

TOWN OF CARROLL, NEW HAMPSHIRE
SUBDIVISION REGULATIONS

AMENDED MAY 8, 2018

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CARROLL PLANNING BOARD
Subdivision Regulations

Section 1 AUTHORITY

Pursuant to the authority vested in the Carroll Planning Board by the voters of the Town of Carroll and in accordance with the provisions of Chapter 36 Sections 12 – 29 and 34, New Hampshire revised statutes annotated, 1955, as amended, the Carroll Planning Board adopts the following regulations governing the subdivision of land in the Town of Carroll, New Hampshire. For the purpose of protecting the health, safety, convenience, prosperity and welfare of our inhabitants; for the purpose of protecting the economic investments of homeowners and residents of subdivisions; and for the protection of our town’s scenic beauty, the following land subdivision regulations are hereby enacted.

Section 2 DEFINITIONS

For the purposes of these regulations, certain terms used herein are defined as follows. Terms not defined below but defined in the Town of Carroll Zoning Ordinance shall be interpreted in a manner consistent with that document.

Abutter: 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 Board. For purposes of receiving testimony only and not for the purpose of notification, the term “abutter” shall include any person who is able to demonstrate that his/her land will be directly affected by the proposal under consideration. For purposes of receipt of notification, 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.

Area of Special Flood Hazard: The land in the floodplain within Carroll subject to a 1% or greater chance of flooding in any given year. The area is designated as Zones A, A0, AH, A1-30, and AE on the FIRM.

Average Daily Traffic (ADT): An estimate of the daily volume of traffic.

Board: The Planning Board of the Town of Carroll, New Hampshire.

Boundary Line Adjustment: A proposal which involves only the modification or relocation of a boundary line between two adjacent parcels, which does not create an additional lot, and which

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requires no new road, utilities or other municipal improvements. Shall include the terms “minor lot line adjustment” and “subdivision and annexation.”

Dead End Street: A local street opened at one end with special provision for turning around such as cul-de-sac.

Development: Any man-made change to improve unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavating or drilling operation, or storage of equipment or materials.

Drainage: All drainage systems, including but not limited to catch basins, drains, ditches, culverts, pipes and mains.

Driveway: An area located on a lot, tract or parcel of land, and built for access to a garage or off-street parking space, serving not more than two (2) lots or sites.

Easement: The land area created through authorization by a property owner for the use by another and for a specified purpose of any designated portion of his property.

Engineer: The engineer designated to act on behalf of the Planning Board or the Board of Selectmen of the Town of Carroll, New Hampshire, in matters regarding the subdivision.

Flood: A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of streams or rivers, or abnormally rising lake waters resulting from severe storms.

Health Officer: The Health Officer of the Town of Carroll, New Hampshire.

Lot: A parcel of land or any part thereof designated on a plat to be filed with the Coos County Registry of Deeds by its owner or owners as a separate lot for the purpose of these regulations; a lot shall have boundaries identical with those recorded with the Coos County Registry of Deeds.

Lot Line: The property line dividing a lot from a street right-of-way, a body of water or adjacent property.

Lot Size: The total horizontal land area within the boundaries of a lot, exclusive of any land area designated for street purposes.

Master Plan: The comprehensive plan or plan of development for the municipality as defined in RSA 674:2.

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Official Map: The adopted street or base map of the municipality as defined in RSA 674:9.

Private Road: Any road which is not maintained by the state or town and has not been accepted by the Town of Carroll.

Parking Space: An off-street space for exclusive use as a parking area for one motor vehicle, with a minimum size of 10' x 20'.

Plat: A map, plan, or drawing on which a subdivision of land is shown. A final plat is the final map, plan or drawing on which the subdivider's plan of subdivision is presented to the Board for approval, and which, if approved, will be submitted to the Coos County Registry of Deeds for recording.

Re-subdivision: A change in the plat of an approved or recorded subdivision or re-subdivision if such change: (a) affects any street layout shown on the plat; (b) affects any area reserved thereon for public use; or (c) diminishes the size of any lot shown thereon and creates an additional building lot, if any of the lots shown thereon have been conveyed after the approval or recording of such plat. Re-subdivision of a plat previously approved as a Minor Subdivision within the past 5 (five) years shall be reviewed as a Major Subdivision regardless of the number of lots proposed.

Road: See Street.

Sediment: Soil material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin, by air, water or gravity as a product of erosion.

Site: That portion of a lot, tract, or parcel of land upon which a structure is placed.

Street: A highway, road, avenue, lane and/or any other way which exists for vehicular travel, whether or not maintained by a public authority, exclusive of a driveway serving not more than two adjacent lots or sites. The word "street" shall include the entire right-of-way.

Subdivider: The owner of record of the land to be subdivided, including any subsequent owner of record making any subdivision of such land or any part thereof, or the agent of any such owner.

Subdivision: The division of a lot, tract, or parcel of land into two or more lots, plats or sites, or other divisions of land for the purpose, whether immediate or future, of sale, rent, lease, condominium conveyance or for building development. It includes a re-subdivision and, when

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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 the several owners shall be deemed a subdivision.

Subdivision, Major: Any subdivision that the Planning Board deems to not meet the requirements of a Minor Subdivision.

Subdivision, Minor: Any subdivision resulting in no more than three (3) lots or sites, each with frontage on and access to an existing, publicly-maintained street, or existing private road previously approved by the Planning Board, and not involving any new roads, extensions of public water or sewer mains, or stormwater facilities or other public improvements. If, in the judgment of the Board, the subdivision as initially presented does not meet the requirements for a Minor Subdivision as stated in the Definition, the Board may require a subdivision to be processed as a Major Subdivision.

Subgrade: The top surface of the road bed upon which the pavement and shoulders are constructed.

Utilities: Water, electricity, wastewater disposal and access to telephone, cable tv, and internet services.

Section 3 APPLICATION PROCEDURE

3.01 General Procedure: Whenever any subdivision of land is proposed, before any construction, land clearing or building development is begun, before any permit for the erection of any building in such proposed subdivision shall be granted, before any contract or offer for sale, rent, condominium conveyance or lease of lots in the subdivision shall have been negotiated, before converting a property to condominium or time-share ownership, and before any subdivision plat may be filed in the Coos County Registry of Deeds, the subdivider or authorized agent shall apply in writing to the Board on a form provided by the Board and secure approval of such proposed subdivision in accordance with these regulations.

3.02 Pre-application Phases: It is highly recommended that the applicant engage in pre-application review (preliminary conceptual consultation and/or design review) as provided in Sections 3.03 and 3.04. Pre-application shall be separate and apart from formal consideration, and the time limits for acting under Section 3.11 shall not apply until a formal application is submitted under Section 3.05. Participation in pre-application

review can help prevent delays and redesign costs by making sure requirements are understood prior to preparing a final application.

3.03 Preliminary Conceptual Consultation Phase: It is highly recommended that the applicant request a meeting with the Board to discuss a proposal in conceptual form and in general terms. Such pre-application consultation shall be informal and directed toward:

1. Reviewing the basic concepts of the proposal;
2. Reviewing the town's subdivision regulations as they may apply to this proposal and determination of the proposal as a major or minor subdivision; and,
3. Guiding the applicant relative to state and local requirements.

Preliminary conceptual consultation shall not bind the applicant or the Board. Such discussion may occur at a regular meeting without formal public notice as provided under Sections 3.07 and 3.08. However, no discussions beyond the conceptual and general discussion shall take place without identification of and notice to abutters and the general public as described in Section 3.08.

3.04 Design Review Phase:

- a. Prior to submission of an application for Board action, it is highly recommended that an applicant request to meet with the Board for nonbinding discussions beyond the conceptual and general, involving more specific design and engineering details of the potential application.
- b. To appear on the agenda the applicant must notify the Board not less than twenty-one (21) days prior to any regularly scheduled meeting and shall provide:
 1. Name and address of the applicant; signature of all owners; a current list of abutters and their addresses as indicated in town records not more than five (5) days before filing; names and addresses of all holders of conservation, preservation, or agricultural preservation restrictions; and all names and business addresses of every engineer, architect, land surveyor or soil scientist whose professional seal appears on the plans presented to the Board.
 2. A check to cover the mailing and advertising costs as stated in Section 3.10.b.
 3. Plans for design review may be drawn in pencil or ink. Five (5) sets of plans shall be submitted. Design review plans should show substantially the same information described in Section 4, however, dimensions may be approximate and data may be tentative. These plans should be sufficiently

clear to establish the basis of and to clarify the design requirements for the final subdivision plan.

