

TOWN OF CARROLL

SUBDIVISION REGULATIONS

Revised 12/95

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CARROLL PLANNING BOARD
Subdivision Regulations

Section 1 AUTHORITY

Pursuant to the authority vested in the Carroll Planning Board by the voters of the Town of Carroll and in accordance with the provisions of Chapter 36 Section 12-29 and 34, NH Revised Statutes Annotated, 1955, the Carroll Planning Board adopts the following regulations governing the subdivision of land in the Town of Carroll, New Hampshire. For the purpose of protecting the health, safety, convenience, prosperity and welfare of our inhabitants; for the purpose of protecting the economic investments of homeowner residents of subdivisions; for the protection of our Town's scenic beauty, the following land subdivision regulations are hereby enacted.

Section 2 DEFINITIONS

2.01 Abutter: Shall mean the owner of record of a parcel of land which is contiguous at any point to the parcel being subdivided, or which lies directly across a public right-of-way from the parcel being subdivided.

2.02 Approval: Shall mean recognition by the Planning Board, certified by written endorsement on the plat, that the final plat submission meets the requirements of these regulations and all other applicable ordinances and regulations.

2.03 Approval, Conditional: Shall mean the expression by the Planning Board that the preliminary layout appears to satisfy all requirements established herein for the preliminary layout submission phase. Conditional Approval does not constitute, nor should it be construed as, approval, either implied or granted, of the final plat, nor does it bind the Planning Board to approval of the final plat, nor does it allow for the issuance of any municipal building permit, nor does it allow for any commencement of construction or development.

2.04 Board: Shall mean the Planning Board of the Town of Carroll, New Hampshire.

2.05 Boundary Line Adjustment: Shall mean those proposals which involve lot line adjustments, generally transferring one acre of land or less, which do not create buildable lots and which require no new road, utilities or other municipal improvements.

- 2.06 Building: Shall mean any combination of any materials, whether portable, moveable or fixed, having a roof and enclosed within exterior walls, built to form a structure for the shelter of persons.
- 2.07 Driveway: Shall mean an area located on a lot, tract or parcel of land, and built for access to a garage or off-street parking space, serving not more than two (20) lots or sites.
- 2.08 Dwelling: Shall mean a privately or publicly owned building containing a dwelling unit or dwelling units.
- 2.09 Dwelling Unit: Shall mean one or more rooms arranged for the use of one or more individuals living as a single housekeeping unit, with cooking, living, sanitary and sleeping facilities.
- 2.10 Easement: The land area created through authorization by a property owner for the use by another and for a specified purpose of any designated portion of his property.
- 2.11 Engineer: Shall mean the Town Engineer duly designate don behalf of the Town of Carroll, New Hampshire, or the Board of Selectmen of the Town of Carroll, New Hampshire or their appointed agent.
- 2.12 Final Plat: Shall mean the final drawing or drawings on which the subdivider's plan of subdivision is indicated, prepared as required under the provisions of Section 4.12 hereof.
- 2.13 Flood: Shall mean a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of streams or rivers, or abnormally rising lake waters resulting from severe storms.
- 2.14 Flood Plain; 100 Year: Shall mean "a land area adjoining a river, stream, watercourse, bay or lake, which is likely to be flooded once every hundred years or has a one percent chance of occurring each year.
- 2.15 Health Officer: Shall mean the Health Officer of the Town of Carroll, New Hampshire.
- 2.16 Lot: Shall mean a parcel of land or any part thereof designated on a plat to be filed with the Register of Deeds by its owner or owners as a separate lot. For purposes of these regulations, a lot shall have boundaries identical with those recorded with the Register of Deeds.
- 2.17 Lot Lines: Shall mean the property line dividing a lot form a street right-of-way, a body of water or adjacent property.

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

2.19 Master Plan: Shall mean the comprehensive plan or plan of development for the municipality as defined in RSA 36:13-15.

2.20 Manufactured Home Park: Any tract of land on which two or more manufactured homes are parked and occupied for living purposes.

