

TOWN OF TAMWORTH, NEW HAMPSHIRE

PLANNING BOARD

84 MAIN STREET

TAMWORTH, NEW HAMPSHIRE 03886

WWW.TAMWORTHNH.ORG

Public Hearing- Summary of changes to the Regulations for the Subdivision of Land

- General comment regarding format:

Sections I through XIV were reformatted for clarity. For example, Section III DIFINITIONS: Items A, B, C became 3.1, 3.2, 3.3 etc.

The Table of Content reflects this change.

- Sections with no changes:

Section I AUTHORITY AND PURPOSE

Section II TITLE

Section VIII CUMULATIVE EFFECT OF PREVIOUS SUBDIVISIONS

Section IX SPECIAL FLOOD HAZARD AREAS

Section XII VALIDITY

Section XIV EFFECTIVE DATE

Appendix B ROAD DESIGN AND CONSTRUCTION

- Sections with changes:

Section III DEFINITIONS

- 3.6 Boundary Line Adjustment- Expanded the definition.
- 3.20 Road- Added definition.
- 3.25 Unit- Added definition.
- 3.27 Wetlands- Clarified definition.

Section IV GENERAL REQUIREMENTS

- 4.4 Lots- Reconfigured:
 - Lot sizing was made in conformance with and have a minimum area as determined by the Soils and Slope Table (Table A).
 - Added Table A and existing information about Table A to this section.
 - Item 1 a. Clarified: 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.
 - Item 2 a. Clarified frontage on water bodies:

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.

- Item 2 b. Reduced street frontage of at least 200 feet to 150 feet.
- o J. Pedestrian Walks- omitted.

Section V TYPES OF APPLICATIONS

- o 5.1 Preliminary Conceptual Consultation
 - Item 5. Added: 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).
- o 5.2 Design Review:
 - Item 3: Added same language as the above.
- o 5.3 Subdivision
 - Item 3. Revision to language: Any resulting lot(s) must comply with Section IV of these Regulations.
 - Item 4. New Language: 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.
- o 5.4 Boundary Line Adjustment (Lot Line Adjustment)
 - Item 4: New Language: 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.
- o Item 3: F. Waiver Request: Omitted in this section but added and adjusted in 6.8 Waivers.

Section VI SUBMISSION REQUIREMENTS FOR COMPLETED APPLICATIONS

- o 6.3 Fees
 - Item 2. Add language after 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.

- 6.5 Signatures
 - Item 3. New language: 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
 - The information in this section remains unchanged with the following significant exception- The plat requirements have been divided into two different sets of requirements:
 - A more comprehensive version for the Planning Board's review to include the information enumerated in items 1 through 13.
 - A version meeting the essential Carroll County Registry of Deeds requirements for recording, upon Planning Board approval, for recording. These requirements are enumerated in items 1 through 14.
- 6.7 Other information
 - Item 6: Replace with language: If any one or more of the proposed lots are less than five acres in area, state subdivision approval number is required.

Section H. Boundary Line Adjustment in existing regulations is removed.

- 6.8 Waivers
 - Replaced this section with the following language:
The Planning Board may waive or modify such specific requirements of these Regulations as it deems appropriate according to Section VII (7.10).
 1. A Waiver Request Form shall be submitted for numbered paragraphs of these regulations (e.g., VI.F.1) 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 VII (7.10).

Section VII APPLICATION REVIEW PROCEDURES

- 7.2 Notification
 - Item 1: Replace: "and publication in a newspaper of general circulation within Carroll County." with "and on the Town Website (www.tamworthnh.org).
- 7.3 Developments Having Regional Impact RSA36:54-58

- Item 1: New language: 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.
- o 7.5 Accepting Application as Complete
 - Item 1: Replace with the following language: 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.
 - Item 2: Replace with the following language: Acceptance will be by affirmative vote of a majority of the Board members present, which shall be entered in the minutes of the meeting.
 - Item 3: Replace with the following language: 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.
- o 7.7 Site Inspections
 - Item 1: Add the following language: 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.
 - Item 3: Replace with the following language: 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.
- o 7.8 Public Hearing

Replace language: 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.

o 7.9 Board Action on Completed Application

- Item 2: Replace language with the following: 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.
- Item 3: Add language: 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.
- Existing item 5: Omitted. Replaced language: 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 X.

o 7:10 Waivers

This section has new language:

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.

- Item 4: New language: 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.
- o 7:12 Failure of the Planning Board to Act
 - Item 1: New Language: 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.
 - Item 2: New Language: 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 X Performance Guaranty

- o 10.4 Time Limit: new language: 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 XI Administration and Enforcement

- o 11. 2 Penalties and Fines: New Language: 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
- o 11.3 Revocation of Planning Board Approval
 - Added language after 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."
- o 11.4 Appeals: Added language after Town Flood Plain Ordinance: "or Tamworth Groundwater Protection Ordinance,"

Section XIII Amendments

- Existing Section B: Omitted

APPENDIX A: Became Table A and relocated to Section 4.4 Lots.

APPENDIX C FORMS, FEE SCHEDULES, RELATED INFORMATION: Omitted.