

**PROPOSED CHANGES TO
SUBDIVISION REGULATIONS**

Clean Copy:

Subdivision regulations that will be in effect if proposed changes are approved.

TOWN OF FREEDOM ADOPTED JANUARY
16, 1969

AMENDMENTS:

JUNE 19, 1980

JANUARY 20, 1983

FEBRUARY 19, 1987

NOVEMBER 16, 1989

APRIL 18, 2002

JUNE 17, 2004

MAY 16, 2006

DECEMBER 18, 2008

FEBRUARY 18, 2010

APRIL 15, 2010

APRIL 19, 2012

SEPTEMBER 20, 2018

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TOWN OF FREEDOM
SUBDIVISION REGULATIONS

AUTHORITY

Section 1

Pursuant to the authority vested in the Freedom Planning Board by the Town of Freedom by vote of the Town Meeting, March 14, 1967, and in accordance with NH RSA 674:36, the Freedom Planning Board adopts the following Regulations governing the subdivision of land in the Town of Freedom, New Hampshire.

GENERAL PROVISIONS

Section 2

2:1 **Title.** These Regulations shall be known and cited as the FREEDOM SUBDIVISION REGULATIONS.

2:2 **Jurisdiction.** These Regulations shall pertain to all land within the boundaries of the Town of Freedom and shall be in effect from the time of their adoption by the Freedom Planning Board and recording with the Town Clerk.

2:3 **Administration.** The Planning Board of the Town of Freedom shall administer these regulations.

2:4 **Penalties.** Any owner, or agent of the owner, of any land located within a subdivision in the Town of Freedom who transfers or sells any land before a plat of the subdivision has been approved by the Board and filed with the Registry of Deeds, shall forfeit and pay a civil penalty of \$500 for each lot or parcel so transferred or sold; and the description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties. The Town may enjoin a transfer or sale which violates the provisions of RSA 676:16 and may recover the penalty imposed by civil action. In any action to recover a penalty, the prevailing party may recover reasonable court costs and attorney's fees as may be awarded by the Court.

Any violation of these Regulations shall be subject to fines and penalties and the remedy of injunctive relief, as provided in RSA Chapter 676.

2:5 **Severability.** If any section, subsection, sentence, clause or phrase of these Regulations is for any reason held to be unconstitutional or illegal, such invalidity shall not affect the validity of the remaining portion of these Regulations.

DEFINITIONS

Section 3

- 3:01 Abutter:** Means: (1) any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration by the local land use board; and (2) affected municipalities and the regional planning commission(s) in the event of developments having regional impact. For the purposes of receiving testimony only, 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.
- 3:02 Applicant:** Means the owner of record of the land to be subdivided, or his\her designated agent.
- 3:03 Application, Complete:** Means a final plat and all accompanying materials and fees as required by these regulations
- 3:04 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.
- 3:05 Approval, Conditional:** Means recognition by the Planning Board, certified by written endorsement on the plat, that the plat is not finally approved nor ready for filing with the Registry of Deeds until certain conditions, set forth by the Board, are met. This is not to be confused with a plat that has been approved subject to certain conditions that would be met as part of the implementation of the plan
- 3:06 Board.** The Planning Board of the Town of Freedom.
- 3:07 Development:** Means any construction or grading activities on real estate for other than agricultural and silvicultural (tree care and harvesting) practices
- 3:08 Driveway.** A road which provides access to a street but serving not more than two adjacent lots.
- 3:09 Easement:** Means the authorization by a property owner for the use by another, and for a specific purpose, of any designated part of his/her property
- 3:10 Frontage:** Means that side of a lot abutting a street or body of water and ordinarily regarded as the front of the lot.
- 3:11 Lot:** Means a parcel of land capable of being occupied that is of sufficient size to meet the minimum requirements for use, building coverage, and area.
- 3:12 Lot of Record:** Means a parcel, the plat or description of which has been recorded at the county register of deeds
- 3:13 Lot Line Adjustment:** Means adjustments to the boundary between adjoining properties, where

