

CODE OF THE TOWN OF FITZWILLIAM
SUBDIVISION OF LAND
Chapter 221

ARTICLE I Purpose

§ 221-1. Purpose.

ARTICLE II Statutory authority

§ 221-2. Statutory authority.

ARTICLE III Administration and Enforcement

§ 221-3. Interpretation of requirements.

§ 221-4. Copies of regulations to be filed with Town Clerk.

§ 221-5. Amendments.

§ 221-6. Subdivisions substantially in conformity.

§ 221-7. Severability.

§ 221-8. Penalties for offenses.

§ 221-9. Enforcement.

§ 221-10. Appeals.

§ 221-11. When effective.

ARTICLE IV Definitions

§ 221-12. Definitions.

ARTICLE V Procedure for Acting on Plats

§ 221-13. General procedure.

§ 221-14. Preliminary consultation and review.

§ 221-15. Preliminary layout.

§ 221-16. Completed application.

§ 221-17. Notification of hearing.

§ 221-18. Final plat.

CODE OF THE TOWN OF FITZWILLIAM
SUBDIVISION OF LAND
Chapter 221

§ 221-19. Consideration of completed application and final plat.

§ 221-20. Expenses and fees.

ARTICLE VI General Requirements

§ 221-21. Compliance with other laws; survey to be provided.

§ 221-22. Character of land.

§ 221-23. Scattered or premature development.

§ 221-24. Lot layout and improvements.

§ 221-25. Street layout.

§ 221-26. Street construction and improvements.

§ 221-27. Vesting.

*** Suggested Minimum Design Standards for Subdivision Streets**

*** Geometric and Structural Guides for Town Road Aid Projects**

*** The Subdivision Process Checklist**

[HISTORY: Adopted by the Planning Board of the Town of Fitzwilliam 9-3-1970. Amendments noted where applicable.]

GENERAL REFERENCES

Land usage - See Ch. 127.

Site plan review - See Ch. 219.

ARTICLE I

CODE OF THE TOWN OF FITZWILLIAM
SUBDIVISION OF LAND
Chapter 221

PURPOSE

§ 221-1. Purpose.

- A. These regulations are adopted in accordance with New Hampshire Revised Statutes Annotated 674:35 - 42 to provide against such scattered or premature subdivision of land as would involve danger or injury to health, safety or prosperity by reason of 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.
- B. These regulations are to provide for the development of the municipality and its environs; for the proper arrangement and coordination of streets within subdivisions in relation to existing or other planned streets; for open space of adequate proportions; for suitably located streets within sufficient width to accommodate existing and prospective traffic; for adequate lighting; and for access of emergency equipment.
- C. These regulations provide that the land indicated on plats submitted shall be of such character that it can be used for building purposes unless otherwise specified and generally shall include provisions which will tend to create conditions favorable to health, safety, convenience and prosperity.

ARTICLE II

STATUTORY AUTHORITY

§ 221-2. Statutory authority.

Pursuant to the authority vested in the Fitzwilliam Planning Board by the voters of the Town of Fitzwilliam by vote of the Town Meeting, March 10, 1970, and in accordance with the provisions of RSA 674:35 - 42, the Fitzwilliam Planning Board adopts the following regulations governing the subdivision of land in the Town of Fitzwilliam, New Hampshire.

ARTICLE III

ADMINISTRATION AND ENFORCEMENT

§ 221-3. Interpretation of requirements.

In matters of judgment or interpretation of the requirements set forth in these

CODE OF THE TOWN OF FITZWILLIAM
SUBDIVISION OF LAND
Chapter 221

regulations, the opinion of the Planning Board and, where appropriate, the Planning Board Attorney shall prevail.

§ 221-4. Copies of regulations to be filed with Town Clerk. [Amended 3-1-2005]

No subdivision regulations or amendment or exception thereto, adopted under RSA 674:35 - 42, shall be legal and have any force and effect until copies of such, certified by a majority of the members of the Planning Board, are filed with Town Clerk.

§ 221-5. Amendments.

These regulations may be amended or rescinded by the Board, but only following a public hearing on the proposed change (RSA 675:6). The Chairman or Secretary of the Board shall transmit a record of any change so authorized to Town Clerk.

§ 221-6. Subdivisions substantially in conformity.

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

§ 221-7. Severability.

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

§ 221-8. Penalties for offenses.

Any owner or agent of the owner of land located within a subdivision who transfers or sells any land within the subdivision before the final layout has been approved by the Planning Board and recorded or filed in the office of the appropriate Register of Deeds shall forfeit and pay a penalty of five hundred dollars (\$500.) for each lot or parcel so transferred or sold; and the description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties. The town, through its Solicitor or other official designated by its Selectmen, may enjoin such transfer or sale or agreement and may recover said penalty by civil action.

