

**Land Subdivision Regulation
Of the
Town of Sugar Hill, New Hampshire**

Revision Date: September 3, 2008

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Land Subdivision Regulation Town of Sugar Hill

I. GENERAL

1.1. Authority and Title

A. Pursuant to the authority vested in the Sugar Hill Planning Board by the voters of the Town of Sugar Hill in accordance with the provisions of the New Hampshire Revised Statutes Annotated, Chapters 672-677, effective January 1, 1984, the Sugar Hill Planning Board adopts the following revised regulations governing the subdivision of land in the Town of Sugar Hill, New Hampshire, such regulations to be known as the “Land Subdivision Regulations Town of Sugar Hill”.

B. The Planning Board shall have the authority to regulate the subdivision of land in the Town, and in its discretion to approve or disapprove subdivision plats, approve or disapprove subdivision plans showing how and to the extent to which streets within subdivisions shall be graded and improved, and to which streets water, sewer, and other utility mains, piping, connections or other facilities within subdivisions shall be installed.

C. The Planning Board shall only approve subdivisions which comply with the Sugar Hill Zoning Ordinance and variances as granted by the Zoning Board of Adjustment.

1.2. Purposes

A. The purposes of these regulations shall be to promote the development of an economically sound and stable community through the protection of property values, the existing natural beauty of the Town, and the environment which provides the primary basis for the Town’s tourist economy and unique area character. These regulations are meant to encourage the development of subdivisions that are visually and aesthetically in harmony with rural living and a recreational economy through the prevention of scattered or premature subdivision of land that would involve danger or injury to health, safety or prosperity by reason of the lack of water supply, drainage, sewage disposal, transportation, or other public services, and which would, of necessity, cause excessive expenditure of public funds for the supply of such services. It is the goal of these regulations to assure the adequate provision of safe and convenient traffic access and circulation, both vehicular and pedestrian, through proper planning and construction coordination of streets and ways within a subdivision in relation to other planned streets; to promote the amenities of the Town through the provisions for parks, playgrounds, and other recreation areas, preservation of trees and natural or historic features; and provide equitable handling of all subdivision plans through the application of uniform procedures and standards for both the subdivider and the Planning Board.

II. Application Procedure for Minor Lot Line Adjustment or Boundary Agreement

2.1. Informal Conceptual Discussion

A. The subdivider may appear at a regular meeting of the Planning Board to discuss a proposal in conceptual form and in general terms. Such preliminary discussion shall be informal and directed toward:

1. Reviewing the basic concepts of the proposal.
2. Reviewing the proposal with regard to the Town Master Plan and Zoning Ordinance.
3. Reviewing the Town's Subdivision Regulations as they may apply to this proposal and determination of the proposal as a Minor Lot Line Adjustment or Boundary Agreement.
4. Guiding the subdivider relative to necessary state and local requirements.

B. Informal Conceptual discussion shall not bind the subdivider or the Board. Such discussion may occur without formal public notice. However, no discussions beyond the conceptual and general review shall take place without identification of and notice to all abutters.

C. Informal Conceptual discussion shall be separate and apart from formal consideration under Sections II and III. The time limits for acting under Paragraph F shall not apply until a formally completed application is submitted.

2.2. Completed Application for Minor Lot Line Adjustment or Boundary Agreement

A. To obtain a Planning Board decision on a proposed lot line adjustment, the applicant must present the following:

1. An official application form containing the name and address of the applicant.
2. The names and addresses of all abutters as indicated in Town records.
3. An application to be submitted not less than five (5) days before the day of the next Planning Board meeting.

2.3. Filing and Submission of Completed Application for Minor Lot Line Adjustment or Boundary Agreement

A. A completed application shall be filed with the Secretary or the Chairman of the Board at least twenty (20) days prior to a scheduled public meeting of the Board.

B. Notice of submission shall be given to abutters as provided in Paragraph I

C. The Application shall be presented to the Board by the applicant at a public meeting of the Board for which Notice to abutters has been given. The Board, by motion, shall accept the Application as a Completed Application or reject the Application as incomplete at the public meeting or an adjourned session thereof, and such action shall be noted on the Application and in the records of the Board.

D. Applications may be rejected by the Board on grounds of:

1. Failure of the applicant to supply information required by these regulations, including abutters' names and addresses and information required
2. Failure to pay costs of notices or other costs and fees required by these regulations
3. Taxes on property not paid to date
4. Failure to meet any reasonable deadline established by these regulations

E. The Board shall determine prior to formal acceptance of the completed application the kind of special studies or additional documentation which may be needed to make an informed decision. The Board may require special investigative studies, environmental assessments, a legal review of documents, administrative expenses, and other matters necessary to make an informed decision. The Board may require such other information as it deems necessary to serve the purposes of these regulations. The cost of such studies and investigations shall be paid by the applicant prior to the approval or disapproval of the Final Plat. When a completed application is accepted by the Board, the Board shall provide a receipt to the applicant indicating the date of formal acceptance.

2.4. Board Action on Completed Applications for Minor Lot Line Adjustment or Boundary Agreement

A. The completed application shall be deemed submitted to the Board as of the date on which the Board accepts it. Within 30 days of this acceptance or a sooner scheduled Planning Board meeting, the Board shall begin formal consideration. The Board shall act to approve, approve with modifications, or disapprove the application within 65 days of the date of submission. The Board may apply to the Board of Selectmen prior to the expiration of the 65 day period for an extension of time not to exceed 65 additional days before acting to approve or disapprove the application. The applicant may consent to an extension of time for the Board to act beyond the initial 65 day period on the condition that such consent shall be in writing and shall be made part of the Board's record.

B. The Board or its designated representative has the option to visit the site in order to thoroughly and knowledgeably review the proposal.

C. If the Planning Board has not obtained an extension, and has not taken action to approve or disapprove the application within sixty-five (65) days of its acceptance, the applicant may obtain from the Selectmen an order directing the Board to act within fifteen (15) days. Failure of the Board to act upon such order of the Selectmen shall constitute grounds for the applicant to petition the Superior Court as provided in Section 4:1(c) Chapter 676 NH RSA 1983.

D. Approval of the Final Plat shall be certified by written endorsement on the Final Plat and signed by the Chairman or Secretary of the Board. The Chairman or Secretary of the Board shall forward a Mylar copy of the Final Plat with such approval endorsed in writing therein to the Register of Deeds of Grafton County, two print copies to the Selectmen, one Mylar and one print copy for the Planning Board's records and one print copy to the applicant. The applicant shall be responsible for the payment of all recording fees. In case of disapproval of any plat submitted, the grounds for such disapproval shall be adequately stated in the records of the Planning Board and written notice given to the applicant.

2.5. Fees

A. Boundary Agreement or Minor Lot Line Adjustment. There shall be a filing fee for each completed application. Fee information may be obtained from the Selectmen's Office.

B. Final Approval. In advance of final approval the applicant will pay for the cost of mailed, posted or published notices.

C. Additional Fees. The Board shall have the right to request that the applicant pay reasonable fees in addition to the fees for notices to cover the Town's administrative expenses and costs of investigative studies, review of documents, extraordinary or unusual legal expenses, and other matters which may be required by particular applications. Failure to pay costs shall constitute valid grounds for the Board to terminate further consideration and to disapprove the plat. Before imposing such additional fees upon an applicant, the Board shall determine what special investigative study, review of documents, or other matters are required of a particular application, together with an estimate of the costs to be incurred. The Board, by motion, shall determine the necessity of the additional fees. The Board shall require the applicant to pay the amount of estimated fees to the Town in advance. If the estimate of the additional fees is less than the actual cost, then the Board shall notify the applicant of the description and the reasons for the additional cost along with a request for the additional payment for the actual cost difference.

D. Collection Action. In the event that it is necessary for the Town to take legal action against an applicant to collect unpaid fees, then the Town shall be entitled to an award of reasonable attorney's fees incurred in collection of the unpaid amount.

2.6. Notices

A. Notice of the submission of a Preliminary Layout or a completed application shall be given by the Board to the abutters and the applicant by certified mail, mailed at least (10) days prior to the public meeting. The notice shall give the date, time and place of the Board meeting at which the application and/or other item (s) will be formally submitted to the Board, and shall include a general description of the proposal which is the subject of the application and/or other item to be considered, and shall identify the applicant and location of the proposed lot line adjustment.

2.7. **Final Plat for Minor Lot Line Adjustments and Boundary Agreements (Refer to Appendix A for checklist for Minor Lot Line Adjustment or Boundary Agreement)**

A. Procedure. The following procedure shall apply to applications for minor lot line adjustments or boundary agreements.

1. Unless otherwise ordered by the Board, an application for minor lot line adjustment or boundary agreement shall be considered and acted upon at a public meeting without a public hearing.