no new lots are created

- 3:14 Plat:** Means the map, drawing or chart on which the plan of subdivision is presented to the Board for approval, and which, if approved, will be submitted to the County Register of Deeds for recording.
- 3:15 Public Hearing:** Means a meeting, notice of which must be given per RSA 675:7 and 676:4, I (d), at which the public can offer testimony.
- 3:16 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.
- 3:17 Right-of-way:** A strip of land occupied or intended to be occupied by a street. The usage of the term "right-of-way" for land platting purposes in the Regulations shall mean that every right-of-way hereafter established and shown on a recorded plat is to be separate and distinct from the lots and parcels adjoining such right-of-way and not be included within the dimensions or areas of such other lots or parcels. Right-of-way does not include Driveway.
- 3:18 Roadway.** The traveled surface of a road including the shoulders on each side.
- 3:19 Setback:** The distance between a building or structure and the nearest property line, wetland, or sewage disposal system
- 3:20 Sewage Disposal System (Individual):** Means any on- site sewage disposal or treatment system that receives either sewage or other wastes, or both. For the purposes of this regulation, this means all components of the system, including the leach field.
- 3:21 Slope.** Slope, the steepness of land surface, the composite average slope, excluding wetlands, will be used to compute minimum lot size.
- 3:22 Soil Type Determination.** The soil type as determined by a qualified soil scientist or other qualified individual using the standards of the National Cooperative Soil Survey or its equivalent.
- 3:23 Street:** Means a publicly approved road maintained for vehicular travel, or a road that appears on a subdivision plat approved by the Planning Board.
- 3:24 Subdivision.** Means the division of a lot, tract or parcel of land into two or more lots, sites or other divisions of land for the purpose, whether immediate or future, for 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.
- a) The division of a parcel of land held in common and subsequently divided into parts among the several owners shall be deemed a subdivision.
 - b) The grant of an easement in gross to a public utility for the purpose of placing and maintaining overhead and underground facilities necessary for its transmission or distribution network such as poles, wires, cable, conduit, manholes, repeaters, and

supporting apparatus, including any unmanned structure which is less than 200 square feet, shall not be construed as a subdivision and shall not be deemed to create any new division of land for any other purpose.

3:25 Subdivision, Major: Means a subdivision of four (4) or more lots, or one which involves the creation of new streets and/or utilities, regardless of the number of lots.

3:26 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.

3:27 Subdivision, Technical: Means a subdivision of land into two lots or sites for 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

NOTICE REQUIREMENTS

Section 4

When notice is required, the Board shall give Notice as follows:

- a. The Notice shall include a general description of the proposed subdivision plan which is the subject of the application; shall identify the subdivider and the location of the subdivision; and shall state the day, time, and place of the public meeting/hearing.
- b. A copy of the Notice shall be sent to all holders of conservation, preservation, or agricultural preservation restrictions as defined in RSA 477:45 and abutters by certified mail. The names and addresses shall be furnished by the subdivider as taken from the Town records not more than five (5) days before the day of filing, along with preaddressed envelopes and U.S. Certified Mail Cards.
- c. For the purposes of these Regulations, in counting days, the day on which Notice is given and the day of public hearing/meeting shall be excluded.
- d. Notice shall be mailed at least ten days prior to the public meeting/hearing.
- e. Notice to the public shall be given by one publication of a copy of the Notice in the Conway Daily Sun or a newspaper of general circulation at least ten days prior to the public meeting/hearing.

MINOR LOT LINE ADJUSTMENTS OR BOUNDARY AGREEMENTS

Section 5

The following procedure shall apply to applications for minor lot line adjustments or boundary agreements. Unless otherwise ordered by the Board, an application for a minor lot line adjustments or boundary agreements shall be considered and acted upon at a public meeting without a public hearing.

5:1 Notice is required as specified in Section 4.

5:2 A site location map shall be submitted to the Board showing the original boundaries of the adjacent parcels and a detailed plat shall be submitted to the Board showing the new property lines, bearings, distances and all new permanent corner markers, area of two new created lots shall be indicated in acreage and square feet, because of the minor lot line adjustment/boundary agreement.

Amended 05/18/06 The applicant shall also submit an electronic 36x24 copy of the plat, emailed to office@townoffreedom.net.

