

September 9, 2019

Marina Reilly-Collette
Chair, Wentworth Planning Board
Town of Wentworth
PO Box 2, 7 Atwell Hill Road
Wentworth, NH 03282

**RE: Subdivision Regulations
Legal Review of Proposed Amendments**

Ms. Reilly-Collette:

As you have requested, I have reviewed the proposed amendments to the Wentworth Planning Board's subdivision regulations as you sent them to me on June 30, 2019. Per your instructions, my review was limited to the specific proposed changes regarding lot line adjustments and accessory dwelling units. I have not, therefore, reviewed other parts of the regulations for compliance with current state law or best practices, nor have I examined whether the regulations include anything that is outside of the Planning Board's limited authority to regulate subdivisions, without a zoning ordinance or site plan review authority.

This letter addresses legal issues I see in the draft amendments. However, I express no opinion about the policy decisions underlying the proposed amendments; those are matters exclusively for the Board. I only note issues where I believe a statute may violate a statute, or where the Board doesn't have authority to take a certain action, or where the provision may create confusion or difficulty in administration.

A. Lot Line Adjustments

I have reviewed the various proposed additions to the regulations intended to clarify that a lot line adjustment is a subdivision, and I find no legal issues. I think the proposed language is very clear and is within the Planning Board's subdivision authority.

B. Accessory Dwelling Units

In reviewing the proposed additions addressing accessory dwelling units ("ADUs"), I am mindful of the fact that the Wentworth Planning Board has been authorized by town meeting under RSA 674:35 to review subdivisions, but that the Town has not adopted a zoning ordinance and the Planning Board has not been granted site plan review authority. As a result, the Board's only authority comes from New Hampshire statutes that permit a planning board to regulate matters connected with the subdivision of land. More specifically, the Planning Board is authorized to adopt regulations that do the various things authorized in RSA 674:35 (power to regulate subdivisions) and RSA 674:36 (subdivision regulations). However, while the Board can regulate the *subdivision* of land, it cannot regulate the *use* of that land once it is subdivided through subdivision regulations.

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The issue of ADUs is addressed not in those statutes, but in other statutes that pertain to zoning powers (which Wentworth has not yet exercised). There is always some degree of legal uncertainty involved when subdivision regulations include matters authorized under zoning statutes. The only way to eliminate that uncertainty would be for the Town to adopt a zoning ordinance. The New Hampshire Supreme Court has found at least once that towns may not legally regulate the use of land through subdivision regulations alone, and that this sort of regulation must be done through a zoning ordinance and/or site plan review regulations. *See Lemm Development v. Bartlett*, 133 N.H. 618 (1990). Taking this a bit further, we can say generally that subdivision regulations relating directly to the act of subdividing (lot size, frontage, road placement within a subdivision, etc.) are more likely to be upheld, but the further the regulations go toward regulating the use of the subdivided land (adding a pool, commercial v. residential use, etc.), the more the risk increases that a court would find the regulations unenforceable.

As a general matter, I do believe it makes sense to address ADUs in the subdivision regulations to clarify that an attached ADU which meets all the requirements of RSA 674:71 and 674:72 is not a “subdivision” and therefore it doesn’t require Planning Board approval. It is clear that these statutes require towns to allow attached ADUs that meet those provisions, either as a matter of right or with a conditional use permit or special exception. As Wentworth cannot require either conditional use permits or special exceptions without a zoning ordinance, this means they must be allowed by right.

The main objective of the provisions regarding detached ADUs seems to be that these will not be considered “subdivisions” (and therefore won’t require subdivision approval) if they meet the specific requirements of Article 12. If they do not meet those requirements, presumably detached ADUs will require subdivision approval. That basic framework makes sense and I believe it is within the Board’s authority.

It is my assumption that if subdivision review is required for a detached ADU (because, for instance, it is proposed to be larger than 1200 square feet), the Board would determine whether the portion of the lot on which the ADU would be built could be subdivided off of the main lot. If that portion met the minimum lot size, frontage, septic, and other requirements, it would be made into its own lot. Again, I believe the Planning Board can do all of that within its authority to regulate subdivisions. (If this is not the intent, please let me know because my analysis is likely to change.)

Going beyond that, however, it is important to look at what the proposed amendments would do to see if it falls within the Board’s authority to regulate subdivision (rather than use) of land. Below I have listed all the sections that deal with ADUs and my suggestions for clarity and legality:

Article II:

- Section 2.3(c): I think the intent here is to say that a Detached ADU will not be considered a “subdivision” unless it does not meet the requirements in Article 12. To

make that clearer, and to be very clear that an Attached/Internal ADU is not a subdivision, I suggest this language instead of what is highlighted in the draft: "...except for an Attached/Internal ADU, which does not require a subdivision, and except for a Detached ADU, which only requires subdivision approval if it does not meet the requirements in Article 12."

- Section 2.12: The first two sentences are fine. In the third sentence, if the intent is that a Detached ADU that doesn't comply with Article 12 will be considered a subdivision, then I suggest saying "Subdivision approval will be required if the plan of the Detached Accessory Dwelling Unit is not in conformance..." Otherwise, the use of the word "may" indicates there is wiggle room and leaves open the question of who decides whether subdivision approval is required. If someone wants to apply for a waiver of the subdivision requirement, that is their choice.

Article 3:

- Section 3.3 – the chart looks fine.

Article 5:

- Section 5.4: I strongly suggest that part A say "An Attached/Internal Accessory Dwelling Unit does not require subdivision for installation." Otherwise it sounds as if no subdivision will ever be required for any ADU.
- Section 5.5: I suggest changing the last sentence to say "If the Planning Board determines the proposal complies with Article 12, no subdivision approval will be required. If the proposal does not comply with Article 12, subdivision approval must be obtained before the Detached Accessory Dwelling Unit can be constructed."

Article 12:

- Section 12.1 – statement of authority, no issues.
- Section 12.2 – definitions. Suggest removing the initial "Detached" from definition of "Accessory Dwelling Unit, Detached".
- Section 12.3:
 1. As I understand it, a Detached ADU checklist has to be submitted for the Planning Board to determine whether the proposal requires subdivision approval or not (not for the Board to approve the actual plans...because if it is not a subdivision approval, the Planning Board has no jurisdiction over it). Therefore, it may make sense for this section to say "Each new Detached Accessory Dwelling Unit requires a completed Accessory Dwelling Unit Checklist and submission of plans for the structure for the Planning Board to determine whether subdivision approval is required. An Attached/Interior Accessory Dwelling Unit does not require such a checklist."
 2. This section requires an ACU to comply with "all zoning requirements" (which Wentworth does not have), so I'm not sure that phrase is necessary. This section also

requires all ADUs to comply with “all development standards for a single family dwelling and shall not increase any nonconforming aspect of any existing structure.” If there are development standards in the subdivision regulations for single family dwellings, then this makes sense.

3. Number of Units – this section refers to setbacks and zoning requirements, neither of which Wentworth has, so I am not sure what those references mean. Otherwise it is ok.
4. Location – I think the idea here is that if a Detached ADU isn’t planned to be located to the rear or side of the principal dwelling unit, then it will require subdivision approval. This is probably within the Planning Board’s subdivision authority.
5. (Note – the sections are misnumbered in the draft at this point and there is no 5. I assume the present #6 should be 5, and subsequent sections renumbered.)
6. ADU size – only restricts Detached ADUs, which makes sense, and I assume that if the proposed size is going to be more than 1200 square feet, the Board will consider it a subdivision and review it accordingly. This is probably within the Board’s authority.
7. Lot Size is greater for a Detached ADU than for a single-family dwelling without a Detached ADU. As the Board is authorized in RSA 674:36, II(i) to prescribe minimum lot sizes, and in RSA 674:73 to require an increased lot size for detached ADUs, this appears to be within the Board’s authority. Thinking this through, if an applicant proposed a Detached ADU on a lot smaller than 2.25 acres, it would not meet the requirements of Article 12 and therefore would require a subdivision of part of the lot to hold the ADU, which it could not qualify for because of the generally-applicable 2-acre minimum lot size. Again, this seems to be within the Board’s authority under both sections of the law.
8. Design:
 - a. The statute requires an interior door for an attached ADU so it is not necessarily required in the regulations, although I suppose it doesn’t hurt.
 - b. The exterior door is probably something the Planning Board can’t regulate for an attached ADU because it involves the use of the land, not the subdivision of land. However, so long as the Planning Board leaves the enforcement of this provision to the fire chief and the owner’s insurance company, it probably doesn’t hurt to have it here.
 - c. Limiting a Detached ADU to no more than 2 bedrooms seems authorized by RSA 674:73. I assume that if someone proposes 3 bedrooms, the Board would consider that a subdivision and evaluate it accordingly, which is fine.
 - d. Requiring ADUs to share a septic system seems find under RSA 674:72, V, although it is important to note that the applicant is also required under that statute to submit an application to DES before building the ADU (whether or not it meets town septic requirements).
9. Driveways – the first sentence of this section makes sense. On the second sentence, is the intent to require a new driveway when an ADU is constructed on a lot that already shares a driveway with another lot? If so, I don’t think the Board can require a new driveway for an attached/internal ADU because under Article 12.3(1) and Article 2.12 say that no Planning Board approval is required for an Attached/Internal ADU. In addition, as far as Detached ADUs go, it may be a good idea to clarify,

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perhaps by changing the second sentence to read something like “The addition of a Detached Accessory Dwelling Unit to a lot with a principal dwelling unit that already shares a driveway will require the construction of a new driveway to serve that ADU.”

10. Future subdivision – this section looks fine.
11. Sale of ownership – this section looks fine.
12. Historic District regulations: This may be problematic. The Planning Board may only regulate the subdivision of land and dictate which situations will constitute a subdivision requiring approval. An internal ADU doesn't require Planning Board approval at all, so I don't think the Board can require it to meet the provisions of historic district regulations. For a Detached ADU, the Board can decide whether it requires subdivision approval, but even if subdivision approval is required, requiring it to be designed within the requirements of historic district regulations is probably beyond what the Board can do in subdivision regulations. As I noted above, subdivision regulations can only dictate things that are listed in RSA 674:36, such as lot size, frontage, streets, etc.

Please feel free to call or write at any time with questions or to discuss any aspect of this matter.

Sincerely,

A handwritten signature in cursive script that reads "C. Christine Fillmore".

C. Christine Fillmore

**Planning Board Regulations Approved February 5, 2007
FEMA Regulations Approved March 13, 2007**

**TOWN OF WENTWORTH
PLANNING BOARD
SUBDIVISION REGULATIONS**

**ORIGINAL APPROVAL DATE
MARCH 26, 1986**

Revised and Approved February 5, 2007

**Also Includes
Revision to FEMA Regulations
Approved at Annual Town Meeting March 13, 2007**

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**SUBDIVISION REGULATIONS
TOWN OF WENTWORTH
NEW HAMPSHIRE**

SECTION I. AUTHORITY AND ADMINISTRATION

ARTICLE 1. ADOPTION AND PURPOSES

1.1 Authority

Pursuant to the authority granted by the voters of the Town of Wentworth, and in accordance with the provisions of N.H. Revised Statutes Annotated Title LXIV, Chapter 674, Sections 35 and 36, the Wentworth Planning Board adopts the following Regulations governing the subdivision of land in the Town of Wentworth, New Hampshire.

1.2 Title

These Regulations shall be known as the Town of Wentworth Subdivision Regulations.

1.3 Purpose

These Regulations are adopted for the purpose of:

- (a) Providing against such scattered or premature subdivision of land as would involve danger or injury to health, safety, or prosperity by reason of the lack of water supply, drainage, transportation, schools, fire protection, or other public services, or necessitate the excessive expenditure of public funds for the supply of such services;
- (b) Providing for the harmonious development of the municipality and its environs;
- (c) Requiring the proper arrangement and coordination of streets within subdivisions in relation to other existing or planned streets or with features of the official map of the municipality;
- (d) Providing for open spaces of adequate proportions;
- (e) Requiring suitably located streets of sufficient width to accommodate existing and prospective traffic and to afford adequate light, air, and access for firefighting and other public safety apparatus and equipment to property, and be coordinated so as to compose a convenient system;
- (f) Requiring the extent to which and the manner in which streets shall be graded and improved and to which water, sewer, and other utility mains, piping, connections, or other facilities shall be installed;

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- (g) Requiring, in proper cases, that plats showing new streets or narrowing or widening of such streets submitted to the planning board for approval shall show a park or parks suitably located for playground or other recreational purposes;
- (h) Requiring that proposed parks shall be of reasonable size for neighborhood playgrounds or other recreational uses;
- (i) Requiring that the land indicated on plats submitted to the planning board shall be of such character that it can be used for building purposes without danger to health;
- (j) Prescribing minimum areas of lots so as to assure the area as may be needed for each lot is available for on-site sanitary facilities; and
- (k) Including provisions which will tend to create conditions favorable to health, safety, convenience, or prosperity; and
- (l) Providing for efficient and compact subdivision development which promotes retention and public usage of open space and wildlife habitat, by allowing for village plan alternative subdivision as defined in RSA 674:21, VI.

1.4 Validity

If any portion 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.

1.5 Amendments to Regulations

These Regulations may be amended, as allowed under RSA 675:6, whenever such action is deemed advisable by the Board following a public hearing on the proposed amendment. Notice of the date, time and place of the public hearing shall be published in a paper of general circulation in the Town of Wentworth and also posted in at least 2 public places at least 10 calendar days before the hearing. All changes to these Regulations shall become effective when adopted and signed by a majority of the Planning Board members and also filed with the Town Clerk. A copy shall also be given to the Board of Selectmen and in a central file with the office of energy and planning.

1.6 Compliance with Other Ordinances and Laws

All plans submitted to the Planning Board shall in all respects comply with the provisions of these rules and regulations, unless a waiver is authorized by the Planning Board under Article 3.6. All proposed subdivisions shall be in harmony with the Wentworth Master Plan and shall be in conformance with applicable federal, state and local by-laws, ordinances and regulations.

1.7 Conflicts with Other Ordinances or Laws

If any provision in these Regulations is in conflict with other ordinances, regulations or State laws, the provision which imposes the greater restriction or the higher standard shall govern to the extent not contrary to State law.

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ARTICLE 2. ADMINISTRATION AND ENFORCEMENT

2.1 Administrative Officer

The administrative officer for implementation of procedures before the Planning Board under the Subdivision Regulations shall be the Secretary of the Planning Board and described herein as the “Planning Board Administrator”. However, for enforcement of the Subdivision Regulations or Planning Board decisions on plats under RSA Chapter 676, the Board of Selectmen for the Town of Wentworth shall be the administrative officer.

2.2 Approval by Planning Board

All subdivision of land in the Town of Wentworth, as “subdivision” is defined herein, requires approval by the Planning Board in accordance with these Regulations.

2.3 When Subdivision Approval Is Required

Subdivision approval by the Board is required for any development described in the definition of “subdivision” in Section V and in RSA 672:14, including the following:

- (a) The division of a lot, tract or parcel of land into two or more lots that can be conveyed as separate lots and owned individually;
- (b) The division of a lot, tract, or parcel of land into two or more sites for buildings that can be sold, leased or developed as condominiums; and
- (c) Any change in lot lines to a lot described in a deed recorded in the Grafton County Registry of Deeds or shown on a recorded subdivision plan, including annexations of any portion of two or more contiguous pre-existing lots, lot line adjustments, and boundary line agreements.

An example of when subdivision approval is required is where two or more houses are proposed for the same parcel of land, even if they will be owned by one owner but can be rented to others, **except for an Attached/Internal ADU, which does not require a subdivision, and except for a Detached ADU, which only requires subdivision approval if it does not meet the requirements in Article 12.** Another example would be land submitted to the condominium form of ownership or to an association of homeowners where there are at least two building sites. Subdivision approval is not required for a single apartment house or a single building which will contain more than one condominium unit or a single commercial building where space is leased out to individual tenants or sold as commercial condominiums with individually owned offices.

The rent, lease, development, or grant of an easement to a person for the purpose of placing and maintaining a wireless communications facility shall not be a subdivision and shall not be deemed to create any new division of land for any other purpose. For purposes of this paragraph, “wireless communications facilities” means any towers, poles, antennas, or other unstaffed structures of less than 500 square feet intended for use in connection with licensed transmission or receipt of radio or television signals, or any other licensed spectrum-based transmissions or receptions.

