

# **Town of Canaan New Hampshire Land Use Regulations**

**November 12, 2020**

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# Subdivision Regulations

## Section I. Authority and Purpose

Pursuant to the authority vested in the Canaan Planning Board by the voters of the Town of Canaan on August 13, 1998, and in accordance with the provisions of RSA 674:35 of the New Hampshire Revised Statutes Annotated, and as amended, the Canaan Planning Board adopts the following regulation governing the subdivision of land in the Town of Canaan, New Hampshire. These regulations are designed to accomplish the purposes set forth in RSA 674:36 and for the purpose of protecting the health, safety, convenience, and economic and general welfare of our citizens.

## Section II. Definitions

- A. **Abutter: Means:** (1) any person whose property is located in New Hampshire and is within 50 feet or is directly across the street or stream from the land under consideration by the local land use board; and (2) affected municipalities and the regional planning commission(s) in the event of developments having regional impact. For purposes of receiving testimony only, and not for purpose of notification, the term "abutter" shall include any person who is able to demonstrate that his land will be directly affected by the proposal under consideration. For purposes of receipt of notification by a municipality of a local land use board hearing, in the case of an abutting property being under a condominium or other collective form of ownership, the term abutter means the officers of the collective or association, as defined in RSA 356-B:3. XXIII.
- B. **Applicant:** Means the owner of record of the land to be subdivided, or his/her designated agent.
- C. **Approval:** Means recognition by the Planning Board, certified by written endorsement on the plat, that the plat meets the requirements of these Regulations and in the judgment of the Board satisfies all criteria of good planning and design.
- D. **Approval, conditional:** Means recognition by the Planning Board that the plat is neither finally approved nor ready for filing with the Registry of Deeds until such time as certain conditions, set forth by the Board, are met.
- E. **Board:** Means the Planning Board of Canaan, New Hampshire.
- F. **Development:** Means any construction or grading activities on real estate for other than agricultural and silvicultural (tree care and harvesting) practices.
- G. **Driveway:** Means an area located on a lot, tract or parcel of land, and built for direct access to a garage or off-street parking space, serving no more than two (2) lots, sites or dwelling units. In those cases where a driveway on a lot provides access to another lot with buildings or contemplated buildings, then that driveway shall also be a private road. See RSA 674:41 III. Designating a driveway as a private road does not directly require any road upgrades, as that is determined by other factors such as dwelling count, fire code or "Class VI Highway/Private Road" policy.
- H. **Lot:** Means a tract, plot, or portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership, or possession, or for building development.
- I. **Lot of Record:** Means a parcel, the plat or description of which has been recorded at the county register of deeds.
- J. **Lot Line Adjustment:** Means adjustments to the boundary between adjoining properties, where no new lots are created.
- K. **Plat:** Means the map, drawing or chart on which the plan of subdivision is presented to the Canaan Planning Board for approval, and which, if approved, will be submitted to the Register of Deeds of Grafton County for recording.

- L. **Private Road:** Means a strip of land over which one or more individuals has the right to pass in a highway vehicle, and which is not a Class I through VI highway and is not an Official Trail. Driveways and totally discontinued roads may or may not be private roads. See those definitions.
- M. **Public Hearing:** Means a meeting, notice of which must be given per RSA 675:7 and 676:4.I(d), at which the public is allowed to offer testimony.
- N. **Public Meeting:** Means the regular business meeting of the Planning Board as required per RSA 673:10. Notice must be posted at least 24 hours in advance and the meeting must be open to the public, although participation by the public is at the discretion of the Board.
- O. **Right-of-Way:** Means an easement, a privilege to pass over the land of another, whereby the holder of the easement acquires only a reasonable and usual enjoyment of the property, and the owner of the land retains the benefits and privileges of ownership consistent with the easement. It may also mean a specific grant of land. Some rights of way are for a specific use such as repair of telephone lines.
- P. **Street:** Means the same as RSA 672:13 Street. – "Street" means, relates to and includes street, avenue, boulevard, road, lane, alley, viaduct, highway, freeway and other ways.
- Q. **Subdivision:** Means the division of a lot, tract, or parcel of land into two (2) or more lots, plats, sites, or other division of land for the purpose, whether immediate or future, of sale, rent, lease, condominium conveyance or building development. It includes resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided. The division of a parcel of land held in common and subsequently divided into parts among several owners shall be deemed a subdivision. Any additional dwelling placed upon a lot shall also be deemed a subdivision.
- R. **Subdivision, Major:** Means a subdivision of four (4) or more lots, or one which involves the creation of new streets and/or utilities.
- S. **Subdivision, Minor:** Means a subdivision of land into not more than three (3) lots for building development purposes, with no potential for resubdivision on an existing street: or one which does not involve the creation of new streets and/or utilities.
- T. **Subdivision, Technical:** Means a subdivision of land into two lots or sites for the purpose of conveying one such lot or site directly to an abutting landowner. The parcel to be conveyed does not constitute a separate building lot: however, said parcel may be used for building development in conjunction with contiguous land owned by the abutter.
- U. **Totally Discontinued Road:** Where roads have been totally discontinued, and have created landlocked lots, those lots have a right of access. Where buildings are contemplated, it shall be necessary to establish a private or public road. This may require agreement of abutting land owners, Planning Board, and/or Selectmen. This definition does not expand any rite of passage and does not require any road upgrades unless required by other factors such as dwelling count, fire code or "Class VI Highway/Private Road" policy.

### Section III. General Requirements for the Subdivision of Land

#### A. 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 exceptional danger to health or peril from fire, flood, poor drainage, excessive slope, or other hazardous conditions, shall not be platted for residential, commercial, or industrial subdivision, nor for such other uses as may increase danger to life or property, or aggravate the flood hazard.

#### B. 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 (RSA 674:36.II(a)).

**C. Preservation of Existing Features:**

Wherever feasible, suitable steps shall be taken to preserve and protect significant existing features such as trees, scenic points, stone walls, rock outcroppings, water bodies, and historic landmarks, where possible, the boundary line(s) should follow stone walls.

**D. Lots**

1. Areas set aside for parks and playgrounds to be dedicated or reserved for the common use of all property owners shall be of reasonable size and character for neighborhood playgrounds or other recreational uses.
2. Lots shall be laid out and graded to eliminate flood or stagnant water pools. No water shall be permitted to run across a street on the surface, but shall be directed into catch-basins and pipes underground in a pipe of not less than 12 inches in diameter.

3. Street Frontage:

Note that the Selectmen may require road upgrades prior to issuing building permits on private roads or class VI highways. For details see Appendix E "Class VI Highway/Private Road Policy".

The minimum street frontage is 50 feet. Street frontage shall be measured on the street giving access to the lot. A minimum lot width of 50 feet shall exist from street giving access to a potential single-family residential building site on the lot. All lots created under this section shall have street frontage on one of the following:

- A. An existing Class II state highway or Class V town highway.
  - B. An existing Class VI highway upgraded and maintained to the specifications found in Appendix B. Selectboard approval is required to upgrade the highway...
  - C. An existing or new private road built and maintained to the specifications found in Appendix B.
  - D. An existing or new private road which will provide, after subdivision, access to not more than two lots, sites, or dwelling units. Note that the definition of "private road" includes driveways and rights-of-ways.
4. **Comprehensive Shoreland:** Lots must conform to the Comprehensive Shoreland Protection Act and amendments thereto. The protected shoreland exists around the perimeter of every waterbody which is equal to 10 acres or greater. The protected shoreland also exists on each side of the Mascoma River downstream from the junction with the outflow from Canaan Street Lake, which is located in Canaan Center. The protected shoreland also exists on each side of the Indian River downstream from junction of the outflow from Larry Pond, which is near the junction on route 118 and Stevens Rd. Both sides of Orange Brook are in the protected shoreland. This paragraph is a summary of CSPA. Applicant is responsible for all current applicable regulations. See laws and regulations for complete and current requirements.
- A. A lot with any portion of the lot within the 250 foot protected shoreland requires state subdivision approval as well as Board approval.
  - B. No lot having frontage on public waters, shall be created with less than 150 feet of shoreland frontage.

- C. For new lots with on-site septic, the number of dwelling units per lot shall not exceed 1 unit per 150 feet of shoreland frontage, and for any lot that does not have direct frontage, one unit per 150 feet of lot width as measured parallel to the shoreland frontage that lies between the lot and the reference line.
  - D. Primary structures must be set back at least 50 feet from the water reference line. Secondary structures must be set back at least 20 feet from the waterbody reference line.
5. **Historic District:** The Historic District extends approximately from the junction of Canaan Street and Prospect Hill Road southward along Canaan Street to the highest elevation on Canaan Street, near Moss Flower Lane. It is bounded on the east by Canaan Street Lake, and on the west by a line 500 feet west of Canaan Street. This paragraph is a summary of the pertinent district restrictions. See the district regulations for complete and current requirements.
- A. Minimum lot size is two acres.
  - B. Setback from all boundaries is 30 feet; however primary structures must be set back 50 feet from the lake.
6. **Dwelling units:** The addition of a second or subsequent dwelling unit upon a lot is considered a subdivision and Board approval is required prior to such addition.

**E. Reserve Strips:**

Reserve strips of land that show an intent on the part of the subdivider to control access to land dedicated or to be dedicated to public use shall not be permitted.

**F. Septic system and Water Supply**

- 1. In areas not currently served by public sewer systems, it shall be the responsibility of the subdivider or his agent to provide the necessary state approvals for the construction of an individual sewage disposal system
- 2. All new wells shall have a wellhead protection radius of seventy-five (75) feet, said radius to be located entirely on its lot.
- 3. The location, dimensions and design of all water mains and associated systems shall be as approved by the Town Water and Sewer Commission.

**G. Stormwater**

To protect drinking water supplies, including Canaan Village's source, and to protect lakes, ponds, rivers, and streams so that they may continue to provide fishing, swimming, and recreation, the following stormwater regulations are adopted.

Any Driveway, Road or Building Development or Construction Plan; or such Building, Driveway, Construction, or Development shall:

- 1. Minimize the area of disturbed soil; and
- 2. Reduce the time that soil is left disturbed by phasing construction; and
- 3. Maximize the protection of native vegetation; and

4. Prevent stormwater from outside the site from entering areas of disturbed soil on site and control water on site; and
5. Control sediment transport onsite through seeding, mulching, and structural measures, and prevent sediment from leaving the construction site; and
6. Control post-development peak rate runoff so that it does not exceed pre-development runoff for the 2-year, 10-year, and 25 year/24 hour storm events; and
7. Use low-impact development techniques to intercept, treat, and infiltrate runoff from developed areas; and
8. Use development buffers to restore, enhance, or protect natural areas such as riparian areas, stream channels, wetlands, and forests; and
9. Prevent stormwater systems from discharging post-treatment detention runoff within 100 feet of surface water in any Watershed area; and
10. Prohibit snow from being piled within at least 25 feet of a wetland or waterbody; and
11. All new development not having an NH DES Alteration of Terrain permit and creating more than one half acre of impervious surface (including gravel roads), shall demonstrate that drainage designs include features that provide 80% removal of total suspended solids and 40% removal of phosphorus. Flexibility in meeting this standard is encouraged.
  - a. The following will implicitly be considered to have met the standards. A mechanism for infiltrating 3600 cubic feet of runoff (one acre inch) per acre of impervious surface (or increments thereof), consistent with the following:
    1. All non-rooftop run off must be pretreated prior to its entrance into the groundwater recharge device by:
      - (1) first routing it over a durable level spreader to encourage sheet flow and then down a vegetated slope of less than 3%; or
      - (2) by routing it through a vegetated swale with a two year peak velocity of less than one foot per second; or
      - (3) by some other alternative method, acceptable to the Board, that will remove materials that would clog the soils receiving the recharge water.
    2. The floor of the recharge device shall be at least 2 feet above the seasonal high water table, or ledge.
  - b. Applicants not wishing to employ the mechanism above must be able to provide suitable documentation that the total suspended solids and phosphorus treatment standards have been met.

Each of the above is explained in the NH Stormwater Manual and DES fact sheet.

<http://des.nh.gov/organization/divisions/water/stormwater/manual.htm>

<http://des.nh.gov/organization/commissioner/pip/factsheets/wmb/documents/wmb-3.pdf>

The following table provides references to relevant volumes, chapters, and pages.

Item Number Above	Stormwater Volume	Chapter	Page
1	1	6.1	44
2	1	7.3	66
3	1	7.2	64
4	1	7.3	66-74
5	1	7.3	66-74
6	2	2.7	22
7	1	6.1	43-53
8	1	7.2	64
9	2	Table 3-3	33
10	N/A	DES Fact Sheet WMB-3	1
11	2	Appendix B	197

#### H. Other Permits:

Applicant is responsible at time of application for any and all other permits, such as community water systems, wetlands, mobile home park, dredge and fill, Department of Transportation, and stormwater.

### Section IV. Subdivision review procedures

#### A. Preliminary Conceptual Consultation (Optional)

- 1) The applicant may request a meeting with the Board to discuss a proposal in conceptual form and in general terms. Although this phase is strictly optional, the Board strongly suggests that the applicant avail him/herself of the opportunity to resolve any issues at this early stage that might become a problem later on. Such pre-application consultation shall be informal and directed toward:
  - a) Reviewing the basic concepts of the proposal.
  - b) Review proposal with regard to the master plan and zoning ordinance.
  - c) Explaining the state and local regulations that may apply to the proposal.
- 2) Preliminary conceptual consultation shall not bind the Applicant or the Board. Such discussion may occur without formal public notice, but must occur only at a posted meeting of the Board.

#### B. Design Review Phase (Optional)

- 1) Prior to submission of an application for Board action, an applicant may request to meet with the Board or its designee for non-binding discussions beyond the conceptual and general state, involving more specific design and engineering details of the potential application.
- 2) The design review phase may proceed only after identification of and notice to abutters and the general public as required by RSA 676:4.I(d).
- 3) Persons wishing to engage in pre-application design review shall submit a request to the Board not less than 15 days before the regularly scheduled meeting of the Board. The request shall include:
  - a) List of abutters and their addresses taken from municipal records not more than five (5) days before submission.



- b) Check to cover mailing and advertising cost.
- 4) Statements made by Board members shall not be the basis for disqualifying said members or invalidating any action eventually taken on the application.

**C. Submission of Completed Application (Required)**

- 1) Completed application shall be filed with the Town Office at least 2 business days before a regular meeting of the Board. A completed application shall consist of all data required in these regulations.
- 2) All plans will be reviewed for completeness by the Board. This review may take place at a regular meeting of the Board, or by a person or persons designated to review plans for completeness prior to submission to the Board. If the plan is incomplete, the applicant will need to provide the missing submission items before the Board will vote to accept the application.
- 3) The board shall, at the next regular meeting or within 30 days following the delivery of the application, for which notice can be given in accordance with RSA 676:4.I(b), determine if the submitted application is complete. Acceptance will be by affirmative vote of a majority of the Board members present.
- 4) When a Completed Application has been accepted by the Board, the Board shall provide a receipt to the Applicant indicating the date of acceptance which is the start of the 65 day review period.

**D. Board Action on Completed Application**

- 1) The Board shall act to approve, conditionally approve, or disapprove the Accepted Application within 65 days of acceptance of the application.
- 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. 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.
- 3) Approval of the application shall be certified by written endorsement on the Plat and signed and dated by the Chairman of the Board. If any application is disapproved, the grounds for such disapproval shall be adequately stated in the records of the Board and in written notice given to the Applicant within 72 hours of the decision.
- 4) An approved plan shall be recorded by the Board with the Register of Deeds of Grafton County within 90 days of approval. Any subdivision plan not filed within this time frame shall be considered void.