- c. Statements made by the Board members shall not be the basis for disqualifying said members or invalidating any action eventually taken on the application.
- d. The Board shall not accept any final application materials from the applicant at this time.
- e. The Board will notify abutters and the public pursuant to RSA 676:4, I(d) as provided in Section 3.08.

3.05 Filing and Submission of Completed Application:

- a. The completed application, as required in Section 4 and including all information necessary for the Board to determine conformance with these regulations, shall be filed with the Board's designee at least twenty-one (21) days prior to a scheduled public meeting of the Board.
- b. The completeness of the application shall be reviewed by the Board's designee according to criteria in Section 4. The completed application will then be formally submitted to the Board at a public meeting after due notification to the applicant, abutters, easement holders, professionals whose seal appears on the plat, and the general public, and, if deemed complete, accepted for review by the Board. Submission to the Board will take place within 30 days of when the application is filed with the Board's designee, or at the next public meeting for which notice can be given.
- c. An incomplete application filed by the applicant will not be formally accepted by the Board.
- d. Applications shall be disapproved by the Board without public hearing on the grounds of failure of the applicant to supply information required by these regulations or to pay required fees.

3.06 Developments with Potential Regional Impact: Pursuant to RSA 36:56, upon receipt of an application for subdivision, the Board shall review it and determine whether or not the development, if approved, could reasonably be construed as having the potential for impact beyond the boundaries of the town. This regional impact could result from a number of factors, such as, but not limited to, the following:

- 1. relative size or number of lots or units compared with existing stock;
- 2. transportation networks;
- 3. proximity to the borders of a neighboring community;
- 4. anticipated emissions such as light, noise, smoke, odors or particles;
- 5. proximity to aquifers or surface waters which transcend municipal boundaries; and
- 6. shared facilities such as schools and solid waste disposal facilities.

Doubt concerning regional impact shall be resolved in a determination that the development has a potential regional impact. Upon determination that a proposed development has a potential regional impact, the Board shall afford the Regional Planning Commission and the affected municipalities the status of abutters for the limited purpose of providing notice and giving testimony. Within five (5) business days of reaching a decision that a development has potential regional impact, the Board shall, by certified mail, furnish the Regional Planning Commission with copies of the minutes of the meeting at which the decision was made and copies of the initial project plan and the affected municipalities with copies of the minutes of the meeting at which the decision was made. At least fourteen (14) days prior to the public hearing, the Board shall notify, by certified mail, all affected municipalities and the Regional Planning Commission of the date, time and place of the hearing and the right to testify concerning the development.

3.07 Public Hearing: Prior to the approval of a subdivision, a public hearing shall be held as required by NH RSA 676:4 and notice to the applicant, abutters and the public shall be given in accordance with Section 3.08.

3.08 Notices:

- a. Notice of the design review phase or submission of a completed application shall be given by the Board to the abutters, easement holders, any professional whose seal appears on the plat, and the applicant by certified mail, mailed at least ten (10) days prior to the submission, and to the public, at the same time, by posting in at least two (2) appropriate public places in the town and publication in a newspaper of general circulation. The notice shall give the date, time and place of the Planning Board meeting at which the application will be formally submitted to the Board, and shall include a general description of the proposal which is to be considered and shall identify the applicant and the location of the proposed subdivision.
- b. For any public hearing on the completed application, the same notice as required for notice of submission of the completed application shall be given. If the notice of 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.

3.09 Minor Subdivision: The completed application for a Minor Subdivision may be submitted and approved at one or more Board meetings but no application shall be approved without the full notice of abutters and public as required under Section 3.08.

3.10 Fees:

- a. A completed application shall include all required fees, including application fees and all costs of public notices.
- b. All costs of notices, whether mailed, posted or published, shall be paid by the applicant. Failure to pay costs shall constitute valid grounds for the Board to terminate further consideration of the application and to disapprove the plat without a public hearing.
- c. Pursuant to NH 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.
- d. The most recent fee schedule and application form can be obtained at the administrative offices of the Town.

3.11 Board Action on a Completed Application:

- a. Within sixty-five (65) days of acceptance of the completed application, and after a duly noticed public hearing, the Board shall act to approve, approve with conditions, or disapprove the application, subject to extension or waiver as provided in accordance with NH RSA 676:4.
- b. In the event the Board disapproves any plat submitted, the grounds for such disapproval shall be adequately stated in the records of the Planning Board and written notice given to the applicant.
- c. If the Planning Board has not taken action to approve or disapprove the completed application within sixty-five (65) days of its acceptance and has not obtained an extension or waiver, the applicant may obtain from the Selectboard an order directing the Planning Board to act within thirty (30) days. If the Planning Board does not act on the application within that thirty (30) day time period, then within forty (40) days within issuance of the order, the Selectboard shall certify on the application that the plat is approved pursuant to RSA 676:4 I (c) (1) unless during that period the Selectboard has identified in writing that the proposed subdivision does not comply with some specific provision of the subdivision regulations or Zoning Ordinance.
- d. Conditional Approval: The Board may grant conditional approval of an application, which shall become final approval without further public hearing upon certification to the Board by its designee or based upon evidence submitted by the applicant of satisfactory compliance with the conditions imposed. Final approval may occur in this manner only when the conditions are:

1. Minor plan changes whether or not imposed by the Board as a result of a public hearing, compliance with which is administrative and which does not involve discretionary judgment;
2. Conditions which are in themselves administrative and which involve no discretionary judgment on the part of the Board; or
3. Conditions with regard to the applicant's possession of permits and approvals granted by the other boards or agencies, such as the N.H. Department of Transportation and N.H. Department of Environmental Services.

Section 4 SUBMISSION REQUIREMENTS

An application for approval of a subdivision shall be made to the Board in writing on the required form, signed by all owners if the applicant is not the sole owner of record. In the case of an agent, the application material shall include certification from all owners that the applicant is authorized to act on their behalf.

The application must be accompanied by the names and addresses of all abutters as indicated in town records not more than five (5) days before the day of filing; names and addresses of all holders of conservation, preservation, or agricultural preservation restrictions; names and business addresses of every engineer, architect, land surveyor, or soil scientist whose professional seal appears on the plat; and payment to cover application fees, mailing, advertising, and other costs as stated in Section 3.10.

The application shall be accompanied by five (5) paper prints and a PDF. Sheet size shall be in accordance with the requirements of the Coos County Registry of Deeds and shall be no smaller than 22" x 34". Map shall be at a scale of no smaller than 100 feet per inch. Space shall be provided on the plat for endorsement by the Planning Board as follows:

This plat was hereby approved by the Carroll Planning Board at an official meeting held on _____.

Chairman, Carroll Planning Board

Date

The final plat subdivision shall contain or be accompanied by the following maps and information:

1. Title block with date, dates of any revisions, name of municipality and subdivision, tax map and lot number, name and address of the owner and designer.