The grant of an easement in gross to a public utility for the purpose of placing and maintaining overhead and underground facilities necessary for its transmission or distribution network such as poles, wires, cable, conduit, manholes, repeaters and supporting apparatus, including any unstaffed

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structure which is less than 500 square feet, shall not be a subdivision and shall not be deemed to create any new division of land for any other purpose.

2.4 Merger of Lots Requires Planning Board Approval

Any owner of two or more contiguous pre-existing approved or subdivided lots or parcels, without further subdivision, who wishes to merge them for municipal regulation and taxation purposes may do so by applying to the Planning Board. A merger is not a subdivision but requires Planning Board approval through an expedited procedure described in Article 4.6. (RSA 674:39-a.) No portion of a merged parcel shall thereafter be separately transferred without subdivision approval.

2.5 Prohibition of Development Prior to Planning Board Approval

No construction, land clearing, or building development shall be initiated until a Notice of Action prepared by the Planning Board that approves the proposed subdivision has been signed by the Chairman of the Planning Board, or his or her designee, and has also been signed by the Subdivider and returned to the Planning Board Administrator for its records, as provided in Article 4.3. Approval of the Plat by the Board does not give the Subdivider the same rights as the signing of the Plat. See Article 2.6 below.

2.6 Improvements Needed Due to Subdivision

As a condition precedent to Planning Board approval of a proposed subdivision, the Planning Board may require the extent to which and the manner in which streets shall be graded and improved by the Subdivider and to which water, sewer, and other utility mains, piping, connections, or other facilities shall be installed by the Subdivider. The procedures to carry out this paragraph are described in Article 4.3.

2.7 Prohibition of Land Transfers Prior to Signing and Recording of Final Plat

No sale, rental, lease, or other transfer of any portion of an existing lot shall occur before an approved Final Plat, prepared and certified by a licensed land surveyor, has been endorsed in writing on the plat by the Chairman of the Planning Board or his/her designee and recorded in the Grafton County Registry of Deeds. RSA 674:37 and 676:16. The procedures necessary to obtain a signed Final Plat are described in Article 4.3.

2.8 Enforcement and Penalties

These Regulations shall be enforced by the Board of Selectmen, as provided in RSA 676:17. Enforcement of these Regulations may include injunctive relief (RSA 676:15), fines and other penalties (RSA 676:16, 17), to the extent allowed by law.

2.9 Appeals

Any person aggrieved by an official action of the Planning Board may appeal therefrom to the Grafton County Superior Court as provided in RSA 677:15.

2.10 Construction of Subdivision

A Subdivider shall construct the subdivision to comply with the approved Final Plat and all requirements set forth in the Notice of Action and these Regulations. Construction of improvements shall be in accordance with the provisions of Article 12.

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2.11 Acceptance of Streets, Parks or Open Space

Any new street within a subdivision shall be completed as shown on the Final Plat in accordance with these Regulations and the Town Road Construction Specifications and subject to any conditions imposed by the Board in its Notice of Action. The approval of the construction and completion of a private street or highway shall not be deemed to constitute or result in an acceptance by the Town of Wentworth or the public of the dedication of any street or other ground or open space shown upon the Final Plat.

2.12 Accessory Dwelling Units

Installation of an Attached/interior Accessory Dwelling Unit does not require approval by the Planning Board. Installation of a Detached Accessory Dwelling Unit shall however require verification by the Planning Board that the plan of the Detached Accessory Dwelling Unit conforms with the regulations in Article 12 and thus does not require subdivision. Subdivision will be required if the plan of the Detached Accessory Dwelling Unit is not in conformance with the regulations in Article 12.

SECTION II. PROCEDURE AND SUBMISSION REQUIREMENTS

ARTICLE 3. GENERAL APPLICATION PROCEDURES

3.1 Submission of Plan

Any plan intended for Planning Board review, and subsequent submission of required information, shall be made to the Planning Board Administrator.

A plan for Preliminary Layout review or an Application for Final Plat Review must be filed with the Administrator at least 15 calendar days prior to the meeting at which it will be considered or accepted in order to provide sufficient time for public notice. Inquiries concerning procedures, requirements, or the status of a particular application may also be made to the Planning Board Administrator.

3.2 Filing Fees, Administrative and Other Costs Incurred by the Town and the Board

The Subdivider shall pay the filing fees according to the Schedule of Fees adopted by the Board. The Subdivider shall also pay, in advance, all costs of Notice, whether mailed, posted or published, as described below. Failure to pay costs shall be valid grounds for the Board to terminate further consideration and to disapprove the plat without a public hearing.

In addition, the Board may require the Subdivider to pay additional reasonable fees to cover its administrative expenses and the costs of special investigative studies, review of documents, and other matters which may be required by particular applications (RSA 676:4, I(g)). Such additional fees may also include an appropriate allocation of legal fees incurred by the Board.

3.3 General Requirements for Public Notice

The following chart shows the notice and timing requirements for review of plans:

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Type of Review Process	Type of Public Process	Notice Requirements
Conceptual Discussion	Meeting	No advance notice
Preliminary Layout	Meeting (abutters heard, if they wish to speak)	Advance notice (Art. 3.4)
Final Plat – Major Subdivision	Public hearing required	Advance notice (Art. 3.4)
Final Plat – Minor Subdivision	Meeting (public hearing required only if requested)	Advance notice (Art. 3.4)
Final Plat – Lot Line Adjustment	Meeting (abutters heard, if they wish to speak)	Advance notice (Art. 3.4)
Voluntary Merger	Meeting	No advance notice
Review of Proposed Detached Accessory Dwelling Unit	Meeting (public hearing required only if requested)	Advance notice (Art. 3.4)

For plan reviews that require advance notice, the Application shall include the names and addresses of the Subdivider, all abutters of the entire parcel, holders of conservation, preservation, or agricultural preservation restrictions as defined in RSA 477:45, as indicated in the Town records not more than 5 calendar days before the day of filing the Application with the Planning Board Administrator. The Subdivider shall provide the list and a verification from the Tax Collector that the addresses are the same as shown on the Town tax records. All abutters shall also be identified on any plat submitted to the Board. The Application shall also include the name and business address of every engineer, architect, land surveyor, or soil scientist whose professional seal appears on any plat submitted to the Board.

3.4 How Advance Notice Is Given

When Notice is required in the Regulations, the Board shall give notice as follows:

1. The Notice shall include a general description of the proposed subdivision which is the subject of the Application; shall identify the Subdivider and the location of the proposed subdivision; and shall state the date, time, and place of the public meeting/hearing.
2. The Board shall notify the abutters, the Subdivider, holders of conservation, preservation, or agricultural preservation restrictions, and every engineer, architect, land surveyor, or soil scientist whose professional seal appears on any plat submitted to the Board of the date upon which the Application will be considered by the Board at a meeting or hearing. The notice shall be sent by certified mail, return receipt requested.
3. For the purpose of the Regulations, in counting days, the day on which Notice is given and the day of the public meeting/hearing shall be excluded.
4. Notice shall be mailed at least ten calendar days prior to the public meeting/hearing.
5. Notice to the general public shall be given by posting a copy of the Notice described herein in at least one public place, at least ten days prior to the public meeting/hearing.
6. As provided by law, any public meeting or public hearing for which Notice was required

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may be adjourned without additional Notice. The Board shall announce at the prior public meeting or prior public hearing that such a meeting shall be adjourned to a fixed date, time and place. For a valid adjournment, the records of the Board must contain a statement that such announcement was made and include also the date, time, and place when the adjourned meeting/hearing is to be held.

3.5 Major and Minor Subdivisions, and Lot Line Adjustments, Defined

For the purpose of the Regulations, three types of subdivisions are defined, all of which may involve residential, commercial, or industrial development. All of the following subdivisions require Final Plat review and approval.

- a) **MINOR SUBDIVISION:** A subdivision resulting in not more than 3 lots, each fronting on a Class V highway or better and not requiring new streets, the extension or upgrade of municipal facilities nor the creation of public improvements. The procedure for approval of a Minor Subdivision requires only the Final Plat review and approval, as set forth in Article 4.

- b) **MAJOR SUBDIVISION:** Any subdivision resulting in 4 or more lots or requiring new streets, the extension or upgrade of municipal facilities or the creation of public improvements. Applications for a Major Subdivision are normally processed in three steps: 1) an informal conceptual discussion, 2) a review of the Preliminary Layout, and 3) a review of and public hearing on the proposed Final Plat. (Step 1 is not required but is recommended by the Board.) Procedures and requirements for approval of a Major Subdivision are set forth in Article 4.

- c) **LOT LINE ADJUSTMENT:** A Minor Lot Line Adjustment is any change in lot lines to a lot described in a deed recorded in the Grafton County Registry of Deeds or shown on a recorded subdivision plan, including annexations of any portions of two or more contiguous pre-existing lots, lot line adjustments, and boundary line agreements. A minor lot line adjustment does not create any new lots, however it is a form of Minor Subdivision and Article 6 therefore applies in full to a Lot Line Adjustment. Procedures and requirements for approval of a Lot Line Adjustment are set forth in Article 4.

3.6 Requests for Waivers and Relaxation of Requirements

Upon the request of the Subdivider, the Board may grant a relaxation of the provisions of the Regulations as it deems appropriate, provided the Board shall first determine the following:

- a) That the relaxation is related to unique physical conditions which exist in proposed subdivision;
- b) That literal compliance with the Regulations shall cause the Subdivider an unnecessary hardship. (An unnecessary hardship is one where there is no public benefit which offsets the private detriment.)
- c) That the granting of the relaxation will not be contrary to the purpose and objective of the Regulations; and
- d) That the public good will not be adversely affected.

No waiver shall be granted by the Board of the requirement for security to be given to the Town by the Subdivider if street work or utility installations are not completed prior to signing and recording of

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the Final Plat. RSA 674:36.

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When the Subdivider submits an Application for review of a Final Plat, all requests for relaxation of requirements shall be included, in writing, in the Application. The Subdivider's Application, in order to be complete, shall specifically cite each section in these Regulations for which a waiver is requested and give the reasons why the waiver is requested, and how the requirements for a waiver are met. All requests for waivers must be given to the Board at the time the Application is submitted to the Administrator, or the Application may be rejected as being incomplete.

ARTICLE 4. SPECIFIC REVIEW PROCEDURES ON PLATS

4.1 Informal Conceptual Discussion—Optional/Non-Binding

Upon request of the Subdivider, a Subdivider may present a subdivision proposal to the Board in conceptual form.

A. Meeting Requirements

The Planning Board Chairman shall place the matter on the future agenda of the Planning Board at a regularly-scheduled meeting. No fee shall be assessed for the informal discussion. No notice to abutters or public hearing is required. There is no time limit for this informal discussion process once the proposal is submitted to the Board.

B. Information Requested

The Subdivider should provide the Board with the sketch plan which may be drawn in pencil or ink showing the location and type of the proposed development, with the additional information such as general topography including prominent natural features of the tract and, if applicable, how the concept conforms with the Master Plan.

C. Focus of Discussion

The Board's review shall be limited to a discussion as to the basic concept of the proposal and in general terms for the purpose of familiarizing the Board with the location and type of development desired and the Subdivider with the general requirements of the Board, as set forth in the Regulations.

Following the Informal Discussion, and after determining the general character of the proposed subdivision, the Board shall offer suggestions which might be of assistance in resolving problems with meeting submission requirements during final consideration and will advise the Subdivider concerning subsequent procedures and submission requirements.

Such discussion shall not bind either the Subdivider or the Board, and statements made by Planning Board members shall not be the basis for disqualifying said members or invalidating any action taken.

4.2 Review of Preliminary Layout—Major Subdivisions/Non-Binding

Unless waived by the Board following the Informal Conceptual Discussion, a Subdivider shall submit a Preliminary Layout of the proposed Major Subdivision to the Planning Board Administrator for review by the Board. This review is required by the Board for all proposed Major Subdivisions.

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A. Meeting Requirements

Notice shall be given to the abutters, the Subdivider, and holders of conservation, preservation, or agricultural preservation restrictions by certified mail of the date upon which the Preliminary Layout will be formally submitted to the Board at a meeting. No filing fee or public hearing is required for Preliminary Layout, and there is no time limit for this review process once the proposal is submitted to the Board.

B. Description of Layout

The Preliminary Layout may be drawn in pencil or ink. Three copies of the Preliminary Layout shall be submitted on blackline paper. Dimensions may be approximate. Data may be tentative but shall be sufficiently clear to establish the basis of and to clarify the design requirements for the subdivision Final Plat. Maps shall be at a scale of no more than 100 feet per inch unless otherwise specified by the Board or of a scale and content as required by the Grafton County Registry of Deeds.

C. Information Required

The following information will assist the Planning Board to consider and advise the Subdivider on the proposed Major Subdivision, which information shall be submitted to the Planning Board Administrator as the Preliminary Layout:

1. Name of municipality and subdivision; name and address of Subdivider and designer or engineer; names and addresses of all abutters and holders of conservation, preservation, or agricultural preservation restrictions (all of these items shall appear on the layout).
2. General site location map locating the subdivision boundary and proposed streets in relation to major roads or other features shown on the Town base map.
3. Boundaries and area of the entire parcel owned by the Subdivider, whether or not all land therein is to be subdivided, referenced to a public street intersection or USGS bench mark; north point, bar scale, date and dates of revision.
4. Approximate contours at 5 foot intervals, unless otherwise specified by the Board.
5. Soil mapping units and boundaries as classified by the U.S. Dept. of Agriculture Soil Conservation Service.
6. Existing subdivisions and existing structures or buildings within 100 feet of the parcel to be subdivided; roads or streets; and driveways within 200 feet of the parcel to be subdivided.
7. Location of parks and other open space, watercourses, flood-prone areas, significant natural and man-made features within the subdivision and on adjacent property.
8. Existing and proposed lot lines; existing and proposed easements, and deed restrictions.
9. Preliminary road profiles showing grades, existing and proposed street right-of-way lines (including side slopes), width of streets, proposed names of new streets.
10. Location of existing and proposed storm drainage lines, drainage structures and drainage ways, culverts, existing and proposed telephone, electricity and other proposed facilities and/or utilities.
11. Preliminary drainage analysis and computations; watershed areas.
12. Recommendations on Preliminary Layout from the Fire Chief, the Police Chief, and any other Town Board or other official as requested by the Planning Board.

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D. *Review of the Preliminary Layout*

Upon receipt of the information needed to review the Preliminary Layout, the Board shall conduct a review of the proposed subdivision during a regularly-scheduled public meeting.

E. *Action by the Board*

After review of the Preliminary Layout by the Board, the Board shall submit its recommendations and reservations with respect to the proposed subdivision and the advisability of preparing a Final Plat to the Subdivider in writing. Such recommendations shall not bind either the Subdivider or the Board, and statements made by Planning Board members shall not be the basis for disqualifying said members or invalidating any action taken.

If the Subdivider does not provide the Board with sufficient information to conduct this review (as listed above), the Board may choose to conclude the review process without offering recommendations to the Subdivider and may take no further action.

4.3 Final Plat Review—Major Subdivisions

All Major Subdivisions must be reviewed and approved by the Planning Board under the following procedures.

A. *Submission to Administrator*

A completed Application for Final Plat approval for review and action by the Board shall be submitted to the Planning Board Administrator.

B. *Information Required in Application for Review of the Final Plat*

In addition to the general application requirements listed in Articles 3 and 4, the Final Plat for Major Subdivisions shall conform to the requirements in Article 5 and in Section III (Articles 6 - 11) of these Regulations.

C. *Completeness Review of Application*

1. Before any review of the proposed final subdivision Application, the Board shall first determine at a public meeting if the Application is complete. A completed Application means that all applicable fees have been paid by the Subdivider and sufficient information is submitted to allow the Board to proceed with consideration and to make an informed decision. Whether sufficient information has been submitted will be decided based on the submission requirements for the Application for Final Plat approval described in the Regulations below. A completed Application is required to invoke the jurisdiction of the Board for its review and approval authority.
2. The Subdivider shall file the Application for Final Plat approval with the Planning Board Administrator at least 15 days prior to the public meeting at which the Application is to be considered for its completeness by the Board.

