

TOWN OF SUNAPEE
SUBDIVISION REGULATIONS

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TOWN OF SUNAPEE

SUBDIVISION REGULATIONS

SECTION I

AUTHORITY AND PURPOSE

Pursuant to the authority vested in the Sunapee Planning Board by the voters of the Town of Sunapee and in accordance with the provisions of Chapter 674; Sections 19 - 35, NH Revised Statutes Annotated, 1955, the Sunapee Planning Board adopts the following regulations governing the subdivision of land in the Town of Sunapee, New Hampshire.

These regulations shall be known as the Town of Sunapee Subdivision Regulations, and hereinafter may be referred to as "these regulations".

The purpose of these regulations is to foster the development of an economically and environmentally sound and stable community and to protect the people of the Town of Sunapee from the consequences of improper subdivision, plan less growth and haphazard development by:

- a. Protecting and preserving the rural character of the Town;
- b. Provide for the harmonious development of the Town and its environs in order to create conditions favorable to health, safety, convenience, or prosperity;
- c. Preventing such scattered or premature subdivisions as would involve danger or injury to health, safety, or prosperity by reason of the lack of water supply, drainage, sewage disposal, transportation, schools, or other public services; or necessitate excessive expenditures of public funds for the supply of such services;
- d. Promoting and protecting the amenities of the Town through provisions for parks, playgrounds, and other recreational areas and the preservation of the environment, natural beauty, trees, wetlands, lakes, ponds, bogs, streams and rivers, wildlife habitat, agricultural land, forest land, and other natural and historic resources, values and features;
- e. Assuring the adequate provision of safe and convenient access and circulation, both vehicular and pedestrian, through the proper arrangement, coordination, design and construction of roads within a subdivision and in relation to existing or planned streets;
- f. Providing uniform standards and procedures for both the Planning Board and the subdivider to encourage the equitable handling of all subdivision plans.

SECTION 2 DEFINITIONS

Abutter means 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.

Annexation means a subdivision of land where there is merely a sale, transfer, or exchange of land among two or more adjacent owners and which does not increase the number of owners or parcels of land.

Approval, Conceptual, means an expression by the Planning Board that the Survey Plan submission appears to satisfy the requirements established herein for the Survey Plan phase. Conceptual 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.

Approval, Preliminary, means an expression by the Planning Board that the Preliminary Plan submission appears to satisfy the requirements established herein for the Preliminary Plan phase.

Approval, Final, means recognition by the Planning Board, certified by written endorsement of the plat, that the final plat submission meets the requirements of these regulations and satisfies, in the judgment of the Planning Board, all criteria of good planning and design.

Board, The Planning Board of the Town of Sunapee, New Hampshire.

Building means any combination of the materials, whether portable, movable or fixed, having a roof and enclosed within exterior walls, built to form a structure for the shelter of persons, animals, or property.

Building Site means that portion of a lot, tract, or parcel of land upon which one or more buildings are placed.

Cluster development means a residential subdivision of a tract of land where housing units are grouped on lots of reduced dimensions. The remaining land in the tract, which does not have buildings or improvements thereon, shall be reserved as permanently protected open space. The density of a cluster development shall not exceed the density proscribed in these regulations or the Zoning Ordinance.

Completed application means that sufficient information is included or submitted to allow the Board to proceed with consideration and to make an informed decision.

Condominium Ownership means single family, multi-family, group or clustered housing, where the housing units are individually owned, but open space and group facilities are held in common ownership. Condominiums may be considered a subdivision of land under applicable laws.

Driveway means an area located on a lot, tract, or parcel of land and built for access to a garage or off-

street parking space, serving no more than two lots or sites.

Dwelling means a public or privately-owned building or vehicle, either stationary or mobile, containing a dwelling unit or units.

Dwelling unit means one or more rooms arranged for the use of one or more individuals as a single housekeeping unit, with cooking, living, sanitary and sleeping facilities.

Easement means the acquired privilege or right-of-use which one party may have on land of another.

Engineer means a duly licensed engineer as required by the New Hampshire Licensing Laws.

Final Plat means the final drawing or drawings on which the subdivider's plan of subdivision is indicated, prepared as required under the provisions of Section 4 hereof, which is presented to the Board for approval and which, if approved, will be submitted to the Register of Deeds of Sullivan County for recording.

Frontage, water, is defined as the average of the total straight-line distance between the points of intersection of the waterfront property with the shoreline and the measured distance along the shoreline at high water.

Frontage, road, shall be measured at the intersection of the lot lines and the public or private right-of-way of the abutting road.

Health Officer means the Health Officer of the Town of Sunapee.

Improvements to property means any building, road, driveway, sanitary disposal facility, water supply facility, or recreational facility placed on a building lot

Lot means a parcel of land or any part thereof capable of being occupied by at least one principal structure or use and accessory structures or uses incidental thereto, not including any water area, and designated on a plat to be filed with the Registry of Deeds as a separate lot. For purposes of these Regulations, a lot shall have boundaries identical with those recorded with the Registry of Deeds.

Lot Line means the property line dividing the road right-of-way, a body of water, or adjacent property.

Lot Size means the total land area within the boundaries of the lot, excluding any road rights-of-ways, any land subject to periodic flooding, and any water areas.

Master Plan means the comprehensive plan or plan of development for the Town of Sunapee as defined in RSA 674:4.

Minor Lot Line Adjustment means a change in boundary between two properties that does not reduce either lot by 5%, does not require relief from the ZBA, and does not create new lots.

Official Map means the adopted road or base map of the Town of Sunapee. Open Space means land free of buildings and/or improvements.

Parking space means an off-street space for exclusive use as a parking area for one motor vehicle.

Performance Bond means cash, a suitable surety bond, or an escrow, deposit to secure the completion of the approved improvements on the subdivided property.

Plat means a map, plan, or drawing on which a subdivision of land is shown. Final Plat means the final map, plan or drawing on which the subdivider's plan or subdivision is presented to the Board for approval, and which, if approved, will be submitted to the Registry of Deeds of Sullivan County for recording.

Preliminary Plan means a plan prepared as required in Section 6 and submitted to the Board prior to submitting the Final Plat.

Revision means a minor change, which does not require a public hearing, in a subdivision regarding the size of lot or location of property lines inside a subdivision provided no road entrance or future public property is changed and no affected part of the tract has been sold. The revision may be due to unanticipated circumstances or error but shall not be used to avoid compliance with these regulations.

Road means a highway, street, avenue, lane and/or any other way which exists for vehicular travel, exclusive of a private driveway. The word "road" includes the entire right-of-way.

- a. local road is primarily to give access to abutting properties.
- b. collector road serves primarily to carry traffic from local roads to arterial roads and to public and other centers of traffic concentration, but also may give access to abutting properties. A collector road may also be further classified as major or minor, depending on average daily traffic count.
- c. arterial road is used primarily for heavy and/or through traffic.

Subdivider means the owner of record of the land to be subdivided, including any subsequent owner of record making any subdivision of such land or any part thereof, or the agent of any such owner.