**E. Failure of the Board to Act**

- 1) In the event that the Board does not act on an accepted application within the prescribed 65 days, the applicant may petition the Selectmen to an order directing the Board to act within 30 days.
- 2) If the Board fails to act within 40 days of this directive, the Selectmen must approve the application unless they find in writing that the plan does not comply with a local regulation. In the event the Selectmen fail to act, the applicant may petition superior court to approve the plan.

**F. Conditional Approval**

The Board may grant conditional approval of an application, but the plat will not be signed or recorded until all of the conditions have been met. If the applicant has not complied with the conditions of approval within one (1) year, the approval is considered null and void and the applicant must submit a new subdivision application. A further public hearing is not required when such conditions:

- 1) are administrative in nature;
- 2) involve no discretionary judgment on the part of the Board;
- 3) involve the applicant's possession of permits and approvals granted by other boards or agencies, such as the Department of Transportation, the Wetlands Board, or Water Supply and Pollution Control Division; however, any subsequent change to the plan required by such approvals would constitute grounds for a new application process.

#### **G. Expedited Review**

- 1) The Board may allow for an expedited review of applications for lot line adjustments, technical subdivisions or minor subdivisions, as defined in Section II of these regulations.
- 2) The Completed Application may be submitted, accepted and voted on at the same meeting, provided the public notice so indicates.
- 3) The Board may waive certain plat requirements for lot line adjustments, minor and technical subdivision.

#### **H. Public Hearing**

Prior to the approval of a subdivision, a public hearing shall be held pursuant to RSA 676:4,I(d) with notice given to the applicant, abutters, and the public. Public hearings may be waived for lot line adjustments. Minor or Technical subdivisions do not require a public hearing unless requested by either the Board, the applicant or any abutters, except that public notice shall be given prior to approval of the application. If a public hearing is to be held, it shall follow the procedures as outlined in Paragraph I of this section.

#### **I. Notification**

- 1) Notice of a Design Review, submission of a Completed Application, or a Public Hearing shall be given by the Board to the abutters and the Applicant by certified mail, mailed at least ten (10) days prior to the submission. The public will be given notice at the same time, by posting at the Canaan Town Hall, Canaan Town website, and the Canaan Post Office. The planning board shall also notify at the same time holders of conservation, preservation, or agricultural preservation restrictions, and every engineer, architect, land surveyor, or soil scientist whose professional seal appears on any plat. For those proposals in which any structure or proposed building site will be within 500 feet of the top of the bank of any lake, pond, river, or stream, the planning board shall also notify the department of environmental services by first class mail at the same time that notice is provided to abutters. Notice may also be provided in any periodic communication regularly employed by the town for community outreach.
- 2) The notice shall give the date, time, and place of the Board meeting at which the Application or other item(s) will be formally submitted to the Board, shall include a general description of the proposal which is to be considered, and shall identify the Applicant and the location of the proposal.
- 3) If the notice for the public hearing was included in the notice of submission or any prior notice, additional notice of the public hearing is not required. Additional notice is not required of an adjourned session of a hearing provided that the date, time, and place of the adjourned session was made known at the prior meeting.

#### **J. Fees**

- 1) All applications shall be accompanied by a check to reimburse the Board for its administrative and notification costs involved in processing applications.
- 2) All cost of notices, whether mailed, posted, or published, shall be paid in advance by the Applicant. Failure to pay costs shall constitute valid grounds for the Board to not accept the application as complete.

- 3) Pursuant to RSA 676:4.I(g) it shall be the responsibility of the Applicant, if the Board deems it necessary, to pay reasonable fees for special 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. Failure to pay such costs shall constitute valid grounds for the Board to terminate further consideration of the application and to disapprove the Plat without a public hearing.

**K. Site Inspections**

- 1) Whenever the Board deems it necessary for the consideration of an application to visit the site, the Board shall request permission from the applicant. Inclusion of the public at the site inspection is at the discretion of the applicant.
- 2) 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.
- 3) 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 access automatically terminates any further consideration of the proposal.

**L. Concurrent and Joint Hearings**

The applicant may request a joint hearing with one or more land use boards in conjunction with a subdivision hearing if all are required for the same project.

**Section V. Submission Requirements**

- A. A completed application shall consist of the following items unless a written waiver from the applicant has been granted by the Board: a completed application form, accompanied by (1) names and addresses of all abutters, taken from the town records not more than five (5) days before the day of filing, and (2) payment to cover filing and notification fees. Four copies of the Plat are required, prepared at any scale between 1" = 20' and 1" = 400'. The outside dimensions of the Mylar shall be 17 x 22 inches, or 22 x 34 inches, except as may be otherwise specified by the Grafton County Registry of Deeds.
- B. The plat shall show the following information:
  1. Proposed subdivision name or identifying title: name and address of the applicant and of the owner, if other than the applicant.
  2. North arrow, scale, date of the plan: name, license number and seal of the surveyor; signature block for Board endorsement.
  3. Names of all abutting subdivisions, streets, easements, building lines, parks and public places, and similar facts regarding abutting properties.
  4. Locus plan showing general location of the total tract within the town and the zoning district(s).
  5. Boundary survey including bearings, distances and the location of permanent markers. **Curved boundary lines shall show radius, chord, and length.**
  6. Location and profiles with elevations of existing and proposed water mains, sewers, culverts, drains, and proposed connections or alternative means of providing water supply and disposal of sewage and surface drainage.
  7. Existing and proposed easements, rights-of-way, driveways and buildings or other structures.

8. Location of property lines, including entire undivided lot, lot areas in square feet and acres, frontage on public rights-of-way, and building setback lines. Each lot shall be numbered according to the Town tax map numbering system.
9. Water courses, ponds, standing water, rock ledges, stone walls and other natural features; existing and proposed foliage lines; and open space to be preserved.
10. Existing and proposed streets with names, classification, travel surface widths and right-of-way widths. (See Appendix B for road standards.)
11. Final road profiles, center line stationing and cross sections.
12. Existing and proposed topographic contours with spot elevations where necessary, with a maximum contour interval of 5 feet on lots less than 5 acres in size, and a maximum interval of 20 feet on lots greater than 5 acres. The source of contour data and the contour interval should be appropriate to lot size and conditions, shall be indicated on the plan, and shall be subject to the approval of the Board.
13. Soil data based on Grafton County Soil Survey, including wetland delineation; and flood hazard areas.
14. Location of percolation tests and test results; location of 75-foot well radius and 4,000 square-foot septic area.
15. Base flood elevations and flood hazard areas, based on available FEMA maps.
16. Comprehensive Shoreland Protection Act boundary delineated.

**C. Other Information**

- 1) Plan for the control of sedimentation and erosion, if applicable.
- 2) State septic design approval, copy of application, or certification by septic designer.
- 3) State highway/Town driveway permit, as applicable.
- 4) Any other state and/or federal permits.
- 5) Any deed restrictions; and all deeds covering land to be used for public purposes, easements and rights-of-way over property to remain in private ownership, and rights of drainage across private property are submitted in a form satisfactory to the Board's counsel.
- 6) Any additional reports or studies deemed necessary by the Board to make an informed decision, including but not limited to: traffic, school, fiscal and environmental impact analyses. The Board reserves the right to request such information after an application has been accepted as complete, as well as before acceptance.
- 7) Copy of Comprehensive Shoreland Protection Act permit.

**Section VI. Developments Having Regional Impact**

- A. All applications shall be reviewed for potential regional impacts. Upon such a finding, the Board shall furnish the regional planning commission(s) and the affected municipalities with copies of the minutes of the meeting at which the determination was made. The copies shall be sent by certified mail within 72 hours of the meeting.
- B. At least 14 days prior to the scheduled public hearing, the Board shall notify by certified mail the regional planning commission(s) and the affected municipalities of the date, time and place of the hearing, and of their right to appear as abutters to offer testimony concerning the proposal.

**Section VII. Previously-Approved Subdivisions**

If any land shown on a subdivision plat has been part of any previous subdivision approved, constructed, or created by conveyance no more than four (4) years prior to the new proposal, any such previous subdivision will be treated as part of the new proposal for purposes of analyzing its effect and applying all review criteria.

**Section VIII. Special Flood Hazard Areas**

- A. 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.
- B. The Board shall require that all subdivision proposals and other proposed new developments greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals base flood elevation data. Sufficient evidence (construction drawings, grading and land treatment plans) shall be submitted so as to allow determination that:
  - 1) all such proposals are consistent with the need to minimize flood damage;
  - 2) all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage; and
  - 3) adequate drainage is provided so as to reduce exposure to flood hazards.

**Section IX. Performance Guarantee**

- A. As a condition of approval, the Board shall require the posting of a performance guarantee in an amount sufficient to defray the costs of construction of streets and public utilities such as water and sewer drains and drainage structures. The amount of the security shall be based on an estimate of costs provided by the subdivider and, at the discretion of the Board, reviewed by a licensed engineer. All costs of such review shall be paid by the applicant.
- B. The security shall be approved as to form and sureties by the Board and the municipal counsel. The amount of the security shall include fees to cover the cost of periodic inspections.
- C. Where electric lines or other utilities are to be installed by a corporation, municipal department, or public utility, a letter of intent shall be required stating that the work will be done in reasonable time and without expense to the Town.
- D. Each approved plat shall contain a time limit for the completion of streets and public improvements. The performance guarantee shall be released in phases as portions of the secured improvements or installations are completed and approved by the Board or its designee, in accordance with the plan approved by the Board.

**Section X. Revocation of Board Approval**

An approved and recorded subdivision plat may be revoked by the Board in whole or in part, under the following circumstances:

- 1) at the request of or by agreement with the applicant;
- 2) when any requirement or condition of approval has been violated;
- 3) when the applicant has failed to perform any condition of approval within the time specified or within four years;

- 4) when four years have elapsed without any vesting of rights and the plan no longer conforms to applicable regulations; or
- 5) when the applicant has failed to provide for the continuation of adequate security.

#### **Section XI. Administration and Enforcement**

- A. These regulations shall be administered by the Board. The enforcement of these regulations is vested with the Selectmen.
- B. Waiver: The requirement of these regulations may be waived or modified when, in the opinion of the Board, specific circumstances surrounding subdivision, or the condition of the land in such subdivision, indicate that such modifications will properly carry out the purpose and intent of the master plan and these regulations.
- C. Penalties and Fines: Any violation of these regulations shall be subject to a civil fine as provided in RSA 676:16 and 676:17, as amended.
- D. Appeals: Any person aggrieved by a decision of the Board concerning a plat or subdivision may appeal said decision either to the superior court pursuant to RSA 677:15, or to the NH Housing Appeals Board pursuant to RSA 679, as appropriate, except when a disapproval by the Board is based upon non-compliance with the zoning ordinance, in which case an appeal may be taken to the Board of Adjustment.

#### **Section XII. Validity**

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

#### **Section XIII. Amendments**

These regulations may be amended by a majority vote of the Board after at least one (1) public hearing.

#### **Section XIV. Effective Date**

These regulations shall take effect upon their adoption, and all regulations or parts of regulations, inconsistent therewith, are hereby repealed.

Applicant's Name \_\_\_\_\_  
 Date of Application \_\_\_\_\_

### Minor Subdivision Checklist:

The items on this page are considered to be the minimum requirements for a completed minor subdivision plat. The Board may, in certain cases, need to request additional information.

Submitted			Waived	
Yes	No		Yes	No
		1. Name of subdivision: name and address of subdivider.		
		2. Name, license number and seal of surveyor; north arrow scale, and date of plan.		
		3. Locus plan, showing zoning designations.		
		4. Boundary survey and location of permanent markers. Monuments have been set on property.		
		5. Location of property lines, lot areas in square feet and acres; setback lines; lots numbered according to Canaan tax map system.		
		6. Names of abutting subdivisions, streets, easements, building lines, & other facts regarding abutting properties. New street names approved by selectmen or delegate.		
		7. Existing and proposed easements, rights-of-way, driveways, buildings, and other structures.		
		8. Water courses, ponds, standing water, rock ledges, stonewalls, and other natural features; existing and proposed		
		9. Location of perc tests and test results and of 4,000 square-foot septic area; location of 75-foot well radius on property.		
		10. Plan for control of sedimentation and erosion.		
		11. Copy of state septic approval or certification from septic designer.		
		12. Copy of driveway permit.		
		13. Copy of any other state or federal permits.		
		14. Copy of any deed restrictions.		
		15. Copy of deeds covering land to be used for public easements, and rights-of-way.		
		16. Comprehensive Shoreland Protection Act boundary delineated.		
		17. Copy of Comprehensive Shoreland Protection Act permit.		
		18. Base flood elevations and flood hazard areas, based on available FEMA maps.		

Applicant's Name \_\_\_\_\_

Date of Application \_\_\_\_\_

**Major Subdivision Checklist**

Is This a Development Having Regional Impact? \_\_\_\_\_YES \_\_\_\_\_NO

Submitted  
Yes NoWaived  
Yes No

		1. Name of subdivision: name and address of subdivider.		
		2. Name, license number and seal of surveyor; north arrow, scale, and date of plan.		
		3. Locus plan, showing zoning designations.		
		4. Boundary survey and location of permanent markers. Monuments have been set on property.		
		5. Location of property lines, lot areas in square feet and acres; setback lines; lots numbered according to Canaan tax map system.		
		6. Names of abutting subdivisions, streets, easements, building lines, & other facts regarding abutting properties. New street names approved by selectmen or delegate.		
		7. Existing and proposed easements, rights-of-way, driveways, buildings, and other structures.		
		8. Water courses, ponds, standing water, rock ledges, stonewalls, and other natural features; existing and proposed foliage lines; and open space to be preserved.		
		9. Existing and proposed street names, classifications, widths of travel surface and right-of-way.		
		10. Final road profiles, center line stationing and cross sections.		
		11. Contour lines.		
		12. Soil data, designating wetlands.		
		13. Location & profiles of existing and proposed water mains, sewers, culverts, drains and connections.		
		14. Location of perc tests and test results and of 4,000 square-foot septic area; location of 75-foot well radius on property.		
		15. Plans for soil erosion and sedimentation control.		
		16. Copy of state septic approval or certification from septic designer.		
		17. Copy of driveway permit.		
		18. Copies of any other state or federal permits.		
		19. Copy of any deed restrictions.		
		20. Copy of deeds covering land to be used for public easements, and rights-of-way.		
		21. Any additional reports or studies.		
		22. Comprehensive Shoreland Protection Act boundary delineated.		
		23. Copy of Comprehensive Shoreland Protection Act permit.		
		24. Base flood elevations and flood hazard areas, based on available FEMA maps.		



**SECTION XV. Driveways, Private Roads, and Other Accesses to the Public Way.****A. Town roads and state roads:**

## 1) Town Roads:

It shall be unlawful to construct, or alter in any way that substantially affects the size or grade of, any driveway, entrance, exit, or approach within the limits of the right-of-way of any town road that does not conform to the terms and specifications of a written permit issued by the board of selectmen. Authority is granted to the Board by RSA 236:13 V and VI.

## 2) State Roads:

It shall be unlawful to construct, or alter in any way that substantially affects the size or grade of, any driveway, entrance, exit, or approach within the limits of the right-of-way of any class I or class III highway or the state-maintained portion of a class II highway that does not conform to the terms and specifications of a written permit issued by the commissioner of transportation.

Laws and regulations for state maintained roads are not further described in this regulation. State roads are route 4, route 118, Canaan Street, and Orange Road. Contact the state department of transportation for requirements. Reference is made to RSA 236:13 and RSA 236:14

**B. Administration and permitting.**

Delegation of administrative duties and issuance of permits is delegated to the board of selectmen. The board of selectmen may further delegate to any qualified official or qualified body.

**C. Permit Application:**

Pursuant to this section, a written construction permit application must be obtained from and filed with the board of selectmen by any party affected by the provisions of paragraph XV A 1). Before any construction or alteration work is commenced, the permit application shall have been reviewed, and a construction permit issued by the board of selectmen.