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3. At its next regularly-scheduled meeting or within 30 days following delivery of the Application to the Administrator, for which Notice can be given, the Board shall determine if the submitted Application is complete according to these Regulations.
4. Upon determination by the Board that a submitted Application is incomplete, the Board shall notify the Subdivider of its determination in writing and shall also describe in writing the reasons that it is incomplete, including the information, procedures, or other requirements necessary for the Application to be complete.
5. After a determination by the Board that a submitted Application is complete, the Board shall begin formal consideration of the merits of the Application, as further described below.
6. Whenever the Board, by motion, shall either accept or reject the Application at the public meeting or an adjourned session thereof based on its completeness, such action shall be noted on the Application and in the records of the Board.

D. Site Inspections

If a Subdivider submits an Application for a Final Plat, and if the Board deems it necessary for the consideration of the Application to visit the site:

1. The Board shall arrange a time for the site inspection that is mutually convenient for the Board and for the Applicant at a regularly-scheduled meeting.
2. Such a site inspection shall be posted as a meeting of the Board pursuant to the Right-to-Know Law provisions of RSA 91-A. If there is a quorum present at the site inspection, minutes shall be kept.
3. All Applications are conditioned upon the landowner allowing the Board and the public access to the property to the extent reasonable and necessary to properly review the Application. Denial of access by the landowner automatically terminates any further consideration of the proposal or Application.
4. Applicants are encouraged to allow review of the proposed subdivision site by individual Board members without notice.
5. Any members of the general public that attend a site visit will be expected to stay in close proximity to the Board, will not be permitted to wander at will on the premises, and will be subject to the direction and control of the Chairman of the Planning Board.

E. Public Hearing and Consideration of the Final Plat

The Board shall hold a public hearing on the Application only after the Board has accepted the Application as complete. The Application shall be deemed to be submitted to the Board as of the date on which the Board voted that the Application was complete. The Board shall begin formal consideration of the merits of the Application by opening a public hearing at the same meeting after the Application was determined to be complete (if the Notice indicated this would occur) or by scheduling another public hearing for which Notice will be given.

F. Action of the Board on the Final Plat

The Board shall act to approve, conditionally approve, or disapprove the Application within 65 days of the date of submission. The Board may apply to the Selectmen for an extension not to

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exceed an additional 90 days (beyond the 65-day-period) before acting to approve, conditionally approve or disapprove the Application. In the alternative, the Subdivider may waive the statutory time periods and consent to an extension of time that is mutually agreeable for the Board to act. Such consent shall be in writing and shall be made part of the Board's record.

If the Board fails to approve, conditionally approve or disapprove the Application within the time periods described above, the Subdivider may apply in writing to the Selectmen, for an order from the Selectmen directing the Board to act on the Application within 30 days, which order shall be immediately issued. If the Board does not act on the Application within that 30-day time period, then within 40 days of the issuance of the Selectmen's order, the Selectmen shall certify on the Subdivider's Application that the plat is approved pursuant to RSA 676:4, I(c)(1), unless within those 40 days the Selectmen identify in writing some specific provision from the subdivision regulations or other law or ordinance with which the Application does not comply.

Failure of the Selectmen to issue the order to the Board, or to certify approval of the plat upon the Board's failure to comply with the Selectmen's order, shall constitute grounds for the superior court, upon petition by the Subdivider, to issue an order approving the Application if the court determines that the proposal complies with existing subdivision regulations and other ordinances or laws. If the court determines that the failure of the Selectmen to act was not justified, the court may order the Town to pay the Subdivider's reasonable costs, including attorney's fees, incurred in securing such order.

G. Notice of Action on the Final Plat

The Board shall notify the Subdivider, by Notice of Action in writing signed and dated by the Chairman or his or her designee of its actions on the Final Plat. A copy of the Notice shall be mailed to the Subdivider by certified mail, return receipt requested. The Notice of Action, as well as the minutes of the meeting at which such vote was taken, shall also be filed at the office of the Town Clerk and made available for public inspection within 144 hours of such vote.

In the case of disapproval, the reasons for such disapproval shall be set forth in the Notice which shall become part of the records of the Board.

In case of approval, the Notice of Action shall set forth the following:

1. A copy of any deed restriction submitted by the Subdivider and accepted by the Board.
2. All requirements for off-site improvements.
3. A description of land, if any, to be dedicated to widen existing streets.
4. A description of any waivers or relaxations of requirements granted to the Subdivider and the reasons for granting the waivers.
5. When applicable, the statement described in Article 6.8 concerning liability for public use of land.
6. All agreements, if any, between the Subdivider and the Board concerning matters not required by these Regulations, but to be performed by the Subdivider.
7. A statement that the subdivision shall be completed and constructed in conformity with the Final Plat and the Regulations.

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8. A reference to the amount and type of security to be provided by the Subdivider as a guarantee of performance in construction of the subdivision as set forth below in Article 4.3, Paragraph I.
9. Any conditions of approval that must occur prior to construction, or those that must occur prior to the signing and recording of the Final Plat.
10. If permanent monuments cannot be placed prior to the signing and recording of the Final Plat due to intended construction of street or utility improvements, a statement requiring the Subdivider to cause the land surveyor to install such permanent monuments prior to conveyance of any lot shown on the Final Plat, as described in Article 7.2.
11. If any land will be dedicated to public use, a statement by the Subdivider that the Subdivider will be liable for any personal injury or property damage by the Subdivider or the agents of the Subdivider of that land, until the Town has accepted the offer of dedication, as described in Article 6.8.
12. Those permits or approvals to be obtained and whether or not a public hearing will be required. (RSA 676:4, I(i)).

H. Acknowledgement of Receipt, and Acceptance of, Notice of Action

Until the Subdivider shall acknowledge receipt of the Notice and shall return a signed copy of same to the with the Planning Board Administrator, no construction, land clearing, or building development shall be initiated. The signature of the Subdivider on the Notice of Action shall acknowledge the Subdivider's acceptance of all provisions and conditions of the Planning Board approval of the Final Plat subject to these Regulations. Failure to acknowledge receipt and acceptance of the Notice of Action within 90 days of the date of mailing of the Notice of Action will cause the Planning Board's approval to expire at the end of the 90-day period.

I. Procedure When Improvements are Required

There are two methods available to the Subdivider, if improvements are required by the Planning Board in the Notice of Action, in order for the Final Plat to be signed and recorded.

1. Construction of Required Improvements First and the Signing of the Plat

The Subdivider shall construct and install all improvements required by the Planning Board within 36 months from the date of acknowledgement and acceptance of the Notice of Action by the Subdivider. Within that same time period, the Subdivider shall present the plat to be signed by the Chairman of the Planning Board, or his/her designee, after the improvements have been installed and approved by the Board of Selectmen.

2. Security to the Town and the Signing of the Plat Prior to Construction

Before the Subdivider starts installation or construction of any improvements such as streets or roads, water, septic or sewer service facilities, drainage structures or other utilities, the Subdivider shall furnish security to the Town in an amount and form acceptable to the Board. The purpose of this security will be to provide the funds necessary to install the improvements in the subdivision required by the Board in the event the Subdivider fails to do so for any reason, including but not limited to insolvency and/or bankruptcy.

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- a) Amount: The amount of security shall be determined by the Board and shall be sufficient to cover the costs of the improvements, estimated fees for inspections of the improvements by agents of the Town or its representatives (including engineers), the estimated cost of a land surveyor to install permanent monuments (if applicable after construction), and the estimated cost of inflation over the projected term of the security not to exceed 10% per year. The Subdivider shall be liable for the actual cost of the construction of all such improvements regardless of the amount of the security.

The Subdivider must file with the Board a registered engineer's detailed estimate of the costs of the improvements together with maps, plans and supporting data. The Board may require additional estimates of the costs of the improvements from such sources as a second engineer or contractor chosen by the Board in determining the amount of security required. The cost of the additional estimates shall be borne by the Subdivider.

- b) Form: An irrevocable letter of credit is the preferred form of security. A suggested form for an irrevocable letter of credit is shown in the Appendix. Irrevocable letters of credit with language differing from the suggested form or alternative forms of security must be approved by the Planning Board and may require consultation with legal counsel at the Planning Board's discretion. The Board will not accept mortgages or escrow accounts from each lot sale as security. Where a performance bond is required, it shall be issued by a surety company that must appear on the Treasury Department's most current list (Circular 570) as amended and be authorized to transact business in the State of New Hampshire. The bond shall be approved as to form and sureties by legal counsel for the Town of Wentworth, the cost of which shall be borne by the Subdivider.
- c) Term of Security: The security, in whatever form chosen by the Subdivider, shall not expire earlier than two years from the date on the Notice of Action when the Planning Board Chairman signed it (as described in Article 12.2).

J. Signing and Recording the Final Plat Required Before Land Transfers

There shall be no sale, lease or transfer of land within the subdivision before an approved Final Plat, prepared and certified by a licensed land surveyor, has been endorsed in writing on the plat by the Chairman of the Planning Board or his/her designee and recorded in the Grafton County Registry of Deeds. RSA 674:37 and 676:16.

Once all conditions of the Board's approval in its Notice of Action for the subdivision have been met, the Subdivider may submit the Final Plat to the Board for signature. Before the Final Plat receives the endorsement of the Planning Board, the Board Chair or his/her designee will check that all conditions of the Planning Board's approval have been met, including receipt of satisfactory security (if applicable), permits and approvals have been obtained (if applicable),

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and that the land surveyor has placed permanent monuments at the subdivision, if applicable, as required in Article 7.2.

The Subdivider shall submit to the Board two (2) mylar copies and three (3) blackline copies of the approved Final Plat prepared and certified by a licensed land surveyor, along with required recording fees and other expenses related thereto. Sheet sizes and all other requirements of the Grafton County Registry of Deeds shall be met. (See RSA 478:1-a.) Space shall be reserved on the Final Plat for the endorsement by the Planning Board Chair or his/her designee, who shall sign and also date the Final Plat. The Final Plat shall contain the following statement:

“The Subdivision Regulations of the Town of Wentworth and the Notice of Action are a part of the Plat, and approval of this Plat requires the completion of all the requirements of the Notice of Action and the Subdivision Regulations excepting only any modification or waiver set forth in the Notice of Action.”

Within 30 days after the Final Plat is signed, the Board shall transmit one mylar of the Plat to be recorded in the Grafton County Registry of Deeds and shall deliver the second mylar to the Town for its records. All graphic material and presentations shall be in permanent black ink on the surface of the mylar Plat which is suitable for writing. For good cause shown, the time limit for recording may be extended by the Planning Board.

The act of recording an approved subdivision Plat shall not in itself constitute acceptance by the Town of any street, easement or improvement shown thereon.

4.4 Final Plat Review—Minor Subdivisions (Expedited Process)

A. Definition

A Minor Subdivision is any division of land resulting in no more than 3 lots, each fronting on an existing Class V highway or better and not requiring new streets, the extension or upgrade of municipal facilities nor the creation of public improvements.

B. Procedure

At an informal public meeting with the Subdivider, the Board shall first determine that the proposed subdivision qualifies for the Minor Subdivision procedure. If the Board, after a vote, decides that the subdivision is a Minor Subdivision, the Subdivider may submit the Application for Review of the Final Plat to the Planning Board Administrator, who shall give notice in accordance with Articles 3.3 and 3.4 of a subsequent public meeting date when the Minor Subdivision will be reviewed and considered.

Review of, and action taken regarding, the Final Plat shall be in accordance with the Board’s platting procedures in Article 4.3 above, with the following possible exceptions:

1. A public hearing is not required unless requested by the Subdivider, any abutters, or holders of conservation, preservation, or agricultural preservation restrictions any time prior to approval or disapproval of the Plat or if the Board decides to hold a public hearing for its own reasons.

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2. No security under Article 4.3, I may be required by the Planning Board if no streets, utility or similar improvements are proposed or will be constructed prior to signing and recording of the Final Plat.

C. Submission Requirements

Submission requirements for the Final Plat are as set forth in Article 5.2 below.

D. Standards for Final Plats

All Minor Subdivisions shall conform to applicable standards set forth in Section III (Articles 6 - 11). In addition, a Minor Subdivision may not adversely affect any lot or lots, which may be subject to future subdivision, nor any adjoining property.

E. Change of Procedure

If, in the judgment of the Board, the subdivision as initially presented does not meet the requirements for a Minor Subdivision as stated in the Definition above in Paragraph A, the Board shall require the subdivision to be processed as a Major Subdivision.

F. Resubdivision

A parcel of land which has been subjected to a minor subdivision shall not be eligible for further subdivision under the Minor Subdivision procedures for a period of 10 years from the date of the most recent minor subdivision approval.

4.5 Final Plat Review—Minor Lot Line Adjustments (Expedited Process)

A. Definition

A Minor Lot Line Adjustment is any change in lot lines to a lot described in a deed recorded in the Grafton County Registry of Deeds or shown on a recorded subdivision plan, including annexations of any portions of two or more contiguous pre-existing lots, lot line adjustments, and boundary line agreements. A minor lot line adjustment does not create any new lots, however it is a form of Minor Subdivision and Article 6 applies in full to Lot Line Adjustments.

B. Procedures

At an informal public meeting with the Subdivider, the Board shall first determine that the proposal qualifies for the Minor Lot Line Adjustment procedure. If the Board, after a vote, decides that the proposal is a Minor Lot Line Adjustment, the Subdivider may submit the Final Plat to the Planning Board Administrator, who shall give notice in accordance with Articles 3.3 and 3.4 of a subsequent public meeting date when the Minor Lot Line Adjustment will be reviewed and considered.

No public hearing is required, but any abutter or holder of a conservation, preservation, or agricultural preservation restrictions may be heard on the application upon request. If deemed necessary, the Board may adjourn its consideration to another date and time to allow further abutter participation.

If the Board approves the Minor Lot Line Adjustment as shown on the Final Plat, the Chairman of the Planning Board (or his or her designee) shall sign the Final Plat in accordance with the requirements of Article 4.3, J. It shall be recorded at the Registry of Deeds by the Board.

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C. Submission Requirements

Submission requirements for the Final Plat are as set forth in Article 5.3 below.

4.6 Voluntary Merger of Existing Lots (Not a Subdivision)

A. Definition

A Merger occurs when any owner of two or more contiguous pre-existing approved or subdivided lots or parcels wishes to merge them for municipal regulation and taxation purposes. Only pre-existing lot lines are removed to create a larger parcel; no new lot lines are created, so it is not a subdivision. However, Planning Board approval is required. RSA 674:39-a.

B. Procedure

An Application for Voluntary Merger shall be given to the Planning Board Administrator, who will review it for completeness. If the Application is complete, the proposed merger will be placed on the agenda for the next regularly-scheduled Planning Board meeting. No public hearing or public notice is required. Except where such merger would create a violation of current ordinances or regulations, all such requests shall be approved.

C. Submission Requirements

A new survey plat is not required. A Notice of the Voluntary Merger, sufficient to identify the relevant parcels, signed by the landowner and witnessed, plus the written consent(s) of all persons holding mortgages, liens, encumbrances or other interests in said lots or parcels, shall be submitted to the Planning Board Administrator. See the form for the Notice in the Appendix.

D. Action by Planning Board

The Notice of Voluntary Merger shall be endorsed in writing by the Planning Board Chairman, or his or her designee, and the original shall be filed for recording in the Grafton County Registry of Deeds, and a copy mailed or delivered to the Town's assessing officials.

E. Effect on Subdivision

No such merged parcel shall thereafter be separately transferred without subdivision approval.

ARTICLE 5. SUBDIVISION SUBMITTAL REQUIREMENTS

5.1 Major Subdivisions

In addition to the general application requirements listed above in Articles 3 and 4, the Application for a Major Subdivision shall include all information listed here of these Regulations.

A. Completed Application Form

A completed Application for a Major Subdivision shall include the application fee, one (1) copy of the Application form, a list of the names and addresses of the Subdivider, all holders of conservation, preservation, or agricultural preservation restrictions as defined in RSA 477:45, and all abutters as indicated in the Town records not more than 5 days before the filing of the Application form, the name and business address of every engineer, architect, land surveyor or

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soil scientist whose professional seal appears on any plat submitted to the Board, and written authorization from the landowner of record for any agent(s) to represent the owner. Any requests for waivers or relaxation of requirements, as described in Article 3.6, shall be described in a separate writing attached to the Application.