Subdivision means the division of a lot, tract, or parcel of land into one or more additional lots, parcels, site or other division of land for the purpose, whether immediate or future, of sale, gift, lease, rental, condominium conveyance, cluster development or building development. It includes re-subdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided. The division of a parcel of land held in common and subsequently divided into parts among the several owners shall be deemed a subdivision. Land held in one ownership but divided by a right-of-way, water course, town boundary, or other natural or created means, does not exempt this land from these Regulations.

Subdivision, Minor means the subdivision of land into no more than two additional lots or sites, within a five (5) year period. Said subdivision must front on an existing road, requiring no new roads, utilities, or other municipal improvements.

Surveyor means a duly licensed land surveyor as required by the New Hampshire licensing Laws

Waterfront Property means. a lot or parcel of land. from which direct access may be gained to a water body, lake, pond, river, stream, or brook.

Wetlands means areas of soils classified by the Soil Survey of Sullivan County as poorly drained and very poorly drained and areas as delineated by a Certified Wetlands Scientist.

**SECTION 3
APPLICATION PROCEDURE**

3.01 Consultation Conceptual Phase

The applicant may file an Application for Conceptual Consultation with the Board to informally discuss the proposed subdivision in general as to its feasibility and anticipated compliance with Section 4 of the Subdivision Regulation. Conceptual consultation shall not bind either the applicant or the Board. A noticed public hearing is not required but this conceptual consultation must occur at a regular meeting of the Planning Board.

3.02 Design Review Phase

The Applicant may file for a Design Review to discuss with the Board any of the Design standards set forth in Section 5 of these regulations. This submission shall meet the plan requirements set forth in Section 6.02. The application must be submitted on or before the deadline date and time prescribed by the Board and be accompanied by a list of names and addresses of all the legal abutters and the required fees for noticing said abutters. At the time of application for a Public Hearing the following application fee shall be due:

For a Subdivision and Annexation:	\$ 75.00
For a Minor Subdivision:	\$150.00
For a Major Subdivision:	\$300.00

The applicant shall be guided by the Board as to the need for further meetings and the advisability of entering the Preliminary Plan stage. There is no time limit for this Design Review Phase. The Board shall give conceptual approval or approval with or without modifications only to authorize the preparation of the Preliminary Plan Subdivision layout. A copy off this record shall be sent to the applicant. *(Amended 11/16/2006)*

3.04 Final Plat Submission

The Applicant shall submit a completed application for Final Public Hearing and Final Plat Approval on or before the deadline date prescribed by the Board and be accompanied by the list of names and addresses of the legal abutters and professionals shown on the subdivision plan along with the required fees for noticing said abutters as described in Section 3.05. Submitted material shall be complete in every respect and as described in Section 6.04. The Board shall issue to the subdivider a notice of Final Plat Hearing when submitted. The Board shall place the submission on its agenda for consideration at the next regular meeting or within 30 business days of the deadline date, and act to approve or disapprove within 65 days after acceptance of a completed application subject to an extension or waiver.

Fees for the Final Plat Hearing shall be as follows:

Base Fee (All Final Submissions):	\$150.00
Additional Fees:	
Subdivision and Annexation:	\$ 75.00
Minor Subdivision:	\$150.00 per additional lot
Major Subdivision:	\$300.00 per additional lot

3.05 Public Hearing

No plat shall be approved or disapproved by the Board without affording a public hearing thereon. The Applicant and all the abutters shall be notified of the hearing by certified or registered mail, with return receipt requested, not less than ten days before the date of the Public Hearing, stating the time and place of such hearing. Public notice of the Hearing shall be posted in at least two public places in the Town at least ten days prior to the Public Hearing.

3.06 Action of the Board

Within 65 days of receipt of all material required in Section 6.04 for the Final Plat, and the Board's acceptance of the application as complete, the Board shall approve, approve with conditions, or disapprove the Final Plat, unless time for action has been extended an additional 90 days by the Board of Selectmen or extended by mutual agreement of the Planning Board and applicant. Reasons for disapproval of the Final Plat shall be stated in the records of the Board. Approval shall be certified by written endorsement on the Plat and signed by members of the Board. A second copy of the Final Plat with the approval endorsement shall be filed with Sullivan County Registry of Deeds by the Board. The subdivider shall be responsible for payment of all recording fees.

3.07 (A) Boundary line Agreements/Annexations.

In cases where the proposal is a boundary line agreement or minor lot line adjustment, which will not create additional lots, the applicant shall apply to the Board for review and approval. This application shall be considered at a regular meeting of the Planning Board. No public notice will be required for such a proposal, except the normal notification of the Planning Board meeting. A mylar and four (4) copies shall be submitted to the Planning Board 15 business days prior to the meeting which the plan will be considered. The applicant shall pay an administrative fee of \$75.00 to the Town of Sunapee at the time of submission.

3.07 (B) Voluntary Merger

In cases where the proposal involves the voluntary merger of abutting properties, the applicant may file a Notice of Merger with the Board provided the merger will not violate any existing land use ordinances or regulations. Such application will be considered at a regular meeting of the Planning Board. No public notice will be required for such proposal, except for the normal notification of the Planning Board meeting. The applicant shall pay an administrative fee of \$75.00 to the Town of Sunapee at the time of submission.

3.08 Failure to Act

If the Board has not obtained an extension from Selectmen of the Town, and has not taken action to approve or disapprove the Plat, such Plat shall be deemed to have been approved, and a certificate of the Town as to the date of submission of the Final Plat for approval and the failure to take action thereon within the required time, shall be issued on demand and shall be sufficient in lieu of the written endorsement; provided that the Applicant may waive the requirement and consent to an extension of time.

3.09 Filing with the Register of Deeds

An approved submission Final Plat shall be recorded with the Sullivan County Register of Deeds prior to any sale or transfer of land within the subdivision.

3.10 Official Map

All Approved Final Plats shall modify the Official Map without any further action.

3.11 Acceptance of Roads and Open Spaces.

Recording of the approved Final Plat shall not constitute acceptance by the Town of any road, easement or open space thereon. No road or open space will be considered for acceptance by 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, and subject to any conditions established by the Board at the time of the Final Plat approval.

SECTION 4 GENERAL REQUIREMENTS

4.01 Compliance with the Master Plan, Zoning Ordinance and Other Regulations.

All subdivisions shall be in harmony with the Master Plan, the Official Map, and all other applicable State, regional, and local laws, Zoning ordinances and regulations.

The Subdivider shall familiarize himself with all State and Town regulations relative to health, buildings, roads, utilities, and other pertinent data, so that he is aware of the obligation and standards with which the proposed subdivision must comply.

No subdivision of land shall be made until a Final Plat has been approved by the Board and other required permits have been issued. The penalty for transferring lots in an unapproved subdivision is prescribed in RSA 676:16.

The subdivider may avail himself of the assistance of the Board before preparation of application or plans. No building permit, for building related to a proposed subdivision, shall be granted prior to Final Plat approval of said subdivision by the Board.