2. Notice to abutters is required. Four paper copies and two Mylar's of a site location map showing the original boundaries of the adjacent parcels and a detailed plat showing the new property lines as a result of the minor lot line adjustment or boundary agreement shall be submitted to the Board.

3. Any abutter may be heard on the application for review at the public meeting when the matter is discussed by the Board. If deemed necessary, the Board may adjourn its consideration to another date

and time to allow further abutter participation. The Board shall review the application and determine if the proposal is a minor lot line adjustment or boundary agreement.

4. The plat shall be filed in the Grafton County Registry of Deeds and a copy with the Sugar Hill Planning Board. A statement shall be placed on the plat stating as follows:

“This plan shows the (Minor Lot Line Adjustment) or (Boundary Agreement) and does not require the approval of the Sugar Hill Planning Board as a subdivision.”

III. Application Procedure for Minor and Major Subdivision

3.1. General

A. Subdivisions fall into one or two categories, Minor or Major Subdivision. *The definitions, requirements and procedures for each are described in this section and in section and IV.*

B. Prior to the proposal to subdivide land, and of **before** any sale, lease, or offer of the same is proposed, **before** any construction, land clearing or building development is begun, **before** any permit for the erection of any building in such proposed subdivision is granted, and **before** any subdivision plat can be filed in the Office of the Register of Deeds of Grafton County, the subdivider or his authorized agent shall apply for and secure approval from the Board in accordance with the the remainder of Section III.

3.2. Informal Conceptual Discussion

A. The subdivider may appear at a regular meeting of the Planning Board to discuss a proposal in conceptual form and in general terms. Such preliminary discussion shall be informal and directed toward:

1. Reviewing the basic concepts of the proposal,
2. Reviewing the proposal with regard to the Town Master Plan and Zoning Ordinance,
3. Reviewing the Town’s Subdivision Regulations as they may apply to this proposal and determination of the proposal as a Major or Minor Subdivision,
 - a. Guiding the subdivider relative to necessary state and local requirements.
4. Informal Conceptual Discussion shall not bind the subdivider or the Board. Such discussion may occur without formal public notice. However, no discussions beyond a conceptual and general review shall take place without identification of and notice to abutters and the general public.
5. Informal Conceptual Discussion shall be separate and apart from formal consideration under Sections C, D and E, and the time limits for acting under Section F shall not apply until a formal completed application is submitted.

3.3. Preliminary Review

A. A Major subdivision involves the creation of 4 or more building lots. Such subdivisions usually require more planning on the part of the subdivider to satisfactorily lay out lots, roads, utilities, water, septic systems, etc. Major Subdivisions generally create greater impacts than Minor Subdivisions and require a more detailed Board review. Because of the importance of resolving issues between the subdivider and the Board at an early stage in the process, the subdivider will be required to submit a preliminary site layout for Board

review. This informal review process will not involve a formal approval or disapproval. No completed application is required.

1. The Preliminary Review Application must contain the following items and must be submitted to the secretary of the Board not less than (20) days before any regular Board meeting.

- a. A request for Preliminary Review,
- b. A list of all abutters and their addresses, as indicated in Town Records not more than five (5) days prior to the filing date,
- c. Three paper copies of Preliminary Layout as described in section IV-A.
- d. The Board may choose to waive some of the requirements if they are not essential to this review.

B. Review of the Layout. Upon receipt of the Preliminary Layout the Board shall conduct a review of the proposed subdivision at a public hearing. Notice shall be given to the sub- divider, the abutters, and the general public. The Board may solicit comments from abutters and other interested persons as it deems appropriate.

C. Action of the Board. After review of the Preliminary layout by the Board, the Board shall provide a written recommendations and/or reservations with respect to the proposed subdivision and the advisability of preparing a Final Plat. The Board shall determine what additional information shall be required for the Final Plat as provided in Section IV-B.

D. Neither time limits for consideration and action nor the public hearing requirements shall apply to this submission.

3.4. Completed Application

A. To obtain a Planning Board decision on a proposed subdivision, the subdivider must file a completed application which shall include:

1. An official application form,
2. Names and addresses of subdivider and all abutters as indicated in Town records not less than five (5) days before the day of filing,
3. **For Minor Subdivision.** Four (4) paper copies and two (2) Mylar's of the Final Plat as described in Section IV-B,
4. **For Major Subdivision.** Four (4) paper copies and two (2) Mylar's of the Final Plat and all required information as described in Section IV-B.

3.5. Filing and Submission of Completed Application

A. A completed application shall be filed with the Secretary or the Chairman of the Board at least twenty (20) days prior to a scheduled public meeting of the Board.

B. Notice of submission shall be given to abutters and the public as provided in Section I and may be combined with the Notice of Public Hearing.

C. The Application shall be presented to the Board by the subdivider at a public meeting of the Board for which Notice has been given. The Board, by motion, can accept the Application as a completed application or reject the application as incomplete. This can occur at either a public meeting or an adjourned session thereof, and such action shall be noted on the application and in the records of the Board.

D. Applications may be rejected by the Board without a public hearing on based upon any of the following grounds:

1. Failure of the subdivider to supply information required by these regulations, including abutters' names and addresses and information required for Preliminary Review
2. Failure to pay costs of notices or other costs and fees required by these Regulations
3. Taxes on property not paid to date
4. Failure to meet any reasonable deadline established by these regulations,

E. The Board shall determine prior to formal acceptance of the completed application the kind of special studies or additional documentation which may be needed to make an informed decision. The Board may require special investigative studies, environmental assessments, a legal review of documents, administrative expenses, and other matters necessary to make an informed decision. The Board may require such other information as it deems necessary to serve the purposes of these regulations. The cost of such studies and investigations shall be paid by the subdivider prior to the approval or disapproval of the Final Plat.

F. When a Completed Application is accepted by the Board, the Board shall provide a receipt to the subdivider indicating the date of formal acceptance.

3.6. Board Action on Completed Applications

A. The completed application shall be deemed submitted to the Board as of the date on which the Board accepts it. Within 30 days of this acceptance or a sooner scheduled Planning Board meeting, the Board shall begin formal consideration. The Board shall act to approve, approve with modifications, or disapprove the application within 65 days of the date of submission. The Board may apply to the Board of Selectmen prior to the expiration of the 65 day period for an extension of time not to exceed 65 additional days before acting to approve or disapprove the application. The applicant may consent to an extension of time for the Board to act beyond the initial 65 day period on the condition that such consent shall be in writing and shall be made part of the Board's record.

B. The Board or its designated representative has the option to visit the site in order to thoroughly and knowledgeably review the proposal.

C. If the Planning Board has not obtained an extension, and has not taken action to approve or disapprove the application within sixty-five (65) days of its acceptance, the applicant may obtain from the Selectmen an order directing the Board to act within fifteen (15) days. Failure of the Board to act upon such order of the Selectmen shall constitute grounds for the applicant to petition the Superior Court as provided in Section 4:1(c) Chapter 676 NH RSA 1983.

D. Approval of the Final Plat shall be certified by written endorsement on the Final Plat and signed by the Chairman or Secretary of the Board. The Chairman or Secretary of the Board shall forward a Mylar copy of the Final Plat with such approval endorsed in writing therein to the Register of Deeds of Grafton County, two print copies to the Selectmen, one Mylar and one print copy for the Planning Board's records and

one print copy to the applicant. The applicant shall be responsible for the payment of all recording fees. In case of disapproval of any plat submitted, the grounds for such disapproval shall be adequately stated in the records of the Planning Board and written notice given to the applicant.

E. If the Final Plat requires a road to be built, prior to approval of the Final Plat the subdivider shall furnish a Performance Bond, as detailed in Section VII-D of these Regulations, securing to the Town the actual construction and installation of all improvements required by the Planning Board. (see definitions Section II-M)

3.7. Public Hearing. No application may be denied or approved without a public hearing on the application, duly-noticed in accordance with Section I.

3.8. Fees

A. There shall be a filing fee for each completed application for a Minor or Major Subdivision. In addition there shall be a fee for each lot on a minor subdivision and on a major subdivision. Information on these fees may be obtained from the Selectmen’s Office.

B. In advance of final approval the applicant will pay for the cost of mailed, posted or published notices.

C. The Board shall have the right to request that the subdivider pay reasonable fees in addition to the fees for Notices to cover the Town’s administrative expenses and costs of investigative studies, review of documents, extraordinary or unusual legal expenses, and other matters which may be required by particular applications. Failure to pay costs shall constitute valid grounds for the Board to terminate further consideration and to disapprove the plat without a public hearing.