CODE OF THE TOWN OF FITZWILLIAM
SUBDIVISION OF LAND
Chapter 221

§ 221-9. Enforcement. [Amended 12-19-1989]

It shall be the duty of the Board of Selectmen and the Board is hereby given power and authority to enforce the provisions of these regulations. Upon any well-founded information that these regulations are being violated, the Board of Selectmen shall take immediate steps to enforce this chapter by taking any legal action authorized by New Hampshire Revised Statutes Annotated 676:15 through 19, inclusive, as may be amended from time to time.

§ 221-10. Appeals.

Any person aggrieved by an official action of the Board may appeal to the Superior Court as provided by RSA 677:15.

§ 221-11. When effective.

These regulations shall become effective as adopted by the Board after a public hearing.

ARTICLE IV
DEFINITIONS

§ 221-12. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ABUTTER - For the purposes of notification, the term “abutter” shall be the current owner of record of any property which is located in New Hampshire within 200 feet of any boundary line of the land under consideration by the Planning Board. For purpose 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. **[Amended 08-20-2013]**

APPLICANT - The owner of any land which is proposed to be subdivided or their assigned representative.

BOARD or PLANNING BOARD - The Planning Board of the Town of Fitzwilliam.

BOND - Any form of security, including cash deposit, security bond, collateral, property or instrument of credit, in an amount and form satisfactory to the Planning Board.

COMMON DRIVE - A driveway that provides access to more than one lot

CODE OF THE TOWN OF FITZWILLIAM
SUBDIVISION OF LAND
Chapter 221

from a Class V highway (or better). Only that portion used by multiple dwellings/lots is considered “common.” [Amended 1-18-2005]

DEVELOPER - The owner, or his agent, of land which is proposed to be subdivided.

EASEMENT - The authorization by a property owner for the use by another, and for a specific purpose, of any designated part of his property.

FRONTAGE - That side of a lot abutting on a street or way or body of water and ordinarily regarded as the front of the lot.

GRADE - The slope of a lot, road, street or other public way specified in percentage terms.

LOT - A tract, plot or portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership and/or occupancy by one (1) principal structure or use and its accessory structures or uses.

LOT LINE ADJUSTMENT - To establish a property line between two (2) or more adjacent and agreeing owners that does not create buildable lots.

MAJOR SUBDIVISION - All subdivisions not classified as minor subdivisions, including but not limited to subdivisions of four (4) or more lots, or any size subdivision requiring any new street or extension of the municipal utilities or the creation of any public improvements.

MASTER PLAN - Comprehensive plan for the development of the local community, prepared and adopted by the local Planning Board, pursuant to state law, including any part of such plan separately adopted and any amendment to such plan, or parts thereof.

MINOR SUBDIVISION – Any subdivision containing not more than three (3) lots fronting on any existing street, not involving any new street or road, or the extension of municipal improvements and not adversely affecting the remainder of the parcel or adjoining property.

OFFICIAL MAP - The map established by the Planning Board pursuant to law showing the streets, highways, parks and drainage systems and setback lines theretofore laid out, adopted and established by law, and any amendments or additions thereto adopted by the Planning Board as additions thereto resulting from the approval of subdivision plats by the Planning

CODE OF THE TOWN OF FITZWILLIAM
SUBDIVISION OF LAND
Chapter 221

Board and the subsequent filing of such approved plats.

RIGHT-OF-WAY - All town, state and federal highways and rights-of-way dedicated to public use.

SETBACK - The distance between a building and the nearest street line or property line.

SPECIAL FLOOD HAZARD AREA – An area having flood, mudslide and/or flood-related erosion hazards and shown on an FHBM or FIRM as Zone A.

SUBDIVISION - The division of a lot, tract or parcel of land into two (2) or more lots, plats, sites or other division of land for the purpose, whether immediate or future, of offer, sale, rent, lease, condominium conveyance or building development.

WETLANDS – An area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal conditions does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. **[Adopted ATM 3/08/2005]**

ARTICLE V

PROCEDURE FOR ACTING ON PLATS

§ 221-13. General procedure.

Whenever any subdivision of land is proposed, before any construction, land clearing or building development is begun, before any permit for the erection of any building in such proposed subdivision shall be granted and before any subdivision plat may be filed in the office of the Register of Deeds of Cheshire County, the subdivider or his authorized agent, designated in writing, shall apply for and secure approval of such proposed subdivision in accordance with the following procedure.

§ 221-14. Preliminary consultation and review.

- A. The subdivider is required to appear at a regular meeting of the Planning Board to discuss a proposal in conceptual form and in general terms.
[Amended ATM 3-8-2005]

Such preliminary consultations shall be informal and directed toward:

CODE OF THE TOWN OF FITZWILLIAM
SUBDIVISION OF LAND
Chapter 221

- (1) Reviewing the basic concepts of the proposal.
 - (2) Reviewing the proposal with regard to the Town Master Plan and Zoning Ordinance¹.
 - (3) Reviewing the town's subdivision regulations as they may apply to this proposal and determination of the proposal as a major or minor subdivision.
 - (4) Guiding the subdivider relative to necessary state and local requirements and forms.
- B. Preliminary consultation and review shall not bind the subdivider or the Board; no public notice is required; no fees shall be charged; and no time limit for acting on the subdivision shall apply.
- C. An application for subdivision and a copy of the subdivision regulations may be presented to the subdivider at this time.

