

Subdivision Regulations

Town of Monroe, New Hampshire

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Section I: Why Monroe Has Subdivision Regulations

These regulations have been adopted in order to:

1. Promote the orderly growth and development of the community of Monroe.
2. Reinforce the community concepts developed in the current Master Plan.
3. Promote the public health, safety and welfare per RSA 674:36.
4. Provide for uniform standards and procedures to govern the Board and developers.
5. Continue efforts to serve the residents of Monroe by strengthening the concept of our community.

Subdivision regulations help ensure that new lots created are safe, buildable and adequately documented in County and Town land records. The provisions of these regulations shall apply to all land within the boundaries of Monroe, New Hampshire.

Section II: Title of These Regulations

These regulations shall be known and cited as the *Subdivision Regulations of the Town of Monroe, New Hampshire* and hereinafter referred to as “these Regulations.”

Section III: Monroe’s Authority to Adopt These Regulations

Pursuant to the authority vested in the Monroe Planning Board by the voters of the Town of Monroe, the following regulations pertaining to the subdivision of land in the Town of Monroe, New Hampshire have been adopted in accordance with the provisions of the New Hampshire Revised Statutes Annotated (RSA) 674:35 and 674:36 and the procedures established in RSA 675:6.

Section IV: Severability

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

Section V: Definitions

- A. Abutter:** 1) 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 Planning Board. 2) For the purposes of receiving testimony, and not for the purpose of notification, the term “abutter” shall include any person who is able to demonstrate that property under their ownership will be directly affected by the subdivision under consideration. 3) For purposes of receipt of notification, in the case of an abutting property being under a condominium or other collective form of ownership, the term abutter means the officers of the collective or association as defined in the NH RSAs; in the case of a manufactured housing park, “abutter” includes the park owner and the owners of manufactured homes abutting the land under consideration.
- B. Applicant:** The owner of record for the land to be subdivided or the owner of record’s designated agent.

- C. Approval:** Recognition by the Board, certified by written endorsement on the plat, that the proposed subdivision meets the requirements of these Regulations.
- D. Approval, conditional:** Recognition by the Board that the plat is not finally approved nor ready for filing with the Registry of Deeds until such time as certain conditions set forth by the Board in the Notice of Action are met (Conditions Precedent). This is not to be confused with a plat that has been approved subject to certain conditions that would be met as part of the implementation of the plan (Conditions Subsequent).
- E. Board:** The Town of Monroe Planning Board.
- F. Development:** Any construction or grading activities on real estate other than accepted agricultural and silvicultural practices.
- G. Easement:** The authorization by the property owner for the use of the property by another and for any specified purpose of any designated portion of his/her property.
- H. Engineer:** A professional engineer licensed to practice in New Hampshire.
- I. Frontage:** That side of the lot abutting a street or body of water and ordinarily regarded as the front of the lot and typically where access to the lot is provided.
- J. Lot:** A parcel of land capable of being occupied that is of sufficient size to meet the minimum requirements for use, building coverage and area.
- K. Lot of Record:** A parcel, the plat or description of which has been recorded at the County Register of Deeds.
- L. Minor Lot Line Adjustment:** Adjustments to the boundary between adjoining properties where no new lots are created.
- M. Plat:** The map, drawing or chart on which the plan of subdivision is presented to the Board for approval and which, if approved, will be submitted to the County Register of Deeds for recording.
- N. Public Hearing:** A meeting, notice of which must be given per RSA 675:7 and 676:4 I(d) at which the public is invited to offer testimony.
- O. Public Meeting:** The regular business meeting of the Board as required per RSA 673:10. Notice is posted 24 hours in advance and is open to the public, though participation of the public is at the Board's discretion.
- P. Right-of-Way:** A strip of land for which legal right of passage has been granted by the landowner to provide access to a lot.

- Q. Re-subdivision:** A change in a map of an approved or recorded subdivision if such a change:
1. is a further subdivision of the land;
 2. affects any street layout shown on a map;
 3. affects any area reserved for public use; or
 4. diminishes the size or reduces the road frontage of any lot shown.
- R. Setback:** The distance between a building or other structure and the nearest property line.
- S. Sewage Disposal System (Individual):** Any onsite sewage disposal or treatment system that receives either sewage or other wastes or both. For the purposes of this regulation this means all components of this system including the leachfield.
- T. Street:** A publicly-maintained road for vehicular travel or a road that appears on a subdivision plat approved by the Board.
- U. Subdivision:** 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 held in common and consequently divided into parts among the several owners shall be deemed a subdivision.
- V. Surveyor:** The surveyor of the subdivision who must be licensed in New Hampshire.

Section VI: The Subdivision Application

6.01 Application Form Required

In order to allow for an effective and efficient planning process for the Board and all applicants, the Monroe Planning Board requires a complete application to be submitted to the Board in advance of all meetings and hearings regarding proposed subdivisions. Applications are required for all of the activities listed below.

- 1. Minor Lot Line Adjustments and Boundary Agreements:** Minor lot line adjustments or boundary agreements require the approval of the Board to make certain that no new or nonconforming lots will be created and the change will not result in or increase any lack of conformance with the Zoning Ordinance or other requirements. Minor lot line adjustments include an exchange of land or moving the common boundary between two abutting lots where no new lots are created. A boundary agreement is an agreement between two abutting landowners as to the location of a common boundary, which is shown on a plan to be recorded in the registry of deeds.
- 2. Subdivision:** 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.
- 3. Voluntary Merger of Lots**
 - a. Any owner of two or more contiguous pre-existing approved or subdivided lots or parcels who wishes to merge them for municipal regulation and taxation

purposes may do so by applying to the Board. Except where such merger would create a violation of then current ordinances or regulations, all such requests shall be approved, and no public hearing or notice shall be required. No new survey plat need be recorded, a notice of merger containing a description of the two lots merged into one lot including tax map and lot number and signed by the Board shall be filed in the Grafton County Registry of Deeds under the name of the owner or owners as grantors and a copy shall be attached to the Town's tax assessing card. Any subdivision of the merged lot shall require subdivision approval.

