

# REGULATIONS FOR THE SUBDIVISION OF LAND



Amended December 27, 2023

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## **SECTION 1                    AUTHORITY AND PURPOSE**

Pursuant to the authority vested in the Tamworth Planning Board by the voters of the Town of Tamworth on March 11, 1969 and in accordance with the provisions of RSA 674:35 of the New Hampshire Revised Statutes Annotated, and as amended, the Tamworth Planning Board adopts the following regulations governing the subdivision of land in the Town of Tamworth, New Hampshire. These regulations are designed to accomplish the purposes set forth in RSA 674:36 and for the purpose of protecting the health, safety, convenience, and economic and general welfare of our citizens.

## **SECTION 2                    TITLE**

These regulations shall be known and cited as the Subdivision Regulations of Tamworth, New Hampshire.

## **SECTION 3                    DEFINITIONS**

### **3.1     Abutter**

Means 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 purpose of notification, the term "abutter" shall include any person who is able to demonstrate that his land will be directly affected by the proposal under consideration. For purposes of receipt of notification, 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. For purposes of receipt of notification, in the case of an abutting property being under a manufactured housing park form of ownership as defined in RSA 205-A:1, II, the term "abutter" includes the manufactured housing park owner and the tenants who own manufactured housing which adjoins or is directly across the street or stream from the land that is the subject of the application.

### **3.2     Applicant**

Means the owner of record of the land to be subdivided, or his/her/their/its designated agent.

### **3.3     Approval/Approve**

Means recognition by the Planning Board certified by written endorsement on the plat, that the plat meets the requirements of these Regulations.

3.4 **Board**

Means the Planning Board of Tamworth.

3.5 **Boundary Line Adjustment**

Means adjustments to the boundaries between adjoining lots, where no additional lots are created, but there are changes to the tax map.

A Boundary Line Adjustment does require Planning Board approval.

3.6 **Boundary Line Agreement**

An agreement created pursuant to RSA 472:1 through 472.5, between adjoining landowners as to the location of a disputed common boundary, the location of which cannot be determined by monuments and boundaries named in deeds of said landowners or their predecessors in title. A survey plat showing an agreement line shall show courses and distances, and suitable and permanent monuments shall be placed at each end and at each angle of the agreed upon boundary.

A Boundary Line Agreement does not require Planning Board approval.

3.7 **Conditional Approval**

Means recognition by the Planning Board that the plat is approved subject to the satisfaction of conditions, enumerated by the Board (RSA 674:36, III).

3.8 **Development**

Means any construction or grading activities on real estate intended to facilitate current or future division of the lot, tract or parcel of land into two or more lots, plats, sites or other divisions of land for sale, rent, lease or condominium conveyance.

3.9 **Driveway**

A vehicular access way for up to three dwelling units or lots.

3.10 **Easement**

Means the grant or reservation by the owner of land for the use of all or a portion of such by others for a specific purpose (or purposes), which arises by a conveyance of an interest in land.

3.11 **Frontage**

The distance along the lot line dividing a lot from either (1.) a public highway or private road, excepting limited access highways as defined by RSA 230:44 and Class VI highways or (2.) a subdivision road shown on a plat approved by the Planning Board and recorded at the Registry of Deeds.

3.12 **Lot**

Means a parcel of land which existed prior to adoption of the Subdivision Regulations of Tamworth, or a separate parcel of land as shown on any approved plat or any plat submitted to the Board for approval.

3.13 **Lot of Record**

Means a parcel, the plat or description of which has been recorded at the county registry of deeds.

3.14 **Plat**

Means the map, drawing or chart on which the plan of subdivision is presented to the Board for approval, and which, if approved, will be submitted to the Register of Deeds of Carroll County for recording.

3.15 **Private Road**

Means a road that is not any class of public highway under RSA 229:5.

3.16 **Public Hearing**

Means a meeting, notice of which must be given in accordance with RSA 675:7, 676:4, I(d) and 676:4-a at which the public is allowed to offer testimony.

3.17 **Public Meeting**

Means the regular business meeting of the Planning Board as required by RSA 673:10. Notice must be posted at least 24 hours in advance and be posted in two public places. The meeting must be open to the public, although participation by the public is at the discretion of the Board.

3.18 **Reserve Strips**

(1) A provision in a deed or other real estate conveyance that retains a right for the existing owner even if other property rights are transferred.

(2) A method of holding land for future public use by designating public areas on a plat or map as a condition of approval.

3.19 **Right-of-Way**

Means a strip of land for which legal right of passage has been granted in the form of an easement by the landowner for travel.

3.20 **Slope**

Means the steepness of land surface, expressed as a percentage. Slope is calculated by dividing change in vertical elevation by the horizontal distance over which the change in elevation occurs multiplied by one hundred.

3.21 **Soil Type**

Means the soils type described in the Soil Survey of Carroll County as published by the United States Department of Agriculture Soil Conservation Service, NRCS Web Soil Survey, or as determined by a State of New Hampshire certified soils scientist.

3.22 **Street**

Means a public way under RSA 229:5, interchangeable with Road.

3.23 **Subdivision**

Means the division of a lot, tract, or parcel of land into two (2) or more lots, plats, 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 several owners shall be deemed a Subdivision.

3.25 **Unit**

One dwelling structure; this may house multiple residences—ie: a single townhouse in a complex or a single apartment building—though it is a single building.

3.26 **Voluntary Lot Merger**

Means consolidation of two or more contiguous lots as defined by RSA 674:39-a. Lot Merger procedures appear in the Planning Board Rules of Procedure.

3.27 **Wetlands**

Means lands defined as wetlands under NH Code of Administrative Rules, Chapter ENV-Wt 400.

## SECTION 4 GENERAL REQUIREMENTS

### 4.1 Character of Land for Subdivision

Land of such character that cannot, in the judgment of the Board, be safely used for building development purposes due to peril from fire or flood, poor drainage, excessive slope, high water table, bedrock or impervious strata close to the surface or any other conditions which represent a hazard or a threat to public health and safety, shall not be platted for residential, commercial, or industrial Subdivision, nor for such other uses as may constitute a risk to the public health, safety and welfare.

### 4.2 Premature Subdivision

The Board may provide against such scattered or premature Subdivision of land as would involve danger or injury to health, safety, or prosperity by reason of the lack of water supply, sewage disposal, drainage, transportation, schools, fire protection, or other public services which necessitate the excessive expenditure of public funds for the supply of such services (RSA 674:36, II(a)).

### 4.3 Preservation of Existing Features

Wherever feasible, suitable steps shall be taken to preserve and protect significant existing features such as trees, scenic points, stone walls, rock outcroppings, water bodies, and historic landmarks. Where possible, the boundary line(s) should follow stone walls. Subdivision proposals will not be approved if nonessential filling or dredging of wetlands or water bodies is required by the proposal.

### 4.4 Lots

1. Each lot created in any Subdivision shall be in conformance with and have a minimum area as determined by the Soils and Slopes Table 4.1 subject to the following:
  - a. Jurisdictional Wetlands, lands within the FEMA Flood Zone AE, and areas with slopes over thirty-five percent (35%), shall not be included in the calculation of the minimum Lot size.
  - b. Minimum Lot size for a Subdivision (excluding clustered developments) with a community or municipal water and sewer system may be decreased in size by thirty-three and one third percent (33 1/3%) of the required minimum Lot size.
  - c. For clustered development the aggregate Lot size shall be calculated by multiplying the number of proposed dwelling units by the minimum Lot size as determined by reference to the Soils and Slopes Table (4.1). Density may be increased by thirty-three and one third percent (33 1/3%) (a fractional unit shall be deleted) for clustered developments, which meet the following three criteria:

- i. All dwelling units and other structures (excluding sewerage and water facilities) are clustered within a contiguous area encompassing no more than one half (1/2) of the total area of the development,
- ii. The Subdivision must be able to satisfy all state and municipal water supply and septic regulations within the total area of the development, and
- iii. The area not designated for dwelling units shall be identified as common area and shall remain undeveloped except to the extent necessary to accommodate sewerage and water facilities or outdoor recreational facilities.

**TABLE 4.1 - LOT SIZE BY SOIL/SLOPE IN TAMWORTH**

Minimum lot size, in square feet (ft<sup>2</sup>), and factors for sewage loading shall be determined based on soil groups and slopes as set forth in Table 4.1 below, which is a copy of Table 1005-1 from Env-Wq 1000 SUBDIVISION AND INDIVIDUAL SEWAGE DISPOSAL SYSTEM DESIGN RULES:

Soil Group→	1	2	3	4	5	6
Slope ↓						
0-8% or A/B	30,000 ft <sup>2</sup> 1	39,000 ft <sup>2</sup> 1.3	48,000 ft <sup>2</sup> 1.6	43,500 ft <sup>2</sup> 1.45	N/A	N/A
8-15% or C	33,000 ft <sup>2</sup> 1.1	43,000 ft <sup>2</sup> 1.43	53,000 ft <sup>2</sup> 1.76	48,000 ft <sup>2</sup> 1.6	N/A	N/A
15-25% or D	36,000 ft <sup>2</sup> 1.2	46,800 ft <sup>2</sup> 1.56	62,000 ft <sup>2</sup> 2.08	52,000 ft <sup>2</sup> 1.73	N/A	N/A
25-35% or E	39,000 ft <sup>2</sup> 1.3	50,700 ft <sup>2</sup> 1.69	72,000 ft <sup>2</sup> 2.4	57,000 ft <sup>2</sup> 1.9	N/A	N/A

**Table 4-1: Minimum Lot Size - Residential, 1 to 4 Bedrooms; Sewage Loading Factors**

- a. Poorly and very poorly drained soils shall not be counted toward site loading to obtain subdivision approval.
- b. For purposes of determining minimum lot sizes, soil groups shall be as follows:
  - i. Group 1 soils shall be well-drained to excessively well-drained soils with rapid permeability.
  - ii. Group 2 soils shall be well-drained soils with moderate permeability.
  - iii. Group 3 soils shall be moderately well-drained and well-drained with hardpan.
  - iv. Group 4 soils shall be bedrock relatively close to the surface.

- v. Group 5 soils shall be poorly drained soils; and
- vi. Group 6 soils shall be very poorly drained soils.

2. Lots shall have frontage on water bodies and streets as follows:

- a. Lots bounded by any Great Pond (as defined by NH RSA 483-B.4.XV) or the shore or bed of any Fourth Order Stream, or higher (See the Shoreland Water Quality Protection Act (RSA 483-B)), shall have frontage along such water body or watercourse of at least 200 feet measured in fifty-foot chords.
- b. All lots shall have street frontage of at least 150 feet measured as the distance along the street line (see frontage definition), subject to the following exceptions:
  - i. Lots abutting the circular radius of a cul-de-sac shall have frontage along such cul-de-sac of at least 100 feet.
  - ii. Frontage may be reduced to a minimum of 50' for the establishment of back lot(s) if the parent lot has a minimum street frontage of 200'.

4.5 **Reserve Strips**

Reserve strips of land that show an intent on the part of the subdivider to control access to land dedicated to or to be dedicated to public use shall not be permitted.

4.6 **Septic Systems and Water Supply**

All Subdivisions shall comply with all Federal & State requirements for the construction and maintenance of private and community septic and water systems.

4.7 **Monuments**

Iron pins, granite, concrete, drill holes or other suitable materials shall be set at all lot corners.

4.8 **Utility Easements**

Utility Easements shall be not less than fifteen (15) feet in width and shall have satisfactory access to existing or proposed public ways.

4.9 **Operation and Maintenance of Facilities**

All Subdivisions with a community water supply, sewage disposal system or other community facilities shall make satisfactory provisions for the continued operation and maintenance of such facilities.