B. Maps

1. Three sets of the proposed Final Plat shall be submitted on blackline paper.
2. Maps shall be drawn at a scale of no more than 100 feet per inch, unless otherwise specified by the Board or at a scale and content required by the Grafton County Registry of Deeds.
3. The name of municipality and subdivision; name and address of Subdivider and designer or engineer; names of all abutters shall appear on the plat.
4. A boundary survey certified by a land surveyor licensed in the State of New Hampshire of the existing parcel affected by the subdivision, whether or not the entire parcel will be subdivided, referenced to a public street intersection or USGS bench mark; north point, bar scale, date and dates of revision. The boundary lines of the tract should be determined by actual field survey, giving complete descriptive data by bearings and distances, with the plat bearing the date the survey was completed.
5. Topographic contour lines at 5 foot intervals, unless otherwise specified by the Board.
6. General site location map locating the subdivision boundary and proposed streets in relation to existing roads or other features shown on the Town base map.
7. Soil mapping units and boundaries as classified by the U.S. Dept. of Agriculture Soil Conservation Service.
8. Existing subdivisions and existing structures or buildings within 100 feet of the parcel to be subdivided; all existing public and private roads or streets and nearest intersections that will be relied upon for primary and secondary access within 1 mile of the proposed subdivision; and existing driveways within 200 feet of the parcel to be subdivided.
9. Existing well locations and existing sewage or waste disposal systems, including those within 75 feet of the boundaries of the existing lot.
10. Location of parks and other open space, permanent and intermittent watercourses, wetlands, wooded areas, rock outcrops, flood-prone areas, significant natural and man-made features within the subdivision and on adjacent property.
11. Existing and proposed lot lines and existing and proposed building sites in the subdivision and on adjacent property, lot sizes in square feet and acres, consecutive numbering of lots, determined by actual field survey, including the length and bearings shown in feet and decimals thereof; existing and proposed easements, and deed restrictions.
12. Existing and proposed street right-of-way lines (including side slopes), width of streets, proposed names of new streets, dimensions of tangents, chords, and radii; location of all monuments to be set at street intersections; points of curvature and tangency of curved streets and angles of lots; names of existing and proposed streets; road profiles showing grades.
13. A feasible location for safe and convenient access for a driveway on each lot.

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14. Location of existing and proposed storm drainage lines, drainage structures and drainage ways, culverts, existing and proposed telephone, electricity and other proposed facilities and/or utilities.
15. The base flood elevation data, if the proposed subdivision is located in the Flood Plain.

C. Agency Permits or Other Official Approvals and Recommendations

1. Driveway permit from the N.H. Department of Transportation if access from the subdivision relies upon a class I or class III highway or the state-maintained portion of a class II highway.
2. If any portion of the proposed development is within the special flood hazard area of the Town, a permit from the Board of Selectmen under the Town's Floodplain Management Ordinance.
3. Recommendations from the Fire Chief, the Police Chief, and any other Town Board or other official as requested by the Planning Board.
4. Soil test data, sewage disposal system information, and State approvals as required in Article 6.7.

D. Additional Information That May Be Required for Final Plat

As part of the Final Plat submission, the Board may require the Subdivider to submit any or all of the following information:

1. **Subdivision Grading and Drainage Plan.** This Plan shall be submitted on a separate sheet or sheets and shall provide the following information for the entire area of the proposed subdivision and within 200 feet of the proposed subdivision on adjacent property, unless there is a determination by the Board that a lesser area is sufficient:
 - (a) Basic street and lot layout, with all lots or sites numbered consecutively.
 - (b) Location of all existing buildings and approximate location of proposed buildings, if known.
 - (c) Identification of the complete watershed area within which the subdivision is located with boundaries marked on the applicable USGS topographic maps.
 - (d) All flood prone areas, proposed drainage ditches, swales, lines or structures, including location, elevation, grades, profiles and contours at five (5) foot intervals for existing and proposed drainage ways and structures.
 - (e) Drainage analysis and computations; watershed areas.
2. **Subdivision Street Plan:** This Plan shall be submitted on a separate sheet or sheets and shall provide the following information:
 - (a) Complete plans and profiles of all proposed streets, including but not limited to horizontal and vertical curve data at the street centerline, street stationing every fifty feet and turnaround radii, and typical sections of proposed streets.
3. **Performance Bond or other Security:** If a performance bond or other security is required, the Subdivider shall furnish an estimate of the full cost of all improvements and a description

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of the security to be offered to secure the performance of the Subdivider in making the improvements, as described in Article 4.3, I.

4. **Erosion and Sediment Control Plan:** If slopes greater than 15% will be disturbed by any site work or improvements, the Board may require an erosion and sediment control plan that adequately controls accelerated erosion and sedimentation and reduces the likelihood of excessive stormwater runoff from the proposed subdivision to adjacent property. The principles, methods and practices outlined in the Erosion and Sediment Control Design Handbook for Developing Areas of New Hampshire (1981), USDA Soil Conservation Services as amended shall be used as a guide.
5. **Utilities and Fire Protection Map:** This map should show the location and details of all existing and proposed utilities including lines and associated facilities for water, telephone, electric and cable systems, as well as the location of existing or proposed wells and on-site sewage disposal systems, including a 75-foot radius for wells located entirely within the individual parcel in accordance with NH DES Water Supply and Pollution Control Division Subdivision and Individual Sewage Disposal System Design Rules, Env-WS 1000 (as amended). This map shall show the fire protection measures to be provided, including fire hydrants (active or dry), fire ponds or on-site water supply tanks.
6. **Additional Information:** The Board may require such other information, to be provided at the Subdivider's expense, as it deems necessary to evaluate the proposed subdivision in relation to the purpose and scope of these Regulations during the public hearing stage.

5.2 Minor Subdivisions

A. Completed Application Form

A completed Application for a Major Subdivision shall include the application fee, one (1) copy of the Application form, a list of the names and addresses of the Subdivider, all holders of conservation, preservation, or agricultural preservation restrictions as defined in RSA 477:45, and all abutters as indicated in the Town records not more than 5 days before the filing of the Application form, the name and business address of every engineer, architect, land surveyor or soil scientist whose professional seal appears on any plat submitted to the Board, and written authorization from the landowner of record for any agent(s) to represent the owner. Any requests for waivers or relaxation of requirements, as described in Article 3.6, shall be described in a separate writing attached to the Application.

B. Information Required

For a Minor Subdivision, the Final Plat shall contain or be accompanied by the following maps and information. Maps shall be drawn at a scale of no more than 100 feet per inch, unless otherwise specified by the Board or of a scale and content as required by the Grafton County Registry of Deeds.

1. Name of municipality and subdivision; names and addresses of the Subdivider to be shown on the map.

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2. Names of abutting property owners to be shown on the map, as well as subdivision and buildings within 100 feet of the parcel to be subdivided; roads, streets, and driveways within 200 feet of the parcel to be subdivided.
3. Name and seal of engineer and/or land surveyor who prepared the Final Plat, to be shown on the map, licensed by the State of New Hampshire.
4. A general site location map locating the proposed Minor Subdivision boundaries in relation to major roads.
5. Boundaries and areas of the entire parcel referenced to a public street intersection or USGS bench mark; north point, bar scale, date and dates of revisions. The Board may waive the requirement of a perimeter survey for the entire parcel and may require specific data only for lots for which sale or lease is contemplated; in such instances, the Final Plat shall include a general map insert which indicates approximately the size and shape of the entire parcel to be subdivided.
6. Approximate contours at five (5) foot intervals, unless otherwise specified by the Board.
7. Existing and proposed building sites and lot lines, angles and dimensions, lot sizes in square feet and acres, consecutive numbering of lots.
8. A feasible location for safe and convenient access for a driveway on each lot.
9. Location of existing and proposed easements, deed restrictions, other open space, water courses, and significant natural and man-made features.
10. Where individual on-lot sewage disposal systems are proposed, the Subdivider shall present evidence of State approval of the suitability of each lot of on-site sewage disposal for building purposes. For lots greater than 5 acres, an opinion by a N.H. Licensed Subsurface Designer that a suitable site for a subsurface disposal system exists may be substituted for State approval. In all instances where State review is not available, the plat shall specifically indicate on each such lot that State approval for an on-site subsurface disposal system has not been granted.
11. If any portion of the proposed development is within the special flood hazard area of the Town, a permit from the Board of Selectmen under the Town's Floodplain Management Ordinance.

C. Other Information

When in the judgment of the Board additional information is required to serve the purposes of these Regulations, the Board may require such other information.

D. Description of Final Plat

The Final Plat shall meet the requirements stated in Article 4.3 above.

5.3 Minor Lot Line Adjustments

A. Completed Application Form

A completed Application for a Minor Lot Line Adjustment shall include the application fee, one (1) copy of the Application form, a list of the names and addresses of the Applicant, all holders of conservation, preservation, or agricultural preservation restrictions as defined in RSA 477:45, and all abutters as indicated in the Town records not more than 5 days before the filing of the Application form, the name and business address of the land surveyor whose professional seal

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appears on any plat submitted to the Board, and written authorization from the landowner of record for any agent(s) to represent the owner.

Any requests for waivers or relaxation of requirements, as described in Article 3.6, shall be described in a separate writing attached to the Application.

B. Plat Requirements

A Minor Lot Line Adjustment shall be shown on a plan, prepared by a licensed surveyor, drawn at a scale of no more than 100 feet per inch, unless otherwise specified by the Board or of a scale and content as required by the Grafton County Registry of Deeds. It shall contain the following information:

1. The original boundaries of the parcels involved in the lot line adjustment, as well as adjacent parcels;
2. The new property line or lines to be created by the lot line adjustment;
3. A statement shall be placed on the plan stating as follows:

“This Plan shows a division of land for the purpose of a minor lot line adjustment/boundary agreement as defined in the Subdivision Regulations of the Town of Wentworth and approved by the Planning Board.”

5.4 Accessory Dwelling Units – Character

A. An Attached/Internal Accessory Dwelling Unit does not require subdivision for installation. Requirements for the installation of Accessory Dwelling Units are covered in full in Section III, Article 12.

B. Detached Accessory Dwelling Units must be reviewed by the Planning Board pursuant to section 5.5.

5.5 Detached Accessory Dwelling Unit Review

A Detached Accessory Dwelling Unit checklist and plans for the proposed Detached Accessory Dwelling Unit must be submitted to the Planning Board for review. The Planning Board will review the checklist and plans to verify that the Detached Accessory Dwelling Unit so proposed complies with Article 12 and does *not* require a Subdivision. If the Planning Board determines the proposal complies with Article 12, no subdivision approval will be required. If the proposal does not comply with Article 12, subdivision approval must be obtained before the Detached Accessory Dwelling Unit can be constructed.

SECTION III. STANDARDS FOR SUBDIVISION DESIGN

ARTICLE 6. GENERAL PROVISIONS

6.1 Character of Land for Subdivision

Land of such character that it cannot, in the opinion of the Board, be safely used for building

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development because of danger to health and 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. All proposals for subdivision of land shall be consistent with the need to minimize flood damage. (See Town of Wentworth Floodplain Management Ordinance, if applicable.) Land with inadequate characteristics or capacity for on-site sanitary sewage disposal shall not be subdivided for residential, commercial or industrial subdivision purposes.

6.2 Prohibition Against Premature or Scattered Subdivision

Scattered or premature subdivision of land as would involve danger or injury to health, safety, or prosperity by reason of inadequate water supply, drainage, transportation, school, fire protection, or other public services, or would necessitate an expenditure of public funds for the supply of such services, shall not be approved by the Board. The Board, in doing so, will ascertain what amount of development, in relation to the amount or quality of services available, will present the danger or injury to the public interest.

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In the alternative, if the Board determines based on findings of fact, that the proposed subdivision will be scattered and premature but that the danger or injury to public health, safety or prosperity may be avoided through construction of improvements, then the Subdivider may be given the option, solely within the Board's discretion after consultation with the Board of Selectmen, of paying, to the extent allowed by law, for the upgrading of public facilities or of constructing them, subject to security and timing conditions as may be reasonably required by the Board, that are rationally related to the impact created by the proposed subdivision in order to mitigate or avoid the hazard and provide for public safety.

6.3 Preservation of Existing Features

Prominent natural features within a subdivision, such as trees, scenic points, brooks, streams, rock outcroppings, water bodies, stone walls, boundary markers, and historic landmarks, shall be preserved and protected to the maximum extent possible by the Subdivider. The Subdivider shall demonstrate to the satisfaction of the Board the manner by which the Subdivider intends to protect existing features.

6.4 Off-Site Improvements

The Board may require a Subdivider to pay an exaction for the cost of off-site improvements determined by the Board to be necessary for the occupancy of any portion of a new subdivision, or in the alternative, to construct the necessary off-site improvements, subject to security and timing conditions as may be reasonably required by the Board. Off-site improvements are highway, drainage, sewer and water upgrades pertinent to the proposed development, that are necessitated by a development but which are located outside the boundaries of the property that is subject to a subdivision plat being considered by the Planning Board. RSA 674:21, V(j).

If, upon the finding of facts, the Board determines that the proposed subdivision will adversely affect existing public facilities, such as streets, causing them to be inadequate to meet the additional needs created by the subdivision, then the Subdivider shall pay, to the extent allowed by law, for such upgrading of the public facilities to an extent necessary to protect the public interest or of constructing the necessary improvements, subject to security and timing conditions as may be reasonably required by the Board. If other properties will benefit from the upgrading of such off-site public improvements, the Board shall determine the portion of the cost to be paid by the Subdivider, taking into consideration the following elements:

1. The character of the area.
2. The extent that public and other private property will be benefited by the upgrading;
and
3. Any other factors that the Board deems appropriate to establish a rational connection between the needs created by the subdivision and the amount to be paid, or work performed, by the Subdivider.

6.5 Operation and Maintenance of Privately-Owned Land, Streets or Facilities

Whenever any streets will be privately-owned, the Subdivider shall submit a sample deed to the Board showing the following language to be included in all deeds of lots in the subdivision:

The within premises are conveyed subject to Grantee's acknowledgement and agreement that, so long as the street(s) giving access to the premises are privately-

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owned, the Town of Wentworth neither assumes responsibility for maintenance of said private streets, nor liability for any damages resulting from the use thereof.

In addition, the Board may require the Subdivider to provide the language for a covenant, approved by Town counsel, to be included in all deeds of lots in the subdivision that describes how shared driveways, shared private roads, or common land will be owned or maintained. In the alternative, the Board may require the Subdivider to establish an association, which documents shall be approved by Town counsel, to provide for continued maintenance of utilities, streets, parks, playgrounds or open space that is not dedicated to public use or accepted by the Town of Wentworth. It shall be a condition of Final Plat approval that the Subdivider file with the Planning Board “as-built” plans and drawings showing the location and installation of any commonly-owned water supply and/or sewage disposal system. Such filing shall not impose any obligation on the Town but shall be solely for information purposes and for the benefit of the ultimate owners and operators of such common facilities.

6.6 Fire Protection

A Subdivider shall be required to address water supply needs and adequate equipment access for fire protection. The Fire Chief, or a designee approved by the Planning Board and at the Subdivider’s expense, shall review all proposals to determine whether or not water supply or adequate equipment access should be addressed for that particular proposal. If so, the following requirements apply:

1. The Fire Chief, or a designee approved by the Planning Board and at Subdivider’s expense, shall complete an inspection of the proposed site to evaluate the availability of existing water supply in the area.
2. The Fire Chief, or a designee approved by the Planning Board and at Subdivider’s expense, shall implement all applicable provisions of the National Fire Prevention Association’s Standard on Water Supplies for Suburban and Rural Fire Fighting.
3. The Fire Chief, or a designee approved by the Planning Board and at Subdivider’s expense, shall determine the type, location and spacing of any water supply (such as fire ponds, cisterns, etc.).
4. Following the inspection and evaluation, the Fire Chief, or a designee approved by the Planning Board and at Subdivider’s expense, will submit his findings in writing to the Planning Board.
5. All proposed developments, whether including the provision of hydrants or other water supply facilities, shall be accessible to fire fighting and other emergency equipment.