5:3 Any abutter shall be heard on the application for review at the public meeting when the matter is discussed by the Board. If deemed necessary, the Board may adjourn its consideration to another date and time to allow further abutter participation. The Board shall review the application and determine if the proposal is a minor lot line adjustment or boundary agreement.

5:4 A statement shall be placed on the plat stating as follows:

This plan shows the Minor Lot Line Adjustment/Boundary Agreement and does not require the approval of the Freedom Planning Board as a subdivision.

5:5 The Plat shall be filed in the Carroll County Registry of Deeds and a copy with the Freedom Planning Board.

PLATTING PROCEDURES

Section 6

Modification or Waiver of Submission Requirements:

Upon written notice, the Board may waive or modify submission requirements in those cases where the information is not essential to the review of the subdivision plan and the subdivider would incur an unnecessary substantial expense.

A. Informal Discussion

6:01 Purpose: Preapplication consultation shall be informal and directed toward:

- a. Reviewing the basic concepts of the proposal
- b. Reviewing the proposal regarding the master plan and zoning ordinance
- c. Explaining the state and local regulations that may apply to the proposal
- d. Determination of the proposal as a major, minor, or technical subdivision, and of the submission items that would be required.

6:02 Procedure: Upon request of the subdivider, the Planning Board Chairperson shall place on the agenda of the Planning Board at a regularly scheduled meeting an Informal Discussion between the subdivider and the Board. No fee shall be assessed for the Informal Discussion. No Notice is required. The Informal Discussion between the subdivider and the Board shall be limited to a discussion of the concept in general terms for the limited purpose of familiarizing the Board with the location and type of development and the subdivider with general requirements of the Board as set forth in the Regulations.

If an applicant chooses to forego the informal discussion, please be advised that the planning board may raise concerns or add requirements in subsequent stages of the process that may delay acceptance and approval of the application.

6:03 Information Requested: The subdivider shall provide the Board with a sketch plan only showing the location and type of the proposed development, with additional information such as general topography including prominent natural features of the tract and how the concept conforms with the Master Plan. Presentation of a detailed plan will require postponement and notice to abutters.

6:04 Action of the Board: Following the Informal Discussion, and after determining the general character of the proposed subdivision, the Board shall advise the subdivider concerning subsequent procedures and submission requirements.

B. Review of Preliminary Layout

6:05 Purpose: The purpose of the design review phase is to alert the applicant to site problems that can be resolved or mitigated before final plans are prepared. For example, there may be off-site drainage problems or plans to subdivide an adjoining parcel that would add to traffic concerns. During this phase, the planning board informs the applicant of any special studies required by the regulations that must be provided as part of the completed application, such as assessments of the impact of the proposal on water, sewers, roads, traffic, schools, fire and police protection, or other municipal services (see section 56:12 for details).

6:06 Procedure: Unless waived by the Board following the Informal Discussion, the subdivider shall submit to the Planning Board Chairperson for review by the Board a Preliminary Layout of the proposed subdivision. No completed application is required. The subdivider may withdraw the preliminary layout at any time and apply for final plat approval.

6:07 Description of Layout: 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 stage, involving more specific design and engineering details of the potential application. The Preliminary Layout may be drawn in pencil or ink and four copies shall be submitted. Dimensions may be approximate. Data may be tentative but shall be sufficiently clear to establish the basis of and to clarify the design requirements for the subdivision Final Plat. Maps shall be at a scale of no more than 100 feet per inch unless otherwise specified by the Board. Statements made by Board members shall not be the basis for disqualifying said members or invalidating any action eventually taken on the application.

6:08 Information Required: The applicant shall submit-a rough sketch of the site, showing:

- a. Name of municipality, name or identifying title of the subdivision; name and address of the applicant and the owner, if other than the applicant, names and addresses of abutters.
- b. General site location map locating the boundaries of the subdivision and proposed streets in relation to major roads or other features shown on the Town base map.
- c. A sketch showing the proposed layout of lots, streets, and recreation areas; watercourses; natural A site location map placing the parcel in the larger context of the community;
- d. A site survey showing pertinent features of the site;
- e. An indication of any future subdivisions contemplated in or adjacent to the proposal;
- f. A topographic map of the area;
- g. Any soils information, such as permeability or boring data, that has been gathered; and features and easements
- h. lot measurements; and

6:09 Review of the Layout: Upon receipt of the Preliminary Layout the Board shall conduct a review of the proposed subdivision at a public hearing. Notice shall be given as required in Section 4.