D. Before imposing such additional fees upon an applicant, the Board shall determine what special investigative study, review of documents, or other matters are required of a particular application, together with an estimate of the costs to be incurred. The Board, by motion, shall determine the necessity of the additional fees. The Board shall require the applicant to pay the amount of estimated fees to the Town in advance. If the estimate of the additional fees is less than the actual cost, then the Board shall notify the applicant of the description and the reasons for the additional cost along with a request for the additional payment for the actual cost difference.

E. In the event that it is necessary for the Town to take legal action against a subdivider to collect unpaid fees, then the Town shall be entitled to an award of reasonable attorney’s fees incurred in collection of the unpaid amount.

3.9. Notices

A. Notice of the submission of a Preliminary Layout or a completed application shall be given by the Board to the abutters and the subdivider by certified mail, mailed at least (10) days prior to the submission, and to the public at the same time by posting in a least two public places in the Town. The notice shall give the date, time and place of the Board meeting at which the Application or other item (s) will be formally submitted

to the Board, and shall include a general description of the proposal which is the subject of the application, or of the item to be considered, and shall identify the subdivider and location of the proposed subdivision.

B. For any public hearing on the completed application, the same notice as required for notice of submission of the completed application shall be given. If the notice of public hearing has been included in the notice of submission or any prior notice, additional notice of the public hearing is not required, nor shall additional notice be required of an adjourned session of a hearing with proper notice if the date, time and place of the adjourned session was made known at the prior hearing.

IV. Preliminary Review for Minor or Major Subdivisions

4.1. Preliminary Review

A. A plat of the proposed subdivision should be prepared at a scale of 100 feet to the inch, or at greater detail as directed by the Board to indicate clearly existing and proposed features of the site. Said plat shall be prepared on 22 x 34 inch standard sheets measured from the cutting edges. If one sheet is not of sufficient size to contain the entire area of the site and environs, the plat shall be divided into sections to be shown on separate sheets of equal size with references on each sheet to the adjoining sheets.

B. The plat shall show or be accompanied by the following:

1. A key (or location) map at the Town Base Map scale of one inch equals one thousand feet (1"=1000') showing the relation of the proposed subdivision to existing streets or roads, other adjacent subdivisions, the north arrow and bar scale.
2. For the 1" = 100' scale sheets – a title block, scale and north arrow.
3. The owner(s) name(s) and address(es) and the names of all the abutters.
4. Certification that the subdivider is the owner of the land or agent for the owner, or that the owner has given consent under an option agreement.
5. Rights-of-way lines of proposed or existing streets or easements on the property to be subdivided, and all existing streets or roads (showing the edge of the traveled way and the rights-of-way lines) and streams within 500 feet of the property.
6. Proposed lot lines, with lots consecutively numbered.
7. All existing structures, wells, water mains, culverts, utility poles, water courses, septic systems
8. Significant natural features such as woods, wetlands, streams, ponds, ledges, mines, scenic views, etc.
9. Soil mapping units as available from the Soil Conservation Service.
10. Flood hazard areas as indicated on National Flood Insurance maps available in the Town Office.
11. Topographic contours based on acceptable ground survey or photogram metric mapping methods to the following detail:
 - (a). For slopes 0% to 25% - 5 foot contour intervals plus spot elevations;
 - (b). For slopes 26% - 50% - 10 foot contour intervals;
 - (c). For slopes over 50% - 20 foot contour intervals.

12. Certification and seal of engineer or surveyor licensed in the State of New Hampshire as to the accuracy of plat details.

13. Any proposed park areas, or other land to be reserved or dedicated to public use and the proposed use of sites other than residential shall be noted.

14. Preliminary location of septic systems, wells, mains, storm drains, culverts, catch basins, and other drainage structures. Drainage, erosion and sediment control measures shall be designed according to the standards in “Erosion and Sediment Control Design for Developing Areas of New Hampshire” (USDA Soil Conservation Service).

15. A statement that the proposed street centerlines and lot locations have been adequately flagged on the ground at the site to allow on-site evaluation of the proposed subdivision by the Board and Engineer.

4.2. Requirements for Minor and Major Subdivisions

A. In addition to the requirements of 4.1.2., the final plat shall be drawn in ink on Mylar or equivalent material at a scale of 100 feet to the inch, or at greater detail as directed by the Board to indicate clearly existing and proposed features of the site. Said plat shall be prepared in compliance with all applicable statutory requirements and shall be prepared on 22 x 34 inch standard sheets measured from the cutting edges. If one sheet is not of sufficient size to contain the entire area of the site and environs, the plat shall be divided into sections to be shown on separate sheets of equal size with references on each sheet to the adjoining sheets. All dimensions shall be shown to hundredths of a foot and bearings to at least the nearest thirty seconds. The error of closure shall not exceed 1:5000. The final plat shall show or be accompanied by **Appendix B – Checklist for Minor and Major Subdivisions.**

V. DESIGN STANDARDS AND IMPROVEMENTS

5.1. General

A. The subdivision plat shall conform to the design standards set forth herein to encourage good land use and development patterns within the Town. Where either or both an official map or comprehensive plan has or have been adopted, the subdivision shall conform thereto with respect to streets, public open spaces and drainage ways.

B. **Premature or Scattered Subdivision.** Whenever a proposed subdivision poses a danger to the public through insufficiency of services, such subdivision shall be premature or scattered and shall not be approved. The Board shall determine based on the information presented and other information available and made part of the record, whether or not the amount of the development contained in the proposed subdivision in relation to the quantum of services available will create a danger to the public through an insufficiency of services. The Board shall consider but not be limited to the following:

1. Adequacy of water supply;
2. Adequacy of drainage;
3. Adequacy of transportation (capacity and condition of town roads and streets);
4. Adequacy of schools;
5. Adequacy of fire protection, police and other emergency services;
6. Adequacy of other public services;
7. The necessity of excessive expenditures of public funds for the supply of any or all of the in adequate services.

C. Unsuitable Land

1. Land of such character that it cannot be safely used for building purposes because of danger to health or peril from fire, flood or other hazard shall not be generally platted for residential occupancy, nor for any other use which would tend to increase the danger to health, life or property or aggravate the flood hazard, until, in the opinion of the Board, appropriate measures have been taken by the subdivider to eliminate such hazards, or reduce them to reasonable risks. Land subject to periodic flooding, poor drainage or other hazardous conditions, shall not ordinarily be subdivided. Land with unsuitable soil, or inadequate capacity for individual sanitary sewage disposal systems shall not be subdivided unless connected to a common sewerage system.

2. Land unsuited for development due to the presence of rock formations, steep slopes, wetlands, or other unusual surface conditions shall not normally be subdivided and may, after adequate investigation by the Board, be disqualified from consideration as part of a required minimum lot size.

D. Off-Site Improvements

1. If the Board determines that the proposed subdivision will adversely affect existing public facilities such as highways, sidewalks, drainage, sewer, and water so as to be inadequate to meet the additional needs created by the proposed subdivision, then the subdivider shall pay for such upgrading of the public facilities, but only to the extent necessary to protect the public interest. If other properties would also benefit from the upgrading of such off-site public improvements, then the Board shall determine the amount to be paid by the subdivider, taking into consideration the following:

2. The character of the area;
3. The extent that other public and private property will be benefited by the upgrading;
4. Any other factor that the Board deems appropriate to establish a rational connection to the needs created by a subdivision and the amount to be paid by the subdivider.

E. Preservation of Existing Features

1. The Board shall indicate any requirements imposed upon the subdivider to preserve and protect the existing features, trees, scenic points, views, brooks, streams, rock up-cropping, water bodies, stone walls, boundary markers, other natural resources and historic landmarks.

F. Open Spaces

1. The Board shall indicate to what extent, if any, a plat may be required to show open space of adequate proportions, or a park or playground suitably located for recreational purposes. The park or playgrounds shall be a minimum of 8% of the land constituting the subdivision, and shall be designated for recreational purposes. Such land may be conveyed to the Town upon the conditions of use for park or parks, as provided herein.

2. The Board shall approve the location of any proposed streets or roads in the subdivision, and require their proper arrangement and coordination within the subdivision in relation to other existing or proposed streets or with features of the official map of the town. The Board shall further require that such streets shall be suitably located and the sufficient width to accommodate existing and proposed traffic, including firefighting apparatus and equipment to buildings, and so coordinated as to compose a convenient system.

3. The Board shall determine that all plats for proposed subdivision comply with relation to minimum lot areas and dimensions, and in all other applicable respects, with the Zoning Ordinance of the Town of Sugar Hill. If the minimum lot areas prescribed by the Ordinance are insufficient for on-site sanitary facilities, the Board shall assure that such additional areas may be needed for each lot is provided.

4. The Board's decisions on the above-described matters shall be binding on the Board so that the subdivider, in the preparation of the Final Plat, may rely on these preliminary determinations.

5.2. Lots

A Lot dimensions and area shall comply with the requirements of the Zoning Ordinance and such additional area as may be needed for on-site sanitary facilities, taking into consideration soil or topographical conditions.