6.7 Sewage Disposal Requirement

No subdivision of land will be approved by the Board where it creates a lot or site that will not meet the minimum design and construction standards and requirements imposed by the State of New Hampshire Department of Environmental Services for subdivision or building purposes. All proposed lots or sites shall include an “approval for subdivision for building purposes” for at least one subsurface disposal system on each such lot or site, in accordance with the most recent regulations of the State of New Hampshire Department of Environmental Services. For lots greater than 5 acres in minor subdivisions only, an opinion by a registered Professional Engineer that a suitable site for subsurface disposal system exists may be substituted for State approval. For lots greater than 10 acres

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in minor subdivisions only, a request for a waiver from the requirement may be made when supported by appropriate soil data. In all instances where State review is not available, the plat shall specifically indicate on each such lot that state approval for an on-site subsurface disposal system has not been granted.

6.8 Liability for Public Use of Land

On land that has been offered to be dedicated for public use, the Subdivider shall file a statement in writing, at the same time as the Notice of Action is signed by the Subdivider, accepting liability for personal injuries and/or property damage arising from any negligence of the Subdivider or agents of the Subdivider suffered by any person or to the property of any person until such offer of dedication is accepted by the Town. In addition, the Subdivider's statement shall acknowledge responsibility for the maintenance of any easement areas until such time as the areas are dedicated and accepted by the Town or transferred to an association of owners or the like. The Subdivider shall furnish evidence of sufficient insurance coverage at the same time with regard to such liability in an amount and form satisfactory to the Town legal counsel and the Selectmen.

6.9 Minimum Lot Area

Each lot in a subdivision shall contain at least one acre with frontage on an existing Class V public highway or better in the proposed subdivision. Where land is submitted to the condominium form of ownership, the Subdivider shall show with each building site an area of land containing at least one acre and each building site shall front on a street in the proposed subdivision. For two-family dwellings or multi-family dwellings, the minimum lot size area shall be increased to satisfy the requirements of Article 6.7, Sewage Disposal Requirements.

ARTICLE 7. LOT AND SITE LAYOUT

7.1 Lot Frontage

All lots shall front on a regularly-maintained public street (Class V highway or better), or on a private street planned and built, and maintained by the Town specifications and standards and shown on the subdivision plan.

7.2 Marking of Lot and Right-of-Way or Street Boundaries

At the earliest practical stage during the application process, the Subdivider shall place on the ground clearly observable survey stakes or ribbons marking the corners of all proposed lots or sites. Prior to submission of the Final Plat for signature of the Planning Board Chair and recording at the Registry, the Subdivider shall have the land surveyor who performed the survey and certified the Final Plat place permanent survey monuments at the corners of all lots, as well as at streets or rights-of-way.

Permanent survey monuments of lots shall be iron pins that protrude at least 10 inches above the natural surface of the ground or another type of permanent marker that is acceptable to the Board. For streets or rights-of-way, the permanent survey monuments shall be made of stone, concrete, or other material acceptable to the Board, not less than 4 inches in diameter or square, and not less than 42 inches long. Concrete monuments shall be reinforced with steel rods. A plug, brass plate, or pin shall serve as the point of reference, and a magnetic rod or other suitable metal device shall be placed adjacent to the monument to allow for recovery.

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Permanent survey monuments shall be set in the boundary of rights-of-way at intersecting streets, point of curvature, and point of tangency of curves; the point of intersection of short curves may be used instead, where such is practical, at the discretion of the Board. Monuments shall be placed on one side of the street only and at only one corner of the intersecting streets. Where necessary, adjacent monumented points shall be in sight of one another. Monuments shall be referenced to a public street intersection, USGS benchmark or other recognized existing monument. Iron pipe shall not be considered permanent monuments for streets or rights-of-way.

In the event that placing permanent monuments shall interfere with grading and installation of utilities, the land surveyor may be relieved temporarily from placing permanent monuments designating lot and street corners and may be allowed to initially place temporary metal stakes to designate all block corners, points of tangency and curvature, and the centerline of a proposed water main, wastewater collector or storm drain easements upon the following terms and conditions:

1. The security given to the Town by the Subdivider shall include an amount, approved by the Board of Selectmen or its designee, to ensure compliance with the permanent monument requirements of this Article.
2. The Notice of Action shall contain a paragraph which requires agreement by the Subdivider that all permanent monuments shall be met prior to conveyance of any lot shown on the Final Plat.

ARTICLE 8. OPEN SPACE REQUIREMENT

8.1 Reservation of Land for Open Space or Recreational Purposes

When deemed consistent with the purpose of these Regulations in the judgment of the Board based on a specific need related to the nature of that development, land for open space of adequate proportions and recreational areas within a subdivision shall be reserved from development. In such case, the Subdivider shall have the option of offering the land to the Town, if the Town Meeting is willing to accept it, or it shall be reserved for the common use and/or common ownership of all property owners of the subdivision by reservation or covenant in the deeds to the lots. All areas to be reserved for open space or recreation shall be of reasonable size, slope, and character for neighborhood playground or other recreational uses.

ARTICLE 9. STREET LAYOUT AND DESIGN

9.1 Conformance with Construction Standards

All streets shall be constructed in conformance with the current construction standards and specifications used by the State of New Hampshire Department of Transportation. All bridges, culverts, drainage structures, drainage ditches, and other improvements shown on the Final Plat and required by accompanying documents, if any, shall be installed in conformance with the same construction standards and specifications.

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9.2 Connection with Existing Subdivision

When improvements are to be installed between the proposed street pattern and any connection street in an existing subdivision, they shall be indicated on the Final Plat.

9.3 Adjustment of Alignment of Right-of-Way

Where a subdivision abuts an existing street and the alignment or right-of-way width of such street is rendered inadequate because of the needs created by the proposed subdivision, the Subdivider shall include in the street dedication all land needed to meet the Standards established by the Regulations and as approved by the Board, and such street dedication shall be shown on the Final Plat.

9.4 Harmony with Topography and Pattern of Other Streets

Street patterns shall give due consideration to contours and natural features. Subdivision streets shall be laid out to blend with the topography and to mesh efficiently with the municipal pattern of other streets and installations which provide essential services and vehicular access.

9.5 Intersections and Grades

Except where it is unsuitable because of the character of the land, streets shall intersect so that within 75 feet of the intersection the street lines are at right angles, and in no case shall they be less than 75 degrees. The grade within 100 feet of an intersection shall not exceed five percent. No structure or planting shall impair corner or oncoming traffic visibility.

9.6 Permanent Dead-End Street

A permanent dead-end street shall terminate in a suitable turnaround. The turnaround shall be designed to provide for adequate drainage. Unless there is the expectation of extending the street through to the adjoining property, a dead-end street shall not be brought to the property boundary line but shall be placed so that the lots are contiguous with the property line of the subdivision. The length of a permanent dead-end street shall be determined by the Board.

9.7 Temporary Dead-end Street

In the case of a temporary dead-end street, where future extension to another outlet is approved by the Board, the full width of the right-of-way to the subdivision property line shall be reserved as a street right-of-way and shall be shown on the Final Plat. For a dead-end street of a temporary nature, a turnaround shall be provided, and provision shall be made for future extension of the street through to adjacent property and for reversion of the excess right-of-way to the adjoining properties.

9.8 Classification of Streets

Classification standards for street design shall be set forth below:

Standards for Street Design

<i>Number of units</i>	<i>1-5</i>	<i>1-30</i>	<i>31-50</i>	<i>50+</i>
<i>Average daily traffic</i>	<i>1-40</i>	<i>1-240</i>	<i>241-400</i>	<i>400+</i>
<i>Minimum right-of-way</i>	<i>50'</i>	<i>50'</i>	<i>50'</i>	<i>50'</i>
<i>Minimum travel surface</i>	<i>20'</i>	<i>20'</i>	<i>24'</i>	<i>24'</i>
<i>Min. shoulder width</i>	<i>2'</i>	<i>2'</i>	<i>2'</i>	<i>3'</i>
<i>Min. horizontal curve radius</i>	<i>150'</i>	<i>150'</i>	<i>150'</i>	<i>150''</i>

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<i>Min vertical curve radius</i>	<i>150'</i>	<i>150'</i>	<i>150'</i>	<i>200'</i>
<i>Length of tangents between curves</i>	<i>50'</i>	<i>100'</i>	<i>150'</i>	<i>200'</i>
<i>Maximum grade</i>	<i>8%</i>	<i>8%</i>	<i>8%</i>	<i>8%</i>
<i>Minimum grade</i>	<i>0.5%</i>	<i>0.5%</i>	<i>0.5%</i>	<i>0.5%</i>
<i>Minimum sight distance</i>	<i>100'</i>	<i>200'</i>	<i>300'</i>	<i>400'</i>

9.9 Marking of Proposed Streets

At the earliest practical stage during the application process, the Subdivider shall place on the ground clearly observable stakes and ribbons marking the center line of all proposed streets.

9.10 Alteration of Gradient

The Board may modify the maximum and minimum gradient for short lengths of street where, in the judgment of the Board, existing topographic conditions or the preservation of natural features indicate that such a modification will result in the best subdivision of the land.

9.11 Alteration of Right-of Way to Travel Surface

The Board may require greater width of right-of-way and/or travel surface where, in the judgment of the Board, the demands of present or future traffic make it desirable or where topographic conditions create a need for greater width for grading.

9.12 Pedestrian Walks, Sidewalks, and Bicycle Paths

Where necessary in the judgment of the Board, right-of-way for pedestrian and/or bicycle travel and access may be required between parts of the subdivision or between a subdivision and public property. When such need has been created by the subdivision, the Board may require the Subdivider to provide sidewalks and/or bicycle paths outside of the subdivision.

9.13 Street Lighting

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

9.14 Naming of Streets

No street shall have a name which will duplicate or closely duplicate the name of an existing street. The continuation of an existing street shall have the same name. All street signs and posts shall be provided and installed at the expense of the Subdivider, in accordance with Town requirements.

9.15 Design of Turnarounds

Turnarounds shall conform to the design standards illustrated below.

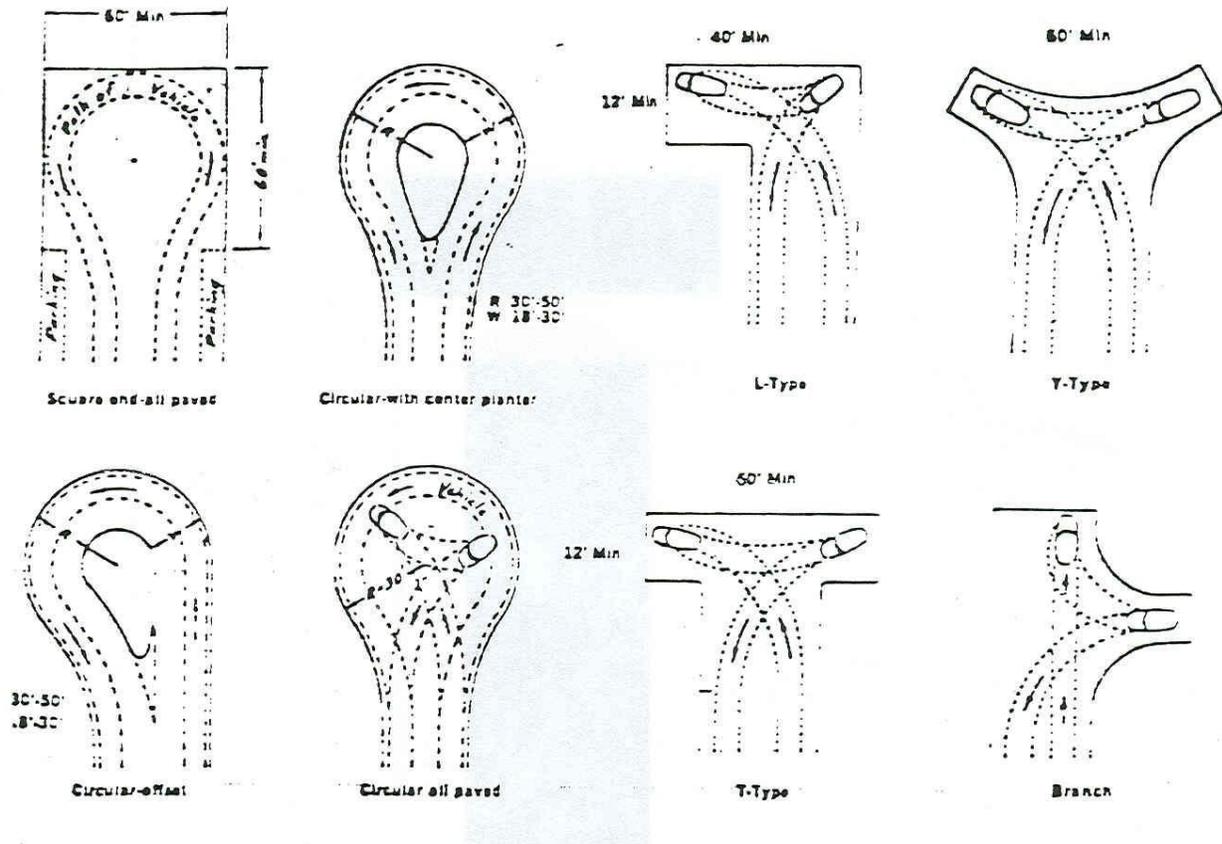
9.16 Borrow Material

All borrow material used as fill in road construction will meet minimum State of N. H. highway standards for materials and compaction.

9.17 Base and Crushed Gravel

All subdivision roads will have a minimum of 12" base gravel and 6" crushed gravel that meets State of N. H. highway standards for materials and compaction.

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ARTICLE 10. UTILITIES, DRAINAGE, AND SEWAGE DISPOSAL

10.1 Provision for Water and Drainage

All subdivisions shall make adequate provision for water supply, drainage and sanitary sewage disposal.

10.2 Avoidance of Flood Damage

All utilities and facilities such as septic systems, electrical and water systems shall be located, elevated and/or constructed to minimize or eliminate flood damage.

10.3 Storm Water Drainage System

An adequate surface storm water drainage system for the entire subdivision area shall be provided by the Subdivider. Adequate draining shall be provided so as to reduce exposure to flood hazards. The Subdivider shall provide a suitable designed on-site drainage retention system whenever possible. Otherwise, storm drainage shall be carried to existing watercourses or shall connect to existing storm drains. If the storm water drainage system creates an additional flow over any adjacent property, the Subdivider shall hold the Town harmless from any claims for damage resulting therefrom. For the

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purpose of preparing drainage plans, storm sewers and subdivision drainage facilities shall be based on a ten-year storm design flow. Reference shall be made to the N.H. Department of Transportation, "Drainage Manual", as well as methods used by the Soil Conservation Service (SCS) or by other methods approved by the Board.

10.4 Sewage Disposal Design

The design of sewage disposal systems for all subdivisions shall meet the requirements of Article 6.7.

ARTICLE 11. SEDIMENT AND EROSION CONTROL

11.1 Purpose

The purpose of this section is to control soil erosion and to prevent the resulting sedimentation from occurring in subdivision areas by requiring property provision for water disposal and protection of soil surfaces during and after construction, in order to promote the public health, safety, convenience, and general welfare of the community.

11.2 Standards

The following standards shall be observed by the Subdivider in the design, layout, and engineering of the subdivision:

1. Stripping of vegetation, regrading, or other development shall be done in such a way that will minimize on-site and off-site soil erosion.
2. Whenever practical, natural vegetation shall be retained, protected, and supplemented.
3. The disturbed area shall be kept to a minimum, and the duration of exposure shall be less than a maximum of six months.
4. Temporary seeding and/or mulch shall be used to protect exposed critical areas during development.
5. The Subdivider shall make provision to accommodate the increased runoff caused by changed soil and surface conditions during and after development.
6. The Subdivider shall make reasonable effort to trap sediment in the runoff water until the disturbed area is stabilized by the use of sediment basins or other acceptable methods.
7. Diversion, sediment basins, and other erosion control mechanisms shall be constructed by the Subdivider prior to any on-site grading or disturbance of existing surface material.

SECTION IV CONSTRUCTION AFTER NOTICE OF ACTION

ARTICLE 12. ACCESSORY DWELLING UNITS

12.1 Authority

This Accessory Dwelling Unit article is adopted under the authority of RSA 674:71-73.