4.02 Character of Land for Subdivision

Land of such character that it cannot, in the judgment of the Board, be safely used for building purposes because of danger to health or peril from fire, flood, poor drainage, excessive slope, or other hazardous conditions, shall not be platted for residential, commercial, or industrial subdivision, nor for such other uses as may increase danger to life or property or aggravate flood hazard. Land with inadequate characteristics or capacity for sanitary sewage disposal shall not be subdivided for residential, commercial, or industrial subdivision purposes unless connected to a municipal sewage system.

4.03 Premature Subdivision Development

Scattered or premature subdivision of land that would involve danger or injury to health, safety, or property by reason of water supply, drainage, roads, transportation, school, fire department, or other public services, or necessitate any excessive expenditure of public funds for the supply of such services may not be approved by the Board.

4.04 Reserved Strips

No privately-owned reserved strip, except an open space, shall be permitted which controls access to any part of the subdivision or to any other parcel of land from any street, or from any land dedicated to public use, or which may be so dedicated.

4.05 Preservation of Existing Features

The subdivider shall give due regard to the preservation and protection of existing features, trees, scenic points, brooks, streams, rock out-croppings, water bodies, other natural resources and historic landmarks in order to preserve the natural environment.

4.06 Environmental Impact Statement

It shall be the responsibility of the developer, if the Board deems it necessary, to provide an accurately documented environmental and economic impact statement. Such statement shall require documentation on drainage, erosion, forest productivity, ground and surface water quality, traffic safety, public service and any other factors that could impact the short and long term well-being of the public in Sunapee.

4.07 Special Consultant Services

It shall be the responsibility of the developer, if the Board deems it necessary, to pay reasonable expenses incurred by the Board for the service of documents, field investigation, analysis, construction supervision, any other associated studies, administrative or other matters which, in the opinion of the Board may be required by the particular application.

4.08 Lots

- a. The lot size, width, depth, shape, and orientation, and the minimum building setback lines shall conform to the requirements of the Zoning Ordinance and these regulations.
- b. Each lot shall have land of sufficient character which is free from the health hazard or/and perils of fire, flood, poor draining, poor soils, slopes over 25% or other hazardous conditions. Land of sufficient character shall constitute 65% of the minimum lot size set forth in the Zoning Ordinance.
- c. Lot lines shall be drawn to satisfy setback distances prescribed in the Zoning Ordinance.
- d. Larger lot sizes than the minimum under the zoning regulations, may be required by the Board in areas to be served by private sewage disposal systems and/or private water supply systems where adverse soil or topographic conditions make such larger lot size necessary.
- e. A building lot depth shall not exceed 4 times the average width of the lot, unless otherwise approved by the Board.
- f. Side lot lines shall be substantially at right angles or radical to street lines, unless otherwise approved by the Board.
- g. Corner Lots shall have extra width to permit a setback on each street.
- h. The minimum water frontage on any water body, lake, pond, river, stream, or brook shall be consistent with the requirements of the Zoning Ordinance.
- i. The minimum road frontage on any public or private road, street, highway, avenue, or other way for vehicular traffic, shall be as prescribed in the Zoning Ordinance.
- j. The minimum lot size shall conform to the requirements set forth in the Zoning Ordinance.
- k. (Repealed 2/18/99).
- l. All lots, property boundaries, rights-of-way or other pertinent lines of demarcation shall be identified by permanent concrete, iron pin or stone markers set by a licensed surveyor.

4.09 Subdivision with Lake or Pond Access

For subdivision with lake or pond access, the following requirements shall be met:

The traveled portion of the road shall be set back a minimum of seventy-five (75) feet from normal high water except for driveways and parking areas which shall be set back fifty (50) feet and bridges and bridge approaches and access ways for fire fighting equipment and boat launching which shall have no setbacks. All roads shall be constructed in accordance with an erosion and sedimentation control plan approved by the Planning Board which meets the requirements of Section 8 of the Zoning Ordinance.

Lots within the Shoreline Overlay District shall not be used as common areas for waterfront access to residents of multiple units and/or non-waterfront properties, regardless of the location of such properties unless subject to Planning Board approval.

Rights to gain access to a water body by or through a shoreland lot shall not be created or attached to any real estate. Waterfront access shall be gained only in accordance with the standards set forth below and subject to Planning Board approval.

Specific Provisions for Residential Development with Waterfront Access: All residential development with shore frontage or rights of access to shore frontage shall meet the following minimum requirements:

- a. Each dwelling unit with direct water access and whose shore frontage is part of the lot dimensions shall have a minimum shore frontage of two hundred (200) feet.
- b. Lots within the Shoreline Overlay District used as common waterfront areas or for the purpose of waterfront access shall meet the following minimum criteria:
 - (i) The shore front common area shall contain a minimum of two (2) acres;
 - (ii) The shore front common area shall have a minimum of two hundred (200) feet of shore frontage for the first dwelling unit or member having a right of use, and an additional fifty (50) feet of shore frontage for each additional dwelling unit or member.
 - (iii) No building shall be permitted other than toilet and changing facilities, unless approved by the Planning Board.
 - (iv) The minimum number of vehicular parking places provided at the waterfront development area shall be equal to the number of dwelling units in the subdivision, development or lodging facility.
 - (v) Toilet facilities approved by the New Hampshire Water Supply and Pollution Control Division of the Department of Environmental Services shall be provided.
- c. Any use of a common area or area or access for business or commercial purposes shall be subject to the provisions of Site Plan Review.
- d. The frontage requirements of 4.09(a), and 4.09(b) (ii) above may be reduced by the ZBA if a zone bounded by a highwater line is dedicated and maintained in its natural state and if such modification is consistent with the intent of the ordinance.
- (e) All common property located within the Shoreline Overlay District shall meet all provisions of the Shoreland Protection Act (RSA 483-B-1).

4.10 Cluster and Planned Unit Development

If allowed in the Zoning Ordinance, a subdivision plat may be designed for cluster or planned unit development provided that all requirements of the Subdivision Regulations and the Zoning Ordinance are met.

4.11 Land Disturbance Provision

No person required to submit subdivision plans shall commence the construction of roads within the lot, tract, or parcel proposed to be subdivided by clearing the land thereof of natural vegetation, placing any artificial fill therein, or otherwise altering the land, nor shall he do any other act or acts which will alter the natural state of the land or environment, unless the related subdivision plan has been submitted and approved in accordance with the requirements of the Sunapee Subdivision Regulations. This shall not be construed to prevent the taking of test boring, the digging of test pits or any other testing and inspection necessary to comply with the requirements of local or the N.H. Water Supply & Pollution Control Commission for review and approval.

SECTION 5 DESIGN STANDARDS

5.01 Open Space Shown on the Town of Sunapee Master Plan

Where a proposed park, playground, or other open space shown on the Master Plan located in whole or in part in a proposed subdivision, the Board may require substantial compliance with the Master Plan.