The permit application shall:

- 1) Describe the location of the driveway, entrance, exit, or approach. The location shall be selected to most adequately protect the safety of the traveling public.
- 2) Describe any drainage structures, traffic control devices, and channelization islands to be installed by the applicant.
- 3) Establish grades that adequately protect and promote highway drainage and permit a safe and controlled approach to the highway in all seasons of the year.
- 4) Include any other terms and specifications necessary for the safety of the traveling public.
- 5) Itemize the breach, removal, and reconstruction of stone walls or fences within, or at the boundary of, the public right of way. Stone wall alteration shall be minimized, while giving consideration to safety, road maintenance, aesthetics, and historic value.

**D. Commercial, industrial, or subdivision.**

For access to a proposed commercial or industrial enterprise, or to a subdivision, all of which for the purposes of this section shall be considered a single parcel of land, even though acquired by more than one conveyance or held nominally by more than one owner:

- 1) The permit application shall be accompanied by engineering drawings showing information as set forth in paragraph XV C.
- 2) Unless all season safe sight distance of 400 feet in both directions along the highway can be obtained, the board of selectmen shall not permit more than one access to a single parcel of land, and this access shall be at that location which the board of selectmen determines to be safest. The board of selectmen shall not give final approval for use of any additional access until it has been proven to them that the 400 foot all season safe sight distance has been provided.

**E. No construction permit shall allow:**

- 1) A driveway, entrance, exit, or approach to be constructed more than 50 feet in width, except that a driveway, entrance, exit, or approach may be flared beyond a width of 50 feet at its junction with the highway to accommodate the turning radius of vehicles expected to use the particular driveway, entrance, exit or approach.
- 2) More than 2 driveways, entrances, exits or approaches from any one highway to any one parcel of land unless the frontage along that highway exceeds 500 feet.
- 3) A driveway, entrance, exit, or approach to be constructed within 50 feet of the intersection of two public roads.
- 4) A driveway, entrance, exit, or approach to be constructed with less than 150 feet all season safe site distance in each direction.
- 5) A driveway, entrance, exit, or approach to be constructed with a width less than 20 feet, within 20 feet of a town road.

**F. Safety, maintenance, and landowner's responsibility.**

The Board shall retain continuing jurisdiction over the adequacy and safety of every existing driveway, entrance, exit, and approach to a highway, whether or not such access was constructed or installed pursuant to a permit under this section, and, unless the access is a public highway, the owners of property to which the access is appurtenant shall have continuing responsibility for the adequacy of the access and any grades, culverts, or other structures pertaining to such access, whether or not located within the public right of way. If any such access is or becomes a potential threat to the integrity of the highway or its surface, ditches, embankments, bridges, or other structures, or a hazard to the safety of the traveling public, by reason of siltation, flooding, erosion, frost action, vegetative growth, improper grade, or the failure of any culvert, traffic control device, drainage structure, or any other feature, the Board or their designee may issue an order to the landowner or other party responsible for such access to repair or remove such hazardous condition and to obtain any and all permits required therefor. The order shall describe the hazard, prescribe what corrective action or alteration in the location or configuration of such access shall be required, and set a reasonable time within which the action shall be completed. Such an order shall be sent by certified mail, and shall be enforceable to the same extent as a permit issued under this section. If the order is not complied with within the time prescribed, the Board or their designee may take whatever action is necessary to protect the highway and the traveling public, and the owner or other responsible party shall be civilly liable to the town for its costs in taking such action.

**G. Penalty.**

Any person who violates any provision of this regulation shall be guilty of a violation if a natural person, or guilty of a misdemeanor if any other person; and, in addition, shall be liable for the cost of restoration of the highway to a condition satisfactory to the person empowered to give such written permission.

#### **H. Waivers.**

The board of selectmen may waive the requirements of sections XV E 3), XV E 4), and XV E 5). These sections may be waived or modified when, in the opinion of the board of selectmen, strict conformity would pose an unnecessary hardship to the applicant and such waiver would not be contrary to the spirit and intent of these regulations.

#### **I. Appeals.**

Only the following sections may be appealed: XV E 3), XV E 4), and XV E 5). Any party aggrieved by the decision of the board of selectmen may appeal to the board of selectmen within 30 days. The board of selectmen shall render a final decision within 10 days. Any party aggrieved by a final decision of the board of selectmen may appeal to the Canaan Board of Adjustment within 30 days.

#### **J. Definitions.**

- (a) "All season safe sight distance" means a line which encounters no visual obstruction between 2 points, each at a height of 3 feet 9 inches above the road surface, and so located as to represent the critical line of sight between the operator of a vehicle using the access and the operator of a vehicle approaching from either direction.
- (b) "Town road" means class V, or class VI highway.

#### **K. Reference:**

Additional Road and Driveway Design and Construction Standards are found in Subdivision Regulations Appendix B.

**SECTION XVI RSA 155-E EXCAVATIONS****155-E:1 Definitions**

- I. **"Earth"** means sand, gravel, rock, soil or construction aggregate produced by quarrying, crushing or any other mining activity or such other naturally-occurring unconsolidated materials that normally mask the bedrock.
- II. **"Excavation"** means a land area which is used, or has been used, for the commercial taking of earth, including all slopes.
- III. **"Regulator"** means;
  - (a) The planning board of a city or town, or if a town at an annual or special meeting duly warned for the purpose so provides, the selectmen of the town or the board of adjustment; or
  - (b) If there is no planning board, the selectmen of the town or the legislative body of the city; or
  - (c) The county commissioners if the land area is in an unincorporated place.
- IV. **"Dimension stone"** means rock that is cut, shaped, or selected for use in blocks, slabs, sheets, or other construction units of specified shapes or sizes and used for external or interior parts of buildings, foundations, curbing, paving, flagging, bridges, revetments, or for other architectural or engineering purposes. Dimension stone includes quarry blocks from which sections of dimension stone are to be produced. Dimension stone does not include earth as defined in RSA 155E:1,I.
- V. **"Excavation site"** means any area of contiguous land in common ownership upon which excavation takes place.
- VI. **"Excavation area"** means the area within an excavation site where excavation has occurred or is eligible to occur under the provisions of this chapter.

**155-E:2 Permit Required.**

No owner shall permit any excavation of earth on his premises without first obtaining a permit therefore, except as follows:

- I. **EXISTING EXCAVATION.** The owner of an excavation which lawfully existed as of August 24, 1979, may continue such existing excavation on the excavation site without a permit, subject to the following:
  - (a) Such an excavation site shall be exempt from the provisions of local zoning or similar ordinances regulating the location of the excavation site, provided that the time the excavation was first begun, it was in compliance with such local ordinances and regulations, if any, as were then in effect.
  - (b) Such an excavation area may not be expanded, without a permit under this chapter, beyond the limits of the town in which it is situated and the area which, on August 24, 1979, and at all times subsequent thereto has been contiguous to and in common ownership with the excavation site as of that date, and has been appraised and inventoried for property tax purposes as part of the same tract as the excavation site of that date, as modified by the limitations of RSA 155-E:4-a, I, II and II-a. In this paragraph the term "contiguous" means land whose perimeter can be circumscribed without interruption in common ownership except for roads or other easements, in a single town. It is further provided that when such excavation is not allowed in that location by local zoning or similar ordinances in effect on August 4, 1989, or when such ordinances allow such excavation only by

special exception, expansion may be restricted or modified with conditions by order of the regulator if after notice to the owner and a hearing, the regulator finds that such expansion will have a substantially different and adverse impact on the neighborhood.

- (c) Such an excavation shall be performed in compliance with the standards of RSA 155-E:4-a and the express reclamation standards of RSA 155-E:5 and 155-E:5-a. Any violations of those standards shall be enforceable pursuant to RSA 155-E:10.
- (d) The owner or operators of any existing excavation area for which no permit has been obtained under this chapter shall file a report with the local regulator within one year after receiving written notice of this requirement from the regulator and in no case later than 2 years following August 4, 1989. The report shall include:
  - (1) the location of the excavation and the date the excavation first began;
  - (2) A description of the limits of permissible expansion, as described in subparagraph (b), which are claimed to apply to the excavation;
  - (2) An estimate of the area which has been excavated at the time of the report; and
  - (4) An estimate of the amount of commercially viable earth materials still available on the parcel.
- (e) The exemption from local zoning or site location regulations as stated in subparagraph shall include the quarrying or crushing of bedrock for the production of construction aggregate; provided, however, that no owner shall, after August 4, 1989, permit any such quarrying or crushing of bedrock to occur for the first time on any excavation site without first obtaining a permit therefore under this chapter.

## II. ABANDONED EXCAVATIONS.

The permit and zoning exemptions under RSA 155-E:2, I shall not apply to any abandoned excavation, as defined in subparagraph (a),

- (a) For purposes of this section, any excavation, except for excavations or excavation sites described in RSA 155-E:2,II, whether subject to a permit under this chapter or not, for which the affected area has not yet been brought into complete compliance with the reclamation standards of RSA 155-E:5 shall be deemed "abandoned" if:
  - 1) No earth material of sufficient weight or volume to be commercially useful has been removed from that excavation site during any 2-year period, either before, on, or after August 4, 1989; provided, however, that before the end of such 2-year period, the owner or operator may extend the period by submitting to the regulator a reclamation timetable to be approved by the regulator, and posting a bond or other security with the municipal treasurer in a form and amount prescribed by the regulator, sufficient to secure the reclamation of the entire excavation site in accordance with the standards of RSA 155-E:5; or
  - 2) The excavation site is in use and is not an excavation or excavation site as described in RSA 155-E:2,III, but does not conform with the incremental reclamation requirement of RSA 155-E:5-a, or the owner or operator has not posted a bond or other security and submitted a reclamation timetable to be approved by the regulator as described in subparagraph (a)(1); or
  - 3) The owner or operator of the excavation has neither secured a permit pursuant to this chapter nor filed a report of an existing excavation pursuant to subparagraph I (d) within the prescribed period.

- (b) In addition to the enforcement remedies of RSA 155-E:10, the regulator may order the owner of any land upon which an abandoned excavation is located to either file a reclamation timetable, to be approved by the regulator, and bond or other security as described in subparagraph II(a)(1), or to complete reclamation in accordance with this chapter within a stated reasonable time. Such an order shall only be made following a hearing for which notice has been given in accordance with RSA 155-E:7, if the regulator finds that the public health, safety, or welfare requires such reclamation. If the owner fails to complete reclamation within the time prescribed in the order, the regulator may request the governing body to cause reclamation to be completed at the expense of the municipality. The municipality's costs shall constitute an assessment against the owner, and shall create a lien may be enforced and collected in the same manner as provided for real estate taxes.
- (c) The site of an excavation which ceased commercially useful operation prior to August 24, 1977, but for which the affected area has not been brought into compliance with the reclamation standards of RSA 155-E:5, may be made subject to the remedy prescribed in RSA 155-E:2, II(b) only if the regulator finds in writing that specified reclamation measures are necessary to eliminate or mitigate an identified hazard to public health or safety.

### III. STATIONARY MANUFACTURING PLANTS.

- (a) No permit shall be required under this chapter for excavation from an excavation site which on August 4, 1989, was contiguous to or was contiguous land in common ownership with stationary manufacturing and processing plants which were in operation as of August 24, 1979, and which use earth obtained from such excavation site. Such excavation shall be performed in compliance with the operational standards as expressly set forth in RSA 155-E:4-a and the reclamation standards as expressly set forth in RSA 155-E:5 and 155-E:5-a, which express standards shall be the sole standards with which such excavations must comply in order to retain their non-permit status as provided under this paragraph. Loss of such non-permit status shall be preceded by written notice from the regulator that the excavation is not in compliance and the owner shall have failed to bring such excavation into compliance within 30 days of receipt of such notice. Such excavation may be expanded without a permit under this chapter to any contiguous lands which were in common ownership the site of the plant on August 4, 1989, except as limited by RSA 155-E:4-a, I, II, and III.
- (b) No further permit shall be required under this chapter for excavation from a site which on August 4, 1989, was contiguous to or was contiguous land in common ownership with stationary manufacturing and processing plants for which local or state permits have been granted since August 24, 1979, and before August 4, 1989, which use earth obtained from such site. It is further provided that their operation and reclamation shall continue to be regulated by such local or site permits and any renewals or extensions thereof by the permitting authority or authorities.

### IV. HIGHWAY EXCAVATIONS.

No permit shall be required under this chapter for excavation which is performed exclusively for the lawful construction, reconstruction, or maintenance of a class I, II, III, IV, or V highway by a unit of government having jurisdiction for the highway or an agent of the unit of government which has a contract for the construction, reconstruction, or maintenance of the highway, subject, however, to the following:

- (a) A copy of the pit agreement executed by the owner, the agent, and the governmental unit shall be filed with the regulator prior to the start of the excavation. The failure to file such agreement, or the failure of the excavator to comply with the terms of such agreement, shall be deemed a violation of this chapter, and may be enforced pursuant to RSA 155-E:10.
- (b) Such excavation shall not be exempt from local zoning or other applicable ordinances, unless such an exemption is granted pursuant to subparagraph (c), or from the operational and reclamation standards as expressly set forth in RSA 155-E:5 and 155-E:5-a, which express

standards shall be the sole standards with which such excavations must comply in order to retain their non-permit status as provided under this paragraph. Before beginning such excavation, the governmental unit or its agents shall certify to the regulator that:

- 1) The excavation shall comply with the operational and reclamation standards of RSA 155-E:4-a, RSA 155-E:5-a.
  - 2) The excavation shall not be within 50 feet of the boundary of a disapproving abutter or within 10 feet of the boundary of an approving abutter, unless requested by said approving abutter.
  - 3) The excavation shall not be unduly hazardous or injurious to the public welfare.
  - 4) Existing visual barriers in the areas specified in RSA 155-E:3, III shall not be removed, except to provide access to the excavation.
  - 5) The excavation shall not substantially damage a known aquifer, so designated by the United States Geological Survey.
  - 6) All required permits for the excavation from state or federal agencies have been obtained.
- (c) The department of transportation or its agent may apply directly to the appeals board created under RSA 21-L to be exempted from the provisions of local zoning or other ordinances or regulations, with respect to the excavation or transportation of materials being used exclusively for the lawful construction, reconstruction, or maintenance of a class I, II, or III highway.
- 1) The application shall state whether the applicant has requested any exceptions or variances which may be available at the local level, and shall describe the outcome of such request.
  - 2) Prior to acting on the application, the board shall hold a hearing in the municipality whose ordinance or regulation is at issue. At least 7 days prior to such hearing, notice shall be published in a newspaper of general circulation in the municipality, and shall be sent by certified mail to the applicant, the municipality's chief executive officer as defined in RSA 672:9, the chairman of its governing board as defined in RSA 672:6, chairman of its conservation commission, if any, and, if the proposed exemption concerns an excavation site, to the abutters of that site as defined in RSA 672:3.
  - 3) Following the hearing, the board shall issue a written decision, copies of which shall be mailed to the applicant and the parties to whom notice was sent. If an exemption is granted, the written decisions shall include:
    - (A) A statement of the precise section of the ordinance or regulation from which the applicant is exempted. The applicant shall not be exempt from any section or provisions not so listed.
    - (B) An identification of the public interest being protected by the ordinance or regulation.
    - (C) A statement of the state interest involved, and of why, in the opinion of the board, that state interest overrides the interest protected by the ordinance or regulation.
    - (D) Any conditions to be imposed on the applicant, to protect the public health, safety, or welfare.

- 4) The decision of the board may be appealed in the manner provided for zoning decisions in RSA 677:4-14: provide, however, that a decision under this section shall be considered a rehearing under RSA 677, and no further motion for rehearing shall be required.