12.2 Definitions

Accessory Dwelling Unit, Attached/Interior: A residential living unit that is within or attached to a single family dwelling, and that provides independent living facilities for one or more persons, including provisions for sleeping, eating, cooking and sanitation on the same parcel of land as the principal dwelling unit it accompanies. RSA 674:71

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Accessory Dwelling Unit, Detached: An Accessory Dwelling Unit that is detached from a single family dwelling, and that provides independent living facilities for one or more persons, including provisions for sleeping, eating, cooking and sanitation on the same parcel of land as the principal dwelling unit it accompanies. RSA 674:73

12.3 Requirements

1. Each new Detached Accessory Dwelling Unit requires a completed Accessory Dwelling Unit Checklist and submission of plans for the structure for the Planning Board to determine whether subdivision approval is required. An Attached/Interior Accessory Dwelling Unit does not require such a checklist.
2. Number of Units: One (1) Attached/interior accessory Dwelling Unit and one (1) Detached Accessory Dwelling Unit allowed as long as all requirements of this section are met.
3. Location: When possible, a Detached Accessory Dwelling Unit should be to the rear or side of the principal dwelling unit. Any variation from this siting must be accompanied by submissal of plat to the planning board
4. Accessory Dwelling Unit Size:
 - A. There is no restriction on the size of an Attached/Interior Accessory Dwelling Unit.
 - B. Gross Floor Area of a Detached Accessory Dwelling Unit may be up to a maximum of 1200 square feet (RSA 674:72, VII), not including open decks for the purposes of this article. The actual Detached Accessory Dwelling Unit may be contained within or attached to a larger structure such as a barn or garage which is detached from the principal dwelling unit.
5. Lot Size:
 - A. An Attached/interior Accessory Dwelling Unit has no requirement.
 - B. Detached Accessory Dwelling Units require a minimum lot size total of 2.25 acres.
6. Design:
 - A. An interior door shall be provided between the principal dwelling unit and the interior/attached Accessory Dwelling Unit. RSA 674:72, III
 - B. An exterior door may be required for an interior/attached Accessory Dwelling Unit based on State life safety regulations or insurance requirements, under the purview of the Town Fire Chief.
 - C. A maximum of 2 (two) bedrooms is allowed in an Detached Accessory Dwelling Unit RSA 674:72, IX.
 - D. Attached/interior and Detached Accessory Dwelling Units must share a septic tank and leach field with the principal dwelling unit, and this septic tank and leach field must be upgraded to reflect the sum total of bedrooms in both the principal dwelling unit and Accessory Dwelling Units, if requisite capacity does not already exist. An application to the State DES for the expansion of the septic system must be made before construction of the ADU.
7. Driveways: A Driveway may not have more than two dwellings regardless of whether these are principal dwelling units or accessory dwelling units. The addition of a Detached ADU to a subdivision already sharing a driveway with another subdivision requires the construction of a new driveway to serve that subdivision.
8. Subdivision: No subdivision shall be allowed that separates the principal dwelling unit from a Detached Accessory Dwelling Unit unless all subdivision requirements can be met.
9. Sale of ownership of an Attached/internal Accessory Dwelling Unit separate from the principal dwelling unit is prohibited. Sale of a Detached Accessory Dwelling Unit requires subdivision.
10. All other requirements of the Wentworth Planning Board Subdivision Regulations must be met.

12.4 Accessory Dwelling Units as Rentals

Rental Accessory Dwelling Units are subject to the same requirements as non-rental Accessory Dwelling Units as stated in this Article and must meet all state safety and inspection requirements.

ARTICLE 13. Procedures For Construction of Improvements

13.1 Inspections

Prior to commencing construction, the Subdivider shall pay to the Town an amount of money estimated by the Board of Selectmen to compensate fully the Town for all inspection and testing charges deemed necessary by the Town, including but not limited to the cost of retaining engineers or surveyors for such inspection work. The Subdivider shall notify the Board of Selectmen in writing of the time when construction is proposed to commence so the Board may cause inspection to be made to insure that all Town specifications and requirements shall be met.

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FEMA Regulations Approved March 13, 2007

13.2 Time for Completion of Construction

The Subdivider shall construct the subdivision and shall comply with all requirements of the Final Plat as set forth in the Notice of Action within two years from the date of acknowledgement and acceptance of the Notice of Action (Article 4.3). Upon written request of the Subdivider, when the Board finds that conditions beyond the control of the Subdivider prevent compliance within the two-year period, the Board may grant an additional period of time for compliance with the Notice of Action, subject to the Subdivider obtaining renewal of the security given to the Town for the same period of time. Such action of the Board to consider granting additional time shall take place at a public hearing, after notice has been given to abutters and all holders of conservation, preservation, or agricultural preservation restrictions as defined in RSA 477:45.

13.3 Performance Bond or Other Security

If required by the Planning Board in its Notice of Action, as provided in Article 4.3, I, the Subdivider shall execute and deliver to the Board, in a form acceptable to Town Counsel, security conditioned on the performance of all terms and conditions of Final Plat approval. The cost of obtaining security, and legal review of the form of security, shall be borne by the Subdivider. Such security shall not expire earlier than two years from the date on the Notice of Action when the Planning Board Chairman signed it.

A. Release of Security

The Town will not release nor reduce a performance bond or other form of security until the Subdivider has submitted a certificate to the Planning Board and to the Board of Selectmen stating that all required improvements have been completed according to the Final Plat, and until the Subdivider's engineer has also certified in writing to the Board of Selectmen, through submission of a detailed "as-built" survey plat of the subdivision and a written certification, that the location, dimensions, materials, layout, quality and grade of all improvements is in accordance with the construction plans for the subdivision. If the construction has been completed satisfactorily in the opinion of the Board of Selectmen, as the Board's designee, then the security may be released.

B. Partial Release of Security

As phases or portions of the secured improvements or installations are completed and approved by the Board of Selectmen as the Board's designee, the Town shall partially release said security to the extent reasonably calculated to reflect the value of such completed improvements or installations and remaining work to be done.

13.4 Modification of Design and Improvements

If at any time before or during the construction of the subdivision the Board determines that unforeseen conditions make it necessary or desirable to modify the location or design of any of the required improvements or installations, the Board may authorize such modifications at a public hearing, after notice has been given to abutters and all holders of conservation, preservation, or agricultural preservation restrictions as defined in RSA 477:45, which shall be set forth in writing and signed by the Chairman of the Board.

Planning Board Regulations Approved February 5, 2007
FEMA Regulations Approved March 13, 2007

13.5 Certification of Compliance and Completion

The Subdivider shall certify to the Board of Selectmen in writing when all requirements of the Final Plat have been met, including the placement of permanent monuments by a land surveyor if temporary ones were used earlier. The Subdivider's engineer shall also certify compliance with the Notice of Action including total recertification to the extent necessary of any original installation, the guarantee, and damage deficiencies.

13.6 Correction of Deficiencies

If the Board of Selectmen determines that any of the required improvements have not been completed in accordance with the plans and specification as filed by the Subdivider and as required by the Town, said Board shall notify the Subdivider in writing of such deficiencies. The Subdivider shall rectify all deficiencies at the expense of the Subdivider. If the Subdivider does not substantially rectify all deficiencies within a reasonable time as determined by the Town, the Town shall take all necessary action to protect and preserve the Town's right and interests including suspension or revocation of the Final Plat approval. In the event of legal action, the Town shall be entitled to have reasonable attorney's fees paid by the Subdivider and awarded by the court.

13.7 Guarantee of Installation of Improvements

For a period of two years after completion of all improvements or one year after the correction of all deficiencies as described above, whichever occurs last, if the Board of Selectmen determines that the improvements have failed for any reason or do not meet the specifications as filed by the Subdivider and as required by the Town, said Board shall notify the Subdivider in writing of such failure and the Subdivider shall rectify all failures at the expense of the Subdivider. If the Subdivider does not substantially rectify all deficiencies within a reasonable time as determined by the Town, the Board shall take all necessary action to protect and preserve the Town's rights and interests. In the event of legal action, the Town shall be entitled to have reasonable attorney's fees paid by the Subdivider and awarded by the court.

13.8 Damage to Public Property, Drainage Facilities, Waterways, Streams and Brooks

If at any time before all improvements are finally accepted by the Town and before the performance bond or other form of security is totally released, should any condition within the approved subdivision cause damage to public property, drainage facilities and waterways, streams and brooks, including but not limited to soil erosion and damage to standing vegetation, the Board of Selectmen shall notify the Subdivider in writing of such damage and the Subdivider shall correct all damage at the Subdivider's own expense. If the Subdivider does not substantially correct all damage within a reasonable period of time as set forth in the notice by the Town, the Town shall take all action necessary to protect and preserve its rights and interests including injunctive relief. The Town shall be entitled to have reasonable attorney's fees paid by the Subdivider and awarded by the court.

13.9 Erosion Control After Construction

For a period of one year after completion of all improvements, the Subdivider shall be responsible for the control of soil erosion and any resulting sedimentation, in accordance with the requirements of Article 11.

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13.10 Conveyance of Easements and Rights-of-Way

Upon completion of the construction of the subdivision, the Subdivider shall convey all easements and rights-of-way as may be required under the Notice of Action by deeds in a form and manner satisfactory to the Board of Selectmen or its designated agent.

13.11 Applicability of certain regulations in Article 13 to the installation of Detached Accessory Dwelling Units

Articles 13.8, 13.9, and 13.10 apply where applicable to the installation of a Detached Accessory Dwelling Unit.

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SECTION V. DEFINITIONS

Abutter: Any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration by the Planning Board. For purposes of receiving testimony only, and not for purposes of notification, the term "abutter" shall also include any person who is able to demonstrate that such person's land will be directly affected by the proposal under consideration. For purposes of notification by the Board of a public hearing, in the case of an abutting property being under a condominium or other collective form of ownership, the term "abutter" means the officers of the collective or association, as defined in RSA 356-B:3, XXIII. For purposes of notification by the Board of a public hearing, in the case of an abutting property being under a manufactured housing park form of ownership as defined in RSA 205-A:1, II, the term "abutter" includes the manufactured housing park owner and the tenants who own manufactured housing which adjoins or is directly across the street or stream from the land under consideration by the local land use board. In the event that the statutory definition of abutter (RSA 672:3) is changed, then the statutory definition of "abutter" shall control.

Applicant: Applicant shall have the same meaning as Subdivider, and shall include his or her agent.

Application: The form used to apply for Planning Board approval of a Final Plat or a Voluntary Merger, and includes all supplemental documents to support the Application.

Board: The Planning Board of the Town of Wentworth, New Hampshire.

Building Development: The creation of sites to be occupied by buildings.

Building Site: The estimated location as shown on a subdivision Preliminary Layout or Final Plat of a proposed building. A building site may be assigned a specific size and shape. The location of an accessory building shall not be considered a building site. A building site shall contain the minimum area required under Article 6.9.

Condominium: The division of a building lot, tract, or parcel of land into two or more lots or building sites for the purpose whether immediate or future of condominium conveyance under RSA 356-B. More than one building site on land submitted to the condominium form of ownership shall constitute a subdivision. The definition is intended to limit the scope of "subdivision" and the jurisdiction of the Planning Board.

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Development: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, clearing, mining, dredging, filling, grading, paving, excavating, or drilling operation.

Driveway: An area located on a lot, tract, or parcel of land that is privately-owned and built for direct access to a garage or off-street parking area serving not more than two adjacent lots or dwelling units.

Easement: A right of use which one party or the public may have on the land of another, normally, but not limited to, a strip of land used or intended to be used for a sewer or water line, other utility, driveway, or sidewalk.

Lot: A parcel of land existing as of the date of the adoption of these Regulations and described as a separate lot or tract or parcel in a deed recorded in the Grafton County Registry of Deeds or shown on a recorded subdivision plan.

Plat: The map or plan on which the subdivision is shown.

Right-of-Way: A strip of land used, or intended to be used, as a Street. A Right-of-Way does not include Driveway.

Site: The term “site” shall mean Building Site.

Slope: The change in elevation, expressed as a percentage, calculated by dividing the change of elevation in a given distance by the distance and multiplied by 100.

Street: A highway, road, avenue, lane, or other way which exists for automotive travel, exclusive of a driveway, and is designated a Class V highway or better, or is planned, built, and maintained to Town specifications and standards. A Street shall include the entire right-of-way. A Street may be either publicly or privately owned.

Subdivider: The owner of record of the land to be subdivided, or the agent of any such owner. If the agent of the owner prepares and submits a subdivision application, the agent must also produce a document showing acceptance of the proposed subdivision by the owner of record.

Subdivision: The division of a lot, tract, or parcel of land into two or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale, rent, lease, condominium conveyance or building development. It includes resubdivision and, when appropriate to the context, related 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.

Time: For the purpose of these Regulations in counting days, the day on which the filing or Notice, etc., is done and the day of the public meeting or public hearing shall be excluded.

Planning Board Regulations Approved February 5, 2007
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SECTION VI. APPENDIX

Planning Board Regulations Approved February 5, 2007
FEMA Regulations Approved March 13, 2007

Application for MINOR Subdivision

Planning Board
Town of Wentworth

DO NOT WRITE IN THIS SPACE
Application Number _____
Amount of Fee _____
Date Received _____
Received by _____

NOTE: This application shall conform in all respects to the Subdivision Regulations of the Town of Wentworth and shall be submitted to the Planning Board Administrator with three (3) paper copies and two (2) mylars of the Plat to the Planning Board. A filing fee determined by the Fee Schedule shall accompany this application.

13.10.1 Name, address and telephone number of owner of record: _____

13.10.2 Road/Street: _____ Map # _____ Lot # _____ Zone _____

13.10.3 Name and mailing address of all abutters and easement holders (see instructions in Article 3.3 and attach additional sheets as needed).

13.10.4 Name and mailing address of every engineer, architect, land surveyor, or soil scientist whose professional seal appears on the plat submitted to the Board.

13.10.5 The Minor Subdivision Plat has been completed in accordance with the Subdivision Regulations of the Town of Wentworth.

Date _____ Signed _____ (Owner)

By_ Agent, if applicable

(The landowner must always sign the Application, even if an agent also signs it. The signature of an agent on the Application gives written authorization for the agent to represent the owner before the Board.)

Planning Board Regulations Approved February 5, 2007
FEMA Regulations Approved March 13, 2007

Application for MAJOR Subdivision, PRELIMINARY LAYOUT

Planning Board
Town of Wentworth

DO NOT WRITE IN THIS SPACE
Application Number _____
Amount of Fee _____
Date Received _____
Received by _____

NOTE: This application shall conform in all respects to the Subdivision Regulations of the Town of Wentworth and shall be submitted to the Planning Board Administrator with three (3) paper copies and two (2) mylars of the Plat to the Planning Board. A filing fee determined by the Fee Schedule shall accompany this application.

1. Name, address and telephone number of owner of record: _____

2. Name of subdivision: _____ acres _____ lots _____
3. Location: _____ Map # _____ Lot # _____ Zone _____
4. Extent of interest in abutting property (if none, so state): _____

5. Name and mailing address of all abutters and easement holders (see instructions in Article 3.3 and attach additional sheets as needed).

6. Name and mailing address of every engineer, architect, land surveyor, or soil scientist whose professional seal appears on the plat submitted to the Board.

7. The Preliminary Plat has been completed in accordance with the Subdivision Regulations of the Town of Wentworth.

Date _____ Signed _____ Owner

By_ Agent, if applicable

(The landowner must always sign the Application, even if an agent also signs it. The signature of an agent on the Application gives written authorization for the agent to represent the owner before the Board.)

8. I hereby acknowledge receipt of the application for Preliminary Layout and Review.

Date _____ Signed _____
Planning Board Administrator

Planning Board Regulations Approved February 5, 2007
FEMA Regulations Approved March 13, 2007

Application for MAJOR Subdivision, FINAL PLAT REVIEW

Planning Board
Town of Wentworth

DO NOT WRITE IN THIS SPACE
Application Number _____
Amount of Fee _____
Date Received _____
Received by _____

NOTE: This application shall conform in all respects to the Subdivision Regulations of the Town of Wentworth and shall be submitted to the Planning Board Administrator with three (3) paper copies and two (2) mylars of the Plat to the Planning Board. A filing fee determined by the Fee Schedule shall accompany this application.

