

TOWN OF TUFTONBORO

SUBDIVISION REGULATIONS

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**SUBDIVISION REGULATIONS
TOWN OF TUFTONBORO, NEW HAMPSHIRE**

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SUBDIVISION REGULATIONS

TOWN OF TUFTONBORO, NEW HAMPSHIRE

SECTION I GENERAL PROVISIONS

1.1 AUTHORITY

These regulations are adopted in accordance with the applicable provisions of RSA 672 through 677, inclusive, of the Revised Statutes Annotated and originally authorized by the Town Meeting on October 29, 1970.

1.2 TITLE

These regulations shall be known and may be cited as the "Subdivision Regulations, Town of Tuftonboro, New Hampshire."

1.3 JURISDICTION

The provisions of these Regulations shall apply to all land within the boundaries of the Town of Tuftonboro.

1.3.1 Subdivisions

No land shall be subdivided or new lots conveyed or sold within the corporate limits of the municipality until:

- A.** The Planning Board has given final approval of the Subdivision Plat after a public hearing and after the Chairperson of the Board has affixed his/her signature on the approved Plat.
- B.** The Applicant has complied with all these Regulations including the posting of appropriate performance and/or guaranty bonds.
- C.** The approved Plat is filed with the Carroll County Registry of Deeds.

1.3.2 Permits

No building or other permit shall be issued for any new parcel or new lot until an approved Subdivision Plat is presented to the Code Enforcement Officer by the Applicant.

1.4 PURPOSES

The regulations are adopted for the following purposes:

- A.** To protect and provide for the public health, safety, and general welfare of the municipality.
- B.** To guide the future growth and development of the municipality, in accordance with the Master Plan.
- C.** To provide for adequate light, air, and privacy; to secure safety from fire, flood, and other danger; and to prevent overcrowding of the land and undue congestion of population.

- D. To protect and conserve the value of land throughout the municipality and the value of buildings and improvements upon the land.
- E. To provide adequate and efficient transportation, water, sewerage, schools, parks, playgrounds, recreation, and other public requirements and facilities.
- F. To provide for suitably located streets and/or access ways of sufficient width to accommodate existing and prospective traffic; to afford access for firefighting equipment; and to be coordinated so as to compose a convenient and safe circulation system.
- G. To establish reasonable standards of design and procedures for Subdivisions in order to further the orderly layout and use of land; and to insure proper legal descriptions and monumentation of subdivided land.
- H. To ensure that public facilities are available and will have a sufficient capacity to serve proposed Subdivisions.
- I. To prevent the pollution of the environment of Tuftonboro; to assure the adequacy of drainage facilities; to safeguard the water table; and to encourage the wise use and management of natural resources throughout the municipality in order to preserve the integrity, stability, and beauty of the community and the value of the land.
- J. To provide for open spaces through the efficient design and layout of the land, while preserving the density of land as established in the Zoning Ordinance of the municipality.

1.5 DEFINITIONS

In general, words and terms used in these Regulations shall have their customary dictionary or statutory meanings or the same meanings as corresponding words and terms as defined in the Zoning Ordinance of the Town of Tuftonboro. Words and terms defined in these Subdivision Regulations are capitalized herein. Those words and terms are defined as follows:

1.5.1 Abutter. Any person whose property adjoins or is directly across the street or stream from the land under consideration by the local land use board. For purposes of receiving testimony only, and not for purposes 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 by a municipality of a local land use board hearing, in the case of an abutting property being under a condominium or other collective form of ownership, the term Abutter means the officers of the collective or association, as defined in RSA 356-B:3 XXIII. (RSA 672:3) For notice purposes, Abutter also means any holder of conservation, preservation or agricultural preservation restrictions on the property under review. (RSA 676:4)

1.5.2 Applicant. The person seeking approval of a Subdivision whose name appears on the application form. Consent shall be required from the legal owner of the premises, if the owner is not the Applicant.

1.5.3 Board. The Planning Board of the Town of Tuftonboro.

1.5.4 Bond. Any form of security including a surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the Planning Board and Board of Selectmen.

1.5.5 Community Wastewater System. A non-municipal wastewater collection, treatment, and disposal system that serves an average of at least twenty-five (25) individuals daily year-round or that has at least fifteen (15) service connections.

1.5.6 Community Water Supply. A non-municipal water supply system that serves an average of at least twenty-five (25) individuals daily year-round or that has at least fifteen (15) service connections.

1.5.7 Cul-de-Sac. A local street with only one outlet and having an appropriate terminus for the safe and convenient reversal of traffic movement.

1.5.8 Dwelling Unit. One (1) or more rooms, including cooking facilities in a dwelling structure with accompanying sanitary facilities, designed as a unit for occupancy by not more than one (1) family for living and sleeping purposes.

1.5.9 Easement. The legal right of use for various purposes over land of others as defined in an appropriate legal instrument on file in the Registry of Deeds.

1.5.10 Frontage. The horizontal distance measured along a lot line dividing a lot from a street or a body of water. In the case of shore lots, Frontage shall mean the dimension on the body of water only and shall be measured in fifty (50) foot chords. In the case of corner lots, Frontage and front lot lines shall mean the dimensions and lines on both intersecting streets.

1.5.11 Lot. A single parcel of land in the same ownership throughout as shown or defined on a recorded instrument conveying ownership, or as may be defined by metes and bounds on a properly recorded Plat. A lot shall generally have its principal Frontage on a street or on a Great Pond or lake in accordance with the provisions of law as may be adequate as a condition to the issuance of a building permit for a building on such land.

1.5.12 Lot Line Adjustment. The changing of the location of a Lot Line between two abutting properties where there is no change to the number of lots in the process. A Lot Line Adjustment requires Planning Board approval. (RSA 676:4)

1.5.13 Master Plan. Any part or element of the overall plan for development of the Town adopted by the Planning Board and titled "Town of Tuftonboro Master Plan."

1.5.14 Minor Subdivision. A division of a lot, tract, or parcel of land which would create not more than three lots for building development or proposals which do not involve the creation of lots for building development purposes.

1.5.15 Person. Person means any individuals, firm, co-partnership, corporation, company, association, joint stock association or body politic, and includes any trustee, receiver, assignee, or other similar representative thereof.

1.5.16 Plan. A scale drawing on which required information is drawn for the purpose of review and approval by the Planning Board.

1.5.17 Plat. The final map, drawing, or chart on which the subdivider's Plan of Subdivision is presented to the Tuftonboro Planning Board for approval and which, if approved, shall be submitted to the Registry of Deeds of Carroll County for recording. The Plat shall cite all restrictions or covenants that may apply to the Subdivision. Restrictions and covenants shall be incorporated on the Plat or attached thereto.

1.5.18 Reserve Strip. Any area of land which is intended for future public use for street construction or pedestrian ways. Reserve Strips shall only be allowed when control of them is given to the Town.

1.5.19 Re-subdivision. The division of an existing Subdivision or any change of lot size or configuration therein or the relocation of any street or lot in a Subdivision.

1.5.20 Right-of-Way. A strip of land used for or intended to be used for a street, crosswalk, water main, sanitary or storm sewer main, or for other special use including public use. The usage of the term "Right-of-Way" for land platting purposes in these regulations shall mean that every Right-of-Way hereafter established and shown on a recorded Plat is to be separate and distinct from the lots and parcels adjoining such Right-of-Way, and not to be included within the dimensions or areas of such other lots or parcels.

1.5.21 Slope. Slope shall be the average grade of the land surface under consideration as determined by an on the ground survey or aerial mapping. Slope categories shall be those used by the U.S. Department of Agriculture Natural Resource Conservation Service (NRCS) for soils classification where A = 0-3%; B = 3-8%, C = 8-15%, E = 25% or greater.

1.5.22 Soil Type. The composition of soil as defined by the NRCS.

1.5.23 Street. A public or private way for vehicular traffic, whether designed as a street, highway, thoroughfare, parkway, thoroughway, road, avenue, boulevard, lane, place, or however else designated.

1.5.24 Subdivider. A Subdivider is an individual or any legal entity or agent therefore that undertakes the activities governed by these Regulations. The term shall also include the terms "builder" and "developer" even though the persons so designated may be involved in successive stages of the Subdivision.

1.5.25 Subdivision. The division of a lot, tract, or parcel of land into two or more lots, sites, or other divisions of land for the purpose, whether immediate or future, of sale, rent, lease, condominium conveyance, or building development. It includes re-subdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided. The division of a parcel of land held in common and subsequently divided into parts among the several owners shall be deemed a Subdivision.