2. The plat shall contain the following statement: *“The Subdivision Regulations of the Town of Carroll are a part of this plat, and approval of this plat is contingent on completion of all the requirements of said subdivision regulations, excepting only any waivers or modifications granted in writing by the Board.*
3. Boundaries and area of the entire parcel, whether or not all land therein is to be subdivided (in whatever manner is practicable, the subdivision boundary shall be referenced to some point, i.e., public street intersection or U.S.G.S. benchmark); north point and bar scale.
4. Names and addresses of abutting property owners, tax map/parcel numbers, subdivisions and buildings within 100 feet of the parcel to be subdivided, and intersecting roads and driveways within 200 feet of the parcel to be subdivided.
5. A general site location map at a scale of 1:24000 indicating the locations of the proposed subdivision boundary in relation to major roads and community facilities of the Town.
6. Zoning districts, building setback lines, and regulated shoreland.
7. Existing and proposed street right-of-way lines; dimensions of tangents, chords, and radii; accurate locations and description of all monuments to be set at street intersections, point of curvature and tangency of curved street and at angles of lots; names of existing and proposed streets.
8. Existing and proposed lot lines, angles and dimensions, lot sizes in square feet and acres, consecutive numbering of lots, location of all existing and/or proposed permanent boundary markers.
9. At least one benchmark on each section or submission of a subdivision, tied into any previously established benchmark on any previously submitted plat. Said benchmark to be plainly marked in the field and stationed on the final plat with its elevation. Ties to USGS benchmarks may be required.
10. Location of existing and proposed easements, deed restrictions, proposed common areas such as open space and/or pedestrian ways.
11. The purpose of any easement or land reserved or dedicated to public use shall be designated, and the proposed use of sites other than residential shall be noted.
12. Name and seal of land surveyor licensed by the State of New Hampshire, as well as names and seals of any other architect, engineer, or other professional person responsible for preparation of the plans presented to the Board.

13. Certification by the surveyor as to accuracy of plat details.
14. Location of proposed driveways.
15. Location of existing septic systems and wells with protective radius (minimum 75 feet).
16. Existing year-round and seasonal watercourses, ponds, wetlands, and other natural features on and within 200 feet of the parcel.
17. Areas of special flood hazard, if any, along with the required information identified in Section 6.
18. Soil types.
19. Location of soil, groundwater and perc test pits; location of suitable area for on-site disposal; and potential well site with protective radius (minimum 75 feet from septic systems and lot lines).

Other submission requirements:

20. Soil, groundwater, and perc test results.
21. Application material submitted to NHDES for state subdivision approval if required.
22. If a subdivision is to be served by public water supply or by public sewers, a statement from the municipal department or company involved, attesting to the availability of such services.
23. Any other required local, state or federal approvals.

In addition, applications for Major Subdivisions shall also contain the following information:

24. Cost estimates necessary for the determination of the amount of performance guarantees, if required as stated in Section 15.
25. A statement on the plat noting that the Town of Carroll is not responsible for the condition or maintenance of private roadways or other facilities and utilities.
26. Plans showing all work required to connect and complete the improvements and utilities between the proposed street pattern and any connecting street and existing subdivision.
27. A written acknowledgment of the subdivider's responsibility for maintenance of easement areas, and the assumption by him of liability for injuries and damages that may occur on

any land to be dedicated for public use, until such land has been legally accepted by the Town.

28. Subdivision Grading and Drainage Plan:

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:

- a. Basic street and lot layout, with all lots numbered consecutively.
- b. Location of all existing and proposed buildings.
- c. Contours of existing grade at intervals of not more than five (5) feet. Intervals less than five (5) may be required depending on the character of the topography. Contour lines shall extend a minimum of 100 feet beyond the subdivision boundary.
- d. Final identification, location, elevation, grades and/or contours at intervals of not more than two (2) feet (smaller interval may be required depending on topography) for the existing and proposed drainage ways, drainage easements, drainage structures, and water bodies.
- e. The final identification and relative location of proposed soil erosion and sediment control measures and structures.
- f. Final drawings and specifications for each proposed soil erosion and sediment control measure and structure in accordance with guidelines acceptable to the Town of Carroll.
- g. Final drawings, details, and specifications for proposed flood hazard prevention measures and structures and for proposed stormwater retention basins.
- h. Final slope stabilization details and specifications.
- i. A timing schedule indicating the anticipated starting and completion dates of the subdivision development and the time of exposure of each area prior to the completion of effective soil erosion and sediment control measures.

NOTE: The subdivider shall bear the final responsibility for the installation and construction of all required drainage, slope and stabilization, soil erosion and sediment control measures and structures according to the provisions of these regulations.

29. Subdivision Street and Utility Plan:

This plan shall be submitted on a separate sheet or sheets, each containing the name of the subdivision, name of owner, name of road, date, scale, name of engineer, and provide the following information:

- a. Complete plans and profiles of all proposed streets including:
 - 1) Right-of-way lines
 - 2) Slope and drainage easements
 - 3) Edge of pavement lines
 - 4) Horizontal and vertical curve data at the street centerline
 - 5) Street stationing every 50 feet, with existing and proposed grade
 - 6) Intersection, turn-around, and/or cul-de-sac radii
 - 7) Statements and typical cross-sections of proposed streets
 - 8) Utility locations
 - 9) Drainage structure locations and details
 - 10) Average daily traffic

- b. Complete plans and profiles of all proposed sanitary and storm sewers, including the following:
 - 1) Existing and proposed sewer lines and easements
 - 2) Invert elevations, original and finished ground profiles above these sewers and top of manhole elevations
 - 3) Profiles and grades of storm sewer lines and inlet grades
 - 4) Type of material and class used and proposed grades
 - 5) Design year
 - 6) Existing and proposed stormwater management and treatment facilities including culverts, drains, swales, retention and detention areas

- c. Location and details of all existing and proposed utilities, including water mains, gas mains, telephone, electric, internet and cable, on and adjacent to the land to be subdivided.

- d. A statement as to:
 - 1) The flow available on existing water mains.
 - 2) The proposed number of units and anticipated sanitary sewer flow.
 - 3) The available stormwater facilities downstream of the subdivision.

- e. Any other details pertinent to street and/or utility construction.
- f. Estimate of construction costs.

Section 5 EXPEDITED REVIEW

- 5.01 Voluntary Merger of Lots: Any owner of two or more contiguous pre-existing approved or subdivided lots or parcels who wishes to merge them for municipal regulation and taxation purposes may do so by applying to the Board or its designee. Except where such merger would create a violation of then current ordinances or regulations, all such requests shall be approved, and no public hearing or notice shall be required. No new survey plat need be recorded. A notice of merger containing a description of the two lots merged into one lot including tax map and lot number and signed by the Planning Board Chair shall be filed in the Coos County Registry of Deeds under the name of the owner or owners as grantors and a copy shall be attached to the Town's tax assessing card. Any subsequent subdivision of the merged lot shall require subdivision approval.
- 5.02 Boundary Line Adjustment: An application for a boundary line adjustment shall not require notice to the general public or a public hearing. Submission of the final application and approval may take place at the same meeting. Notice shall be given to abutters and easement holders who may be heard upon request.
- a. A plan shall be submitted to the Board showing the original boundaries of the adjacent parcels whose boundaries are to be adjusted, and, based on an on-the-ground survey by a licensed surveyor, the new boundary line to be created as a result of the annexation, boundary line adjustment or lot line adjustment. At its sole discretion the Planning Board may require a survey of one or both parcels in their entirety. Two mylar copies and three paper prints shall be provided. The plan shall meet the recording requirements of the Coos County Registry of Deeds, and shall contain the following information:
 - 1. Names and addresses of all owners of lands involved
 - 2. Names and addresses of all abutters as indicated in town records not more than five days before the day of filing, and easement holders if any
 - 3. Existing buildings, streets, rights-of-way, streams and easements
 - 4. Lot areas and dimensions
 - 5. Natural features in the vicinity of the affected land
 - 6. Name, address and seal of surveyor

7. A small locational map indicating parcels in relation to major streets and intersections
 8. Tax map and parcel numbers and the zoning district
- b. Include a notation on the annexation plan stating: *"The property conveyed as a result of this annexation shall not be deemed or considered a separate lot of record, but upon the recording of this plan and the accompanying deed, shall be regarded as merged into and made an integral part of the contiguous lot of land previously owned by the grantee(s) so that the same shall hereafter be one combined single lot of record."*
 - c. A signature block shall be placed on the plan stating as follows: *This plan was hereby approved by the Planning Board of Carroll, New Hampshire at an official meeting held on _____ for the purposes of lot line adjustment only and does not create any new lots.*

Chairman, Carroll Planning Board

Date

- d. After final approval is given, the mylar will be held and not recorded until the Town has received the accompanying deed, and can record them both at the same time with the Coos County Registry of Deeds.