4.10 **Recreational and Open Space Areas**

Areas set aside for parks and playgrounds to be dedicated or to be reserved for the common use of all property owners by covenant in the deed, shall be of

reasonable size and character for neighborhood playgrounds or other recreational uses. Parks and playgrounds shall be located centrally and conveniently for the use of all residents. For Subdivisions involving more than fifteen (15) lots, whether done at one time or in a series, at least ten (10) percent of the original area shall be reserved for recreational and open space purposes, and so defined on the Subdivision plan.

#### 4.11 **Roads and Streets**

Private roads and streets contained within a Subdivision shall be constructed in accordance with requirements set forth at Appendix A "Road Design and Construction Requirements."

## **SECTION 5                    TYPES OF APPLICATIONS**

### **5.1     Preliminary Conceptual Consultation**

1. While the Conceptual Consultation phase is optional, the Applicant is encouraged to meet with the Board to discuss a proposal in conceptual form and in general terms. Such pre-application consultation shall be informal and directed toward:
  - a. Reviewing the basic concepts of the proposal,
  - b. Reviewing the proposal with regard to the master plan,
  - c. Explaining the state and local regulations that may apply to the proposal, and
  - d. Identification of submission requirements.
2. Preliminary conceptual consultation shall not bind the Applicant or the Board.
3. Such discussion may occur without formal notice to abutters and the public, as required by RSA 676:4, I(d), but must only occur at a Public Meeting of the Board, subject to public notice under RSA 91-A:2 II.
4. Because notice is not provided to the abutters and the public, the discussion is informal, and no plans, property maps, or specific details are presented. Neither the applicant nor the planning board may go beyond the general and conceptual limits and begin discussing the design or engineering details of a proposal.
5. Preliminary conceptual consultation shall be separate and apart from formal consideration of an application under C or D below, and the time limits for acting on a formal application shall not begin or apply until a formal application is filed, as provided in RSA 676:4, I(d).

### **5.2     Design Review**

1. Prior to submission of an application for Board action, an applicant may optionally meet with the Board for non-binding discussions beyond the conceptual and general stage, involving more specific design and engineering details of the proposed application.
2. The design review phase may proceed only after identification of and notice to abutters and the general public, as required by RSA 676:4, I(d).
3. Design review shall be separate and apart from formal consideration on an application under C or D below, and the time limits for acting on a formal application shall not begin or apply until a formal application is filed, as provided in RSA 676:4, I(b).

### 5.3 **Subdivision**

1. A "Subdivision" means the division of the lot, tract, or parcel of land into 2 or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale, rent, lease, condominium conveyance or building development. This includes re-subdivision. See Definition 3.23.
2. A Subdivision requires a completed application which consisting of all data required in Section 6 of these regulations unless waivers are granted.
3. Any resulting lot(s) must comply with Section 4 of these Regulations unless waivers are granted.
4. A Subdivision requires full notice to the abutters, holders of conservation, preservation and agricultural preservation restrictions, and the public in the same manner as any application. A hearing with full notice shall be held if requested at any time prior to Board approval or disapproval by the applicant, abutters, or holders of conservation, preservation or agricultural preservation restrictions, or if the Board chooses to hold a hearing.

### 5.4 **Boundary Line Adjustment (Lot Line Adjustment)**

1. A Boundary Line Adjustment is a form of subdivision that makes changes to existing lots but does not create any additional lots. See Definition 3.5.
2. A Boundary Line Adjustment requires a completed application which consists of all data required in Section 6 of these regulations unless waivers are granted.
3. Any resulting lot(s) must comply with Section 4 of these Regulations unless waivers are granted.
4. A Boundary Line Adjustment requires full notice to the abutters, holders of conservation, preservation and agricultural preservation restrictions, and the public in the same manner as any application. A hearing with full notice shall be held if requested at any time prior to Board approval or disapproval by the applicant, abutters, or holders of conservation, preservation or agricultural preservation restrictions, or if the Board chooses to hold a hearing.

### 5.5 **Lot Merger**

1. Lot Mergers are technically not part of subdivision but are related. This paragraph is included for informational purposes only. Lot Mergers are governed by RSA 674:39-a, and the Tamworth Planning Board Rules of Administrative Procedure.
2. 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, and filing an application for Voluntary Merger, along with an administrative processing fee. Upon such

application, the Planning Board shall determine whether the merger would violate any Tamworth Ordinances or Regulations, and if there would be no such violation, the Planning Board shall approve the Voluntary Merger, and shall file a copy of the approved notice of merger with the Selectmen's agent. As required by RSA 674:39-a, I, notice of the merger sufficient to identify the relevant parcels and signed by the Board or its designee shall be recorded at the Carroll County Registry of Deeds, and a copy provided to the Town's assessing officials.

3. As required by RSA 674:39-a, II, if there is any mortgage on any of the lots to be merged, the applicant must give written notice to each mortgage holder at the time of the submission of the merger application. The written consent of each mortgage holder shall be required as a condition of approval on the merger and shall be recorded with the notice of merger. The Town shall not be liable for any deficiency in the notice to mortgage holders.
4. No such merged parcels shall thereafter be separately transferred without subdivision approval.
5. Lot Mergers must be reviewed at a public meeting, but do not require a public hearing or notices to abutters.

## **SECTION 6**

### **SUBMISSION REQUIREMENTS FOR COMPLETED APPLICATIONS**

#### **6.1 Completed Application Form**

A completed application shall consist of the following items:

1. Completed application form.
2. Items already checked are required.
3. Check all other applicable boxes

#### **6.2 Abutters List**

1. It is the applicant's responsibility to provide a list of names and addresses of all abutters, parties holding an interest in the property (Right of Way, Easement, Covenant, holders of conservation, preservation or agricultural preservation restrictions), any agent, and any professional who has placed his or her seal on a plan or plat that is being submitted (whether the plan was created for the current application or was created sometime before). The list of names and addresses of all abutters shall be taken from current electronic town records as maintained by the Assessing Clerk, not more than five (5) days before the day of filing.
2. Three sets of mailing labels for the notification of the applicant, abutters, and all others identified in item 1 above.

#### **6.3 Fees**

1. All applications shall be accompanied by a check to reimburse the Board for notification, and application fees according to the fee schedule. (See Fee Schedule for Planning Board Applications Form PB-FEES-A02)
2. Pursuant to 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. The applicant will be required to sign an agreement acknowledging the obligation to pay such fees, and to deposit estimated fees with the Board in advance pursuant to the terms in the agreement. Failure to pay such costs shall constitute valid grounds for the Board to terminate further consideration of the application and to disapprove the plat without a Public Hearing.

3. Separate Payment to "Carroll County Registry of Deeds" as required by NH RSA for the Land and Heritage Conservation Investment Program (LCHIP).

#### 6.4 **Agent Designation**

The property owner may authorize an agent to represent their application, by identifying the agent on the application form.

#### 6.5 **Signatures**

1. All property owners must sign an application.
2. If the property is not owned by an individual(s), one copy of the legal document authorizing the signature must be submitted.
3. By filing an application, the applicant consents to a visual on-site inspection of the property by the Board or its agents at any stage of the proposal. Consent will be sought for any necessary subsequent visits. Such site visits will be preceded by notification of the applicant. Refusal to permit one or more site visits will constitute grounds for the board to deny the application.

#### 6.6 **Plat Requirements**

1. Five (5) copies of the plat, prepared at any scale between 1"=20' and 1"=400', provided, however, that all required information is legible on the plat. The outside dimensions of the Mylar shall be as specified by the Carroll County Registry of Deeds.
2. Plats must meet all requirements of RSA 478:1-a.
3. Plats must meet all requirements of the Carroll County Registry of Deeds, including a 1 ½" by 3 ½" white space in the upper right-hand corner, for the registry plan number and recording information.
4. **The plat submitted for Planning Board review shall include the following:**
  - a. Name of the municipality; Tax Map & Lot Number with street address; type of survey; proposed Subdivision name; name and address of owner of record; name of subdivider; date; bar scale; north arrow; name, license, number and stamp of surveyor.
  - b. Names of owners of record of abutting properties, streets, easements, parks, public open spaces with Tax Map & Lot Number(s).
  - c. Vicinity map showing location of Subdivision and its relationship to the rest of the town in such a way as to readily identify the location.

- d. Depiction of the entire area and boundary of each lot. Boundary survey including bearings, distances and the location of permanent markers which shall be identified as "found," or "set," The survey shall be conducted according to the standards outlined by the New Hampshire Code of Administrative Rules LAN500.
  - e. Existing and proposed easements, rights-of-way, existing and proposed driveways, and existing buildings, other structures and foundations.
  - f. Location of property lines, including the entire undivided lot, Lot areas in square feet and acres, and frontage on streets. Each lot shall be numbered according to the Town tax map numbering system.
  - g. Water courses, ponds, standing water, ledge outcrops, stone walls and other natural features, as necessary.
  - h. Existing and proposed roads with names, classification, travel surface widths and Right-of-Way widths.
  - i. Existing and proposed topographic contours based on five (5) foot intervals based upon the field surveying, LiDAR, or aerial photogrammetry data.
  - j. Soil data, based on Carroll County Soil Survey, NRCS Web Soil Survey, Wetland delineation; and any "Area of Special Flood Hazard" as defined in the Tamworth Floodplain Development Ordinance as adopted August 13, 1991, and amended on March 8, 2016.
  - k. Location of existing or proposed well, with 75-foot well radius on its own lot.
  - l. Location of all soil test pits and percolation tests within a delineated 4,000 square-foot septic area, with test dates and test results.
  - m. Groundwater protection zones.
- 5. Plats to be recorded, upon approval, shall contain only the following:**
- a. Name of the municipality; Tax Map & Lot Number with street address; type of survey; proposed Subdivision name; name and address of owner of record; name of subdivider; date; bar scale; north arrow; name, license, number and stamp of surveyor.
  - b. Names of owners of record of abutting properties, streets, easements, parks, public open spaces with Tax Map & Lot Number(s).
  - c. Vicinity map showing location of Subdivision and its relationship to the rest of the town in such a way as to readily identify the location.

- d. A depiction of the entire area and boundary of each lot. Boundary survey including bearings, distances and the location of permanent markers which shall be identified as "found" or "set". The survey shall be conducted according to the standards outlined by the New Hampshire Code of Administrative Rules LAN500.
- e. Existing and proposed easements, rights-of-way, existing driveways, and existing buildings, structures, and foundations.
- f. Location of property lines, including the entire undivided lot, lot areas in square feet and acres, and frontage on streets. Each lot shall be numbered according to the Town tax map and numbering system.
- g. Existing wells.
- h. Existing and proposed roads.
- i. "Areas of Special Flood Hazards" as defined in the Tamworth Floodplain Development Ordinance as adopted August 13, 1991 and amended on March 8, 2016.
- j. Wetlands delineations.
- k. Groundwater protections zones.
- l. A signature box for approval by the Planning Board, with room for two signatures and dates.

## 6.7 **Other Information**

1. Plan for the control of sedimentation and erosion, if applicable.
2. Town or State driveway permit number, as applicable. See "Building Requirements" (includes Driveway Permits) in Tamworth's Regulations, Requirements, and Policies.
3. Any deed restrictions and all deeds covering land to be used for public purposes, easements and rights-of-way over property to remain in private ownership, and rights of drainage across private property are submitted in a form satisfactory to the Board's counsel.
4. Any additional reports or studies deemed necessary by the Board to make an informed decision, including but not limited to traffic, school, fiscal and environmental impact analyses. The Board reserves the right to request such information after an application has been accepted as complete, as well as before acceptance.
5. Location of all parcels of land proposed to be dedicated to public use and the conditions of such dedication; location of all parcels of land proposed for

community use and the conditions of such use; and a copy of such private deed restrictions as are intended to cover part or all of the tract.

6. If any one or more of the proposed lots are less than five acres in area, state subdivision approval number is required.

## 6.8 **Waivers**

The Planning Board may waive or modify such specific requirements of these Regulations as it deems appropriate according to Section 7.10.