The grant of an Easement in gross to a public utility for the purpose of placing and maintaining overhead and underground facilities necessary for its transmission or distribution network such as poles, wires, cable, conduit, manholes, repeaters and supporting apparatus, including any unstaffed structure which is less than 500 square feet, shall not be constructed as a Subdivision, and shall not be deemed to create any new division of land for any other purpose.

The rent, lease, development, or grant of an Easement to a person for the purpose of placing and maintaining a wireless communications facility shall not be constructed as a Subdivision and shall not be deemed to create any new division of land for any other purpose. For purposes of this paragraph, "wireless communications facilities" means any towers, poles, antennas, or other unstaffed structure of less than 500 square feet intended for use in connection with licensed transmission or receipt of radio or television signals, or any other licensed spectrum-based transmission or receptions. This paragraph shall not be deemed to affect other local zoning, site plan, or regulatory authority over wireless communications facilities. (RSA 672:14)

1.5.26 Town Engineer. A company and/or individual Professional Engineer registered in the State of New Hampshire.

1.5.27 Wetlands. For Wetlands definition, see Section XI: Wetlands Conservation District of the Tufonboro Zoning Ordinance.

SECTION II PROCEDURES FOR SUBDIVISION APPROVAL

2.1 GENERAL REQUIREMENTS

2.1.1 Subdivision Plats

Approval of a Subdivision Plat by the Planning Board and the recording of the plat at the Carroll County Registry of Deeds are required before the land may be divided and sold, leased or otherwise conveyed or offered by sale, lease, or conveyance, including condominium conveyance.

2.2 PREAPPLICATION REVIEW

Except as specified in Section 2.2.1.2, an individual who anticipates submitting a formal application for Subdivision approval is encouraged, but is not required, to consult with the Planning Board prior to submission of the formal application and supporting documentation.

2.2.1 Preliminary Conceptual Consultation Phase

The Board and the Applicant may discuss proposals in conceptual form only and in general terms such as desirability of types of development and proposals under the Master Plan. Such discussion may occur without the necessity of giving formal public notice, but such discussions may occur only at formal meetings of the Board.

The consultation is further designed to acquaint the potential Applicant with the formal application process and particular information that the Planning Board may request, to suggest methods for resolving possible problems in the development, design and layout, and to make the potential Applicant aware of any pertinent recommendations in the Master Plan to the property in question. Such consultation shall not bind either the Applicant or the Board. (RSA 676:4, IIa)

2.2.1.2 Mandatory Preliminary Conceptual Consultation

A Preliminary Conceptual Consultation with the Planning Board is required for the following:

- a. A subdivision of any number of lots that would require new road construction
- b. A subdivision of 4 or more lots
- c. A subdivision of any number of lots where a wetland crossing is involved or a Shoreland permit is required

2.2.1.2.1 The process for mandatory consultation is the same as that outlined above; however, the Application should provide, at a minimum, the following:

- 1) a preliminary drawing or sketch of the proposal which shows the approximate number of lots

- 2) the general location of the lots;
- 3) the general layout of existing and proposed streets
- 4) the proposed method for water supply and sanitary sewage disposal
- 5) the extent and location of off-site improvements, if any. (for example, a road/changes to a road, drainage, or water/sewer improvements necessitated by the development, but is located outside the boundaries of the project)

2.2.2 Design Review Phase (RSA 676:4:II, b & c)

The Board or its designee may engage in non-binding discussions with the Applicant beyond conceptual and general discussions which involve more specific design and engineering details. The design review phase may proceed only after identification of and notice to abutters and the general public. (See Sections 2.3.2.B & 2.3.3.A)

2.2.2.1 Limits of Review

The Planning Board shall conduct the Design Review at a regularly scheduled meeting of the Board.

- A. The Applicant will make a presentation defining the general scope and concept of the Subdivision and/or development and how the land will be divided and/or used.
- B. Any documents presented to the Board will be made a part of the record for future reference purposes.
- C. Neither the Applicant nor the Planning Board shall be bound by the discussions. However, the Planning Board shall be entitled to make recommendations with respect to the material presented to assist the Applicant in preparing a formal application that will meet the development standards of the Town as expressed in these Regulations and in other ordinances and/or regulations. Statements of Planning Board members shall not be the basis for disqualifying said members or invalidating any action taken.
- D. The Planning Board shall enter into the minutes and shall communicate to the Applicant any suggestions, recommendations, or other factors that the Board finds prudent and necessary.

2.2.3 Separation of Process

If the proposed Applicant elects to undertake this Preapplication Review, it is hereby declared that no processing time limits shall apply as defined in RSA 676:4. The statutory time limits shall apply only when a formal application is submitted in accordance with Section 2.3 of these Regulations.

2.3 FORMAL APPLICATION REVIEW PROCESS

Whether or not a Preapplication Review has been conducted, an Applicant shall prepare and submit an application for Subdivision approval in accordance with and to the standards set forth in these Regulations.

This formal review process is designed to afford the Planning Board, the Applicant, Abutters, and parties in interest a clearly delineated method for examining the proposed Subdivision Plan thus allowing the Planning Board to make a timely and informed decision on the proposal.

2.3.1 Submission Period

An application for Subdivision approval shall be submitted to the Secretary of the Planning Board at the Town Office at least twenty-one (21) days in advance of the regularly scheduled Planning Board public hearing on the third Thursday of each month. The application form and the supporting exhibits required are set forth in Section 2.3.2 of these Regulations. (Effective May 7, 2009)

2.3.2 Exhibits Required at Time of Submission

The Applicant shall submit the following information when a formal application is made for Subdivision approval. The Planning Board, or its designee, shall determine whether the application is complete upon review of all the documents. The following shall be required unless otherwise indicated:

- A. A completely filled out form entitled: "Subdivision Application." Forms may be obtained from the Town Office or online at www.tuftonboro.org.
- B. A list and two (2) sets of mailing labels containing the names and addresses of all owners and Abutters obtained from the Town records not more than five (5) days before the date of filing of the application, the Applicant, holders of conservation, preservation, or agricultural restrictions, and everyone whose professional seal appears on any Plan or Plat submitted to the Board.
- C. If submitting an application for Design Review, two (2) complete sets of all Subdivision plans and eight (8) reduced (11"X17") sets of the Subdivision layout only are required.

If submitting an application for final approval of a Subdivision, four (4) complete sets and seven (7) reduced (11"X17") sets of the Subdivision layout are required including one Mylar copy of the final Plat for Planning Board signatures. All plans drawn to scale, usually of not more than one hundred (100) feet to the inch, unless another scale is mutually agreed upon for large projects. These plans must be prepared under the supervision of and stamped and signed by the appropriate professional. The information to be contained on and standards to be followed for the preparation of these plans are set forth in Section III of these Regulations.
- D. All required fees per Section 2.3.5.
- E. Any supporting documentation necessary to explain the proposal to the Planning Board, Abutters and the general public as set forth in Section 3.3.4 of these Regulations.

2.3.3 Planning Board Responsibilities in Initial Processing, Public Hearing & Notice

The Planning Board, before taking action on a Subdivision Plat, shall hold at least one public hearing thereon. The Planning Board shall take testimony from the Applicant, Abutters, and parties in interest to the proposal either in person or in writing.

The Planning Board, or its designee, will review the exhibit materials submitted as per Section 2.3.2 and determine the application's completeness.

- A. The Board shall notify the Abutters, the Applicant, holders of conservation, preservation, or agricultural preservation restrictions, and everyone whose professional seal appears on any Plan or Plat submitted to the Board. This notice shall be by certified mail stating the date upon which the application will be formally submitted to the Board as per RSA 676:4.I.d. Notice will be mailed at least ten (10) days prior to submission. The notice shall contain the following:
1. Name of the Applicant and owner of the property.
 2. The location of the proposed Subdivision.
 3. A general description of the proposed project.
 4. The date, time and place of the meeting.
- B. The Planning Board will post the information contained in Section 2.3.3.A in two (2) public places (RSA 675:7).
- C. At a regularly scheduled meeting the Planning Board will:
1. Determine if the submitted application package is sufficient to invoke jurisdiction and shall vote upon its acceptance as a completed application. (See Section III).
 2. Upon determination that the submitted application package is incomplete, the Planning Board will notify the Applicant of additional information, procedure or other requirement necessary for the application to be complete.
 3. Upon determination that the submitted application package is complete, the Planning Board will begin formal consideration at the Public Hearing and shall act to approve, conditionally approve, or disapprove within 65 days, subject to extension or waiver. If the Board finds the proposal to have regional impact, an additional 30 days is allowed prior to the Board's action.
 4. If determined necessary or desirable, the Planning Board will arrange with the Applicant at the meeting for an inspection of the site, by the Board, a committee or a member of the Board, or a Town employee appointed for said purpose by the Board.
 5. Determine the need for special investigative studies and advise the Applicant of the time and need for financial support from the Applicant. (See Sections 2.3.6.C & 3.3.4.E)

2.3.4 Concurrent and/or Joint Hearing.

The Planning Board may hold a hearing on a Subdivision Plat and for a related site plan at the same time if both are required for a project. A hearing by the Planning Board may be held at the same time and place that a hearing for a special exception or variance is held for the same project by the Zoning Board of Adjustment, provided that such a hearing is mutually agreed to in advance by the Boards. The Planning Board Chairperson shall preside at the joint meeting.