6:10 Action of the Board: After review of the Preliminary Layout by the Board, the Board shall submit in writing its recommendations and reservations with respect to the proposed subdivision and the advisability of preparing a Final Plat. The Board shall determine what additional information shall be required for the Final Plat as provided in Section 6:12 (Information Required for Final Plat). The Board shall make findings as to Section 8:6 (Premature and Scattered) and Section 8:7 (Off-site Improvements) which shall not be changed during final plat review except for good cause.

C. Review of Final Plat.

6:11 Procedure: A completed application for Final Plat approval shall be submitted to the Planning Board and shall contain the following information ~~required in Section 5:11 and, if required, 5:12.~~

- A. Names and addresses of all abutters, taken from the town records not more than five (5) days before the day of filing;
- B. Names and addresses of all persons whose name and seal appear on the plat;
- C. Names and addresses of all holders of conservation, preservation or agricultural preservation restrictions;
- D. Payment to cover filing and notification fees;
- E. One Mylar and four (4) paper copies of the plat and one (1) 360x240 electronic copy emailed to office@townoffreedom.net, prepared according to the standards of the NH Land Surveyors Association and the County Register of Deeds, as follows:
 1. Plats shall be at any scale between 1"= 20' and 1"=400'.
 2. The outside dimensions of the plat shall be 240 x 360, or as otherwise specified by the County Register of Deeds.
 3. The material composition shall be suitable for electronic scanning and archiving by the Register of Deeds.
 4. All plats shall have a minimum 1/2" margin on all sides.
 5. All title blocks should be located in the lower right-hand corner, and shall indicate:
 - a. Type of survey;
 - b. Owner of record;
 - c. Title of plan;
 - d. Name of the town(s);
 - e. Tax map and lot number;
 - f. Plan date and revision dates.
 6. A letter of authorization from the owner, if the applicant is not the owner.
 7. A statement of whether the application is intended to qualify as workforce housing under RSA 674:58-61.

6:12 Information Required on Final Plat: Proposed subdivision name or identifying title; name and address of the applicant and of the owner, if other than the applicant.

- a. North arrow, scale 6 written and graphic; date of the plan and any revisions; name, license number and seal of the surveyor or other person whose seal appears on the plan; signature of

- surveyor.
- b. Signature block for Planning Board endorsement.
 - c. Locus plan showing general location of the total tract within the town and the zoning district(s)
 - d. Boundary survey including bearings, horizontal distances and the location of permanent markers. Curved boundary lines shall show radius, delta, and length.
 - e. Names of all abutting subdivisions, streets, easements, building lines, parks and public places, and similar facts regarding abutting properties. Subdivisions and buildings within 100 feet of the parcel to be subdivided; roads, streets, and driveways within 200 feet of the parcel to be subdivided.
 - f. Location of all property lines and their dimensions; lot areas in square feet and acres; Lots numbered according to the town tax map numbering system.
 - g. Location and amount of frontage on public rights-of-way.
 - h. Location of building setback lines.
 - i. Location of existing and proposed buildings and other structures.
 - j. Location of all parcels of land proposed to be dedicated to public use.
 - k. Location and description of any existing or proposed easements. Existing and proposed telephone, electricity, water, sewer, fire protection lines and other proposed facilities and/or utilities. All utilities should be placed underground from the street throughout the subdivision.
 - l. Location and details as to any existing or proposed community water or sewer systems with information on capacity, usage, cost, any charges ó direct or indirect, and a description of the entity responsible for the operation, maintenance and service.
 - m. Existing and proposed water mains, culverts and bridges, drains, sewers; proposed connections or alternative means of providing water supply and disposal of sewage and surface drainage.
 - n. Preliminary drainage analysis and computations; watershed areas.
 - o. Existing and proposed streets with names, classification, travel surface widths, right-of-way widths. (See Section 9 General Requirements: Streets for road standards.)
 - p. Final road profiles, center line stationing and cross sections; existing and proposed street right-of-way lines; dimensions of tangents, chords, and radii.
 - q. Location and width of existing and proposed driveways.
 - r. Water courses, ponds, standing water, rock ledges, stone walls; existing and proposed foliage lines; open space to be preserved; and any other man-made or natural features.
 - s. Existing and proposed topographic contours at five-foot contours based upon the USGS topographical data, with spot elevations where necessary.
 - a) Soil and wetland delineation. Soil mapping units and boundaries as classified by the U.S. Department of Agriculture Soil Conservation Service. Seasonally wet and flood prone areas shall be delineated.
 - t. Location of percolation tests and test results; certification of town official witnessing the tests; and outline of 4,000 square-foot septic area with any applicable setback lines.
 - u. Location of existing and proposed well, with 75-foot well radius on its own lot.
 - v. Base flood elevations and flood hazard areas, based on available FEMA maps.
 - w. For all subdivisions land designated as "Special Flood Hazard Areas" (SFHA) by the National Flood Insurance Program (NFIP), proposals for development of greater than fifty (50) lots or five (5) acres (whichever is the lesser), must include Base Flood Elevation (BFE) data (i.e., floodplain boundary and 100-year flood elevation).
 - x. All information submitted for the Preliminary Layout as preliminary or estimated shall be in final form for this application.

