Section III, Procedures, p. 2)

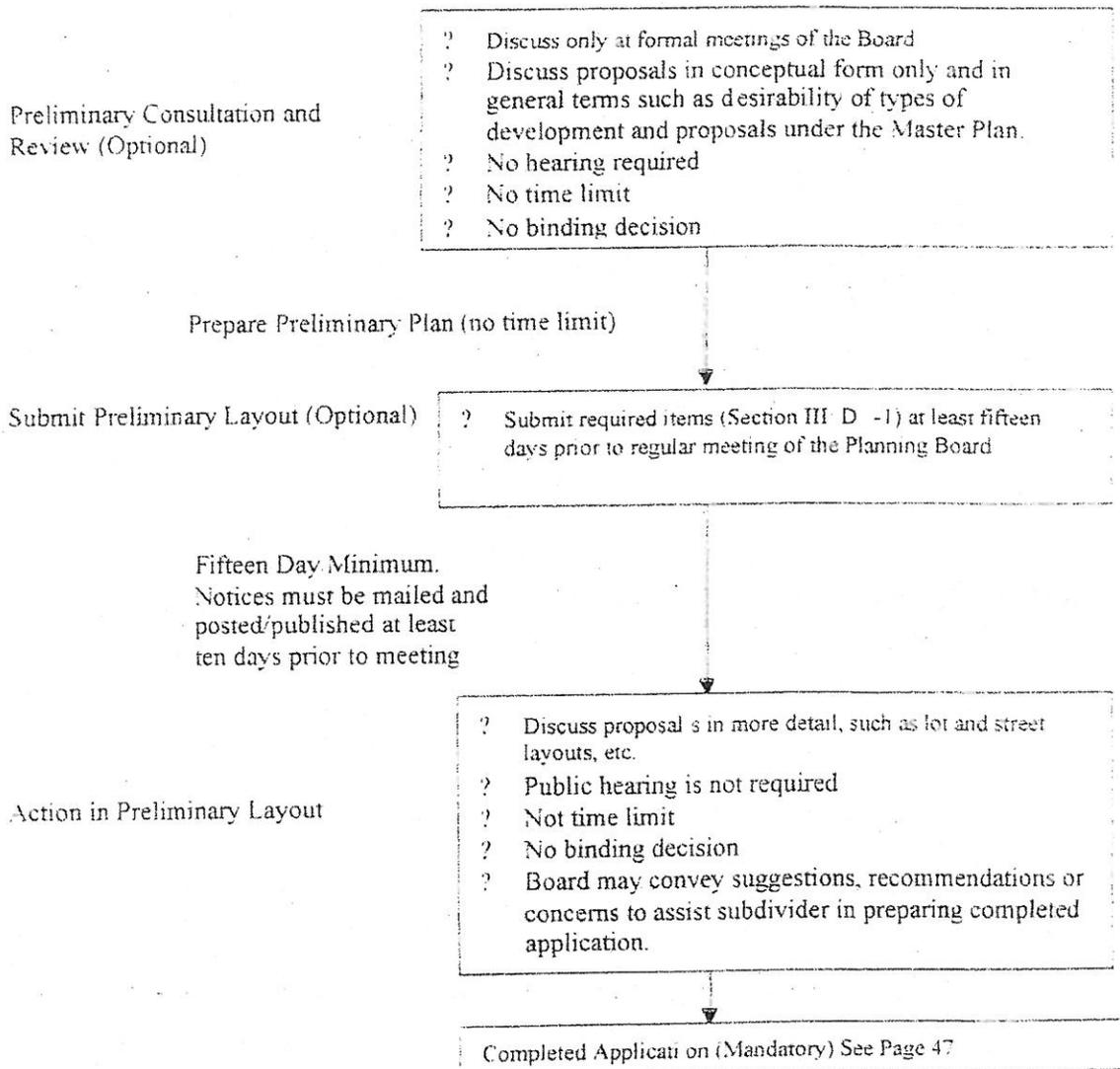
APPENDIX A

THE SUBDIVISION PROCESS

The following flow chart illustrates the procedure by which applications for subdivision approval and site plan review shall be submitted to and processed by the Planning Board.

This page (46) illustrates the optional steps of Preliminary Consultation and Review and the Submission of a Preliminary Layout. The following page (47) illustrates the mandatory steps required for final action in any subdivision or site plan review.

PRELIMINARY (Optional) STEPS



APPENDIX A (Continued)

MANDATORY STEPS FOR FINAL APPROVAL