§ 221-15. Acceptance as Complete.

- A. A completed application sufficient to invoke jurisdiction of the Board shall be submitted to and accepted by the Board at a noticed public hearing. An application will be considered complete when adequate information, in compliance with Section 221-16, has been included or submitted to allow the Board to proceed with consideration and to make an informed decision. An application shall not be considered incomplete solely because it is dependent upon the issuance of permits or approvals from other government bodies.

§ 221-16. Completed application.

- A. A completed application must be filed fifteen (15) days prior to the regular meeting of the Board. The application shall include a list of abutters with mailing addresses and a check to cover the application fee and the cost of mailing to the abutters.
- B. The preliminary layout shall be submitted in triplicate and must be presented at a scale of not more than one hundred (100) feet to the inch [preferred scale is fifty (50) feet to the inch] and at a vertical scale of not more than forty (40) feet to the inch. The overall sheet size shall be eight and one-half by eleven (8 1/2 x 11), eleven by seventeen (11 x 17), seventeen by twenty-two (17 x 22) or twenty-two by thirty-four (22 x 34) inches. Separate sheets shall be

¹ Editor's Note: See Chapter 127, Land Usage

CODE OF THE TOWN OF FITZWILLIAM
SUBDIVISION OF LAND
Chapter 221

numbered, showing their relationship to each other. A margin of at least one (1) inch shall be provided outside ruled border lines on three (3) sides and at least two (2) inches along the left side for binding. The layout shall include the following:

- (1) Proposed subdivision name, address of owner of record, name of subdivider and licensed land surveyor, date, North point and scale.
- (2) Names of owners of record of abutting properties, abutting subdivision names, streets, easements, setbacks, alleys, parks and public open spaces and similar facts regarding abutting property.
- (3) Location of property lines and their approximate dimensions, existing easements, buildings, watercourses, ponds or standing water, rock ledges and other essential features.
- (4) Existing water mains, sewer, culverts, drains and proposed connections or alternative means of providing water supply and disposal of sewage and surface drainage. Location of each percolation test hole and the results and adequate information with respect to soil conditions to show that, with the lot sizes as proposed, a water well, if required, and a septic tank, if required, can be put on the lot without contamination of the water supply on such lot or on other property.
- (5) Location, name and widths of existing and proposed streets and highways and their grades and profiles and the elevations of sufficient points on the property to indicate general topography.
- (6) Where the topography is such as to make difficult the inclusions of any facilities mentioned above, within the public area as laid out, the preliminary layout shall show the boundaries of proposed permanent easements over or under private property.
- (7) 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 restrictions as are intended to cover part or all of the tract.
- (8) Preliminary designs of any bridges or culverts which may be required.

C. The Board may decide to conduct a site inspection at the time or after the completed application is submitted. The inspection is to be at such time when the site is free of snow cover unless otherwise determined by the Board.

[Amended 08-20-2013]

CODE OF THE TOWN OF FITZWILLIAM
SUBDIVISION OF LAND
Chapter 221

D. Applications may be disapproved by the Board without public hearing on grounds of failure of the subdivider to supply information required by these regulations.

§ 221-17. Notification of hearing. [Amended 1-18-2005]

Notification of the filing of a completed application shall be given by the Board to the abutters and the subdivider by certified mail, mailed at least ten (10) days prior to the date of the submission of the completed application to the Board at a regular meeting. At the same time, the notice shall be posted in two (2) public places in the town or shall be published in a newspaper of general circulation. The notice shall give the date, time and place of the Board meeting at which the completed application and preliminary layout shall be formally submitted to the Board and shall include a general description of the proposal which is the subject of the application and shall identify the subdivider and location of the proposed subdivision.

§ 221-18. Final plat

The final plat, as submitted for approval and subsequent recording, shall be in triplicate with one (1) copy on Mylar for recording with the Registry of Deeds of Cheshire County. The final plat shall include all data required for preliminary layout submission and all adjustments required by Planning Board.

§ 221-19. Consideration of complete application/final plat.

- A. The Board shall consider the completed application within thirty (30) days of its submission. The Board shall act to approve or disapprove the completed application within sixty-five (65) days after acceptance.
- B. 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. Mylars for subdivision plats are to be supplied for signature at the time of subdivision approval. The Chairman or Secretary of the Board shall transmit a copy of the final plat with such approval endorsed in writing thereon to the Register of Deeds of Cheshire County. The subdivider shall be responsible for the 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 subdivider. **[Amended 7-05-2005]**
- C. If the Planning Board has not obtained an extension and has not taken action

CODE OF THE TOWN OF FITZWILLIAM
SUBDIVISION OF LAND
Chapter 221

to approve or disapprove the completed application within sixty-five (65) days of its acceptance, the subdivider may obtain from the Selectmen an order directing the Board to act within fifteen (15) days. Failure of the Planning Board to act upon such order of the Selectmen shall constitute grounds for the applicant to petition the Superior Court.