- b. If there is any mortgage on any of the lots, the applicant shall give written notice to each mortgage holder at the time of the submission of the application. The written consent of each mortgage holder shall be required as a condition of approval of the merger, and shall be recorded with the notice of the merger pursuant to paragraph a. Upon recordation of the notice and each consent, the mortgage or mortgages shall be deemed by operation of law to apply to all lots involved in the merger. The municipality shall not be liable for any deficiency in the notice to mortgage holders. (RSA 674:39-a).

6.02 Steps to Take for Subdivision Approval

1. **Application Deadline:** All applications to the Board for subdivision approval shall be filed with the Board or its designated agent on the appropriate form as approved by the Board at least twenty-one (21) days before the regularly scheduled meeting at which the application is to be submitted to the Board.
2. **Public Notice:** When Notice is required in the Regulations, the Board shall give Notice as follows:
 - a. A copy of the Notice shall be sent by certified mail to the abutters; easement holders; the subdivider; and any engineer, architect, land surveyor or soils scientist whose professional seal appears on any plat submitted to the Board at least ten (10) days prior to the public meeting/hearing. For proposals in which any structure or building site will be within 500 feet of the top of the bank of any lake, pond, river or stream, notice shall also be given to the NHDES Dam Bureau. For the purposes of these Regulations, in counting days, the day on which notice is given and the day of the public meeting/hearing shall be excluded.
 - b. Notice to the general public shall be given by publication of a copy of the Notice in the newspaper with greatest local circulation as may be designated by the Board, at least ten days prior to the public meeting/hearing. At the same time, the Board shall post copies of the Notice in two public places in Town.
 - c. Additional notice of an adjourned session of a public meeting/hearing is not required if the date, time and place of the adjourned session is made known at the prior meeting/hearing.
 - d. The subdivider shall pay, in advance, all costs of Notice. Failure to pay costs may be the basis for disapproval of the application.

- e. The notice must include a general description of the proposal which is the subject of the application and shall identify the applicant and the location of the proposal. The notice shall also indicate the date, time and place of the public hearing or whatever is the subject of the notice.

3. Determination of Regional Impact

Upon receipt of an application for subdivision, the Board shall review it and determine whether or not the development, if approved, could reasonably be construed as having the potential for impact beyond the boundaries of Monroe. This regional impact could result from a number of factors, such as, but not limited to, the following:

- a. relative size or number of lots or units compared with existing stock;
- b. transportation networks;
- c. proximity to the borders of a neighboring community;
- d. anticipated emissions such as light, noise, smoke, odors or particles;
- e. proximity to aquifers or surface waters which transcend municipal boundaries;
- and
- f. shared facilities such as schools and solid waste disposal facilities.

Doubt concerning regional impact shall be resolved in a determination that the development has a potential regional impact. Upon determination that a proposed development has a potential regional impact, the Board shall afford the Regional Planning Commission and the affected municipalities the status of abutters for the limited purpose of providing notice and giving testimony. Within 72 hours of reaching a decision that a development has regional impact, the Board shall, by certified mail, furnish the Regional Planning Commission with copies of the minutes of the meeting at which the decision was made and copies of the initial project plan and the affected municipalities with copies of the minutes of the meeting at which the decision was made. At least fourteen (14) days prior to the public hearing, the Board shall notify, by certified mail, all affected municipalities and the Regional Planning Commission of the date, time and place of the hearing and the right to testify concerning the development.

- 4. Application Process:** The Board encourages applicants to take advantage of the Informal Discussion and the Preliminary Plan steps of the application process. It may be in the best interest of the applicant, as well as the Board, to discuss the proposed subdivision, minor lot line adjustment or boundary line agreement on an informal basis prior to actual submission of the application.

a. Informal Discussion

- i. **Procedure:** If the subdivider so requests, the Board shall place on its agenda for a regularly scheduled meeting an Informal Discussion between the subdivider and the Board. Such consultation shall not bind either the applicant or the Board. There is no application fee for this phase. This phase in the review process is optional for the applicant, and is made available by the Board in order to save expense and unnecessary changes later on.

- ii. **Information Requested:** The subdivider should provide the Board with a sketch plan showing the location and type of the proposed development,

with additional information, such as general topography, including prominent natural features of the tract, and, if applicable, how the concept conforms with the Master Plan. **If the subdivider brings a detailed plan of any type to the Board meeting, the Board will recess any consideration until notice has been sent to the abutters and public.**

- iii. **No Action of the Board:** The Informal Discussion between the subdivider and the Board shall be limited to a discussion as to concept and in general terms for the limited purpose of familiarizing the Board with the location and type of development, and the subdivider with general requirements of the Board, as set forth in the Regulations. Following the Informal Discussion, and after determining the general character of the proposed subdivision, the Board shall advise the subdivider concerning subsequent procedures and submission requirements for final review.

b. Design Review

- i. **Procedure:** The subdivider may, but is not required to, submit to the Board for review a preliminary plan of the proposed subdivision. **The Board shall give formal public notice, at the applicant's expense, to abutters and the general public of the Design Review, as required under RSA 676:4, I (d).** The review of the Preliminary Plan shall be conducted only at formal meetings of the Board. The Board may review the proposal in detail and receive testimony in person or in writing from any applicant, any abutter, or any other person as permitted by the Board. Again this phase in the subdivision review process is optional for the applicant and is made available by the Board in order to save expense and unnecessary changes later on.
- ii. **Information Requested:** The Preliminary Plan may be drawn in pencil or ink, and shall be submitted in three (3) copies. Preliminary plans should show substantially the same information described in Section 7.03. However, dimensions may be approximate and data may be tentative. The preliminary plans should be sufficiently clear to establish the basis of and to clarify the design requirements for the subdivision Final Plat. Maps shall be at a scale of no more than 100 feet per inch, unless an exception is granted by the Board or its agent.
- iii. **No Action of the Board:** Such preliminary review shall bind neither the applicant nor the Board.
- iv. **Termination of Design Review:** If a Final Application has not been submitted within six (6) months of the date of the most recent Design Review meeting, the Board may, at a public meeting, determine that the design review process has ended and shall inform the applicant in writing within 10 days of such determination.

c. Final Application

- i. **Procedure:** A completed final application for subdivision approval shall be submitted to the Board or its designated agent at least twenty-one (21) days

before the meeting at which said application is to be reviewed and determined if complete.