- A. The Applicant shall petition the Planning Board Chairperson if such a joint meeting is requested. However, either Board may initiate a request for joint meeting.
- B. The Planning Board shall establish its own rules for the conduct of such meetings.

2.3.5 Fees and Charges

- A. The Applicant shall pay the fees and charges as are applicable, which are published in the Planning Board Fee Schedule and the Carroll County Registry of Deeds, which are published on the Town website
- B. **Special Investigative Costs.** The Planning Board will require the Applicant to pay reasonable costs for special investigative studies, which may be necessary for the Planning Board to evaluate the impact of proposed development. These studies may include, but not be limited to, an engineering review of proposed road construction and drainage designs. The Planning Board shall determine the methods for the conduct of the study and shall determine who is to conduct the studies under what condition.
- C. **Site Inspections.** The Applicant will be required to pay the cost of employing the Town Engineer or Building Code Officer to perform site inspections and any special tests deemed necessary by the Planning Board or Engineer (See Section 8.3 Site Inspections).

2.3.6 Time For Approval/Disapproval

The Planning Board shall act to approve, conditionally approve or disapprove a Subdivision Plat within sixty-five (65) days of the formal acceptance as determined in Section 2.3.3.C. An additional 30 days is allowed if the Board determines that the project has regional impact.

In the event that defects found in the Subdivision can be remedied, the disapproval shall be "without prejudice" and a revised application may be submitted at any time. If a revised application is submitted after a vote of disapproval, it shall be treated as a new application and shall follow the same procedures spelled out in these Regulations.

2.3.7 Decision of the Board (RSA 676:4)

After the public hearing(s), the Planning Board shall issue a written Notice of Decision on the application. The Notice of Decision will contain findings of fact to support the Board's decision. The decision may be anyone of the following:

- A. **Approval with or without conditions.** If the Board finds that the proposal meets the standards of these Regulations and other applicable State and local laws, then the Board may approve the application.

The Board may attach reasonable conditions to ensure that the public interest is upheld RSA 676:4:I.i. Such conditions which are administrative in nature and do not involve discretionary judgment may include, but are not limited to, the following:

1. The posting of a performance guarantee in an amount and under conditions satisfactory to the Planning Board as provided in Section 3.4.

2. The execution of a Notice of Guarantee of Performance Assurance, together with a Construction Observation Agreement and Engineering Review Agreement, if applicable, setting forth the nature, conditions and time for performance of the approved application.
3. The phasing of the Subdivision approval providing that the portions approved and portions to be approved subsequently are clearly delineated on the documents to be filed with the Carroll County Registry of Deeds.
4. The filing of permits required by other local, State, and/or federal agencies.
5. Any other administrative conditions that the Planning Board finds necessary to secure the public interest.
6. The payment of off-site capital improvements to roads and/or utilities to the extent that the Subdivision creates a burden on such facilities in accordance with Section 3.6 of these Regulations.

If conditions requiring discretionary judgment are imposed, the Planning Board shall hold another public hearing with notice to determine if the conditions have been met.

When the precedent conditions are completed, the Planning Board, or its designee, may sign the Notice of Decision for Approval granting final approval of the application.

B. Disapproval without Prejudice. If the Planning Board finds that certain administrative/procedural requirements have not been met, but could be met with additional time, the Planning Board may disapprove the application without prejudice.

If such a finding is made, the Planning Board shall advise the Applicant in writing what is necessary to correct the administrative/procedural defect(s).

C. Disapproval. If the Planning Board finds that the application does not meet the standards of these Regulations, or fails to comply with other local or State laws, or will have an adverse impact on surrounding areas of the community, the Planning Board may disapprove the application. (RSA 676:4:I.h)

In the event of disapproval, the grounds for disapproval shall be specified in the records of the Board and communicated to the Applicant in writing.

2.3.8 Phasing

To ensure that the rate of growth of the Town does not unreasonably interfere with the Town's capacity for planned, orderly, and sensible expansion of its services to accommodate such growth, the Planning Board at its discretion may require phasing of projects, as provided in RSA 674:21.

In addition, to ensure the timely completion of the project at the costs projected and accepted, the Planning Board may require the developer to submit a phasing plan. This plan will be part of the Notice of Decision for Approval. The Planning Board may have the Town's Engineer review the phasing plan and the cost estimate for each phase.

2.3.9 Four Year Exemption

Pursuant to RSA 674:39, every Subdivision Plat approved by the Planning Board and properly recorded in the Carroll County Registry of Deeds shall be exempt from all subsequent changes in Subdivision Regulations, Site Plan Review Regulations, Impact Fee Ordinances and Zoning Ordinances adopted by the Town of Tuftonboro, except those regulations and ordinances which expressly protect public health standards, such as water quality and sewage treatment requirements, for a period of four (4) years after the date of approval by the Planning Board, provided that, (a) active and substantial development or building has begun on the site in accordance with the approved Subdivision Plat within twelve (12) months of the date of approval, or in accordance with the terms of that approval, and any bond or other security to cover the costs of roads, drains or sewers required in connection with such approval has been posted with the Town; (b) development remains in full compliance with the public health regulations and ordinances of the Town; and (c) at the time of approval and recording, the Subdivision Plat conforms to the Subdivision Regulations, Site Plan Review Regulations and Zoning Ordinances then in effect at the site of such Plat.

For purposes of these regulations, "active and substantial development" shall be defined as:

1. Construction and/or installation of basic infrastructure to support the development including roadways to a minimum of gravel base and installation of utilities in accordance with the approved plans.
2. Construction and completion of drainage improvements to service the development in accordance with the approved plans.
3. All erosion control measures as specified on the approved plans must be in place and maintained on the site.
4. Items 1, 2 and 3 shall be reviewed and approved by the Town's Engineer.

Movement of earth, excavation, or logging of the site without completion of items 1, 2, 3 and 4 above shall not be considered "active and substantial development." Plans approved in phases shall be subject to this definition for the phase currently being developed. The Planning Board may, for good cause, extend the 12-month period within which "active and substantial development" must begin.

2.4 VOLUNTARY MERGER (RSA 674:39-a)

Any owner of two (2) 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 Planning Board. The Board has application forms for voluntary mergers. Except where such merger would create a violation of 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, but a Notice of Merger, sufficient to identify the relevant parcels and endorsed in writing by the Board must be recorded at the Registry of Deeds and a copy submitted to the assessing officials of Tuftonboro. No such merged parcel shall thereafter be separately transferred without Subdivision approval.

2.5 PLATS FOR RECORDING PURPOSES ONLY

An owner of a Lot of record, established before the granting of platting jurisdiction to the Planning Board, may present a surveyed Plat of such lot at any regularly scheduled meeting of the Planning Board for signature by the Board.

If requested, the owner shall present a deed to the Board showing ownership and a description of the Lot. The Plat shall have the phrase "No Jurisdiction Taken" affixed thereon, together with a line for the signature of the Planning Board Chairperson immediately thereunder.

The Planning Board may, at its discretion, sign the Plat at the meeting or at a time certain after any needed investigative studies are completed.

2.6 AS-BUILT PLANS

When as built plans are required, the Applicant shall submit to the Planning Board four (4) sets of final Plats, including one set of mylars, of the project as built for the Board to review at a regular meeting.

The Planning Board, after review and determination that there are no substantial defects to the Subdivision requiring further investigation, shall sign each set. One set shall be recorded at the Registry of Deeds.

2.7 LOT LINE ADJUSTMENTS

A Lot Line Adjustment Plat must show the existing line(s) to be abandoned and the proposed new line(s). All structures, utilities (including below ground sewage disposal and/or water supply facilities) and site features within fifty (50) feet of both the line(s) to be abandoned and the proposed new line(s) must be shown on the Plat. It must be clearly noted on the Plat that the land to be added to an existing Lot by the Lot Line Adjustment process is not to be considered a separate Lot of record.

If an existing condition does not meet current standards, then to be approved, a Lot Line Adjustment must:

- a. Be an improvement to the existing condition, and
- b. Must make a nonconforming condition as close to conformance as possible.