Section 6 AREAS OF SPECIAL FLOOD HAZARD

For subdivisions and site plans that involve land designated as "Special Flood Hazard Area" (SFHA) by the National Flood Insurance Program (NFIP):

- a. The Planning 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 Planning Board shall require that all proposals for development greater than fifty (50) lots or five (5) acres, whichever is lesser, include Base Flood Elevation (BFE) data within such proposals (i.e. floodplain boundary and 100-year elevation).

- c. The Planning Board shall require the applicant to submit sufficient evidence (construction drawings, grading and land treatment plans) so as to allow a 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 7 GENERAL REQUIREMENTS

- 7.01 Compliance with Regulations: No subdivision of land shall be made, and no land in any subdivision shall be sold or offered for sale or lease, and no street or utility construction shall be started until a Final Plat, prepared in accordance with the requirements of these regulations, has been approved by the Board, and other required permits have been issued.
- 7.02 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 the 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. Land with inadequate characteristics or lack of capacity for sanitary sewerage disposal, shall not be subdivided for residential, commercial, or industrial subdivision purposes unless connected to a public sewerage system.
- 7.03 Premature Subdivision Development: Scattered or premature subdivision of land as would involve danger or injury to health, safety, or prosperity by reason of lack of water supply, drainage, transportation, school, fire department, or other public services, or that a lack of these facilities would be a hazard, or necessitate an expensive expenditure of public funds for the supply of such services, shall not be approved by the Board.
- 7.04 Reserve Strips: No privately-owned reserve strip, except an open space area, shall be permitted which controls access to any part of the subdivision or to any other parcel of land from any street, or from any land dedicated to public use, or which may be so dedicated.
- 7.05 Preservation of Existing Features: The subdivider shall give due regard to the preservation and protection of existing features, such as trees, scenic points, brooks,

streams, rock outcroppings, water bodies, other natural resources, and historical landmarks.

- 7.06 Plats Straddling Municipal Boundaries: Whenever access to the subdivision is required across land in another municipality, the Planning Board may request assurance from the governing body of that municipality that access is legally established, and from the Engineer that the access road is adequately improved, or that a performance bond has been duly executed and is sufficient in amount to assure the construction of the access road. In general, lot lines should be laid out so as not to cross municipal boundary lines.
- 7.07 Debris and Waste: No cut trees, timber, debris, earth, rocks, stones, soil, junk, rubbish or other waste materials of any kind shall be buried in any land, or left or deposited in any lot or street. Nor shall any be left or deposited in any area of the subdivision at the time of expiration of the performance bond or dedication of public improvements, whichever is sooner.
- 7.08 Parking: All subdivision development shall contain off-street parking to be provided at the rate of at least two (2) parking spaces per dwelling unit. In order to provide for the most efficient means of road maintenance, snow plowing and access by emergency, police and fire vehicles, no parking of vehicles within public or private streets shall be permitted.
- 7.09 Fire Protection: All subdivisions shall meet the approval of the Twin Mountain Fire Department, documented by the Fire Chief or designee, relative to emergency access, and fire prevention, protection, and water supply.

Section 8 FRONTAGE AND ACCESS

- 8.01 Frontage: Any proposed subdivision shall be designed so that every lot has at least the minimum frontage, on: (a) a Class V (or better) highway; or (b) a road shown on a plat approved by the Planning Board.
- 8.02 Access: Proposed lots must have access and frontage on a state or town-maintained road or a street constructed or upgraded according to the specifications and standards contained in these Regulations and approved by the Planning Board.
- 8.03 Existing Street: In the case of subdivisions requiring construction of new streets, any existing street which provides either frontage to new lots or access to new streets shall meet the minimum standards established in Section 10 for such streets. Where a

subdivision requires expenditures by the Town to improve existing streets to conform to minimum requirements, the Board may disapprove such subdivision until the Selectman shall certify that funds for the improvements have been assured by the municipality.

- 8.04 Private Road Maintenance and Repair: The developer, land owners, or homeowners association shall be responsible for maintenance and repair of private roadways. The Planning Board's approval of a proposed road as part of a subdivision application does not constitute or imply any future acceptance of the road by the town. The applicant shall demonstrate that an entity (e.g. developer, landowners, or homeowners association) will be in place having the responsibility and financial substance to ensure maintenance and repair of proposed roads in a manner which provides safe access for the residents, visitors, delivery and emergency vehicles.
- 8.05 Frontage Roads: Where lots abut existing state highways, marginal access roads or reversed frontage approach should be used with a minimum number of driveways and/or streets entering onto the public highway.

Section 9 LOT AND SITE LAYOUT

- 9.01 Lot and Site Layout: The layout of lots and sites shall conform to the specifications of the Official Map, if any, and the requirements of the Zoning Ordinance where in force and shall be appropriate for the intended construction. If allowed in the Zoning Ordinance, a subdivision plat may be designed for cluster or planned unit development, provided all other requirements of these regulations and such Zoning Ordinance are met. The following additional requirements shall govern the layout of lots and sites:
- a. The lot size, width, depth, shape, orientation, and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated.
 - b. Lot dimensions and area shall not be less than the requirements of the Zoning Ordinance, or as required by special topographic conditions.
 - c. Corner lots shall have extra width sufficient to permit a setback on each street.
 - d. Where extra width has been dedicated for widening of existing streets, lots shall begin at such extra width line, and all setbacks be measured from such line.

- e. Sidelines of lots shall be at right angles to straight streets, and radial to curved streets.
 - f. Lots fronting on two parallel streets will not, in general, be approved.
- 9.02 Suitability: Where there is a question as to the suitability of a lot or lots for its or their intended use due to the presence of such factors as rock formations, steep slopes, unusual surface configurations, tendency to periodic flooding, poor drainage, unsuitable soils, and/or inadequate capacity for sanitary sewer disposal, the Planning Board may, after adequate investigation, withhold approval of such lot or lots or require modification of such lots.
- 9.03 Driveways: Lots shall be configured in a manner such that no driveway shall have a slope greater than 12%.

Section 10 ROAD DESIGN AND CONSTRUCTION STANDARDS

- 10.01 Purpose: The purpose of the Town of Carroll's Road Standards is to create safe and convenient traffic circulation, promote economical road construction, and to ensure that the Town's acceptance of private roadways will not burden the Town with extensive maintenance or upgrading costs. These Standards were established to provide the Town with livable neighborhoods and to alleviate future burdens from unsafe and substandard roadways.
- 10.02 Design Guidelines: When designing a circulation system for a residential development, certain factors should be kept in mind, including: vehicular and pedestrian safety, efficient service for the appropriate users, compatibility with proposed development, and the economy of land construction and maintenance requirements.

The following guidelines are for use in designing the vehicular and pedestrian circulation systems within new developments. These guidelines can be applied to different types of developments depending on the circumstances and needs of the individual development:

- a. Local street layouts should be designed to minimize drive-through traffic, pedestrian-vehicular conflicts, intersections, and excessive vehicular travel and speed.
- b. Adequate vehicular and pedestrian access should be provided to all parcels.
- c. Provisions for bus service or carpooling within the development should be considered when appropriate.