- ii. **Requirements for a Completed Application (RSA 676:4, I (b)):** A completed final application shall contain all of the applicable items described in Section VII.
- iii. **Action of the Board:** The Board shall, within 30 days or at the next public meeting for which notice can be given in accord with Section 6.02.2, review the application for completeness, as required by these Regulations. If determined to be complete, and all required fees and costs of notice have been paid, then the Board shall, by motion, accept the application as complete relative to jurisdiction of the Board per RSA 674:4, I(b).

If the Board finds the application to be incomplete, the subdivider shall be notified of the deficiencies in writing. The Board may reject an application with no further action based upon failure to supply information required by the Regulations, failure to meet reasonable deadlines established by the Board, or failure to pay cost of notice or other fees required by the Board.

Section VII: What the Board Needs to Review Your Subdivision for Approval

7.01 General Information Requirements

A completed application for subdivision approval shall include:

- 1. A completed application form.
- 2. A list of the names, addresses and tax map and lot numbers of all abutters indicated in the Town records not more than 5 days before the day the application is filed with the Town; names and addresses of holders of conservation, preservation or agricultural preservation restrictions; and any engineer, land surveyor or soil scientist whose professional seal appears on the plat.
- 3. A list of any waivers being requested with justifications pursuant to Section 10.04.2.
- 4. Application fees and costs of notice.
- 5. Any additional information that the Board deems necessary to evaluate the application in relation to these Regulations.
- 6. Five paper (5) copies and a PDF of each applicable map and document described below.

7.02 General Plan Requirements

All of the required plans shall be drawn at a scale no smaller than 100 feet per inch, unless a waiver is granted by the Board. Information may be combined when, in the judgment of the Board or its agent, the resulting plan will be clear enough for review. All plans shall be prepared, signed, and sealed by a N.H. Licensed Surveyor or engineer, and shall include:

- 1. The name of municipality and subdivision.

2. The name and address and professional stamp of the subdivider and the surveyor or engineer.
3. The tax map and lot number of the land proposed to be subdivided.
4. North arrow identified as magnetic, grid or astronomic north, bar scale, date of preparation and dates of all revisions.
5. The following statement: "The Subdivision Regulations of the Town of Monroe are a part of the Plat, and approval of this Plat requires the completion of all the requirements of the Subdivision Regulations excepting only any relaxation of requirements granted in writing by the Planning Board."
6. A space reserved for endorsement by the Planning Board Chair upon approval.

7.03 Specific Plan Requirements

This document will be the plat recorded with the Grafton County Registry of Deeds if approved. Surveys are required for all subdivision applications and must contain the following information as applicable:

1. General site location map locating the subdivision boundary in relation to major roads or other features shown on the Town map.
2. Names of abutters with tax map and lot numbers. Show where the boundary lines of abutting properties join the parcel to be subdivided.
3. Boundaries and area of the entire parcel whether or not all land therein is to be subdivided, prepared in accordance with the Requirements for a Standard Property Survey (Urban) and Administrative Rules of the NH Board of Licensure for Land Surveyor, showing bearings to the nearest minute and distances to the nearest 0.01 feet on all property lines. A note shall state the deed and plan source(s) of such information. In the case of a subdivision involving only a minor portion of a lot, the Board may at its discretion waive the requirement of a perimeter survey for the entire parcel and require specific data only for the portion of the parcel to be subdivided. In such instances, the map shall include an inset, which shows the location of the detail area relative to the entire parcel.
4. Lot lines, existing buildings, streets and driveways within 200 feet of the parcel to be subdivided.
5. Location and type of all proposed and existing survey monuments.
6. Proposed lot lines, bearings and dimensions, lot sizes in square feet and acres, consecutive numbering of lots.
7. Any existing or proposed easements forming part of the subdivision proposal.
8. Any existing or proposed deed restrictions impacting the subdivision proposal.

9. Zoning districts and setbacks.
10. Existing and proposed street right-of-way lines. Detailed road plan demonstrating compliance with Section 9.07.
11. Location of existing or proposed trails, parks and other open space.
12. Existing and proposed driveways to each lot.
13. Location of existing and proposed structures, wells with required protective radii, on-site sewage disposal systems, utility poles, excavations, and other man-made features. Identification of any structures to be removed.
14. Existing and proposed topography at two-foot intervals.
15. Significant natural features such as rock outcrops, year-round and seasonal watercourses, wetlands, ponds, flood hazard areas, any mapped fluvial erosion hazard areas, and other significant natural features.
16. Soil types according to latest Natural Resources Conservation Service (NRCS) mapping and location of any soil, groundwater and percolation tests.
17. Stormwater management plan demonstrating compliance with Section 9.02, including the location and construction details of all existing and proposed temporary and permanent erosion and sedimentation and stormwater management and treatment facilities.
18. Fire protection plan.
19. Any proposed lighting or signs.
20. Location and details of all existing and proposed utilities, such as water mains, electric, telephone, cable and internet.
21. Any other information which the Board deems necessary in order to apply these Regulations.

7.04 Reduced Plat Requirements for Minor Lot Line Adjustment or Boundary Line Agreement

The Final Plat for a Minor Lot Line Adjustment or Boundary Line Agreement may be limited to the following contents:

1. A locus map indicating parcels in relation to major streets and intersections.
2. The tax map and lot number and zoning district.
3. New property line or lines created in solid lines, and dotted lines showing the original.
4. Lot areas and dimensions before and after the change.

5. All existing buildings and other structures, septic systems and wells with protective radii, rights-of-way, driveways.
6. Abutters' names and addresses and tax map and lot numbers.
7. The following statement: "The land within the area of the boundary adjustment shown on this plat shall be conveyed to the owners of the abutting parcel, identified on this plat as lot ___, shall merge with that abutting parcel, and may not thereafter be separately transferred without prior subdivision approval from the Monroe Planning Board.
Approval of this boundary line adjustment shall automatically lapse and shall be of no further force or effect if the conveyance of the land within the area of the boundary adjustment to the owners of the abutting parcel does not appear as a matter of record at the Grafton County Registry of Deeds within ninety days from the date of approval of this plat."