**155-E:2-a Other Exceptions.**

- I. No permit shall be required for the following types of excavations:
  - (a) Excavation that is exclusively incidental to the construction or alteration of a building or structure or the construction or alteration of a parking lot or way including a driveway on a portion of the premises where the removal occurs; provided, however, that no such excavation shall be commenced without a permit under this chapter unless all state and local permits required for the construction or alteration of the building, structure, parking lot, or way have been issued.
  - (b) Excavation that is incidental to agricultural or silvicultural activities, normal landscaping, or minor topographical adjustment.
  - (c) Excavation from a granite quarry for the purpose of producing dimension stone, if such excavation requires a permit under RSA 12-E.
- II. A person owning land abutting a site which was taken by eminent domain or by any other governmental taking upon which construction is taking place may stockpile earth taken from the construction site and may remove the earth at a later date after written notification to the appropriate local official



**APPENDIX A:****Survey and Monument Standards**

- I. All surveys shall be performed by those licensed by the New Hampshire Board of Land Surveyors. The minimum standards shall be as specified in Administrative Rules Chapter Lan 500 as enacted by the Board of Land Surveyors under authority of RSA 310-A: 58.
- II. The Following excerpts are taken from Lan 500, but the complete and latest revision of Lan 500 shall govern.

Table 500.1 Survey Classification, Precision and Accuracy

## PRECISION MEASUREMENTS (conventional closed traverse)

SURVEY CLASSIFICATION	U for Urban, Suburban Industrial, Commercial Condominium Multi-unit residential	R for Rural	F for Farmland Woodlots
Unadjusted Linear Misclosure	1:10,000	1:5,000	1:300
Min. Scale Graduation of Instrument	20 sec.	30 sec.	1 deg.
Distance Measurement	EDM/Steel tape	EDM/Steel tape	Steel tape/stadia
Elev. Used to Determine Property Lines	0.2' +/-	0.5' +/-	n/a

## ACCURACY MEASUREMENTS (GPS survey or survey adjusted using least squares)

Minimum positional tolerances of land property corners computed least squares adjustment at the 95% confidence level as set forth in appendix b of the Geometric Geodetic Accuracy Standards and Specifications For Using GPS Relative Positioning Techniques, Federal Geodetic Control Committee.

	U (urban)	R (rural)	F (farmland)
Local Accuracy of directly occupied corners	0.05 ft (1.7cm) + 1:10000	0.25 ft (8cm) + 1:5000	1.6 ft (50cm) + 1:300
Local Accuracy of control supporting the survey	0.03 ft (1cm) + 1:10000	0.13 ft (4cm) + 1:5000	0.66 ft (20cm) + 1:300

**Lan 503.08 Monumentation Of Boundary and Subdivision Surveys.**

(a) Monuments shall be set so that upon completion of the boundary and subdivision survey, each corner of the property will be physically monumented.

(b) When it is impossible or impractical to set a boundary monument on a corner, a reference monument shall be set, similar in character to a boundary monument, on the line of the survey or a prolongation of such. When an offset monument is set, it shall be clearly identified as such on the plat.

(c) Every boundary or reference monument set shall be composed of a durable material and set in a fashion to assure permanence. A permanent monument shall be any mark or marker which, if left undisturbed, will remain recoverable and identifiable, in place for a period of at least 25 years.

(d) Monuments shall include but not be limited to the following:

(1) Iron rod or iron pipe, 1/2" diameter minimum, marked with the license number or name of the surveyor;

(2) Bound made of concrete or stone, minimum 4" x 4";

(3) Drill holes or other identifiable marks in stone or concrete; or

(4) Brass or aluminum disc, 2" diameter, at a minimum.

(e) Adequate monuments shall not be disturbed. Inadequate monuments may be replaced with a well set and substantial monument. Double monuments shall be avoided whenever possible. The monument being replaced shall be noted in the field notes and on the plat, if one is prepared. When an inadequate monument is remonumented, the adjacent land owner(s) shall be notified.

NH Board of Land Surveyors Lan 500

[http://www.gencourt.state.nh.us/rules/state\\_agencies/lan.html](http://www.gencourt.state.nh.us/rules/state_agencies/lan.html)

**APPENDIX B:****Road and Driveway Design and Construction Standards****I. Road Design Standards**

The purpose of these standards is to ensure safe vehicular travel on streets, public or private. Proper design requires the blending of safe roadway layout and grade with minimization of impacts on the existing terrain and environment. These standards are further intended to be flexible in consideration of different traffic volumes and terrain conditions.

**A. Arrangement of Streets**

The streets in a subdivision shall be properly arranged and coordinated with other existing or planned streets.

**B. Right-of-Way**

No street or highway right-of-way shall be less than 50 feet in width and may be required to be more if a greater width is warranted in the option of the Board. The apportioning of the street widths among roadway, sidewalks, and possible grass strips shall be subject to the approval of the Board.

**C. Dead-end Streets/cul-de-sacs**

Dead-end streets shall be equipped with a turn-around roadway at the closed end, as shown in Exhibit 2 following, the maximum grade through a cul-de-sac shall be 5%.

**D. Intersections**

Street intersections shall have a minimum angle of intersection of 60 degrees, with a preferable angle being 90 degrees. Property line radius at intersections shall be no less than 20 feet. Refer to Table 1 for other requirements.

**E. Street Names**

Per RSA 231:133, the selectmen are responsible for street names. Names for new streets or extensions of existing streets shall be approved by the selectmen or their delegate prior to final subdivision approval.

**F. Existing Street Conditions**

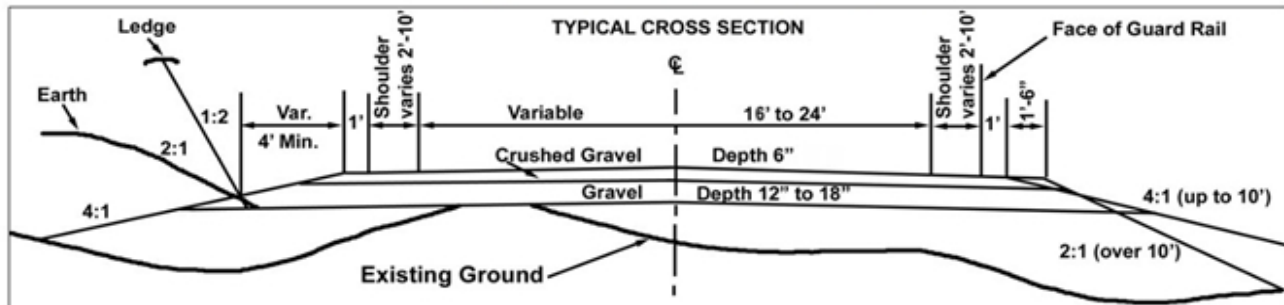
Where a subdivision requires undue expenditures by the Town to improve existing streets to conform to minimum requirements, the Board may disapprove such subdivision until the Selectmen shall certify that funds for the improvements have been assured by the municipality. Alternatively, the Board may require the applicant to fund appropriate improvements to existing roads.

## G. Minimum Design Requirements

1. New roads shall be designed to conform to the minimum standards established in Table 1 below and as shown Geometric Cross Section Design Elements, Figure 1 below. The roadway designs are based on average daily traffic volumes (ADT).
2. ADT should be determined by the manual entitled Institute of Transportation Engineers - Trip Generation. This may be supplemented by actual traffic data compiled for local roadway networks, applicable to the proposed project.
3. Where streets have the potential for extension through to other lands or other potential street networks, appropriate increases in the traffic volume estimates may be required at the discretion of the Board. The Board shall have the right and authority to increase design standards in such cases and in other cases where it is deemed appropriate.

For streets serving commercial/industrial areas, the Board may impose additional requirements, other than shown in Table 1.

Figure 1  
Geometric Cross Section Design Elements



**TABLE 1:**  
**MINIMUM ROAD DESIGN STANDARDS**  
 (Values in feet unless otherwise indicated)

<b>Average Daily Traffic (veh/day) (note 1)</b>	<b>0 to 75</b>	<b>75 to 250</b>	<b>250 to 400</b>	<b>Over 400</b>
Design Speed (MPH)	20	20	30	35
Right of Way	50	50	50	50
Centerline Curve Radius	120	150	250	425
Roadway Width	16	22	22	24
Shoulder Width (each side)	2	2	3	4
Center of Road to Ditch Line	14	16	18	20
Cross Slope of Roadway	4%	3%	2%	2%
Vertical Curve (K Values (min)				
Crest:	15	15	30	50
Sag:	24	24	40	50
Sight Distance	150	200	300	400
Sight Distance & Road Intersections	200	300	350	400
Profile Grade				
Minimum:	0.5%	0.5%	0.5%	0.5%
Maximum:	10%	9%	8%	7%
Minimum Platform @ Road Intersections	2%-50'	2%-75'	2%-100'	2%-100'
Minimum Pavement Radius @ Road Intersections	30	30	35	40
Hot Bituminous Surface (inches)	Note 3	1	1.5	2
Hot Bituminous Base (inches)	Note 3	2.5	3	3
Crushed Gravel Thickness (inches)	6	6	6	6
Gravel Thickness (inches)	12	12	12	18

Notes

- 1) Trip per Day Formula: 10 Trips per day x number of dwelling units
- 2) Slope easements shall be given if cuts and fills exceed right of way
- 3) The Board may require paving or hardpack on steeper portions of low traffic roads

## **H. Curbing**

1. Curbing may be required by the Board where it is deemed appropriate and necessary for the purposes of drainage, slope stability and/or pedestrian safety. Curbing allowed in the Town of Canaan includes straight granite, sloped granite, and bituminous Cape Cod berm.
2. The construction of curbing shall be in accordance with the attached details (Exhibits 4, 5, and 6).

## **I. Sidewalks**

When, in the opinion of the Board that sidewalks are necessary, they shall be not less than 4 feet in width and conforming to the grades of the street and shall be constructed on one or both sides of the street.

#### **J. Steep Grades**

Steep grades may call for additional drainage, sedimentation and erosion protection, such as curbing, rip-rap or other techniques.

#### **K. Superelevation**

1. Superelevation (the vertical distance between the heights of inner and outer edges of highway pavement) may be considered and allowed by the Board in particular cases where the terrain and property configuration necessitate such for proper alignment.
2. Where superelevation is utilized, the maximum rate of superelevation shall not exceed 0.08 foot per foot. The radial curvature of the road shall conform to the recommendations of American Association of State Highway and Transportation Officials (AASHTO) for the proposed rate of superelevation.
3. Where superelevation is utilized, the Design Engineer shall provide appropriate documentation and calculations to demonstrate the safety and adequacy of the proposal.

### **II. Construction Standards**

#### **A. Subgrade:**

1. The entire area of each street shall be cleared of all stumps, brush, roots, boulders, and like material, and all trees not intended for preservation.
2. All loam, humus and unsuitable material such as, but not limited to, stumps, vegetation, demolition debris, and structures shall be removed from the roadway and replaced with suitable fill material. All boulders and ledge shall be removed to a uniform cross sectional depth of not less than 300 mm (12 in.) below the subgrade and replaced with sand or gravel.

#### **B. Base Course:**

1. Gravel shall be spread over the entire width of the proposed roadway and shoulders to a depth of 12 inches, plus 6 inches of crushed gravel, or as specified in Table 1 for higher ADT roads.
2. The gravel and crushed gravel each shall be placed in lifts not exceeding 6 inches and in the cross slope configuration shown in Geometric Cross Section Design Elements, Figure 1.

3. Crushed gravel shall conform to Item 304.3 in table 1 of section 304 of NH DOT Standard Specification for Road and Bridge Construction 2010 or current edition. Gravel shall conform to Item 304.2 in the above table, except that the maximum size stones shall be 3 inches. All other provisions of State Specification Section 304 are part of these standards.

**C. Compaction:**

Roadway subgrade and base courses shall be compacted to 95% of maximum density proctor method in accordance with AASHTO T-99.

**D. Pavement:**

Hot Bituminous surfaces and bases shall be Hot Bituminous Pavement in accordance with Section 403 NH DOT Standard Specification for Road and Bridge Construction 2010 or current edition. The base course shall have thicknesses as specified in Table 1. Hot Bituminous payment shall be required when the average daily trip count exceeds 75. Crushed gravel or hardpack surfaces may be used for lower trip counts.

**E. Grades:**

Grades of all streets shall conform in general to the terrain and shall meet the requirements of Table 1. No street shall have a grade of less than one-half of one percent (0.5%). Where practical, lots shall be graded toward the streets.

**F. Slopes:**

All slopes shall be graded, loamed, hayed, and seeded. No slope, cut, or fill, will be greater than one horizontal to two vertical in ledge, or two horizontal to one vertical in all other materials.

### **III. Stormwater, Erosion, and Sediment Control**

Any construction activity that will, or is part of a “common plan” of development or sale that will, disturb one or more acres and has the potential to have a discharge of storm water to a water body must comply with EPA Storm Water permit requirements (National Pollutant Discharge Elimination System Program, Construction General Permit). If all of the storm water from the construction activity is captured on-site and allowed to evaporate, soak into the ground on-site, or is used for irrigation, no EPA Storm Water Permit is required. When a permit is required, a Storm Water Pollution and Prevention Plan (SWPPP) is required. The SWPPP must address the management of site activities that could result in pollution of receiving waters. Thus, erosion and sediment controls comprise key components of the SWPPP. Subdivisions that are not required to prepare an EPA SSPP, and are not required to prepare a NH DES Alteration of Terrain Erosion and Sediment Control Plan, shall submit to the Board an abbreviated plan which demonstrates that all storm water is captured on-site, or if discharged off-site, there will be no risk of reaching water bodies. Subdivisions planning to disturb less than an acre are exempt from the abbreviated plan. The abbreviated plan generally consists of two components: a narrative describing the project, control practices, and implementation procedures, and drawings showing plans and details of the erosion

and sediment control practices. The narrative may appear as notes on the drawings, or may be provided as a separate document. All plans should consider items found in the NH DES Stormwater Manual Volume 3 Chapter 3.

The proposed development shall provide for proper surface drainage so that removal of surface waters will not adversely affect any neighboring properties or the public storm water system and will help reduce flooding, erosion, and sedimentation. The drainage system shall be designed so that the post-development runoff rate does not exceed the pre-development runoff rate. Surface water runoff shall be controlled and directed in a system of catch basins, pipes, swales, drainage ways, culverts, or channels to on-site capture facilities or existing off-site drainage facilities, where permitted. Where a subdivision is traversed by a watercourse, drainage way, channel, or stream, there shall be provided an easement conforming to the lines of such watercourse. When a proposed drainage system will result in water encroaching on land outside a subdivision, appropriate drainage rights must be secured and indicated on the plan. When it is determined that the existing downstream, offsite drainage system is substandard, the Board may require the applicant to improve the drainage system. Whenever required, longitudinal storm drainage systems will be provided. Construction shall be in accordance with Standard Specifications for Road and Bridge Construction, NH DOT, Sections 603, 604 and 605, and Standard Plans for Road Construction, NH DOT, DR-1, DR-2, DR-3, DR-4, and DR-5. Drainage designs shall furthermore meet the requirements in 2007 or later NH DOT Highway Design Manual, Vol. 1, Chapter 6, Drainage. The recommendations of the Town Road Agent respecting locations of drainage features shall be followed.

See Subdivision Regulations Section III G for additional guidance.

## **IV. Driveway Standards**

### **A. General**

1. No driveway shall be constructed within 50 feet of the intersection of two public roads.
2. When two proposed driveways on the same side of the road are within 50 feet of each other, the Board may require a common access to be used, for reasons of safety and topographical considerations.
3. The driveway shall have a minimum width of 20 feet at the intersection of the street and for a distance of 20 feet from the street. In all cases, the driveway shall be wide enough to accommodate emergency vehicles. The driveway entrance may be flared as it approaches the road.
4. The driveway entrance shall drop 6 inches from the center of the road to a point at least 6 feet in back of the ditch line.
5. A minimum of 150 feet all season safe sight distance in each direction is required.
6. If a culvert is required for proper drainage, the culvert shall be a minimum of 15" in diameter and 20' in length. The culvert shall be long enough to maintain the driveway width dimensions.