Submission of soils and topographic data is not required for Lot Line Adjustments. Applications for Lot Line Adjustments shall be submitted to the Planning Board and processed in the same manner as other Subdivision Applications. The application for approval of a Lot Line Adjustment must be signed by owners of all properties to be adjusted. Prior to final approval, all new boundary line angle points must be monumented. After a Lot Line Adjustment Plat has been approved by the Planning Board, land owners must execute deeds to finalize the adjustment.

SECTION III DATA REQUIRED FOR SUBMISSION OF A SUBDIVISION

3.1 GENERAL

An Applicant for Subdivision approval shall submit the data, Plans, exhibits, and/or documents, if applicable, as required by these Regulations.

3.1.1 Application

The Applicant shall submit a completed form entitled "Subdivision Application."

3.1.2 Identifying Information

All Plans shall contain the following information:

- A. Names and addresses of the owner, Applicant, agent and/or engineer, architect, and/or land surveyor involved in the project; zoning district, tax map and deed references for the subject property.
- B. Location of the land/site together with tax map references, and names and addresses of all owners of record of abutting properties.
- C. Title (name of project, if applicable), date, North arrow, and bar scale.
- D. A vicinity sketch showing the location of the land/site in relation to the surrounding Street system and other pertinent locational features.

3.1.3 Sheet Size

Plans shall be presented on sheets not to exceed 24"x36". However, sheet sizes of 22"x34" are preferred for ease of folding and filing. The Planning Board requests that only one sheet size be used for the preparation of all Plans on a single project.

3.2 PROFESSIONAL STANDARDS

All Subdivision Plats shall be prepared and stamped by a land surveyor licensed to practice in the State of New Hampshire and shall be suitable for recording at the Carroll County Registry of Deeds. Standards of accuracy for survey Plats shall conform to the NH Code of Administrative Rules. Plats of proposed roadways, utilities, bridges and culverts, drainage and other construction plans shall be prepared and stamped by a Professional Engineer registered in the State of New Hampshire. See also Section XI of Tufonboro Zoning Ordinance for wetlands delineation and location requirements. Standards of accuracy for survey Plats shall conform to the NH Code of Administrative Rules.

3.3 REQUIRED EXHIBITS

The Applicant or his/her agent shall submit the following exhibits:

3.3.1 Existing Conditions Data

The Applicant shall provide general information on the site, its existing conditions, and provide base data from which the Subdivision will be designed. The following shall be submitted:

- A. Existing natural features including watercourses and waterbodies, tree lines, and other significant vegetative cover, topographic features, and any other features which are significant to the site design process.
- B. Existing contours at intervals not exceeding five (5) feet with spot elevations provided when the grade is less than five (5) percent. See also 3.3.3.D when construction is proposed.
- C. Surveyed exterior property lines showing their bearings and distances (in feet and decimals of a foot) and showing monument locations. The area of the site in square feet or acres shall also be shown.
- D. Right-of-Way limits and traveled way of all existing Streets and driveway points of access to Town roads and state highways.

- E. The location, elevation, and layout of existing catch basins and other surface drainage features.
- F. The location and size of all utilities serving the land or site, including but not limited to, wells, sewage disposal systems and utility Rights-of-Way.
- G. Wetlands delineation and certification as required by Section XI of the Tuftonboro Zoning Ordinance.
- H. Soils location and types and data on test pits and percolation tests including the location of test pits and percolation tests, identification of the test witness, and outline of area reserved for leach fields.
- I. Existing structures within fifty (50) feet of the new lot to be created, or in the case of a Lot Line Adjustment, within fifty (50) feet of the proposed boundary.
- J. All Easements and restrictions of record as of the date of preparation of the Plan.
- K. All other features which would fully explain the concept of the proposal, existing conditions, and future development of the land.
- L. All variances, special exceptions and equitable waivers.

3.3.2 Subdivision Data

The Applicant shall provide the following to illustrate the layout of the subdivision Lots, Rights-of-Way, and other uses of land within the Subdivision.

- A. The location and width of all proposed Streets, Easements, alleys, and other public ways, and proposed street Rights-of-Ways and building setback lines. If the Subdivision includes a proposed Residential Access Street which is intended to remain private, that shall be so noted on the final Plat.
- B. The locations, dimensions, and areas of all proposed Lots.
- C. The location and dimensions of all property proposed to be set aside for park or playground use, or other common use, or public or private reservation, with designation of the purpose thereof, and conditions, if any, of the dedication or reservation as well as the covenants, conditions of such dedications, and a copy of such private deed declarations or restrictions as are intended to cover part or all of the tract.
- D. Sufficient data to be able to reproduce subdivision lines upon the ground.
- E. The location of all monuments. Note that prior to final approval, monuments must be set at all primary corners of proposed new Lots. Such monumentation must be certified by the submission of a Certificate of Monument Installation.
- F. Lots shall be consecutively numbered. The blocks in numbered additions to Subdivisions bearing the same name shall be numbered consecutively throughout the several additions.

- G. The Subdivision Plan shall also depict or provide reference to:
1. Explanation of drainage Easements, if any.
 2. Explanation of site Easements, if any.
 3. Explanation of deed restrictions or covenants, if any.

H. Signature Block for approval by Planning Board as follows:

“Approved” or “No Jurisdiction Taken” (use as appropriate)

Town of Tuftonboro, Planning Board

Chairperson

Date

3.3.3 Construction Data

The Applicant shall submit detailed information and layout of the improvements that will be constructed as part of the Subdivision, including the following:

- A. Profiles showing existing and proposed elevations along center lines of all Streets. Where a proposed Street intersects an existing Street or Streets, the elevation along the center line of the existing Street or Streets, within one hundred (100) feet of the intersection, shall be shown. Radii of all horizontal and vertical curves, lengths of tangents, and central angles and percent grades of all Streets shall be shown.
- B. Plans and profiles showing the locations and typical cross-section of Street pavements including curbs and gutters, sidewalks, drainage Easements, Rights-of-Way, manholes, and catch basins; the locations of Street trees, Street lighting standards, and Street signs; the location, size and invert elevations of existing and proposed sanitary sewers, stormwater drains, and fire hydrants, showing connection to any existing or proposed utility systems; and exact location and size of all water, gas, or other underground utilities or structures.
- C. Location, size, elevation, and other appropriate description of any existing facilities or utilities, including, but not limited to, existing Streets, septic disposal facilities, sewers, drains, water mains, wells, Easements, water bodies, streams, and other pertinent features, such as surface drainage areas, swamps, and buildings, at the point of the connection to proposed facilities and utilities within the Subdivision. The water elevations of adjoining lakes or streams at the date of the survey, and the approximate high and low water elevations of such lakes or streams.
- D. Topography with a contour interval of two (2) feet. All datum provided shall be referenced to North American Vertical Datum (NAVD) where practical, and should be so noted on the Plat.
- E. All specifications and references required by the Town’s construction standards and specifications, including site grading plan for the entire Subdivision.

- F. A storm drainage plan, performed by a Professional Engineer, registered in the State of New Hampshire, including a plan for the retention and slow release of storm water where necessary, together with supporting calculations.

3.3.4 Other Required Exhibits

In order for the Planning Board to evaluate the subdivision proposal, the Applicant is expected to supply or the Planning Board may specifically require the following information, as appropriate:

- A. Warranty deeds conveying to the Town Streets, Rights-of-Way, and any sites for public use in fee simple, free from all encumbrances, unless waived by the Planning Board.
- B. Protective covenants where the Applicant proposes to regulate land use within the development or otherwise protect the proposed development and property owners association articles of agreement, bylaws and any other documents governing the maintenance and snowplowing of roads within the development.
- C. Calculations on the type and quantity of sanitary waste generated and a statement from an engineer or licensed designer certifying that the proposed facilities will adequately handle the projected effluent.
- D. Traffic Impact Analysis: All proposed Subdivisions shall be reviewed by the Planning Board to ascertain that adequate provisions have been made by the owner or his/her authorized agent for traffic safety. To facilitate this review, the Planning Board may require the developer to provide the Planning Board with a traffic impact analysis when deemed necessary by the Board due to the size, location or traffic generating characteristics of the development. Traffic impact analysis shall address each of the following:
 - 1. Traffic circulation and access, including adequacy of adjacent Streets and intersections, entrances and exits, traffic flow, sight distances, accident statistics, curb cuts, turning lanes, and existing or recommended traffic signalization.
 - 2. Pedestrian safety and access.
 - 3. Off-street parking and loading, where appropriate.
 - 4. Emergency vehicle access.
 - 5. Off-site improvements necessitated by and to be constructed by the developer.
- E. Any other specific studies requested by the Planning Board reasonably required to evaluate the Applicant's proposal.
- F. Necessary State and local permits.

