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HANCOCK SUBDIVISION REGULATIONS (2008)

As adopted August 6, 2008

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Section 1. Authority

- 1 Pursuant to the authority vested in the Hancock Planning Board by the voters of the Town of Hancock on March 14, 1967 (warrant article 7) and in accordance with the provisions of RSA 674:35 *et seq.* of the New Hampshire Revised Statutes Annotated, as amended, the Hancock Planning Board adopts the following amended Regulations governing the subdivision of land in the Town of Hancock, New Hampshire, hereinafter known as Hancock Subdivision Regulations (2008).

Section 2. Purpose; Scope

- 2 The purpose of these Regulations is to provide for the orderly present and future development of the Town by Hancock by promoting the public health, safety, convenience and welfare of its residents and, in particular, to provide for:
 - 2.1 The harmonious and aesthetically pleasing development of the Town of Hancock and its environs.
 - 2.2 The proper arrangement and coordination of Streets within subdivisions in relation to other existing or planned Streets or with other features of the Town of Hancock.
 - 2.3 Suitably located Streets of sufficient width to accommodate existing and prospective traffic.
 - 2.4 Open space of adequate size and proportions to allow for sufficient light and air.
 - 2.5 Access for emergency vehicles to buildings.

Further, these Regulations provide against such scattered or premature subdivision of land or development as would involve danger or injury to health, safety or prosperity by reason of:

- 2.6 The lack of water supply or protection of groundwater quality.
- 2.7 Inadequate drainage or flooding of neighboring properties.
- 2.8 Inadequate roads, school facilities, fire protection, or other public services.
- 2.9 Excessive expenditure of public funds for the supply of such services.
- 2.10 Undesirable and preventable elements of pollution such as noise, smoke, soot, particulates, or any other discharge into the environment which might prove harmful to persons, Structures, or property.

These Regulations apply to Board review and approval or disapproval of all subdivisions as defined by RSA 672:14 and minor lot line adjustments or boundary agreements. They do not apply to voluntary mergers as defined by RSA 674:39-a.

Section 3. Definitions

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- 3.1 Terms used in these Regulations shall have the same meanings as in the Hancock Zoning Ordinance.
- 3.2 Titles of Town officials may change. References in these Regulations to Town officials, for example, the Road Agent, Fire Chief or Building Inspector, shall refer to the Town official having functional responsibility for such matters.
- 3.3 Pursuant to the authority granted to the Board by RSA 674:39, III, the Board specifies that the following threshold levels of works shall satisfy the following terms, with due regard to the scope and details of a particular project, that is,
 - 3.3.1 “Substantial completion of the improvements as shown on the subdivision plat or site plan” for purposes of RSA 674:39, II, shall mean that the Applicant or his successor in interest
 - 3.3.1.1 shall have completed 75 % (by cost of works) of all infrastructure improvements, that is, roads (public or private), driveways, public safety features, utilities, public water supply and public waste disposal systems and
 - 3.3.1.2 shall have completed 75 % (by cost of works) of all other improvements shown on the approved and recorded subdivision plat or site plan.
 - 3.3.2 “Active and substantial development or building” for purposes of RSA 674:39, I, shall mean that the Applicant or his successor in interest:
 - 3.3.2.1 shall have posted adequate security for all infrastructure improvements, that is, roads (public or private), driveways, public safety features, utilities, public water supply and public waste disposal systems; and
 - 3.3.2.2 shall have completed 25 % (by cost of works) of such works; and
 - 3.3.2.3 shall have completed not less than 25% of roads (public or private) shown on the approved and recorded subdivision plat or site plan to a condition ready for paving; and
 - 3.3.2.4 shall have completed 25 % (by cost of works) of all other improvements shown on the approved and recorded subdivision plat or site plan
 - 3.3.3 The foregoing definitions shall not relieve the Applicant or his successor in interest from any requirement that security be provided for the full cost of any uncompleted works.
 - 3.3.4 In certain instances, an application for subdivision may not show any contemplated “improvements”; for example, the application may be for a minor subdivision without roads or other infrastructure. For the avoidance of doubt, the Board deems that “substantial completion” occurs in such cases when the approved plat is filed with the Registry of Deeds.
 - 3.3.5 The Board may, in specific cases, adopt conditions of approval of an application which supplement, modify, vary or waive the foregoing.

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Section 4. Procedure on Applications [RSA 676:4]

- 4 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 Structure is issued and before any plat may be filed with the Hillsborough County Registry of Deeds, the Applicant or the Applicant's authorized agent shall apply for, and secure, approval of the proposed subdivision. The procedure, including the optional pre-application review provisions, for securing such approval is as follows:

Section 5. Pre-application Review

- 5 Prior to formal submission of the application, the Applicant may meet with the Board to discuss a proposal without any binding decisions being made by either Board or Applicant. A pre-application review of any subdivision proposal may be divided into two phases:

5.1 *Conceptual Consultation:* [RSA 676:4,II (a) & (c).]

Any person may make an appointment through the Clerk to meet with the Board at a regularly scheduled meeting for a preliminary conceptual consultation. No application form is required and no formal notice shall be required. Such consultation shall be limited in scope to the matters set out in RSA 676:4, II(a)¹ and shall not bind either the Applicant or the Board. Statements made by Board members shall not be the basis for disqualifying said members or invalidating any action taken. No time limit is imposed for the conceptual consultation.

5.2 *Preliminary Design Review* [RSA 676:4,II (b) & (c).]

Any prospective Applicant may file an application for a preliminary design review, as follows:

- 5.2.1 *Mandatory in Certain Cases:* A preliminary design review is mandatory in the case of (i) any major subdivision, (ii) any minor subdivision involving construction of a public or private road or (iii) such other cases as the Board determines. In all other cases, a preliminary design review is optional.
- 5.2.2 *Application:* A written application for a preliminary design review signed by the owner of the property or his duly authorized agent shall be filed with the Clerk not less than twenty (20) days preceding a regular meeting of the Board and shall include:

¹ "PRELIMINARY CONCEPTUAL CONSULTATION PHASE. The regulations shall define the limits of preliminary conceptual consultation which shall be directed at review of the basic concept of the proposal and suggestions which might be of assistance in resolving problems with meeting requirements during final consideration. Such consultation shall not bind either the Applicant or the board and statements made by Board members shall not be the basis for disqualifying said members or invalidating any action taken. The board and the Applicant may discuss proposals in conceptual form only and in general terms such as desirability of types of development and proposals under the master plan. Such discussion may occur without the necessity of giving formal public notice as required under subparagraph I(d), but such discussions may only occur at formal meetings of the board."

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- 5.2.2.2 a completed application on the form provided by the Board;
- 5.2.2.3 the names and addresses of the Applicant, every engineer, architect, land surveyor and soil scientist whose professional seal appears on the site survey filed with the application, all abutters as indicated in town records and all holders of conservation easements and similar rights [RSA 676:4(b)] with one set of address labels for such persons;
- 5.2.2.4 in any case in which a Preliminary Design Review is mandatory pursuant to these regulations,
 - 5.2.2.4.1 a Site Analysis Report. See Section 27.1; and
 - 5.2.2.4.2 three copies of a site survey bearing the seal and manuscript signature of a duly licensed land surveyor in the State of New Hampshire showing pertinent features of the site as identified in the Site Analysis Report together with the proposed layout of lots and Streets, if known,
- 5.2.2.5 in any case other than those identified in section 5.2.2.4, the application shall be accompanied by three copies of a site survey bearing the seal and manuscript signature of a duly licensed land surveyor in the State of New Hampshire showing pertinent features of the site together with the proposed layout of lots and Streets, if known,
- 5.2.3 *Notice* [RSA 676:4-II(b)]: Public notice of any preliminary design review must be given not less than ten (10) days prior to the meeting. The notice shall include a general description of the proposal and shall identify the prospective Applicant and the location of the proposal. All abutters and other persons identified in section 5.2.2.3 shall be notified by certified or registered mail return receipt requested. Notices shall be posted in two public places in the Town. In the case of any major subdivision or any minor subdivision involving a road, notice shall also be published in a newspaper of general circulation in the Town
- 5.2.4 *Scope*: Preliminary design review shall be limited in scope to the matters set out in RSA 676:4, II (b). Statements made during Preliminary Design Review shall not bind either the Applicant or the Board. Statements made by Board members shall not be the basis for disqualifying said members or invalidating any action taken. No time limit is imposed for the preliminary design review.
- 5.2.5 *Marking materials; later use*: Material presented during a preliminary design review shall be stamped "Design Review" but any information not modified or changed and meeting the requirements may be filed as part of the completed subdivision application and noted accordingly. If the Applicant fails to submit a completed subdivision application within six (6) months of the application for preliminary design review, all materials must be updated and resubmitted.
- 5.2.5 *Fes*: The fee shall comprise:
 - 5.2.5.1 the relevant planning fee set from time to time by the Hancock Board of Selectmen for applications of the type filed;
 - 5.2.5.2 an amount equal to the actual cost of mailing notices;

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5.2.5.3 if relevant, a further amount equal to the actual cost of publishing a notice in a newspaper of general circulation designated by the Board.