7. The culvert may be required to have a catch basin with a cover at the inlet end and a concrete or stone header at the outlet end. The culverts shall be installed by the landowner under the supervision of the Road Agent.
8. Driveways shall not interrupt the natural or ditch line flow of drainage water. Where shallow ditch lines or natural drainage courses exist, driveways may be swaled at a point beyond the shoulder to accommodate the flow of storm water.
9. The drainage ditch shall be 6 inches below the outlet end of the culvert and drop at least one-half inch to the foot for a distance to be determined by the Road Agent.
10. Any driveway crossing a wetland or body of water shall have all permits required by the NH DES.
11. Any bridges shall be constructed in accordance with NH DES and DOT standards and requirements.
12. No structures (including buildings), permanent or portable signs, light, displays, fences, walls, etc., shall be permitted on, over, or under the town road right-of-way.
13. Driveways providing access for multi-unit residential, commercial, or industrial uses shall be designed to conform to good engineering practice using the NHDOT manual, Policy Relating to Driveways and Access to the State Highway System, as a guide.
14. The contractor shall give 24-hour notice to the Road Agent before starting construction.
15. Final approval by the Board will be granted upon inspection and determination that all work has been satisfactorily completed.

#### **B. Driveways to Back lots**

Driveways to back lots shall be subject to the following standards, in addition to any other applicable standards spelled out in Section IV. A. above:

1. Unless existing conditions prevent it, only one curb cut will be allowed for both the front and the back lot.
2. All curb cuts on town streets shall be approved by the Road Agent. All curb cuts on private roads shall also be approved by the road agent, if that private road is shown on a planning board approved subdivision plat. The location will be suitable, and the use and maintenance of the driveway will not create a hazard or nuisance. The location shall also be suitable for emergency vehicles.

3. The edge of the traveled way shall be set back at least 10 feet from any property lines.
4. Appropriate buffering shall be provided, to protect the privacy of neighbors and shield them from dust, noise, lighting, etc.
5. There shall be a proper turnaround for emergency vehicles, subject to approval by the town Fire Chief.

## **V. Private Roads**

In order to encourage interior development as an alternative to development exclusively or primarily on major roads and streets (so-called strip development), and to allow development at no additional cost to the Town, the Board may approve the layout of roads to be built and maintained by the landowner(s) according to the following conditions:

A. Before final approval of a private subdivision road, the Applicant shall post a bond or other surety to cover the cost of construction and maintenance of the road and utility lines, if any. Said guarantee shall remain in effect for a minimum of four years and may be extended by the Board for an additional period if deemed necessary, after a site inspection and recommendation by the Town Road Agent.

B. A maintenance agreement shall accompany the plan to be recorded which states to what extent each parcel or lot is responsible for maintenance of the private road. The agreement shall run with the land, and upon any future conveyance of property, the agreement shall be incorporated in and made part of a conveyance binding upon the parties thereto, their successor and assignees. See appendix E, Class VI Highway/Private Road Policy, for additional requirements when building permits are contemplated.

C. The Board may agree to a lesser standard of construction for a private road, with the understanding and agreement of the applicant that, should the Town ever decide to take over the road, it would have to be improved to Town road specifications, at the expense of the parties to the maintenance agreement and/or the abutting land owners.

D. The Applicant shall sign a "Statement of Agreement" with the Town, indicating she/he understands that the Town is under no obligation to take over maintenance or ownership of the road.

E. No private subdivision road will be approved unless adequate provision is made for any utilities serving the site.

## **VI. Class VI Roads**

Subdivision on Class VI roads is generally discouraged. The purpose of this section is to allow conditional Board approval of subdivisions located on Class VI roads. Any such approvals should only be given by the Board when the denial would cause unusual hardship or would serve no public purpose. A true copy of the following conditions shall be placed on the approved plat for all such subdivisions. Additional conditions may be added by the Board as it deems necessary.

*"The Planning Board hereby approves this subdivision subject to the following conditions:*

*A. Approval of this subdivision in no way constitutes an approval any portion of the Class VI roadway as a Class V roadway, nor does it obligate the Town to maintain any portion of the Class VI roadway, including snow plowing, nor does the town assume any liability for any damages resulting from the use of said road(s). Any upgrade to a Class VI road requires approval of the selectmen.*

*B. Prior to the issuance of a building permit, it may be necessary for the road, or a portion thereof, to be reconstructed to Town specifications. Any expense therefore shall be the responsibility of the subdivider or any successor(s) in title for said lot(s). Detailed requirements may be found in Appendix E, Class VI Highway/Private Road Policy.*

*C. It shall be the duty of every seller of this land to so inform the potential buyer of any lot of these restrictions prior to the buyer making any binding commitment to purchase said lot*

*D. Any conditions imposed by the Planning Board as a part of subdivision approval shall be made a covenant of the deed(s) conveying all or any part of said subdivision and shall run with the land.*

Appendix B Exhibits

- Exhibit 1 Reserved
- Exhibit 2 Cul-de-Sac
- Exhibit 3 Reserved
- Exhibit 4 Straight Granite Curb
- Exhibit 5 Sloped Granite Curb
- Exhibit 6 Bituminous Cape Cod Berm
- Exhibit 7 Standard Catch Basin
- Exhibit 8 Standard Drainage Manholes
- Exhibit 9 Standard Drainage Gate & Frame
- Exhibit 10 Typical Underdrain Detail

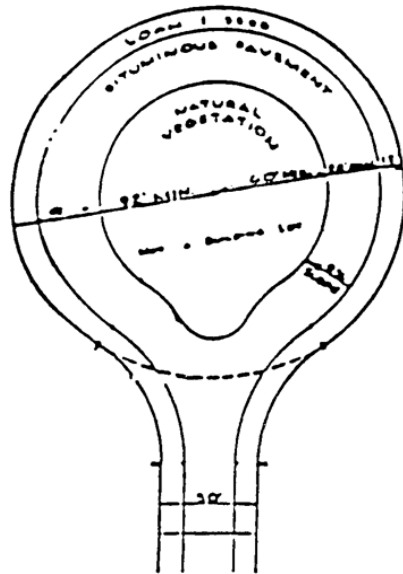


EXHIBIT 2A  
CIRCULAR WITH ISLAND

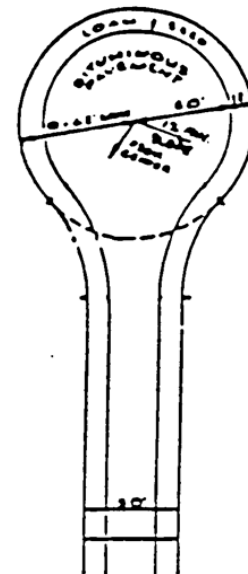


EXHIBIT 2B  
CIRCULAR PAVED

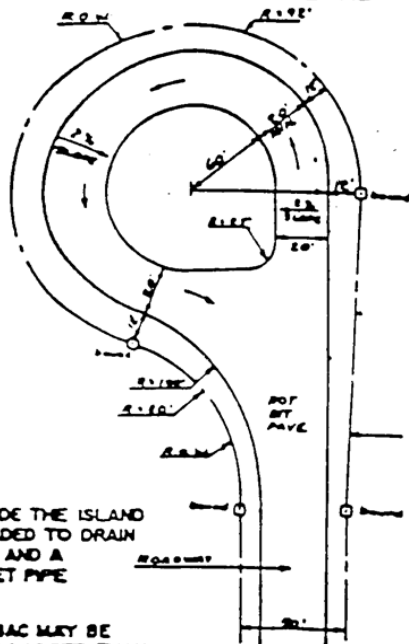


EXHIBIT 2D  
REVERSE "P" DESIGN

NOTES:

1. THE AREA INSIDE THE ISLAND SHALL BE GRADED TO DRAIN TO THE INSIDE AND A PROPER OUTLET PIPE PROVIDED.

2. THE CUL-DE-SAC MAY BE CONSTRUCTED LARGER THAN SHOWN HERE WITH THE APPROVAL OF THE PLANNING BOARD OR ITS AGENT. THE PAVEMENT WIDTHS SHOWN SHALL NOT BE REDUCED.

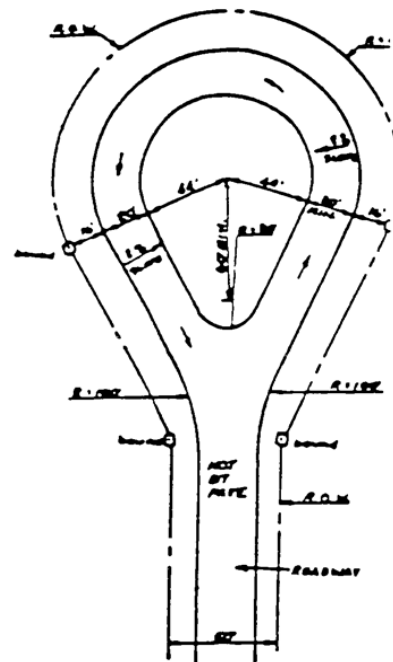
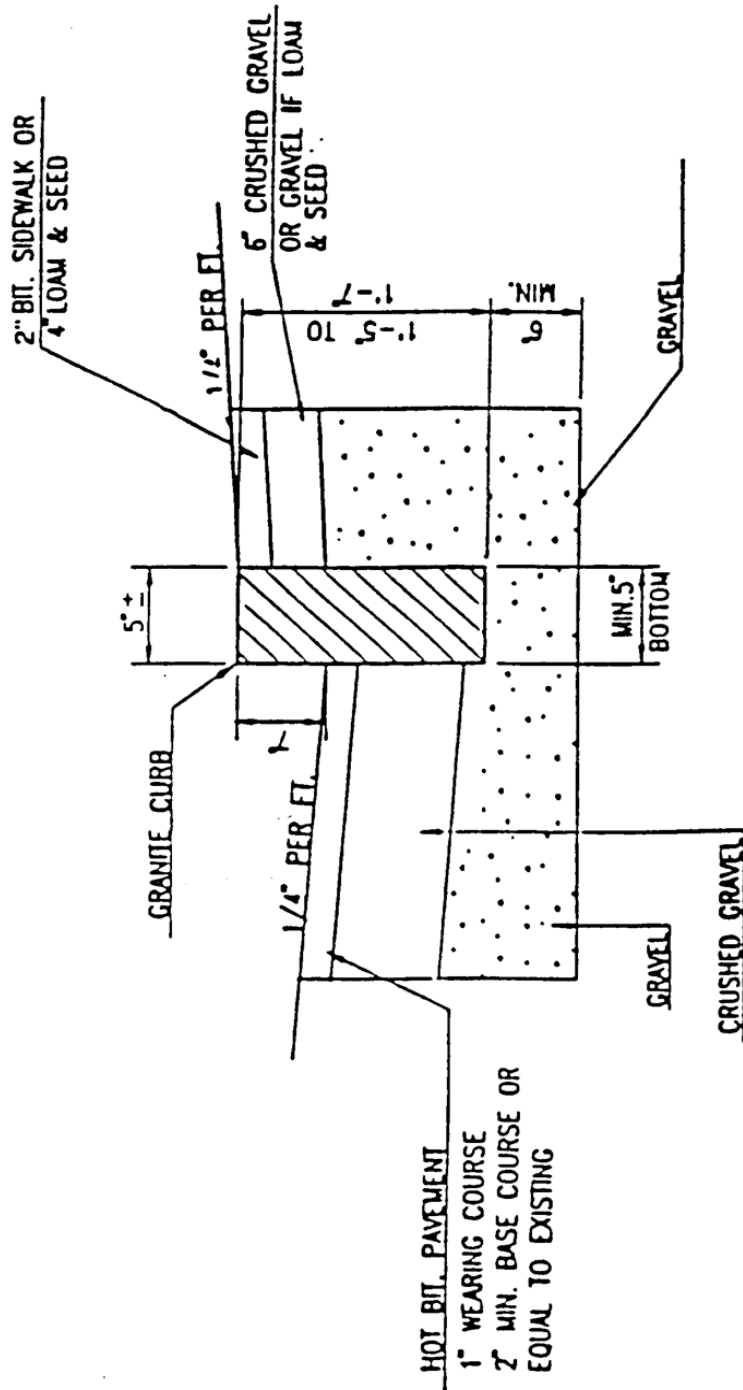