1. A Waiver Request Form shall be submitted for numbered paragraphs of these regulations (e.g., 6,6.4.a) from which a waiver is being sought.
2. The Request shall state fully the grounds for the waiver and all of the facts relied upon by the applicant.
3. The application shall show that such waiver would meet the standards set forth in Section 7.10.

## **SECTION 7                      APPLICATION REVIEW PROCEDURES**

### **7.1      Submission Schedule**

See: Planning Board Rules of Administrative Procedure Section 3, "Application, Submission And Review Procedures" for the timing requirements of application submission and review.

### **7.2      Notification**

1. Notice of all Design Review, Boundary Line Adjustment, and Subdivision Applications, and any initial Public Hearing shall be given to the abutters, the applicant, holders of conservation, preservation, or agricultural preservation restrictions and every engineer, architect, land surveyor, or soils scientist whose professional seal appears on any plat by verified mail, mailed at least ten (10) days prior to the Public Hearing. The public will be given notice at the same time by posting at the Town Office and the Tamworth Post Office and on the Town website ([www.tamworthnh.org](http://www.tamworthnh.org)). For proposals within which any structure or proposed building site will be within 500 feet of the top of the bank of any lake, pond, river, or stream, the Planning Board shall also notify the Department of Environmental Services by first class mail (RSA 676:4).
2. The notice shall give the date, time, and place of the Public Hearing at which the application or other item(s) will be formally submitted to the Board, shall include a general description of the proposal which is to be considered, and shall identify the Applicant and the location of the proposal.

### **7.3      Developments Having Regional Impact: RSA 36:54-58**

1. All applications shall be reviewed for potential regional impacts as defined in RSA 36:55. Doubt concerning regional impact shall be resolved in a determination that the development does have a potential regional impact. Upon such a finding, the Board shall furnish the regional planning commission(s) and the affected municipalities with copies of the minutes of the meeting at which the determination was made. The Board will also send an initial set of plans to the regional planning commission(s). The copies shall be sent by certified mail within 5 business days after the meeting, all at the applicant's expense.
2. At least 14 days prior to the scheduled Public Hearing, the Board shall notify by certified mail the regional planning commission(s) and the affected municipalities of the date, time, and place of the hearing, and of their right to appear as abutters to offer testimony concerning the proposal.

#### 7.4 **State Building Code Review**

All applications shall be reviewed for compliance with the State Building Codes by the Tamworth Fire Chief. Upon receipt, all applications shall be referred for such review. A written statement from the Fire Chief that the proposed subdivision plat is satisfactory is required before final approval may be granted.

#### 7.5 **Accepting Application as Complete**

1. All applications will be reviewed for completeness by the Board at the next regular meeting for which notice can be given or within 30 days following delivery of the application after due notification has been given according to RSA 676:4, I(d). If the application is incomplete, the applicant shall be given a written explanation of the information, procedure, or other requirement(s) necessary for the application to be complete. It is the applicant's obligation to provide the missing submission items to the Board.
2. Acceptance will be by affirmative vote of a majority of the Board members present, which shall be entered in the minutes of the meeting.
3. If the notice of the Board's intent to consider the application for completeness also provided notice of the public hearing for the same meeting, the Board may proceed to open the public hearing after voting to find the application complete.

#### 7.6 **Application Amendments**

Once submitted, an application cannot be substantively amended without the changes being reviewed and accepted by the Board after notice to all abutters, or submittal of a revised application."

#### 7.7 **Site Inspections**

1. Whenever the Board deems it necessary for the consideration of an application to visit the site, the Board shall request permission from the applicant. The Board will coordinate with the applicant to make reasonable accommodation for members of the public to attend the site inspection, taking into account any particular safety concerns that may exist.
2. Such a site inspection shall be posted as a Public Meeting of the Board pursuant to the Right-to-Know provisions of RSA 91-A. If there is a quorum present at the site inspection, minutes shall be kept.
3. All applications are conditioned upon the owner allowing access to the property, to the extent reasonable and necessary to properly review the application. Denial by the applicant of permission to conduct one or more site inspections may result in the Board voting to deny the application without prejudice. Such a vote may occur at a properly noticed public hearing.

## 7.8 Public Hearing

Prior to approval of a Subdivision or Boundary Line Adjustment, a public hearing shall be held with notice given pursuant to RSA 676:4, I(d). At the Public Hearing the applicant, any abutter, or any person with a direct interest in the matter may testify in person or submit testimony or evidence in writing. Other persons may testify subject to Board Approval. Additional notice shall not be required of a continued public hearing if the date, time, and place of the continued hearing were made known at the prior hearing.

## 7.9 Board Action on Completed Application

1. The Board shall begin consideration of the complete application within 30 days of its acceptance. The Board shall act to Approve, Conditionally Approve, or Disapprove the accepted application within 65 days of acceptance of the application as complete, in accordance with RSA 676:4.
2. If the Board does not act to approve or deny the application within 65 days, the applicant may apply to the Select Board for approval pursuant to RSA 676:4, I(c)(1). An applicant may waive the requirement for Board action within the time periods specified in these regulations and consent to such extension as may be mutually agreeable. If the Planning Board determines it lacks sufficient information to make a final decision and the applicant does not consent to an extension, the Planning Board may, in its discretion, deny the application without prejudice, in which case the applicant may submit the same or a substantially similar application in the future.
3. Approval of the application shall be certified by written endorsement on the plat and signed and dated by the Chair of the Board. If any application is disapproved, the grounds for such disapproval shall be adequately stated in the minutes of the Board and in written notice given to the applicant within 5 business days of the decision, in accordance with RSA 676:3. If the application is approved with conditions, the written decision shall include a detailed description of all conditions necessary to obtain final approval. Regardless of the Board's decision, the written decision shall include specific written findings of fact made by the Board that support its decision.
4. An approved plat shall be recorded by the Board with the Register of Deeds of Carroll County within 90 days of approval.

Except in the case of a Subdivision in which each lot is fronting on an existing street, no plat filed with the Board shall be approved until the subdivider provides a performance bond, irrevocable letter of credit, or other accepted surety. See Section 10.

## 7.10 **Waivers**

1. The Planning Board may waive or modify such specific requirements of these Regulations as it deems appropriate, when, in its judgment:
  - a. Strict conformity with the requirement would pose an unnecessary hardship to the applicant and the waiver would not be contrary to the spirit and intent of these regulations; or
  - b. Special circumstances relative to the proposed subdivision, or conditions of the land involved, indicate that the waiver will properly carry out the spirit and intent of these regulations.
2. Waivers will be considered after the public hearing is closed, but before a final determination on the application as a whole is made.
3. Approval of waivers will be by affirmative vote of a majority of the Board members present and shall be entered in the minutes of the meeting.
4. In approving waivers, the Planning Board may require such conditions as will, in its judgment, secure substantially the objectives of the standards and requirements of these Regulations.
5. The Board may require deed restrictions or impose additional conditions as a prerequisite to granting any waiver.

## 7.11 **Conditional Approval**

The Board may grant Conditional Approval of an application, but the plat will not be signed or recorded until all of the conditions have been met. If the applicant has not complied with the conditions of Approval within one (1) year, the Approval is void and the applicant must submit a new application. A further public hearing is not required when compliance with such conditions:

1. is administrative in nature;
2. involves no discretionary judgment on the part of the Board;
3. requires the applicant's possession of permits and Approvals granted by other Boards or agencies (NOTE: Any subsequent change to the plat required by such approvals must be reviewed and approved by the Board after notice to all abutters.)

All other conditions shall require a public hearing.

7.12 **Failure of the Planning Board to Act**

1. In the event that the Board does not act on an accepted application within the prescribed 65 days, the applicant may petition the Select Board to issue an approval of the application. Such approval shall be considered a final approval for purposes of filing and recording under RSA 674:37 and RSA 676:18, and court review under RSA 677:15.
2. If the Board fails to act on the applicant's petition, the applicant may petition the superior court to issue an order approving the application pursuant to RSA 676:4, I(C)(2).

## **SECTION 8 CUMULATIVE EFFECT OF PREVIOUS SUBDIVISIONS**

If any land shown on a plat has been part of any previous Subdivision approved, constructed, or created by conveyance no more than four (4) years prior to the new proposal, any such previous Subdivision will be treated as part of the new proposal for purposes of analyzing its effect and applying all review criteria.

## **SECTION 9 SPECIAL FLOOD HAZARD AREAS**

1. The Board shall review the proposed development to ensure compliance with all Federal, State, and local laws regulating development within any flood hazard area including, without limitation, compliance with the Tamworth Floodplain Development Ordinance.
2. The Board shall require that all Subdivision proposals for development greater than 50 lots include within such proposals base flood elevation data. Sufficient evidence (construction drawings, grading, and land treatment plans) shall be submitted so as to allow determination that:
  - a. all such proposals are consistent with the need to minimize flood damage;
  - b. all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage;
  - c. adequate drainage is provided so as to reduce exposure to flood hazards.

## **SECTION 10 PERFORMANCE GUARANTY**

### **10.1 Performance Guaranty Requirement**

As a condition of approval, the Planning Board shall require the posting of a performance guaranty in an amount sufficient to defray the costs of construction of streets and public utilities such as water and sewer drains and drainage structures. The amount of the security shall be based on an estimate of 115% of costs provided by the subdivider and, at the discretion of the Board, reviewed by a licensed engineer. All costs of such review shall be paid by the applicant.

## 10.2 **Surety**

The security shall be approved as to form and sureties by the Board, the Select Board, and, if necessary, the municipal counsel. The amount of the security shall include fees to cover the cost of periodic inspections.

## 10.3 **Public Utility**

Where electric lines or other utilities are to be installed by a corporation, municipal department, or public utility, a Letter of Intent shall be required stating that the work will be done in a reasonable time and without expense to the Town.

## 10.4 **Time Limit**

Each approved plat shall contain a time limit of two (2) years for the completion of streets and public improvements.

The Performance Guaranty shall be released in phases as portions of the secured improvements or installations are completed and approved by the Board or its designee, in accordance with the plan approved by the Board.

The total performance bond shall not be released until the Select Board has certified completion of the required improvements in accordance with the Subdivision design and construction standards and in accordance with the plat approved by the Board.

# **SECTION 11 ADMINISTRATION AND ENFORCEMENT**

## 11.1 **Responsibility for Administration and Enforcement**

These regulations shall be administered by the Board. The enforcement of these regulations is vested with the Select Board.

## 11.2 **Penalties and Fines**

Any violation of these regulations shall be subject to a civil fine as provided in RSA 676:16 and 676:17, as amended, as well as injunctive relief pursuant to RSA 676:15 and any other remedies available for such violations under New Hampshire law.

## 11.3 **Revocation of Planning Board Approval**

The Board Approval of a plat may be revoked by the Board in whole or in part, under the following circumstances: (1) at the request of or by agreement with the

applicant; (2) when any requirement or condition of approval has been violated; (3) when the Applicant has failed to perform any condition of Approval within five years, per RSA 673:39; (4) upon cancellation of any bond or surety posted in accordance with Section 11, PERFORMANCE GUARANTY prior to the a completion of such improvements or permission from the Board; or (5) when five years have elapsed without any vesting of rights and the plat as approved no longer conforms to applicable regulations.

#### 11.4 **Appeals**

Any person aggrieved by a decision of the Board concerning a plat or Subdivision may appeal said decision to the Superior Court pursuant to RSA 677:15, except when a disapproval by the Board is based upon non-compliance with the Town Floodplain Development Ordinance or the Tamworth Groundwater Protection Ordinance, in which case the appeal shall be to the Tamworth Zoning Board of Adjustment.

## **SECTION 12            VALIDITY**

### 12.1 **Validity**

If any section or part of a section or paragraph of these regulations shall be declared invalid or unconstitutional, it shall not be held to invalidate or impair the validity, force or effect of any other section or part of a section or paragraph of these regulations.