Section 6 Subdivision Application [RSA 674:4]

- 6 All applications for subdivision shall follow the following procedure:
- 6.1 A written application for subdivision signed by the owner of the property or his duly authorized agent shall be filed with the Clerk not less than twenty (20) days preceding a monthly hearing date fixed by the Board for hearings and shall include:
 - 6.1.1 a completed application on the appropriate form provided by the Board;
 - 6.1.2 the names and addresses of the Applicant, every engineer, architect, land surveyor and soil scientist whose professional seal appears on the plat filed with the application, all abutters as indicated in town records and all holders of conservation easements and similar rights [RSA 676:4(b)]. Applications for a lot line adjustment or minor subdivision not involving a private road shall be accompanied with one set of address labels addressed to abutters and others identified in section 6.1.2; applications for other subdivisions shall be accompanied with two sets of address labels;
 - 6.1.3 a completed checklist on the appropriate form provided by the Board;
 - 6.1.4 four copies of a plat on paper. Details concerning the form and contents of plats are listed in Section 7. In the case of (i) any minor subdivision not involving the construction of any road or (ii) any boundary line adjustment or (iii) any other matter requiring confirmation of the Board without the creation of any new Lot, the Board shall have discretion to waive plat requirements which are not relevant to its decision. Applicants seeking such waivers are advised to consult with the Board in advance of preparing the plat;
 - 6.1.5 a fifth copy of the plat on reproducible transparency or drawing film (such as mylar) suitable for recording containing the same information. An Applicant may delay filing of this item until the Board has reached a decision on the application;
 - 6.1.6 any drawings, layouts, reports or other technical data required by the Board. Details concerning these requirements are listed in Section 7 and elsewhere in these Regulations; and
 - 6.1.7 the fee. The fee shall comprise:
 - 6.1.7.1 the relevant planning fee set from time to time by the Hancock Board of Selectmen for applications of the type filed;
 - 6.1.7.2 an amount equal to the actual cost of mailing notices;
 - 6.1.7.3 if relevant, a further amount equal to the actual cost of publishing a notice in a newspaper of general circulation designated by the Board; and
 - 6.1.7.4 an amount equal to the actual cost of professional services and expenses of advisors appointed by the Board to prepare or review professional reports. If the amount of such services is not known at the time of

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application, the Applicant shall file a written undertaking to pay the same on a form provided by the Board and shall, on demand, provide an appropriate cash escrow deposit in an amount satisfactory to the Board of Selectmen.

- 6.2 *Notice:* Public notice of any subdivision application must be given not less than ten (10) days prior to the date on which the matter is to be considered by the Board. The notice shall include a general description of the proposal and shall identify the prospective Applicant and the location of the proposal. If any application may be considered without a public hearing, the notice shall also state that abutters and other interested persons have certain rights to request a public hearing. All abutters and other persons identified in section 6.1.2 shall be notified by certified or registered mail return receipt requested. Notices shall be posted in two public places in the Town. In the case of (i) any major subdivision or (ii) any minor subdivision involving a road or (iii) any other case where it is so directed by the Board, notice shall also be published in a newspaper of general circulation in the Town designated by the Board.
- 6.3 *Expedited Procedures* [RSA 676:4 III]: Ordinarily, all subdivision applications will be accepted and determined at a formal hearing of the Board. The Board may, following notice to abutters and others identified in section 6.1.2, accept and determine (i) minor subdivisions not involving the construction of any road, (ii) boundary line adjustments and (iii) other matters requiring confirmation of the Board without creation of a new Lot, at a regular meeting of the Board and without a formal hearing, but any member of the Board and any abutter or other interested person shall have the right, at or before the regular meeting at which the matter is to be considered, to demand a formal hearing to consider such application. In such cases, references to a “hearing” shall mean the meeting at which such application is considered.
- 6.4 *Screening for Applications of Regional Impact* [RSA 36:56]: The Board shall review all applications to determine whether or not the proposed development, if approved, reasonably could be construed as having potential for regional impact. See Section 29. If so determined, the Board shall give notice and an opportunity to be heard to such additional persons as may be required by the statute.
- 6.5 *Acceptance; Non-Acceptance:* At the commencement of any hearing on the subdivision application (but not later than 30 days following filing of the application), the Board shall determine whether the application meets the foregoing requirements and is complete. If the application is complete, it shall be accepted by the Board by affirmative vote of a majority of the Board members present. In case of non-acceptance of any application submitted to the Board, the grounds for such non-acceptance shall be stated in the minutes or records of the Board and the Applicant shall be notified of the action taken in writing not more than ten (10) days after the date of such action. If the application is incomplete, no further action shall be taken by the Board and the Applicant will need to resubmit under a new notification procedure.

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- 6.6 *Hearing and Determination:* Following acceptance of any subdivision application, the Board shall hold a public hearing on the merits of the application. If the notice so provides and if the Board so determines, the hearing on the merits may commence immediately following the hearing on acceptance; otherwise, it shall proceed on a date determined by the Board and upon notice.
- 6.6.1 *Time for Determination:*
- 6.6.1.1 The Board shall act to approve, conditionally approve, or disapprove the completed application within 65 days of acceptance.
- 6.6.1.2 The Board may apply to the Selectmen for an extension not to exceed an additional 90 days before acting to approve, conditionally approve or disapprove an application.
- 6.6.1.3 An Applicant may waive the requirement for Board action within the time periods specified in these Regulations and consent to such extension as may be mutually agreeable.
- 6.7 *Conduct of the Hearings:*
- 6.7.1 *Rules of Procedure:* Hearings shall be conducted in accordance with Rules of Procedure adopted by the Board.
- 6.7.2 *No Excessive Formality [RSA 676:4 IV]:* Hearings shall be conducted without excessive formality and in a manner which affords the Applicant and all other interested persons a reasonable opportunity to be heard on all pertinent issues.
- 6.7.3 *Personal Appearance:* Applicants should appear at the hearing in person or through a representative (such as a surveyor, attorney or other person) who has written authority signed by the Applicant to appear and make representations to the Board and to provide information on behalf of the Applicant.
- 6.7.4 *Consultants:* If the Board determines that professional advice is necessary or useful in assisting its consideration of any matter before it, it may seek such advice from consultants, as follows:
- 6.7.4.1 *Scope:* The Board may be required to determine matters on which expert advice is necessary or useful. In such circumstances, professional consultants having expertise as engineers, architects, land surveyors, soil scientists, road designers, traffic analysts, environmental impacts analysts, ecologists, lawyers and others who, by virtue of professional training and experience, may have knowledge or abilities which could, in the opinion of the Board, assist it in its determinations. Where pertinent licensing or other qualifications exist, the Board shall not accept as expert opinion or advice from any such consultant except from a person licensed or certified by the State of New Hampshire or a professional body operating within the State.
- 6.7.4.2 *Applicant's Reports:* At the request of the Board, the Applicant shall, at the Applicant's expense, commission one or more consultants to carry out such investigations and to prepare such reports, drawings, plans, designs or other documents as the Board may determine are useful or

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necessary to assist the Board in making determinations relevant to any application. All reports and other documents submitted to the Board shall be signed and sealed by the pertinent professional. The Board may further require any consultant who files a report to appear before it.

6.7.4.3 *Review by Professionals Appointed by the Board:* Where the Board determines that such review would be useful or necessary, the Board may (following consultation with the Applicant) refer an application (or pertinent portions of an application) and supporting documentation to a consultant or consultants nominated by the Board for review and comment. The Applicant shall bear all costs of such experts unless they have received a waiver. Prior to referral, the Applicant shall establish a cash escrow account assuring payment of such services.

6.7.4.4 *Expenses [RSA 676:4 I (g)]:* For the avoidance of doubt, it shall be the responsibility of the Applicant to pay reasonable fees for special investigative studies, environmental assessments, legal review of documents, administrative expenses and other matters which may be required to make an informed decision on a particular application.

6.7.5 *Site Visits.* Whenever the Board deems it necessary or useful for the consideration of an application to visit the site, the Board shall arrange a time that is reasonable for the Applicant.

6.7.5.1 Such a site inspection shall be posted as a meeting of the Board pursuant to the Right-to-Know provisions of RSA 91-A. If there is a quorum present at the site inspection, minutes shall be kept.

6.7.5.2 All applications are conditioned upon the owner allowing access to the property, to the extent reasonable and necessary to properly review the application. Denial of reasonable access shall be a ground for denial of the application.

6.7.6 *Joint or Concurrent Hearings [RSA 676:2]:* Upon request from the Applicant or on its own initiative, the Board may schedule a joint hearing with one or more land use boards or the Conservation Commission to consider any matter before it.

6.7.7 *Hearings Continued:* Any hearing may be adjourned or continued without further notice to a later date, the time and place of which is made known during a hearing properly noticed.

6.8 *Final Action on Applications:*

6.8.1 *Decisions by Majority Vote:* Following conclusion of the hearing, an application shall be decided by a vote of the Board which shall be recorded in the minutes of the Board.