- d. The circulation system should represent the most practicable and efficient use of the site's topography and the proposed use.
 - e. Traffic circulation should also be studied for its effect on the town's present circulation pattern and how best to minimize any negative impact.
- 10.03 Topography: Roads shall be related appropriately to the topography. Grade of streets shall conform as closely as possible to the original topography. A combination of steep grades and curves shall be avoided.
- 10.04 Existing Streets: Where a subdivision abuts an existing street with an inadequate alignment, or right-of-way width, the subdivision plat shall include in the street dedication all land needed to meet standards established by these regulations, and as approved by the Board.
- 10.05 Existing Subdivisions: Where a proposed subdivision abuts an existing subdivision, the subdivider shall make every attempt to design the street system of the proposed subdivision to connect with and continue dead-end streets of the existing subdivision.
- 10.06 Cul-de-sac Location: Unless there is the expectation of extending the street through to the adjoining property to connect with existing or future streets, a cul-de-sac street should not be brought to the property boundary line, but should be placed so that the lots can back on the property line of the subdivision.
- 10.07 Road Specifications: Proposed streets shall be in harmony and conformance with existing and proposed streets as shown on the Official Map if any. Street patterns shall give due consideration to contours and natural features. Every proposed street in the subdivision shall be laid out and constructed as required by the following specifications. Approval of any private roadway's design by the Planning Board, Road Agent, and/or Engineer DOES NOT constitute any future acceptance of the roadway by the Town. State statutes on town road acceptance must be followed by the Town and road owner/developer.
- a. Right-of-way – All street rights-of-way shall be a minimum of fifty (50) feet wide. The Board may require greater width of right-of-way where, in its judgment, the demands of present or future traffic make it desirable or where topographic conditions create a need for greater width for grading. In village areas, the Board may also require a greater width of right-of-way and paving, together with curbs and sidewalks. The road right-of-way shall include all construction, excavation or fill, and all cut and fill slopes.

- b. Alignment – Street intersections and curves shall be designed to permit adequate visibility for both vehicular and pedestrian traffic. Streets entering on the opposite side of the same street shall be laid out directly opposite each other or shall have a minimum offset of 150 feet from the center lines. Property on corners shall reserve a twenty (20) foot curve radius.
- c. Intersecting Roadways – Road shall be laid out to intersect at 90 degree angles for a minimum of 75 feet, unless specific circumstances warrant differently. In any case, no street shall intersect at less than 75 degrees. Intersecting roadways shall have a transitional area at all corners to accommodate turning movements to a radius of thirty (30) feet.
- d. Local and collector streets shall not intersect with arterial streets less than eight hundred (800) feet apart, measured from centerline to centerline.
- e. Intersections involving a junction of more than two streets (comprising a four-way intersection) shall be prohibited.
- f. Grade – Grades of all streets shall conform in general to the terrain and shall not be less than one percent (1 %) or more than ten percent (10 %) unless specifically approved by the Planning Board. The Board may modify the maximum and minimum gradient for short lengths of streets where, in its judgment, existing topographic conditions or the preservation of natural features indicate that such modification will result in the best subdivision of land. All changes in grade exceeding 0.5 percent shall be connected by vertical curves of sufficient length to afford adequate sight distances. A maximum of one percent (1%) grade will be allowed within one hundred (100) feet of an intersection.
- g. Dead-end streets – All dead-end streets shall be constructed with a cul-de-sac or turnaround 100 feet in diameter with a paved area 80 feet in diameter or larger as required to provide adequate room for movement of snowplows and fire equipment. Dead-end streets designed to be permanent shall generally be less than 1,000 feet in length.
- h. No structure or planting shall impair corner visibility.

10.08 Temporary Dead-end Streets: Where future extension to another outlet is indicated on the plat and approved by the Board, dead-end streets may exceed 1,000 feet in length. In such cases, the full width of the right-of-way to the subdivision property line shall be reserved as a street right-of-way. A turnaround shall be provided with adequate room for

movement of snowplows and fire equipment, and provisions made for reversion of the excess right-of-way to the adjoining properties when the street is extended in the future.

10.09 Design Standards: Design standards, including, but not limited to, minimum stopping and sight distance, shall conform to ***A Policy on Geometric Design of Highways and Streets, American Association of State Highways and Transportation Officials***, latest edition.

10.10 Construction Specifications

	ADT 0-50	ADT 51-250	ADT 251-400	ADT GT 400
Pavement Width	20 ft.	20 ft.	24 ft.	24 ft.
Shoulder Width	2 ft.	2 ft.	4 ft.	4-6 ft.
Minimum Curve Radius	125	125	250	500
Pavement Type	Hot Bituminous Pavement			
Pavement Thickness	Varies			
Pavement Slope	10%	2%	2%	2%
Minimum Base Course Depth:				
Crushed Gravel (top)	6 in.	6 in.	6 in.	6 in.
Bank Run (bottom)	12 in.	16 in.	18 in.	18 in.
Notes:				
1. ADT = 8 trips per day per dwelling unit				
2. On occasion, when necessary due to the specific circumstances of the site, and the proposed modification will be consistent with safety and sound engineering design, a construction specification may be modified when approved by both the Road Agent and the designated Engineer.				

10.11 Material Specifications: All material specifications including aggregate subbase, aggregate base, and pavement shall conform to ***NHDOT Standard Specifications for Road and Bridge Construction***, latest edition, including Supplemental Specifications if any.

10.12 Clearing: Clearing and grubbing shall comply with ***NHDOT Standard Specifications for Road and Bridge Construction***, latest edition, including Supplemental Specifications if any. Clearing shall consist of cutting and disposing of all trees (unless intended for preservation), down lumber, stubs, bushes, and bushes that interfere with excavation, embankment or “clear vision” of the roadway.

Before any clearing has started on the ROW, the centerline of the new road shall be staked and side-staked at 50 foot intervals. Side-stakes are to be set back off the ROW at right angles from the centerline so as to be cut off the construction area with stationing and distances to the centerline of the road.

- a. Limits of clearing shall be marked by stakes or flagging. Distances from the centerline to be obtained from the cross-sections.
- b. After clearing is done and before excavation is started, elevation shall be taken on the tops of the side stakes. Cuts and fills shall be marked and side staked.

- 10.13 Excavation: Excavation shall consist of removing and satisfactorily disposing of all material encountered within the limits of the work. Suitable material taken from the excavation may be used in the fill areas. Suitable material shall be free from all stumps, roots, bushes, grass, turf or other objectionable material which shall be removed and disposed of in waste areas prior to the excavation. Suitable waste material may be used in the toe of the slope as described in Section 10.16 Waste Materials and Section 10:23 Embankments.
- 10.14 Subgrade: The subgrade shall be maintained in such condition that the excavation shall be well drained at all times, and shall be compacted, shaped and maintained to a tolerance of two (2) inches above or below the required grade before the application of the gravel base.
- 10.15 Fill Areas: In fill areas of five (5) feet or more in depth, measured from the subgrade to old ground, stumps will be allowed to remain but shall be cut as close to the ground as practicable; but in no case will the stumps exceed a height of six (6) inches above the surrounding ground. In fill areas of five (5) feet or less, measured from the subgrade to old ground, all stumps, bushes and objectionable material shall be removed and disposed of in waste areas prior to placing of the fill.
- 10.16 Waste Materials: Waste material with all large stumps removed, may be used in the toe of slopes in the fill areas. The toe of the slope area shall be defined as the area below the subgrade and outside of a 2 : 1 slope from a shoulder break. Suitable waste material shall not include trees and bushes cleared from the right-of-way.
- 10.17 Road Base: All base material shall be placed in layers not exceeding a compacted depth of twelve (12) inches. No stone exceeding the compact depth of any layers shall be used, and any stone exceeding the maximum dimension shall be removed from each layer prior to addition of the next course. Each layer shall be placed uniformly over the full width of the subgrade. The base shall be thoroughly compacted, shaped, and maintained to a

tolerance of two (2) inches above or below the required grade before application of any surface course.