EXHIBIT 2C  
"TEAR DROP" DESIGN

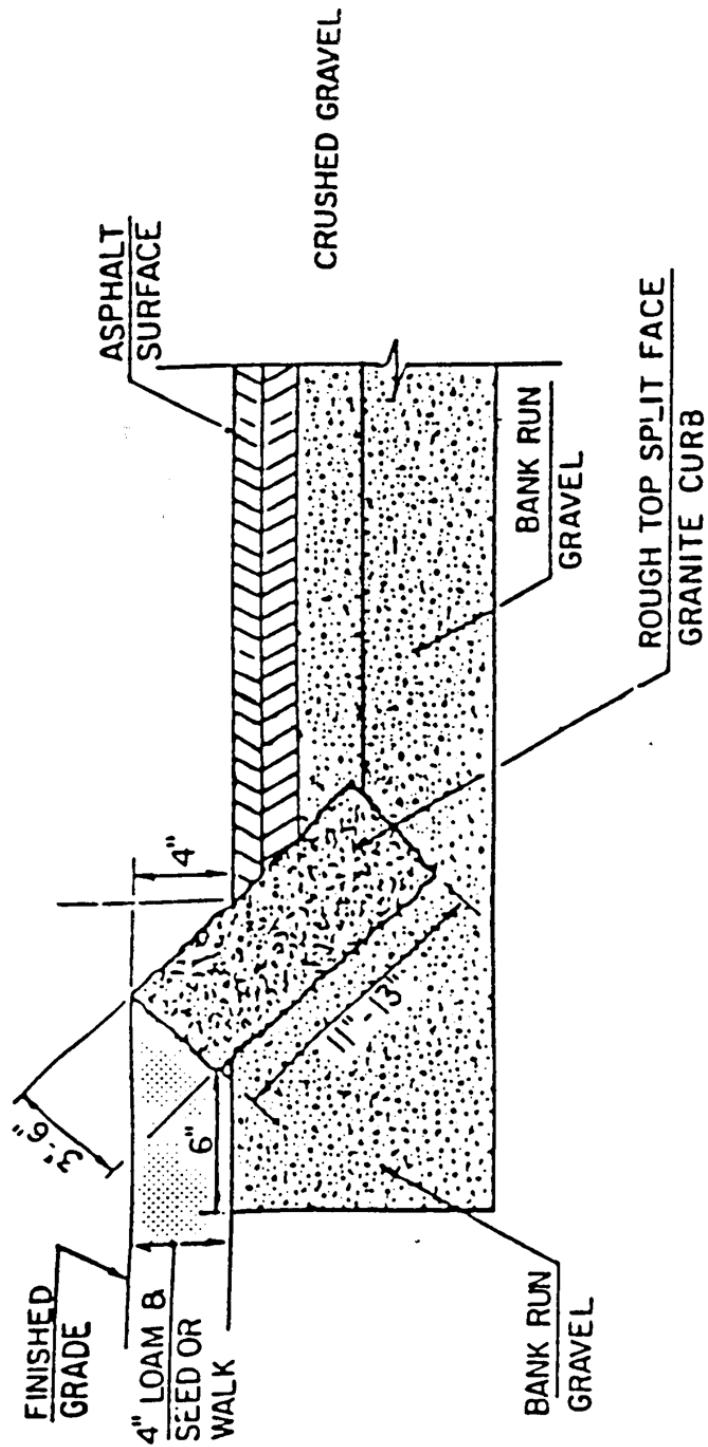
## CUL - DE - SAC



## STRAIGHT - GRANITE CURB

NOT TO SCALE

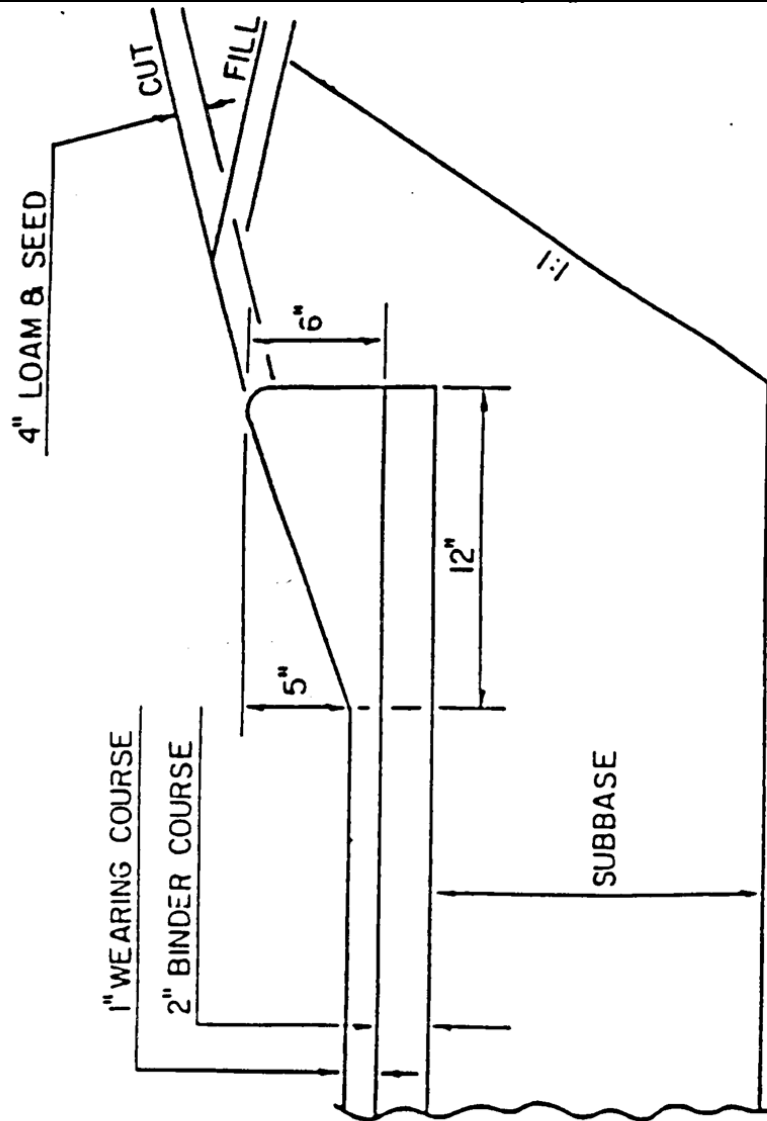
EXHIBIT 4



## SLOPED GRANITE CURB

NOT TO SCALE

EXHIBIT 5



## BITUMINOUS CAPE COD BERM

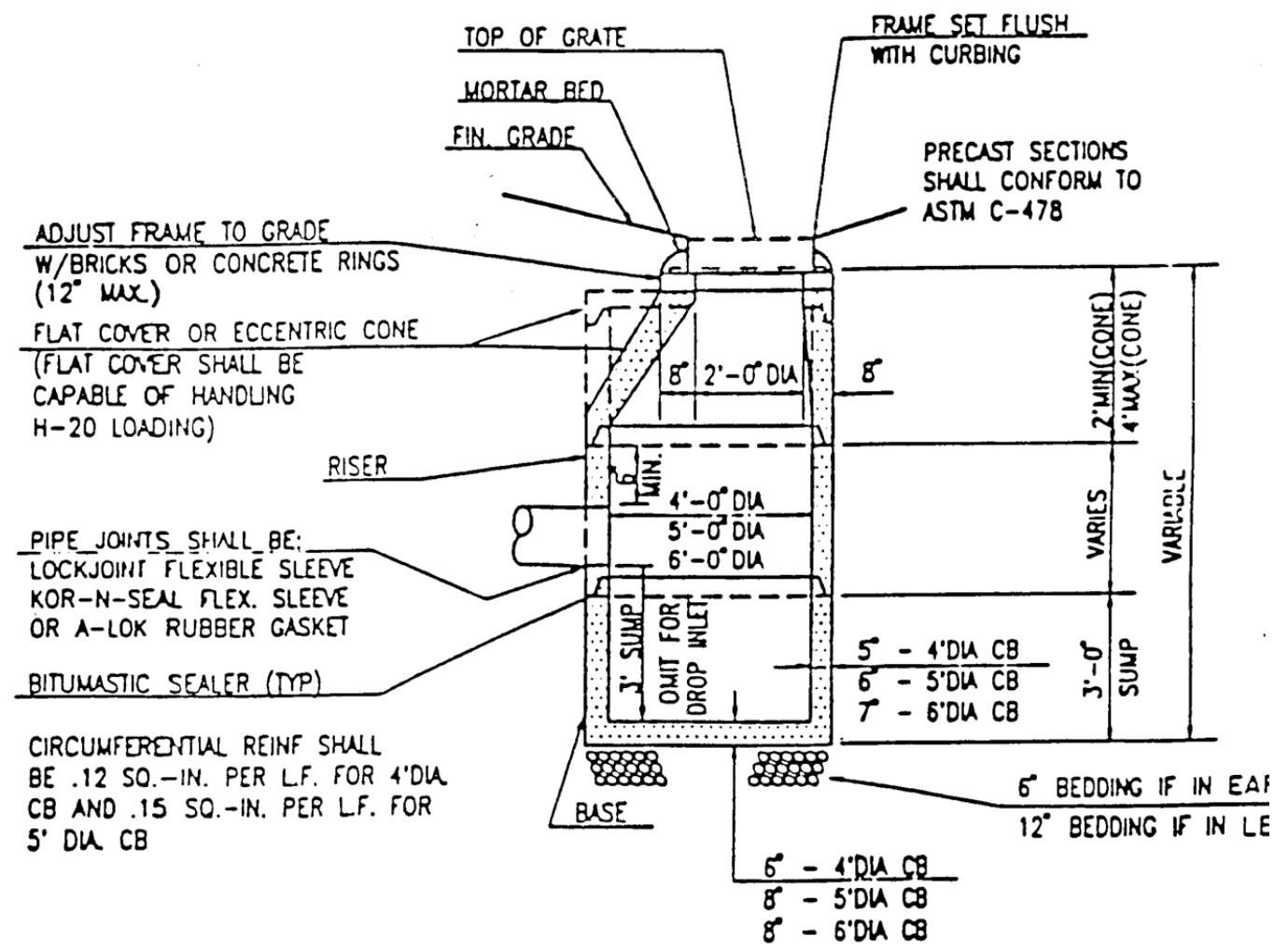
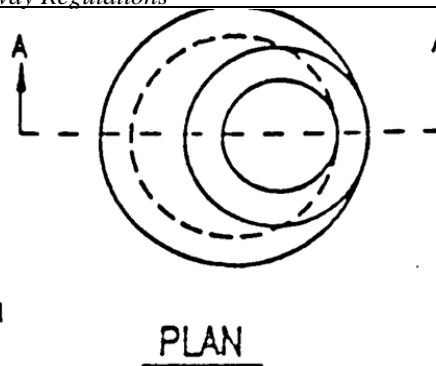
NOT TO SCALE

App. B - 14

EXHIBIT 6

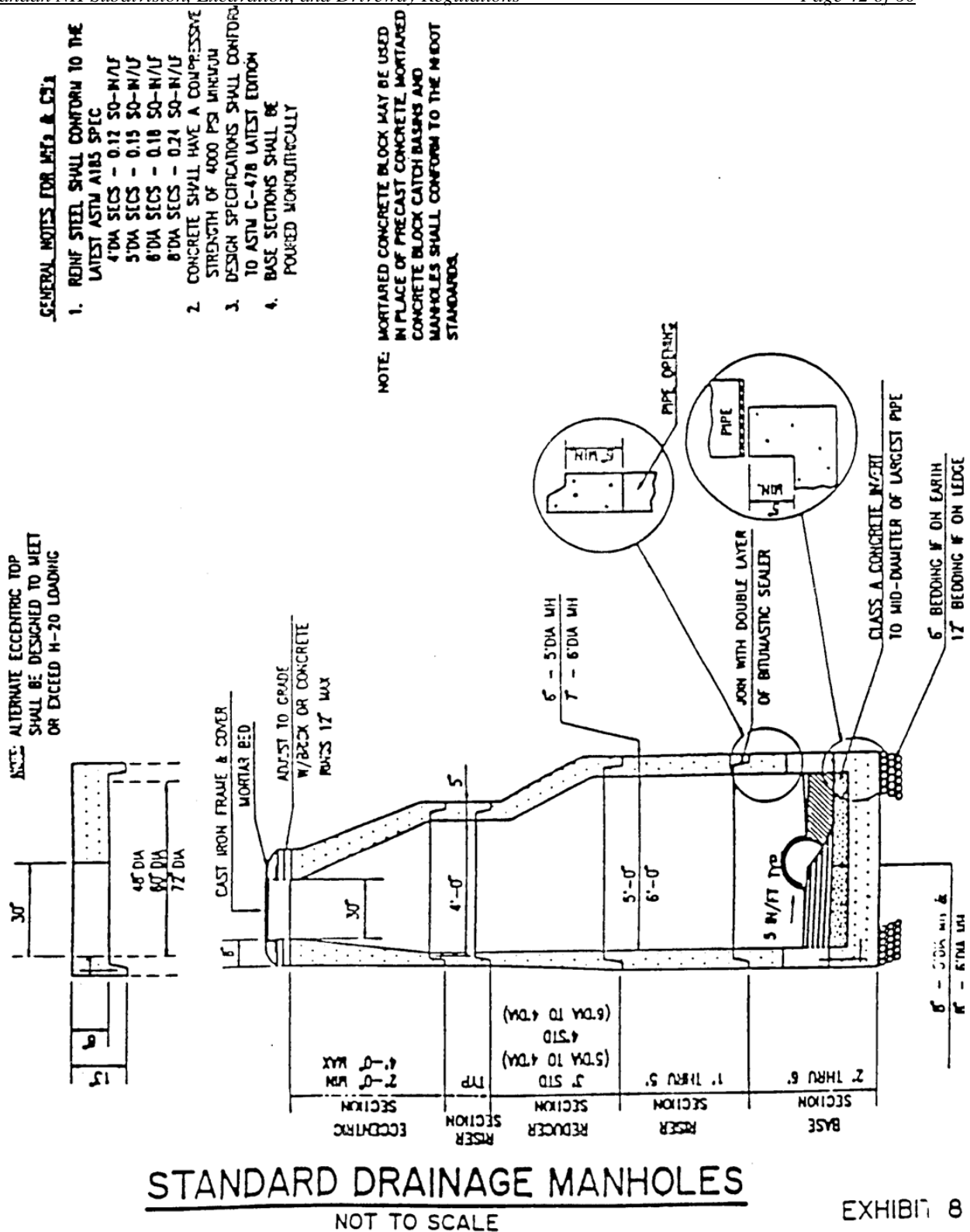


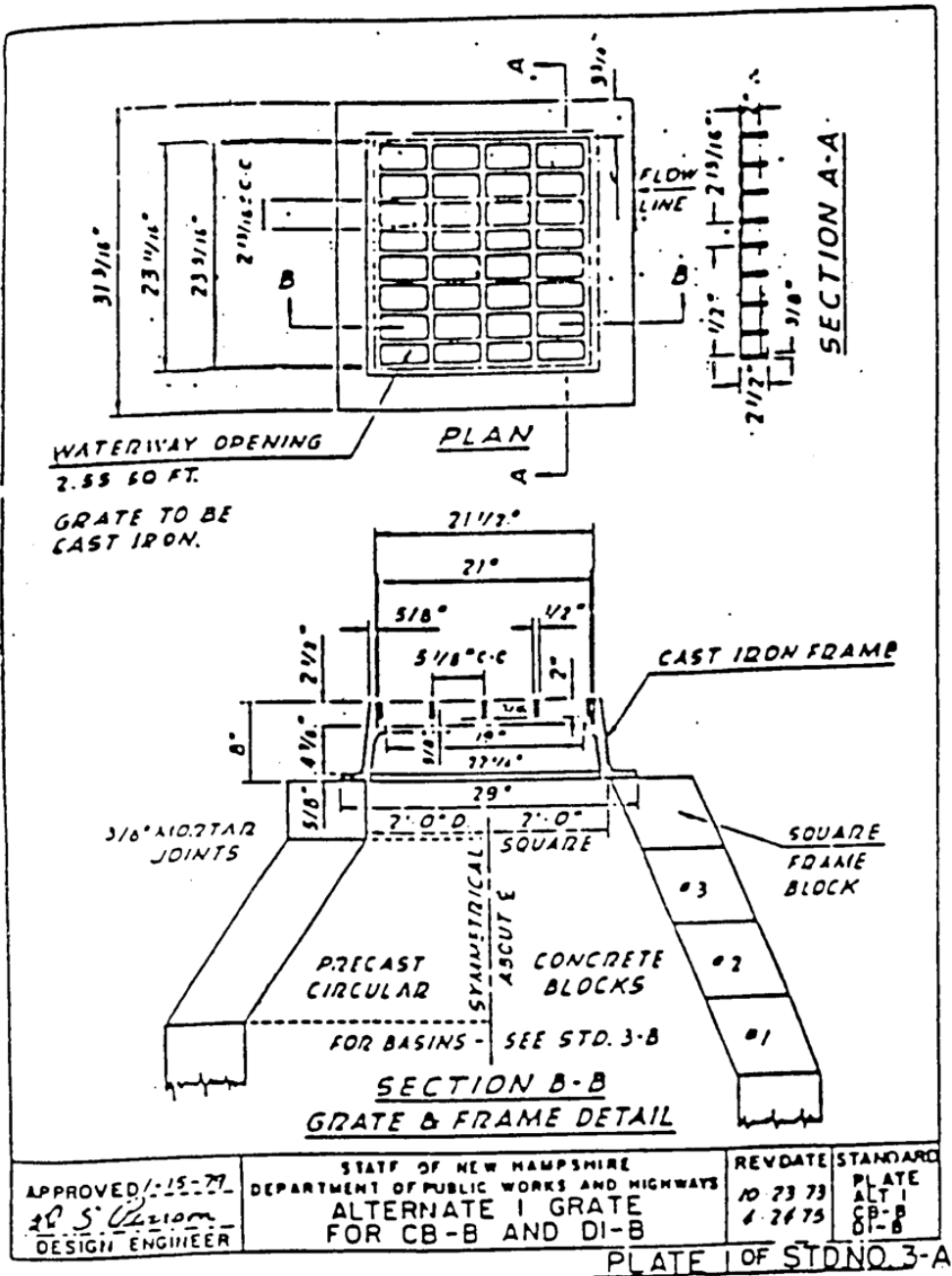
NOTE: MORTARED CONCRETE BLOCK MAY BE USED IN PLACE OF PRECAST CONCRETE. MORTARED CONCRETE BLOCK CATCH BASINS AND MANHOLES SHALL CONFORM TO THE NHDOT STANDARDS.