7.05 Other Required Approvals

For all applications, prior to endorsement of the approved plat, all required federal, state and local permits shall be provided, including, but not limited to:

1. State or local driveway permit
2. NHDES wetlands permit
3. NHDES shoreland permit
4. NHDES alteration of terrain permit
5. NHDES state subdivision approval
6. Water Department approval
7. Fire Chief approval

Section VIII: Everything Required has been Submitted, Now What?

8.01 Consideration & Action on Final Plat

1. Within thirty (30) days of the Board's receipt of an application, or at the next meeting for which notice can be given, it shall vote on whether to formally accept the application as complete.
2. Following the decision to formally accept a final application as complete, the Board shall begin formal consideration of that application. The Board shall act to approve, approve with conditions, or disapprove the application within sixty-five (65) days of the date of acceptance of this application. In the case of a determination by the Board that the application is a development of regional impact requiring notice in accordance with Section 6.02.3, the Board shall have an additional 30 days to make a decision. At least one public hearing with notice in accord with Section 6.02.2 shall be held on an application prior to action by the Board.
3. If the Board determines that it lacks sufficient information to make a final decision on an application, the subdivider may consent to an extension of time for the Board to act provided that such consent shall be in writing. If the Board determines that it lacks

sufficient information to make a final decision on an application, and the applicant does not consent to an extension, the Board may deny the application without prejudice.

8.02 Notice of Action on the Final Plat

The Board shall notify the subdivider in writing of its actions on the Final Plat. The Notice of Action shall include findings of fact as required by RSA 676:3, as amended, and be on file with the meeting minutes within five (5) business days of the vote and available for public inspection. In case of disapproval, the grounds for such disapproval shall be set forth in the Notice of Action, which shall become part of the records of the Board. For the purpose of calculating the 30 day period within which to file an appeal under RSA 677:15, the 30 day period will begin with the date on which the Board voted to disapprove the application. In case of approval, the Notice of Action may set forth the following as appropriate:

1. A statement that the subdivision shall be completed and constructed in conformity with the approved final plat and these Regulations.
2. Any waivers granted by the Board from the requirements of these Regulations pursuant to Section 10.04.2.
3. Conditions of approval precedent, i.e., required prior to signing and recording final plat, if any, such as:
 - a. Any conditions of approval that must appear on the final plat, e.g., long-term responsibility for maintenance of roads, stormwater and other utilities and facilities, restrictions on the use of the property, or safeguards that must be observed during development of the property or once the project is in use.
 - b. A description of land, if any, to be dedicated to widen existing streets or accomplish some other purpose.
 - c. Amount of security to be provided to the Town to guarantee performance.
 - d. Amount to be provided to the Town to escrow for inspection fees.
 - e. Road/Utility Documents:
 - i. If a subdivision is to be served by public water, a statement from the Water Department attesting to the availability of such service.
 - ii. In the case of electric lines or other utilities to be installed by a public utility corporation, a statement shall be received in writing from such public utility that the work will be done within a reasonable time and without expense to the Town.
 - f. Legal Documents:

Where applicable to a specific subdivision, the items listed below are required, in a form as approved by the Town's attorney, prior to final approval of the subdivision plat. All recording fees shall be borne by the subdivider.

 - i. The language of any deed restrictions, covenants or articles of association submitted by the applicant and accepted by the Board.
 - ii. Easements and/or rights-of-way over property to remain in private ownership.
 - iii. Rights to drain onto or across property, whether public or private, including a street.

- iv. Deeds covering land to be used for public purposes, including titles to be transferred to the Town effective on such date as the Town accepts the land through the town meeting process.
 - g. Approvals, as prescribed by law, from any other municipal, state or federal agency which may have jurisdiction, for example, NHDOT or town driveway permit, NHDES Shoreland, Wetlands, or Alteration of Terrain permits, or state subdivision approval.
- 4. Conditions of approval subsequent, i.e., special conditions placed on the approval, if any, such as the following, and specifying which must appear on the final plat to be signed and recorded:
 - a. Long-term responsibility for maintenance of roads, stormwater and other utilities and facilities.
 - b. Restrictions on the use of the property or of the open space areas.
 - c. Safeguards that must be observed during development of the property or once the project is in use.
 - d. Natural features to remain.
 - e. Requirements regarding utilities or fire protection.
- 5. A statement that all improvements, including off-site improvements, required by the Planning Board shall be completed and constructed at the sole expense of the applicant or the successors and assigns of the applicant.
- 6. A statement of responsibility for possible damage to existing streets during construction.
- 7. A written acknowledgement of the subdivider's responsibility for maintenance and the assumption by the subdivider of liability for injuries and damages that may occur on any land to be dedicated for public use, until such land has been legally accepted by the Town.
- 8. All agreements, if any, between the applicant and Board concerning matters not required by these Regulations, but to be performed by the applicant.
- 9. Criteria established by the Board for determining "active and substantial development" and "substantial completion" pursuant to RSA 674:39 Five-Year Exemption.

Unless all of the above information appears on the final plat to be signed and recorded, the Notice of Decision shall be recorded at the Grafton County Registry of Deeds with the final plat.

8.03 Approval with Conditions

Conditional approval may become final without further public hearing when conditions are:

- 1. minor plan changes, whether or not imposed by the Board as a result of a public hearing, compliance with which is administrative and does not involve discretionary judgment;

2. conditions which are in themselves administrative and which involve no discretionary judgment on the part of the Board; or
3. conditions with regard to the applicant's possession of permits and approvals granted by other boards or agencies.

In all other cases, a public hearing will be held with notice in accord with Section 6.02.2 prior to making a determination regarding compliance with conditions precedent and the decision to grant Final Approval. Conditional approval shall lapse if the subdivider has not complied with all of the requirements set forth in the notice of action within one year, or by the date contained in the notice of action if different than one year, and the Planning Board has not voted, with notice in accord with Section 6.02.2, to revise the notice of action by providing an extension.