- 10.18 Shoulders: Shoulder sections shall not be constructed in a separate operation from that of the gravel base. The shoulder slope shall be constructed and compacted with the gravel base installation. Shoulder material shall comply with ***NHDOT Standard Specifications for Road and Bridge Construction***, latest edition, including Supplemental Specifications if any.
- 10.19 Backfill: Backfill shall be accomplished with the use of suitable materials to fill all spaces excavated and not occupied by drainage or other structures, and areas shall be filled up to the elevation of the surrounding terrain.
- 10.20 Ditching: The base level of the ditching shall be a minimum of thirty (30) inches below final grade level.
- 10.21 Erosion and Sediment Control: Control of erosion and sedimentation during construction shall be performed in accordance with Section 12. Stormwater.
- 10.22 Drainage:
- a. Under-drains shall be installed where the character and composition of the soil in the roadbed and presence of groundwater render such installation necessary in the opinion of the Engineer.
 1. A bed of required granular material six (6) inches in depth shall be placed in the bottom of the trench. On this prepared bed, a six (6) inch perforated metal pipe or equivalent shall be laid true to the line and grade with the perforations on the bottom side of the pipe. These pipes shall then be backfilled and firmly compacted to an adequate height.
 2. Granular material for the under-drain shall consist of uniformly graded clean sharp sand or fine gravel with 100 percent passing a two (2) inch screen. All stones of two (2) inches or greater shall be removed during the backfilling process.
 - b. Culverts shall comply with ***NHDOT Standard Specifications for Road and Bridge Construction***, Section 603 Culverts and Storm Drains, latest edition, including Supplemental Specifications if any.
 - c. Catch basins shall comply with the ***NHDOT Standard Specifications for Road and Bridge Construction***, latest edition, Section 604 Catch Basins, Drop Inlets and Manholes, and Section 605 Underdrains, including Supplemental Specifications If any.

- d. Stone shall be provided in erosion and protection ditches where soil or velocity conditions warrant protection from erosion as determined by the Engineer.
- 10.23 Embankments: Embankments shall have a maximum slope of 1.5:1 (horizontal : vertical) and construction will generally follow the procedures set forth in the NHDOT **Standard Specifications for Road and Bridge Construction**, as amended, Section 203 Excavation and Embankments, Subsection 3.7., including Supplemental Specifications if any.
- a. In general, embankment construction may include materials obtained from excavation or borrow sources and placed in accordance with line and grade. Trees and bushes are not considered suitable for this purpose.
 - b. Any alternative methods or materials for embankment construction will be explicitly stated in the initial design submission and must receive approval from the designated Engineer before construction proceeds.
- 10.24 Street Naming: No street shall have a name which duplicates or which is substantially similar to the name of an existing street. The continuation of an existing street, however, shall have the same name.
- 10.25 Monuments: Permanent survey monuments shall be set in the boundary of right-of-way at intersecting streets, point of curvature and point of tangency of curves, though the point of intersection of short curves may be used instead, where such is practicable, with the approval of the Road Agent and Engineer. Monuments shall be placed on one side of the street only and at only one corner of intersecting streets. Adjacent monument points shall be inter-visible.
- Monuments shall be tied into a public street intersection, USGS benchmark or other recognizable existing monument. Monument location shall be shown and properly dimensioned on the final plat.
- Monuments shall be of stone, concrete, or other material acceptable to the Town Engineer, and not less than four (4) inches in diameter or square, and not less than forty-two (42) inches long. Concrete monuments shall be reinforced with steel rods, and a plug, brass plate, or pin shall serve as the point of reference and a magnetic rod or other suitable metal shall be placed adjacent to the monument to allow for recovery.
- 10.26 Road Regulatory Signs: The applicant shall deposit with the town at the time of final subdivision approval the sum for each road sign required by the Engineer at all road intersections in the amount of the cost for each sign at the time of placement of the signs.

10.27 Sidewalks: Sidewalks or other pedestrian ways shall be installed at the expense of the subdivider, at such locations as the Planning Board deems necessary for safe travel between the subdivision and major streets or public property and/or within the subdivision.

Section 11 UTILITIES

11.01 General: All subdivisions shall make adequate provisions for water supply, wastewater disposal, electric, phone, internet access, cable tv, and any other required utilities and improvements.

11.02 Town Water: The Board may require the extension of town water to and within a proposed subdivision, without cost to the Town, where existing lines are, in the sole judgment of the Board, within a reasonable distance of the proposed subdivision. All such improvements shall comply with the **Carroll Water Use Regulations**, latest edition, and shall be accepted by the Engineer and Carroll Water Department.

11.03 Common Systems: Common water supply and wastewater systems shall be of sufficient capacity to serve the subdivision, and designed and installed in accordance with the standards of the NH Department of Environmental Services. In the case of water supply, design and installation shall also comply with the applicable specifications contained in the **Carroll Water Use Regulations**, latest edition, whether or not town acceptance is anticipated in the future. The design and installation of common water supply and wastewater systems shall be accepted by the Engineer.

11.04 Individual Service: Individual wells and subsurface disposal facilities shall comply with all applicable local and state requirements including those of the NH Department of Environmental Services. In areas not served by common sewer and/or water systems, it shall be the responsibility of the subdivider to provide adequate information to prove that the area of each lot is adequate to permit the installation of an approved conventional individual subsurface disposal system and well with protective radius. This shall consist of the NH Department of Services subdivision approval and, if deemed necessary, a professional site assessment. The subdivider shall be required to provide the necessary equipment and labor for the making of these tests required by local and state authorities having jurisdiction.

11.05 Laterals: The subdivider shall install laterals from all utilities in the street right-of-way to ten (10) feet beyond the street property line of each building lot. All such utility system

installations shall be at the expense of the subdivider and shall be installed under the supervision of the appropriate town department or the Engineer.

- 11.06 Street Lighting: The Board may require the installation of street lighting in any subdivision where it deems necessary.
- 11.07 Performance Guarantee: The subdivider shall be required to provide a performance guarantee sufficient to cover the cost of required utility improvements, including the preparation and extension of any public water and/or wastewater lines and other facilities proposed, or for any water and/or wastewater facilities to be used in common.

Section 12 STORMWATER

- 12.01 General: The purpose of this section is to control soil erosion and the resulting sedimentation from occurring in subdivision areas or off-site by requiring proper provisions for stormwater disposal and the protection of soil surfaces during and after construction in order to promote the public health, safety, convenience and general welfare of the community.
- 12.02 Standards: The following standards shall be observed by the subdivider in the design, layout and engineering of the proposed subdivision:
- a. All stormwater management and erosion control measures in the plan shall adhere to the *New Hampshire Stormwater Manual*, current edition, published by NHDES, to the extent practicable.
 - b. The development should be fitted to the existing topography to the extent practical to reduce erosion.
 - c. Stripping of vegetation, regrading, or other development shall be done in such a way that will minimize soil erosion.
 - d. Whenever practicable, natural vegetation shall be retained, protected, and supplemented.
 - e. The disturbed area shall be kept to a minimum practicable and the duration of exposure shall be the shortest time practicable.
 - f. Land shall not be left exposed during the winter months.
 - g. Temporary seedings and/or mulching shall be used to protect exposed critical areas during development.
 - h. Provisions shall be made to accommodate the increased runoff caused by changed soil and surface conditions during and after the development.
 - i. Sediment in the runoff water shall be trapped until the disturbed area is stabilized by the use of sediment basins or other acceptable methods.

- j. Diversions, sediment basins, and so forth, shall be constructed prior to any on-site grading or disturbance of existing surface material.
- 12.03 Ongoing Maintenance: The applicant shall bear final responsibility for the installation, construction, and establishment of provisions for ongoing maintenance of all stormwater and erosion control measures required by the Planning Board. Final approval will not be granted until the plan and a mechanism for ensuring ongoing maintenance are approved by the Planning Board.
- 12.04 Pre-development Conditions: Flow volume, velocity, and pollutant loading, including but not limited to sediments, total suspended solids (TSS), phosphorus, nitrogen, metals, pathogens, dissolved substances, floatable debris, and oil and other petroleum products, shall not be higher at the property line post-development when compared with pre-development conditions.
- 12.05 Drainage Easement: Where a subdivision is traversed by a watercourse, drainage way or future stormwater sewer line, there shall be provided an easement of drainage right-of-way within such subdivision and over the property of owners abutting upon it of such nature, width and locations the Board deems adequate.