As a condition of approval of the Final Plat, the Board may require that the area shown thereon as open space be offered for dedication to the Town of Sunapee. The Board shall not require such dedication in excess of 15% of the total area of the subdivision without reasonable compensation, and if the Town does not take steps within a period of one year from the date of approval of the Final Plat to acquire the portion of open space in excess of the 15%, the subdivider may submit to the Board a plan of subdivision of such portion, provided such additional subdivision does not exceed the total number of family dwelling units permitted by the Zoning Ordinance for the applicable district, and meets all requirements of these subdivision regulations.

5.02 Other Open Spaces

If no such open space, park, or playground is shown on the Town of Sunapee Master Plan within the boundaries of a proposed subdivision, Board, where it deems essential, may require that the Plat show one or more sites of character, size, shape, and location suitable to be used as a community open space or park, in area not to exceed 15% of the total area of the subdivision. In the case of cluster subdivision or planned unit development, open space shall not be less in area than provided in the Zoning Ordinance. Such areas of open space, whether privately or publicly owned, shall have sufficient legal restrictions recorded in the Town of Sunapee land records to assure permanence of use as open space. Open space land in private ownership shall be deeded in such a way that will assure operation or maintenance of the land in an orderly manner suitable for the purpose intended.

5.03 Wetlands

There shall be no development or improvement in the wetland areas. The Board may grant exceptions, if in its judgment such improvements are consistent with the intent of these Regulations and are approved by other agencies or boards which have jurisdiction.

5.04 Trees and Planting

Due regard shall be given to the preservation of existing features, trees, scenic points and other natural and historic resources within the subdivision. The Board may require additional tree planting and other landscaping appropriate to the area being developed. Removal of stripped topsoil or surplus materials from the subdivision area shall not be permitted unless in accord with the Zoning Ordinance. Existing trees on lots and open space shall be preserved wherever feasible, or unless otherwise directed by the Board.

5.05 Cluster Development

Clustering of housing units may be permitted in certain areas and is encouraged for the preservation of open space, to promote more efficient use of the land, and to provide flexibility in subdivision design. The Planning Board shall review all cluster developments per Section 4.50 of the Zoning Ordinance.

5.06 Development of Open Space

On land to be used as active recreation open space, undesirable growth and debris shall be removed. Wooded and brook areas shall be left natural, active recreation open space shall be graded properly to dispose of surface water and shall be seeded with lawn grass. There shall be no depositing, dumping, or storage of waste or other natural or man-made material, supplies or equipment on any subdivision land designated as open space. No work, removal or fill shall be done, nor shall the existing natural characteristics of open space land be altered from the original condition, until the Final Plat is approved by the Board.

5.07 Road Design

The following road design standards shall be considered minimum requirements for proposed streets or roads in the Town of Sunapee. All roads that are proposed as potential public town roads must meet the relevant, current AASHTO standards as approved by the Highway Director as well as the standards set forth in this ordinance. If the standards are in conflict, then the strictest standard shall apply. Waivers may be granted by the Planning Board if topographic or unusual conditions exist to prevent the strict adherence to these standards. If waivers are made, the reasons for such shall be specifically recorded in the Planning Board minutes. The Planning Board is empowered to, in the same manner, increase the standards if such is deemed necessary. In some areas the Subdivision requirements for road design may vary from the Town of Sunapee road standards. The intent is to allow in some areas a relation of standards for permanently private roads yet, ensure the adequacy and better maintenance of roads that may become public roads.

- a. Traffic Volume: The classification of roads shall be determined by actual or anticipated traffic volume. In residential areas, the vehicles per day shall be determined by multiplying the number of dwelling units by 10 trips per day. Specific consideration shall be given to roads with significant non-residential traffic. Also, directional split traffic volume should be considered.
- b. Off-site Road Improvements: The Board shall consider the effect proposed subdivision will have on off-site roads. The Board may require the subdivider to improve off-site roads as a condition for subdivision approval. There shall be an equitable balance between the needs of the Town and the subdivision in determining the extent of these improvements. Determining factors include, but are not limited to the standards of the currently maintained Town road, the frontage of the proposed subdivision, the potential traffic increase necessitated by the proposed subdivision, the character and development potential of the neighborhood served by the access road, the present vehicular travel, and compliance with the Master Plan.
- c. General Street Plan: Approval of the street plan by the Planning Board for the entire development shall be required before allowing construction of the street plan.
- d. Street Layout: Proposed streets shall be in harmony in the existing and proposed roads. Provision shall be made for extension of the street pattern to abutting undeveloped property. Road patterns

shall give due consideration to slopes and natural features. Streets shall be laid out so as to intersect at right angles as nearly as possible. No street shall intersect another at less than 60 degrees. No structure or planning shall impair visibility. The layout of residential streets shall be designed so as to discourage through traffic.

- e. Intersections: Multiple intersections involving a junction of more than two streets shall be prohibited. The minimum distance between center line offsets at street jogs shall be 150'.
- f. Road Rights-of-Way shall be no closer than 30 feet to any well or sewage disposal facility. Site and road drainage shall be designed to avoid pollution, contamination or erosion.
- g. Where a subdivision abuts an existing road with inadequate alignments or right-of-way width, the subdivision plot shall include a dedication to the Town of all land needed to meet the standards established by the Town.
- h. A dead-end road is a road with only one point of access.
Proposed Permanent Dead-End Roads are approvable provided that:
 - 1) The Dead-End Road is not accessed from an existing or proposed Dead End Road
And
 - 2) The Dead-End Road does not exceed 1,700 feet in length unless internally looped
And
 - 3) If the Dead-End Road is internally looped, the portion of Road accessing the loop shall not exceed 500 feet in length and the length of the loop shall not exceed 2400 feet. No roads (except for Driveways) shall be allowed off any internal loop unless a second ingress/egress is provided to the development: And:
 - 4) The Dead-End Road terminates in either a:
 - a) Hammerhead turnaround measuring 100' x 50'
 - b) Cul-de-sac turnaround with an outside road diameter of at least 100'And
 - 5) A sign labeled "Dead End" shall be placed at the point where the Dead-End Road commences.
- i. Temporary dead-end roads, where future expansion has been approved by the Board, may exceed the stated limitations provided the full width of the right-of-way be reserved for road construction and a Performance Bond include the cost of construction for the entire road.
- j. Street Names: All street names shall be consistent with the Town Street Name Regulations. No street shall have a name which will duplicate or closely duplicate the names of existing streets. The continuation of an existing street shall have the same name. Street signs shall be furnished by the subdivider.
- k. Right-of-Way: The minimum width of right-of-way shall be 50'. A 60' width is required for traffic volumes greater than 150 vehicles per day. Roads shall be centered within the right-of-way. The Board may require greater width of right-of-way where it is judged the demands of present or future traffic make it necessary or where topographic conditions necessitate a greater width for grading of side slopes.
- l. Highway Right-of-Way Bounds: Concrete or stone bound markers shall be installed appropriately to designate right-of-way lines.
- m. Clearing of the Right-of-Way shall be adequate to allow proper sight lines, snow removal, drainage and maintenance.
- n. Subgrade Preparation: All loam and other yielding material shall be removed from the roadway and replaced with suitable fill material. All boulders and ledge shall be removed to a uniform cross-sectional depth of not less than twelve inches (12") below the subgrade and replaced with

sand or gravel.