1. Name, address and telephone number of owner of record: _____

2. Name of subdivision: _____ acres _____ lots _____
3. Location: _____ Map # _____ Lot # _____ Zone _____
4. Extent of interest in abutting property (if none, so state): _____

5. Name and mailing address of all abutters and easement holders (see instructions in Article 3.3 and attach additional sheets as needed).

6. Name and mailing address of every engineer, architect, land surveyor, or soil scientist whose professional seal appears on the plat submitted to the Board.

7. The Final Plat for a Major Subdivision has been completed in accordance with the Subdivision Regulations of the Town of Wentworth.

Date _____ Signed _____ Owner

By_ Agent, if applicable

(The landowner must always sign the Application, even if an agent also signs it. The signature of an agent on the Application gives written authorization for the agent to represent the owner before the Board.)

8. I hereby acknowledge receipt of the application for Final Plat Review for a Major Subdivision.

Date _____ Signed _____
Planning Board Administrator

Planning Board Regulations Approved February 5, 2007
FEMA Regulations Approved March 13, 2007

Application for Minor Lot Line Adjustment

Planning Board
Town of Wentworth

DO NOT WRITE IN THIS SPACE
Application Number _____
Amount of Fee _____
Date Received _____
Received by _____

NOTE: This application shall conform in all respects to the Subdivision Regulations of the Town of Wentworth and shall be submitted to the Planning Board Administrator with three (3) paper copies and two (2) mylars of the Plat to the Planning Board. A filing fee determined by the Fee Schedule shall accompany this application.

1. Name, address and telephone number of owner of record: _____

2. Road/Street: _____ Map # _____ Lot # _____ Zone _____
3. Name and mailing address of all abutters and easement holders (see instructions in Article 3.3 and attach additional sheets as needed).

4. Name and mailing address of every engineer, architect, land surveyor, or soil scientist whose professional seal appears on the plat submitted to the Board.

5. The Minor Lot Line Subdivision Plat has been completed in accordance with the Subdivision Regulations of the Town of Wentworth.

Date _____ Signed _____ Owner

By_ Agent, if applicable

(The landowner must always sign the Application, even if an agent also signs it. The signature of an agent on the Application gives written authorization for the agent to represent the owner before the Board.)

Planning Board Regulations Approved February 5, 2007
FEMA Regulations Approved March 13, 2007

Application for Voluntary Merger

Wentworth Planning Board
Pursuant to RSA 674:39-a
This Form Approved March 3, 2003

Property Owner(s): _____ Date Submitted: _____
_____ Fees Due: \$20.00
Date Paid: _____

Mailing Address: _____

The following information must also be submitted:

- Notarized **Notice of Voluntary Merger of Lots or Parcels**
- Consent of any person holding mortgages, liens, encumbrances or other interests in the lots or parcels
- Copies of the property deed for each of the lots or parcels

The Planning Board Secretary will review the Application for Voluntary Merger for completeness. If the application is complete, it will be placed on the agenda for the next regular Planning Board meeting. The Planning Board will approve the application unless the newly created lot would violate any Ordinance or the Subdivision Regulations. The **Notice of Voluntary Merger of Lots or Parcels** will then be signed by the Planning Board Chairman and recorded at the Grafton County Registry of Deeds.

AFTER LOTS ARE MERGED, THEY CANNOT BE CONVEYED SEPARATELY WITHOUT SUBDIVISION APPROVAL FROM THE PLANNING BOARD.

New Hampshire Revised Statutes Annotated

RSA 674:39-a Voluntary Merger. Any owner of 2 or more contiguous preexisting approved or subdivided lots or parcels who wishes to merge them for municipal regulation and taxation purposes may do so by applying to the planning board or its designee. Except where such merger would create a violation of then-current ordinances or regulations, all such requests shall be approved, and no public hearing or notice shall be required. No new survey plat need be recorded, but a notice of the merger, sufficient to identify the relevant parcels and endorsed in writing by the planning board or its designee, shall be filed for recording in the registry of deeds, and a copy mailed to the municipality's assessing officials. No such merged parcel shall thereafter be separately transferred without subdivision approval.

**Planning Board Regulations Approved February 5, 2007
FEMA Regulations Approved March 13, 2007**

Notice of Voluntary Merger of Lots or Parcels

This Form Approved by Wentworth Planning Board March 3, 2003

Pursuant to RSA 674:39-a, the owner(s) of the following described lots or parcels located in the Town of Wentworth, Grafton County, New Hampshire, has merged them for municipal planning and taxation purposes. The following described lots or parcels can no longer be conveyed separately without subdivision approval.

Owner(s) of Record: _____

Lots or Parcels to be Merged:

PID #	Registry Book & Page	Registry of Deeds Plan # (if applicable)*

The consent(s) of person(s) holding mortgages, liens, encumbrances or other interests in said lots or parcels, which are attached hereto, are incorporated in this notice.

IN WITNESS WHEREOF, _____
Have executed this Notice of Voluntary Merger this _____ day of _____, 20____.

Witness

Owner

Witness

Owner

**STATE OF NEW HAMPSHIRE
COUNTY OF _____**

The foregoing instrument was acknowledged before me this _____ day of _____, 20____.

Before me,

**Notary Public/Justice of the Peace
My Commission expires:**

The merger of the foregoing lots or parcels was approved by the Wentworth Planning Board pursuant to RSA 674:39-a on _____, 20____.

Chairperson, Wentworth Planning Board

Planning Board Regulations Approved February 5, 2007
FEMA Regulations Approved March 13, 2007

Application for Review of a Detached Accessory Dwelling Unit

**Planning Board
Town of Wentworth**

DO NOT WRITE IN THIS SPACE

Application Number _____
Amount of Fee _____
Date Received _____
Received by _____

NOTE: This application shall conform in all respects to the Subdivision Regulations of the Town of Wentworth and shall be submitted to the Planning Board Administrator with three (3) paper copies of proposed detached Accessory Dwelling Unit design and satisfactory documentation that a properly designed septic system for the increased number of bedrooms on the property as shown in the aforementioned design drawings has been approved. A filing fee determined by the Fee Schedule shall accompany this application.

6. Name, address and telephone number of owner of record: _____

7. Road/Street: _____ Map # _____ Lot # _____ Zone _____

8. Proposed square footage of the detached Accessory Dwelling Unit

9. Name and mailing address of every engineer, architect, land surveyor, or soil scientist whose professional seal appears on the design submitted to the Board.

10. This application for review and the attached documents are true and complete to the best of my knowledge.

Date _____

Signed _____ Owner

By_ Agent, if applicable

Planning Board Regulations Approved February 5, 2007
FEMA Regulations Approved March 13, 2007

(The landowner must always sign the Application, even if an agent also signs it. The signature of an agent on the Application gives written authorization for the agent to represent the owner before the Board.)

Sample Irrevocable Letter of Credit

TO: Board of Selectmen
Town of Wentworth
7 Atwell Hill Road, PO Box 2
Wentworth, NH 03282

Re: _____ Subdivision (Plan # _____)
Irrevocable Letter of Credit No. _____

Dear Selectmen:

By this document, the _____ Bank (hereinafter "Issuer") hereby issues an irrevocable letter of credit in the amount of \$ _____ to the Town of Wentworth on behalf of (Subdivider/Landowner) _____ (hereinafter "Developer"). This irrevocable letter of credit is issued to guarantee completion of all improvements required by the Wentworth Planning Board and the Town of Wentworth Subdivision Regulations in conjunction with a subdivision plan entitled " _____ ", Plan # _____, dated _____, prepared by _____, and approved by the Wentworth Planning Board by Notice of Action on _____.

It is understood that the improvements guaranteed by this irrevocable letter of credit include, but are not limited to, the following:

1. Construction of _____ linear feet of roadway (along with all associated utilities), said roadway being shown on the above-referenced plan as _____.
2. _____
3. _____

It is agreed and understood by the issuer of this letter of credit that it shall be issued for a period of _____ months. If all improvements guaranteed by this letter of credit are not completed by (date) _____ and if a certificate indicating completion of all improvements has not been issued by the Board of Selectmen, then this letter of credit shall be automatically considered to have been called and without further action of the Town of Wentworth or its Planning Board, the _____ Bank shall forthwith forward a check in the amount of \$ _____ to the Treasurer of the Town of Wentworth. The funds so forwarded to the Town Treasurer shall be used exclusively for the purpose of completing the improvements which are guaranteed by this letter of

Planning Board Regulations Approved February 5, 2007

FEMA Regulations Approved March 13, 2007

credit. Any funds not needed by the town to complete improvements required by the subdivision plan referred to above shall be returned to the _____ Bank.

**Planning Board Regulations Approved February 5, 2007
FEMA Regulations Approved March 13, 2007**

This credit is subject to Uniform Customs and Practice for Documentary Credits (1983 revision), International Chamber of Commerce, publication number 400.

NAME OF BANK

Dated: _____

By: _____

Title: _____

Duly Authorized

I have read this letter of credit and agree to its terms.

Dated: _____

By: (Subdivider/Landowner)

Title: _____

Planning Board Regulations Approved February 5, 2007
FEMA Regulations Approved March 13, 2007

Sample Performance Bond

KNOW ALL MEN BY THESE PRESENTS that _____(Name of Contractor), _____, (Address of Contractor), a (Corporation, Partnership or Individual) _____ hereinafter called PRINCIPAL, and _____(Name of Surety)

(Address of Surety)

hereinafter called SURETY, and held and firmly bound unto:

Town of Wentworth
7 Atwell Hill Road, PO Box 2
Wentworth, NH 03282

hereinafter called OWNER, in the penal sum of _____ Dollars (\$ _____), in lawful money of the United States, for the payment of which sum well and truly to be made, we bind ourselves, successors and assigns, jointly and severally, firmly by these presents.

THE CONDITION OF THIS OBLIGATION is such that whereas, the PRINCIPAL entered into a certain contract with the OWNER, dated the _____ day of _____, 20____, a copy of which is hereto attached and made a part hereof for the construction of:

(Name of Subdivision, Location in Town, Plat #)

NOW, THEREFORE, if the PRINCIPAL shall well, truly and faithfully perform its duties, all of the undertakings, covenants, terms, conditions, and agreements of said Contract during the original term thereof, and any extensions thereof which may be granted by the OWNER, with or without notice to the Surety, and if the PRINCIPAL shall satisfy all claims and demands incurred under such Contract and shall fully indemnify and save harmless the OWNER all outlay and expense which the OWNER may incur in making good any default, then this obligation shall be void; otherwise to remain in full force and effect.

PROVIDED FURTHER, that the said Surety for value received hereby stipulates and agrees that no change, extension of time, alteration or addition to the terms of the contract or to the WORK to be performed thereunder or the SPECIFICATIONS accompanying the same shall in any way affect its obligation on this BOND, and it does hereby waive notice of any such change, extension of time, alteration or addition to the terms of the Contract or to the WORK or to the SPECIFICATIONS.

PROVIDED, FURTHER, that no final settlement between the OWNER and the PRINCIPAL shall abridge the right of any beneficiary hereunder, whose claim may be unsatisfied.

Planning Board Regulations Approved February 5, 2007
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IN WITNESS WHEREOF, this instrument is executed in _____ (Number)
counterparts, one of which shall be deemed an original, this the _____ day of
_____, 20____.

Principal

Title

(SEAL)
ATTEST:

By: _____
Witness as to Principal

Address

Surety

By: _____
Attorney-in-Fact

(SEAL)
ATTEST:

By: _____
Witness as to Surety

Address

NOTE: Date of BOND must not be prior to date of Contract. If PRINCIPAL is Partnership, all partners must execute BOND.

IMPORTANT: Surety companies executing BONDS must appear on the Treasury Department's most current list (Circular 570) as amended and be authorized to transact business in the State of New Hampshire, where the PROJECT is located.

Planning Board Regulations Approved February 5, 2007
FEMA Regulations Approved March 13, 2007

Sample Declaration of Covenants and Easements Concerning Private Road

This Declaration concerns property in the Town of Wentworth, recorded in the Grafton County Registry of Deeds as Plan # _____ which is an approved subdivision by the Wentworth Planning Board by Notice of Action dated _____, concerning the same land and premises conveyed to _____ (Name of Subdivider/Landowner) by deed of _____ (Grantor) dated _____ and recorded in Book _____, Page _____ of the Grafton County Registry of Deeds. This Declaration of Covenants and Easements shall run with the land and is binding on all present and future owners of lots within the approved subdivision, shown on Plan # _____, and their successors in interest.

Private Road. A private road and right-of-way has (OR: Private roads and rights-of-way have) been established as shown on the above-referenced Plan. The road is a necessary condition for subdivision of the property shown on the aforementioned Plan. The fee ownership of the roadway shall be held by the owners of lots as tenants in common as shown on the Plan. Each lot owner shall have a common right and easement to use the roadway as access to his respective lot by himself and by any other authorized persons or guests. The owners of the lots shall be entitled to make such use of the roadway which is not inconsistent with the intended use of the lots within the subdivision and the requirements of the subdivision approval, and with the use and maintenance of the easement by the other landowners. In addition to the right-of-way, there is hereby established an easement for drainage, plowing, and utilities extending for twenty feet on either side of the right-of-way along its entire length.

1. **Maintenance and Upkeep.** The owners of the lots shall contribute their pro rata share toward the maintenance and upkeep of the roadway and right-of-way, including snow removal, grading, repairs, cutting and other work reasonably necessary for the continual safe, comfortable and year-round use of the roadway for all legal purposes for which a residential driveway may be used, on behalf of the owners, family, guests and invitees, including emergency vehicles of the Town of Wentworth. All costs for maintenance and upkeep of the roadway and right-of-way as set forth in this Declaration shall be allocated equally among the owners of the lots in the subdivision. The initial cost of the construction of the road as shown on the aforementioned Plan, if not completed by _____ (the Subdivider/Landowner), shall be borne equally by all lot owners of lots shown on the plan. The Town of Wentworth shall have no responsibility whatsoever to police, patrol, construct, maintain, or repair said private road and all present and future owners of the lots acknowledge and agree that, so long as the road giving access to the premises are privately-owned, the Town of Wentworth neither assumes responsibility for maintenance of said private road, nor liability for any damages resulting from the use thereof.

2. **Manager.** The lot owners shall elect a Manager to oversee maintenance and upkeep. A two-thirds majority of the lot owners (one vote per lot) shall be necessary to elect the Manager. The Manager shall make all decisions regarding maintenance and upkeep of the entire right-of-way, including any drainage and plowing easements. The Manager shall serve at the pleasure of the lot owners, a two-thirds vote being necessary to remove the Manager. The Manager shall solicit bids for maintenance and upkeep to be performed, and shall bill the lot owners on at least a quarterly basis for their pro rata share of maintenance and upkeep costs. A

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late charge of five (5) per cent shall be levied on all bills not paid within 30 days of billing. The lot owners collectively shall be the _____ Subdivision Lot Owners Association. Meetings of said Association shall be at the call of the _____ (Subdivider/Landowner) hereof until the Manager is selected, and thereafter at the call of the Manager. Notice of such meetings shall be by first class mail to the record owner of each lot, setting forth any matters to be voted upon. Votes may be cast by written proxy.

3. Liens. The Association shall have a lien for all overdue payments for the costs of maintenance and repair fees, and reasonable costs of collection, which lien shall be perfected by recording a notice of same in the Grafton County Registry of Deeds against any lot owner having overdue payments. The Manager, acting on behalf of the Association, shall have the duty and the power to assert the lien(s) as necessary, and the authority to institute any collection action necessary thereon. The Lot Owners Association shall provide the Town of Wentworth with the Manager's name, telephone number, and address.

4. Scope of Declaration. This Declaration covers only the roadway and not the driveways leading off of said roadway to each lot owner's residence or lot. This Declaration is meant to create covenants running with the land of each lot owner, and shall be recorded in the Grafton County Registry of Deeds. These covenants may be amended by a two-thirds vote of the Lot Owners' Association, provided that any such amendment shall not be valid without the approval of the Wentworth Planning Board.