6.8.2 *Conditions of Approval:* All approvals shall be conditional upon the following administrative matters:

6.8.2.1 filing of a plat on reproducible transparency or drawing film (such as mylar) suitable for filing with the Hillsborough Country Registrar of Deeds. See section 6.1.5;

6.8.2.2 payment of all fees, including:

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- 6.8.2.2.1 any unpaid amounts due under section 6.1.7;
 - 6.8.2.2.2 the actual fee and other costs of filing the mylar with the Hillsborough County Registrar of Deeds; and
 - 6.8.2.2.3 the costs of changes to the Town Tax Map.
 - 6.8.2.3 filing of all cessions, bonds and securities as may be required by statute or by the Board;
 - 6.8.2.4 filing of an executed, recordable counterpart of any deed restriction, easement or other document required by the Board;
 - 6.8.2.5 such other conditions as may be approved by the Board pursuant to RSA 676:4I(i), that is,
 - 6.8.2.5.1 minor plan changes whether or not imposed by the board as a result of a public hearing, compliance with which is administrative and which does not involve discretionary judgment; or
 - 6.8.2.5.2 conditions which are in themselves administrative and which involve no discretionary judgment on the part of the board; or
 - 6.8.2.5.3 conditions with regard to the Applicant's possession of permits and approvals granted by other boards or agencies or approvals granted by other boards or agencies.
 - 6.8.2.6 If the Applicant has not complied with the conditions of approval within one (1) year following the vote of the Board, the approval shall be null and void and the Applicant must submit a new subdivision application.
- 6.9 *Final Approval:* Final approval shall be indicated by the signatures of the chairman and secretary of the Board (or, in their absence or inability to serve in a particular case, by such other persons who have been chosen by the Board for this purpose) on the plat following satisfactory compliance with all conditions.
- 6.9.1 *Disapproval:* If an application is disapproved, the disapproval and the grounds on which the Board relied shall be stated in the minutes of the Board and shall be sent by written notice to the Applicant within 144 hours of the decision.
- 6.10 *Effect of failure to act:*
- 6.10.1 *Town Clerk Designated:* The Town Clerk is hereby designated as the municipal officer who shall issue on behalf of the Board a certificate of failure on the part of the Board to take action on approval or disapproval of a plat submitted to is, as provided in RSA 676:4.
 - 6.10.2 *Petition to Board of Selectmen:* If the Board does not act on an accepted application within the prescribed time period, the Applicant may petition the Selectmen to issue an order directing the Board to act within 30 days.
 - 6.10.3 *Failure to Act within Prescribed Time:* If the Board fails to act within the prescribed time, then within 40 days of the Selectmen's issuance of the foregoing order, the Selectmen must approve the application unless they find in writing that the plan does not comply with a local regulation. In the

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event the Selectmen fail to act, the Applicant may petition superior court to approve the plan.

6.11 Effect of interim decisions; conditional approvals

6.11.1 For the avoidance of doubt, final approval of an application or plat can only be granted as provided in section 6.9. No preliminary approval, conditional approval or other preliminary act of the Board shall constitute or be construed as approval, either implied or granted, nor shall any such act bind the Board to approve an application or plat.

6.12 Recording of Plat

6.12.1 The Applicant or the Applicant's agent shall provide the Board with all necessary copies of any plat in a form suitable for recording not more than 90 days following approval of the plat. If an Applicant fails to meet this requirement, any approval shall lapse.

6.12.2 Unless otherwise specified in the approval by the Board, a plat shall be recorded by the clerk of the Board as soon as reasonably possible following approval and submission of the plat but in no event more than thirty (30) days following such submission.

Section 7. Detailed Submission Requirements

7 Each application shall be accompanied by the required copies of a plat, as follows:

7.1 Plat requirements for Lot Line Adjustments and Minor Subdivisions not involving construction of a private road.

7.1.1 Plats shall conform to the requirements of RSA 478:1-a and to requirements issued from time to time by the Hillsborough County Registrar of Deeds.

7.1.2 Plats shall be drawn at a scale no greater than 1-inch = 100 feet but the Board may require a plat to be drawn at a scale of 1 inch = 50 feet if all pertinent details cannot be shown clearly at the greater scale.

7.1.3 Distances shall be shown in feet and hundredths of feet; areas shall be shown in square feet and, for any feature of greater than 10,000 square feet, in acres and hundredths of acres.

7.1.4 Plats shall contain:

7.1.4.1 a title block located in the lower right-hand corner, when possible, containing:

7.1.4.1.1 the type of survey;

7.1.4.1.2 the name and address of the owner of record;

7.1.4.1.3 the title of the plat or development;

7.1.4.1.4 the map and lot number of the Lot as shown on the Hancock Town Tax Map;

7.1.4.1.5 the name of each town in which each parcel is located;

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- 7.1.4.1.6 the plat and revision dates;
- 7.1.4.2 the name and address of the person or firm preparing the plan;
- 7.1.4.3 a vicinity sketch (suggested scale 1 inch = 500 feet) showing the location of the site in relation to the surrounding public Street system;
- 7.1.4.4 a north arrow;
- 7.1.4.5 a scale both as a written (e.g., “1 inch = 100 feet” or “1:1200”) and graphic bar scale representation;
- 7.1.4.6 the current zoning district classification of the property and the location of any zoning district boundaries if located within the site;
- 7.1.4.7 existing property boundary lines, distances and bearings of such plotted to scale;
- 7.1.4.8 the names and addresses of all current abutting property owners as shown on the Town Tax records;
- 7.1.4.9 the names and addresses of all current holders of any easements affecting any parcel which is the subject of the application together with the location of such easements;
- 7.1.4.10 names, location and classification of all existing or proposed Streets or private roads on the parcel which is the subject of the application and on abutting parcels within 200 feet;
- 7.1.4.11 lot number, area, Street Frontage, boundary lines and set back lines for each parcel resulting from the proposed subdivision;
- 7.1.4.12 the location of all existing and proposed
 - 7.1.4.12.1 buffers and Setback lines from boundaries and wetlands (by use of dashed lines);
 - 7.1.4.12.2 buildings, Structures and driveways on the parcel and within 100 feet (by use of solid lines);
 - 7.1.4.12.3 water mains, culverts, drains, sewers and any other means of water supply or disposal;
 - 7.1.4.12.4 wells with a 75-foot radius;
 - 7.1.4.12.5 septic tanks, leaching fields and other sanitary devices;
 - 7.1.4.12.6 lands to be dedicated to public use;
 - 7.1.4.12.7 easements;
 - 7.1.4.12.8 wetlands, if any;
 - 7.1.4.12.9 one hundred-year flood elevation line, if any;
 - 7.1.4.12.10 water bodies, water courses, vernal pools, permanent and intermittent streams;
 - 7.1.4.12.11 rock ledges;
 - 7.1.4.12.12 cemeteries and known burials of human remains;
 - 7.1.4.12.13 drainage ditches;
 - 7.1.4.12.14 roads (public and private) and rights of way;
 - 7.1.4.12.15 bridges;
 - 7.1.4.12.16 services such as sewer, water and electricity;
 - 7.1.4.12.17 monuments (together with a designation of type);
 - 7.1.4.12.18 soil test pits, test borings, and percolation test pits;
 - 7.1.4.12.19 ground control points ;

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- 7.1.4.12.20 existing and proposed topographical features, including existing grades, drainage systems and topographical contours based upon USGS topographical data at intervals not exceeding ten (10) feet, with spot elevations where the grade is less than two (2) percent as well as all low points, high points and other areas needing spot elevations shall be shown using dashed lines. The source of the data shall be shown;
- 7.1.4.12.21 existing soil types (by classification number and name) based on USDA Soil Survey for Hillsborough County (Western Part) (1985);
- 7.1.4.12.22 slopes having a grade of greater than 15% measured over 100 foot segments prior to cut and fill;
- 7.1.4.12.23 slopes having a grade of greater than 25% measured over 100 foot segments prior to cut and fill;
- 7.1.4.12.24 a note block for listing conditions of approval, if any;
- 7.1.4.12.25 the seal and manuscript signature of a duly licensed land surveyor in the State of New Hampshire attesting that:
 - 7.1.4.12.25.1 All bounds are set;
 - 7.1.4.12.25.2 The survey will close within:
 - 7.1.4.12.25.2.1 one (1) foot/fifteen thousand (15,000) feet for Lots of one acre or less;
 - 7.1.4.12.25.2.2 one (1) foot/seven thousand five hundred (7,500) feet for Lots of five acres or less; and
 - 7.1.4.12.25.2.3 one (1) foot/three hundred (300) feet for larger Lots.
 - 7.1.4.12.25.3 the data set forth on the plan is based upon an actual field survey of the premises shown;
- 7.1.4.12.26 a form for endorsement by the owner and the Applicant, if other than the owner; and
- 7.1.4.12.27 a form for the approval of the Board as follows: “Approved by the Hancock Planning Board on _____, 20___, Certified by _____, Chairman and _____, Secretary.”

7.1.4.13 If the entire project cannot be shown on a single sheet of convenient size, a cover sheet shall show the entire project.

7.1.5 Requirements for Minor Subdivisions and Lot Line Adjustments having a Conservation Purpose

7.1.5.1 In circumstances where an Applicant permanently waives any right to future development of any undeveloped Lot resulting from a minor subdivision or lot line adjustment not involving the construction of a private road, the Board may relax or waive certain plat requirements with respect to such Lot.

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7.1.5.2 Waiver of the right to future development shall be evidenced by a recorded conservation easement or deed restriction and shall be noted on the plat as a planning board restriction. See RSA 477:45, I, RSA 764:21-a.

7.1.5.3 For any resulting Lot on which future development is permitted, all plat requirements shall be fully satisfied.

7.1.5.4 The following plat requirements may be relaxed or waived:

7.1.5.4.1 Requirements of 7.1.3 and 7.1.4.12

7.1.5.5 In determining which, if any, requirements may be waived, the Board shall give due consideration to whether a planning purpose is served by collecting such information on a Lot which cannot be developed.