6:13 Other information:

1. Plan for stormwater management and erosion control, if applicable.
 - a. This plan shall be submitted on a separate sheet or sheets and shall provide the following information for the entire area of the proposed subdivision, unless there is a determination by the Board that a lesser area is sufficient:
 - i. Basic street and lot layout, with all lots or sites numbered consecutively.
 - ii. Location of all existing buildings and approximate locations of proposed building, if known.
 - iii. Contours of existing grade at intervals of not more than five (5) feet. Intervals less than 5 feet may be required, depending on the character of the topography.
 - iv. Final identification, location, elevation, grade and/or contours at intervals of not more than five (5) feet for the existing and proposed drainage ways, drainage easements, drainage structures, and water bodies. Intervals of less than 5 feet may be required by the Board, depending on the topography.
 - v. Final identification and location of proposed soil erosion and sediment control measures and structures.
 - vi. Final drawings and specifications for each proposed soil erosion and sediment control measure in accordance with the standards set forth in Section 8:15.
 - vii. Final drawings, details, and specifications for proposed storm water retention facilities for ground water recharge, if applicable. Amended 02/18/10
 - viii. Final slope stabilization details and specifications.
 - ix. A timing schedule indicating the anticipated starting and completion dates of the subdivision development and the duration of exposure of each area prior to the completion of effective soil erosion and sediment control measures.
 - b. Subdivision Street and Utility Plan: This Plan shall be submitted on a separate sheet or sheets and shall provide the following information:
 - i. Complete plans and profiles of all proposed streets, including but not limited to horizontal and vertical curve data at the street center line, street stationing every fifty feet, intersection and turnaround radii, and typical section of proposed streets.
 - ii. Location and details of all existing and proposed utilities (including water mains, telephone, electric, and television distribution lines) on and adjacent to the land to be subdivided.
 - iii. Any other details pertinent to street and/or utility construction,
2. State subdivision approval for septic systems; septic design approval where applicable; or certification by septic designer of adequacy of existing system.
3. Alteration of Terrain Permit from NH Department of Environmental Services.
4. State/town driveway permit, as applicable.
5. Report from the Fire Chief, Police Chief, and/or town conservation commission.
6. Approval for municipal water/sewer connections.
7. 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, submitted in a form satisfactory to the Board's counsel.
8. Any other state and/or federal permits.
9. For all subdivision that involve land designated as "Special Flood Hazard Areas" (SFHA) by the National Flood Insurance Program (NFIP) the applicant must assure that all necessary permits have been received from those governmental agencies from which approval is required under

Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

10. Flood Hazard Plan: For projects involving land designated as "Special Flood Hazard Areas," the plan shall provide construction drawings, grading and land treatment plans to allow a determination that:
 - a) all such proposals are consistent with the need to minimize flood damage;
 - b) all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage; and,
 - c) Adequate drainage is provided to reduce exposure to flood hazards. Amended 02/18/10
2. Requests for Modifications or Waivers: All requests for modifications or waivers as described in Section 8:16 and/or Section 5, Modifications or Waiver of Submission Requirements, shall be included in the Application.
3. Information If a Performance Bond is Required from The Subdivider: If a Performance Bond is to be requested, the subdivider shall furnish an estimate of the full cost of all improvements and a description of the surety or security to be offered to secure a Performance Bond
4. 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.