- D. The Planning Board may conduct an on-site inspection to see that improvements are completed and boundary markers are in place. [**Amended 1-18-2005**]

§ 221-20. Expenses and fees.

- A. All costs of notice shall be paid in advance by the applicant. Failure to pay such costs shall constitute valid grounds for the Board to disapprove the plat without a public hearing.
- B. Reserved.²
- C. All expenses incurred by the Town of Fitzwilliam and its Planning Board in processing an application for subdivision approval, including the expenses of the Board Engineer and Board Attorney, and other special investigative studies as needed, shall be borne by the applicant. An estimate of said expenses may be given to the applicant at any time, and payment may be required prior to the scheduling of a public hearing on the proposed subdivision. [**Amended 8-20-13**]

ARTICLE VI
GENERAL REQUIREMENTS

§ 221-21. Compliance with other laws; survey to be provided.

- A. All subdivision plats shall comply with the following laws, rules and regulations:
1. All applicable statutory provisions.
 2. The Town Zoning Ordinance³, building codes and all other applicable laws of the town.
 3. The Master Plan, Official Map and other officially adopted plans of the

² Editor's Note: Former Subsection B. regarding the subdivision application fee, was superseded 12-19-1989. See now § 221-20C.

³ Editor's Note: See Chapter 127, Land Usage

CODE OF THE TOWN OF FITZWILLIAM
SUBDIVISION OF LAND
Chapter 221

town.

4. Any regulations of the New Hampshire Water Supply and Pollution Control Commission, New Hampshire Water Resources Board, New Hampshire Department of Public Works and Highways and other appropriate state agencies.

5. Requirements for subdivisions having land designated as “special flood hazard areas” (SFHA) by the National Flood Insurance Program (NFIP). **[Added ATM 3-12-1996, Art. 3]**

(a) The Planning Board shall review the proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by federal or state law, including Section 404 of the Federal Water Pollution Control Act of 1972, 33 U.S.C. § 1334.

(b) The responsible person shall require that all subdivision proposals and other proposed new development greater than fifty (50) lots or five (5) acres, whichever is the lesser, include within such proposals base flood elevation (BFE) data.

(c) Sufficient evidence (construction drawings, grading and land treatment plans) shall be submitted so as to allow determination that:

[1] All such proposals are consistent with the need to minimize flood damage.

[2] All public utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage.

[3] Adequate drainage is provided so as to reduce exposure to flood hazards.

B. For all major subdivisions of 4 or more lots, the Board shall require the developer to provide it with a transit survey. For all other subdivisions and boundary line adjustments, the Board shall require the developer to provide it with a transit survey where, in the Board's opinion, accuracy normally involved in such a survey is necessary to determine that the proposed plat meets all applicable requirements and conditions contained in these regulations and, if so, show error of closure. **[Amended 8-20-13]**

§ 221-22. Character of land.

CODE OF THE TOWN OF FITZWILLIAM
SUBDIVISION OF LAND
Chapter 221

Land of such character that it cannot be safely used for building purposes because of exceptional danger to health and peril from fire, flood or other menace shall not be platted for occupancy nor for such other uses as may increase danger to health, life or property or aggravate flood hazard until appropriate measures are taken by the subdivider to eliminate such hazards. No natural drainage-way shall be obstructed unless adequate means are taken to provide for the runoff for peak conditions. The area of buildable land must be of such size as to meet the specified requirements in the land ordinances.

The slope of the land shall be a consideration in the layout of lots. See § 221-24.
[Amended 1-18-2005]

Frontage provides functional access from the road to the building site without extreme modification of terrain or wetlands. **[Amended 7-19-2005]**

If a parcel of land to be subdivided is located in more than one zoning district, the dimensional requirements of the most restrictive zoning district will apply.
[Amended 8-20-2013]

§ 221-23. Scattered or premature development.

A. Purpose. The purpose of this section is to provide against scattered or premature subdivision of land.

B. Causes. The following items shall be considered in determining whether the proposed subdivision is scattered or premature. The subdivider may be required to have studies made under guidelines established by the Planning Board to determine the effect that the proposed subdivision may have:

- (1) Distance from nearest elementary school.
- (2) Capacity of school system and effect on school bus transportation.
- (3) Adequacy of access street(s) and/or sidewalks.
- (4) Adequacy of water supply for domestic and fire fighting purposes, including available water holes suitable for pumping.
- (5) Potential health problems due to on-site sewage systems and inadequate water supply.
- (6) Potential fire protection problems due to location and/or special conditions relative to type of use.