8.04 Failure of the Board to Act Within the Specified Time Limit

The subdivider, upon the failure of the Board to approve, conditionally approve or disapprove of the application within the time specified, may seek certification from the Selectboard as provided in RSA 676:4, as amended.

8.05 Security to Ensure Construction of Required Improvements

In the event the subdivider desires to obtain an endorsement on the final plat and the recording of the plat in the Registry of Deeds in order to sell lots in the approved subdivision prior to the construction of the improvements, the subdivider may request the Board to accept security in lieu of the completion of the improvements. The subdivider shall furnish to the Town a surety bond, irrevocable letter of credit, or escrow agreement in an amount as determined by the Board, in a form as approved by the Board of Selectmen and the Town attorney. A real estate mortgage is not acceptable as security. The security shall secure the performance of all the terms and conditions of the Notice of Action within three (3) years from the date of Final Approval. Regardless of the amount of the security, the subdivider shall be responsible for and shall pay the actual cost of the construction and installation of all improvements. If the subdivider has not completed the required improvements within the three (3) year period, the Town shall enforce its rights under the security. In the event the Town is required to incur legal expenses, the Town shall be entitled to have reasonable attorneys fees paid by the subdivider and if court action, awarded by the court.

8.06 Description and Recording of Final Plat

1. Following final approval, the subdivider shall submit to the Board one Mylar master in permanent black ink and two paper prints of the approved final plat, along with the appropriate recording fee and a PDF. Mylars shall be in accordance with the requirements of RSA 478:1-a and the Grafton County Register of Deeds. Space shall be reserved on the Plat for signing by the Board.
2. In the event the Board accepts security as defined above in Section 8.05, the final plat shall be signed by the Board at the time of final approval and registered at the Grafton County Registry of Deeds.
3. In the event that construction of required improvements is not secured by a performance guarantee, construction of improvements, and compliance with all other conditions precedent, shall be fully completed in accordance with the final plat, notice of action, and

these Regulations prior to signing by the Board and filing of the plat with the Grafton County Registry of Deeds. No lots shall be conveyed, leased or rented until the plat is filed.

4. Following signing, the Board shall cause one Mylar plat to be recorded in the Grafton County Registry of Deeds, and shall deliver one copy to the Town for its records. All graphic material and presentations shall be on the surface of the Mylar Plat which is suitable for writing. The act of recording an approved subdivision plat shall not in itself constitute acceptance by the Town of any street or easement shown thereon.

Section IX: Standards

9.01 Conformance with Regulations

1. No subdivision of any land shall be made, and no land in any subdivision shall be sold, and no utility construction shall be started until the Board has approved a final plat, prepared in accordance with the requirements of the Zoning Ordinance of the Town of Monroe, New Hampshire and these Regulations, and all other required permits have been issued.
2. The subdivider shall familiarize himself/herself with all State and Town regulations relative to health, buildings, roads, and other pertinent data so that he/she is aware of the obligations and standards expected.
3. The subdivider may avail himself/herself of the assistance of the Board before any preparation of applications or plans.

9.02 Stormwater Management and Erosion Control

1. The applicant shall submit a stormwater management and erosion control plan when one or more of the following conditions are proposed:
 - a. A cumulative disturbed area exceeding 20,000 square feet.
 - b. Construction of a street.
 - c. A subdivision involving three or more dwelling units.
 - d. The disturbance of critical areas, such as steep slopes, shorelines, wetlands or floodplains.
2. Standard agricultural and silvicultural practices are exempt from this regulation.
3. All stormwater management and erosion control measures in the plan shall adhere to the NHDES *New Hampshire Stormwater Manual*, latest edition, to the extent practicable.
4. The applicant shall bear final responsibility for the installation, construction, and establishment of provisions for ongoing maintenance of all stormwater and erosion control measures required by the Planning Board. Final approval will not be granted until the plan and a mechanism for ensuring ongoing maintenance are approved by the Planning Board.

9.03 Land Character

Land of such character that it cannot, in the opinion of the Board, be safely used for building development because of danger to health or peril from fire, flood, poor drainage, excessive slope, erosion, 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. All proposals for subdivision of land shall be consistent with the need to minimize flood damage. Land with inadequate characteristics or capacity for on-site sanitary sewage disposal shall not be subdivided for residential, commercial or industrial subdivision purposes.

9.04 Potable Water Supply and Wastewater Disposal

1. It shall be the responsibility of the subdivider to prove that the area of each lot is adequate to permit the installation and operation of an individual septic system.
2. In any subdivision containing a lot of less than five (5) acres, state subdivision approval from NHDES will be required. For lots larger than five (5) acres that contain substantial areas of steep slopes, wetlands, shallow soils, or other factors that may limit the locations for a properly-functioning septic system, the Board may at its discretion require not less than two (2) test pits and at least one (1) percolation test within the 4,000 square-foot area designated for a leach field. The subdivider shall be required to provide the necessary equipment and labor for the making of these tests.
3. In subdividing parcels with existing dwellings, the subdivider must demonstrate to the satisfaction of the Board that the existing septic system is in good working order.
4. The subdivider shall provide either an intent to serve letter from the Selectboard regarding connection of the subdivision to the municipal water system or show that each lot is capable of having a private well with a protective radius of seventy-five (75) feet as required for a single-family home, said radius to be located entirely on its own lot.
5. All septic systems and wells shall be constructed and maintained in compliance with NH Code of Administrative Rules Chapter Env-Wq 1000: Subdivisions; Individual Sewage Disposal Systems and Chapter We 600 Standards for the Construction, Maintenance and Abandonment of Wells.

9.05 Preservation of Existing Features

Prominent natural features within a subdivision, such as trees, scenic points, brooks, streams, rock outcroppings, water bodies, stone walls, as well as boundary markers and historic landmarks, shall be preserved and protected to the maximum extent possible by the subdivider. The subdivider shall demonstrate, to the satisfaction of the Board, the manner by which the subdivider intends to protect existing features.