- o. Drainage: 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 when ever required to relieve water in the ditch sections. Construction to be in accordance with New Hampshire Standard Specifications (current edition) Section 603 and 604. A drainage design shall be required showing direction of runoff, culverts, water courses, areas of disturbed vegetation and surrounding vegetation. All designs shall be based on a minimum 25-year return period.
- p. Gravel Base: All streets shall be constructed with a minimum of eight (8") inches of gravel per New Hampshire Standard Specifications (current edition) Section 304.
- q. Crushed Gravel: All streets shall be constructed with a minimum of four (4") inches of crushed gravel per New Hampshire Standard Specifications (current edition) Section 304.
- r. Asphalt surface: The asphalt surface shall be Hot Bituminous Pavement, New Hampshire Standard Specifications (current edition) Section 403. Pavement shall be applied in two courses, two (2") inches of three-quarters (3/4") inch based and one (1") of one-half (1/2") inch wearing course. Pavements shall not be widened to allow for on-street parking. Permanently private roads need not be paved unless otherwise directed.
- s. Crushed Gravel Shoulders: Crushed gravel (specification 304), shall be used adjacent to asphalt surfaces. Grades across shoulders shall be one-half inch per foot (1/2"/ft.)
- t. Bridges: On stream crossing of ten (10') feet span, the structure shall be designed to HS-20 loading (AASHTO) Specifications. The minimum roadway width shall be twenty-four (24') feet.
- u. Sidewalks: Sidewalks of two (2") inch thick asphalt, on a six (6") inch crushed gravel base, not less than four (4') in width and no closer than twenty-two (22') feet to the street center line shall be constructed on one or both sides of the street when in the opinion of the Planning Board, such sidewalks are necessary.
- v. Utilities: Utility poles should be kept close to the Right-of-Way line and in no case closer than the ditch line. For potential public roads water and sewer mains and buried utilities should be constructed outside the surface area and preferably outside the ditch line.
- w. Construction supervision: Construction of the roadway, drainage facilities, sidewalks, curbs, and all other elements of the highway must be done under supervision of and with the approval of the Board of Selectmen or their agents. Inspection will be required following clearing and grubbing, major drainage, subgrade, each gravel course, prior to placing any pavements, and final overall inspection. Written reports shall be filed in the Town Office by an inspecting engineer or qualified agent of the Town.
- x. Roadside Items: Driveway permits shall be required. Additionally, an asphalt apron may be required. Driveway culverts when used to convey road ditch drainage shall have a minimum of 12 inches of cover and be sized to take a 2-year storm event. Minimum size of culvert is 12 inches in diameter. Guard rail or similar device shall be specified by the designer where the use will provide safety to the traveling public. The Town shall approve the type and location of guard rail.
- y. Vertical Geometric: Road grades shall not exceed ten (10%) percent nor shall they be less than one-half (.5%) percent. The length of vertical curves shall be determined by multiplying the algebraic difference in vertical grades by a minimum "K" factor of 30 for crest curves and 40 for sag curves to provide a minimum stopping sight distance of two hundred (200') feet based on a design speed of 30 miles per hour. Where passing is to be permitted, the "K" factor for crest

curves shall be 400 to provide a safe passing sight distance of 1,100 feet based on a design speed of 30 miles per hour. The principle of this section is to insure adequate sight lines and adequate nighttime visibility.

- z. Horizontal Geometric: Horizontal curves shall be designed for 30 miles per hour or more if practicable. Where horizontal curves can not practicably be designed for 30 miles per hour, then the minimum design speed shall be 20 miles per hour or more. Corner intersection sight distance is measured from a point 15 feet from the edge of the major road pavement and measured from a height of eye at 3.5 feet above the minor road pavement to a height of object 4.25 feet above the pavement on the major road.

All soil areas within the ROW shall be maintained until turf is established. This must be accomplished prior to final inspection.

No parking is permitted along Town Roads. Pavement shall not be widened for parking. Slopes are to be flattened as much as practicable for safety and maintenance.

The roadway should be clear of objects to give clear stopping and corner intersection sight distances.

Intersections of roads shall be preferably at 90 degrees if possible, but in no case less than 60 degrees.

Intersection edge of pavement designs for turns at intersections shall be designed in accordance with AASHTO'S Table IX-1 and IX-2, pages 735 thru 738, SU vehicles shall be used for average daily traffic under 1000 and WB-40 vehicles shall be used for traffic over 1000 average daily traffic.

No above ground object shall be within six (6) feet of the edge of pavement.

5.08 Road Improvements

In rural areas, roads shall be paved or graveled to a minimum, widths prescribed above, with shoulders not less than two feet wide. The Board may require a greater width of paving or graveling and shoulders for collector roads. In village areas, the Board may require a greater width of right-of-way and paving, together with curbs and sidewalks.

In case of subdivisions requiring construction of new roads, any existing road which provides either frontage to new lots or access to new roads shall meet the minimum standards established in Section 5.07 for such roads. Where a subdivision requires undue expenditures by the Town to improve existing roads to conform to minimum requirements, the Board may disapprove such subdivision until the Selectmen shall certify that the funds for the improvements have been assured.

5.09 Driveways

- A. Authority: The following regulations governing the construction and alteration of driveways, entrances, exits, and approaches within the limits of the right of way are adapted by the Board in accordance with the provisions of Chapter 236, Sections 13 and 14, N.H. Revised Statutes Annotated.

It shall be unlawful to construct or alter in any way that substantially affects the size or grade of any driveway exit, or approach within the limits of the right of way of any highway under the jurisdiction of the Town of Sunapee that does not conform to the terms and specifications of a written permit issued by the Town of Sunapee. This includes temporary driveways for construction or logging activities.

B. Procedure:

(B)(1) Application: Any person wishing to construct or alter a driveway shall obtain a construction permit application from the Highway Director, and shall file that application, with a map of the proposed construction, with the Highway Director.

The following information shall be provided on the application:

- a. the name and address of the owner of the property the proposed driveway will serve
- b. the location of the driveway, with distances to street intersections within 100 feet
- c. lengths of the street frontages of the property served by the proposed driveway
- d. dimensions of the proposed driveway within the limits of the right of way of the street
- e. the lengths of the sight distances in both directions along the street
- f. description (including dimensions) of any culverts, other drainage structures, traffic control devices, and channelization islands to be constructed, also the depth of fill over any culverts
- g. the grade of the driveway
- h. a description of any proposed changes in a proposed alteration of a driveway

The following information shall be provided on the map:

- a. the location and dimensions of the proposed driveway and of the street within the minimum sight distance
- b. property boundaries, if within 100 feet of the driveway
- c. distances to the nearest street intersection, if within 100 feet
- d. the location of any existing driveways serving the property
- e. the location of any visual obstructions to the required sight lines
- f. the length of sight distances in both directions along the street
- g. the location of any drainage structures, traffic control devices, or channelization islands to be installed.