CODE OF THE TOWN OF FITZWILLIAM
SUBDIVISION OF LAND
Chapter 221

- (7) Potential special policing problems.
- (8) Potential drainage problems both on the site and downstream.
- (9) Necessitating excessive expenditure of public funds.
- (10) Other potential problems within the meaning of the purpose of this section as stated in Subsection A.

C. Improvements. If it is determined by the Planning Board that the proposed subdivision is scattered or premature unless special on and off-site improvements are made, the Planning Board may require the subdivider to make said improvement prior to, or as a condition of, approval of the subdivision. These improvements may consist of, but need not be limited to, the following:

- 1) Improve any access street to the subdivision to the appropriate street standards if such access would otherwise be inadequate, provided that the town owns or provides the right-of-way.
- (2) Extend the public water and/or sewer system(s) if either or both are within three thousand (3,000) feet of the subdivision, provided that the subdivision serves or potentially can serve twelve (12) or more lots.
- (3) Build or reconstruct sidewalks on any access streets where potential increase in pedestrian traffic will occur, provided that the town owns or provides the right-of-way.
- (4) Construct static water supplies (fire ponds) with dry hydrants for fire protection.
- (5) Provide traffic signals at intersection and rebuild intersection in the immediate area of the proposed subdivision if such intersection would otherwise be inadequate, provided that the town owns or provides the right-of-way, or give to the town easements or land for rights-of-way.

D. Phasing of subdivisions. As an alternative to making the studies and/or improvements as required by this section, the subdivider may propose to develop his subdivision in stages.

This may be approved by the Planning Board if the town and/ or school district have plans to make public improvements and a schedule to implement these improvements so that the various stages of the subdivision will not then take

CODE OF THE TOWN OF FITZWILLIAM
SUBDIVISION OF LAND
Chapter 221

place until the relative public improvements are scheduled. If improvements involve roadways, the Board can require bonding to cover improvements.

221-24. Lot layout and improvements. [Amended 1-18-05]

A. Lot size, width, depth, shape and orientation shall be appropriate for the location of the subdivision and use contemplated, with particular attention to purity of water and waste disposal.

All proposed lots shall contain a minimum of forty thousand (40,000) square feet of contiguous non-wetland area with land slopes of fifteen (15) percent or less. Said requirement does not apply to that portion/lot of a subdivision containing an existing dwelling/primary structure. The applicant shall submit plan(s) with five (5) foot contour intervals, or less, to demonstrate conformance with this slope requirement.

Driveways serving all proposed lots shall be constructed at grades less than fifteen (15) percent. If the natural slope of the land exceeds fifteen (15) percent in the area of the access, proposed driveway grading plans shall be submitted, which demonstrate compliance with the maximum grade requirement. The driveway shall also comply with any requirements of the town and/or state driveway application/permit.

B. Lots shall be laid out and graded to eliminate flood or stagnant water pools. No water shall be permitted to run across the street on the surface but shall be directed into catch basins, if available, or otherwise into ditches, and shall be piped underground in a pipe of not less than twelve (12) inches in diameter, or such size as may be deemed necessary by the Road Agent.

C. It shall be the responsibility of the subdivider to provide the Board with adequate information to prove that the area of each lot is adequate to permit the installation and operation of individual sewage disposal system (septic tank and leach field or dry well, but not a cesspool), except where public sewer systems are available, and to prove that the area of each lot is adequate to permit the installation and operation of individual on-site water systems, except where a public or common water system is available. Whenever required by the Board in order to establish the adequacy of the sewage disposal system, a series of percolation tests shall be made in the subdivision in accordance with the New Hampshire Water Supply and Pollution Control Manual titled "Guide for the Design, Operation and Maintenance of Small Sewage Disposal systems."

CODE OF THE TOWN OF FITZWILLIAM
SUBDIVISION OF LAND
Chapter 221

- D. Areas set aside for parks and playgrounds to be dedicated or to be reserved for the common use of all property owners by a 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. The preliminary plat or layout shall show the boundaries of proposed permanent easements for utilities over or on the property wherever topography permits, and the total width of such easements shall not be less than twenty (20) feet centered on the rear lot line with ten (10) feet provided from each lot. Such easements 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.
- F. All proposed drainage facilities and culverts shall be installed. Natural watercourses shall be cleaned and increased in size where necessary to take care of storm runoff. Drainage swales below center-line grade shall be constructed in the street right-of-way on both sides of the paved roadway.
- G. Monuments constructed of concrete or stone at least four (4) inches wide on the top and at least thirty (30) inches long shall be set at all block corners and iron pins or equivalent markers at all lot corners. Two (2) 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 United States Geological Survey datum plan where practical or of assumed datum where the preceding is not feasible.
- H. In examining and passing upon a proposed subdivision, the Board may make recommendations to the subdivider relating to earth movement and retention of natural cover in order to preserve the natural beauty of Fitzwilliam and its environment.
- I. Common drives may be utilized for access to multiple lots where each lot contains the required frontage on a town maintained road. Common drives should normally not serve more than three (3) lots, but may, at the Board's discretion, serve more than three (3) lots in consideration of limited highway access, wetland preservation, vegetation screening, etc. The subdivision plan shall define the shared/common access easement, which shall be a minimum width of twenty-five (25) feet.