9.06 Land Suitability, Lot Size, and Layout

1. Land of such character that it cannot be safely used for building purposes because of danger to health or peril from fire, flood, shoreline erosion, or other hazard shall not be platted for residential occupancy, nor for any other use which would tend to aggravate the flood hazard, until, in the opinion of the Board, appropriate measures have been taken by the subdivider to eliminate such hazards or reduce them to reasonable risks. Land subject to

periodic flooding, poor drainage or other hazardous conditions shall not be ordinarily subdivided. Land with unsuitable soil or inadequate capacity for individual sanitary sewerage disposal systems shall not be subdivided unless connected to a common sewer system.

2. Lot sizes and frontage requirements contained in the Zoning Ordinance are minimum sizes. The Planning Board may at its discretion require greater lot sizes or frontage when lots contain substantial areas of steep slopes, wetlands, floodplains, eroding shorelines, ledge, or other factors affecting development of the site.
3. All lots shall abut on (1) a Class V or better highway, or (2) a street shown on an approved subdivision plan approved by the Planning Board and recorded with the Grafton County Registry of Deeds.
4. Driveways shall be designed to provide safe and convenient access, and to control surface water runoff so that it does not damage streets or neighboring properties. Common driveways or frontage streets may be required when judged by the Board to increase traffic safety.
5. Easements for utilities across lots or centered on rear or side lot lines shall be provided where necessary. The widths of these easements shall be based on the requirements of the various service agencies involved (power company, telephone company, etc.) with respect to the type of subdivision contemplated and the type of service provided (aerial, underground, etc.)
6. Before approval, the Board may require that the plat show a park or other open space suitably located for a playground or other recreational purposes. The park or open space shall contain a sufficient amount of land usable for recreation in a continuous parcel or parcels acceptable to the Board and shall be designated for recreational purposes. Trails and/or connections to existing public trail systems may be considered as meeting all or a portion of the recreation needs of the subdivision as appropriate.
7. The subdivider shall not reserve strips of land which, in the opinion of the Board show intent on his/her part to discriminately control access to the land dedicated or to be dedicated to public use.

9.07 Streets

All roadways, bridges, stormwater and erosion control structures, and materials shall be constructed in accordance with the *NHDOT Standard Specifications for Road and Bridge Construction*, latest edition, including *Supplemental Specifications* if any, unless stricter requirements are contained in these Regulations. Design standards, including but not limited to minimum sight distances at intersections and at changes in grade, shall conform to geometric design guides by the American Association of State Highway and Transportation Officials (AASHTO), *A Policy on Geometric Design of Highways and Streets*, latest edition, or, if applicable, *Guidelines for Geometric Design of Very Low-Volume Roads*, latest edition, unless stricter requirements are contained in these Regulations.

The Town may employ a consulting licensed engineer, the selection of whom shall be done by the Board, to both review the design and monitor the construction and to make

recommendations to the Town. The Town shall require the subdivider to reimburse the Town for the consultant's fee. The following are the minimum standards. A higher standard may be recommended at the Board's discretion when recommended by the Town's consulting engineer, Road Agent, or Fire Chief.

1. Naming

- a. 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 municipality. Any other provisions of the Enhanced 911 System shall be complied with.
- b. Street name signs shall be furnished and installed by the subdivider. The type, size and location shall be to the approval of the Selectboard.

2. Layout and Design

- a. The design of streets shall provide for proper continuation of streets from adjacent subdivisions and built-up areas and proper projection of streets into adjacent unsubdivided and open land.
- b. Streets shall intersect at right angles where possible, but under no circumstances at an angle of less than 60 degrees.
- c. "T" intersections formed on opposite sides of the same collector street shall not be closer than 200 feet, center line to center line.
- d. Street lines at intersections shall be cut back to provide for curb radii of not less than 25 feet.
- e. Street intersections and curves shall be so designed as to permit adequate visibility for both pedestrians and vehicular traffic.
- f. A horizontal or vertical curve shall have a minimum center line radius of 125 feet, with the exception that a street that will serve no more than 15 houses may be permitted to have curves with a minimum center line radius of 100 feet. For changes in grade exceeding one percent (1%), a vertical curve shall be provided ensuring a minimum sight distance of 125 feet.

3. Dead-end Streets

- a. A dead-end street or cul-de-sac shall not exceed 1,000 feet in length and shall be provided with a suitable turnaround at the closed end.
- b. When a turning circle is used, it shall have an outside roadway radius of least 65 feet.
- c. Temporary dead-end streets, where future extension to another outlet is indicated on the plan and approved by the Board, may exceed 1,000 feet in length. In such cases, the full width of the right-of-way to the subdivision property line shall be reserved as a street right-of-way.
- d. If a dead-end street is of a temporary nature, a turn-around shall be provided and provisions made for the reversion of the excess right-of-way to the adjoining property owners when the street is extended.
- e. The turn-around at the end of a cul-de-sac street should be located so that it drains toward the center.

4. Right-of-way

The minimum width of the right-of-way shall be 50 feet. A greater width may be required if deemed necessary based on projected nature and volume of traffic, utilities,

stormwater infrastructure, eroding shorelines, or safe passage of pedestrians and bicycles.

5. Grade

Grades shall not be less than 0.5% or more than 8% unless specifically approved by the Board. The Board may modify the maximum and minimum gradient for short lengths of streets, where, in its judgment, existing topographic conditions or the preservation of natural features indicate that such modifications will result in the best subdivision of land.

6. Traveled Way

The minimum traveled way shall be twenty (20) feet. Greater width shall be required if deemed necessary based on projected nature and volume of traffic or safe passage of pedestrians and bicycles, or where on-street parking is expected.

7. Shoulders

Shoulders, equal to the base course depth, shall be a minimum of two feet wide. Four foot shoulders and/or paving may be required if deemed necessary based on projected nature and volume of traffic or safe passage of pedestrians and bicycles.

8. Pedestrian ways

When necessary in the judgment of the Board to ensure safe passage, sidewalks or pedestrian paths and their rights-of-way may be required between subdivisions or parts of a subdivision, or between a subdivision and public road or public property.