2.21 Official Map: Shall mean the adopted street or base map of the municipality as defined in RSA 36:16-18.

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

2.23 Plat: Shall mean final plat and corresponds with the term "plat" as it appears in RSA 36:23.

2.24 Preliminary Layout: Shall mean a plan prepared as required in Section 4.10 and submitted to the Board prior to preparing the final plat.

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

2.26 Site: Shall mean that portion of a lot, tract, or parcel of land upon which a structure is placed.

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

2.28 Street, Local: A street used primarily to give access to abutting properties.

2.29 Street, Collector: A street which serves primarily to carry traffic from local streets to arterial streets and to public and other centers of traffic concentration. A collector street may be further classified as major or minor, depending on average daily traffic count.

2.30 Street, Arterial: Shall mean a street or highway used primarily for heavy and/or through traffic.

2.31 Subdivider: The owner of record of the land to be subdivided, including and subsequent owner of record making any

subdivision of such land or any part thereof, or the agent of any such owner.

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

2.33 Subdivision; Minor: Any subdivision containing not more than three (30) lots fronting on an existing street, not involving any new street or road or the extension of municipal facilities and not adversely affecting the development of the remainder of the parcel or adjoining property and not in conflict with any provision of these regulations or any other duly accepted existing or future regulations or any other duly accepted existing or future plan, map or ordinance. This shall include a subdivision for the purposes of annexation in which there is merely a sale, rent, lease, condominium conveyance or exchange of adjacent land among two or more owners and which does not increase the number or parcels of land.

Section 3 APPLICATION PROCEDURE

3.01 General: Anyone wishing to: a) divide his property into two or more lots; or b) alter or add to an existing structure or to construct an additional structure for rent, condominium conveyance or other business use (other than for "cottage industry"); or c) to make a lot line adjustment resulting in one or more lots; or d) otherwise to carry out a subdivision (see Section 2.30) shall request the Board for a non-binding Consultation Review (see Section 3.02) or apply to the Board in writing for a Preliminary or Final Subdivision Review (see Section 3.03, 3.04). Only the latter is obligatory.

3.02 Non-binding Consultation and Review: In order to save expense and unnecessary changes later on, a person may appear at any formal meeting of the Board for a discussion of his proposed concept in general terms and for a review of applicable subdivision regulations, application forms, necessary supporting maps, and documents. There is no application fee or time limit for this nor is this consultation and review binding in any way on either the applicant or the Board.

3.03 Subdivision Review and Hearing:

(a) General: There are two types of formal subdivision reviews and hearings, preliminary and final. Only the latter is obligatory. Each requires the prospective subdivider to apply to the Board in writing on the appropriate application (see Sections 3.04 and 3.05) and to pay the necessary costs (see Section 3.06). Each requires the Board to notify and hold at least one public hearing (see Section 3.09).

(b) Preliminary: If a person wishes a review of his project which goes beyond discussion of the proposed subdivision in conceptual form, he shall apply to the Board in writing on the appropriate Application Form (see Appendix A), and pay the required fees (Section 3.06). The Board shall then give formal public notice of the Preliminary Subdivision Review in accordance with Section 3.06 of these regulations. The Preliminary Review shall be conducted only at formal meetings of the Board. The Board may review the proposal in detail and receive testimony in person or in writing from any applicant, any abutter or any other person as permitted by the Board. ~~The Board may, but is not required to,~~ give a formal response to the applicant with respect to the proposal as a whole or any portion of the proposal. Such Preliminary Review shall bind neither the applicant nor the Board. A formal meeting on a particular Preliminary Review may be adjourned to continue on a specific date with no further notice of the reconvened meeting required. There is no time limit on Preliminary Subdivision Review.

(c) Final: Any person desiring approval for subdivision of land or for building development, as defined in these regulations, must apply to the Board in writing on the designated Application Form (Appendix B or C) and pay the required fees (Section 3.06).

The Board shall (1) give public notice and notify the abutters and the applicant of the formal meeting (hearing) at which the application will be considered for acceptance; (2) give the applicant receipt certifying acceptance of the application BUT ONLY IF the application is complete and all costs of the application have been paid. Only after such acceptance will the legal time limits be in effect (Section 3.08); (3) give a formal response to the applicant with respect to the decision of the Board on the proposal. A formal hearing on the particular Final Review may be adjourned to continue on a specific date with no further notice of the reconvened meeting required.