The maximum grade of a common drive shall be ten (10) percent and contain a leveling area of four (4) percent maximum within thirty (30) feet of the

CODE OF THE TOWN OF FITZWILLIAM
SUBDIVISION OF LAND
Chapter 221

town road. Common drives shall not exceed eight hundred (800) feet in length and be a minimum of sixteen (16) feet wide. Common drives serving more than two dwelling units shall be surfaced with two (2) inches of hot-mix bituminous pavement over a twelve (12) inch gravel base and contain two (2) feet wide gravel shoulders. [**Amended 1-18-05**]

- J. Performance bond to include lot improvements or surety shall include an amount to guarantee completion of all requirements contained in the above subsections of the regulations, including but not limited to soil preservation, final grading, lot drainage and all other lot improvements required by the Planning Board. [**Renumbered 1/18/2005**]

§ 221-25. Street layout.

- A. The roadway shall be graded to the final grade in accordance with the profile and cross section submitted.
- B. Streets shall be logically related to the topography so as to produce usable lots, reasonable grades and safe intersections in appropriate relation to the proposed use of the land to be served by such streets; where practicable, lots shall be graded toward the ditch line of the streets; where not practicable, adequate provisions shall be made to control the drainage of each lot by an adequate storm water system, subject to approval of the Road Agent or Town Engineer.
- C. The arrangement 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 of a width at least as great as that of such existing connecting streets, but in no case less than that required under Subsection D.
- D. 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. Existing streets shall be widened as if they were new streets, with one-half (1/2) of the additional widening to be required on each side. Improvements to existing roads shall be made per the Standard Road Specifications as adopted and revised by the Board of Selectmen. Streets entering opposite sides of another street shall be laid out either directly opposite one another or with a minimum offset of one hundred twenty-five (125) feet between their center lines. [**Amended 1-18-2005**]

CODE OF THE TOWN OF FITZWILLIAM
SUBDIVISION OF LAND
Chapter 221

- E. Except where future connections may be possible, dead-end streets shall not, in general, exceed six hundred (600) feet in length and shall be provided with a turnaround 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.
- F. The minimum centerline radius for horizontal curves shall be 150 feet for dead-end roads and 225 feet for collector/through roads. Vertical curves shall be used for all grade changes exceeding 1% and shall be designed with a minimum K value of 28 for crest curves and 35 for sag curves.
[Amended 1-18-2005]
- G. Grades of all streets shall conform in general to the terrain and shall so far as practicable not exceed ten percent (10%). All intersections shall be designed with a three (3) percent maximum approach grade for a distance of at least one hundred (100) feet. No street shall have a grade of less than one (1) percent. **[Amended 1-18-2005]**
- H. The width of blocks shall not be less than four hundred (400) feet, nor shall the length exceed one thousand two hundred (1,200) feet.
- I. Intersecting property lines at street intersections shall be joined by a curve of at least a twenty-foot radius.
- J. Streets shall be laid out or shall intersect as nearly as possible at right angles. No street shall intersect another with an angle of less than sixty (60) degrees. A clear line of sight of at least one hundred (100) feet shall be provided at all intersections at an eye height of three and seventy-five hundredths (3.75) feet.
- K. Streets which join or are in alignment with streets abutting on neighborhood properties shall bear the same name. Names of new streets shall not duplicate nor bear a phonetic resemblance to the names of existing streets within the Town of Fitzwilliam and shall be subject to the final approval of the Board of Selectmen.

221-26. Street construction and improvements

- A. Road construction, including pavement and drainage facilities, curbs and sidewalks, when required, shall be installed and constructed with standard specifications and in all cases must be constructed under the supervision of the Road Agent.

CODE OF THE TOWN OF FITZWILLIAM
SUBDIVISION OF LAND
Chapter 221

B. The roadway shall be constructed in accordance with the following specifications:

(1) All topsoil, loam, clay, muck and stumps and other improper road foundation material must be removed from the limits of the roadbed 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 material exceeds twelve (12) inches in depth, such material must be excavated and replaced with bank-run gravel or broken rock.