Failure of the applicant to supply the information and the map requested shall be sufficient grounds for the denial of the application.

The Board may require the preparation of plans by an engineer or a surveyor, when it deems such plans necessary.

1. Road Agent Inspection: The Road Agent shall review the application, inspect the site, report any observed inaccuracies in the application, and recommend whatever action he/she deems most appropriate.

3. Board Action: The Board of Selectmen shall, after considering the Application, the recommendations of the Road Agent, the input of the Planning Board, if applicable, and concerns of the applicant or other interested parties approve, approve with conditions or deny the construction permit application. If the application is approved a written permit shall be issued by the Board of Selectmen. The permit shall state the terms and specifications for construction or alteration of the driveway. If the application is denied, a letter shall be sent to the applicant stating the reasons for denial.

C. Standards:

1. Location: The location shall be selected to protect the most adequate degree the safety of the traveling public. The driveway shall be at least 25 feet from the nearest street intersection.
2. Sight Distances: The location shall be selected to provide safe sight distances, based on the following standards developed by the New Hampshire Department of Public Works and Highways in its Highway Design Manual (1983) and shall be thirteen (13) times the speed posted on the existing town road (e.g., 30 mph 390 ft; 35 mph 455 feet, etc.). For properties where the minimum sight distances described above cannot be met, the driveway shall be placed at the safest possible location. If a lesser Sight Distance is indicated, a warning sign indicating the hazard to be encountered (e.g. Blind Drive) with an Advisory Speed Sign mounted directly below showing the indicated speed to the nearest 5 mph multiple may be required. The indicated speed shall be the safe sight distance available divided by thirteen (13).
3. Intersection: The driveway shall be laid out so as to intersect with the street as nearly as possible at right angles, but in no case at an angle of less than sixty degrees.
4. Width: The driveway shall be a minimum width of 12 feet at its junction with the street. The driveway shall have a maximum width of 50 feet at its junction with the street, except that the driveway may be flared beyond a width of 50 feet to accommodate the turning radius of vehicles expected to use it.
5. Grade: The grade of entrances and exits shall be constructed to slope down and away from the town road surface for a distance equivalent to the existing town road ditch line. When the approaches are paved with asphalt or tar, the minimum rate of slope shall be 3/8" per foot; for all other surfacing, the slope shall be a minimum of 1/2" per foot. The grade of the driveway beyond the ditch for a distance of 100' shall be no greater than twelve per cent.
6. Drainage: The driveway shall not interfere with the street's drainage. Where necessary, culverts, water bars, ditches, and other drainage structures shall be installed to ensure adequate drainage of the street and to prevent excessive drainage from the driveway onto the road. Culverts shall be at least 12 inches in diameter, and larger if considered necessary by the Road Agent. A minimum of 12 inches of fill shall be placed over culverts.
7. Sidewalks and Road Repair: When the construction of a driveway would require the disturbance of a street or a sidewalk, the applicant shall obtain the permission of the Road Agent before proceeding with construction. Any road or sidewalk disturbed during the construction of the driveway shall be restored to the satisfaction of the Road Agent.

8. Performance Bond or Letter of Credit: The applicant may be required by the Board of Selectmen to file a bond in an amount sufficient to cover the cost of the construction of that portion of the driveway within the right of way of the road, including the required culverts ditches, other drainage structures and the paved apron, and to cover the cost of repairing public sidewalks and streets disturbed by the construction. The bond shall be approved as to form and sureties by the Board of Selectmen. The amount of the bond shall be based on a contractor's or an engineer's cost estimate of the necessary construction and repair. The estimate shall be approved by the Board prior to the obtaining of the bond. All bonds shall be for 110% of the estimated cost. The performance bond shall not be released until the Road Agent has certified completion of the bonded construction and repairs in accordance with the standards stated in these regulations and in accordance with the plan approved by the Board of Selectmen.

D. Administration:

- (1) Enforcement: Upon determination by the Planning Board or Zoning Administrator that a violation of these regulations has occurred, notice shall be given to the Board of Selectmen recommending appropriate enforcement procedures. The Board of Selectmen are responsible for the enforcement of these regulations.
2. Penalty. As provided under RSA 236:14, any person who violates any provision of RSA 236:13 or of these regulations shall be guilty of a violation or a misdemeanor and shall be liable for the cost of restoration of the street to the satisfaction of the Planning Board.
3. Waiver: Where conformity to these regulations would cause undue hardship or injustice to the owner of the land, the Planning Board may, upon the recommendation and advisement of the Road Agent, waive any of the above regulations, provided that the spirit of the regulations will be respected and that the public convenience and safety will not be adversely affected.

5.10 Pedestrian Walks

Where necessary, in the judgment of the Board, rights-of-way for pedestrian travel and access may be required between subdivisions or its parts, or between a subdivision and public property. The size, material, and construction shall be appropriate to the use and be approved by the Town Highway, Fire, and Police Departments.

5.11 Utilities and Drainage

All subdivisions shall make adequate provisions for water supply, storm water and sanitary sewage disposal, and required utilities and improvements. The Board may require the extension of public water and sewer to within a proposed subdivision, without cost to the Town, where existing lines are, in the sole judgment of the Board, within a reasonable distance of the subdivision.

The subdivider shall install laterals from all utilities in the road right-of-way to the road property line of each lot. Any habitable buildings constructed in the subdivision shall have house connections installed and extended inside the building. All such utility system installations shall be at the expense of

subdivider and shall be installed under the supervision of the appropriate Town agency.

An adequate surface storm water drainage system for the entire subdivision area shall be provided. Storm drainage shall be carried to existing watercourses or connect to existing storm drains. If the storm water drainage system creates any additional flow over any adjacent property, the subdivider shall obtain an easement from the adjacent owner and hold the Town harmless from any claims for damage resulting therefrom.

The Board may require the installation of road lighting in any subdivision where it deems necessary.

Where underground utilities are to be furnished from a public source, all necessary mains, branch offsets to each lot, and fire hydrants shall be installed to the subdivider, as approved by the Town department having jurisdiction and to the satisfaction of and without expense to the Town of Sunapee.

5.12 Parking

All subdivision development shall require off-street parking to be provided per the Zoning Ordinance and/or Site plan Review Regulations as appropriate. In order to provide for the most efficient means of road maintenance, snow plowing and access by emergency, police, and fire vehicles, no parking of vehicles within the road right-of-way shall be permitted. *(Amended 11/16/2006)*

5.13 Special Flood Hazard Areas

For subdivisions and site plans that involves land designated as “Special Flood Hazard Areas” (SFHA) by the National Flood Insurance Program (NFIP):

- A. The Planning Board shall review the proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 USC 1334.
- B. The Planning Board shall require that all proposals for development greater than 50 lots or 5 acres, whichever is the lesser, include Base Flood Elevation (BFE) data within such proposals (i.e. floodplain boundary and 100-year flood elevation).
- C. The Planning Board shall require the applicant to submit evidence (construction drawings, grading and land treatment plans) so as to allow a determination that:
 - (i) All such proposals are consistent with the need to minimize flood damage;
 - (ii) All public utilities and facilities, such as sewer, gas, electrical and water systems are location and constructed to minimize or eliminate flood damage; and,
 - (iii) Adequate drainage is provided so as to reduce exposure to flood hazards.