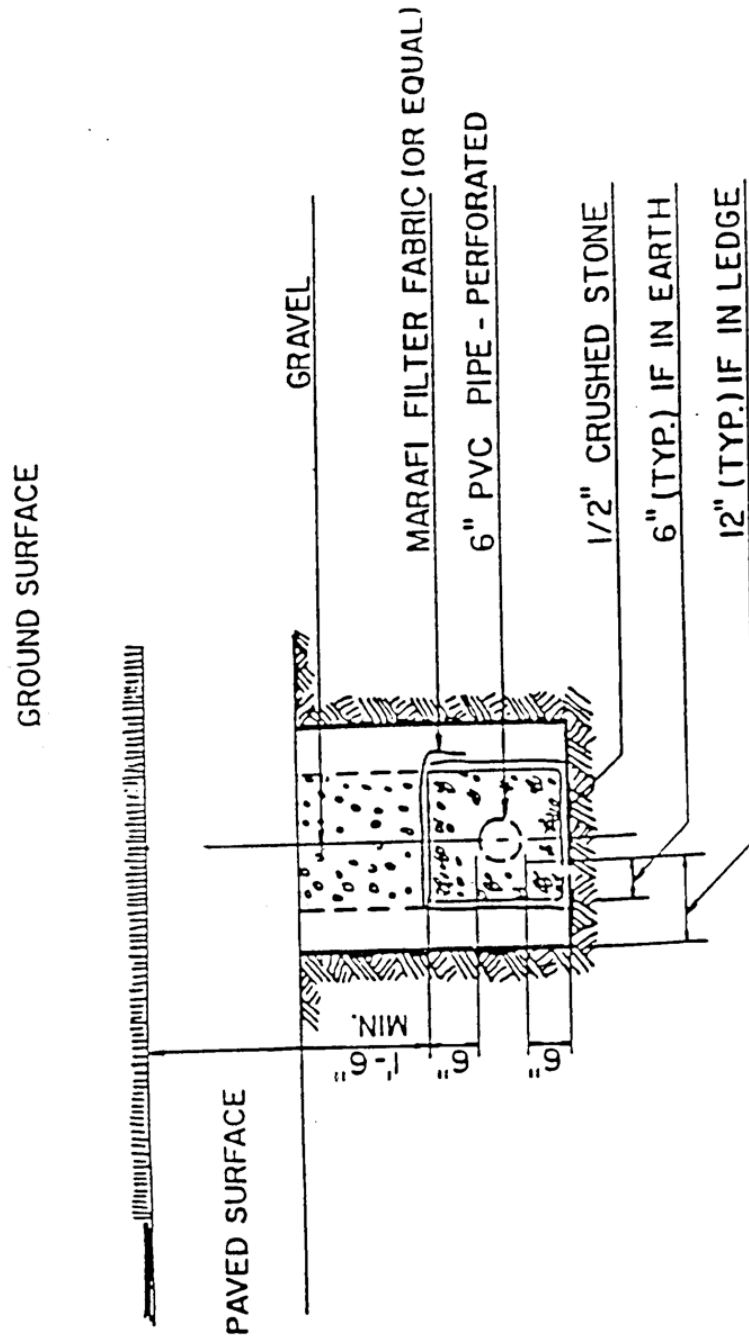
## STANDARD CATCH BASIN

NOT TO SCALE  
EXHIBIT 7





## STANDARD DRAINAGE GRATE & FRAME



## TYPICAL UNDERDRAIN DETAIL

NOT TO SCALE

EXHIBIT 10

App. B - 18

**APPENDIX C:  
CRITERIA FOR DETERMINING REGIONAL IMPACT**

Impact Criteria shall include, but not be limited to, the following items. These shall in no way be considered exhaustive, but rather guidelines for the Board to follow in making a determination of impact on a neighboring municipality.

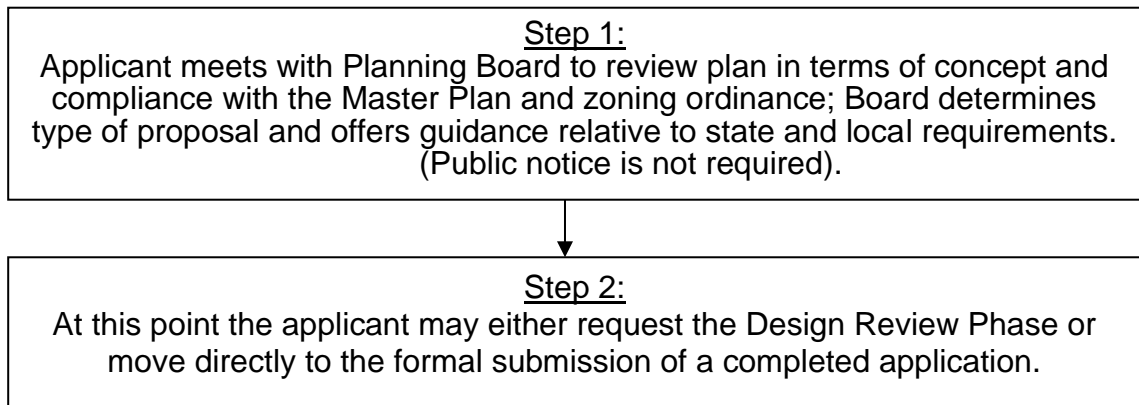
- A. **Residential Development:** Proposals for lots or dwellings that would increase the existing housing stock of the town by more than 25%.
- B. **Commercial Development:** Proposals for new or expanded space of 50,000 square feet or greater.
- C. **Industrial Development:** Proposals for new or expanded space of 100,000 square feet or greater.
- D. **Other Factors to be Considered:**
  - 1. Proximity to other municipal boundaries.
  - 2. Traffic impacts on the regional road network.
  - 3. Potential effect on groundwater, surface water and wetlands that transcend municipal boundaries.
  - 4. The potential to disturb or destroy a significant or important natural environment or habitat.
  - 5. The necessity for shared public facilities such as schools or solid waste disposal.
  - 6. Anticipated emissions such as light, noise, smoke, odors, or particulates.
  - 7. The potential for accidents that would require evacuation of a large area.
  - 8. The generation and/or use of any hazardous materials.

## APPENDIX D: PROCEDURE FOR APPLICATION REVIEW

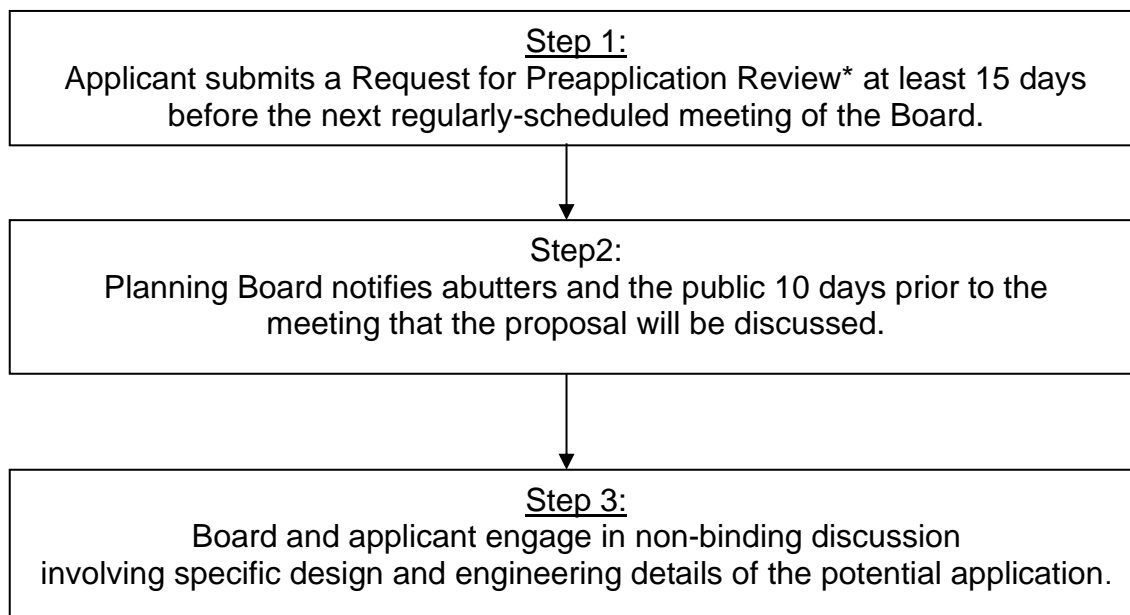
### Preapplication Review - Optional

The two stages of preapplication review are optional at the request of the applicant. The applicant may choose to engage in both the Preliminary Conceptual Consultation and the Design Review Phase, or any one of the two.

#### A. PRELIMINARY CONCEPTUAL CONSULTATION

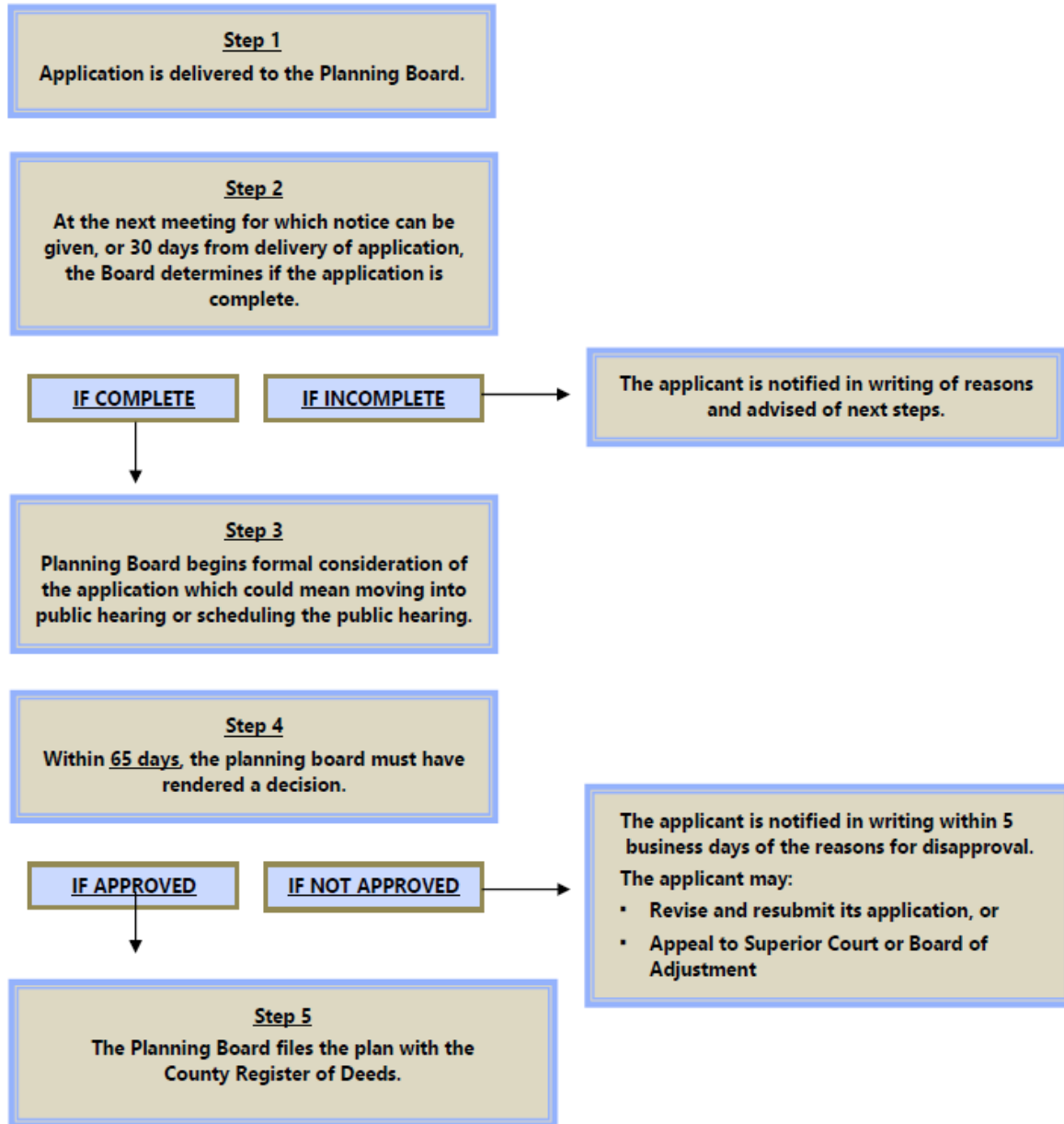


#### B. DESIGN REVIEW PHASE



## II. APPLICATION PROCEDURE

### FINAL APPLICATION



NOTE: The public hearing may take place on the same evening as the application as complete, provided the notice has advised of the possibility. This is typically only advisable for minor or technical subdivisions.

## **APPENDIX E:**

# **Town of Canaan, N.H.**

## ***Class VI Highway/Private Road Policy***

**April 1, 2008**

### **1. STATEMENT OF PURPOSE**

Under RSA 674:41, the Board of Selectmen has the discretion to authorize the issuance of building permits on certain Class VI highways and certain private roads, after review and comment by the Planning Board.

The Board of Selectmen has adopted these guidelines to help guide the decision-making process when it is presented with such an application. The Board will consider any factor relevant to the authorization of a building permit in a particular case. Therefore, this statement of guidelines is not intended to describe an exhaustive list of considerations, but to be a guide for both the Board of Selectmen and applicants for such building permits.

The purpose of these guidelines to ensure that any structures built on Class VI town highways and private roads are reasonably accessible throughout each year. With adequate access, the safety and property of people occupying or using those structures will not be unreasonably placed at risk, the safety of emergency response personnel or their vehicles and equipment will not be unreasonably endangered, and service, delivery and school vehicles will have safe and reasonable access.

### **2. DEFINITIONS**

**Road Giving Access** – Means the road where the lot has frontage and that frontage has the primary driveway for the lot. “Road giving access” does not mean the driveway upon the lot unless that driveway services another lot.

**Private road** – A strip of land over which one or more individuals has the right to pass in a highway vehicle, and which is not a Class I through VI highway and is not an Official Trail.

**Class I through III Highway** – State public roads which are maintained by the state. See RSA 229:5 for exact definition.

**Class IV and V Highway** – Town public roads which are maintained by the town. See RSA 229:5 for exact definition.

**Class VI highway** – All other existing public ways that are NOT maintained by the town. A Class VI highway is a public way in every respect except town maintenance. See RSA 229:5 for exact definition.

**Official Trail** – Means a state or municipal trail legally established per RSA 216-F, RSA 230:74 & 75, or RSA231-A.

### **3. EFFECTIVITY**

RSA 674:41 requires the following:

This policy applies to all building permits where the road giving access to the lot is a class VI highway or a private road, unless either of the following conditions exists:

- a) The road is shown on a subdivision plat approved by the planning board after March 8, 1971.



- b) The road is shown on a subdivision plat approved by the selectmen prior to March 9, 1971, and was constructed prior to July 23, 2004, and has a building on another lot on the same road.

Note: March 9, 1971 is the date when the town meeting authorized the planning board to approve subdivision plats. July 23, 2004 is the date RSA 674:41 I (e) became effective.

#### **4. APPLICATION**

Every application shall be made in writing and accompanied by a map drawn to scale showing:

- a) the location of all proposed structures;
- b) the distance from town-maintained road to the location for which the building permit is sought;
- c) the width of the traveled way;
- d) the width of the right-of-way;
- e) the condition of the road bed including the depth and quality of gravels;
- f) curve radii and grades;
- g) existence of large rocks or ledge in the road bed;
- h) the location of areas which may flood during seasonal rainy periods;
- i) areas with impeded access due to mud or poor drainage during rainy periods;
- j) the condition of any existing culverts and the need for new culverts;
- k) the existence and condition of any bridges on the road;
- l) identification of all abutters to the road;
- m) the location of existing dwelling units accessed from the road;
- n) emergency vehicle turn around specifications;
- o) any other condition of the road that would affect its suitability for development;
- p) fire chief's assessment of road & drive accessibility compared to fire code.