### 12.2 **Conflicting Provisions**

Where these regulations are in conflict with other local, state or federal ordinances, the more stringent shall apply.

## **SECTION 13            AMENDMENTS**

### 13.1 **Public Hearing**

Prior to any amendment of these Subdivision regulations at least one public hearing shall be held, with notice given pursuant to RSA 675:7. The adopted regulations shall be certified by a majority of the Board and filed with the Town Clerk.

## **SECTION 14            EFFECTIVE DATE**

These regulations shall take effect upon their adoption, and all regulations or parts of regulations, inconsistent therewith, are hereby repealed.

## APPENDIX A

### A. ROAD DESIGN AND CONSTRUCTION STANDARDS

- a. **APPLICABILITY**: The following road design and construction standards shall apply to all subdivisions consisting of four (4) or more lots.

i. **WAIVERS**

1. Subdivisions consisting of less than five (5) lots may apply for a waiver of the following requirements:
  - a. turn radii designs,
  - b. design speed,
  - c. slopes,
  - d. pavement width,
  - e. shoulder width, and
  - f. guardrail standards
2. A consultant may be employed by the Planning Board to review waiver requests.
3. Decisions regarding approval of waiver requests will consider the burden of future road maintenance to both the homeowners and the Town of Tamworth and assure that the waivers will not impair public safety and welfare.
4. The granting of any waiver will be contingent upon incorporating restrictive plan notes and/or deed covenants prohibiting future subdivision of lots and the extension of roadways until such time as all road design and construction standards are satisfied as if no waiver had been granted.

- ii. **MORE STRINGENT STANDARDS**: In all cases of conflict between this and other town or NHDOT regulations, the stricter regulations shall apply.

- iii. **REFERENCE STANDARDS**: The following references are throughout:

1. AASHTO: American Association of State Highway and Transportation Officials. Latest Edition. *A Policy on Geometric Design of Highways and Streets.*
2. MUTCD: US Department of Transportation Federal Highway Administration. Latest Edition. *Manual on Uniform Traffic Control Devices.*

3. NHDES Greenbook: NHDES and RCCD. Latest Edition. *Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire.*
4. NHDOT: State of New Hampshire Department of Transportation. 1997. *Standard Specifications for Road and Bridge Construction.*

**b. ROAD DESIGN STANDARDS**

**i. RIGHTS-OF-WAY AND EASEMENTS**

1. The minimum width of a right-of-way shall be fifty (50) feet. A greater width may be required for streets that have an average daily traffic in excess of two hundred (200) vehicles per day. The Planning Board or their consultant shall make this determination.
2. Easements across lots shall be provided where necessary for utilities, access and drainage. Such easements shall follow lot lines wherever possible. Easement widths shall be appropriate for their use.

**ii. DESIGN TRAFFIC VOLUME**

1. Roads shall be designed for specific traffic volumes by accepted current engineering practice.
2. The average daily traffic (ADT) projected for the whole subdivision shall be the basis for the design.
3. The estimated ADT shall be based on the Institute of Transportation Engineers (ITE) trip generation manual (latest edition) and will be no less than eight (8) vehicle trips per day per household (in residential areas) for the projected number of households in the design year.

**iii. ROAD DESIGN GUIDELINES**

1. Proposed streets shall be in harmony and conformance with existing and proposed streets as described in the town Master Plan or shown on an Official Map.
2. Street patterns shall give due consideration to contours and natural features.
3. Where required by the Board, provisions shall be made for the extension of the street pattern to abutting undeveloped property.

4. All roads, streets and drainage shall be designed by a Professional Engineer licensed in the state of New Hampshire, whose stamp shall appear on all design drawings for a project.
5. Refer to Table A.1 for road-design guidelines.

<b>Table A.1</b> Road Design Guidelines			
Criteria	Terrain Classification		
	Level	Rolling	Hilly
Design Speed (mph)	25	25	20
Minimum Sight Distance (ft.)	200	150	150
Maximum Grade	8%	8%	10%
Minimum Grade	1%	1%	1%
Minimum Curve Radius	200	200	150

6. Refer to the typical road-section Details #1A and #1B for road design criteria.

iv. **ROAD LAYOUT AND INTERSECTIONS**

1. The arrangement of roads in the subdivision shall provide for the continuation of existing principal roads.
2. Roads shall be laid out so as to intersect at a ninety (90) degree angle or as nearly as possible. No road intersection angle shall be less than seventy-five (75) degrees.
3. The centerlines of no more than two (2) streets shall intersect at any one point. At a minimum, one street shall be a "stop" condition, while the other shall be a through street.
4. Curve radii at street intersections of ninety (90) degrees shall be at least twenty-five (25) feet. Where the angle of the street intersection is less than ninety (90) degrees, a radius of at least thirty (30) feet shall be required.
5. The maximum grade shall not exceed two (2) percent within 100 feet from the edge of pavement of the existing street.
6. The minimum centerline offset from an adjacent intersection shall be 125 feet.

v. **PAVEMENT WIDTH**

1. Pavement widths shall be in accordance with Details #1A and #1B.

2. When curbing is required, such as at intersections or steeper grades, then the pavement width shall be increased by two (2) feet.

vi. **CURBING**

1. Use of curbing requires catch basins and culverts for drainage. Curbing is required on any road that exceeds eight (8) percent grade, or six (6) percent when the developed length exceeds 250 feet.
2. Granite curbing shall be used. If there are no sidewalks, sloped granite may be used in place of vertical.

vii. **SIDEWALKS**

1. Sidewalks may be installed to enhance pedestrian circulation and safety.
2. If sidewalks are proposed, they shall meet the following:
  - a. A minimum of five (5) feet wide
  - b. Constructed of bituminous asphalt or cast-in-place concrete.
  - c. Designed and constructed in accordance with the NHDOT standards.

viii. **DEAD-END STREETS**

1. Dead-end streets, designed to be so permanent, shall not serve more than 20 residential units, and have a maximum length of two thousand (2,000) feet.
2. All dead-end streets shall have a cul-de-sac or hammerhead turnaround providing adequate room for the movement of snowplows and fire equipment.
  - a. Variations in the typical cul-de-sacs and turnarounds may be allowed to accommodate differences in terrain. (See Detail #4A, 4B or 4C)
  - b. Minimum outer edge-of-pavement radius for a cul-de-sac shall be fifty (50) feet.
  - c. Minimum pavement width shall be thirty (30) feet.

ix. **OFF-STREET PARKING**

A minimum of two (2) off-street parking spaces shall be required for each residential unit.

x. **DRIVEWAYS** (See Detail #5)

1. Residential widths are ten (10) feet minimum and eighteen (18) feet maximum within the right-of-way.
2. Commercial widths are twenty (20) feet minimum and thirty-six (36) feet maximum.
3. Residential intersection entrance flare is fifteen (15) feet minimum radius.
4. Commercial intersection entrance flare is twenty-five (25) feet minimum radius.
5. Unpaved driveways, from a paved road, require a twenty (20) foot paved apron measured from the edge of pavement on the road.
6. Unpaved driveways, from an unpaved road, require a twenty (20) foot gravel apron measured from the edge of traveled way on the road. The gravel apron shall meet material specifications for subgrade construction.
7. No more than two (2) curb cuts for each residential lot.

xi. **TRAFFIC-CONTROL DEVICES AND SIGNING**

1. Traffic-control devices or signs shall be placed at locations where conflicting traffic movement will exist or where large traffic volume indicates necessity.
2. Generally, stop signs will be provided at intersections where the street of lesser traffic volume enters that of a higher traffic volume.
3. All signs and control devices shall conform to those standards set forth in the MUTCD.
4. Traffic sign location, type and size shall be shown on the drawings and approved by the Planning Board.

xii. **GUARDRAIL**

1. Steel or wood guardrail is required when a road fill exceeds ten (10) feet or in other areas as recommended by AASHTO.
2. Guardrails shall be designed in accordance with NHDOT specifications.

xiii. **UTILITIES**: All utility services shall be located underground and within 5-feet of the right-of-way line. All above ground transformer slabs shall be located at the right-of-way line adjacent to lot corners.

xiv. **DRAINAGE**

1. Adequate disposal of surface water shall be provided.
2. Drainage calculations must be submitted to the Planning Board for their approval.
3. The design storm shall be based on a twenty-five-year frequency.
4. For drainage areas less than five (5) acres the Rational Method shall be used to compute the peak rate of runoff.
5. For drainage areas larger than five (5) acres, the Natural Resources Conservation Service (formerly the Soil Conservation Service) TR-20 method shall be used to compute the peak rate of runoff.
6. Culverts shall be sized by generally accepted hydraulic design methods such as those developed by the Federal Highway Administration.
7. Culverts shall have a minimum diameter of fifteen inches.

xv. **EROSION & SEDIMENTATION CONTROL**

1. Erosion control shall be provided in roadside ditches and at drainage structure outlets.
2. Such erosion control shall be designed and constructed in accordance with the NHDES Greenbook.

xvi. **SCENIC ROAD CONSTRUCTION**

1. Practices shall conform to the Tamworth Scenic Road Regulations.
2. The following practices shall not be permitted without the knowledge and permission of the abutting property owner:
  - a. Stone walls shall not be pushed over and destroyed for the laying of culverts or for any other reason.
  - b. Debris and excavation material from ditches, culverts or roadways shall be trucked away - not piled along the roadside or onto stonewalls, or pushed onto the adjoining property owners' land.
  - c. Runoff from ditches and culverts shall not be directed onto private property.

**c. SUBMISSION REQUIREMENTS**

**i. ROAD DESIGN PLANS**

1. The applicant shall submit four (4) complete sets of road design plans to the Planning Board for approval.
2. The plans shall be submitted on sheets no larger than 24-inch by 36-inch and having a horizontal scale no smaller than 1 inch = 50 feet and a vertical scale no smaller than 1 inch = 10 feet.
3. The plan(s) submitted shall show the following:
  - a. Title block, including: the name of the subdivision, name of street, name of owner, date (day, month, year), revision history, scale, and name and stamp of a professional licensed engineer in the State of New Hampshire.
  - b. Right-of-way lines and bound location.
  - c. Slope and drainage easements.
  - d. All centerline data (tangent lengths and bearings, curve data and stationing).
  - e. Edges of pavement lines.
  - f. Appropriate cross-sections as requested by the Board.
  - g. Existing grade at each half station (on profile).
  - h. Proposed grade at each half station (on profile).
  - i. Length of vertical curves and data (on profile).
  - j. Sight distance on horizontal and vertical curves.
  - k. Design speed.
  - l. Type of terrain considered to control design (level, rolling or mountainous).
  - m. Average Daily Traffic (ADT) based on "ITE Trip Generation Manual, latest edition"
  - n. Drainage structure location and inverts, station, skew, length, slope and end treatment.
  - o. Temporary and permanent erosion-control best-management practices.
  - p. Benchmarks not more than five hundred (500) feet apart.
  - q. Utility details.

