

## **SUBDIVISION REGULATIONS** **Proposed Language**

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*Remove and replace Section 4.8 of the Subdivision Regulations with the following:*

### **4.8 Site Improvement Security**

#### **4.8.1 Planning Board Requirement**

The Planning Board may require the applicant to submit site improvement security to the Department of Planning and Community Development in lieu of the completion of street work, utility installations, landscaping, and final pavement prior to the final approval of any plat in accordance with RSA 674:36, III. Site security may be provided in the form of a performance bond or cash to be held in escrow by the City.

#### **4.8.2 Planning Board Designation**

The Planning Board designates the Director of Planning and Community Development to develop and administer policies related to the collection, retention, and disbursement of site improvement security, offsite improvements, and offsite exactions for all conditionally approved applications in accordance with federal, state, and local laws.

#### **4.8.3 Performance Bond**

Applicants providing site improvement security in the form of a performance bond must submit a properly executed bond to the Director of Planning and Community Development. Any performance bond submitted must identify the City as the obligee and be issued by a reputable producer actively licensed and regulated by the State of New Hampshire. The total amount of the executed bond must be equal to 100% of the total cost of site work identified in a cost estimate submitted to and approved by the Director of Planning and Community Development.

#### **4.8.4 Cash Held in Escrow**

Applicants providing site improvement security in the form of cash held in escrow must execute an Escrow Agreement with the City through the Department of Planning and Community Development. The Director of Planning and Community Development and the City's legal counsel must review and approve any Escrow Agreement form prior to execution. The amount of cash to be held in escrow must be at least 10% of the total cost of site work identified in a cost estimate submitted to and approved by the Director of Planning and Community Development.

#### **4.8.5 Offsite Improvements and Exactions**

The Planning Board may require offsite improvements and/or exactions for any application. In lieu of completing any offsite improvement, an applicant may provide cash to be held in escrow. An applicant providing cash to be held in escrow must execute an Escrow Agreement with the City through the Department of Planning and Community Development. If there are multiple offsite improvements and/or exactions required for an application, each offsite improvement and exaction must be held in separate escrow accounts and have separate Escrow Agreements executed with the City. The amount to be held in escrow must be equal to the total cost of each respective offsite improvement and exaction required. If the City does not expend the funds

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received for any offsite improvement or exaction within six (6) years of receipt, the funds will be returned in accordance with the respective Escrow Agreement.

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*Remove and replace Section 5.5 of the Subdivision Regulations with the following:*

### **5.5 Third-Party Review, Inspections, and Special Investigative Studies**

#### **5.5.1 Planning Board Requirement**

The Planning Board may require the applicant to reimburse the City for expenses reasonably incurred for third-party review and consultation during the review process and for third-party inspection during the construction process in accordance with RSA 676:4-b. Additionally, the Planning Board may require the applicant to reimburse the City for expenses reasonably incurred for special investigative studies, review of documents, and other matters related to each application in accordance with RSA 674:4, I(g).

#### **5.5.2 Planning Board Designation**

The Planning Board designates the respective Department Heads represented on the Technical Review Committee (TRC) to identify and require third-party review and inspections for projects during the review and construction processes. The Planning Board further designates the same Department Heads to develop and administer policies related to the supervision, implementation, and enforcement of third-party review and inspections for all applications in accordance with federal, state, and local laws. The Planning Board retains the authority to require additional third-party review, inspections, and special investigative studies for each application beyond what is recommended by the respective Department Heads.

#### **5.5.3 Third-Party Review**

Department Heads represented on the TRC will identify and may require third-party review of an application at a TRC meeting prior to Planning Board review. The applicant must execute an Escrow Agreement with the City through the respective Department requiring the third-party review. The respective Department Head must review and approve any Escrow Agreement form prior to execution. The respective Department Head will require detailed invoices with reasonable task descriptions for services rendered by the third-party reviewer. The same Department Head will promptly provide a reasonably detailed accounting of expenses and corresponding escrow deductions to the applicant upon request. The applicant must reasonably correct all deficiencies identified during third-party review to the satisfaction of the respective Department Head prior to final approval. The respective Department Head may require additional third-party review to ensure all deficiencies have been corrected.

#### **5.5.4 Third-Party Inspection**

Department Heads represented on the TRC will identify and require third-party inspection of an application upon review at a TRC meeting prior to Planning Board

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review or during a preconstruction meeting with the applicant following Planning Board approval, if one is required. The applicant must execute an Escrow Agreement with the City through the respective Department requiring the third-party inspections. The respective Department Head must review and approve any Escrow Agreement form prior to execution. The respective Department Head will require detailed invoices with reasonable task descriptions for services rendered by the third-party inspector. The same Department Head will promptly provide a reasonably detailed accounting of expenses and corresponding escrow deductions to the applicant upon request.

#### **5.5.5 Compliance**

The Department of Planning and Community Development is ultimately responsible for ensuring compliance with the Planning Board's decisions and conditions of approval for each application. The Director of Planning and Community Development will delegate specific enforcement action to the corresponding Department with the authority to invoke jurisdiction. Additionally, the Director of Planning and Community Development is authorized to approve minor deviations from the approved plat, provided that the deviations are in accordance with the Planning Board's decision as it is reflected in the meeting minutes, findings of fact, and conditions of approval for the respective application. Any minor deviation must comply with all federal, state, and local laws and regulations. The Department of Planning and Community Development will perform regular site inspections to ensure compliance with City regulations and the Planning Board's decision.