9. Drainage and Erosion Control

- a. Drainage facilities and curbing shall be provided by the subdivider to the extent deemed necessary by the Board.
- b. Embankments and other exposed areas shall be no steeper than 2 on 1, seeded and mulched to protect against erosion. The Board, after documented consultation with the Town's consulting engineer, may require riprap.

10. Clearing

- a. Before any clearing has started on the right-of-way, the center line of the new road shall be staked and sidestaked at 50-foot intervals. Sidestakes to be set back off the right-of-way at right angles from the center line so as to be out of the construction area and with stationing and distances to the center line of the road.
- b. The limits of clearing shall be marked by stakes or flagging. Distances from the center line to be obtained from the cross-sections.
- c. After clearing is done and before excavation is started, elevations shall be taken on the tops of the sidestakes. Cuts and fills shall be marked on the sidestakes.

11. Subgrade

All topsoil and other unsuitable material, such as, but not limited to, stumps, roots, vegetation, boulders, demolition debris, and structures, shall be removed from the roadway and replaced with suitable fill material. All soft and spongy places shall be excavated to such depth as shall be necessary to stabilize the foundation of the road and refilled solidly with sub-base material. The use of geo-textile fabric may be required where appropriate.

12. Gravel Base

All streets shall be constructed with a minimum of twelve (12) inches of gravel base in accord with the most recent applicable New Hampshire Standard Specifications.

13. Surface

All streets shall be constructed with four (4) inches of crushed gravel and an asphalt surface (2" base coat, 1" top coat), both in accord with the most recent new Hampshire Standard Specifications. Exceptions to the requirement for asphalt may be made for roads serving up to 50 vehicle trips per day (based on an estimated 8 trips per day per single family home).

14. Guard Rails

The Board, after documented consultation with the Town's consulting engineer, may require guard rails, posts and signage for public safety.

15. Private Roads

Private roads shall provide right of access to the Town to meet public safety requirements. The form of entity and the details of the right of access shall be approved by the Selectmen prior to final approval of the subdivision.

16. Driveways

Driveways intersecting Town highways require approval of the Board of Selectmen. Applications for driveway permits are made to the Board of Selectmen. Driveways intersecting State highways require a State driveway permit.

17. Bridges

Bridges are all structures of ten (10) foot or greater clear span and shall be designed to HS-20 loading (AASHTO LRFD Bridge Design Specifications). The minimum roadway width shall be 24 feet.

9.08 Maintenance Responsibility

1. The Planning Board's approval of a proposed street as part of a subdivision application does not constitute or imply any future acceptance of the road by the Town. All subdivision streets shall be noted on the plat as private unless already accepted by the Town. Acceptance of a street by the Town may be accomplished only by the Town Meeting or as provided by RSA 674:40-a; such acceptance shall be determined on an individual basis.
2. The developer, landowners, or homeowners' association shall be responsible for maintenance and repair of private roadways until or unless accepted by the Town. The applicant shall demonstrate that an entity (e.g., developer, landowners, or homeowners association) will be in place having the responsibility and financial substance to ensure maintenance and repair of proposed roads in a manner which provides safe access for all users, including residents, visitors, delivery and emergency vehicles.
3. Covenant language shall be incorporated in deeds within the subdivision to provide for maintenance and repair. The proposed covenant language shall be provided for review and approval by the Planning Board, Selectboard and town counsel and shall include:
 - a. The legal description of all properties that have a right to use the street.
 - b. The legal owner of the street.

- c. The manner in which the responsibility for carrying out and paying for maintenance and repairs is to be shared by the parties.
- d. The process for emergency repairs.
- e. The consequences of non-participation.
- f. The statement that in the event any lot owner petitions the Town to take over maintenance, the road owner(s) will be solely responsible for paying any costs of upgrading the road to town road specifications if required.

9.09 Monuments

1. Concrete bound monuments shall be set on the right-of-way lines, at the beginning and end of the project, beginning and end of curves, angle points, and on tangents with a maximum distance of one thousand (1,000) feet between bounds. Such bound shall be of stone or concrete 4" x 4" x 36" long. Concrete bounds shall be reinforced with one-half (1/2) inch diameter deformed bars. On streets, the bound shall be flush with the finished grade.
2. Relevant features of lot lines, angle points along meander line, and any other pertinent points not marked by monuments of stone or concrete shall be marked by steel pins. Steel pins shall be at least thirty-six inches (36") long and five-eighths inch (5/8") in diameter or square.
3. No permanent monuments shall be set until all construction which might disturb or destroy the monuments is completed.
4. Bounds shall be set by a professional engineer or land surveyor licensed in the State of New Hampshire.
5. The type of marker to be set should be noted on the final plat.

9.10 Fire Protection

The Planning Board shall request and give due consideration to any written recommendations of the Monroe Fire Chief or designee, relative to fire prevention, protection, water supply, and emergency access, to include width, vertical clearance, grade, suitability of road surface, bridges, dead-ends and the ability to pass and turn around once in the driveway. Installation of hydrants, cisterns or fire ponds may be required by the Planning Board if recommended by the Fire Chief or designee.

9.11 Inspections

Where so required by the Board, prior to the approval endorsement of the Board on the final plat or release of performance guarantee, the subdivider shall pay the town an amount of money estimated by the Board to fully compensate the Town for all inspections and testing charges deemed necessary by the Board relating to such improvements required as conditions of approval. All inspection and testing shall conform in quality and quantity to accepted engineering and construction practices.

The subdivider shall notify the Board in writing of the time when he/she proposes to commence the construction of any such improvements. The Board shall make necessary arrangements, including the employment of inspectors and consultants to carry out inspections and testing to

ensure compliance with Town specifications and requirements of these Regulations during the period of construction and installation of any required improvements. The Board may require the written agreement of the subdivider to pay an additional amount of money for inspection and testing charges which exceed the amount of money paid by the subdivider prior to the endorsement of the Board's approval set forth above. The performance of said agreement is to be included as a condition of any bond, assessment, security or other method furnished by the subdivider.

As an alternative, at the Board's discretion, the Board may require the subdivider to provide certification from a licensed NH engineer verifying that all materials and construction has been performed in compliance with all standards and specifications contained in and cited by these Regulations as modified by any conditions of approval contained in the Notice of Action.