- r. Material specification or reference.

ii. **OTHER SUBMISSIONS**

1. In the case of a road, which is part of a Subdivision, Subdivision Approval will not be granted until a satisfactory Road design is approved.
2. A detailed engineer's estimate of construction cost.
3. A letter of certification that all road and utility materials meet the standards specified in these regulations.
4. A notarized letter fixing the legal responsibility for construction and maintenance of a private road.

iii. **SUBDIVISION AS-BUILT PLANS**

1. Before the final inspection and acceptance of a road or other improvements by the Town, the owner(s) shall prepare and submit as-built plan(s) to the Board.
2. As-built drawings shall be maintained on a weekly basis and may be inspected upon request of the Board.
3. These plans shall show as-built locations and elevations in a contrasting color (redline drawings acceptable) on a print of the original road design or final plat.
4. The as-built plans shall show the following information:
  - a. road centerline elevations.
  - b. drainage systems, including culverts, catch basins, drainage easements, swales and ditches; guard rail locations; sign locations; location of sewer and drain Y-branches, laterals and manholes; hydrants; valves; and curb shutoff valves.
  - c. Plans shall also show easements and dedicated roadways.

d. **ROAD CONSTRUCTION STANDARDS**

i. **CLEARING AND GRUBBING**

1. The entire right-of-way shall be cleared of all trees, stumps, brush, roots, boulders and like materials (this provision may be waived in rural settings).
2. In addition, all topsoil and unsuitable materials must be removed from the limits of the roadbed.
3. The roadbed shall extend one foot beyond the shoulder, ditches, or toe of fill slope.

ii. **SUBGRADE PREPARATION**

1. All loam and other unsuitable material shall be removed from the roadway and replaced with suitable fill material.
2. All boulders and ledge shall be removed to a uniform cross-sectional depth of not less than twelve (12) inches below the subgrade and replaced with sand or gravel.

iii. **SUBBASE MATERIAL**

1. In areas of extreme fill, or unsuitable material, or in the presence of water, the construction of a subbase will be required to bring the level of the street up to that which is needed to place base materials.
2. The subbase shall be brought to grade with common material which is suitable for road construction as approved by the town.
3. Testing of the materials shall be done at the applicant's expense.

iv. **MATERIAL**

1. Construction material shall meet the NHDOT specifications.
2. Special specifications for material which differ from the NHDOT standard will be stated explicitly in the initial submission of the design plans.
3. Approval of material must be made by the Board's designated consultant prior to its use in construction. A letter of certification shall be provided by the applicant(s) that all material meets specifications.
4. Actual delivery slips certifying conformance with NHDOT specifications will be required for paving material.

v. **COMPACTION**

1. Embankment fill shall be placed in layers the full width of the roadway, generally parallel to the finished grade.
2. General fill layers shall not exceed twelve (12) inches; crushed gravel base course shall not exceed six (6) inch layers.
3. Each layer shall be spread to a uniform thickness and compacted to ninety-five (95) percent of the maximum density.
4. The maximum density shall be specified in AASHTO T99 Standard Proctor Test.
5. In-place density will be determined by the AASHTO T191 Sand Cone Method or other approved methods.

6. If the required density cannot be achieved with the equipment at hand, the Contractor shall obtain whatever equipment is necessary to achieve the specified density.

vi. **DRAINAGE**

1. Surface water shall be disposed of by means of culverts of sufficient capacity at water courses, as determined by standard hydraulic design methods and by construction of a longitudinal storm drainage system to relieve water in ditch sections.
2. Construction shall be in accordance with NHDOT Sections 603 and 604.

vii. **EROSION CONTROL**

1. Erosion shall be controlled by placing mulch or matting on all surfaces disturbed by the roadway construction and on all other surfaces where there is danger of eroding material being carried to the roadway area or a watercourse.
2. Erosion control shall be provided in roadside ditches and at drainage structure outlets. Such erosion control shall be sod, small stones or large cobbles, as the design dictates. Paved gutters or outlets will not be allowed.

viii. **CONSTRUCTION OBSERVATION AND INSPECTION**

1. The Town and their consultant shall at all times have access to the site for the purpose of performing inspections.
2. The cost of inspection and testing shall be paid by the applicant(s).
3. The applicant shall notify the Planning Board or the Town's consultant at least two (2) business days prior to the required inspections.
4. Upon notification, a Town representative or the Town's consultant shall perform the following inspections within 48 hours.
  - a. Prior to the start of construction, a pre-construction meeting shall be held prior to the start of the work to review procedures, identify responsibilities and discuss town requirements.
  - b. **Site clearing** – roadway is cleared and grubbed down to native soil, free of loam or other unsuitable material prior to placement of any fill.
  - c. **Drainage** – installation of pipe, culverts, structures, etc.

- d. **Subbase gravel** – installation and compaction of subbase gravel course.
  - e. **Crushed gravel** – installation and compaction of crushed gravel course.
  - f. **Pavement** – applicant must notify the town of date(s) which pavement will be installed. The town must give approval prior to the placement of pavement. The Town must inspect the installation of all pavement courses.
  - g. **Utilities** – installation of conduits, cables, pipes, and warning tape for electric, water, sewerage, etc.
  - h. **Final inspection** – after submission of as-built drawings and prior to the release of the surety of work, the town shall conduct a final inspection. All items from the town’s punch list shall be addressed prior to acceptance of work.
5. If at any time during construction the Board feels that it is necessary to have a more extensive inspection or engineering than they are capable of providing, the cost of this inspection shall be paid by the Town and reimbursed in full by the owner(s).
6. Failure to notify the Town or its consultant of said inspection shall give the Town the right to reject the work and require reconstruction.

ix. **SURETY OF WORK**

- 1. Proper surety in the form of cash or surety bonds must be submitted to the Town to insure the completion of work.
- 2. No work shall start on the property until proper surety is in place or has been waived by the Board.
- 3. The surety amount shall be one hundred and fifteen (115) percent of the current estimated cost.
- 4. A unit cost estimate shall be submitted for approval prior to the surety being accepted.
- 5. The estimate shall include the costs of inspection and testing.
- 6. Surety may be drawn down no more often than monthly.
- 7. In no case shall the surety be drawn below ten (10) percent until the completed road has successfully stood for one year.

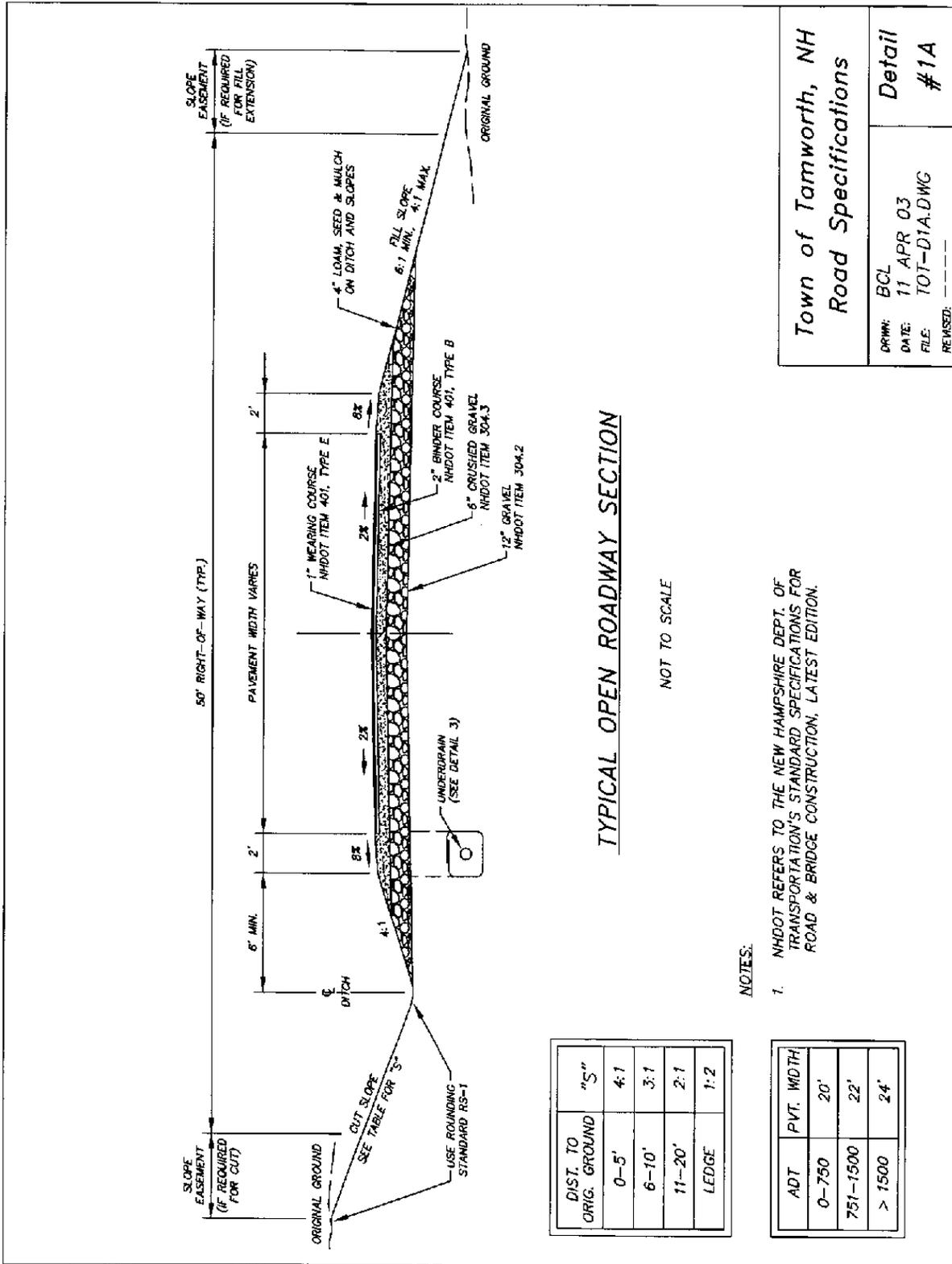
x. **ROAD ACCEPTANCE**

1. No street will be recommended for acceptance by the Town until such time as all improvements have been constructed as shown on the final plat, in accordance with the requirements of these regulations and subject to any conditions established by the Board at the time of final plat approval.
2. In addition, the following conditions shall be met prior to the Board recommending a street for acceptance:
  - a. At least sixty (60) percent of all buildings on lots fronting on the road shall be fully constructed and ready for occupancy.
  - b. The valuation along said street shall be a minimum of \$500,000 or 60% of the lots have been developed.
  - c. Street construction shall have been complete for a minimum of eighteen months.
  - d. The standards of these regulations shall have been met.
  - e. At least one thousand feet (1,000) of street shall be proposed for acceptance, except when the proposal is for a generally straight extension of an existing town street.
  - f. A fee-simple deed shall be submitted to the Town, with its metes and bounds description, prepared by a New Hampshire licensed surveyor. Accompanying the deed shall be a certification by the applicant's surveyor that the right-of-way bounds have been set at the locations shown on the street design plan.
  - g. No road will be recommended for acceptance unless it is accessible via a town or state roadway.

When there are no records indicating that the Town witnessed the road construction (i.e., inspection reports, sieve analyses, compaction tests), road corings to investigate subgrade shall be performed and paid for by the applicant. Testing will not be done between November 1 and May 1. The following testing shall be performed: pavement and aggregate thickness testing at 200-foot spacing; aggregate base density and percent compaction at 200-foot spacing; aggregate base and subgrade sieve analysis at 400-foot spacing; and aggregate base proctor tests at 800-foot spacing (composite from corings).

3. None of the approval of a subdivision application, completion of all required improvements, or recommendation of the Planning Board for Town acceptance of a road create any legal obligation on the part of the Town (town meeting or Select Board) to accept any road as a Class V or VI public road. Such acceptance shall be at the sole discretion of the board or body making that decision, and neither the Applicant nor any owner, successor, or

assign of the property subdivided shall have any cause of action against the Town if such road is not accepted.