(2) The roadway gravel base shall consist of twelve (12) inches of bank-run gravel meeting NHDOT specifications, with no particles larger than eight (8) inches overlain with six (6) inches of crushed gravel with no particles larger than three (3) inches. Where seasonal high groundwater is within four (4) feet of final grade, suitable subdrains and /or geotextile fabric shall be installed below the gravel base. **[Amended 1-18-2005]**

(3) All proposed roads shall be paved with a two (2) inch thick bituminous binder course and a one (1) inch thick bituminous top course to a finished minimum width of twenty (20) feet for local/dead-end roads and twenty-four (24) feet for collector roads. **[Amended 1-18-2005]**

(4) Gravel shoulders are required adjacent to all roads and shall be minimum of three (3) feet wide on local roads and four (4) feet wide on collector roads. **[Amended 1-18-2005]**

Section 221-27: Vesting [Amended 12-20-2005]

The definition of ‘active and substantial development or building’ and ‘substantial completion of the improvements shown on the subdivision plat’ for the purposes of complying with RSA 674:39 I. (a) and II and III shall be:

1. Construction of and/or installation of basic infrastructure to support the development (including all of the following: foundation walls and footings of proposed buildings; roadways, access ways, parking lots, etc. to a minimum of gravel base; and utilities placed in underground conduit ready for connection to proposed buildings/structures) in accordance with the approved plans, as applicable; and

2. Construction and completion of drainage improvements to service the development (including all of the following: detention/retention basins, treatment

CODE OF THE TOWN OF FITZWILLIAM
SUBDIVISION OF LAND
Chapter 221

swales, pipes, underdrains, catch basins, etc.) in accordance with the approved plans as applicable; and

3. All erosion control measures (as specified on the approved plans) must be in place and maintained on the site; and

4. Items 1, 2, and 3 shall be reviewed and approved by the Town.

Movement of earth, excavation, or logging of a site without completion of items 1, 2, 3, and 4 above shall not be considered “active and substantial development.” Plans approved in phases shall be subject to this definition for the phase currently being developed. The Planning Board may, for good cause, extend the 12-month period.

To the extent that the Planning Board calls a bond or other security for such improvements and the funds are paid to the Town, substantial completion of the improvements in the subdivision shall be deemed to have occurred.

CODE OF THE TOWN OF FITZWILLIAM
SUBDIVISION OF LAND
Chapter 221

NEW HAMPSHIRE DEPARTMENT OF PUBLIC WORKS & HIGHWAYS
SUGGESTED MINIMUM DESIGN STANDARDS
RURAL SUBDIVISION STREETS

These are suggested minimum design standards to be followed in the absence of local subdivision controls. Every effort should be made to exceed these minimums wherever possible. The circumstances of topography and other physical factors may require an occasional exception to these standards; however, the Selectmen should exercise reasonable judgment before granting such variances.

1. **GENERAL STREET PLAN** Approval of the general development street plan should be required before allowing construction of small integral phases of the plan.
2. **STREET LAYOUT** Streets shall be laid out so as to intersect at right angles, as nearly as possible, and no street shall intersect another at less than sixty degrees (60°). Property lines at street intersections shall be rounded to provide for a property-line radius of not less than twenty (20) feet. Streets shall be continuous and in alignment with existing streets as far as possible.
3. **DEAD-END STREETS** Dead-end streets, designed to be so permanently, shall not be longer than five hundred (500) feet and shall be provided with a turn around having an outside roadway diameter of at least one hundred (100) feet.
4. **STREET NAMES** All streets shall be named without duplication with other streets in town.
5. **RIGHT-OF-WAY** The minimum width of a right-of-way shall be fifty (50) feet. A greater width may be required for arterial and collector streets.
6. **HIGHWAY RIGHT-OF-WAY BOUNDS** Highway bounds, of a type approved by the Board of Selectmen, shall be installed at all intersections of streets, at all points of change in direction and at any other points the Board may deem necessary to designate the street lines.
7. **ALIGNMENT** No street shall be constructed with a curvature of less than a two-hundred-fifty-foot radius [twenty-two and nine-tenths degrees (22.9°)].
8. **GRADES** Street grades, where feasible, shall not exceed ten percent (10%) nor shall be any less than five-tenths percent (0.5%).
9. **CONSTRUCTION SUPERVISION** Construction of the road-way, drainage

CODE OF THE TOWN OF FITZWILLIAM
SUBDIVISION OF LAND
Chapter 221

facilities, sidewalks, curbs and all other elements of the highway must be done under the supervision of, and with the approval of, the Board of Selectmen.

10. **CLEARING** The entire area of each street shall be cleared of all stumps, brush, roots, boulders and like material and all trees not intended for preservation.
11. **SUBGRADE PREPARATION** All loam and other yielding material shall be removed from the roadway and replaced with suitable fill material. All boulders and ledge shall be removed to a uniform cross section depth of not less than twelve (12) inches below the subgrade and replaced with sand and gravel.
12. **DRAINAGE** Surface water shall be disposed of by means of culverts of sufficient capacity at watercourses as determined by standard hydraulic design methods and by construction of a longitudinal storm drainage system whenever required to relieve water in the ditch sections. Construction shall be in accordance with New Hampshire Standard Specifications, 1969, Sections 603 and 604.
13. **GRAVEL BASE** All streets shall be constructed with a minimum of twelve (12) inches of gravel, New Hampshire Standard Specifications, 1969, Sect. 304.
14. **ASPHALT SURFACE** The asphalt surface may be a bituminous surface treatment, Specification Section 410, or hot bituminous pavement, Section 403, as required by the Selectmen. The minimum width should be twenty (20) feet for up to three hundred (300) vehicles per day, twenty-two (22) feet for three hundred (300) to six hundred (600) vehicles per day and twenty-four (24) feet for over six hundred (600) vehicles. A forty-four-foot wide pavement may be required in areas where on-street parking is expected. Angle parking shall not be allowed.
15. **GRAVEL SURFACE** In unusual cases of low traffic volumes where the Selectmen feels an asphalt surface is not required, the total usable roadway width shall be a minimum of twenty-eight (28) feet so that the ultimate design may be a twenty-foot asphalt surface with four-foot gravel shoulders.
16. **BRIDGES** On stream crossings of ten (10) feet or more span, the structure shall be designed to H15-S20 loading (American Association of State Highway and Transportation Officials specifications). The minimum roadway width shall be twenty-four (24) feet.
17. **GRAVEL SHOULDERS** A four-foot gravel shoulder, equal to the base