The Planning Board may retain the services of qualified consultants to review any of the documents or studies set forth in this Section 3.3.4, including the traffic analysis, to ensure that adequate provisions are made in the development plan to reduce or eliminate any adverse impacts. Pursuant to RSA 676:4, I, (g), the Applicant shall reimburse the Town for its reasonable administrative expenses and costs for such

review. No plan or Plat shall be approved by the Board until any such fees are paid in full.

3.4 POSTING OF PERFORMANCE GUARANTEES

Except in the case of a Subdivision in which each Lot has frontage on an existing Town approved road or State highway the Planning Board, as a condition of approval, shall require the posting of a performance guarantee in an amount sufficient to ensure the costs of constructing the roads, proposed improvements, drainage structures, water service, sewage disposal and all other utilities required by the Town.

3.4.1 Form

The performance guarantee shall be in a form and in an amount acceptable to the Planning Board and to the Town's attorney. The Town will accept the following types of performance guarantees: 1) a surety bond issued by a surety company authorized to do business in the State of New Hampshire, to be filed with the Town Treasurer; 2) a savings passbook, properly endorsed to the Town, to be deposited with the Town Treasurer; 3) an irrevocable letter of credit. The performance guarantee must be accompanied by a signed copy Addendum C, Notice of Guaranty of Performance.

3.4.2 Amount

The amount of the performance guarantee shall be one hundred fifteen percent (115%) of the estimated costs to complete the roads, proposed improvements, drainage structures, water service, sewage disposal and all other utilities, prepared by an engineer. All such estimates are subject to review by the Town's Engineer with the cost of any such review to be borne by the applicant.

3.4.3 Utility Lines

In the case of electric lines or other utilities to be installed by a public utility, corporation or municipal department, a statement shall be required in writing from such public utility, corporation or municipal department that the work will be done within a reasonable time and without expense to the Town of Tuftonboro and that, if agreed, the utilities will be placed underground.

3.4.4 Time for Completion

Each approved Plat shall contain a time limit for the completion of roads and public improvements.

3.4.5 Construction of Improvements

In lieu of posting a performance guarantee, the Applicant may construct all of the required roads, proposed improvements, drainage structures, water service, sewage disposal and all other utilities prior to the final approval of the Plat. Final approval of the Plat shall not be granted until the Town's Engineer certifies that all required improvements have been installed in accordance with the approved Plat and the Applicant has certified that the "as-built" locations of all newly installed improvements, including newly constructed public and/or private roads and utilities, are in conformance with the approved plat. Any change in the location of improvements shall require a submission of "as-built" Plans indicating the actual location of the newly installed improvements. Submission of "as-built" Plans is required before a street is formally accepted by the Town. For public improvements within the Town Right-of-Way, final approval will not be granted until a maintenance guarantee is in place.

3.5 RELEASE OF PERFORMANCE GUARANTEES

- A. Upon partial completion of the required improvements and inspection by the Town's Engineer, the Planning Board may authorize in writing a reduction in the performance guarantee corresponding to the amount of work completed, provided that in no case shall more than fifty percent (50%) of the performance guarantee be released until all of the required improvements are completed and approved by the Planning Board and the Town's Engineer.
- B. Prior to the return of the balance of the performance guarantee, the Town's Engineer shall certify that all of the required improvements have been installed in accordance with the approved Plat. Furthermore, the Applicant shall certify the "as-built" locations of all newly installed improvements, including newly constructed public and/or private roads and utilities, are in conformance with the approved Plat. Any change in the location of improvements shall require the submission of "as-built" Plans indicating the actual location of the newly installed improvements. Submission of "as-built" Plans is required before a street is formally accepted by the Town. For public improvements within the Town Right-of-Way, the performance guarantee shall not be released until a maintenance guarantee is in place.

3.6 MAINTENANCE BONDS

The Board will consider approval of the final Plat for recording only after there shall have been filed with the Board, a surety bond or certified check covering maintenance of Streets and other improvements for a period of two (2) years from the date of completion, in an amount not to exceed twenty-five percent (25%) of said costs of improvements, unless waived by the Board. If repair or unusual maintenance is needed or additional improvements required, then such costs as are necessary shall be drawn against said surety.

3.7 OFF-SITE CAPITAL IMPROVEMENTS (RSA 674:21)

The Planning Board, as a condition of final approval, may require the Subdivider to pay proportionally for necessary off-site capital improvements to Streets and/or utilities required by the development. The Subdivider may be required to pay that portion of the costs which bears a reasonable relationship to the needs created by and the special benefits conferred upon the Subdivision. Where access to a Subdivision depends on use of an existing Street(s) or contribute to the improvements of such Street(s) in a sum equal to the proportionate use his Subdivision will impose on said Street(s), assuming that all lands served by said Street(s) will eventually be similarly subdivided. The Planning Board may require the Subdivider to pay for the Town Engineer to ascertain the proportional costs attributable to the Subdivider.

3.7.1 Conditions

If off-site improvement costs are required, the following conditions shall apply:

- A. The Board must make findings, supported by evidence in the records, that the improvements are required to accommodate the needs generated by the proposed Subdivision; the Board must determine the extent of the needed improvements; the Board must determine the anticipated costs of the improvements (including engineering and administration); and the Board must determine the proportionate share to be paid by the Subdivider.
- B. The Board shall establish with the Town Treasurer a dedicated fund into which the off-site improvement funds will be paid by the Subdivider. The funds collected will be used only for the purpose collected.

- C. The funds shall be spent or encumbered for the designated purposes within six years of being collected or they shall be returned to the Subdivider with interest paid at prevailing rates.

SECTION IV GENERAL PRINCIPLES AND DESIGN AND CONSTRUCTION STANDARDS FOR SUBDIVISIONS

4.1 OVERVIEW

An Applicant shall use the following general principles and design and construction standards when designing and laying out a subdivision development within the Town of Tuftonboro. These principles and requirements shall be construed as the minimum requirements. The Planning Board may require higher standards in individual cases or may waive certain requirements for good cause in accordance with the procedure established in Section 5.1 of these Regulations. Incorporated from NH Office of State Planning Technical Bulletin 12, Spring 1998, are these statements: "Roads set the pace and safety of traffic by their design. Streets are used by cyclists, pedestrians, and joggers, and by children in residential neighborhoods, as well as by motor vehicles. In residential and commercial neighborhoods, Streets serve important social and aesthetic functions, bringing people together or keeping them apart. The scale and design of a road should be appropriate to its function, and should relate to overall community planning."

4.2 GENERAL PRINCIPLES

An Applicant shall observe the following general principles of land subdivision and development:

4.2.1 Conformity to Master Plan and Official Map

The Subdivision shall be in harmony and consistent with the Master Plan of the Town.

4.2.2 Character of Land

All land to be subdivided shall be, in the judgment of the Board, of such character that it can be used for building purposes without danger to public health, safety, or the environment. Land subject to periodic flooding, poor drainage or other hazardous conditions may be part of the Subdivision, but may be restricted from development. A residential structure shall not be built on land with inadequate capacity for sanitary sewage disposal unless connected to a state approved sewage disposal system.

4.2.3 Conformity to Other Laws

Plans for the subdivision of land shall conform with all regulations of the Board, the Zoning Ordinance, and other applicable bylaws, ordinances, regulations, and statutes of the local, State and federal governments.

4.2.4 Preservation of Natural/Existing Features

The Subdivision shall preserve such natural/existing features as wetlands, watercourses, steep slopes, stone walls, large or unique trees and/or habitats, and scenic views. The Street and Lot layout shall bear a logical relationship and be adapted to the topography of the property. Extensive grading and filling shall be avoided.

4.3 LOT SIZES

In the absence of municipal water or sewerage facilities, minimum Lot sizes within all Subdivisions shall, in addition to meeting the requirements of the Zoning Ordinance for the district wherein the Subdivision is proposed, also meet any additional requirements imposed by

the New Hampshire Department of Environmental Services, Water Supply and Pollution Control Division in its review and approval process.

4.4 DESIGN STANDARDS

The following design standards shall be observed in the layout of a Subdivision and/or development of a site:

4.4.1 Lot Configuration

In laying out Lots, the Subdivider shall make a maximum effort to have the lot configuration conform to the natural contours of the site. Irregular lot configurations involving extremely acute angles between Lot boundary lines, abnormally narrow strips of land, or other arrangements limiting normal utilization and maintenance of the Lot area shall be avoided.

