

## **SECTION 5. SUBDIVISION PROCEDURES**

### **5.01 Preapplication Phases (OPTIONAL)**

#### **(1) Preliminary Conceptual Consultation**

(a) The applicant may request a meeting with the Board to discuss a proposal in conceptual form and in general terms. Such preapplication consultation shall be informal and directed toward:

- (i) Reviewing the basic concepts of the proposal;
- (ii) Reviewing the proposal with regard to the Master Plan and Zoning Ordinance;
- (iii) Explaining the local regulations that may apply to the proposal; and
- (iv) Guiding the applicant relative to state and local requirements.

(b) 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.

#### **(2) Design Review Phase**

(a) 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, involving more specific design and engineering details of the potential application. The purpose of Design Review is for the Planning Board to discuss aspects of the plan with the applicant and communicate specific suggestions to assist in resolving potential problems prior to the submission of a Completed Application.

(b) 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).

(c) Persons wishing to engage in preapplication Design Review shall submit a "Request for Design Review" and associated fees not less than fifteen (15) days prior to the meeting at which the application will be discussed by the Board. The request shall include:

- (i) List of abutters, their addresses and the tax map and lot number of their abutting properties taken from municipal records not more than 5 days before submission, and
- (ii) Check to cover costs of all abutter and public notices.

(d) Statements made by Board members shall not be the basis for disqualifying said members or invalidating any action eventually taken on the application.

(e) The Board shall not accept any submission by the Applicant at this time.

(f) Neither time limits for considerations and action nor the public hearing requirements shall apply to this submission.

### **5.02 Completed Application (REQUIRED)**

(1) A completed application sufficient to invoke jurisdiction of the Board shall be filed with the Board's designee at least **twenty-one (21) days prior** to the public meeting of the Board at which it is to be submitted.

(2) A completed application shall consist of all data required in SECTION 7 (PLAT SUBMISSION REQUIREMENTS), and SECTION 9 (DESIGN STANDARDS AND REQUIRED IMPROVEMENTS).

(3) The completed application shall include all required fees for notices and any administrative or other fees assessed by the Board under the provisions of RSA 676:4,I(g).

(4) An application that has been determined complete shall be submitted to and accepted by the Board only at a regular meeting after due notification has been given as required by RSA 676:4,I(d).

- (5) Acceptance will be by affirmative vote of a majority of the Board members present.
- (6) 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 90 day review.
- (7) An incomplete Application filed by the Applicant will not be submitted to the Board. Notices will not be issued.
- (8) Applications may be disapproved by the Board without public hearing on the grounds of failure of the applicant to supply all required information or to pay fees as required by these regulations.

#### **5.03 Board Action on Completed Application**

- (1) The Board shall begin consideration of the Completed Application within thirty (30) days of its submission.
- (2) The Board shall act to approve, conditionally approve, or disapprove the Completed Application within ninety (90) days of submission.
- (3) The Board may apply to the Selectmen for an extension not to exceed an additional ninety (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. RSA 676:4,I(f)
- (4) Approval of the Plat shall be certified by written endorsement on the Plat and signed and dated by the Chairman of the Board. The Planning Board's designee shall transmit a copy of the Plat with such approval endorsed in writing thereon to the Register of Deeds of Carroll County. The subdivider shall be responsible for the payment of all recording fees.
- (5) If any submitted plat is disapproved, the grounds for such disapproval shall be adequately stated in the records of the Planning Board and in written notice given to the Applicant.
- (6) If the Planning Board has not taken action on the Completed Application within 90 days of its submission and has not obtained an extension, the Applicant may obtain from the Board of Selectmen an order directing the Board to act within fifteen (15) days. Failure of the Board to act on the order shall constitute grounds for the Applicant to petition the Superior Court as provided in RSA 676:4,I(c).

#### **5:04 Conditional Approval**

- (1) 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. A further public hearing is not required when such conditions:
  - (a) Are administrative in nature;
  - (b) Involve no discretionary judgment on the part of the Board; or
  - (c) 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.
- (2) A further public hearing will be required to demonstrate compliance with the terms of all other conditions pursuant to RSA 676:4,I(i).

#### **5:05 Public Hearing**

Prior to the approval of a subdivision, a public hearing shall be held as required by RSA 676:4,I(d) with notice given to the Applicant, abutters, and the public as stated in Section 5.06.

#### **5:06 Notices**

(1) Notice of the submission of a Design Review or a Completed Application shall be given by the Board to the Applicant, holders of conservation, preservation or agricultural preservation restrictions, abutters, every engineer, architect, land surveyor or soil scientist whose professional seal appears on any plat submitted, by certified mail, mailed at least ten (10) days prior to the meeting, and to the public at the same time by posting in at least two public places in Town or publication in a newspaper of general circulation. 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, and shall include a general description of the proposal which is the subject of the Application or of the item to be considered and shall identify the Applicant and location of the proposed subdivision.

(2) If the notice for the public hearing was included in the notice of submission of 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.