3.04 Application for Subdivision Approval: The completed application shall (1) be in the form attached to these regulations as Appendix B for Minor subdivisions or Appendix C for all other subdivisions; (2) conform to the requirements and specifications outlined in these Regulations; and (3) specify the regularly scheduled meeting of the Board at which the application will be formally submitted to the Board.

3.05 Filing of Application: The applicant shall file the application by delivering the application to the designated agent of the Board at least fifteen (15) days prior to the regularly scheduled public meeting of the Board at which the applicant will formally submit the application to the Board. The application shall include the names and addresses of the applicant and each abutter as shown in the Town records not more than five (5) days before the filing date.

3.06 Notice of Application; Costs: The Board shall notify the abutters and the applicant by certified mail, of the date upon which the completed application will be formally submitted to the Board. Such notice shall be mailed at least ten (10) days prior to such formal submission. Such notice shall also be given to the general public by posting a copy of the notice in two public places in the Town at the same time that notice is mailed to the applicant and the abutters. The notice shall contain a general description of the proposal which is the subject of the application and shall identify the applicant and the location of the property which is the subject of the application. The Board may also give notice by regular mail to other landowners in the vicinity of the subdivision. The Board will also give notice to the general public by publication in a newspaper of general circulation in the Town with notice to be in such form and published as often as the Board shall determine. All costs of such notices, including Planning Board Fees and disbursements, shall be paid in advance by the applicant. Failure to pay such costs shall constitute valid grounds for the Board to terminate further consideration and to disapprove the plat without a public hearing. The Planning Board Fees will be determined as follows:

Major Subdivision \$50 base fee plus \$10 per lot

Minor Subdivision and Lot Line Adjustments: \$25 base fee plus \$10 per lot in minor subdivision

Manufactured Home Parks: \$50 base fee plus \$10 per lot.

Subdivisions within a Concept Plan: \$50 base fee plus \$10 per unit.

3.07 Submission of Completed Application: The completed application shall be submitted to an accepted for review by the Board at the public meeting of the Board specified in the notice provided for in Section 3.06. The Board shall give the applicant a receipt certifying acceptance of the application buy only if the application is complete and all costs of notice of the application have been paid.

3.08 Formal Consideration; Time Limits: The Board shall begin ~~formal consideration of the final application within thirty (30)~~ days after the date of the regular public meeting at which the

completed application is submitted to and accepted by the Board pursuant to Section 3.07. The Board shall act to approve or disapprove the application within ninety (90) days after submission, provided, however, that the Board may apply to the Selectmen of the Town for an extension not to exceed an additional ninety (90) days before acting to approve or disapprove the application and, provided further, that the applicant may waive the requirement for Planning Board action within the foregoing time periods and consent to such extension as may be mutually agreeable. Upon failure of the Board to approve or disapprove the application within the foregoing time periods, the applicant may obtain from the Selectmen and order directing the Board to act within fifteen (15) days. Failure of the Board to act upon such order of the Selectmen shall constitute grounds for the Superior Court, upon petition of the applicant, to issue an order approving the application, if the Court determines that the proposal complies with existing subdivision regulations and zoning and other ordinances. If the Court determines that the failure to act within the time specified was the fault of the Board and was not justified, the Court may order the Board to pay the applicant's reasonable costs, including attorney's fees, incurred in securing such order.

3.09 Public Hearings; Notice of Public Hearings: Except as provided in this Section, no application may be denied or approved without a public hearing on the application. Notice of the hearing shall be given in the same way and with the same time limits as notice of submission of the application under Section 3.05 of these Regulations. The Board may give notice of submission and notice of the public hearing in the same notice. Additional notice of an adjourned session of a public hearing is not required if the date, time and place of the adjourned session is made known at the prior hearing. At the hearing, the applicant, any abutter or any person with a demonstrable interest in the matter may testify in person or in writing. Other persons may testify as permitted by the Board at each hearing. Public hearings shall not be required when the Board is considering or acting upon (1) minor lot line adjustments or boundary agreements which do not create buildable lots, except that the notice to abutters shall be given prior to approval of the application in accordance with Section 3.06 and any abutters may be heard on the application upon request to the Board; or (2) disapproval of applications based upon; failure of the applicant to supply information required by the Regulations, or failure to meet reasonable deadlines established by the Board; or failure to pay cost of notice or other fees required by the Board.