If the applicant has not had a review of the preliminary layout or if issues arise in the review of the final plat, the Board may determine that some or all of the above-described information is to be required. If so, the applicant will be notified in writing within ten (10) days of the meeting at which the determination was made.

D. Action on Final Plat.

6:13 Submission of an Application for Final Plat Approval:

- a) Necessity for Acceptance of a Completed Application: Before any review of the proposed final subdivision Application, the Board shall first determine if the Application is complete.
- b) Time for Filing an Application: The subdivider shall file the Application for Final Plat approval with the Planning Board Chairperson or other person designated by the Board at least 20 days prior to the public meeting at which the Application is to be considered for acceptance by the Board.
- c) Action by the Board on the Request to Accept the Completed Application: The Application shall be presented to the Board by the subdivider at a public meeting of the Board for which Notice has been given. The Board, by motion, shall accept or reject the Application at the public meeting or an adjourned session thereof, and such action shall be noted on the Application and in the records of the Board.

6:14 Consideration and Action on Final Plat: The accepted application shall be deemed to be submitted to the Board as of the date on which the Board Accepted the completed Application. Within 30 days of such date, the Board shall begin formal consideration of the Application at a public hearing for which Notice has been given. The Board shall act to approve, approve with modifications, or disapprove the Application within 90 days or the date of submission. The Board may apply to the Board of Selectmen prior to the expiration of the 90-day period for an extension of time not to exceed

90 days before acting to approve or disapprove the Application. The subdivider may consent to an extension of time for the Board to act beyond the initial 90-day period on the condition that such consent shall be in writing and shall be made part of the Board's record.

6:15 Notice for Meeting/Hearings and Adjournments: Notice shall be given to the abutters, the subdivider, and the public as to all public hearings on the application. As provided by law, any public meeting or public hearing for which Notice was required may be adjourned without additional Notice. The board shall announce at the prior public meeting or prior public hearing that such meeting or hearing shall be adjourned to a fixed day, time, and place. For an adjournment, the records of the Board must contain a statement that such announcement was made and include also the day, time, and place when the adjourned meeting/hearing is to be held.

6:16 Failure of the Board to Approve or Disapprove the application within the Specified Time Limit: The subdivider, upon the failure of the Board to approve or disapprove of the Application within the time specified, may obtain from the Selectmen an order directing the Board to act within 15 days. The failure of the Board to act within 15 days shall constitute grounds for the Superior Court, upon petition of the subdivider, to issue an order approving the Application if the Court first determines that the proposed subdivision complies with the existing Subdivision Regulation, Zoning, and other applicable Ordinances. If the Court determines that the failure to act within the time specified was the fault of the Board and was not justified, then the court may order the Board to pay the subdivider's reasonable costs and attorney's fees incurred in securing the Court order.

6:17 Notice of Action on the Final Plat: The board shall notify the subdivider, by Notice in writing signed by the Chairman, of its actions on the Final Plat. In case of disapproval, the grounds for such disapproval shall be set forth in the Notice which shall become part of the records of the Board. In case of approval, the Notice of Action shall set forth the following when applicable:

- a) A copy of any deed restrictions submitted by the subdivider and accepted by the Board.
- b) All requirements for off-site improvements.
- c) A description of land, if any, to be dedicated to widening existing streets.
- d) A description of any modification or waiver granted to the subdivider.
- e) Requirements, if any, relative to underground utilities.
- f) All agreements, if any, between the subdivider and the Board concerning matters not required by these Regulations, but to be performed by the subdivider.
- g) A statement that all improvements required by the Planning Board shall be completed and constructed at the sole expense of the subdivider or successors and assigns of the subdivider regardless of the amount of the bond.
- h) A reference to the Bond to be provided by the subdivider as guarantee of performance in construction of the subdivision, as set forth in Section 8:13.