**TYPICAL OPEN ROADWAY SECTION**

NOT TO SCALE

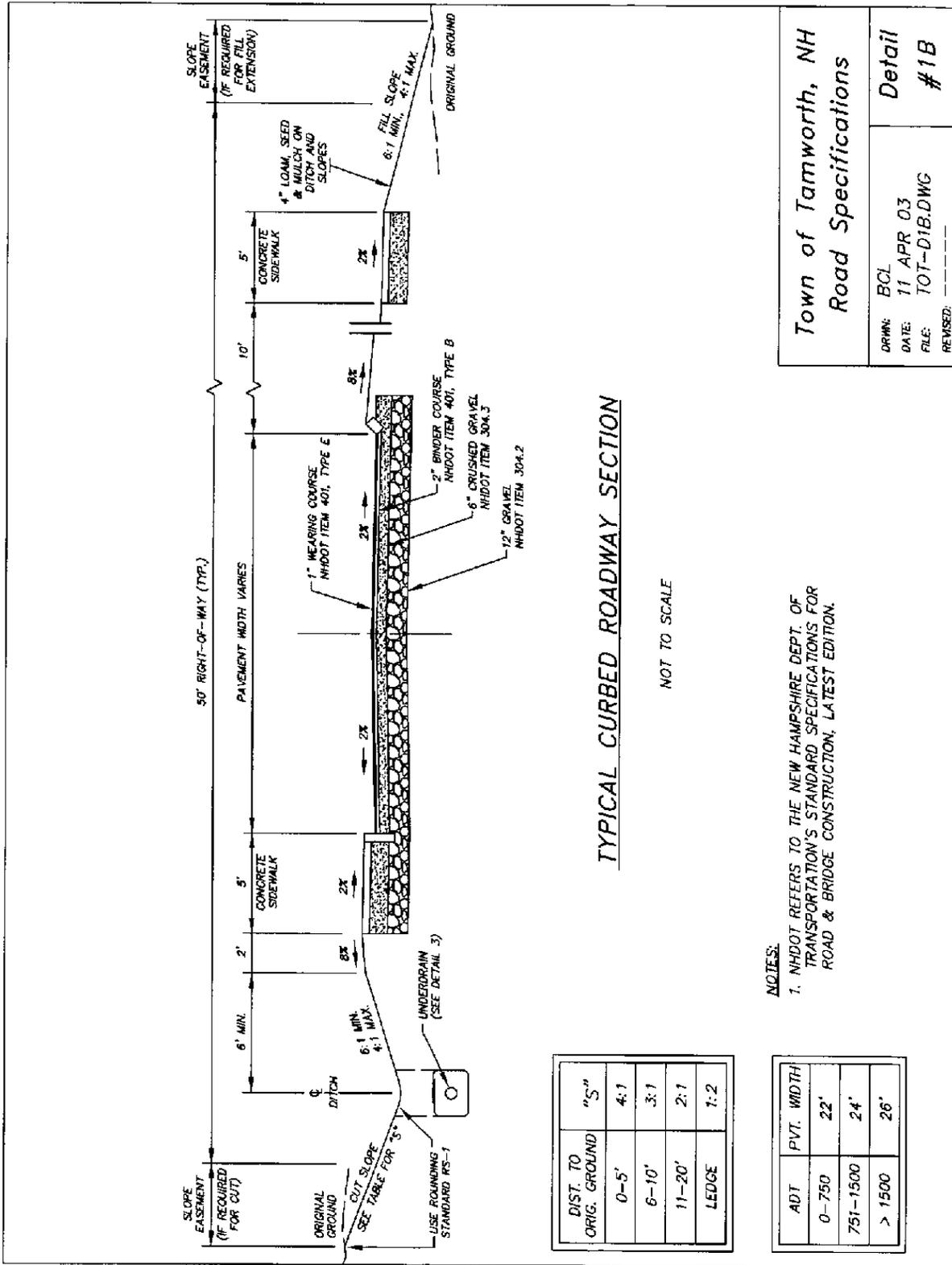
NOTES:

- NHDOT REFERS TO THE NEW HAMPSHIRE DEPT. OF TRANSPORTATION'S STANDARD SPECIFICATIONS FOR ROAD & BRIDGE CONSTRUCTION, LATEST EDITION.

DIST. TO ORIG. GROUND	"S"
0-5'	4:1
6-10'	3:1
11-20'	2:1
LEDGE	1:2

ADT	PVT. WIDTH
0-750	20'
751-1500	22'
> 1500	24'

Town of Tamworth, NH Road Specifications	
DRWN: BCL	Detail #1A
DATE: 11 APR 03	
FILE: TOT-D1A.DWG	
REVISION: ---	



**TYPICAL CURBED ROADWAY SECTION**

NOT TO SCALE

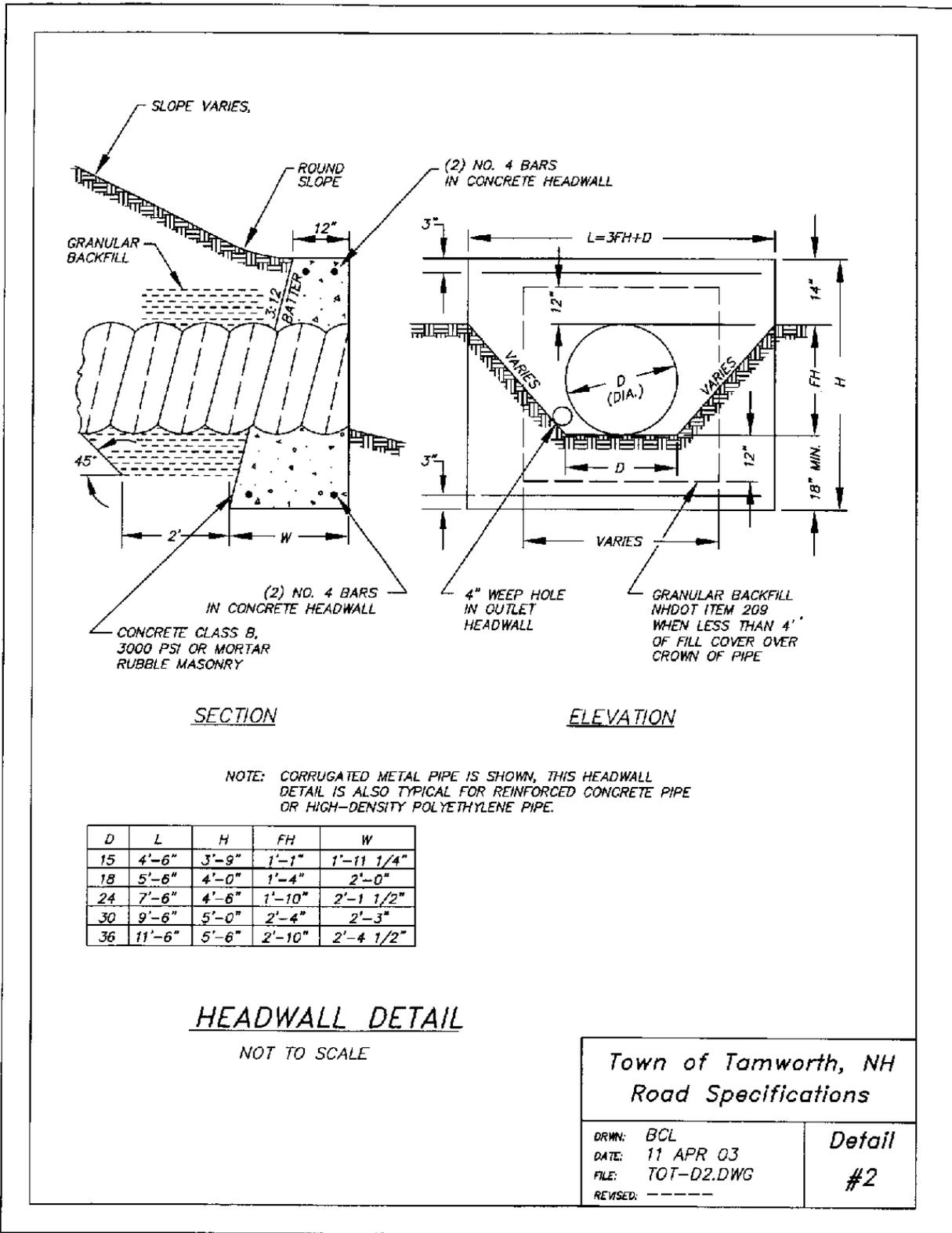
DIST. TO ORIG. GROUND	"S"
0-5'	4:1
6-10'	3:1
11-20'	2:1
LEDGE	1:2

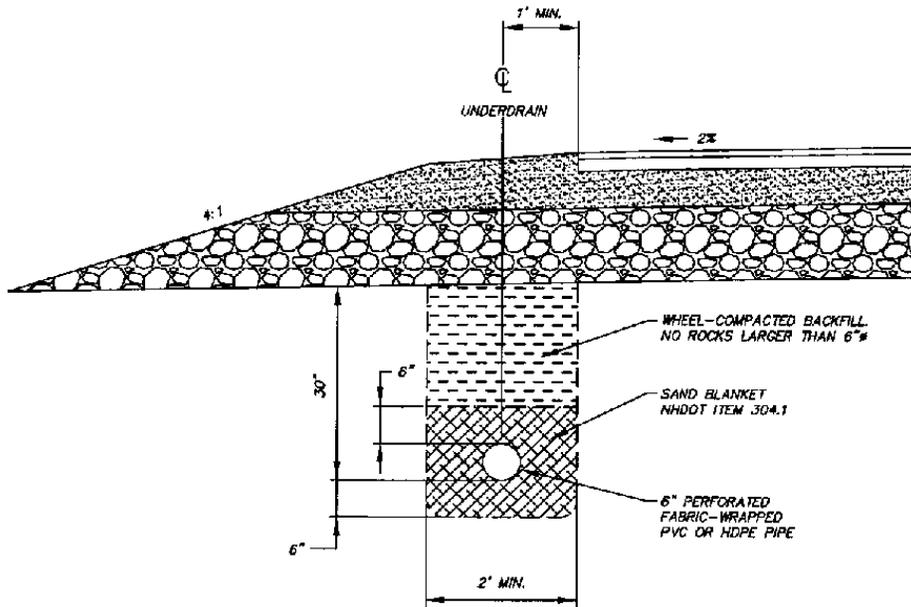
ADT	PVT. WIDTH
0-750	22'
751-1500	24'
> 1500	26'

**NOTES:**

1. NHDOT REFERS TO THE NEW HAMPSHIRE DEPT. OF TRANSPORTATION'S STANDARD SPECIFICATIONS FOR ROAD & BRIDGE CONSTRUCTION, LATEST EDITION.

<b>Town of Tamworth, NH Road Specifications</b>	
DRWN: BCL	Detail
DATE: 11 APR 03	#1B
FILE: TOT-DIB.DWG	
REVISED: ---	





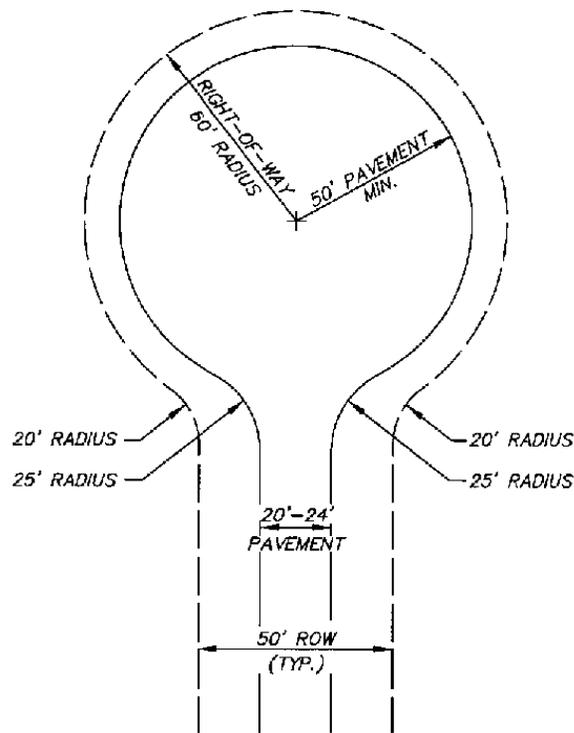
UNDERDRAIN DETAIL

NOT TO SCALE

NOTES:

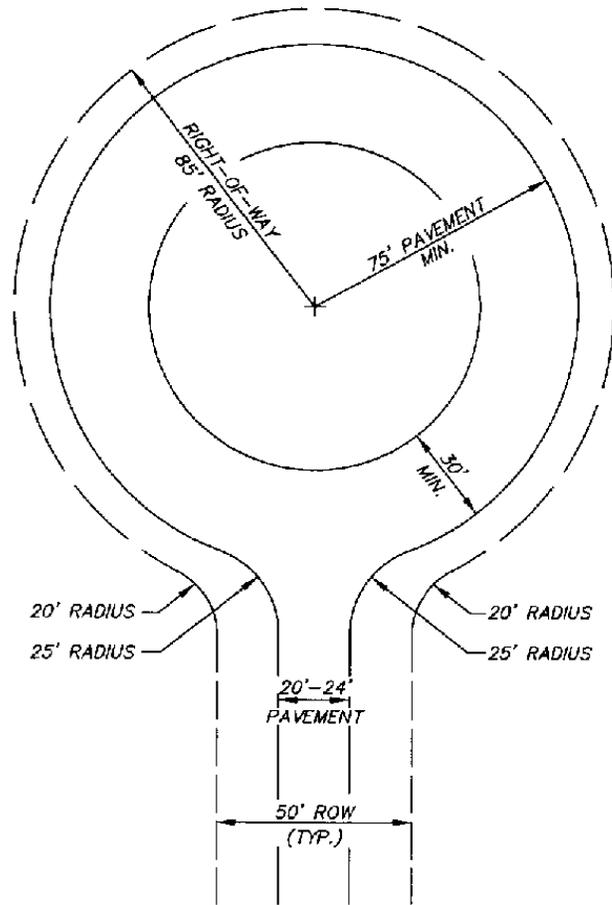
1. UNDERDRAIN SHALL BE PROVIDED IN ALL CUT SECTIONS.
2. NHDOT REFERS TO THE NEW HAMPSHIRE DEPT. OF TRANSPORTATION'S STANDARD SPECIFICATIONS FOR ROAD & BRIDGE CONSTRUCTION, LATEST EDITION.

<p>Town of Tamworth, NH Road Specifications</p>	
<p>DRWN: BCL DATE: 11 APR 03 FILE: TOT-D3.DWG REVISED: -----</p>	<p>Detail #3</p>



CUL-DE-SAC DETAIL  
NOT TO SCALE

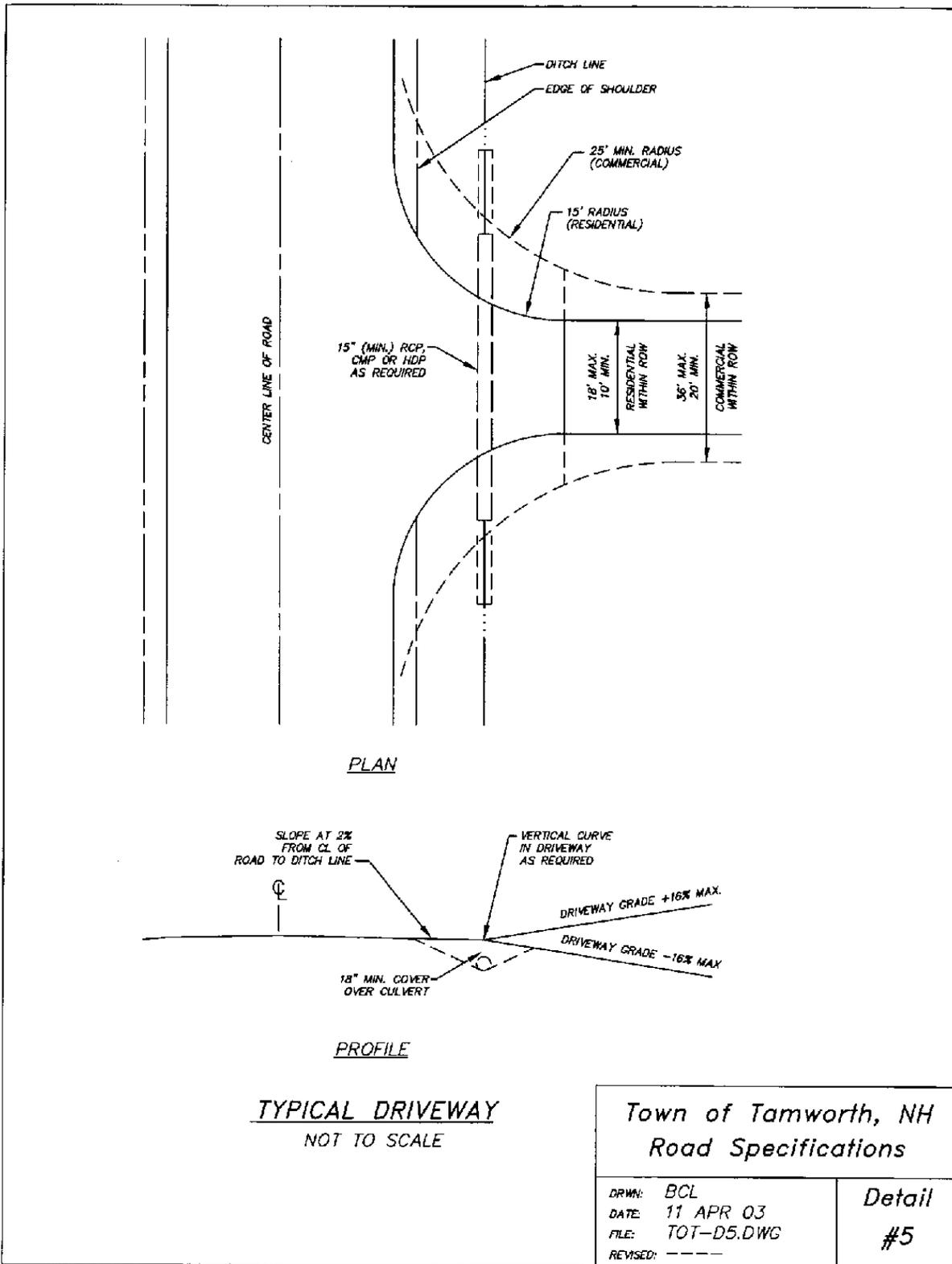
<i>Town of Tamworth, NH Road Specifications</i>	
DRWN: BCL	<i>Detail #4A</i>
DATE: 11 APR 03	
FILE: TOT-D4A.DWG	
REVISED: -----	