7.2 Other Requirements for Lot Line Adjustments and Minor Subdivisions not involving construction of a private road

7.2.1 Copies of all existing or proposed deed restrictions, covenants or rights-of-way, etc. applying to the property;

7.2.2 If the property which is the subject of the application will drain onto abutting private property, evidence of a right of drainage;

7.2.3 If the Applicant intends to connect to the Hancock town water supply, approval for connection from the Hancock Water Department/Commission;

7.2.4 Where required by state law, certification by the Department of Environmental Services for the subdivision and/or the condition of all existing septic systems;

7.2.5 Approval of the New Hampshire Department of Transportation or the Hancock Road Agent for any required driveway permits or curb cuts;

7.2.6 Approval of the Hancock Fire Chief and the Hancock Road Agent that access for emergency vehicles conforms to Hancock town standards; and

7.2.7 In the circumstance described in Section 11.2.2, the Applicant shall file a Flexible Zoning Report.

7.3 Plat requirements for Major Subdivisions and Minor subdivisions involving construction of a private road

7.3.1 The plat shall conform to the requirements for Minor Subdivisions and shall also contain the following:

7.3.1.1 Location and width of all proposed Streets, sidewalks and other public ways and their grades, profiles and rights-of-ways;

7.3.1.2 Location of handicap ramps for all sidewalks;

7.3.1.3 Engineering specifications for paved areas, bridges and/or culverts as required;

7.3.1.4 A circulation plan of the interior of the Lot showing provision for both auto and pedestrian circulation;

7.3.1.5 An access plan showing means of access to the site and any proposed changes to existing public Streets including any traffic control devices necessary in conjunction with the proposed site development plan;

7.3.1.6 Location and design of all other proposed improvements for:

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- 7.3.1.6.1 Water supply showing location and size of water mains, fire hydrants and valves;
- 7.3.1.6.2 Wastewater disposal including size and location of all piping, holding tanks, leach fields, etc.;
- 7.3.1.6.3 The location, size, grade and invert elevation of sanitary and/or storm sewers; and
- 7.3.1.6.4 Electric power supply with location of utility poles or underground conduits. If the utility company(s) requires an easement to provide service, no final approval shall be granted by the Board until such easements are secured.

7.4 Other Requirements for Major Subdivisions and Minor Subdivisions involving construction of a private road

Unless such requirements have been waived or modified by the Board in accordance with the provisions of Section 21.4 of these Regulations, the Applicant shall file with the application the following plans, reports and analyses:

- 7.4.1 a schedule of the phasing of project construction, if staged;
- 7.4.2 construction drawings relating to infrastructure including but not limited to roads, walks, steps, curbing and drainage Structures;
- 7.4.3 an appropriate report on soils prepared in accordance with the Hancock Zoning Ordinance, Article 3.12;
- 7.4.4 a Soil Erosion and Sediment Control Plan. See Section 22 ;
- 7.4.5 a Post Development Water Discharge Plan. See Section 23;
- 7.4.6 a Plan for the Disposal of Waste Generated During Development on the site. See Section 24;
- 7.4.7 an appropriate Site Specific Permit relating to the alteration of terrain as required by the New Hampshire Department of Environmental Services; and
- 7.4.8 a Community Facilities Impact Analysis. See Section 25.

7.5 Other Requirements for Major Subdivisions involving lots of 16 or more acres

- 7.5.1 *Site Analysis Report:* The Applicant shall file a Site Analysis Report See Section 27.
- 7.5.2 *Flexible Zoning Report:* For any such site in the Rural and Agricultural District, the Applicant shall file a Flexible Zoning Report. See Section 28.
- 7.5.3 *Future Plans:* Where the preliminary layout submitted covers only a portion of the Applicant's entire land holding, a sketch of the prospective future Street system of the unsubmitted portion shall be furnished and the Street system of the application portion shall be considered in light of the whole.

7.6 Applications of Regional Impact [RSA 36:56]

- 7.6.1 Upon request from the Board, the Applicant shall file a Regional Impact Report. See Section 29.

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7.7 *Applications within Floodplains or Special Flood Hazard Areas*

7.7.1 For subdivisions that involve land designated as “Special Flood Hazard Areas” by the National Flood Insurance Program:

7.7.1.1 The 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;

7.7.1.2 The 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); and

7.7.1.3 The Board shall require the Applicant to submit sufficient evidence (construction drawings, grading and land treatment plans) so as to allow a determination that:

7.7.1.3.1 all such proposals are consistent with the need to minimize flood damage;

7.7.1.3.2 all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage; and

7.7.1.3.3 adequate drainage is provided so as to reduce exposure to flood hazards.

Section 8. General Requirements and Design Principles

8.1 *No subdivision of Land Without Approval*

No subdivision of land shall be made, and no land in any subdivision shall be sold, and no street or utility construction shall commence until a final plat, prepared in accordance with these Regulations, has been approved and filed in accordance with these Regulations.

8.2 *Other Laws and Permits; Responsibility for Compliance*

All subdivisions shall comply with pertinent federal, state and local laws and regulations. Persons carrying out development projects may require permits or approvals other than subdivision approval. Applicants shall be familiar with all pertinent Federal, State and Town regulations relative to health, buildings, roads and other matters and shall remain responsible for compliance with all obligations and standards imposed by law.

8.3 *Character of Land for Subdivision*

Land of such character that it cannot, in the judgment of the Board, be safely used for building development purposes because of danger to health or peril from fire, flood, poor drainage, excessive slope, or other hazardous conditions, shall not be platted for residential, commercial, or industrial subdivision, nor for such other uses as may increase danger to life or property, or aggravate the flood hazard or other danger.

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8.4 *Premature Subdivision*

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

8.5 *Development of the site*

Development of a site shall be based upon a site analysis. To the maximum extent possible, development shall be located to preserve the natural features of the site, to avoid areas of environmental sensitivity and to minimize negative impacts and alteration of natural features.

8.5.1 The following specific areas shall be preserved, usually as undeveloped open space, to the extent consistent with the reasonable utilization of land, and in accordance with applicable state or local regulations:

8.5.1.1 Unique and/or fragile areas including wetlands;

8.5.1.2 Stone walls;

8.5.1.3 Floodplains;

8.5.1.4 Steep slopes in excess of 20 percent;

8.5.1.5 Habitats of endangered species; and

8.5.1.6 Historically significant Structures.

8.5.2 Developments shall be laid out to avoid:

8.5.2.1 adversely affecting ground water and aquifer recharge;

8.5.2.2 unnecessary or excessive cut and fill;

8.5.2.3 unnecessary impervious cover;

8.5.2.4 flooding; and

8.5.2.5 adverse effects of shadow, noise, odor, traffic, drainage and utilities on neighboring properties.

Section 9. Lot Layout

9.1 *Conformance to Area and Frontage Requirements*

Each Lot resulting from a subdivision shall conform to the area and Frontage requirements of the Hancock Zoning Ordinance for the Zoning District in which the Lot is located, except that in the case of a Boundary Line Adjustment involving a substandard, non-conforming Lot, the Board may approve an adjustment which improves compliance but does not fully satisfy an area or Frontage requirement.

9.2 *Not Interrupted by Roads*

No Lot shall contain or be interrupted by any portion of a Street or Private Road.

9.3 *No Irregular Shapes*

Minimum Lot sizes have been adopted so as to allow for a principal use of each Lot and for reasonably anticipated Accessory Uses over time. Irregular lot configurations which foreclose such uses, including those involving extremely acute angles between lot boundary lines, abnormally narrow strips of land or other arrangements which limit normal utilization of the lot area, shall not be permitted. In considering the application of the foregoing in particular cases,

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the Board may also have regard to the “buildable area” of any proposed Lot, that is, the area of any proposed Lot which is not within setbacks, roadways, flood plain or subject to an easement or other restriction which prohibits building a Dwelling or which is within an area of ledge, steep slopes or wetlands.

9.4 Frontage

Each Lot shall have Frontage on a state (Class II) or town (Class V) road or on a private road approved for subdivision or approved Right of Way in conformity to RSA 674:41

9.5 Means of Access via Frontage

Access to each Lot shall be provided via the approved Frontage.

9.6 Minimum Impact on Certain Existing Features

Lots shall be laid out so as to have minimum impact on existing natural features, stone walls and archeological features.

9.7 Grading; Flood Control

Lots shall be laid out and graded so as to eliminate floods or stagnant water pools. No water shall be permitted to run across a Street or across the property of an abutter on the surface without adequate means of flood control:

9.7.1 by an existing stream, wetland or other watercourse; or

9.7.2 by catch basins and underground pipes of adequate size, but in no event less than 15 inches in diameter.

Section 10 Subdivisions containing Two-Family Homes

10.1 Express Permission Required

A new Lot created from and after the adoption of this Subdivision Regulation shall be used for a Two Family Dwelling only if such use is expressly permitted by endorsement on the plat.

10.2 Minimum Lot Size

The Board shall not create any new Lot for use as a Two Family Dwelling unless the Lot exceeds 60,000 square feet.

10.3 Maximum Number of Two-Family Lots within Major Subdivisions

The Board shall not create new Lots within any major subdivision for use as Two Family Dwellings which exceed 25% of the total Lots created in such subdivision.

Section 11 Flex Zoning

11.1 Purpose

The provisions of this Section are intended to strike a balance between restrictions on population density and the desire to preserve natural features and resources such as open space.

11.2 Scope

Notice: These regulations may be amended from time to time. Applicants and others should not rely on this internet version of these regulations (August, 2008) without confirming through the Hancock Planning Board that they are current and unamended.

The Flexible Zoning Regulations shall apply to any application for:

- 11.2.1 a major Subdivision of a Lot of 16 or more acres; and
- 11.2.2 a minor Subdivision of such a Lot unless the Applicant shall covenant that no further subdivisions of such Lot shall be sought at a future date.

11.3 Determination by Board

Upon any such application, the Board shall determine, in its sole discretion, whether the subdivision shall proceed as a conventional subdivision (that is, a subdivision in which each resulting Lot must meet the minimum Lot size, Frontage, Setback and other requirements of this Ordinance without regard to the Flexible Zoning Regulations) or as a Flexible Zoning Subdivision.

11.4 Flexible Zoning Report

In order to facilitate this determination, the Applicant shall provide a Flexible Zoning Report (see Section 28) at or before filing an application for subdivision.