4.4.2 Street Types

Existing Streets in Tuftonboro can be broadly categorized as follows:

- A. Private Driveways** serving three (3) Dwelling Units or less and not for commercial or other non-residential use.
- B. Seasonal Camp Streets** are existing Streets providing seasonal residential access. These Streets typically pre-date planning and zoning, typically serve more than three (3) Lots, and are typically dead-end and unpaved. Beaver Road and Chipmunk Lane are typical Seasonal Camp Streets.
- C. Residential Access Streets**, typically year-round, paved or unpaved, they are private Streets with at least one outlet onto a Collector Street. Typical Residential Access Streets are Senter Cove Road and Deer Hill Road.
- D. Collector Streets** are typically year-round State highways or Town roads, such as Governor Wentworth Highway (Route 109), Sodom Road, Union Wharf Road, Ledge Hill Road, New Road and Dame Road.

4.4.3 Street Design Guidelines

Each type of Street has different requirements. For example, allowable speed limits will be higher on Collector Streets than on Private Driveways; Rights-of-Way widths will be greater on Collector Streets than on Seasonal Camp Streets; traveled surface, width, type and subgrade will be greater for a Collector Street than for a Residential Access Street. Appropriate Street design and construction provides for efficient traffic flow while allowing for the safety of pedestrians, bicyclists and other users of the Street. See also Section 1.4 of these Regulations.

All access points, including driveway entrances, shall be located to most adequately promote the safety, efficiency, and convenience of the traveling public and the residents adjacent to the roadway. Access points to through highways, public roads and Streets shall be limited in number to protect the long-term utility of the roadway. The arrangement of Streets shall provide for the continuation or the appropriate projection of existing Streets in adjoining and surrounding areas. Where this is not practical, the arrangement of Streets shall conform to a plan for the neighborhood approved or adopted by the Board.

- A. Private Driveways** serving three (3) Dwelling Units or less are required to have their entrance onto an access Street approved by the Planning Board or by the State of

New Hampshire if the access is onto a state highway. Private Driveways shall be located so as to minimize intersection on the access Street and to afford safe sight distances and reasonable gradients.

Proposed driveway locations shall be shown on the Subdivision Plat and approved by the Planning Board and the Road Agent. Sufficient data shall be submitted to show viable access with an appropriate landing area at the access Street and a suitable location on the Lot to support a Driveway. The Road Agent shall review the construction of the intersection of the Driveway with the access Street to ensure that appropriate sight distances, approach gradients, culverts and other necessary drainage structures are constructed. All permits required for Driveways and other accesses onto a state highway shall be obtained from the New Hampshire Department of Transportation prior to final approval of the Subdivision Plat. Anyone desiring to alter or relocate a Driveway connection with an access Street shall also comply with these guidelines and obtain a permit prior to such construction.

No use of a Driveway (except of a temporary nature during construction) shall take place until the Road Agent shall inspect the construction of the Driveway and certify that said Driveway conforms to the specifications set forth in this regulation.

B. Seasonal Camp Streets

The Applicant for development on a Seasonal Camp Street must demonstrate the adequacy of the Street to accommodate emergency vehicles as well as additional traffic generated by the proposed development. The Planning Board may require the Street to be improved prior to granting approval.

C. Residential Access Streets shall meet a higher standard than Private Driveways and must be designed for year-round use as specified in Section 4.5 Construction Standards.

1. Residential Access Streets which are intended to become public roads must be constructed to the design specifications shown in Section 4.5.4 Street Cross Section Addendum A.
2. Residential Access Streets which are intended to remain private must be constructed to the design specifications shown in Section 4.5.4 Street Cross Section Addendum B.
3. Relation to Adjoining Street System; Insofar as the Master Plan or Official Map does not indicate the size, location, direction and extent of a Street, and subject to the regulations hereinafter specified regarding definite minimum widths, the arrangement of Streets in a Subdivision shall provide for the continuation of the principal Street existing in the adjoining Subdivisions, or of their proper projection when adjoining property is not subdivided, and shall be of a width at least as great as that of such existing Streets but no less than a fifty (50) foot Right-of-Way. Where, in the opinion of the Board, topographical conditions, make such continuance or conformity impractical, the Board may approve the Subdivider's Plat. Where the Plat submitted covers only a part of the Subdivider's tract, a sketch of the prospective future street system of the unsubmitted part shall be furnished and the street system of the part submitted shall be considered in the light of the adjustments and connections with the street system of the part not submitted. Where a tract is subdivided into Lots of an acre or more, the Board

may require an arrangement of Lots and Streets such as to permit a later re-subdivision in conformity with the Street requirements specified in these Regulations.

4.4.4 Residential Access Street Design Supporting Data Required

The Applicant for Subdivision or site plan review approval shall bear the burden of proof for the type of Street required by the application so that the Planning Board can determine the appropriate construction standards. The Applicant shall submit data explaining:

- A. What are the project's specific goals and how will the proposed design meet those needs?
- B. What design speed has been assumed? Why is it appropriate?
- C. What effect will this development have on existing Streets?
- D. What increases in traffic volume have been assumed? What is their basis?
- E. What impacts could be avoided if a lower design speed and lower sight distances were assumed?
- F. Since, in general, on-street parking is not permitted, how will the project design discourage on-street parking?
- G. What provisions have been made for pedestrians and bicyclists?
- H. Is the Street intended to become a Town road or to remain private?

4.4.5 Residential Access Street General Design Guidelines

- A. **Street Rights-of-Way.** The minimum Right-of-Way for Streets shall be no less than fifty (50') as stated in Section 4.4.3.C.3.
- B. **Street Width.** The width of the Street shall be as shown on 4.5.4 Street Cross Section, Addendum A or B.
- C. **Access.** There shall be no Reserve Strips controlling access to Streets, except where the control of such strips is definitely placed with the Town under conditions approved by the Board. The subdividing of the land shall be such as to provide each Lot, by means of either public Street or way or permanent Easement, with satisfactory access to an existing public Street or highway.
- D. **Street Intersection Angles.** A Street shall intersect another as nearly to a ninety (90) degree angle as possible. The minimum angle of two Street intersections shall be seventy-five (75) degrees. For less than a ninety (90) degree intersection, appropriate approach distance must be provided.
- E. **Street Deflections and Vertical Alignment.** When connecting Street lines deflect from each other at any one point by more than ten (10) degrees, they shall be connected by a curve with a radius adequate to ensure sight distance of not less than two hundred (200) feet, and of such greater radii as the Planning Board shall

determine for special cases. Vertical alignment of Streets shall be subject to approval by the Town's Engineer.

- F. Cul-de-sac.** Cul-de-Sacs, or circular turn-arounds, shall be provided at the closed end of a Street with a drive-around roadway having a minimum radius for the outside curbs of at least fifty (50) feet, and a Street property line radius of sixty (60) feet. The maximum length of road leading to a Cul-de-Sac shall generally be eight hundred (800) feet unless otherwise approved by the Board. The Planning Board may require the dedication of an Easement of twenty (20) to fifty (50) feet in width from the Cul-de-Sac to the next adjoining Street to provide for utilities. No water lines serving the Street shall be dead-ended, where feasible.
- G. T-Street Ends.** As an alternative to a Cul-de-Sac, the Board may approve a T-street end (or hammerhead) turn-around. The ends perpendicular to the Street shall have the same right-of-way width as the Street and the same pavement width. The length of paving from one end of the hammerhead to the other end shall be not less than seventy (70) feet.
- H. Street Name Signs.** At all intersections Street Signs shall be provided and installed by the developer in conformity with the specifications of the Town Road Agent.
- I. Street Names.** Street Names of all proposed Streets shall be subject to approval by the Planning Board. No proposed Street Name shall duplicate the names of existing Streets irrespective of the use of the suffix "street", "avenue", "boulevard", "drive", or "court". The continuation of an existing Street shall have the same name.
- J. Street Numbers.** At the discretion of the Planning Board, Street Numbers shall be obtained from the Code Enforcement Officer. Such assigned numbers must be posted on the Lot and visible from the Street.
- K. Grade of Streets.** Grades of all Streets shall conform in general to the terrain and, as far as practicable, shall not exceed ten percent (10%) for all Streets nor be less than one-half of one percent (0.5%). The maximum grade within one hundred (100) feet of a Street intersection shall be three percent (3%). Where a new Street intersects with an existing Street, the approach to the intersection should be flat, with a slight rise at the stop.
- L. Grass Strips.** All areas between the exterior Street lines which are not occupied by approved sidewalks shall be rolled, loamed and seeded, as is necessary to prevent erosion.