#### **5. USE OF ROADS**

- a) The public has the right of travel over public roads including Class VI highways. (See A Hard Road to Travel, 2004, page 19, Viatic Use.)
- b) The public has the right of access to lots on public and private roads. (See A Hard Road to Travel, 2004, page 37, 4<sup>th</sup> paragraph, last sentence.)

#### **6. SUBDIVISION OF ABUTTING PROPERTY**

Subdivisions of land on Class VI highways and private roads will be reviewed by the Planning Board to insure they are not scattered and premature. See Canaan Subdivision Regulations Section III B and Canaan Master Plan Sections II, IV, and X.

#### **7. MAINTENANCE AND IMPROVEMENTS**

- a) Maintenance of a private road is the responsibility of the abutters of the road, which may be an owner association. Each owner has the right to maintain the entire length of the private road for public access to his lot. (*see A Hard Road to Travel, 2004, page 67 paragraph 1*) Road improvements and maintenance shall not impact land beyond the bounds of the private road easement. Care should be exercised to preserve stonewalls, trees and other valued assets. Agreements and disputes amongst abutters are a private matter, which does not involve the town. However, a private road must be maintained to satisfy fire code regulations and any other applicable regulation.

- b) It is the intent of the town not to maintain, repair or improve Class VI highways. (see RSA 239:51-a) With written permission of the board of selectmen, a person may excavate or disturb the ditches, embankments or traveled surface of a Class VI highway. The select board may regulate such private roadwork and may require a bond for the satisfactory restoration of the road.

## **8. PUBLIC UTILITY EASEMENTS**

- a) If there is no private utility easement on a Class VI highway, an easement may be granted by the select board.
- b) If there is no private utility easement along a private road, such an easement may be negotiated with abutters on whose land the easement will be placed.
- c) Any highway completely discontinued before 1992 did also discontinue public utility easements, unless the warrant article specified otherwise. Any highway completely discontinued after 1992 preserves the public utility easements as long as they remain in active use, unless the warrant article indicates otherwise. (See A Hard Road to Travel, 2004, page 67, 3<sup>rd</sup> paragraph.)

## **9. OFF HIGHWAY RECREATIONAL VEHICLES**

There is no automatic right for off-highway recreational vehicles (OHRVs) to travel on Class VI highways. The board of selectmen may, following a public hearing, allow the use of Class IV, V, or VI highways by OHRVs.

## **10. FIRE CODE REGULATION**

When issuing building permits, the town is required by law to comply with the state fire code. These codes require certain minimum standards for all roads and driveways including width, height, length, slope, and other parameters. See Appendix A.

## **11. PUBLIC HEARING**

Pursuant to RSA 674:41, the application shall first be presented to the Planning Board for their review at a public hearing. Following this hearing the comments of the Planning Board become part of the application. The Board of Selectmen will then consider the application at an additional public hearing.

During each public hearing, the applicant must be prepared to discuss the following questions:

- a) Is there a plan for road maintenance to at least state fire code standards at all times? If the road or way will serve more than two dwelling units, what is the plan for maintaining the road at Canaan's roadway-related subdivision specifications?
- b) If the permit is for building with access from a Class VI highway, has the applicant requested written road maintenance permission from the Board of Selectmen pursuant to RSA 236:9?
- c) Are you aware that you and your successors are totally responsible for road maintenance and repair, as is each other applicant who receives a permit under this policy? You are encouraged to form an association for road maintenance with equitable cost shares, but that does not relieve you or other applicants from each being 100% liable for road upkeep.

- d) Are the public roads leading to the Class VI highway or private road adequate to handle increased traffic?
- e) What impact on municipal services can be expected to result from the building?
- f) How will the proposed development affect neighboring properties and how well does the proposed development “fit” in to the general growth/development patterns in Canaan? Factors to consider are neighboring lot size, lot frontage, dwelling density, property values, commercial sites, seasonal properties, open space, historic features, traffic volume, public utilities, and other similar criteria.
- g) What recreational and/or conservation uses has the road been serving?
- h) Is the issuance of said building permit compatible with Canaan’s Master Plan?

## **12. NOTICE TO BE RECORDED**

Prior to the actual issuance of any building permit authorized by the Board of Selectmen, the applicant shall provide the Town with an executed notice to be recorded at the Grafton County Registry of Deeds to the effect that the Town of Canaan neither assumes responsibility for maintenance of the Class VI highway or private road nor liability for damages resulting from the use thereof, pursuant to RSA 674:41, I (c) (3) and RSA 674:41, I (d) (3). Such notice shall be recorded by and at the expense of the applicant.

## **13. DECISION**

The Board of Selectmen may issue building permits on Class VI highways or private roads when it is demonstrated by an applicant, and approved by the Board of Selectmen based on the above criteria and the comments of the Planning Board, that any building constructed based on issuance of said permit will meet state building code requirements, is not scattered and premature development, and will not have a negative impact upon the Town.

## **14. OCCUPANCY PERMIT**

No occupancy certificate will be issued until requirements for road improvements have been met and approved by the Board of Selectmen or their designee.

Robert Reagan

apr. 1, 2008  
Date Signed

[Signature]

4/1/08  
Date Signed

[Signature]

4/1/2008  
Date Signed

## **Appendix A: Reference Material**

### **Fire Code**

Fire code requirements are found in NFPA 1 Chapter 18 which is a part of the state fire code (Chapter Saf-C 6000) and which is adopted under RSA 153:5. In addition, the state building code, RSA 155-A:2 III, requires "...buildings shall conform to the requirements of the state fire code..."

#### **The State Fire Code requires the following:** (Applies to all roads and driveways)

Roads and driveways to every facility, building, or a portion of a building hereafter constructed or relocated shall be at least 20 feet wide with at least 13.5 feet of vertical clearance. This width and clearance shall extend to within 50 feet of a building entrance door, and shall also extend to within 150 feet of any point on the building perimeter.

- a) These roads and driveways shall be maintained and be kept in a passable state for fire apparatus in all weather conditions.
- b) The Fire Chief shall approve any turning radius, grade, or dead-end turn-around on these roads and driveways. The Chief has approved the following:
  - (1) The turning radius shall be greater than 35 feet from the centerline.
  - (2) The grade shall not be greater than 10%.
  - (3) Any dead-end exceeding 150 feet shall have a circular turn-around with an outside diameter of at least 90 feet.

#### **Exceptions and Waivers specified by the fire code:**

- a) The Fire Chief may modify the above state fire code requirements when there are not more than two one- and two- family dwellings. The Fire Chief may also modify these requirements for private garages, carports, sheds, and agricultural buildings. For other situations waiver requests must be submitted to the Fire Marshal.
- b) The Fire Marshal may waive any requirement where substantially equivalent safety can be demonstrated. The procedure is specified in the state fire code Part Saf-C 6005
- c) Additional relief is available for buildings with sprinkler systems.

#### **Notes:**

- a) The above summary is not a complete summary of the fire code and the exact fire code supersedes this summary. Contact the Fire Chief to determine what is needed for your situation.
- b) The NH fire code does not always use the latest NFPA editions. For example, NH currently uses the 2003 edition of NFPA 1. As the Fire Marshall adopts later editions those will become effective immediately in this policy.

**NH Office of Energy and Planning Reference Library**

**"Standards for Dead-End Streets", Carol J. Thomas AICP, APA PAS Memo, November 1985**

**DIAMETER OF CUL-DE-SAC:**

Common practice is to require a 90-foot diameter, paved. The rationale for these standards is that older fire equipment and garbage trucks may have a turning radius of only 50 to 55 feet. New fire equipment generally has a smaller turning radius. Nevertheless, in a northern climate, where snow may be plowed to the side of the paved area, the larger diameter should still be required.

**NH DOT Suggested Minimum Design Standards for Rural Subdivision Streets 12/04/03**

- a) **DEAD-END STREETS:** Dead-end streets, designed to be so permanently, shall not be longer than 300m (1,000 ft.) and shall be provided with a turn around having an outside roadway diameter of at least 30 m (100 ft.).
- b) **GRADES:** Street grades, where feasible, shall not exceed 10 percent, nor shall any be less than 0.50 percent. Special care shall be taken to provide flat grades at all intersections.

**Turning Radius**

Turning radius of 35 feet to centerline is derived from 90 foot cul-de-sac diameter. A 90 foot outside diameter is a 45 foot outside radius. With a 20 foot roadway, the radius to centerline would be 35 feet.

## **Appendix B: Checklist**

### **BUILDING PERMITS ON CLASS VI & PRIVATE ROADS**

- ☐ Road giving access to lot is a Class VI highway or private road
- ☐ Road is not shown on a subdivision plat approved by Planning Board
- ☐ Road is not shown on subdivision plat approved by Selectmen; or is shown but road was built on or after 7/23/04; or is shown and there are no buildings on other lots.

**Note:** If any of above three boxes is not checked, stop here since this policy does not apply

- ☐ Limits of responsibility and liability have been recorded in the Grafton registry of deeds
- ☐ Map is drawn to scale
- ☐ Map shows building location
- ☐ Map shows distance from building to town or state maintained road
- ☐ Map shows width of road right-of-way and width of traveled way
- ☐ Map show road bed condition and depth and gravel quality
- ☐ Map shows curve radii and grades
- ☐ Map shows flood, mud, and poor drainage areas
- ☐ Map shows existing and new culverts
- ☐ Map shows bridges and bridge condition
- ☐ Map shows all abutters
- ☐ Map shows location of existing dwelling units accessed by road
- ☐ Map shows emergency vehicle turnarounds
- ☐ Map shows acceptance by fire chief
- ☐ Written permission from Selectmen to alter or maintain road, if a Class VI highway
- ☐ Any required utility easements are in place
- ☐ Plans for long term road maintenance, including any abutter or association agreements
- ☐ Capacity of public roads to handle increased traffic
- ☐ Impact upon municipal services
- ☐ Compatibility with Master Plan
- ☐ Current recreation and conservation uses of road

## **Appendix C: Limits of Liability Form**

***Town of Canaan, NH***  
**Office of the Selectmen**

P. O. Box 38  
Canaan, NH, 03741

(603) 523-9881

Fax (603) 523-4526

**NOTICE OF THE LIMITS OF MUNICIPAL RESPONSIBILITY AND  
LIABILITY FOR CLASS VI HIGHWAYS AND PRIVATE ROADS**  
(As required by RSA 674:41)

The undersigned has applied for a building permit to be issued for the erection of a building at property located in Canaan, New Hampshire. Said property is identified on Canaan's tax maps as: Map #\_\_\_\_\_, Lot #\_\_\_\_\_, Sub #\_\_\_\_\_. The access to the lot is from\_\_\_\_\_, which has been designated as a Class VI highway or private road.

The undersigned acknowledges that the Town of Canaan neither assumes responsibility for maintenance of such Class VI highway or private road, nor liability for any damages resulting from the use thereof.

This notice is signed and executed by the undersigned as a condition to the issuance of a building permit by the Town of Canaan and this notice shall be recorded in the Grafton County Registry of Deeds and shall be binding upon the undersigned and all heirs, executors, administrators and assigns.

Dated this\_\_\_\_\_ day of\_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Owner

STATE OF NEW HAMPSHIRE  
GRAFTON COUNTY, ss

Personally appeared\_\_\_\_\_, known to me or satisfactorily proven to be the person whose name is subscribed to the foregoing instrument and acknowledged that he/she executed the same for the purposes therein contained.

Before me, \_\_\_\_\_  
Notary Public/Justice of the Peace  
My commission expires \_\_\_\_\_

**NOTICE TO REGISTRY OF DEEDS:**

Please index this statutory notice form under the name of the undersigned as Grantor and the Town of Canaan as Grantee.



**TOWN OF CANAAN  
PLANNING BOARD**

October 22, 1998

At a Planning Board Meeting dated September 10, 1998, a motion was made by Gary Wood to accept the Proposed Amendments to the Subdivision Regulations. This motion was seconded by Richard Carden. A vote was taken and the motion passed unanimously to accept the Proposed Amendments to the Subdivision Regulations.

Andy Musz, Chairman

Richard Carden, Vice Chairman

Tom Ireton, Selectman

Gary Wood

Marvin Rocke

Phil Cobbin

Dan Ware

**TOWN OF CANAAN  
PLANNING BOARD**

June 8, 2006

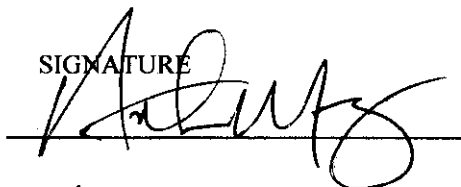
Following a public hearing on May 25, 2006, a motion was passed to amend Planning Board regulations. These amendments included subdivision definitions, subdivision checklist, RSA 1 55-E excavations, and RSA 236:13 driveways.

NAME

SIGNATURE

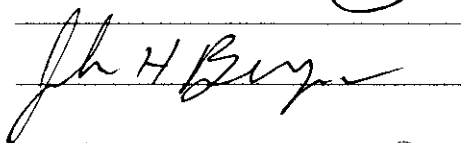
DATE

Andrew Musz, Chairman



6/8/06

Daniel Ware, Vice Chairman



6/8/06

John Bergeron

Joseph Frazier



6/8/06

Thomas Oppel

Charles Townsend



6/8/06

Selectman's Representative (Position Vacant)

TOWN OF CANAAN  
PLANNING BOARD

Following a public hearing on 04/14/2011 the Canaan Planning Board passed a motion to amend the Planning Board regulations. These amendments included:

- Added title page and table of contents
- Revised definitions: driveway, private road, right-of-way, street, totally discontinued road
- Revised lot requirements
- Revised septic requirements
- Added stormwater requirements
- Revised checklists: street names, monuments, shoreland
- Revised Appendix A & B
- Class VI & Private Road policy added as appendix
- Removed forms appendix and moved forms to Rules of Procedure

	Signature	Date
Andrew Musz, Chairman	_____	_____
John H. Bergeron, Vice Chairman	_____	_____
Joseph Frazier, Secretary	_____	_____
Charles Townsend	_____	_____
Steve Ward	_____	_____
Marcia Wilson, Selectman	_____	_____

TOWN OF CANAAN  
PLANNING BOARD

Following a public hearing on November 12, 2020 the Canaan Planning Board passed a motion to amend the Planning Board regulations. These amendments included:

- Added lot width to frontage requirement, page 5
- Remove text for plowed snow near wetlands, page 7
- Recent law requires modified application processing times, page 9
- Revise notification requirements, page 10
- Revise contour requirements, page 11
- Correlate text with checklist, page 11, 12, 15, 16
- Add Board of Adjustment, page 14, 19
- Remove reference to NH Land Surveyors, page 26

Signature

Date

John H. Bergeron, Chair

\_\_\_\_\_

\_\_\_\_\_

Claude Lemoi, Vice Chair

\_\_\_\_\_

\_\_\_\_\_

Charles Townsend, Secretary

\_\_\_\_\_

\_\_\_\_\_

Christopher Wadsworth

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Andrew Van Abs

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\_\_\_\_\_

TOWN OF CANAAN  
PLANNING BOARD

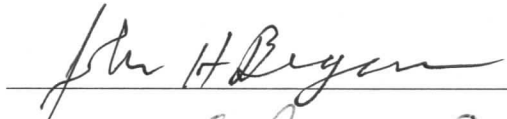
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Signature

Date

John H. Bergeron, Chair



11-16-20

Claude Lemoine, Vice Chair



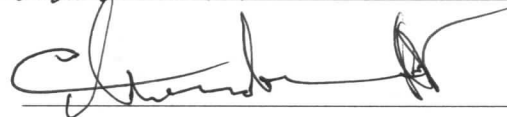
11-16-20

Charles Townsend, Secretary



11-16-20

Christopher Wadsworth



11/16/20

Andrew Van Abs



11/16/2020