11.5 Other Input

Prior to making a determination, the Board may seek public input by hearings or otherwise.

11.6 Determination

Following receipt of such information, the Board shall determine whether to use the Flexible Zoning Regulations.

11.7 Flexible Zoning Regulations

If the Board determines that Flexible Zoning Regulations shall apply to any parcel, the following provisions shall govern its Development.

11.7.1 Number of Lots

11.7.1.2 The maximum number of buildable Lots shall be the lesser of:

- 11.7.1.2.1 the number of buildable Lots permitted for such parcel under conventional subdivision; or
- 11.7.1.2.2 the largest whole integer produced by dividing the Net Acreage of such parcel by 4.

11.7.1.3 For this purpose, Net Acreage is to be computed by deducting from the total acreage of a parcel 100% of any land which is not "buildable", that is, which comprises:

- 11.7.1.3.1 Roadways;
- 11.7.1.3.2 flood plain;
- 11.7.1.3.3 ledge;
- 11.7.1.3.4 areas subject to an easement of record which prohibits building Dwellings;
- 11.7.1.3.5 Steep Slopes District; and
- 11.7.1.3.6 Wetlands Area Conservation District.

11.7.2 *One Lot Smaller Than Four Acres* There shall be at least one Lot of less than 4 acres.

11.7.3 Dimensional Requirements

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11.7.3.2 *Lot Size:*

For Single-Family Dwellings, no Lot shall have less than one contiguous acre of buildable land; for Two-Family Dwellings, no Lot shall have less than two contiguous acres of buildable land; and for any other use, no Lot shall have less than four acres of contiguous buildable land provided that no Lot shall be approved which cannot meet the Setback and water supply requirements of the Subdivision Regulations as well as the leach field requirements for major Subdivisions.

11.7.3.3 *Frontage*

Each Lot shall have a minimum continuous Frontage of 150 feet on a private access road or, if permitted, a minimum continuous Frontage of 350 feet on a Street.

11.7.3.4 *Setbacks*

11.7.3.4.1 Front Setback - There shall be between the nearest edge of the right-of-way and extreme front of any Structure (except a Boundary Structure), a minimum distance of 50 feet.

11.7.3.4.2 Side and Rear Setback – No Structure (other than a Boundary Structure) shall be less than 30 feet from the Lot line.

11.7.3.5 *Road Access*

Unless the Board finds that direct access from a Lot to a Street provides significant environmental benefits, all Lots must have access to a Street via a private access road. The private access road must be constructed to full current town standards, except that the Board may, in its sole discretion, determine whether paving shall be permitted or required. The private access road shall be subject to the provisions of NH RSA 674:41-I(d).

11.7.3.6 *Screening*

There shall be an effective screen of natural foliage at least 50 feet in width along any Streets abutting the parcel. The Board may require that the screen area be extended to all or part of the outside perimeter of the Subdivision if it determines that present or future Development of adjoining land parcels might be adversely affected. Within the screen area, there shall be no construction or clear cutting. If some of the screen area has previously been cleared, the Board may require replanting.

11.7.3.7 *Other Restrictions*

No Lot may be further subdivided. Boundary line adjustments and mergers are permitted if they do not defeat the requirement that there shall be at least one Lot of less than 4 acres in the subdivision or reduce the size of any Lot of less than 4 acres as originally laid out. A statement to this effect shall be set forth on the Final Plan and shall be contained in the deeds of all Lots.

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Section 12 Layout of Streets, Private Roads, and other means of Access

12.1 Harmony with Topography

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

12.2 Street Patterns

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.

12.3 Conformance with Construction Standards

No Street or highway right of way shall be less than fifty feet in width and may be required to be more, if a greater street width is required by section 12.2 above or is warranted in the opinion of the Board. Any existing Street that provides either Frontage for new Lots or access to new Streets shall meet the minimum standards established by these Subdivision Control Regulations for Streets.

12.4 Upgrading of Existing Streets

If a subdivision would require expenditures by the Town to improve existing Streets for conformance to minimum standards, the Board may disapprove such subdivision unless the Applicant shall agree, as a condition for subdivision approval, to provide the necessary improvements at his expense, or until the Board of Selectmen shall certify that funds for the improvements have been assured by the Town. If any such Street is closed subject to gates and bars, the Board shall not approve the subdivision until the Town has voted in Town Meeting to re-open the Street and provision, as described above, has been made for the necessary improvements.

12.5 Permanent Cul-De-Sac

A permanent cul-de-sac Street shall terminate in a suitable turnaround. The turnaround shall be designed to provide for adequate drainage and snow removal. Unless there is the expectation of extending the Street through to the adjoining property, a cul-de-sac Street shall not be brought to the property boundary line but shall be placed so that the Lots are contiguous with the property line of the subdivision. The allowable length of a permanent cul-de-sac Street shall be determined by the Board upon consultation with the Road Agent and the Fire Chief.

12.6 Temporary Cul-De-Sac Streets

In the case of temporary cul-de-sac Streets, where future extension to another outlet is approved by the Board, the full width of the right-of-way to the subdivision property line shall be reserved as a Street right-of-way and shall be shown on the Final Plat. For a cul-de-sac Street of a temporary nature, a turnaround shall be provided, and provision shall be made for future extension of the Street through to adjacent property and for reversion of the excess right of-way to the adjoining properties.

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12.7 Grades of Streets

Grades of all Streets shall conform in general to the terrain and shall not exceed eight per cent. No Street shall have a grade of less than 1%. For changes in grade exceeding 2%, a vertical curve shall be provided ensuring a minimum sight distance of 150 feet from points three feet above the roadway.

12.8 Intersections

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

12.9 Reserve Strips of Land

Reserve strips of land, which in the opinion of the Board show an intent on the part of the Applicant to control access to land dedicated or to be dedicated to public use shall not be permitted.

12.10 Naming of Streets

12.10.1 Streets shall be named by the Hancock Board of Selectmen following consultation with the Board, the Fire Chief and the Road Agent.

12.10.2 Names shall be selected in accordance with the *Addressing Standards Guide* issued by the State of New Hampshire Department of Safety, Division of Emergency Services, Bureau of Emergency Communications in May 2005 or any successor publication (“the E911 Guide”).

12.10.3 Where practical, Street names shall have an historical connection.

Section 13 Driveways

13.1 Each Lot Served by Driveway

No subdivision application shall be approved unless plans have been presented to the Board demonstrating that each Lot in a subdivision may be served by a driveway which complies with the Hancock Driveway Regulations.

13.2 Contours; Drainage

Driveways and other entrances to the Street shall follow the general contour of the gutter line. In no case shall an entrance constrict the established gutter line or impede the flow of drainage.

Section 14 Creation of a Back Lot

14.1 Board Discretion

When a Lot resulting from a proposed subdivision of land has less than the stated lot Frontage requirements of the zoning district on any Street, including a Class VI Road (“a Back Lot”), the Board may determine whether to permit the subdivision or whether it would be scattered and premature.

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14.2 *Special Requirements*

If the Board decides that the subdivision is appropriate, the Applicant must apply for and receive a special exception from the Zoning Board of Adjustment pursuant to which Frontage for such Back Lot may be provided. In such circumstances, the following conditions and limitations shall apply:

- 14.2.1 Each proposed Back Lot shall have not less than 50' of Frontage on a Street together with sufficient land, owned in fee as part of such Back Lot and not less than 50' in width, to provide appropriate access to such Back Lot ("the Access Way"). There shall be no further subdivision of such a Back Lot unless future zoning changes permit a town approved private road to be constructed to provide access to any new Lots.
- 14.2.2 No more than one Back Lot may have access by means of any part of the Frontage referred to in this section.
- 14.2.3 Each Back Lot permitted by this section must meet the minimum acreage requirements of the zoning district.
- 14.2.4 Each Access Way shall be located and configured so as to be suitable for future accommodation of a Street that will meet the requirements of the Hancock Subdivision Regulations.
- 14.2.5 Access to any Back Lot must be developed and maintained within the Access Way and in accordance with the requirements set forth in the Class VI Road Policy, Section V. (See Appendix A.)
- 14.2.6 Acreage requirements for each Lot and all Setback requirements for each Lot shall be met without including the Access Way in the area (acreage) or the Setback dimensions. The front Setback must be determined from the nearest point of the Access Way. The average width of the Back Lot must not be less than the Frontage requirements for the District.
- 14.2.7 A Back Lot may not be created unless the Board determines that the subdivision is not premature and does not present a traffic safety problem or problem for emergency vehicle access.
- 14.2.8 The creation of a Back Lot in a subdivision is not intended for subdivision of land that could be better subdivided by other available land use techniques.

Section 15 Layout of Utilities

15.1 *Underground Utilities*

All electrical and telephone utility lines shall be installed underground where physically practicable.

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15.2 *Location; Easements*

Where the topography is such as to make difficult the inclusion of utilities or other facilities within existing or proposed public ways, the preliminary layout shall show the boundaries of proposed permanent easements over or under private property. Such easements shall be not less than 15 feet in width and shall have satisfactory access to existing or proposed public ways. Watercourses proposed for public control shall have a permanent easement of not less than 20 feet.

Section 16 Layout of Open Spaces; Reservation of Land

16.1 *Large Subdivision Open Space Requirements; Board Discretion*

For subdivisions involving more than ten Lots, whether done at one time or in a series, the Board, in its discretion, may require that the Applicant provide open space to be dedicated to or to be reserved for the common use of all property owners, and that said open space shall be of reasonable size and character for neighborhood purposes.

16.2 *Waiver*

If the average lot size in the development is greater than one and one-half times the minimum lot size required by the applicable zoning regulation, the Board may, in its discretion, waive the above requirements of this paragraph.