3.10 Disapproval: In case of disapproval of any application, the grounds for such disapproval shall be adequately stated upon the records of the Board and a copy thereof shall be mailed to the applicant within seventy-two (72) hours after the decision is made.

3.11 Review Fees: In addition to the fees for notice of submission of a subdivision application and the public hearing on such application as provided for in Section 3.06, the Board may impose reasonable fees to cover its administrative expenses and costs of special investigative studies, review of documents and other matters which may be required by particular applications. Such fees may be imposed by the Board to cover fees and disbursements of consultants to the Board, including, but not limited to, engineers, surveyors, lawyers, and community planners. Such fees shall be paid or provided for in advance to the satisfaction of the Board.

3.12 Recording of Final Plat: No sale or transfer of land within a subdivision may be entered into until an approved subdivision Final Plat has been recorded with the Register of Deeds of Coos County by the Clerk of the Board. The subdivider shall submit to the Board a mylar copy of the approved Final Plat and the Board will record the Plat at the expense of the subdivider with the Register of Deeds of Coos County. The act of recording an approved subdivision Plat shall not in itself constitute acceptance by the Town of any street or easement shown thereon. It shall be the responsibility of the Board to notify the subdivider of the book, page and date of recording. Failure to submit the mylar within sixty (60) days after the Board's approval shall void the approval and no subdivision may be carried out. There is no time requirement concerning the sale of the subdivided land.

3.13 Official Map: If there exists an Official Map of the Town, the recordation of plats which have been approved as provided herein shall without further action modify the Official Map in accordance therewith. Recordation of an approved subdivision plat shall not constitute acceptance by the Town of any street, easement or open space shown thereon.

3.14 Acceptance of Streets and Open Space: No street or open space shall be submitted to the Town until such time as all improvements have been carried out as shown on the Final Plat, in accordance with the requirements of these regulations, subject to any conditions established by the Board at the time of Final Plat approval and until the street has been completed and in use for at least one year. Acceptance of a street shall require the vote at Town Meeting. Construction of such improvements in accordance with these Regulations and any conditions imposed by the Board shall not impose on the Town any moral or legal obligation whatsoever to accept any street or improvement as public property.

3.15 Boundary Line Adjustment, Lot Line Adjustment and Annexation Procedure: Any subdivision for the purpose of annexation as defined in Section 2.05 shall be submitted to the Board for review. The Board, upon reviewing the facts and merits of the proposal, may in its discretion deal with the subdivision pursuant to the

provisions of Section 3.09, providing, however, that the following conditions shall be met in all cases:

1. A general map shall be prepared and submitted to the Board showing the original boundaries of the adjacent parcels in question.

2. If deemed appropriate by the Board, a detailed survey map shall be prepared and submitted to the Board showing the new property line or lines created as a result of the annexation, boundary line adjustment or lot line adjustment.

3. A deed restriction shall be placed in the body of the deed or other instrument of transfer stating as follows: "The grantee(s) by virtue of acceptance of this deed agree(s) that the premises hereby conveyed shall not be deemed or considered a separate lot of record, but shall be regarded as merged into and made an integral part of the contiguous lot of land previously owned by the grantee(s) so that the same shall hereafter be one combined single lot of record."

4. A statement shall be placed at the end of the deed or other instrument of transfer stating as follows: "The above transfer constitutes an annexation of the tract herein conveyed to the tract conveyed to the said _____ by Deed _____, dated _____, 19____, and recorded in the Coos County Register of Deeds at Volume _____, Page _____ and, has been approved by the Planning Board of Carroll, New Hampshire."

5. After final approval is given, the mylar will be held and not recorded until the Town has received said deed, and can record them both at the same time with the Register of Deeds.