4.4.6 Curbing

The Planning Board, in its discretion, may require the installations of curbing on subdivision Streets in order to channel surface water, to control vehicular traffic, to separate vehicular from pedestrian areas and/or to enhance the quality of the Subdivision. Curbing shall meet standards set forth by the Town in accordance with accepted construction standards.

4.4.7 Sidewalks

The Planning Board in its discretion, may require the Applicant to install a sidewalk of a minimum of four (4) feet in width on each Residential Access Street in a Subdivision if it is likely that a reasonable amount of pedestrian traffic will use such sidewalks.

4.4.8 Drainage Improvements

The Planning Board may require the Applicant to provide engineering studies to determine the effect of such Subdivision on adjacent properties and/or the existing downstream drainage facility(ies) outside the Subdivision boundaries. Where it is determined that the additional run-off incident to the development of the Subdivision will affect adjacent property(ies) and/or overload an existing downstream drainage facility(ies), the Planning Board may require the provision of water retarding/retention facilities, flowage easement, or other improvements to alleviate such problem.

4.4.9 Community Water Service

When a community water system is proposed, the system shall be designed by a qualified engineer. Each system shall be designed to handle the expected domestic flows for present and future development within the Subdivision.

4.4.10 On-Site Water Supply

The provision of an on-site water supply shall conform to NH Department of Environmental Services Water Supply and Pollution Control Division criteria.

4.4.11 Fire Protection

If the proposed Subdivision is a major Subdivision (greater than three (3) lots), the Planning Board will require the developer to be in consultation with the Tuftonboro Fire Department regarding providing adequate and reliable water sources for firefighting suppression. See Addendum D Tuftonboro Fire/Rescue Department Fire Protection Water Supply Sources.

4.4.12 On-Site Sewage Disposal System

No Subdivision of land will be approved where it creates a Lot that will not meet the minimum standards imposed by the State of New Hampshire Water Supply and Pollution Control Division, unless the Lot is specified as not for building on the Plat.

Subsurface on-site sewage disposal systems under 2500 gallons/day must be designed by a Professional Engineer licensed in the State of New Hampshire. Systems are to be constructed in accordance with the most recent Administrative Rules and Statutory provisions of the NH Department of Environmental Services.

4.4.13 Open Space

- A. Natural/Existing Features.** The Subdivision shall, whenever possible, preserve in their natural condition important natural and existing features. The Planning Board may request an advisory opinion from the Conservation Commission in the determination of the value of natural features and the boundaries of such natural systems. Such areas include watercourses, wetland areas, steep slopes, large or unique trees, groves, or special habitats. Natural and existing features that provide buffers between Lots, or sections, of a Subdivision should be preserved to enhance privacy and aesthetic value.
- B. Buffer Strips.** The Planning Board may require the designation of buffer strips of up to one hundred fifty (150) feet in width around surface water, wetlands, or other natural features which may be adversely affected by erosion or stormwater runoff. The Planning Board may require a vegetative buffer to provide screening.
- C. Parks.** The Planning Board may require the dedication or reservation of open space within the Subdivision for park, playground, pathways, or other recreational or open

space purposes, for the residents of the Subdivision. The Planning Board also may require the Applicant to supply and plant such trees and shrubbery as are deemed compatible to the local environment.

- D. Tree Planting.** The planting of shade trees within all subdivision layouts where residential, commercial, or industrial development is to take place may be required of the Applicant who shall supply planting plans to the Planning Board. The planting plans of shade trees within proposed or accepted Rights-of-Way may be submitted to the Conservation Commission for its review before planting of street trees is begun.

4.4.14 Special Flood Hazard Areas (Amended December 15, 2011)

Subdivisions involving land designated as flood hazard areas by the Federal Emergency Management Agency (FEMA) or its successor shall be reviewed to determine whether such proposals will be reasonably safe from flooding and shall meet the following requirements.

- A. Permits.** The Planning Board shall review the proposed development to assure that all necessary permits have been received from those government 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. Minimization of Flood Damage.** Sufficient evidence (construction drawings, grading and land treatment plans) shall be submitted so as to allow the Planning Board to determine 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.
 3. Adequate drainage is provided so as to reduce exposure to flood hazards.
- C.** Planning Board shall require that all proposals for development greater than 50 lots or 5 acres, whichever is the lesser, include Base Flood Elevation (BFE) data within such proposals (i.e. floodplain boundary and 100-year flood elevation).

4.4.15 Erosion and Sedimentation Control

Stripping of vegetation, regrading or other development shall be done in such a way that will minimize soil erosion. Whenever practical, natural vegetation shall be retained, protected, and supplemented. An erosion and/or sedimentation control plan, and/or temporary vegetation or mulching will be required by the Board where considered necessary.

Erosion control plans are required by State statute for projects disturbing over 100,000 square feet of soil or over 50,000 square feet of soil in the shoreland protection zone (RSA 485-A:17). These plans will be made available to the Planning Board.

4.4.16 Easements

- A. Utilities.** Whenever practicable, the Subdivider shall be encouraged to install underground conduits and other necessary substructures to provide underground

power and communications service throughout the Subdivision in order to eliminate unsightly poles. Such underground structures shall be constructed according to the requirements of the utility company involved.

Except where alleys of not less than twenty (20) feet are provided for the purpose, the Board may require Easements, not exceeding twenty-five (25) feet, on each side of all rear Lot Lines, and on side Lot Lines where necessary or, in the opinion of the Board, advisable, for poles, wires, conduits, storm and sanitary sewers, gas, water and heat mains or other utility lines. Easements of the same or greater width may be required along the lines of or across Lots where necessary for the extension of the existing or planned utilities, or for passage of Town equipment.

The most suitable and reasonable location for any of the utilities (such as sewers, storm drains, water and gas pipes and electric pole lines and conduits), which are likely to be required within a Subdivision, either for the service thereof or for service for areas in the surrounding territory is in the Streets, as shown on the Plat. If the utilities cannot be located within the street system, the Planning Board may require, insofar as reasonable, that provisions to be made for the location of such utilities on routes elsewhere than within said Streets, either by the dedication of public Easements for the same as part of the Plat or by the filing of supplementary instruments which will adequately protect the public interest in the proper location of said utilities.

Whenever practicable, the Subdivider shall be encouraged to install underground conduits and other necessary subsurface structures to provide underground power and phone service throughout the Subdivision in order to eliminate unsightly utility poles. Such underground structures shall be constructed according to the requirements of the utility company involved.

- B. Drainage.** Where a Subdivision is traversed by a watercourse, drainage way, channel or stream, the Planning Board may require a storm water Easement or drainage Right-of-Way of at least twenty-five (25) feet in width.

4.4.17 Monuments

Concrete, granite or other monuments approved by the Board shall be placed at all Street intersections, points of curvature, and at external corners of the Subdivision if required by the Board. Iron pipes and drill holes may be used at Lot corners.

Monuments must be set at all primary corners of proposed new Lots. The surveyor shall set monuments or the Subdivider shall post a bond for the cost of the permanent monumentation before final Planning Board approval and signing of the Plat. Before final approval is granted, such monumentation must be certified by the submission of a Certificate of Monumentation.

4.5 Construction Standards

4.5.1 Residential Access Streets

The laying out and construction of all Streets within the Subdivisions shall be in conformity with those ordinances of the Town pertaining to such development and in addition shall meet the following construction and material specifications. Where not specified below, Street construction shall follow the practices outlined in the latest edition of the State of New Hampshire Standard Specifications for Road and Bridge Construction. Streets shall conform to the cross-section Addenda attached.

- A. Clearing.** The entire sub-base course of each roadway shall be cleared and cleaned of all stumps, brush, roots, boulders, organic material and other unsuitable sub-base material. This cleared material will not be used for fill. Ledge occurring anywhere in the full cross-section of the roadway must be cleared to a minimum depth of twenty-four (24) inches below the finished surface. Ledge occurring in pipe trenches must be cleared so as to have a gravel cushion of at least one (1) foot below and on both sides of the pipe.
- B. Excavation.** All loam, soft clay, and other yielding material shall be removed or stripped from the roadway sub-base to a depth of no less than twenty-four (24) inches below the finished grade.
- C. Rough Grade and Preparation of Sub-Grade.** The excavated area shall be back-filled to the subgrade and shoulder elevation with suitable backfill, rough graded and compacted to subgrade and shoulder elevations. The sub-grade shall be shaped to a true surface conforming to the proposed cross-section of the road and thoroughly compacted before applying the gravel.
- D. Base Course.** The base course area shall be deemed to include traveled way and shoulder areas and shall consist of a course of bank-run gravel with no stones larger than six (6) inches in diameter and compacted to a twelve (12) inch minimum depth, unless the Town's Engineer determines that ground conditions warrant greater depth for either course.