6:18 Acknowledgement of Receipt of Notice of Action: The subdivider shall acknowledge receipt of the Notice of Action and acceptance of all provisions set forth therein and shall return a signed copy of same to the Board for its records. Until such acknowledgment and acceptance has been filed with the Board, no further action shall be taken regarding the Final Plat. Failure to acknowledge receipt of Notice of Action and acceptance within 90 days of mailing of the Notice of Action will cause approval to lapse.

6:19 Performance Bond, Time for Completion of Improvements and Time Extensions: When the Board agrees to accept a Performance Bond or other security, the subdivider shall submit the security providing for and securing to the Town the completion of the actual construction and installation of all improvements and utilities required by the Board within 3 years from the date of acknowledgment and acceptance of the Notice of Action. The security shall be in an amount determined by the Planning Board and in conformity with the requirements of Section 8:13. Regardless of the amount of security, the subdivider shall be liable for the entire cost of constructing and installing all improvements required by the Board. The time for completion may be extended a reasonable time for good cause as determined by the board.

6:20 Description and Recording of Final Plat: The subdivider shall submit to the Board four (4) copies of the approved Final Plat with an additional plan of Mylar. Sheet sizes shall be in accordance with the requirements of the Carroll County Register of Deeds. Space shall be reserved on the Plat for endorsement by the Board. The Final Plat shall contain the following statement:

öThe Subdivision Regulations of the Town of Freedom and the Notice of Action are a part of the Plat, approval of this Plat requires the completion of all the requirements of the Notice of Action and said Subdivision Regulations excepting only any variance set forth in the Notice of Action.ö

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

6:12 Time to Record Plat and Extensions: Approval of a Final Plat shall lapse if such Plat is not recorded in the Registry of Deeds within 3 years from the date of acknowledgments and acceptance of the Notice of Action unless the Planning Board extends the time for good cause.

MINOR SUBDIVISION

Section 7

A. Procedure.

7:01 Procedure for Review: The Minor Subdivision process requires only the submission of the Final Plat, as set forth below. At an Informal Discussion with the subdivider, the Board shall first determine that the proposed subdivision qualifies for the Minor Subdivision procedure, following which the subdivider may submit the Final Plat immediately or at a subsequent meeting of the Board. Review of the Final Plat shall be in accordance with the procedures in Section 6 C and D.

If an applicant chooses to forego the informal discussion, please be advised that the panning board may raise concerns or add requirements in subsequent stages of the process that may delay acceptance and approval of the application.

7:02 Expansion of Procedures: If, in the judgement of the Board, the subdivision as presented does

not constitute a Minor Subdivision, the Board shall require the subdivision to be reviewed as a Major Subdivision.

7:03 Standards: All Minor Subdivisions shall conform to applicable standards set forth in Section 9 General Requirements. In addition, the subdivision shall be designed to accommodate possible future subdivision of the same parcel of land or contiguous land.

7:04 Restriction on Further Subdivisions: A parcel of land which has been subjected to minor subdivision shall not be eligible for further subdivision under the Minor Subdivision procedures for a period of 10 years from the date of the most recent minor subdivision.

B. Submission Requirements.

7:05 Description of Final Plat: The Final Plat to be signed and recorded shall be Mylar. It shall meet the requirements of section 6:11 and 6:12. In many cases, some of the Section 6:12 requirements may not be applicable to a minor subdivision. During the informal review, the board will identify any Section 6:13 requirements the applicant must provide.

Space shall be reserved on the Plat for endorsement by the Board. The Final Plat shall contain the following statement:

öThe Subdivision Regulations of the Town of Freedom and the Notice of Action are a part of the Plat, and approval of this Plat requires the completion of all the requirements of the Notice of Action and said Subdivision Regulations excepting only any variance set forth in the Notice of Action.ö

MAJOR SUBDIVISION

Section 8

8:01 Standards: All Major Subdivision shall conform to the requirements in Section 9 (General Requirements).

8:02 Procedure for Review: The procedures of Section 5 (Platting Procedures) shall be followed for the review of a Major Subdivision.

8:04 Submission Requirements: Submission requirements for Major Subdivision shall be as set forth in Section 6:11 and 6:12.

NO CHANGE TO THE REST OF THE REGULATIONS

(pages 14-34)