1. insofar as is practical, side lot lines shall be at right angles to straight streets, and radial to curved streets.

2. Where extra width has been dedicated for widening of existing streets, lots shall begin at such extra width line, and all setbacks shall be measured from such line.

3. Where there is a question as to the suitability of a lot or lots for its or their intended use due to the presence of such factors as rock formations, steep slopes, unusual surface configurations, tendency to periodic flooding, poor drainage, unsuitable soil or soils, and inadequate capacity for sanitary sewer disposal, the Planning Board may, after adequate investigation, withhold approval of such lot or lots

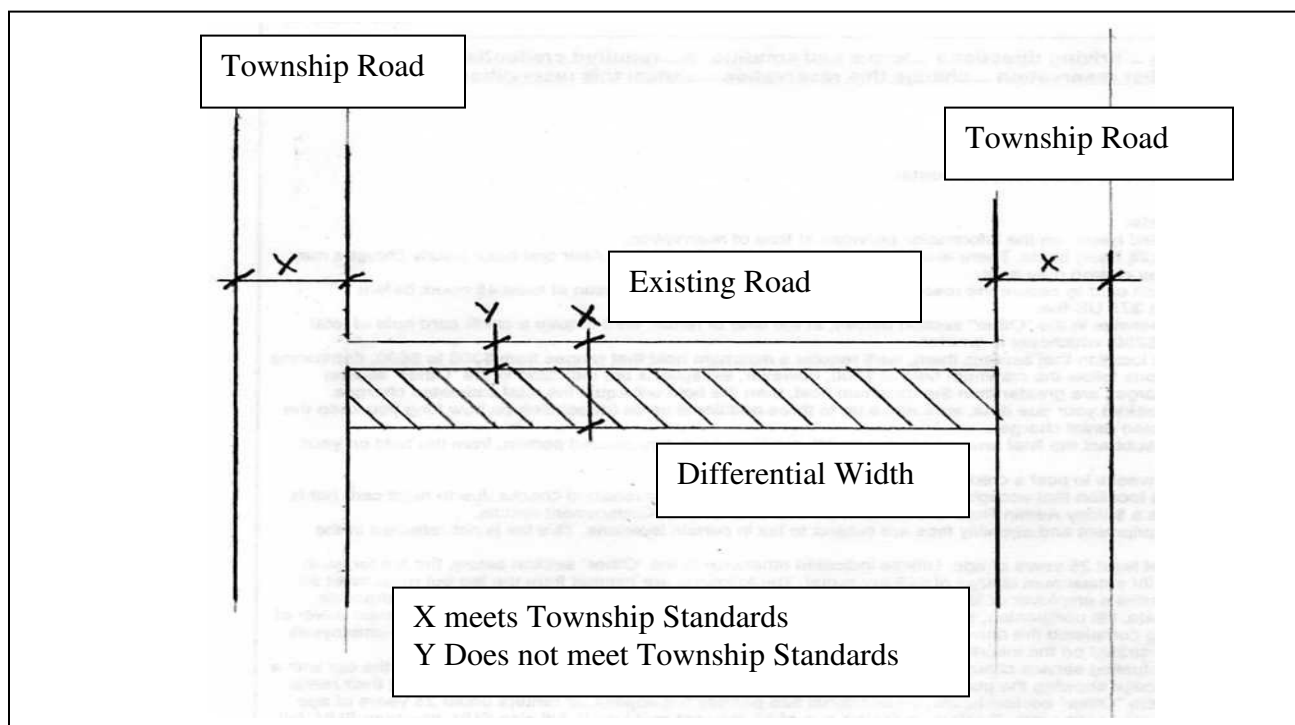
4. Lots shall be graded in such a manner so as to prevent the collection of water at low points thereon.

5. Only those trees shall be removed as shall be necessary to permit construction of streets, driveways, lawns, scenic views, and dwellings and other authorized structures.

5.3. Streets

A. General Design. All streets in the subdivision shall be designed to provide safe vehicular travel. Due consideration shall also be given to the attractiveness of the street layout in order to obtain optimum livability and retain subdivision value. Provision shall be made for the future extension of streets to adjoining non-subdivided property. Subdivisions that adjoin or include existing streets that do not conform to the widths shown on the comprehensive plan, official maps, or street width requirements of this regulation, shall dedicate the differential width along either or both sides of said existing streets. If the subdivision is along one side only, one-half (1/2) of the differential width shall be dedicated. The cross section (Fig. 1) shows the required street design features.

Fig. 1



1. Street Naming. Street names should comply with 911 Protocols and will be approved by the Selectmen. No street shall have a name which duplicates or which is substantially similar to the name of an existing street. The continuation of an existing street, however, shall have the same name.
2. Cross-Section. All street right-of-way widths shall be a minimum of 50 feet.
3. Street Alignment. Street jogs at intersections with centerline offsets of less than one hundred twenty five (125) feet shall be avoided. The minimum centerline radii of curved streets shall be one hundred fifty 150 feet. Streets shall be laid out so as to intersect as nearly as possible at right angles. No street shall intersect any other street at less than a seventy-five (75) degrees angle.
4. Design of Intersecting Roadway Surfaces. Intersecting roadways shall have a transitional area at all corners to accommodate turning movements to a radius of 30 feet.
5. Street Grades. Grades of all streets shall be a reasonable minimum but shall not be less than 0.5% or more than 10% unless specifically approved by the Board. The Board may modify the maximum gradient for short lengths (up to 300 feet) of streets where, in its judgment, existing topographic conditions cause the grade to exceed 10%. All changes in grade exceeding 0.5% shall be connected by vertical curves of sufficient length to afford adequate sight distances. The maximum roadway grade within one hundred (100) feet of an intersection shall not exceed 2%. If a proposed intersection cannot meet this design criterion, the Planning Board (along with engineer input) may allow greater grades.
6. Street Guard Rails. Guard rails may be required due to depth of fill, steep side slopes, grade, curvature of roadway, or combination thereof..
7. Roadway Materials. Roadway materials shall consist of hard, durable particles or fragments of stone or gravel. Materials that break up when alternatively frozen and thawed or wetted and dried shall not be used for aggregate base course materials. Fine particles shall consist of natural or processed sand. The materials shall be free of harmful amounts of organic material. The following materials apply:
 - a. Crushed Stone and Crushed Ledge Rock. This processed material shall be obtained from a source that has been stripped of all overburden. This processed material shall consist of clean, durable fragments of ledge rock being of uniform quality and being reasonably free of thin elongated pieces.
 - b. Gradation. The required gradation of base course material shall conform to Table 1.
 - c. Gravel. The maximum size of any stone or fragment shall not exceed three-fourths of the compacted thickness of the layer being placed, but in no case larger than 6 inches.
 - d. Crushed Gravel. This shall consist of least 50 percent of the material retained on the 25.0 mm(1 inch) sieve shall have a fractured face.
8. Compaction. Unless shown on the plans or ordered otherwise, the compacted depth of sand courses shall not exceed 12 inches. The compacted depth of any layer of gravel, crushed gravel, or crushed stone placed shall not exceed 8 inches. The compacted depth of any layer of crushed ledge rock shall not exceed 24 inches. Compaction of all lifts shall be to a density of 95%. Placement of materials during frost conditions shall be avoided.
9. Dead-end Streets (Turnarounds). Dead-end streets shall be provided with a Hammer Head type turnaround at its end. For safety purposes the Board may require an alternative means of access or egress. A dead-end street shall not exceed 1000 feet in length.
10. Drainage. The Planning Board requires that a drainage design be performed by a licensed engineer using accepted methodology. The design shall be based upon a 24 hour rainfall event as determined by the US Weather Bureau. Increased runoff water caused by changed land use between existing and new (pre and post) development should be detained in any manner that will not increase the peak discharge of runoff

water occurring on the site. Storm water detention should be designed for the 10 year return frequency storm event. Drainage structures such as culverts and ditches should be designed to adequately handle a 25 year return frequency storm event. Calculations for the size of drainage features shall be available to the Board upon request. All cross culverts, closed drainage systems, storm water detention and retention areas should be checked for impacts from a 50 year frequency storm. The following applies:

a. Under Drains. Shall be installed where the character and composition of the soil in the roadbed and other areas of the subdivision require dewatering of the sub grade. Under drains shall be perforated metal pipe, HDPE pipe, or SDR-35 PVC and be a minimum of six (6) inches in diameter, laid in the bottom of a trench at such a depth and width as may be necessary. The trench shall be backfilled with clean bank run gravel or equivalent material approved by the Town or its agent and compacted as necessary to attain the proper compaction of select gravels under the roadway.

b. Storm Drainage Structures and Materials. Shall meet the standards set forth in Standard Specifications for Roads and Bridge Construction, State of New Hampshire Department of Transportation 1997, as revised. All pipes shall have a minimum diameter of 15 inches. There shall be a minimum sub grade cover of 15 inches over pipe of 15 inch diameter. Those pipes having a diameter greater than 15 inches shall have a sub grade cover equal to the diameter of the pipe installed.

c. Maximum Head Water Depth. During a 25 year storm event the area immediately upstream from a pipe culvert shall be controlled for potential damages to adjacent property, culvert, roadway, stream or floodplain environment.