16.3 *Ownership of Open Space*

For any area to be reserved for parks, playgrounds or open space, the developer shall provide for ownership of the area by one of the following means:

- 16.3.1 Placing appropriate covenants in the deeds for individual Lots of the development.
- 16.3.2 Retaining title to the open space but granting to the Town of Hancock a conservation easement or restriction in perpetuity to insure that the open space will remain in a natural state.
- 16.3.3 Such other equivalent arrangements as the developer may suggest and the Board may approve
- 16.3.4 The conditions to be employed in such covenants, easements or restrictions shall be subject to agreement with and approval by the Board.

Section 17 Sewage Disposal Systems

17.1 *Location; Sufficient Area*

It shall be the responsibility of the Applicant to provide adequate information to prove that the area of each Lot is adequate to permit the installation and operation of an individual sewage disposal system (septic tank and drain field, not a cesspool). Such information shall consist of a report showing the results of a series of percolation tests taken one to an acre in the subdivision in accordance with the procedures described in the New Hampshire Department of Environmental Services regulation, *Subdivision and Individual Sewage Disposal System Design Rules*, Env-Wq 1001 et seq. as from time to time amended. Based on these tests the Engineer shall

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locate the best position for each private sewerage system and shall submit a typical design for each system also done in accordance with the above State regulations.

17.2 Multiple Dwelling Systems

If a sewerage system is to be installed to service more than a single house, adequate information must be provided to assure that the necessary requirements for drainage as well as all other requirements of that system are met, and complete details of the system must be provided. Any system of this type must be approved by the NH Department of Environmental Services, Water Division

Section 18 Septic System Siting and Design for Major Subdivisions

18.1 Scope

This Regulation applies to subdivisions on which an on-site septic tank and leachfield system are to be used for sewage disposal, but does not apply to minor subdivisions of three or fewer Lots for residential purposes.

18.2 Additional Town Requirements

In addition to any other town and state sewage disposal requirements for local subdivision and site plan reviews, or wetland zoning compliance, the following regulations shall apply:

18.2.1 Size of Leachfields

A 4000 square foot leachfield area or an area two (2) times the required leachfield area (whichever is greater) shall be designated and reserved on each Lot.

18.2.2 Use of Leachfield Areas

18.2.2.2 The designated leachfield area must be left open and is not to be used for the siting of any incompatible purpose, including but not limited to a driveway or Structure of any type. Parking areas may be located over the designated leachfield area when chambered systems are to be used.

18.2.3 Soils and Drainage Setback Requirements

18.2.3.2 The designated leachfield area shall be set back as required in section 18.2.4, from:

18.2.3.3 naturally deposited soils which have a seasonal high water table less than six (6) inches from the surface;

18.2.3.4 naturally deposited soils which have an impermeable layer closer than two (2) feet to the surface;

18.2.3.5 naturally deposited soils which have bedrock less than three (3) feet below the surface;

18.2.3.6 drainageways, natural or manmade, perennial or intermittent;

18.2.3.7 open drainage Structures intended to convey water intermittently or perennially, including but not limited to roadside ditches, culvert openings, diversions and swales.

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18.2.4 The designated leachfield area is required to be set back from all of the areas specified in section 18.2.3 as follows:

18.2.4.2 seventy-five (75) feet if the designated leachfield area is entirely located in well-drained soil, without a restrictive layer, or well-drained soil with a restrictive layer and slopes of less than eight percent (<8%),

18.2.4.3 one hundred (100) feet if the designated leachfield area is entirely or partially located in somewhat poorly drained soils, moderately well-drained soils, excessively drained soils, or soils with a restrictive layer and slope of eight percent or greater (>8%).

18.2.5 In addition, the designated leachfield area shall be set back one hundred twenty-five (125) feet from open water bodies, perennial streams, and poorly and very poorly drained soils.

18.2.6 Bedrock Setback Requirements

In areas where bedrock is less than three feet from the surface, sufficient test pits shall be made to ensure that the Setback requirements established in the foregoing sections can be met.

18.2.7 Slope Requirements

18.2.7.2 The designated leachfield area may not be placed on areas with finished slopes of over twenty-five percent (25%).

18.2.7.3 If the designated leachfield area is located on an area with finished slopes from fifteen to twenty-five percent (15-25%), the septic system must be designed by a registered professional engineer.

Section 19 Water Systems

For locations not served by the Town water system, it shall be the responsibility of the Applicant to provide adequate information to prove that the area of each Lot is adequate to permit the installation and operation of both on-lot water systems and sewage systems. Each water system shall be at least 75 feet from any portion of a septic tank or drainage field. Construction shall be in accordance with the U.S. Dept. of Health, Education and Welfare publication entitled "Manual of Individual Water Supply Systems", Public Health Service Pub. No. 24.

Section 20 Infrastructure Construction Requirements

20.1 General Requirements

Infrastructure improvements shall be installed and constructed by the Applicant in accordance with the following standards and to the satisfaction of the Building Inspector. It shall be the responsibility of the Applicant to notify the Building Inspector regarding completion of the various stages on construction, so that appropriate and timely inspections may be made by the Building Inspector.

20.2 Monuments and Bench Marks

Notice: These regulations may be amended from time to time. Applicants and others should not rely on this internet version of these regulations (August, 2008) without confirming through the Hancock Planning Board that they are current and unamended.

Prior to approval of a final plat, monuments constructed of concrete or stone at least 4 inches square on the top and at least 36 inches long shall be set at all block corners. Two bench marks of the same description as the monuments shall be set at opposite ends of the subdivision, with their tops at an even foot in reference to the USGS datum plane.

20.3 Ground Control

20.3.1 Ground control shall be marked by the Applicant, both on the site and on the plan map(s). The ground control shall consist of numbered flags, stakes, walls, trees or other easily identifiable points on the property. These points will be well distributed throughout the site at a density of not less than four (4) points per acre. The numbered points must be identified by number on the plan. The purpose of this requirement is to provide easy identification for all parties required or interested in examining the site.

20.3.2 All wetland areas, prior to tree cutting and clearing shall be staked and flagged twenty-five (25) feet from the wetland boundary. These stakes shall be a maximum of fifty (50) feet apart for straight boundaries and twenty-five (25) feet apart for curved boundaries.

20.4 Construction Standards - Water Control

All Streets shall be constructed in conformance with the construction standards and specifications adopted by the Town of Hancock. All bridges, culverts, drainage Structures, storm sewers, gutters, drainage ditches, and other improvements shown on the Final Plat and required by accompanying documents, if any, shall be installed in conformance with the construction standards and specifications adopted by the Town.

20.5 Construction Standards – Streets

All Streets shall be constructed in conformance with the specifications on the Chart in Appendix B. No deviations shall be allowed unless specifically approved by the Board and the Road Agent.

20.6 Construction Standards – Shared Driveways

All shared driveways shall be constructed in conformance to the Town of Hancock Driveway Regulations.

20.7 Width of Right-of-Way

The Board may require greater width of the right-of-way and/or travel surface where, in the judgment of the Board, the demands of present or future traffic make it desirable or where topographic conditions create a need for greater width.

20.8 Pedestrian Right-of-Way; Bicycle Paths

Where necessary in the judgment of the Board, rights-of -way for pedestrian and/or bicycle travel and access may be required between parts of the subdivision or between the subdivision and public property. Where such need has been created by the subdivision, the Board may require the Applicant to provide sidewalks and/or bicycle paths outside as well as inside the subdivision.

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20.9 Trees and Shrubs in the Right-of-Way

The Board may require the planting of trees and/or shrubs within the Street right-of-way in those subdivisions where, due to the nature and character of the land, it would be appropriate, and such planting shall be indicated on the Final Plat.

20.10 Utilities

If the subdivision is to be serviced by the public water system or by a private system servicing more than one house, all water lines must be installed. Any water system that is to be connected to the public system must conform to all the requirements of the Water Regulations adopted in 1966 and meet with the approval of the Water Commissioners. Any necessary fire hydrants as determined by the Water Commissioners and Fire Department must be installed by the Applicant.

20.11 Water Hole Requirements

The Board may require that for subdivisions of more than ten Lots in locations lacking a readily available source of water for fire fighting, one or more water holes shall be constructed and provision made for a year-round supply of water from natural drainage or other sources. Each water hole shall be fenced in and provided with a dry hydrant for use by the Fire Department. Each water hole shall be such as to retain at least six feet depth of water. The locations and size: of the water holes, the locations of dry hydrants and the construction of the fencing shall be as agreed upon by the Applicant, the Board and the Fire Chief.. In locations where construction and supply of a water hole is not feasible, the Board and Fire Chief may approve alternative provisions for fire protection as proposed by the Applicant. Provisions for ownership of water holes shall be made by one of the means described in Section 16.3

20.12 Guarantee

All work relating to infrastructure shall be guaranteed by the Applicant for at least one year following completion.

20.13 Security

Either before or together with submission of the Final Plat for approval by the Board, the Applicant shall file a Security Instrument or make other suitable arrangements to secure the full cost of construction and installation of infrastructure improvements and utilities within the period specified by the Board whereby the Town is put in a secured position to do said work and make said alterations at the cost of the Applicant. For this purpose, a Security Instrument may, at the discretion of the Selectboard, be a cash escrow, an irrevocable letter of credit or a bond.

20.13.1 The Board of Selectmen shall determine the amount of said Security Instrument in consultation with the Board.

20.13.2 The Board of Selectmen shall determine the sufficiency of sureties on said Security Instrument. Any said Security Instrument shall be approved as to form and sureties by legal counsel of the Town.