The base course shall not be constructed during freezing weather or on a wet or frozen sub-grade. Blading and rolling shall be required to provide a smooth, even and uniformly compacted course true to cross-section and grade. A minimum slope of the finished base course shall be one-quarter (1/4) inch per foot or as may be required on curves or on super elevations. At all times during construction, the sub-grade and all ditches shall be constructed and maintained so that the road bed will be effectively drained to prevent erosion. All compaction shall be at ninety-five percent (95%) density in accordance with A.A.S.H.T.O. T99.

- E. Street Paving.** If required by the Board, street paving shall be accomplished by placing a minimum of two (2) courses of hot asphalt concrete (a two (2) inch compacted depth base course and a one (1) inch wearing course for a total of three (3) inches minimum compacted depth) which shall be placed with a self-propelled spreader and in accordance with the specifications and conditions stated in the State of New Hampshire Department of Transportation Standard Specifications for Road and Bridge Construction, adopted and approved, latest edition.

If a significant time interval occurs between the successive passes of the paving machine, the contractor must use a joint heater to insure a better bond. No paving will be done between November 15 and April 15 unless weather conditions would permit such paving. In all cases, pavement shall not be installed when outside air temperature is below 40 degrees Fahrenheit, nor when road base temperature is below 40 degrees Fahrenheit.

- F. Side Slopes.** Side slopes shall not exceed the following ration of vertical rise to horizontal length, without retaining walls or other special considerations.
- | | |
|--------------------|---------|
| 4 feet high slope: | use 1:4 |
| 4 feet to 10 feet: | use 1:3 |
| Over 10 feet: | use 1:2 |

Erosion control measures will be required until permanent growth is established.

- G. Approval and Specifications.** All material shall be secured from sources approved by the Town's Engineer. Samples of all materials to be used in the project shall be submitted to the Town's Engineer upon request.

All materials shall conform to the latest edition of the State of New Hampshire Department of Transportation Standard Specifications for Road and Bridge Construction or to Town requirements, if more stringent.

- H. Curbing.** Asphalt, concrete or granite curbs, where required by the Planning Board, shall conform to the following nominal dimensions and shall not have rust stains: straight granite curb, 5" x 18" x 48" minimum length. Curb shall be bedded on and surrounded by a minimum six (6) inch layer of gravel. Complete compaction shall occur in all areas and under the entire length of curb.
- I. Sidewalks.** The sub-base for a sidewalk, when required by the Planning Board, shall be at least twelve (12) inches of bank-run gravel, thoroughly compacted. All stones larger than three (3) inches in diameter shall be removed. Bituminous concrete shall be laid in two (2) courses; namely base course and top course. Base course shall consist of one and one-half (1 ½) inches of binder after rolling. In no case shall the surface be laid until the sub-base has been inspected and approved. Concrete sidewalks shall not be less than four (4) inches in thickness reinforced by 6" x 6" x 6" wire mesh, placed on the same base. The design shall comply with State and/or Federal guidelines for ADA accessibility and construction.
- J. Inspection and Methods.** The Town's Engineer shall regularly be notified to inspect all phases of road and utility construction and materials used.

4.5.2 Storm Water Sewers and Other Drainage Appurtenances

All areas of a Subdivision shall be graded to prevent flooding of structures and roads or eroding of property. Storm sewers and other drainage appurtenances shall be constructed throughout the entire development to carry off water from all inlets and catch basins and be connected to an adequate outfall. The storm water drainage system shall be separate and independent of the sanitary sewer system and shall be in accordance with drainage laws of the State of New Hampshire. Included in the overall design shall be any work necessary to provide adequate and satisfactory drainage along the side of any existing Street which is adjacent to the Subdivision. The construction for the disposing of storm water shall be approved by the Town's Engineer. Manholes will be required upon request, to be located between catch basins, at all points where there is a change of grade, change of alignment, or an intersection, and shall not be spaced greater than three hundred (300) feet apart.

A. Design

1. Proper sizing of culverts, pipes, etc. shall be by acceptable established engineering practice.
2. Design storm frequency:
 - a. Major streams, rivers 50 year storm or flood of bridges and/or culverts
 - b. Minor brook culverts 25 year storm
 - c. Storm sewers 10 year storm

3. A sample set of the calculations used in sizing the various pipes and a list of variables used must be submitted to the Town's Engineer. Failure to include this information could result in a delay of the review process.

B. Standards of Construction.

1. All improvements shall meet the specifications of A.A.S.H.T.O and the NH Standard Specifications for Road and Bridge Construction in regards to material and strength requirements.
2. Drain catch basins or manholes shall have a minimum of two (2) foot sumps. All drain manhole covers shall be heavy duty, of thirty (30) inch diameter, and identified as "drain".
3. Minimize size pipe for drains and culverts shall be twelve (12) inches in diameter.
4. All culverts shall be at least twelve (12) inches in diameter and shall be corrugated metal pipe (CMP) or reinforced concrete pipe (RCP), or HDPE plastic pipe (Hancor or ADS). No aluminum shall be allowed. Drainage pipes shall have a minimum of eighteen (18) inches of cover wherever possible.
5. Culvert headwalls/endwalls, when required, shall be either concrete or mortar rubble masonry.

4.5.3 Water Mains and Fire Hydrants

- A. Connections to Lots.** If municipal water is supplied, each Lot shall have a separate connection brought to the Lot Line, equipped with an outside stop, and capped until ready for use. All service lines shall be connected to the main by the use of tapped couplings. The developer shall provide ties for the end of the service line and the outside stop for each Lot in the development.
- B. Design and Construction.** Water mains, services, fire hydrants, and other appurtenances shall be designed, constructed, and installed according to standards set by the Town's Engineer.
- C. Materials.** All materials shall meet the requirements or specifications set forth by the Town's Engineer.
- D. Notification Prior to Construction.** The Town's Engineer shall be notified at least forty-eight (48) hours prior to any construction involving water mains. All new pipes shall be inspected and tested in accordance with the Town's Engineer's requirements.

4.5.4 Street Cross Section

A graphic representation of the required standards for the construction of Streets is shown on the chart in Addenda A & B.

SECTION V WAIVER PROCEDURES

5.1 WAIVER PROCEDURE

When a proposed Subdivision Plan is submitted for approval, the Applicant may request in writing to waive specific requirements of these Regulations as they pertain to the Subdivision Plan. The Applicant shall present reasons in writing why the waiver is needed and appropriate.

The Planning Board may grant a waiver in a special case, so that justice may be done and the public interest secured, provided that such waiver will not have the effect of nullifying the intent and purposes of these Regulations; and further provided that the Planning Board shall not approve waivers unless it shall make findings based upon the evidence presented to it in each specific case.

SECTION VI AMENDMENTS

6.1 AMENDMENTS

The Planning Board may from time to time amend these Regulations. Such amendments shall only take effect after a public hearing on the proposed change(s) has been held. The Planning Board shall transmit copies of any regulations, revisions, or amendments thereto, certified by a majority of the Planning Board members, to the Registry of Deeds of Carroll County, the Town Clerk, and the Board of Selectmen.

SECTION VII INTERPRETATION, CONFLICT, SEPARABILITY

7.1 INTERPRETATION

In their interpretation and application, the provisions of these Regulations shall be held to be the minimum requirements for the promotion of public health, safety and general welfare.

7.2 CONFLICT

These Regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provisions of law. Where any provision of these Regulations imposes restrictions different from those imposed by any other provisions of these Regulations or any other ordinance, rule or regulations, or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.

7.3 SEPARABILITY

If any part or provision of these Regulations or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in all controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of the Regulations or the application thereof to other persons or circumstances.

SECTION VIII PENALTIES

8.1 PENALTIES

Any violation of these Subdivision Regulations, or the transfer or sale of any Lot in a Subdivision before said Subdivision Plat has received final approval from the Planning Board and been recorded at the Carroll County Registry of Deeds, shall be subject to a civil fine of \$275.00. Each day that such violation is found by a court to continue after the conviction date or after the date on which the violator receives written notice from the municipality that he/she is in violation of these Regulations, whichever date is earlier, shall constitute a separate offense. Each Lot sold or transferred shall also constitute a separate offense.

**SECTION IX
EFFECTIVE DATE**


9.1 EFFECTIVE DATE

These regulations are effective as of May 18, 2023, on which day they were adopted by the Planning Board and filed with the Tuftonboro Town Clerk and the Board of Selectmen.



Town of Tuftonboro Planning Board Chair

6/5/2023
Date



Member

6/5/2023
Date



Member

6/5/2023
Date



Member

6/5/2023
Date