CODE OF THE TOWN OF FITZWILLIAM
SUBDIVISION OF LAND
Chapter 221

course depth, shall be constructed adjacent to all twenty- , twenty-two- and twenty-four-foot asphalt surfaces.

18. **SIDEWALKS** Sidewalks of two-inch-thick asphalt, on a four- inch gravel base, not less than four (4) feet in width and no closer than twenty-two (22) feet to the street center line, shall be constructed on one or both sides of the street when, in the opinion of the Board, such sidewalks are necessary.
19. **EROSION CONTROL** Erosion shall be controlled by placing mulch or matting on all surfaces disturbed by construction of the roadway and on all other surfaces where there is danger of eroded material being carried to the roadway area.
20. **UTILITIES** Utility poles should be kept close to the right-of-way line, in no case closer than the ditch line and always well back of a curb. Water and sewer mains should be constructed outside the surface area and preferably outside the ditch line.
21. **SAFETY** Safety is an important factor on all roadway improvements. On development roads, it may not be possible or practical to obtain obstacle-free roadsides, but every effort should be made to provide clear areas within the maintenance limits. The use of flatter slopes, the use of guardrails where necessary and the use of warning signs are other safety factors to be considered.
22. **MINIMUM STANDARDS** The use of more liberal values than these minimum standards is recommended. For additional guidance and design of local development roads and streets with high volumes of traffic, reference should be made to the New Hampshire Department of Public Works and Highways, Minimum Rural Highway Design Standards.

**CODE OF THE TOWN OF FITZWILLIAM
SUBDIVISION OF LAND
Chapter 221**

**NEW HAMPSHIRE DEPARTMENT OF PUBLIC WORKS & HIGHWAYS
GEOMETRIC & STRUCTURAL GUIDELINES
FOR TOWN ROAD AID PROJECTS⁴**

Average daily traffic	1-50	50-100	100-250	250-400	400-up
Pavement width (min ft)	18	20	20	22	24
Shoulder width (feet)	2	2	4	4	8-10
Center of road to ditch	13	14	16	16-18	varies
Pavement type (min 4 inches of three-fourths inch center bank-run gravel)	gravel*	gravel*	STG	STG	H Bit
Slope of roadway (in/ft)	1/2	1/2-3/8	1/4	1/4	1/4
Base course depth (in)	12	12	16	18	24

* Note: Gravel surface should be surface treated where steep grades occur.

⁴ Editor's Note: In addition, a "Typical Section for Town Road Aid Projects," which originally accompanied this table, is on file in the town offices.

CODE OF THE TOWN OF FITZWILLIAM
SUBDIVISION OF LAND
Chapter 221

THE SUBDIVISION PROCESS

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

1. Preliminary consultation and review – required

- Discuss at formal meeting of the Board
- Discuss proposals in conceptual form and in general terms such as desirability of types of development and proposals under the Master Plan
- No public hearing required
- No time limit
- No binding decision

2. Prepare complete application – no time limit

3. Applicant files application and preliminary layout (§ 221-16 & 17)

- Application must be completed as defined by subdivision regulations
- Completed application must be on file with Planning Board *at least 15 days prior to application acceptance and public hearing - notices must be mailed and posted or published at least 12 days prior to hearing*
- Application must include abutters' names and addresses, and fees

4. Acceptance of completed application, and public hearing (§221-19)

- Planning Board formally accepts submission of completed application
- Give applicant receipt of accepted application
- Public hearing required during the 65-day period and is recommended at this time
- 65-day clock starts running

5. Final plat submitted (§221-18)

6. Planning Board decision (§221-19)

- Planning Board must begin formal consideration of the application within 30-days of submission of application
- Planning Board must approve, disapprove or be granted an extension within 65-days of acceptance of application as complete
- Applicant may waive 65-day requirement for the Planning Board and consent to an extension as may be mutually agreeable

(If no decision and no extension, applicant may obtain an order from Selectmen or City Council directing the Planning Board to act within 15 days. If 90-day extension is granted, the Planning Board must approve, disapprove subdivision; court action can be invoked by applicant if no decision is made.)