20.13.3 Any said Security Instrument shall be conditioned upon the completion and guarantee of said infrastructure improvements and utilities within a period

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of two years from the date of approval or within such other period as may be specified by the Board of Selectmen in consultation with the Board and expressed in the Security Instrument.

20.13.4 The Board of Selectmen shall have discretion to make other arrangements with the Applicant in lieu of said Security Instrument if the Board of Selectmen determines, in consultation with the Board, that such arrangements put the Town in a secured position to do said work and make said alterations at no cost to the Town.

20.14 *Inspection Requirements and Fees*

In order to confirm that various items and features delineated on plans presented to the Board for approval (or which are otherwise required in connection with the development), are, in fact, constructed in accordance with those plans and/or in accordance with applicable codes and specifications, the Board shall, at the time of plan approval, require the Applicant to establish an appropriate escrow agreement in addition to other security posted to ensure completion of improvements, which shall be used by the Board to underwrite the costs of inspections by independent engineers or other consultants selected by the Board to confirm that construction is in conformance with the approved plans and/or applicable codes and specifications. The Applicant shall supplement any funds deposited in the account to ensure that there are funds available at all times to pay for the cost of inspections. The Applicant shall sign an inspection funding agreement, on a form provided by the Board.

Section 21 Reports Generally

Whenever a plan, report or analysis is required by these Regulations, it shall be filed by the Applicant in accordance with the following:

- 21.1 The report shall be prepared, signed and sealed by an individual having relevant professional qualifications. Where such a person is subject to licensing requirements, the person signing the report shall have a valid, current license to practice within the State of New Hampshire.
- 21.2 The report shall contain sufficient detail to permit peer review. The Board shall, on notice to Applicant, have discretion to commission peer review of any such report at Applicant's expense and to require Applicant to provide security for the cost of such expenses.
- 21.3 If the Applicant is required to submit two or more reports having duplicative or overlapping requirements, the Applicant may submit a consolidated report.
- 21.4 The Board shall have discretion, in appropriate circumstances, to waive or modify requirements relating to such reports. In exercising such discretion, the Board may conduct a public hearing limited to the issue of the propriety of requiring such report or reports.

Section 22 Soil Erosion and Sediment Control During Construction

22.1 *Definitions*

Notice: These regulations may be amended from time to time. Applicants and others should not rely on this internet version of these regulations (August, 2008) without confirming through the Hancock Planning Board that they are current and unamended.

- 22.1.1 “Certification” means a signed, written approval by the Board that a soil erosion and sediment control plan complies with the applicable requirements of the regulations.
- 22.1.2 “County Conservation District” means the Hillsborough County Conservation District (hereafter "HCCD").
- 22.1.3 “Development” means any construction or grading activities to improved or unimproved real estate.
- 22.1.4 “Disturbed Area” means an area where the ground cover is destroyed or removed leaving the land subject to accelerated erosion.
- 22.1.5 “Erosion” means the detachment and movement of soil or rock fragments by water, wind, ice or gravity.
- 22.1.6 “Grading” means any excavating, grubbing, filling (including hydraulic fill) or stockpiling of earth materials or any combination thereof, including the land in its excavated or filled condition.
- 22.1.7 “Inspection” means the periodic review of erosion and sediment control measures shown on the certified plan.
- 22.1.8 “Sediment” means solid material, either mineral or organic, that is in suspension, is transported, or has been moved from its site of origin by erosion.
- 22.1.9 “Soil” means any unconsolidated mineral or organic material of any origin.
- 22.1.10 “Soil Erosion and Sediment Control Plan” means a scheme that minimizes soil erosion and sedimentation resulting from development and includes, but is not limited to, a map and narrative.

22.2 *Scope*

A soil erosion and sediment control plan shall be provided for all site plans and for subdivisions, except those defined as "minor subdivisions" per RSA 676:4, III.

- 22.2.1 Applicants may request the Board to waive this requirement. Upon the receipt of any such request, the Board may request a recommendation from HCCD and may await the receipt of any such recommendation prior to acting on the request for waiver.
- 22.2.2 Exemptions: A single family Dwelling that is not a part of a subdivision of land shall be exempt from these soil erosion and sediment control regulations.

22.3 *Soil Erosion and Sediment Control Plan*

- 22.3.1 To be eligible for certification, a soil erosion and sediment control plan shall contain proper provisions to adequately control accelerated erosion and sedimentation and reduce the likelihood of excessive storm water run-off from the proposed site, based on the best available technology. Such principles, methods and practices necessary for certification are found in the “*Erosion and Sediment Control Design Handbook for Developing Areas of New Hampshire*” (USDA SCS 1992) as amended. Alternative principles, methods and practices may be used with prior approval of the Board.
- 22.3.2 Said plan shall contain, but not be limited to:

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- 22.3.2.2 A narrative describing:
 - 22.3.2.2.1 the development;
 - 22.3.2.2.2 the schedule for grading and construction activities including:
 - 22.3.2.2.2.1 start and completion dates;
 - 22.3.2.2.2.2 sequence of grading and construction activities;
 - 22.3.2.2.2.3 sequence for installation and/or application of soil erosion and sediment control measures;
 - 22.3.2.2.2.4 sequence for final stabilization of the project site;
 - 22.3.2.2.3 the design criteria for proposed soil erosion and sediment control measures and storm water management facilities;
 - 22.3.2.2.4 the construction details for proposed soil erosion and sediment control measures and storm water management facilities;
 - 22.3.2.2.5 the installation and/or application procedures for proposed soil erosion and sediment control measures and storm water management facilities;
 - 22.3.2.2.6 the operation and maintenance program for proposed soil erosion and sediment control measures and storm water management facilities;
- 22.3.2.3 A site plan map at a sufficient scale to clearly show:
 - 22.3.2.3.1 the location of the proposed development and adjacent properties;
 - 22.3.2.3.2 the existing and proposed final topography including soil types, wetlands, watercourses and water bodies;
 - 22.3.2.3.3 the existing Structures on the project site, if any;
 - 22.3.2.3.4 the proposed area alterations including cleared, excavated, filled or graded areas and proposed utilities, roads and if applicable, new property lines, and the general location of proposed Structures and driveways;
 - 22.3.2.3.5 the location of and design details for all proposed soil erosion and sediment control measures and storm water management facilities;
- 22.3.2.4 the sequence of grading and construction activities;
- 22.3.2.5 the sequence for installation and/or application of soil erosion and sediment control measures; and
- 22.3.2.6 the sequence for final stabilization of the development site.
- 22.3.3 Any other information deemed necessary and appropriate by the Applicant or requested by the Board or its designated agent.

22.4 Minimum Acceptable Standards

- 22.4.1 Plans for soil erosion and sediment control shall be developed in accordance with these Regulations using the planning considerations specified in the *“Erosion and Sediment Control Design Handbook for Developing Areas of New Hampshire” (USDA SCS 1992) as amended.* Soil erosion and

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sediment control plans shall result in a development that: minimizes erosion and sedimentation during construction; is stabilized and protected from erosion when completed; and does not cause off-site erosion and/or sedimentation.

22.4.2 The minimum standards for individual measures are those in the “*Erosion and Sediment Control Design Handbook for Developing Areas of New Hampshire*” (USDA SCS 1992) as amended. The Board may grant exceptions when requested by the Applicant if technically sound reasons are presented.

22.4.3 The Soil Conservation Service method as outlined from Appendix 1 of the “*Erosion and Sediment Control Design Handbook for Developing Areas of New Hampshire*” (USDA SCS 1992) as amended, shall be used in determining peak flow rates and volumes of run-off unless an alternative method is approved by the Board.

22.5 *Issuance of Certification or Denial*

22.5.1 The Board shall either certify that the soil erosion and sediment control plan, as filed, complies with the requirements and objectives of this Regulation or deny certification when the development proposal does not comply with these Regulations.

22.5.2 Prior to certification, any plan submitted to the municipality may be reviewed by Hillsborough County Conservation District which may make recommendations concerning such plan, provided such review shall be completed within thirty days of the receipt of such plan.

22.6 *External Review*

The Board may forward a copy of the development proposal to the Conservation Commission, other review agency or consultant for review and comment.

22.7 *Conditions Relating to Soil Erosion and Sediment Control*

22.7.1 The estimated costs of measures required to control soil erosion and sedimentation, as specified in the certified plan, may be covered in a performance bond or other assurance acceptable to the Board.

22.7.2 Site development shall not begin unless the soil erosion and sediment control plan is certified and those control measures and facilities in the plan scheduled for installation prior to site development are installed and functional.

22.7.3 Planned soil erosion and sediment control measures and facilities shall be installed as scheduled according to the certified plan.

22.7.4 All control measures and facilities shall be maintained in effective condition to ensure the compliance of the certified plan.

22.8 *Inspection*

Inspection shall be made by the Board or its designated agent during development to ensure compliance with the certified plan and that control measures and facilities are properly

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performed or install and maintained. The Board may require the permittee to verify through progress reports that soil erosion and sediment control measures and facilities have been performed or installed according to the certified plan and are being operated and maintained.

Section 23 Post-Development Water Discharge Plans

23.1 *Scope*

The Board may require a Post-Development Water Discharge Plan for any subdivision, except those defined as "minor subdivisions" by RSA 676:4, III.

23.1.1 Applicants may request the Board to waive this requirement. Upon the receipt of any such request, the Board may request a recommendation from HCCD and may await the receipt of any such recommendation prior to acting on the request for waiver.