Table 1

As a guide, the following table may be used under normal conditions:

Pipe Size	Maximum Allowable Head Water
15" – 30"	2 times pipe diameter
36" – 48"	1 ½ times pipe diameter
54" up	1 times pipe diameter

d. Culverts. Culverts shall be constructed with end sections, headers or stone slope paving.

e. Drainage Ditches. Drainage ditches shall be at least 18 inches in depth at its midpoint below the center line grade, constructed on both sides of the roadway and designed for the proper flow of storm runoff. The following also applies:

- Maximum length of ditch, 300 feet, to a catch basin or drop inlet. Or as deigned by a licensed civil engineer
- Minimum grade of 0.5% is required in order to keep the ditch self-cleaning, except for site specific swales.
- Ditches shall be designed and constructed to resist erosion and downstream siltation of streams. Designate methods of treatment for erosion control to include, but not limited to, matting for seeded soil, sod, stone fill and rip rap.
- Ditches shall be used at the top of back slopes only when excessive off-site run-off will damage slopes and/or overtax on-site systems.

11. Erosion Control. All runoff, erosion and sediment control measures and the design of all drainage structures and systems should meet the design standards and specifications set forth in the “Manual on Drainage Design for Highways” published by the New Hampshire Department of Transportation, and the “Erosion and Sediment Control Design Handbook for Developing Areas in New Hampshire (1987)” prepared by the USDA Soil Conservation Service.

12. Storm Water Management Plan. This is required for roadway and lot construction activities. The storm water management plan is to be submitted by the site work contractor before work begins and must detail the temporary control of erosion and sedimentation during construction. The plan should include methods to be utilized for protecting and stabilizing steep slopes, stream banks, and channels that will be affected by the construction work. In addition, exposed soils should be protected during excavation operations, the size of the disturbances should be controlled, and the perimeters should be protected with silt fences and hay bales. The storm water management plan, as a minimum, should contain information on the following items:

- a. Stripping of vegetation, regarding or other development shall be done in a way that will minimize soil erosion.
- b. Whenever practical, natural vegetation shall be retained, protected and supplemented.
- c. The disturbed area shall be kept to a minimum; extensive grading and filling shall be voided as far as possible.
- d. Sediment run-off water shall be trapped and retained on the project area.
- e. Off-site surface water shall either be diverted around or conducted safely through the project area.
- f. Disturbed area shall be protected from erosion. All disturbed areas shall have a minimum of 4 inches of topsoil and shall be seeded and maintained until adequately vegetated to be protected from erosion. In steep cuts or fill stone, rip rap may be required.

13. Inspection/Approval Procedure for New Road Construction. The following inspection procedures apply for new road construction:

- a. The town road agent or his designated representative shall perform all new road construction inspections and it is the responsibility of the landowner (or the site work contractor) to notify the road agent when each of the below listed steps are completed. Failure to follow this procedure may result in removal (at the contractor’s expense) of the installed material to allow adequate inspection. Work may not continue on any sequence of roadway until the previous sequence has been inspected and a written approval is received by the contractor.
- b. The **first** inspection will take place when the proposed roadway has been cleared and staked for the start of construction.
- c. The **second** inspection shall be performed after stumps, ledge, and all topsoil have been removed and before the base gravel has been placed.
- d. The **third** inspection shall take place while the base gravel is being installed to assure proper depth and the compaction of the base gravel is satisfactory.
- e. The **fourth** inspection shall take place when any culverts are ready for installation so that the size of pipe and the depth of fill over the culverts can be checked.
- f. The **fifth** inspection shall be performed when the base layer is in place and the topcoat is ready to install to insure proper depth and compaction.
- g. The **sixth** and **final** inspection will be performed to assure that all slopes and water runoffs adhere to specifications and that all required erosion protection has been met.

14. Street Acceptance. All streets must meet the requirements of these specifications in order to be considered for acceptance by the Town of Sugar Hill for town maintenance. Streets developed prior to these regulations being adopted must also meet the intent of these regulations. In order for a street to be considered for acceptance by the Town of Sugar Hill for town maintenance, the requirements of these specifications must be met as well as the application of asphalt paving as directed by the town Road Agent or his designated representative.

(a). Private Roads Streets which are intended to remain private may be allowed provided that the conditions following are complied with. Such private roads shall be clearly noted and be shown on a plat bearing the following statement:

“The roads in this subdivision shall be classified as private. The Town of Sugar Hill will not be under any obligation to maintain or repair said roads. It is further understood that the Town of Sugar Hill will not be obligated to provide any services to the property owners in the subdivision which require the use of said private road or roads unless the town vehicle providing the service is able to pass safely over said private road. The private roads will remain the sole responsibility of the property owners in the subdivision during construction and during the life of said private roads. The property owners in the subdivision shall be held responsible for any damages in the form of silting, erosion, slides, or pollution from said private roads to abutters property or water sources.” There shall be included in every deed a statement that in the event, at any time in the future, any lot owner petitions the Selectmen to lay out the private road as a Town highway, then the lot owners shall be solely responsible for paying the cost of upgrading the road to the extent necessary to conform to Town highway specifications in effect at that time.”

Table 2

GEOMETRIC AND STRUCTURAL GUIDES FOR ROAD PROJECTS

Average Daily Traffic	50-200 ft
Pavement Width	20 ft min.
Shoulder Width	2 ft min.
Center of Road to Ditch	16 ft min.
Pavement Type	Crushed Gravel
Slope of Roadway	½” per ft.
Base Course Depth (Gravel)	12” min. Where steep grades occur gravel surface should be surface treated with asphalt or hot bituminous material.

Fig. 2

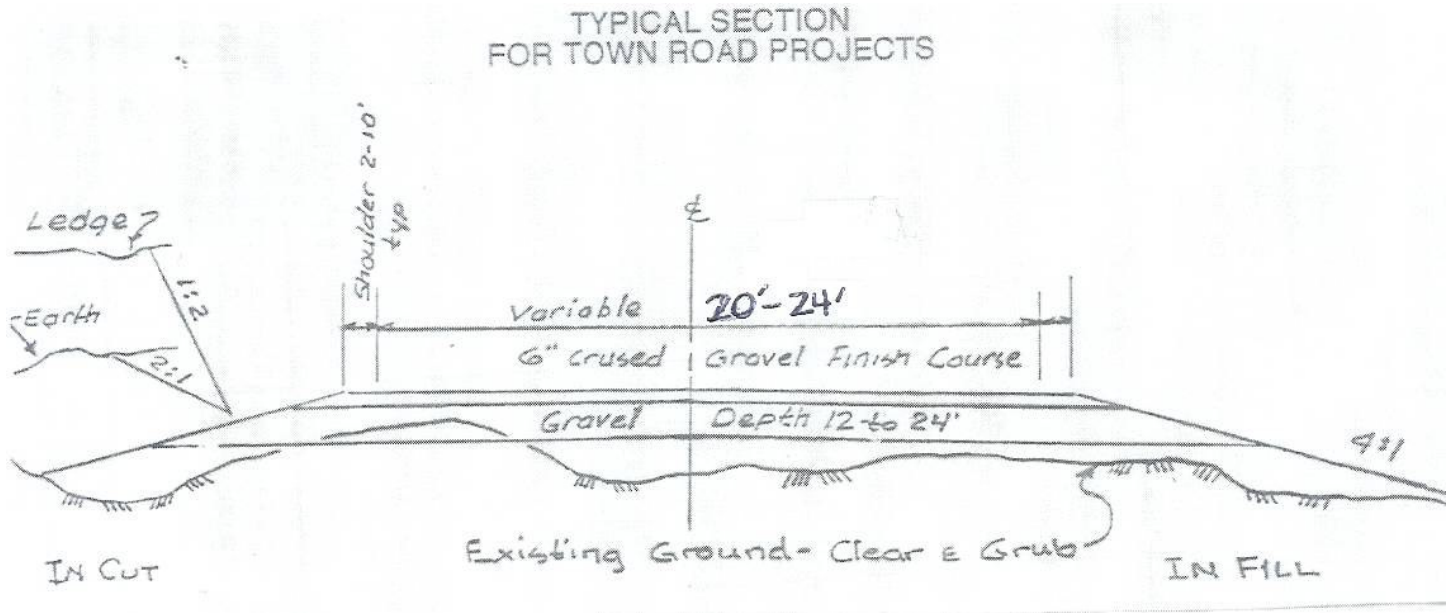


Table 3

BASE COURSE MATERIALS
Required Gradation

Item	Sand	Gravel	Crushed Gravel	Modified Crushed Gravel	Crushed Aggregate For Shoulders	Crushed Stone (Fine)	Crushed Stone (Course)
Sieve Percent Passing By Weight							
6 in.	100	100					
5 in.							
4 in.							
3 ½ in.							100
3 in.			100	100			85-100
2 in.			95-100	95-100		100	
1 ½ in.					100	85-100	60-90
1 in.			55-85		90-100		
¾ in.						45-75	40-70
No. 4	70-100	25-70	27-52	27-55	30-65	10-45	15-40
No. 200 (In Sand Portion)*	0-12	0-12	0-12	0-12			