5. Enforcement. This Declaration may be enforced by any court of competent jurisdiction. The prevailing party in any litigation brought to enforce the terms of this Declaration shall be entitled to reasonable attorney's fees. The Town of Wentworth, in addition to the Lot Owners Association, is given specific power to enforce the terms of this Declaration, including the authority to give notice to the Manager of any violations of the duty of maintenance, and to perform such maintenance if such violation is not cured within a reasonable time, and shall have the right to recover its costs, including reasonable attorneys' fees, should the Town prevail in any action against the Association.

DATED this _____ day of _____, 20 .

(Subdivider/Landowner)

STATE OF NEW HAMPSHIRE
GRAFTON COUNTY, ss.

The foregoing instrument was acknowledged before me on this _____ day of _____, 20____, by _____ (Subdivider/Landowner), known to me or satisfactorily proven to be the person whose name is subscribed to in the within instrument.

Dated: _____ Before me,

Notary Public/Justice of the Peace
My commission expires: _____

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Sample Covenant for Shared Maintenance of Joint Use Driveway

Whereas, the Subdivider, _____ (name of Subdivider, a _____ (individual or form of organization), whose mailing address is _____, is the owner of, and subdivider of, a parcel of land located at _____ (tax map and lot no(s)) in Wentworth, N.H.; and shown on a plan entitled “ _____ ” as Plan # _____;

Whereas the two proposed lots depicted on said plan as _____ and _____ (names or numbers of affected lots) are shown on said plan as being served by a common access driveway, whose location is shown on said plan, beginning at _____ (name of highway or road where driveway starts) and extending approximately _____ feet across _____ (underlying lots affected), as shown on said plan; and

Whereas it is the intent of the Subdivider and the Town of Wentworth Planning Board, as a condition of the approval of said plan, to assure the continued adequate maintenance of the said common access driveway, after its initial construction by the Subdivider;

Now Therefore the Subdivider hereby executes the following covenants, which shall run with the land, and shall be binding on the present and future owners of the two said lots and their successors in interest:

1. Both the two said lots shall have the benefit of a permanent easement to utilize the said shared driveway for all legal purposes for which a residential driveway may be used, on behalf of the owners, family, guests and invitees.

2. As soon as construction or erection of any structure begins on one of the said lots, the record owner of that lot shall have a duty of maintenance of the shared driveway. As soon as construction or erection of any structure begins on the second of the said lots, the duty of maintenance of the shared driveway shall fall jointly to both record owners of the said two lots, with the cost thereof to be borne in two equal shares. For purposes of this covenant, “maintenance” means all work necessary to keep the driveway safely and comfortably passable at all seasons by motor vehicles, including emergency vehicles of the Town of Wentworth. Said work includes, but is not limited to snowplowing, application of sand and/or road salt, removal of fallen trees, limbs or other obstructions, pothole repair, repaving (if paved), and maintenance of all culverts, ditches, swales or other drainage structures associated with said driveway.

3. The said record owners may make any agreement, formal or informal, among themselves for the fulfillment of the maintenance duty set forth above; provided, however, that in the absence of such an agreement, or in the event of the breach of such an agreement, either owner may cause such maintenance work to be performed, and shall have a lien upon the other owner for a one-half share of the reasonable actual costs of such work. In the event legal action is necessary to recover such share, after reasonable demand and failure to pay such share of costs, the party bringing the action shall be entitled to reasonable costs and attorney’s fees incurred.

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Dated this _____ day of _____, 20____

Subdivider

STATE OF NEW HAMPSHIRE
Grafton, ss.

The foregoing instrument was acknowledged before me on this _____ day of _____, 20____, known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument.

Notary Public/Justice of the Peace
My commission expires: _____

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**Town of Wentworth
FLOODPLAIN MANAGEMENT ORDINANCE**

This ordinance, adopted pursuant to the authority of RSA 674: 16, shall be known as the Town of Wentworth Floodplain Management Ordinance. The following regulations in this ordinance shall apply to all lands designated as special flood hazard areas by the Federal Emergency Management Agency (FEMA) in its "Flood Insurance Study for the Town of Wentworth, N.H." together with the associated Flood Insurance Rate Maps, and Flood Boundary & Floodway Maps of the town dated April 18, 1983, which are declared to be a part of this ordinance and are hereby incorporated by reference, and any subsequent revisions thereto.

Purpose

Certain areas of the Town of Wentworth, New Hampshire, are subject to periodic flooding, causing serious damage to properties within these areas. Relief is available in the form of flood insurance as authorized by the National flood Insurance Act of 1968. Therefore, the Town of Wentworth, New Hampshire, has chosen to become a participating community in the National Flood insurance Program, and agrees to comply with the requirements of the National Flood Insurance Act of 1968 (P.L. 90-488, as amended) as detailed in the Flood Management Ordinance.

This Ordinance establishes a permit system and review procedure for development activities in the designated flood hazard areas of the Town of Wentworth, New Hampshire.

Severability

The invalidity of any section or provision of this Ordinance shall not invalidate any other section or provision thereof.

Greater Restriction

If any provision of this Ordinance differs or appears in conflict with any other ordinance or regulation, the provision imposing the greater restriction or more stringent standard shall be controlling.

Enforcement

It shall be the duty of the Board of Selectmen (or their designee) to enforce and administer the provisions of this Ordinance in accordance with RSA 676.

Item I - Definition of Terms: The following definitions shall apply only to this Floodplain Management Ordinance, and shall not be affected by the provisions of any other ordinance of the Town of Wentworth.

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1. "Area of Special Flood Hazard" is the land in the floodplain within the Town of Wentworth subject to a one-percent or greater chance of flooding in any given year. The area is designated as A and AE on the Flood Insurance Rate Map.
2. "Base Flood" means the flood having a one-percent possibility of being equaled or exceeded in any given year.
3. "Basement" means any area of a building having its floor sub grade on all sides.
4. "Building" – see "Structure".
5. "Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavating, or drilling operation or storage of equipment or materials.
6. "FEMA" means the Federal Emergency Management Agency.
7. "Flood" or "Flooding" means a general and temporary condition of partial or complete inundation of normally dry areas from:
 - a. the overflow of inland or tidal waters, or
 - b. the unusual and rapid accumulation or runoff of surface waters from any source.
8. "Flood Elevation Study" means an examination, evaluation, and determination of flood hazards and if appropriate, corresponding water surface elevations, or an examination and determination of mudslide or flood - related erosion hazards.
9. "Flood Insurance Rate Map" (FIRM) means the official map incorporated with this ordinance, on which FEMA has delineated both the special flood hazard areas and the risk premium zones applicable to the Town of Wentworth.
10. "Flood Insurance Study" - see "Flood elevation study".
11. "Flood Floodplain" or "Flood-prone area" means any land area susceptible to being inundated by water from any source (See definition of "Flooding").
12. "Flood proofing" means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures and their contents.
13. "Floodway" - see "Regulatory Floodway".
14. "Functionally dependent use" means a use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking and port facilities that are necessary for the loading/unloading of cargo or passengers, and ship building/repair facilities but does not include long-term storage or related manufacturing facilities.

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15. "Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
16. "Historic Structure" means any structure that is:
 - a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
 - b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
 - d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (i) by an approved state program as determined by the Secretary of the Interior, or
 - (ii) directly by the Secretary of the Interior in states without approved programs.
17. "Lowest Floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.
18. "Manufactured Home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. For floodplain management purposes the term "manufactured home" includes park trailers, travel trailers, and other similar vehicles placed on site for greater than 180 consecutive days. This includes manufactured homes located in a manufactured home park or subdivision.
19. "Mean sea level" means the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.
20. "New construction" means, for the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, *new construction* means structures for which the *start of construction* commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.
21. "100-year flood" - see "Base Flood"
22. "Recreational Vehicle" is defined as:

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- a. built on a single chassis;
 - b. 400 square feet or less when measured at the largest horizontal projection;
 - c. designed to be self-propelled or permanently towable by a light duty truck; and
 - d. designed primarily **not** for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.
23. "Regulatory floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.
24. "Special flood hazard area" See - "Area of Special Flood Hazard"
25. "Structure" means for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.
26. "Start of Construction" includes substantial improvements, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on site, such as the pouring of slab or footings, the installation of piles, tile construction of columns, or any work beyond the stage of excavation; or the placement of manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or part of the main structure.
27. "Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
28. "Substantial Improvement" means any combination of repairs, reconstruction, alteration, or improvements to a structure in which the cumulative cost equals or exceeds fifty percent of the market value of the structure. The market value of the structure should equal:
- a. the appraised value prior to the start of the initial repair or improvement, or
 - b. in the case of damage, the value of the structure prior to the damage occurring.

For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. This term includes structures that have incurred substantial damage, regardless of actual repair work performed. The term does not, however, include any project for improvement of a structure required to comply with existing health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

29. "Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains.

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30. “Manufactured home park” or “subdivision” means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for sale or rent.
31. “Violation” means the failure of a structure or other development to be fully compliant with the community’s flood plain management regulations. A structure or other development without the elevation certificate, other certificates, or other evidence of compliance required in 44CFR #60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

Item II – Permits:

All proposed development in any special flood hazard areas shall require a permit.

Item III – Construction Requirements:

The Selectmen shall review all building permit applications for new construction or substantial improvements to determine whether proposed building sites, will be reasonably safe from flooding. If a proposed building site is located in a special flood hazard area, all new construction or substantial improvements shall:

- a. be designed (or modified) and adequately anchored to prevent floatation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
- b. be constructed with materials resistant to flood damage;
- c. be constructed with materials resistant to flood damage;
- d. be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment, and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

Item IV – Water and Sewer Systems:

Where new or replacement water and sewer systems (including on-site systems) are proposed in a special flood hazard area the applicant shall provide the Building Inspector with assurance that these systems will be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems will be located to avoid impairment to them or contamination from them during periods of flooding.

Item V – Certification:

For all new or substantially improved structures located in Zones A and AE, the applicant shall furnish the following information to the Selectmen:

- a. the as-built elevation (in relation to NGVD) of the lowest floor (including basement) and include whether or not such structures contain a basement.

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- b. if the structure has been floodproofed, the as-built elevation (in relation to NGVD) to which the structure was floodproofed.
- c. any certification of floodproofing.

The Selectmen shall maintain the aforementioned information for public inspection, and shall furnish such information upon request.

Item VI – Other Permits:

The Selectmen shall not grant a permit until the applicant certifies 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 U. S. C. 1334.

Item VII – Watercourses:

1. In riverine situations, prior to the alteration or relocation of a watercourse the applicant for such authorization shall notify the Wetlands Bureau of the New Hampshire Environmental Services Department and submit copies of such notification to the Selectmen, in addition to the copies required by RSA 482-A: 3. Further, the applicant shall be required to submit copies of said notification to those adjacent communities as determined by the Selectmen, including notice of all scheduled hearings before the Wetlands Bureau.
2. The applicant shall submit to the Selectmen certification provided by a registered professional engineer, assuring that the flood carrying capacity of an altered or relocated watercourse can and will be maintained.
3. Along watercourses with a designated Regulatory Floodway no encroachments, including fill, new construction, substantial improvements, and other development are allowed within the floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the proposed encroachment would not result in any increase in flood levels within the community during the base flood discharge.
4. Until a Regulatory Floodway is designated along watercourses, no new construction, substantial improvements, or other development (including fill) shall be permitted within zones AE on the FIRM, unless it is demonstrated by the applicant that the cumulative effect of the proposed development, when combined with all existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.
5. The Building Inspector shall obtain, review, and reasonably utilize any floodway data available from Federal, State, or other sources as criteria for requiring that all development located in Zone A meet the following floodway requirement:

“No encroachments, including fill, new construction, substantial improvements, or other development are allowed within the floodway that would result in any increase in flood levels within the community during the base flood discharge.”

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Item VIII – Special Flood Hazard Areas:

1. In special flood hazard areas the Selectmen shall determine the 100-year flood elevation in the following order of precedence according to the data available:
 - a. In Zone AE refer to the elevation data provided in the community's Flood Insurance Study and accompanying FIRM.
 - b. In Zone A the Selectmen shall obtain, review, and reasonably utilize any 100-year flood elevation data available from any federal, state or other source including data submitted for development proposals submitted to the community (i.e. subdivisions, site approvals).
2. The Selectman's 100-year flood elevation determination will be used as criteria for requiring in Zone A and AE that:
 - a. All new construction or substantial improvement of residential structures have the lowest floor (including basement) elevated to or above the 100-year flood elevation.
 - b. That all new construction or substantial improvements of non-residential structures have the lowest floor (including basement) elevated to or above the 100 year flood level; or together with attendant utility and sanitary facilities, shall:
 - (i) be floodproofed so that below the 100 year flood elevation the structure is watertight with walls substantially impermeable to the passage of water;
 - (ii) have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and
 - (iii) be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section.
 - c. All manufactured homes to be placed or substantially improved within special flood hazard areas shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood level; and be securely anchored to resist floatation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.
 - d. All recreational vehicles placed on sites within Zones A and AE shall either:
 - (i) be on the site for fewer than 180 consecutive days;
 - (ii) be fully licensed and ready for highway use; or
 - (iii) meet all standards of Section 60.3 (b) (1) of the National Flood Insurance Program Regulations and the elevation and anchoring requirements for "manufactured homes" in Paragraph (c) (6) of Section 60.3.

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- e. For all new Construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding are permitted provided they meet the following requirements:
 - (i) the enclosed area is unfinished or flood resistant, usable solely for the parking of vehicles, building access or storage;
 - (ii) the area is not a basement;
 - (iii) shall be designed *to* automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit *of* floodwater. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum *of two* openings having a total net area *of not* less than one square inch for every square foot *of* enclosed area subject *to* flooding shall be provided. The bottom *of* all openings shall be *no* higher than one foot above grade. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit *of* floodwater.

Item IX – Variances and Appeals:

1. Any order, requirement, decision or determination *of* the Selectmen made under this ordinance may be appealed to a Special Board of Adjustment appointed by the Selectmen. as set forth in RSA 676:5.
2. If the applicant, upon appeal, requests a variance as authorized by RSA 674:33, I(b), the applicant shall have the burden *of* showing in addition to the usual variance standards under state law that:
 - a. the variance will not result in increased flood heights, additional threats *to* public safety, or extraordinary public expense.
 - b. if the requested variance is for activity within a designated regulatory floodway, no increase in flood levels during the base flood discharge will result.
 - c. the variance is the minimum necessary, considering the flood hazard, *to* afford relief.
3. The Special Board of Adjustment appointed by the Selectmen shall notify the applicant in writing that:
 - a. the issuance *of* a variance to construct below the base flood level will result in increased premium rates for flood insurance up *to* amounts as high as \$25 for \$100 *of* insurance coverage; and
 - b. such construction below the base flood level increases risks to life and property.

Such notification shall be maintained with a record *of* all variance actions.

4. The community shall:

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- a. maintain a record *of* all variance actions, including the justification for their issuance, and
- b. report such variances issued in its annual or biennial report submitted to FEMA's Federal

SUBDIVISION REQUIREMENTS

PLANNING BOARDS IN NFIP PARTICIPATING COMMUNITIES MUST ADOPT THE FOLLOWING REQUIREMENTS AS PART OF THE BOARD SUBDIVISION REGULATIONS

Requirements for subdivisions having 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 the government 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 U. S. C. 1334.
- B. The Planning Board shall require that all subdivision proposals 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 sufficient 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 located and constructed to minimize flood damage, and,
 - (iii) adequate drainage is provided so as to reduce exposure to flood hazards.

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Wentworth Planning Board Fee Schedule

(Adopted by the Wentworth Planning Board March 3, 2003)

Minor Subdivision Application Fee	\$35.00	(Payable with Application – non-refundable)
Major subdivision application Fee	75.00	(Payable with Application – non-refundable)
Voluntary Merger of Property	20.00	(Payable with Application – non-refundable)
Detached ADU Review Application	5.00	(Payable with Application – non-refundable)
Commercial Excavation Permit	75.00	(Payable with Application – non-refundable)
Letter Per Abutter	8.00	(Payable with Application – non-refundable)
Recording Fees		

**Subject to Grafton County Registry of Deeds fee schedule
(Payable on or before final approval)**

All Other Fees, As Deemed Appropriate by the Board pursuant to Subdivision Regulation 3.2

Revised and accepted 10/05/19