23.2 *Contents*

Each Post-Development Water Discharge Plan shall:

- 23.2.1 include design calculations prepared and sealed by a Licensed Professional Engineer and performed in accordance with a methodology acceptable to the Board;
- 23.2.2 address existing conditions and methods for handling flows of surface and subsurface water on the site;
- 23.2.3 show the direction and estimated volume of existing flows at the boundaries of the site;
- 23.2.4 show the location, elevation and size of all catch basins, dry wells, drainage ditches, swales, retention basins and storm sewers existing on the site;
- 23.2.5 show proposed methods for handling such flows following development;
- 23.2.6 show the location, elevation and size of all catch basins, dry wells, drainage ditches, swales, retention basins and storm sewers proposed for the site; and
- 23.2.7 show the direction and estimated volume of such flows following development.

23.3 *50 Year Storm Event*

Engineering calculations used to determine drainage and piping requirements shall be based upon a fifty (50) year storm event.

23.4 *Point of Measurement*

Measurement of peak discharge rates shall be calculated using point of discharge or the down-gradient property boundary. The topography of the site may require evaluation at more than one location if flow leaves the property in more than one direction. Calculations shall include runoff from adjacent up-gradient properties. An Applicant may demonstrate that a feature beyond the property boundary is more appropriate as a design point.

23.5 *No Increase in Flow Rate*

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The post-development peak flow rate shall not exceed the predevelopment peak flow rate for any point on the boundary of the site, except where the Applicant has received written permission from all down-gradient land owners.

Section 24 Plan for Disposal of Waste Generated During Development

24.1 *Scope*

The Board may require a Plan for Disposal of Waste Generated During Development for any subdivision, except those defined as "minor subdivisions" by RSA 676:4, III.

24.1.1 Applicants may request the Board to waive this requirement.

24.2 *Contents*

Each Plan for Disposal of Waste Generated During Development shall contain plans in reasonable detail for:

24.2.1 The treatment and/or disposal of any displaced ledge and/or rocks; and

24.2.2 The treatment and/or disposal of tree stumps, loam, dredgings or subsoil.

Section 25 Community Facilities Impact Analysis

25.1 *Scope*

The Board may require a Community Facilities Impact Analysis for any subdivision, except those defined as "minor subdivisions" by RSA 676:4, III.

25.2 *Contents*

Each Community Facilities Impact Analysis shall contain:

25.2.1 Demographic Description - The analysis must identify the demographic market the project intends to serve, including:

25.2.1.2 Average family size;

25.2.1.3 Numbers and ages of families;

25.2.1.4 Anticipated time period to fill all units or Lots.

25.2.2 Community Facilities Impact - The Applicant shall conduct analysis of the following:

25.2.2.2 Estimated impact on sewage disposal system, including flow estimates and assessment of capacity;

25.2.2.3 Estimated impact on the water system, including flow estimates, capacity and assessment of existing or potential water pressure;

25.2.2.4 Estimated impact on the traffic system, including impact of traffic on immediate existing road Structures;

25.2.2.5 Estimated impact on the school system;

25.2.2.6 Estimated impact on public safety providers including police, fire and ambulances;

25.2.2.7 Estimated impact on solid waste disposal system;

25.2.2.8 Estimated impact on existing storm water management systems, including flow and water quality;

25.2.2.9 Estimated impact on recreation resources; and

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25.2.2.10 Any other study deemed appropriate by the Planning Board.

Section 26 Environmental Impact Assessment

26.1 Scope

An Environmental Impact Assessment may be required for wetlands crossings as provided in Article 10.5.4.3 of the Zoning Ordinance.

26.2 Contents

Each Environmental Impact Assessment shall address the following topics:

- 26.2.1 soil survey including identification of prime agricultural or forestry soils;
- 26.2.2 bedrock geology;
- 26.2.3 topography and natural contours including identification of any slopes exceeding 15%;
- 26.2.4 water bodies, water courses, subsurface water including identification of Frontage on the Contookcock River or any great pond;
- 26.2.5 floodplains including any area identified as a Special Flood Zone;
- 26.2.6 plant community analysis, which may be in the form of a sketch map, *see*, New Hampshire Natural Heritage Inventory; “Overview of Natural Communities in New Hampshire” and a “landowner report” prepared by the New Hampshire Natural Heritage Bureau reviewing its database of rare species and exemplary communities.;
- 26.2.7 wildlife habitat survey referring to any areas designated as of statewide or regional significance in the New Hampshire Wildlife Action Plan;
- 26.2.8 archaeological study referring to any historical structures or archaeological remains known to the Applicant or visible from a surface inspection of the site ;
- 26.2.9 wetland evaluation including a wetland functional assessment;
- 26.2.10 vernal pool survey;
- 26.2.11 drainage analysis –stormwater;
- 26.2.12 Sediment and Erosion Control Plan; and
- 26.2.13 resource protection measures,

Section 27 Site Analysis Report

27.1 The Site Analysis Report shall address:

- 27.1.1 the site context in relation to neighboring uses;
- 27.1.2 soil survey including identification of prime agricultural or forestry soils;
- 27.1.3 bedrock geology;
- 27.1.4 topography and natural contours including identification of any slopes exceeding 15%;
- 27.1.5 water bodies, water courses, subsurface water including identification of Frontage on the Contookcock River or any great pond;
- 27.1.6 floodplains including any area identified as a Special Flood Zone;

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- 27.1.7 plant community analysis, which may be in the form of a sketch map, *see*, New Hampshire Natural Heritage Inventory; “Overview of Natural Communities in New Hampshire” and a “landowner report” prepared by the New Hampshire Natural Heritage Bureau reviewing its database of rare species and exemplary communities.;
- 27.1.8 wildlife habitat survey referring to any areas designated as of statewide or regional significance in the New Hampshire Wildlife Action Plan;
- 27.1.9 archaeological study referring to any historical structures or archaeological remains known to the Applicant or visible from a surface inspection of the site ;
- 27.1.10 wetland evaluation including a wetland functional assessment;
- 27.1.11 vernal pool survey;
- 27.1.12 drainage analysis –stormwater;
- 27.1.13 existing Structures;
- 27.1.14 existing roads and other transport ways;
- 27.1.15 visual features;
- 27.1.16 past and present uses of the site; and
- 27.1.17 identification of special features such as:
 - 27.1.17.2 unique and or fragile areas including wetlands;
 - 27.1.17.3 stone walls;
 - 27.1.17.4 floodplains;
 - 27.1.17.5 Steep Slopes;
 - 27.1.17.6 habitats of endangered species; and
 - 27.1.17.7 historically significant Structures.

Section 28 Flexible Zoning Report

- 28.1 The Flexible Zoning Report shall contain or address:
 - 28.1.1 A preliminary layout showing the number of buildable Lots under conventional subdivision rules;
 - 28.1.2 A preliminary layout showing the Net Acreage of the parcel as defined in the Hancock Zoning Ordinance. Such a layout will show:
 - 28.1.2.2 The gross acreage;
 - 28.1.2.3 Location and acreages for
 - 28.1.2.3.1 any existing or proposed roadways;
 - 28.1.2.3.2 flood plains;
 - 28.1.2.3.3 ledge;
 - 28.1.2.3.4 easements of record which prohibit building of Dwellings;
 - 28.1.2.3.5 the Steep Slopes District; and
 - 28.1.2.3.6 the Wetlands Area Conservation District;
 - 28.1.3 and shall further address the differing impacts, if any, of conventional subdivision and Flexible Zoning Subdivision on matters identified in the Site Analysis Report.

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Section 29 Regional Impact Report

29.1 Scope

The Board may require a Regional Impact Report for any subdivision which could reasonably be construed as having the potential for a regional impact.

29.2 The Regional Impact Report shall contain or address

- 29.2.1 the relative size of the proposed development as compared with existing housing stock;
- 29.2.2 proximity to the borders of a neighboring community;
- 29.2.3 transportation networks;
- 29.2.4 anticipated emissions such as light, noise, smoke, odors or particles;
- 29.2.5 proximity to aquifers or surface waters which transcend municipal boundaries;
- 29.2.6 shared facilities such as schools and solid waste facilities; and
- 29.2.7 any other matter within the scope of RSA 36:55.

Section 30 Administration and Enforcement

The Board of Selectmen may appoint an agent charged with the responsibility of receiving for the Board preliminary layouts and final plats, checking them to determine if they meet the requirements of the Subdivision Regulations, and inspecting improvements for compliance with the Subdivision Regulations and the requirements of the Board and of the Selectboard. Such inspections shall not be deemed to represent acceptance by the Town of the Applicant's Streets and roads, which acceptance can be made only by action of the Town at Town Meeting.

The Board of Selectmen is charged with the responsibility enforce the provisions of these Regulations.

Section 31 Waivers

Upon a request from an Applicant or upon a motion of any regular member, the Board may vote to waive, in whole or in part, the requirements of these Regulations when, in the opinion of a majority of the Board, the literal enforcement of the Regulation would create an unnecessary hardship due to unique characteristics of the site in question, and such waiver would not adversely compromise the purpose or intent of the Zoning Ordinance or these Regulations.

Section 32 Amendments

These Subdivision Regulations may be amended or rescinded by the Board, but only following a public hearing on the proposed change. The Chairman or Secretary of the Board shall transmit a record of any changes so authorized to the Town Clerk, the Office of Energy and Planning and the Register of Deeds of Hillsborough County.

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Section 33 Severability

If any section, clause, provision, portion or phrase of this Regulation 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, clause, provision, portion or phrase of this Regulation.

APPENDICES

[Note: The materials appended to these regulations were, in some instances, adopted by bodies other than the Planning Board and may be amended by such other bodies. They are appended here for convenient reference and not to signify adoption or re-adoption as part of the Subdivision Regulations.]

Appendix A – Class VI Road Policy

Appendix B – Road Standards

Appendix C - Soils