No. 200 (In Total Sample)					0-10	0-5	0-5
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* Fraction passing the No. 4 sieve

5.4. Erosion and Sediment Control. The subdivision shall be designed to minimize soil erosion, runoff, and sedimentation. The Application should consult the US Department of Agriculture- Soil Conservation Service publication, “Erosion and Sediment Control Design For Development Areas of New Hampshire” for guidance in planning and constructing structural and vegetative practices.

5.5. Cluster Development. The following standards shall be applied to any subdivision incorporating the concept of cluster development:

A. Land which due to the presence of rock formations, steep slopes, wetlands, or other usual surface conditions that would not normally be considered for a subdivision shall be disqualified from consideration if part of the minimum lot or open space requirements. In addition, land which is covered by easements for power lines and the like shall also be disqualified from consideration if part of the minimum lot size or open space requirements.

B. The subdivider shall make every effort in the design to preserve trees, natural topography and geologic features, and to otherwise preserve the natural and scenic qualities of the land.

C. The subdivider shall make every effort to make economical and efficient use of the land to facilitate efficient use of existing public services.

D. The applicant shall present approval from the New Hampshire Department of Environmental Services for all necessary individual and common sewage systems for all lots in the proposed subdivision.

E. Intended water supplies are to be noted and shall meet all of the provisions within Section VI, Part E of this ordinance.

F. In no case shall the number of lots on the plat exceed the number of lots normally allowed under the provisions of the Zoning Ordinance for the Town of Sugar Hill and this regulation. The number of lots allowed shall be based upon the district(s) in which the land is located.

VI. Required Improvements and Construction Standards

6.1. General. The Planning Board may stipulate, as a condition precedent to the approval of the plat, the extent and the manner in which streets shall be graded and improved and which, if any, water, sewer, and other utility mains, piping, connections, and/or other facilities shall be required for installation.

6.2. Monuments. Concrete boundary monuments shall be set on the right-of-way lines of streets, at the beginning and end of the project, beginning and end of curves, angle points, and on tangents with a maximum distance between monuments of 1000 feet. Such monuments shall be made of stone or concrete of a 4" x 4" x 36" long dimension. The concrete monuments shall be reinforced with 3/8 inch diameter deformed bars or acceptable substitutes and will have the letters "S.H." engraved on the top. The monuments shall be flush with finished grade. No permanent monuments shall be set until all construction is completed whence they shall be set by a registered professional engineer and land surveyor.

6.3. Easements. Easements for utilities across lots or centered on rear or side lot lines shall be provided where necessary. The widths of these easements shall be based on the requirements of the various service agencies involved (Power Company, Telephone Company, etc.) with respect to the type of subdivision contemplated and the type of service provided (overhead, underground, etc.).

A. Watercourse, Drainage Way, Channel or Stream. Where a subdivision is traversed by a watercourse, drainage way, channel or stream, the Board may require that there be provided a storm water easement or drainage right-of-way of adequate width to conform substantially to the lines of such watercourse, drainage way, channel or stream, and provide for construction of other necessary purposes.

6.4. Drainage.

A. Under Drains Under drains shall be installed where the character and composition of the spoil in the roadbed and other areas of the subdivision render such installation necessary in the opinion of the Engineer. These under drains shall consist of perforated metal pipe or perforated fiber pipe of a minimum six (6) inches in diameter and lay in the bottom of a trench at such depth and width as may be necessary. The trench shall be filled with clean bank run gravel or equivalent material approved by the Engineer.

B. Storm Drains, Culverts, Catch Basins Storm drains, culverts and related installations, including catch basins and drop inlets, shall be installed within or without the subdivision as necessary to permit unimpeded flow of all natural watercourses, to insure adequate drainage of all low points along streets, and to intercept storm water runoff along streets at intervals reasonably related to the extent and grade of the area drained. (Where required, catch basins may be on both sides of the roadway on continuous grade at intervals of approximately three hundred (300) feet). Drainage improvements shall meet the specifications of AASHO (American Association of State Highway Officials) in regard to material and strength requirements. Catch basins and drop inlets shall be equal to New Hampshire Standard Type A or acceptable to the Engineer. Storm sewer pipes and culverts shall have a minimum diameter of twelve (12) inches and shall be of reinforced concrete, corrugated aluminum, bituminous coated corrugated steel, or equivalent and shall have a minimum two (2) foot cover over all pipes. Headwalls where required shall be either of concrete or rubble masonry.

C. Erosion Protection Ditches. Paving or stone shall be provided in ditches where soil or velocity conditions warrant protection from erosion as determined by the Engineer.

6.5. Water and Sewer Facilities

A. Individual Service. Individual wells and subsurface disposal facilities shall in all respects comply with all applicable local and/or state requirements. The subdivider shall furnish an “approval for construction” for one subsurface disposal system on each such lot or site from the New Hampshire Water Supply and Pollution Control Commission in accordance with its application regulations. Such disposal system shall be located not less than 75 feet from well site.

B. Common System. Such systems proposed by a subdivider shall be of sufficient capacity to serve the subdivision and shall be designed and constructed for incorporation into a future town system. All such facilities shall meet the requirements of and be approved by the State Water Supply and Pollution Control Commission, local and county health and public works agencies, and/or other public body having jurisdiction, and shall be accepted by the Engineer.

1. Site plans to be submitted prior to final Board approval to include:

- a. Five (5) foot contour intervals
- b. Well site with two hundred (200) foot protective radius. No subsurface disposal system permitted in this area.
- c. All lots numbered.
- d. Distribution system with water line sizes, pipe material, buried depth of piping, all water valve and hydrant locations.
- e. Indicate type of establishment; i.e. mobile home park, apartment building, etc.
- f. Complete quality analysis for well water as conducted by the State Water Testing Laboratory within the past six (6) months.
- g. Continuous 48-hour yield test log of the well water showing level and rate of pumping at one hour intervals.
- h. Supply Engineering Section at the date plans are presented to accept by the Sugar Hill Planning Board.

VII. Administration and Enforcement

7.1. Review by Other Town Officials

A. Before approval of the final plat is given, the Planning Board will require that the subdivider obtain a signed statement* that the proposed subdivision is satisfactory to Town Officials as follows:

1. The Town Road Agent as to the proposed water and drainage facilities locations of easements, driveway locations and the design of street system.
2. The Chief of the Fire Department has the ability to provide reasonable fire protection including adequacy of a source of a water supply within one mile of the subdivision and the location of any hydrants, cisterns, or ponds if they are to be provided. The Chief of the Fire Department shall also address adequacy of the access of the department's fire apparatus.
3. The Chief of Police as to vehicular and pedestrian traffic safety and access for emergency vehicles.
4. The School District as to impacts of the subdivision.

*** See Appendix C for a copy of the statement***

7.2. Compliance with Regulations/Penalties. No subdivision of land shall be made, and no land in any subdivision shall be transferred, sold or offered for sale until a final plat, prepared in accordance with the requirements of these Regulations, has been approved by the Planning Board. As provided in RSA 676:16, any owner, or agent of the owner of any land located within the subdivision, who transfers or sells any land before a plan of the said subdivision has been approved by the Planning Board and recorded or filed in the Register of Deeds, shall forfeit and pay a penalty of five hundred dollars (\$500.00) for each lot or parcel so transferred or sold; and the description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the transaction from such transfer or sale and may recover the said penalty by civil action. In any such action, the prevailing party may recover reasonable court costs and attorneys' fees as the same may be ordered by the court.

7.3. Construction of Subdivision. A subdivider shall construct the subdivision and comply with all requirements thereof within two years of the approval. The Board may extend the date an additional reasonable period of time upon written request of the subdivider if the Board finds that conditions exist which are beyond the control of the subdivider and prevent compliance within the two-year period.