(Amended 11/16/2006)

5.14 Soil Tests and Sewage Disposal Requirements

Where private individual sewage disposal systems are proposed, the subdivision shall conform to the following requirements regarding soils and sewage disposal.

- a. No subdivision of land will be approved by the Board where it creates a lot that will not meet the minimum standards imposed by the State of New Hampshire Water Supply and Pollution Control Commission and the requirements listed below.
- b. No septic system leaching bed or trench shall be allowed on soils subject to flooding.
- c. The subdivider must furnish a soil survey report for each proposed lot or site in the proposed subdivision where a septic system is to be installed to the Board, Zoning Administrator, Health Officer, or responsible local official prior to approval. The soils report must show the limitation of the soil or soils for the on-site sewage disposal and be prepared by the Sullivan County Conservation District and signed by the District's legal representative or prepared by a NH Licensed State Designer or Engineer.
- d. All subsurface sewage disposal systems must be designed and constructed in accordance with the most recent edition of the Subdivision and Individual Sewage Disposal System Design Rules as published by the New Hampshire Water Supply and Pollution Control Commission.

SECTION 6 PLAN REQUIREMENTS

6.01 Conceptual Consultation Documents

Conceptual consultation phase sketches may be drawn in pencil. Data may be tentative but shall be sufficiently clear to show all existing conditions on the property to be subdivided.

Property map showing the entire area of the parcel being subdivided plus an additional 200 foot wide area completely around perimeter of the subdivision, perimeter boundary of the parcel, land use designation according to the Master Plan, Zoning designation according to the Zoning Ordinance, general topography, water areas including permanent and intermittent streams, rivers, ponds, lakes, and marshes, major rock outcroppings, and existing roads. Water supply wells, sewage disposal systems, structures, and all other existing physical features are to be shown on the property to be subdivided.

Property location map at 1" = 1000' as an inset in the property survey map, showing proposed subdivision in relation to major roads, community facilities and utilities of the Town.

All material submitted in the Conceptual Consultation Phase shall be included with subsequent Design Review and Final Plat submissions.

6.02 Design Review Documents

The Design Review Documents layout may be drawn in pencil and shall be submitted in four (4) paper print copies. Dimensions may be approximate; the data may be tentative, but shall be sufficiently clear to illustrate all conditions, establish the basis, and clarify the design requirements for the subdivision Final Plat. Maps shall be at a scale of no more than 1" = 100' and include a north point, bar scale, date and dates of any revisions.

The Design Review Documents shall be submitted in accordance with the Subdivision Regulations and include the following:

- a. Name of Municipality and subdivision, name and address of the Subdivider and designer;
- b. A general property location map at a scale of 1" = 1000', locating exactly the Subdivision boundary and proposed streets in relation to at least two intersecting existing streets or other features;
- c. Boundaries of the entire parcel, whether or not all land included is to be subdivided, and any existing or future subdivisions adjacent to the proposed Subdivision;
- d. For minor subdivisions, submissions shall conform to Section 6.05 of the Subdivision Regulations;
- e. Boundaries and designations of Zoning Districts lying within the Subdivision, municipal boundary if any, and land use designation from the Master Plan;
- f. Names and addresses of abutting property Owners with deed page and volume notations.
- g. Existing and proposed street right-of-way lines, width of streets, existing and proposed lot lines, subdivisions, intersecting roads, driveways, and buildings within 200 feet of the property to be subdivided;
- h. Location of existing and proposed easements, deed restrictions, buildings, accessory buildings,

building setback lines, water mains, sanitary sewers, storm water drainage lines, drainage structures, drainage ways, parks and other open space, watercourses, flood prone areas, large trees, foliage lines, and other significant natural features.

- i. Existing and proposed electricity, telephone, communication, gas, water, sewer, and fire protection lines, and any other facilities or utilities required;
- j. Soil mapping units and unit boundaries, soil tests and sewage disposal information as required in the Subdivision Regulations.
- (k) If poorly or very poorly drained soils exist on the lot (per NCRS mapping), a wetland delineation shall be completed and shown on the plans. If there are presumptive wetland areas by observation, a wetland delineation shall also be completed.

6.04 Final Plat Documents

The Final Plat shall be drawn in permanent black ink on reproducible polyester film and shall be submitted in one (1) original and four (4) paper print copies. The information shall be sufficiently clear to illustrate all conditions, establish the basis, and clarify the design requirements for the subdivision. Final Plat Maps shall be at a scale of no more than 1" = 100' and include a north point, bar scale, date and dates of any revisions. The Subdivision Plat shall be consistent with the approved Preliminary Layout, if such Preliminary Layout is required.

The Final Plat shall be submitted in accordance with the subdivision regulations and shall include the following:

- a. Name of municipality and subdivision, name and address of the subdivider and designer. The following statement shall also appear on the submitted plat "The Subdivision Regulations of the Town of Sunapee are a part of this plat, and approval of this plat is contingent on completion of all the requirements of said Subdivision Regulation, exception only any variance or modification made in writing by the Planning Board and attached hereto."
- b. A general property location map at a scale of 1" = 1000', locating exactly the Subdivision boundary and proposed streets in relation to at least two intersecting existing streets or other features shown on the Master Plan maps.
- c. Boundaries of the entire parcel, whether or not all land included is to be subdivided, and any existing or future subdivisions adjacent to the proposed subdivision;
- d. Boundaries and designations of Zoning Districts lying within the subdivision, municipal boundary if any, and land use designation from the Master Plan;
- e. Names and addresses of abutting property owners with deed page and volume notations at the surveyor's discretion, subdivisions, intersecting roads, driveways, tax map and lot numbers as found in the Sunapee Town Records, and buildings within 200 feet of the property to be subdivided,
- f. Final disposition of land into lots, streets, open spaces, and drainage courses, based on a boundary survey certified by an engineer or land surveyor registered in the State of New Hampshire;
- g. Existing and proposed street right-of-way lines, widths of streets, proposed names of new streets, existing and proposed lot lines with metes and bounds, and all stations, radii, curve data and paving widths for the proposed streets and locations of all monuments to be set at street intersections, points of curvature and tangency of curved streets and at angles of lots;