9.12 Performance Guarantee

If the subdivider desires to sell any lot(s) prior to completion of the required improvements, they shall provide a performance guarantee in an amount and form and with conditions satisfactory to the Board, providing for and securing to the Town the actual construction and installation of such improvements within three (3) years or other period specified by the Board. If, after review of an application the Board requires that the subdivider furnish security, the subdivider will supply the Board with an estimated cost of the improvements subject to review by the town engineer or other appropriate consultant retained by the Board, and the subdivider will provide security using one of the following financial instruments:

1. insurance bond
2. bank letter of credit
3. escrow agreement.

In the event that the subdivider after receiving final approval and before recording the final plat chooses to complete the improvements without posting security, the Town's engineer will, at the applicant's expense, inspect the improvements. If acceptable to the Planning Board the Plat can be signed and recorded. Regardless of the amount of the security, the subdivider shall be responsible for the actual cost for the completion of the improvements required by the Planning Board in the event of default and the balance of the work is done by the Town or its agents. If the subdivider does not pay the additional amounts upon request by the Town, the Town shall take legal action as may be necessary, and if the Town prevails, the court shall award the Town reasonable attorneys' fees.

9.13 Documentation of Impacts

Pursuant to RSA 674:36, it shall be the responsibility of the subdivider, if the Board deems it necessary, to provide an accurately documented environment and economic impact statement. Such statement may require documentation on drainage, erosion, forest productivity, ground and surface water quality, traffic safety, public services and other factors that could impact on the short and long-term well-being of the public in the town of Monroe.

9.14 Outside Review and Administrative Costs

It shall be the responsibility of the subdivider, if the Board deems it necessary, to pay reasonable fees for the review of documents, the cost of special investigative studies, Board administrative fees and other matters which may be required to make an informed decision on a particular application in accord with RSA 676:4, I(g) and 676:4-b as amended,

9.15 Off-site Improvements

If, upon the finding of fact, the Board determines that the proposed subdivision will adversely affect existing public facilities, such as streets, drainage, sewer and water, causing them to be inadequate to meet the additional needs created by the subdivision, then, pursuant to RSA 674:21V.(j), as amended, the subdivider shall pay for such upgrading of the public facilities to an extent necessary to protect the public interest. If other properties benefit from the upgrading of such off-site public improvements, the Board shall determine the portion of the cost to be paid by the subdivider, taking into consideration the following elements:

1. the character of the area;
2. the extent to which the proposed subdivision will adversely affect existing public facilities;
3. the extent that other public and private property will be benefited by the upgrading; and
4. any other factors that the Board deems appropriate to establish a rational connection between the needs created by the subdivision and the amount to be paid by the subdivider.

9.16 Special Flood Hazard Areas

For subdivisions and site plans that involve land designated as "Special Flood Hazard Areas" (SFHA) by the National Flood Insurance Program (NFIP):

1. 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 Amendments of 1972, 33 U.S.C. 1334.
2. The Planning Board shall require that all proposals for development greater than 50 lots or 5 acres, whichever is the lesser, include Base Flood Elevation (BFE) data within such proposals (i.e. floodplain boundary and 100-year flood elevation).
3. The Planning Board shall require the applicant to submit sufficient evidence (construction drawings, grading and land treatment plans) so as to allow a determination that:
 - a. all such proposals are consistent with the need to minimize flood damage;
 - b. all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage; and,
 - c. adequate drainage is provided so as to reduce exposure to flood hazards.

Section X: Administration & Enforcement

10.01 Interpretation

In the matters of interpretation of these Regulations, the opinion of the Board shall prevail.

10.02 Enforcement

These Regulations shall be enforced by the Monroe Selectboard or its duly authorized representative.

10.03 Penalties

Any owner, or agent of the owner, of any land within a subdivision, who transfers or sells any land before a plat of said subdivision has been approved by the Board and recorded and filed in the Office of the Register of Deeds, Grafton County shall forfeit and pay the maximum penalty pursuant to RSA 676:16 and 17, as amended. 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.

10.04 Waivers

1. Waiver of Application Requirements

Upon written request by the applicant, or upon the motion of any Planning Board member, the Board may vote to waive, in whole or in part, any provision(s) of Section 7.03 when, in the majority opinion of the Board, such provision(s) would be inappropriate or superfluous to informed evaluation of the site in question. If, during the course of its review, the Planning Board determines that the waived information is necessary to complete its review, then the applicant shall provide that information.

2. Waiver of Standards

Upon the written request by the applicant, the Planning Board may grant a waiver or relaxation of the provisions of these Regulations as it deems appropriate per NH RSA 674:36, II(n), by majority vote of the Board. Reasons for the waiver shall be recorded in the meeting minutes. The requirements of these Regulations may only be modified or waived by the Board when:

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

In approving waivers, the Planning Board may require such conditions as will, in its judgment, substantially secure the objective of the standard or requirement of these Regulations that is being waived.

10.05 Acceptance of Streets & Utilities

Approval of a subdivision plat by the Board does not constitute acceptance of any planned streets or other infrastructure. A street shown on an approved subdivision plan constructed as

Subdivision Regulations, Town of Monroe, New Hampshire

required by the Planning Board may be accepted only by action of the town meeting as provided in RSA 674:40, or pursuant to RSA 674:40-a if applicable.

Section XI: Appeals

Any person aggrieved by an official action of the Board may appeal within 30 days to the Superior Court as provided by RSA 677:15 or to the Zoning Board of Adjustment in accord with RSA 676:5 if based on the terms of the Zoning Ordinance.

Section XII: Validity

If any section, sub-section, or phrase of these Regulations is found for any reason to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of these Regulations.

Section XIII: Effective Date

These Regulations and any subsequent amendments are effective on the date they are filed with the Monroe Town Clerk following certification by a majority of the Monroe Planning Board.

ADOPTION STATEMENT

In accordance with New Hampshire RSA 675:6, Method of Adoption, the Planning Board hereby adopts and certifies the Subdivision Regulations of the Town of Monroe, New Hampshire dated February 6, 2024.

Glen Fewson

Steven Sherman

Signature of Town Clerk

Date Filed