A. **Inspection of Improvements.** Prior to commencing construction, the subdivider shall pay to the Town an amount of money estimated by the Board to fully compensate the Town for all inspection and testing charges deemed necessary. The subdivider shall notify the Board in writing of the time when construction is proposed to commence so that the Board may cause inspection to be made to insure that all Town specifications and requirements shall be met. It shall be the responsibility of the subdivider to notify the Town during the period of construction when inspection is ready to be made.

B. **Modifications of Designs and Improvements.** If at any time before or during the construction of the subdivision the Board determines that unforeseen conditions make it necessary or preferable to modify the location or design of any of the required improvements or installations, the Board may authorize such modifications which shall be set forth in writing and signed by the Chairman

of the Board. Before such modifications are made, the subdivider shall submit the modifications in writing to the Planning Board.

C. Completion of Improvements and Deficiencies. The subdivider shall notify the Board in writing when all requirements have been met. The subdivider's engineer or other representative shall certify compliance with the approval including correction to the extent necessary of any original installation. Where a bond has been required and all the required improvements satisfactorily completed, the Selectmen shall release the bond in accordance with Paragraph D4 as provided below and upon the approval of the Town Engineer. If it is determined that any of the required improvements have not been completed in accordance with the approval, the Board shall then notify the subdivider in writing of any 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 Board shall take all necessary action to protect and preserve the Town's rights and interests, including suspension and/or revocation of the approval. In the event of legal action the Town shall be entitled to have reasonable fees of an attorney awarded by the court.

D. Guarantee of Improvement Installation. For a period of one year after completion of all improvements or one year after the correction of all deficiencies, whichever occurs last, if the Board determines that the improvements have failed for any reason or do not meet the requirements as set forth in the approval, the Board shall notify the subdivider in writing of such failures 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 Board, then 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 fees of an attorney awarded by the court.

7.4. Performance Bond. The Board may accept a bond or escrow (with local attorney or financial institution) in an amount and with a surety of sufficient security providing for and securing to the Town the actual construction and installation of all improvements within two years from the recording of the final plat in the Grafton County Registry of Deeds.

A. Amount of Bond. The Town's engineer shall furnish to the Board an estimate as to the full cost of all improvements. Such estimate shall be reviewed by the Selectmen who will recommend the amount of the bond to the Planning Board. The Planning Board shall then determine the amount of the bond.

B. Surety or Security. The subdivider's obligations as set forth in the performance bond shall be secured by a surety company or security and shall be in a form approved by the Town legal counsel and the Selectmen. All documents evidencing or establishing the surety or security shall be prepared at the subdivider's expense and approved by Town legal counsel.

C. Release of Bond. The performance bond shall be released when the Board is satisfied that the subdivider has complied with all requirements of the approval. The decision to release the bond will be based upon an assessment of the plans, the engineer's preparatory work for construction, engineering inspection during construction and the final plans on completed work.

D. Enforcement of the Bond. If the subdivider has not totally complied within two years from the date of recording of the final plat in the Registry of Deeds, the Town shall enforce its right under the performance bond and the surety or security given to secure it. In the event that the town is required to enforce the bond, then it shall be entitled to have reasonable fees of an attorney awarded by the court.

E. Subdivider Responsible For All Costs to Construct Required Improvements The amount of the Bond is an estimate only. Regardless of the amount, the subdivider shall be responsible for and shall pay the actual cost of the construction and installation of all improvements required by the Planning Board.

7.5. Waivers. The proposed subdivision shall conform to the Zoning Ordinance of the Town of Sugar Hill and to all other local regulations. Where strict conformity of the Subdivision Regulations would cause undue hardship or injustice to the owner of the land, a subdivision plan substantially in conformity with regulations may be approved by the Board provided that the spirit of the regulations and public convenience and welfare will not be adversely affected.

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

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

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

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

7.9. Amendments. These regulations may be amended by the Board as provided in RSA 675:6, which requires a public hearing prior to amendment and notice as required by RSA 675:7. After the completion of the public hearing, the amendment may be adopted by an affirmative vote of a majority of the members of the Board. A copy of the amendment shall be certified to by a majority of the Board and shall be filed with the Sugar Hill Town Clerk who shall note thereon the date of the recording. The amendment shall be legal and shall be in effect upon recording of the certified copy by the Sugar Hill Town Clerk. A copy of the certified copy filed with the Sugar Hill Town Clerk shall be sent to the Office of State Planning, RSA 7675:9.

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

7.11. Validity. Should any section or part of a section or any provision of these regulations be declared by the courts to be unconstitutional or invalid, such declaration shall not affect the validity of these regulations as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

VIII. 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 include any person who is able to demonstrate that his land will be directly affected by the proposal under consideration.

Board: The Planning Board of the Town of Sugar Hill.

Boundary Agreement: A written agreement between adjoining landowners containing a full and complete description of a common boundary line or lines agreed upon in a form which complies with RSA Chapter 472.

Condominium: Means real property and any interest therein which are lawfully submitted to the condominium form of ownership in compliance with RSA Chapter 356-B. A condominium shall constitute a subdivision as defined in paragraph Q which follows.

Drainage Right-Of-Way: Land required for the installation of storm water sewers or drainage ditches, or required along a natural stream or watercourse for preserving the channel and providing for the flow of water therein to secure safety from flood damage and to preserve a natural amenity.

Engineer: The Board of Selectmen of the Town of Sugar Hill or their appointed agent.

Final Plat: The final map of a subdivision which has been presented to the Planning Board as part of the Completed Application. If the Completed Application is approved, then the final Plat may be signed as provided herein and recorded with the Grafton County Registry of Deeds.

Lot: A parcel of land at least sufficient in size to meet the minimum requirements for use, coverage and area and to provide required yards and other open spaces.

Major Subdivision: Any subdivision not meeting the definition of a Minor Subdivision is to be classified as a Major Subdivision.

Master Plan: A document prepared and/or adopted by the Planning Board to guide the long range development of the Town.

Minor Lot Line Adjustment (Boundary Agreement): Include an exchange of land between two abutting landowners where no new lots are created. An annexation of land between two landowners is included as a Minor Lot Line Adjustment.

Minor Subdivision: A Minor Subdivision is defined as any division of land:

1. resulting in no more than three lots, each fronting on an existing street, and not involving any new street, and not any new street or extension of town facilities nor the creation of any public improvement, or
2. which involves the creation of lots for non-building development purposes.

Performance Bond: Security in the form of a Performance Bond issued by a surety company, and irrevocable letter of credit, or escrow account in lieu of the completion of the improvements required by the Planning Board in order to secure to the Town of Sugar Hill the actual construction and installation of such improvements. A Performance Bond shall not include mortgage of real estate. Regardless of the amount of the Performance Bond, the subdivision shall be financially liable for the full cost of the construction of all improvements required by the Planning Board.

Plat: The map of a subdivision.

Street: Is defined as a State highway or a Class V or better highway; a private road on a subdivision plat approved by the Planning Board; or a Class VI highway provided that the requirements of RSA 674:41, I (c) are complied with.

Subdivider: Any individual, firm, association, syndicate, co-partnership or corporation, trust or other legal entity or their successors, has commenced proceedings under these regulations to effect a subdivision of land hereunder for himself or for another.

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, leases, condominium conveyance or building development. It includes resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided. The division of a parcel of land held in common and subsequently divided into parts among the several owners shall be deemed a subdivision.

Private Road: A road not maintained by the Town or the State which corresponds in its location and lines with a street on a subdivision plat approved by the Planning Board.

Cluster Development: A purely residential subdivision of a tract where, instead of subdividing the entire tract into house lots of conventional size, a similar number of single family dwelling units may be clustered on lots of reduced dimensions. The remaining land in the tract which has not been built upon is reserved as open space in perpetuity.

Appendix A

Checklist for Minor Lot Line Adjustments or Boundary Agreements

**PLANNING BOARD
OF
SUGAR HILL, NH 03586
PO Box 574
Fax # 603-823-8446**

The following procedure shall apply to applications for **Minor Lot Line Adjustments or Boundary Agreements**. Unless otherwise ordered by the Board, an application for a Minor Lot Line Adjustment or Boundary Agreement shall be considered and acted upon at a public meeting without a public hearing. Notice to abutters is required and the application should be submitted to the Secretary no later than twenty (20) days before the next regularly scheduled meeting. The Board shall review the application and determine if the proposal is a Minor Lot Line Adjustment or Boundary Agreement. Any abutter may be heard on the application and if deemed necessary, the Board may adjourn its consideration to another date and time to allow further abutter participation. A statement shall be placed on the plat stating as follows:

“This plan shows the (Minor Lot Line Adjustment or Boundary Agreement) and does not require the approval of the Sugar Hill Planning Board as a subdivision.”

Four (4) paper copies and two (2) Mylar’s are required on 22 x 34 inch standard sheets measured from the cutting edge.