Section 13 OPEN SPACE

- 13.01 Required Open Space: The Board may, where it deems essential, require that the plat show one or more sites of character, size, shape and location suitable to be used as community open space, in an area not to exceed 15 percent of the total area of the subdivision. In the case of cluster subdivision or planned unit development, open space shall not be less in area than as provided in the Zoning Ordinance. Such areas of open space shall have a sufficient legal restriction recorded in the Town land records to assure permanence of use as open space. Open space land in private ownership shall be deeded in such a way that it will assure operation or maintenance of the land in an orderly manner suitable for the purpose intended.
- 13.02 Development of Open Space: On land to be used as active recreation open space, undesirable growth and debris shall be removed. Wooded and public areas shall be left natural; active recreation open space shall be graded properly to dispose of surface water, and shall be seeded with lawn grass. There shall be no depositing, dumping, or storage of waste, or other natural or man-made material, supplies, or equipment, on any subdivision land designated as open space. No work, removal, or filling shall be done, nor shall the existing natural characteristics of open space land be altered from the original condition,

until the subdivider's plans for recreational development of said open space have been reviewed and approved by the Board as part of the final plat submission.

13.03 Trees and Planting: Due regard shall be given to preservation of existing trees, shrubbery and other vegetation within the subdivision. The Board may require additional planting and other landscaping appropriate to the area being subdivided. The subdivider shall comply with the following requirements:

- a. To the fullest extent possible, all existing trees and shrubbery shall be preserved by the subdivider. Special consideration shall be given to the arrangement and ultimate improvement or development of the lot to this end. Precautions shall also be taken to protect existing trees, debris and vegetation during the construction of roads and utilities.
- b. Where any land other than that included in public right-of-way is to be dedicated to the public use, the subdivider shall not remove any trees from this site without written permission from the Planning Board.
- c. Topsoil moved during the course of construction shall be redistributed so as to provide at least four (4) inches of cover to all disturbed areas of the subdivision. At no time shall topsoil be removed from the site without written permission from the Planning Board.
- d. All disturbed areas which are not covered by structures or paving shall be properly seeded or replanted by the subdivider.

Section 14 FINAL PLAN APPROVAL

14.01 Review by Other Town Officials: Before approval of the final plat is given, the applicant shall obtain for the Planning Board written statements that the proposed subdivision plat is satisfactory to the appropriate town officials as required by the Planning Board, such as the Public Works Director regarding the design of proposed roads, water and drainage facilities and their relationship to existing public ways; the Fire Chief as to the adequacy of fire prevention and protection and emergency access, including the location and spacing of hydrants, where applicable; and the Police Chief as to vehicular and pedestrian traffic safety and access for emergency vehicles.

14.02 Notice of Action on the Final Plat: The Board shall notify the applicant, by notice in writing signed by the Chair, of its actions on the Final Plat. The Notice of Action shall

also be on file with the meeting minutes within five (5) business days of the vote and available for public inspection. In the case of disapproval, the grounds for such disapproval shall be set forth in the Notice. In the case of approval, the Notice shall set forth the following as applicable:

1. The language of any deed restrictions, covenants or articles of association submitted by the applicant and accepted by the Board.
2. Any waivers granted by the Board from the requirements of these regulations, including modifications of design standards.
3. Conditions of approval, if any, such as:
 - i. Requirements for off-site improvements.
 - ii. Any conditions required prior to signing and recording the final plat (conditions precedent).
 - iii. Any conditions of approval that must appear on the final plat, e.g., long-responsibility for maintenance of roads, stormwater and other utilities and facilities, restrictions on the use of the property, or safeguards that must be observed during development of the property or once the project is in use (conditions subsequent).
 - iv. A description of land, if any, to be dedicated to widen existing streets or accomplish some other purpose.
 - v. Requirements regarding utilities.
4. A statement that all improvements required by the Planning Board shall be completed and constructed at the sole expense of the applicant or the successors and assigns of the applicant.
5. A reference to the security to be provided by the applicant as guarantee of performance in construction of the required improvements.
6. A statement of responsibility for possible damage to existing streets during construction.
7. All agreements, if any, between the applicant and Board concerning matters not required by these regulations, but to be performed by the applicant.
8. Criteria established by the Board for determining “active and substantial development” and “substantial completion” pursuant to RSA 674:39 Five-Year Exemption.

Unless all of the above information appears on the final plat to be signed and recorded, the Notice of Action shall be recorded at the Coos County Registry of Deeds along with the final plat.

- 14.03 **Inspection Fees**: The Planning Board shall, at the time of plan approval, prior to the approval endorsement of the plat, require the applicant to establish an appropriate escrow in an amount estimated by the Planning Board to fully compensate the Town of Carroll for all inspection and testing charges deemed necessary to confirm that construction is in conformance with the approved plans and/or applicable codes and standards.

- 14.04 Responsible Entity: The applicant shall demonstrate that an entity (e.g. developer, landowners, or homeowners association) will be in place having the responsibility and financial substance to ensure maintenance and repair of proposed stormwater facilities, shared utilities, and roads in a manner which provides safe access for the residents, visitors, delivery and emergency vehicles. Proposed covenants will be in a form approved by the town attorney at the applicant's expense.
- 14.05 Easements: Where applicable to a specific subdivision, easement language such as rights-of-way over property, utility easements, or drainage easements shall be provided in a form approved by the town attorney at the applicant's expense.
- 14.06 Development Agreement: In the case of roads which will be dedicated to the town, applicants shall submit to the Planning Board for recording a development agreement which shall contain the responsibilities of the developer and of the town, if any, during the interim period between construction and acceptance by the town. The development agreement shall meet the approval of the Selectboard. Any cost of legal review shall be paid by the applicant prior to final approval of the subdivision.
- 14.07 Acceptance of Streets and Other Improvements: Neither Planning Board approval of a private street nor the act of recording an approved plan constitutes or implies any future acceptance of the roadway or any other facilities or utilities by the Town. State statutes on town road acceptance must be followed by the Town and the road owner/developer.
- No street or other facility or utility shall be considered for acceptance by the Town until such time as all improvements have been carried out as shown on the Final Plat, in accordance with the requirements of these regulations, subject to any conditions established by the Board at the time of Final Plat approval and until the street or utility has been completed and in use for at least one year.
- 14.08 Recording: Upon final approval by the Planning Board, the applicant shall provide two mylar copies suitable for recording showing the final approved plan including any conditions of approval, three paper prints, and the appropriate recording fees. Approval of the final plan shall be attested on the plans by the signature of the Planning Board Chair. The town shall within 30 days record one signed mylar with the Coos County Registry of Deeds.
- 14.09 Official Map: If there exists an Official Map of the Town, the recordation of plats which have been approved as provided herein shall without further action modify the Official Map in accordance therewith. Recordation of an approved subdivision plat shall not constitute acceptance by the Town of any street, easement or open space shown thereof.

Section 15 PERFORMANCE GUARANTEE

15.01 Performance and Maintenance Security: Except in the case of a subdivision in which each lot is on an existing improved public highway, in which no utilities or other types of public improvements are required, no plat filed with the Board shall be given final approval by being signed or shall be recorded in the Coos County Registry of Deeds, until the subdivider shall have filed a performance guarantee with the Board based on an estimate of costs of streets, sidewalks or other pedestrian ways; the extension of water mains; stormwater infrastructure; erosion control and other improvements of a public utility nature, together with an estimate of any potential damages to any existing public streets abutting the proposed subdivision, which may be caused by reason of the work to be performed as part of said subdivision, together with maps, plans and supporting data. The Planning Board may at its discretion obtain a qualified review of the estimate at the applicant's expense.

- a. The performance guarantee may be in the form of either:
 1. Cash or equivalent in an amount to be determined by the Board, to be deposited in an escrow account with the Town's governing body, or
 2. A surety bond, issued by a surety company authorized to do business in New Hampshire, in an amount to be determined by the Board to be deposited with the governing body, or
 3. An irrevocable letter of credit from a bank authorized to do business in New Hampshire, in an amount to be determined by the Board.

