

Section 5 ADMINISTRATION AND ENFORCEMENT

5.01 Review by Other Town Officials: Before approval of the final plat is given, the applicant shall obtain for the Planning Board written statements that the proposed subdivision plat is satisfactory to Town Officials as follows:

a) The Board of Selectmen as to the relationship of the proposed water and drainage facilities to the water and drainage lines in existing public ways.

b) The Engineer as to the design of the street system, location of easements, and design of the water and drainage systems, including appurtenances.

c) The Chief of the Fire Department as to the location and spacing of hydrants, where they are provided.

d) The Chief of Police Department as to vehicular and pedestrian traffic safety and access for emergency vehicles.

5.02 Certification: The following listed certifications shall be affixed to the final plat plan together with the appropriate signatures and seals (where available) prior to the approval by the Planning Board.

a) It is hereby certified that the lands subdivided on this map are owned by title of record and that consent to the approval of said map is given.

_____ (date) _____ (Corporate or individual name)

b) I hereby certify that this map and survey has been made under my supervision. The date of the survey was _____.

_____ (date) _____ (Licensed land surveyor)

c) I certify that a bond has been given to the municipality guaranteeing the construction of all public facilities such as roads, drains, and monuments, and other appurtenances as shown on this map.

_____(date)_____ (Municipal Clerk)_____

d) I have carefully examined this map and find it conforms with the provision of municipal ordinances and state laws and requirements applicable thereto.

_____(date)_____ (Building Inspector)_____

e) This map is hereby approved by the Carroll Planning Board at an official meeting held' on _____ and shall be filed on or before _____ with the Coos County Register of Deeds.

_____(date)_____

_____(Chairman, Carroll Planning Board)_____

5.03 Performance and Inspection of Work:

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

b) The Engineer will be the Town's representative during the construction of required improvements. He shall at all times have access to the site when the work is in preparation and progress. He will make periodic visits to the site to familiarize himself generally with the progress and quality of the work and to determine in general if the work is proceeding in accordance with the requirements of these regulations. The subdivider shall provide the Engineer in advance with a schedule of work to be performed outside of the Engineer's normal office hours and give the Engineer timely notice of the completion of each major stage in the construction of any required improvements so that the Engineer may inspect the work so completed prior to the covering thereof, and the Engineer shall make all such inspections with reasonable promptness so as to cause no delay in the work. In particular, the subdivider shall, in the case of streets, give timely notice to the Engineer of the completion of subgrades, drainage base course, and base and final surfacing.

c) The subdivider shall give the Engineer notice when any required improvement is completed and ready for final inspection. The Engineer will promptly make such inspection and, when he finds that the particular improvement has been fully completed in accordance with the requirements of these regulations, he shall approve the same in writing. Such approval, in the case of a street, shall not constitute the legal acceptance of the street by the Town nor shall it modify in any way the requirements of law for the acceptance of streets by the Town.

d) The subdivider shall promptly remedy any defects in any required improvement due to faulty workmanship or materials which appear within a period of one year after approval of thereof by the Engineer.

e) Notwithstanding the on-site observations and inspections of the Engineer, any directions given by him, and any approvals of required improvements issued by him, the subdivider shall be and remain fully responsible for the performance of the construction work in accordance with the requirements of these regulations and the Engineer shall have no responsibility for the failure of the subdivider to carry out the work as required herein.

5.04 Date Listing: The following listed data shall be included on the final plat prior to approval by the Carroll Planning Board:

- a) Area to be subdivided _____ acres
- b) Number of building lots _____.
- c) Length of streets _____ feet.
- d) Area of open space/conservation strips _____ acres.
- e) List of abutters.

5.05 Interpretation: In the matters of interpretation of these regulations, the opinion of the Board shall prevail.

5.06 Acceptance of Streets and/or Utilities: Nothing herein is intended to modify the requirements of law with reference to the acceptance of streets and/or utilities by the Town. Nothing herein is intended to modify or control the construction, reconstruction, or extension of streets and/or utilities by the Town or State.

5.07 Other Regulations: Where these regulations are in conflict with other local ordinances, the more stringent shall apply.

5.08 Enforcement: These regulations shall be enforced by the Board or its duly authorized representatives.

5.09 Compliance with Regulations: Penalties: No subdivision of land shall be made, and no land in any subdivision shall be transferred, sold or offered for sale until a final plat, prepared in accordance with the requirements of these regulations, has been approved by the Planning Board. As provided in R.S.A. 36:27, any owner, or agent of the owner, of any land located within a subdivision, who transfers or sells any land before a plan of the said subdivision has been approved by the Planning Board and recorded or filed in the office of the Register of Deeds, shall forfeit and pay a penalty of five hundred dollars (\$500) for each lot or parcel so transferred or sold; and the description by metes and bounds in the instrument of transfer or other documents used in the process of selling' or transferring shall not exempt the transaction from such penalties. The Town of Carroll may enjoin such transfer or sale and may recover the said penalty by civil action. In any such action, the prevailing party may recover reasonable court costs and attorney's fees as the same may be ordered by the court.

5.10 Waivers:

a) General

Where the Planning Board finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations and/or o the purpose of these regulations may be served to a greater extent by an alternative proposal, it may approve waivers to these subdivision regulations so that substantial justice may be done and other public interest secured, provided that such a waiver shall not have the effect of nullifying the intent and purpose of these regulations; and further provided the Planning Board shall not approve waivers unless it shall make findings based upon evidence presented to it in each specific case that:

1. The granting of the waiver will not be detrimental to the public safety, health or welfare or injurious to other properties located nearby;

2. The conditions upon which the request for a waiver is based are unique to the property for which the waiver is sought and are not applicable generally to other property;

3. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations are carried out;

4. The waiver will not in any manner vary the provisions of the Zoning Ordinances, Master Plan, and/or Official Map.

b) Conditions - In approving waivers, the Planning Board may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements of these regulations.

5.11 Amendments: These regulations may be amended by the Planning Board only following public hearing on the proposed changes. The Chairman or Secretary of the Planning Board shall transmit a record of any changes so authorized to the Register of Deeds of Coos County.

5.12 Appeals: Any person aggrieved by any decision of the Planning Board concerning a plat or subdivision or building permit may present to the Superior Court a petition, duly verified, setting forth that such decision is illegal in whole or part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision in the office of the Planning Board.

ADOPTION

We, the undersigned members of the Town of Carroll Planning Board, have amended these Subdivision Regulations in accordance with RSA 675:6 on December 7, 1995.

Richard Adams
Richard Adams, Chairman

Paul Cormier
Paul Cormier

Charles Ricardi
Charles Ricardi

Herbert McGee
Herbert McGee

William Harris
William Harris

I certify that the Subdivision Regulations Amendments have been adopted under RSA 675:6 in the Town of Carroll.

Louise M. Staples
Louise M. Staples, Town Clerk