Note that the presenter shall provide a written explanation for all items in this checklist that are not fully explained on the presented plat plan.

- _____ Final Plat shall identify itself as a “minor lot line adjustment” or “boundary agreement.”
- _____ Final Plat shall be based on an “on the ground” boundary survey certified by a professional engineer or land surveyor registered or licensed in the State of New Hampshire.
- _____ Names and addresses of all owners of land involved.
- _____ Names of all butters (as indicated in the Township records not more than 5 days before the day of filing).
- _____ Name, address and seal of surveyor or engineer.
- _____ A small location map indicating parcels in relation to major streets and intersections and the name of roads.
- _____ Tax map and lot numbers (numbered consecutively).
- _____ North Arrow.
- _____ Pre stamped seal for signature of the Planning Board’s Chairman and Secretary.

Appendix B

Checklist for Preliminary Review and Final Plat Requirements for Major or Minor Subdivisions.

Planning Board
Of
Sugar Hill, NH 03586
PO Box 574
Fax # 603-823-8446

The Preliminary Review Application must contain the following items and must be submitted to the secretary of the Board not less than (20) days before any regular Board Meeting. A request for a Preliminary Review. A list of all abutters, the surveyor, soil scientist, and planner with the current addresses indicated in the Township records not more than five (5) days prior to filing date. Three (3) paper copies of Preliminary Layout as described in section IV-A. For a final Public Hearing all fees and taxes on the proposed subdivision must be paid (unless other arrangements have been made with the Board) before approval is granted. Two (2) Mylar's and four (4) paper copies are required for the Final Plat Requirement. The Board can exercise the right to require notification of abutters for the Public Hearing, at which time the applicant is required to submit a completed application and a list of the abutters twenty (20) days prior to a scheduled public hearing and Final Plat Review of the Board.

Four (4) paper copies and two (2) Mylar's will be required. A completed application shall be filed with the Secretary or Chairman of the Board at least twenty (20) days prior to a scheduled public hearing of the Board. The applicant is required to furnish a list of all abutters with the current addresses, name and address of surveyor or planner, and soils scientist. All fees and taxes on the proposed subdivision must be paid (unless other arrangements have been made with the Board) before approval is granted.

Note that the presenter shall provide a written explanation for all items in this checklist that are not fully explained on the presented plat plan.

- _____ Date of Plan.
- _____ Proposed Subdivision Name
- _____ Name and address of owner (certification required for acting agent).
- _____ Location of Subdivision (including street location).
- _____ Bar Scale.
- _____ North Arrow.
- _____ Total Acreage of land to be subdivided.

- _____ Property lines and dimensions (Lots to be consecutively numbered).
- _____ Frontage dimensions.
- _____ Total road frontage in feet and totaled.
- _____ Location map (1"=42,000) (Showing the relationship to existing streets or roads).
- _____ Names of abutting property owners.
- _____ Names of abutting subdivision, streets, etc.
- _____ Rights of way lines of proposed or existing streets and easements.
- _____ Existing deed restrictions (if applicable).
- _____ Location and description of all monuments.
- _____ All existing structures, wells, water mains, culverts, utility poles, water courses, septic systems.
- _____ Final locations of all proposed improvements including roads, drainage, erosion and sediment control structures, well or water lines, septic systems, utilities, etc. by approved Engineer.
- _____ Significant natural features such as woods, wetlands, streams, ponds, ledges, mines, scenic views, etc.
- _____ Flood hazard areas as indicated on the National Flood Insurance Map available in the Town Office.
- _____ Topographic contour lines:
 - for slopes 0% to 25% with 5 foot contour intervals
 - for slopes 26% to 50% with 10 foot contour intervals
 - for slopes over 50% with 20 foot contour intervals
- _____ Purpose of and acreage of any easement of land reserved.
- _____ Proposed improvements including roads, drainage, wells or water lines, septic systems, utilities, erosion and sediment control.
- _____ Drawing of entire parcel if subdivision covers only part of the owners holding (using more than one Mylar if necessary).
- _____ Bench Mark (bench mark should be plainly marked in the field and stationed on the final plat with its elevation). One bench mark on each section or submission of a subdivision.
- _____ Certification of engineer or surveyor (or soil scientist if required) licensed in the State of New Hampshire
- _____ Soils data for each lot from the SCC.
- _____ When required by the State (when lot is 5 acres or less) the subdivider shall supply the Certification of approval by the State Water Supply and Pollution Control Commission accompanied by a duplicate copy of all data submitted to them and any stipulations related to the approval.
- _____ Final State approvals when appropriate from the Dept. of Public Works and Highways, the Special Board on Dredging and Filing and any other State or Federal Agency.

- _____ Any other information or documentation which may be required by the Board.
- _____ Pre-stamped seal for signature of the Planning Board’s Chairman and Secretary.

In addition to the previous requirements, the following is required for a MAJOR SUBDIVISION:

- _____ Cross-Sections and profiles of streets (Cross-sections of 50 foot intervals plotted at 1” – 10’) plotted with the same horizontal scale as the plans, and a horizontal to vertical scale ratio of 5 to 1 respectively. All data shall be based on a field study.
- _____ Plans and profiles, approved by the Engineer, of storm drains, culverts, catch basins, headwalls, and other drainage structures.
- _____ The subdivider shall tender offers of cession, in a form certified satisfactory by the town counsel, of all land included in streets, highways or parks not specifically reserved by him, but approval of the Final Plat by the Board shall not constitute an acceptance by the Township of the dedication of any street, highway, park or other public open space.
- _____ When approval of a plat is required by any officer or body of such a municipality, state or county, approval shall be certified on the plat in appropriate space provided therefore on the plat.

Said plat shall be prepared in compliance with all applicable statutory requirements and shall be on 22 x 34 inch standard sheets measured from the cutting edge.

If one sheet is of insufficient size to contain the entire area of the site and environs, the plat shall be divided into sections to be shown on separate sheets of equal size with references on each sheet to the adjoining sheet. Any Private Road used to meet the 200 foot road frontage requirement must be certified by the Township Road Agent that the road meets Township Specifications.

Approval of subdivisions which include roads that meet Township Specifications does not constitute acceptance by the Township. All Private Roads to meeting Township Specifications should be shown on the Mylar:

“The roads in this subdivision shall be classified as private. The Town of Sugar Hill will not be under any obligation to maintain or repair said roads. It is further understood that the Town of Sugar Hill will not be obligated to provide any services to the property owners in the subdivision which require the use of said private road or roads unless the town vehicle providing the service is able to pass safely over said private roads. The private roads will remain the sole responsibility of the property owners in the subdivision during construction and during the life of said private roads. The property owners in the subdivision shall be held responsible for any damage in the form of silting, erosion, slides, or pollution from said private road to abutters property or water sources.”

This is intended as a checklist. All parties intending a subdivision are encouraged to purchase a copy of the Land Subdivision Regulations of the Town of Sugar Hill.

Failure to satisfy any of the above requirements shall result in a denial of the application for subdivision.

For a more detailed list of requirements see Land Subdivision Regulations of the Town of Sugar Hill, New Hampshire.

Effective Date: _____

Date of Publication in Newspaper: _____

Date of Posting of the Notice in at Least Two Public Places: _____

1. Carolina Crapo Memorial Building
2. Sugar Hill Post Office

Place where the Copy of the Proposed Subdivision Regulations was Filed for Public Inspection: Town Clerk's Office.

These Subdivision Regulations shall be legal and in effect on the date a copy of these regulations, certified by a majority of the Planning Board is filed with the Sugar Hill Town Clerk.

The undersigned, being a majority of the Sugar Hill Planning Board, do certify that this document contains a true copy of the Subdivision Regulations adopted on the ___ day of ____, 2008.

The undersigned does hereby certify that a document entitled "Sugar Hill Subdivision Regulations" certified by a majority of the Planning Board, has been recorded in the office of the Town Clerk in the Town of Sugar Hill on this ___ day of _____, 2008.

Town Clerk of Sugar Hill

A copy of these Subdivision Regulations has been filed with the Office of State Planning on the ___ day of _____, 2008.

Appendix C

Date:

Subdivision location:

Tax Map #:

1. The Subdivision listed above was reviewed and meets requirements set forth in the Town of Sugar Hill Subdivision Regulations (VII 7.1.1).

Road Agent Signature

2. The Subdivision listed above was reviewed by the Chief of the Fire Department and meets requirements set forth in the Town of Sugar Hill Subdivision Regulations (VII 7.1.2).

Chief of the Fire Department

3. The Subdivision listed above was reviewed by the Chief of Police and meets the requirements set forth in the Town of Sugar Hill Subdivision Regulations (VII 7.1.3).

Chief of Police

Approved by the Sugar Hill Planning Board on _____.

Chairman of the Planning Board