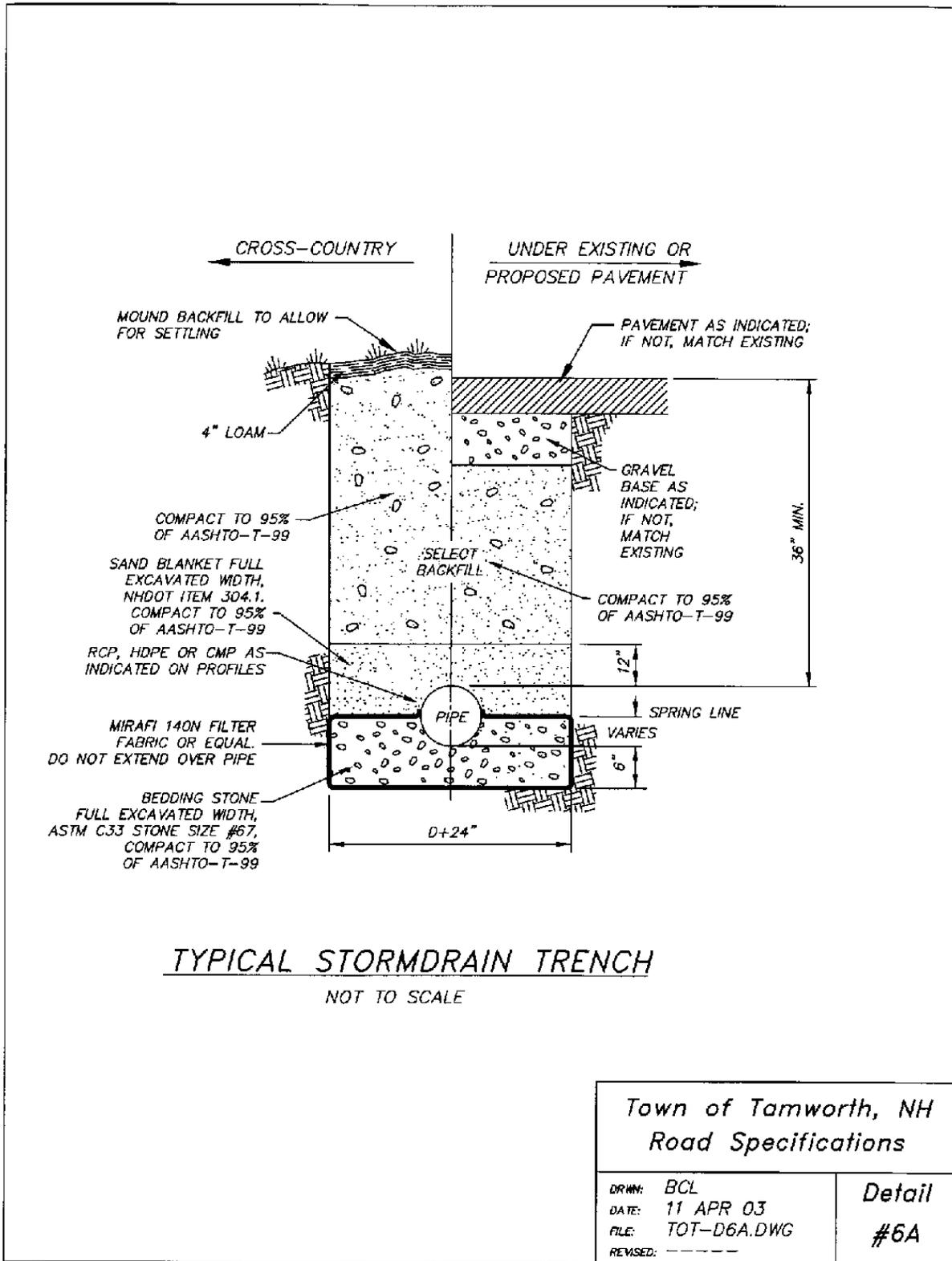


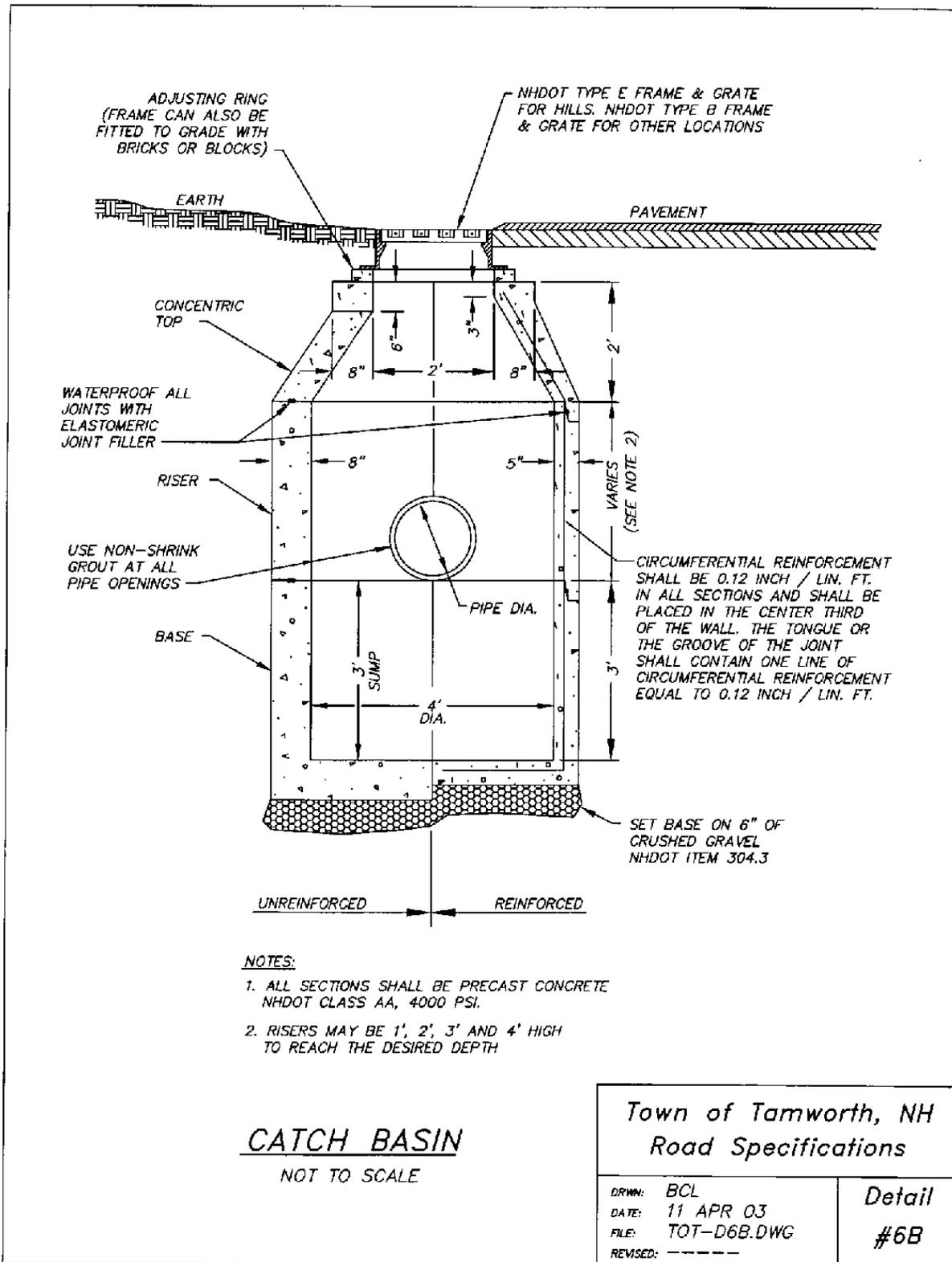
CUL-DE-SAC DETAIL  
NOT TO SCALE

<i>Town of Tamworth, NH Road Specifications</i>	
DRWN: BCL DATE: 11 APR 03 FILE: TOT-D4B.DWG REVISED: -----	<i>Detail #4B</i>



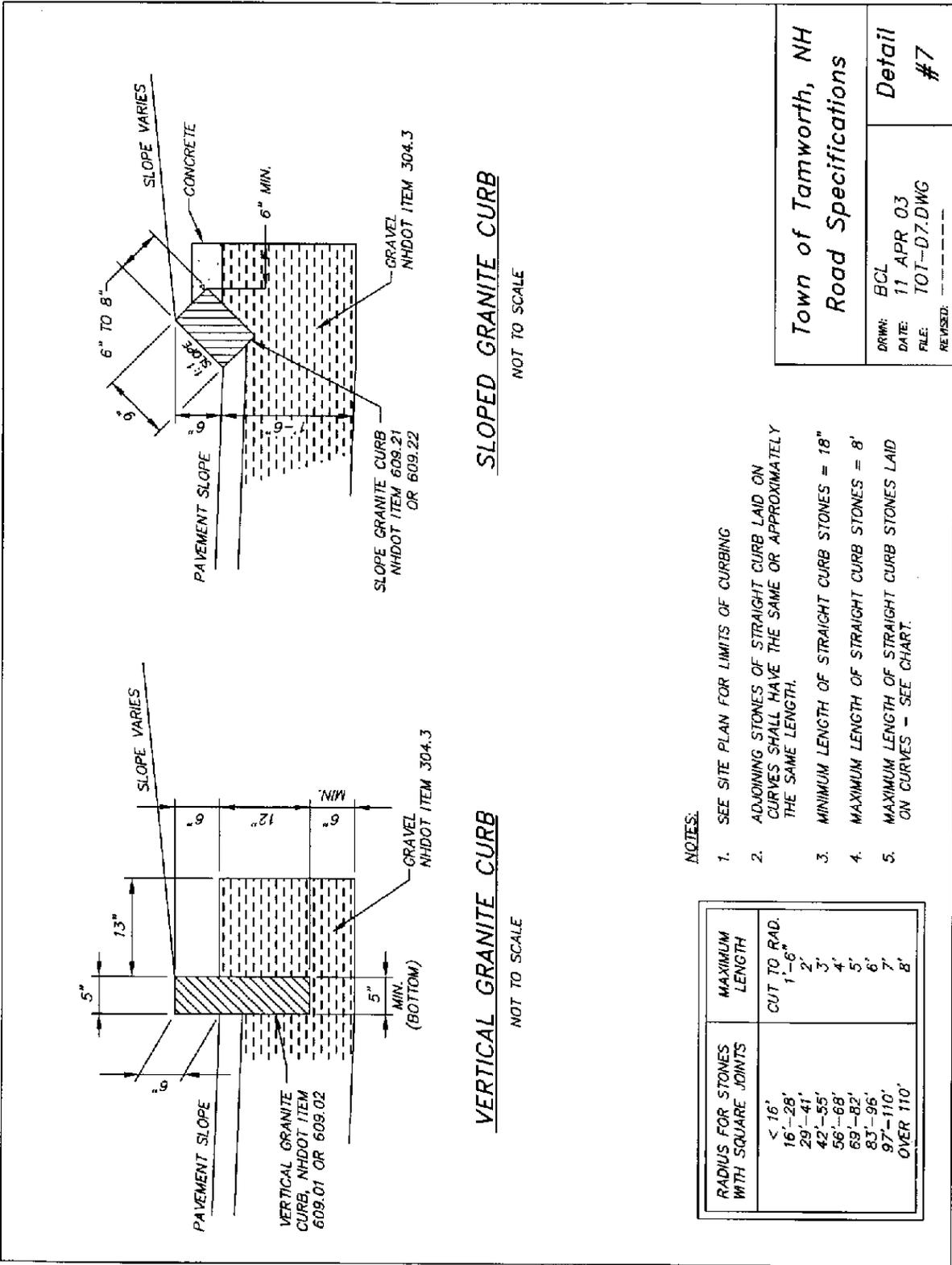






**CATCH BASIN**  
NOT TO SCALE

<p>Town of Tamworth, NH Road Specifications</p>	
<p>DRWN: BCL DATE: 11 APR 03 FILE: TOT-D6B.DWG REVISED: -----</p>	<p>Detail #6B</p>



**SLOPED GRANITE CURB**

NOT TO SCALE

**VERTICAL GRANITE CURB**

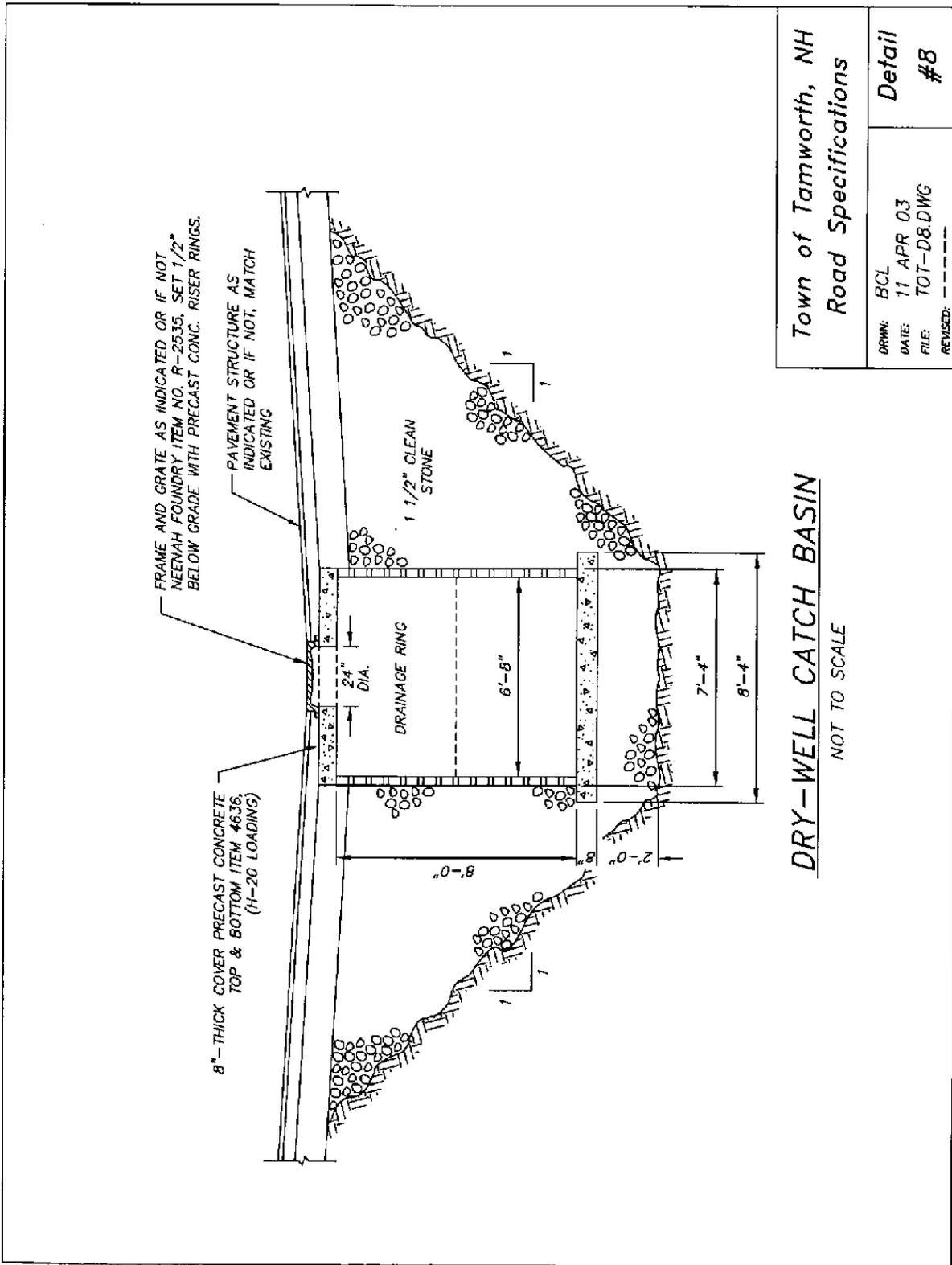
NOT TO SCALE

**NOTES:**

1. SEE SITE PLAN FOR LIMITS OF CURBING
2. ADJOINING STONES OF STRAIGHT CURB LAID ON CURVES SHALL HAVE THE SAME OR APPROXIMATELY THE SAME LENGTH.
3. MINIMUM LENGTH OF STRAIGHT CURB STONES = 18"
4. MAXIMUM LENGTH OF STRAIGHT CURB STONES = 8'
5. MAXIMUM LENGTH OF STRAIGHT CURB STONES LAID ON CURVES - SEE CHART.

RADIUS FOR STONES WITH SQUARE JOINTS	MAXIMUM LENGTH
< 16'	CUT TO RAD.
16'-28'	1'-6"
29'-41'	2'
42'-55'	3'
56'-68'	4'
69'-82'	5'
83'-96'	6'
97'-110'	7'
OVER 110'	8'

<b>Town of Tamworth, NH</b> <b>Road Specifications</b>	
DRWN: BCL DATE: 11 APR 03 FILE: TOT-D7.DWG REVISED: -----	<b>Detail</b> <b>#7</b>



Town of Tamworth, NH Road Specifications	
DRWN: BCL	DATE: 11 APR 03
FILE: TOT-D8.DWG	REVISED: - - - - -
Detail #8	