- h. Location of existing and proposed easements, deed restrictions, buildings, accessory buildings, building setback lines, water mains, sanitary sewers, storm water drainage lines, drainage structures, drainage ways, parks and other open space, watercourses, flood-prone areas, large trees; foliage lines, and other significant natural features. Existing and proposed contours at an interval of no more than 5' shall be provided throughout the subdivision;
- i. Existing and proposed electricity, telephone, communication, gas, water, sewer, and fire protection lines, and any other facilities or utilities required;
- j. Soil mapping units and unit boundaries, soil tests and sewage disposal information, and wetland delineation per Section 6.02(k) shall be included on the plans.
- k. Final road and underground utility line profiles;
 - 1. Final on-site water supply and sewage disposal facilities for the subdivision;
- m. Final plan of the work required on existing streets to meet the minimum standards set by the Subdivision Regulations;
- n. Final plan of storm water drainage on and off the Subdivision including watershed areas, drainage computations, and drainage analysis;
- o. Copies of any covenant, easement, or other legal document covering the relationship between the proposed Lot Owners;

Prior to final approval, the following documents are to be provided:

- p. Statement of the suitability of the land for development;
- q. Statement of compliance of the proposed lots with the Zoning Ordinance;
- r. Statement of availability of service from the municipal Water and Sewer Department, if the subdivision is to be served by public utilities.
- s. Approvals as may be required from any other municipal state, or federal agencies which may have jurisdiction;
- t. Approvals from the New Hampshire Department of Public Works and Highways for road or driveway access to a state highway;
- u. Agreements to convey to the Town of Sunapee land to be used for streets and public purposes;
- v. Easements and right-of-way over private and/or public property;
- w. Rights to drain onto or across other public or private property,
- x. Performance bonds.

Additional Requirements for public hearing:

1. Names and addresses of subdivider and abutters to be furnished to Administrative Assistant three weeks prior to public hearing.
2. Payment for the mailing of certified letters to all subdividers and abutters to be included with the above submission. Check to be made out to "Postmaster".

6.05 Minor Subdivision Documents

For a Minor Subdivision, the Board may waive the filing of a Preliminary Plan. Submission procedure and documents for minor subdivision shall be as required for Final Plan in Sections 3.04, 3.05, 3.06 and 6.04 of these regulations with the following exceptions:

- a. The Board may waive the requirements for a perimeter survey of the entire parcel and require specific data only for those lots for which sale, lease or transfer are contemplated.
- b. The Board may waive the requirements of existing and proposed contours, existing and proposed plans for telephone, electricity and gas utilities, proposed storm drainage, drainage analysis map and watershed computations, and proposed methods of supplying water.
- c. The Final Plan shall include a general plan map inset which indicates the size and shape of the entire parcel to be subdivided into the proposed lots for sale, lease or transfer are a part.

**SECTION 7
ADMINISTRATIVE AND LEGAL REQUIREMENTS**

7.01 Legal Data Required.

Where applicable to a specific subdivision, the following are required in a form approved by the Town of Sunapee Attorney, prior to the approval of the Final Plat:

- a. Agreement to convey to the Town of Sunapee, land to be used for roads and other public purposes, with a transfer of title to such interests to be effective on such date as the town of Sunapee accepts such land.
- b. Easements and rights-of-way over property to remain in private ownership.
- c. Rights to drain onto or across other property, whether public or private, including roads.
- d. Performance assurance described in Section 7.03.

7.03 Performance Assurance

Except in the case of a subdivision in which each lot has frontage on an existing Town approved road, no subdivision plat filed with the Board shall be approved until the subdivider has filed with the Board an engineer's estimate of the costs of the roads, proposed improvements, drainage structure, and all other utilities, together with maps, plats, and supporting data, and including fees for inspection of construction and improvement by the appropriate Town agents, accompanied by either:

- a. A surety bond issued by a surety company authorized to do business in New Hampshire, to be filed with the Town in form and amount satisfactory to it.
- b. Cash, or savings bank book properly endorsed to the Town of Sunapee in an amount to be determined by the Town, and to be deposited with it.
- c. Letter of Credit.

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

Each approval of the Final Plat shall contain a time limit within which roads and public improvements shall be completed, not to exceed three years, unless extended with the owner's consent by the Board.

Upon completion of improvements and approval by the Town agent, surety covering maintenance of the roads and improvements for a period of two years from completion may be required in an amount based on the cost of such improvements, as approved by the Town.

The performance guaranty shall not be released until the Town agents have certified completion of the public utilities and improvements in substantial accordance with the requirements, and deeds covering land to be used for public purposes, easements and rights-of-way over property to remain in private ownership, and rights-to-drain onto or across private property are submitted in a form satisfactory to the Town attorney.

7.04 Plat Recording and Recording Fees

The Final Mylar shall be recorded at the Registry of Deeds by an agent of the Planning Board. Recording fees shall be paid by the applicant prior to recording.

7.05 Modifications

The requirements of the foregoing regulations may be modified when, in the opinion of the Board, specific circumstances surrounding a subdivision, or the conditions of the land in such subdivision indicate that such modification will properly carry out the purpose and intent of the Master Plan and these Regulations. In matters of judgment or interpretation of the above requirements, the opinion of the Board shall prevail.

7.06 Acceptance of Roads

Nothing herein is intended to modify the requirements of law with reference to the acceptance of roads by the Town of Sunapee. Nothing herein is intended to modify or control the construction, reconstruction, or extension of roads by the Town of Sunapee or the State.

7.07 Other Regulations

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

7.08 Enforcement

These Regulations shall be enforced by the Board or its duly authorized representative.

7.09 Penalties

Any Owner or agent of the Owner, of any land located within a subdivision, who leases, sells or transfers any land before a Final Plat of the said subdivision has been approved by the Board and recorded or filed in the office of the Register of Deeds shall forfeit and pay a penalty of five hundred dollars for each lot or parcel so transferred or sold; and the description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties.

7.10 Appeals

Any person, aggrieved by an official action of the Board, may appeal to the Superior Court as provided by RSA 677.15

7.11 Validity

If any section, subsection, or phrase of these Regulations is found for any reason to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of these Regulations.

7.12 Amendment

These Regulations may be amended or rescinded by the Board but only following a public hearing on the proposed change. The Secretary of the Board shall transmit a record of any changes so enacted to the Registry of Deeds of Sullivan County.

7.13 Effective Date

March 10, 1970, Planning Board given authority to adopt Subdivision Regulations,
September 1, 1970, Planning Board formally adopts Subdivision Regulations.
June 28, 1973, Planning Board amends Subdivision Regulations.
July 20, 1973, effective date of amended Regulations.
October 29, 1985, Planning Board amends Subdivision Regulations.
November 19, 1985, effective date of amended Subdivision Regulations.
December 1, 1987, Planning Board amends Subdivision Regulations.
December 1, 1987, effective date of amended Subdivision Regulations.
May 17, 1988, effective date of amended Subdivision Regulations.
February 2, 1990, effective date of amended Subdivision Regulations.
August 22, 1991, effective date of amended Subdivision Regulations.
April 8, 1993, effective date of amended Subdivision Regulations.
January 18, 1996, effective date of amended Subdivision Regulations
February 18, 1999, effective date of amended Subdivision Regulations
August 16, 2001, effective date of amended Subdivision Regulations
November 16, 2006, effective day of amended Subdivision Regulations
August 8, 2019, effective day of amended Subdivision Regulations

Reviewed by,

Nicole Gage, Zoning Administrator

Michael Marquise, Town Planner