- b. A security bond or irrevocable letter of credit shall comply with the following:
 1. The format shall be reviewed by the Town's legal counsel at the expense of the applicant.
 2. The secured party named in the bond or letter of credit shall be the person or entity which is legally obligated by the Board's decision to perform the work (usually the landowner or applicant).
 3. The bond or letter of credit shall include a clear and detailed description of the work to be performed, or a specific cross-reference to a document where such work is detailed (for example board minutes or a notice of action), together with the date of the Board's approval.
 4. The bond or letter of credit shall also contain specific reference to the deadline by which the improvements are required to be completed, according to the Board's decision and regulations, and shall not be subject to expiration or cancellation until a date at least six months later than that deadline; provided, however, that the Board may, in its discretion, accept a bond or letter of credit which is capable of

expiration or cancellation prior to that time, but only if it also provides, on its face:

- i. that at least 90 days prior to any such cancellation or expiration, notice of the date thereof must be required to be sent by certified mail to (i) the Chair of the Planning Board, (ii) the town's Land Use Board Secretary, and (iii) the Chair of the Board of Selectmen; and
- ii. that if the Town receives such notice of cancellation or expiration prior to the completion of the required work, and has not received any replacement security which conforms to these regulations, then such notice shall entitle the Town to call the security prior to the expiration, and utilize said amount to perform the work.

The performance security shall not be released until the Engineer and Public Works Director has certified to the Board that the streets, utilities, and other required improvements have been completed in substantial accordance with the requirements of the Board, and all necessary easements, rights-of-way and drainage easements are submitted in a form satisfactory to the Town's legal counsel. (See Section 16.)

15.02 Completion Prior to Recording: As an alternative to providing security as set forth above the subdivider may elect to complete all streets and other public improvements prior to the final approval and recording of the plat, and prior to the issuance of any building permits. If this alternative is utilized, final approval and recording of the plat shall occur only after inspection and certification as set forth in Section 16.

15.03 Phased Developments: If a development is proposed to occur in phases, then each phase must be presented to the Board separately for approval, and each phase separately will be subject fully to the security requirements contained in this Section. All streets and other requirements in one phase must be completed prior to final approval of any subsequent phase.

Section 16 PERFORMANCE AND INSPECTION OF WORK

16.01 Construction of Required Improvements: All streets shall be constructed, and all bridges, culverts, drainage structures, storm sewers, gutters, drainage ditches, water lines and other improvements required by the subdivision plat and accompanying documents, shall be installed in conformance with the standards adopted by the Town.

- a. All work necessary for the construction of required improvements shall conform to

the requirements of these regulations. Such work shall be performed in a good and workmanlike manner, and shall be free from faults and defects. All materials incorporated in such construction shall conform to the requirements of these regulations and shall be of good quality. Any work or materials not conforming to the foregoing standard may be considered defective and rejected by the Engineer. All work and materials rejected by the Engineer as defective shall be removed and corrected by the subdivider.

- b. The Engineer will be the Town's representative during the construction of required improvements. He shall at all times have access to the site when the work is in preparation and progress. He will make periodic visits to the site to familiarize himself generally with the progress and quality of the work and to determine in general if the work is proceeding in accordance with the requirements of these regulations. The subdivider shall provide the Engineer, in advance, with a schedule of work to be performed outside of the Engineer's normal office hours and give the Engineer timely notice of the completion of each major stage in the construction of any required improvements so that the Engineer may inspect the work so completed prior to the covering thereof, and the Engineer shall make all such inspections with reasonable promptness so as to cause no delay in the work. In particular, the subdivider shall, in the case of streets, give timely notice to the Engineer of the completion of subgrades, drainage base course, and base and final surfacing.
- c. The subdivider shall give the Engineer notice when any required improvement is completed and ready for final inspection. The Engineer will promptly make such inspection and, when he finds that the particular improvement has been fully completed in accordance with the requirements of these regulations, he shall approve the same in writing. Such approval, in the case of a street, shall not constitute the legal acceptance of the street by the Town nor shall it modify in any way the requirements of law for the acceptance of the street by the Town.
- d. The subdivider shall promptly remedy any defects in any required improvement due to the faulty workmanship or materials which appear within a period of one year after approval thereof by the Engineer.
- e. Notwithstanding the on-site observations and inspections of the Engineer, any directions given by him, and any approvals of required improvements issued by him, the subdivider shall be and remain fully responsible for the performance of the construction work in accordance with the requirements of these regulations and the Engineer shall have no responsibility for the failure of the subdivider to carry out the work as required herein.

- 16.02 Subdivision “As Built” Plans: The initial plan shall be modified to reflect “As Built” conditions. Prior to any consideration of acceptance of the roads or other utilities by the Town, the subdivider shall submit an “As Built” Plan. This plan shall be drawn to scale and shall indicate by dimensions, angles and distances, as applicable, the location of sewers and drain Y- branches, laterals, manholes, catch basins, hydrants, valves, curves shutoffs, road profiles and centerline elevations and final grading plan showing scales and ditches. Plan shall show easements and dedicated roadways. “As Built” plans shall be submitted by the subdivider to the Town on a reproducible print.

Section 17 ADMINISTRATION AND ENFORCEMENT

- 17.01 Interpretation: In the matters of interpretation of these regulations, the opinion of the Board shall prevail.
- 17.02 Other Regulations or Standards: Where these regulations are in conflict with other local, state or federal requirements, or specifications in conflict with those contained in documents incorporated by reference, the more stringent shall apply.
- 17.03 Enforcement: These regulations shall be enforced by the Board of Selectmen or its duly authorized representatives.
- 17.04 Penalties: No subdivision of land shall be made, and no land in any subdivision shall be transferred, sold or offered for sale until a final plat, prepared in accordance with the requirements of these regulations, has been approved by the Planning Board. As provided in NH RSA 676:16, et seq. any owner, or agent of the owner, of any land located within a subdivision, who transfers or sells any land before a plat of said subdivision has been approved by the Planning Board and recorded or filed with the Coos County Registry of Deeds, shall forfeit and pay a penalty of one thousand dollars (\$1000) for each lot or parcel so transferred or sold; and a description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the transaction from such penalties. The Town of Carroll may enjoin such transfer or sale and may recover the said penalty by civil action. In any such action, the prevailing party may recover reasonable court costs and attorney's fees as the same may be ordered by the court. Further, any and all penalties available to the appropriate enforcement official per RSA 676:15-18 as amended are hereby incorporated into these regulations by reference.

Section 18 WAIVERS

Upon written request from the applicant, the Planning Board may, at its discretion, waive or modify any part of these regulations, other than those provisions required by state or federal law. The basis for any waiver or modification granted by the Board shall be recorded in the minutes of the Board. Pursuant to RSA 674:36 II. (n) the Board may only grant a waiver or modification of these regulations if the Board finds, by majority vote, that:

1. Strict conformity would pose an unnecessary hardship to the applicant and waiver would not be contrary to the spirit and intent of the regulations; or
2. Specific circumstances relative to the subdivision, or conditions of the land in such subdivision, indicate that the waiver will properly carry out the spirit and intent of the regulations.

All written requests for waiver or modifications of these regulations shall address items 1. and/or 2. above, depending on which criteria are being relied upon to justify the request.

For waivers from a submission requirement, when the Planning Board accepts an application as sufficiently complete to commence review pursuant to Section 4, it makes a tentative finding that the above criteria have been met. If, during the course of its review, the Planning Board determines that the waived information is necessary to complete its review, then the applicant shall provide that information.

In approving waivers, the Planning Board may require such conditions as will, in its judgment, substantially secure the objective of the standard or requirement of these regulations that is being waived.

Section 19 APPEALS

Any person aggrieved by any decision of the Planning Board concerning a plat or subdivision may appeal within 30 days as provided in RSA 677:15.

Section 20 AMENDMENTS

These regulations may be amended by the Planning Board following public hearing on the proposed changes and certification by a majority of the Board. The Chairman or Secretary of the Planning Board shall file a copy of the changes so authorized with the Town Clerk.

Amended May 8, 2018

We the undersigned members of the Town of Carroll Planning Board, do hereby certify that these Subdivision Regulations were adopted as amended on May 8, 2018 pursuant to RSA 675:6.

Mickal Hoff

Bonnie J. Moroney

John D. King

Anna Kosta

Terry W. Lamer

Received by Town Clerk:

Rebecca Johnson

Town Clerk Signature
May 30, 2018

Date

