

Land Subdivision Regulations  
of the  
Town of Sugar Hill, New Hampshire

Revision Date: August 7, 2024

## TABLE OF CONTENTS

I.	GENERAL .....	1
1.1	Authority and Title .....	1
1.2	Purposes .....	1
1.3	Approval Required .....	2
II.	OPTIONAL PRE-APPLICATION REVIEW .....	2
2.1	Informal Conceptual Discussion .....	2
2.2	Design Review .....	2
III.	FINAL APPLICATION PROCEDURE .....	4
3.1	Final Application .....	4
3.2	Filing and Submission of Completed Application .....	4
3.3	Board Action on Completed Application .....	5
3.4	Fees .....	6
3.5	Notices .....	6
3.6	Public Hearing .....	7
3.7	Review by Other Town Officials .....	7
3.8	Waivers .....	7
3.9	Decision .....	8
IV.	DESIGN STANDARDS AND REQUIRED IMPROVEMENTS .....	11
4.1	General .....	11
4.2	Lots .....	12
4.3	Streets .....	13
4.4	Stormwater Management .....	20
4.5	Monuments .....	21
4.6	Easements .....	21
4.7	Water and Sewer Facilities .....	22
4.8	Special Flood Hazard Area (SFHA) Requirements .....	22
4.9	Fire Protection .....	22
V.	CONSTRUCTION OF SUBDIVISION AND PERFORMANCE GUARANTEES .....	23
5.1	Construction of Subdivision .....	23
5.2	Performance Guarantee .....	24
VI.	ADMINISTRATION AND ENFORCEMENT .....	25
6.1	Acceptance of Streets and/or Utilities .....	25
6.2	Other Regulations .....	25
6.3	Enforcement. ....	25
6.4	Penalties .....	25
6.5	Amendments .....	25
6.6	Appeals .....	25
6.7	Validity .....	26
6.8	Effective Date .....	26
VII.	DEFINITIONS .....	26
	ADOPTION .....	28
	APPENDIX A. Checklist for Minor Lot Line Adjustments or Boundary Agreements .....	A-1
	APPENDIX B. Checklist for Subdivision Applications .....	B-1
	APPENDIX C. Approvals .....	C-1

All Appendices attached hereto and referred to herein are incorporated by reference and made a part of these Regulations for all purposes as if fully set forth herein.

# **Land Subdivision Regulations of the Town of Sugar Hill, New Hampshire**

## **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 of the Town of Sugar Hill, New Hampshire” and hereinafter referred to as “these Regulations.”
- 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 what extent streets within subdivisions shall be graded and improved, and to what extent and manner other utilities and facilities 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.
- B. 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.
- C. It is the goal of these Regulations to ensure the adequate provision of safe and convenient traffic access and circulation, both vehicular and pedestrian, through proper planning, construction and 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, and preservation of trees and natural or historic features; and to provide equitable handling of all subdivision plans through the application of uniform procedures and standards for both the subdivider and the Planning Board.

### **1.3 Approval Required**

Before any subdivision of land shall be made; 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 their authorized agent shall apply for and secure approval from the Board in accordance with these Regulations.

## **II. OPTIONAL PRE-APPLICATION REVIEW**

### **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 the proposal.
  - 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 abutters and others.
- C. Informal Conceptual discussion shall be separate and apart from formal consideration under Section III. The time limits for acting under Section 3.3 shall not apply until a final application is accepted as complete.

### **2.2 Design Review**

- A. Prior to submission of a final application for Board action, an applicant may request to meet with the Board for non-binding discussions beyond the conceptual and general, involving more specific design and engineering details of the potential application. The intent of Design Review is to enable the applicant, the Planning Board and support staff to review, discuss and evaluate a proposed subdivision at a time when modification will not result in substantial engineering or surveying costs to the subdivider. It is also intended that the Design Review be an opportunity for the

applicant to discover and resolve any conflicts any final plat may have with the Sugar Hill Subdivision Regulations or Zoning Ordinance. Such review does not bind either the applicant or the Board.

- B. Persons wishing to engage in Design Review shall submit an application to the Secretary or Chair of the Board at least 21 days prior to the Board's regular meeting where the proposal will be discussed. The application shall be accompanied by:
  - 1. List of owners and abutters, their tax map and lot numbers and mailing addresses from municipal tax records not more than 5 days before filing; and names and addresses of holders of conservation, preservation or agricultural preservation restrictions.
  - 2. Check to cover filing fees, mailing and advertising costs.
  - 3. Three paper copies of a preliminary layout containing information similar to that listed in Appendix B as available. The preliminary layout should be shown 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. If one sheet is not of sufficient size to contain the entire area of the site and environs, the plan should be divided into sections to be shown on separate sheets of equal size with references on each sheet to the adjoining sheets. Data may be tentative.
- C. The Design Review phase may proceed only after notice is provided to abutters; all holders of conservation, preservation or agricultural preservation restrictions; and the applicant by certified mail at least ten (10) days before the meeting of the Board. The public will be notified, at the same time, by posting in at least two public places in town. The notice shall give the date, time, and place of the Planning Board meeting at which the preliminary layout will be considered by the Board, and shall include a general description of the proposal which is to be considered and shall identify the applicant and the location of the proposed subdivision. The Board may allow comments from abutters and other interested persons as it deems appropriate.
- D. A Preliminary Layout shall be considered to have been abandoned by the subdivider if they have not submitted a Final Subdivision Application within six (6) months of the date of the most recent Design Review meeting with the Board.

### **III. FINAL APPLICATION PROCEDURE**

#### **3.1 Final Application**

To obtain a Planning Board decision the applicant must present the following:

1. A completed application form with completed checklist (*Appendix A. Checklist for Minor Lot Line Adjustments or Boundary Agreements, or Appendix B. Checklist for Subdivision Applications*).
2. The names and addresses of all abutters as indicated in Town records not less than five (5) days before filing the application; names and addresses of holders of conservation, preservation or agricultural preservation restrictions; and of any engineer, land surveyor or soil scientist whose professional seal appears on the plat.
3. Four (4) paper copies and a PDF containing all of the information listed in *Appendix A. Checklist for Minor Lot Line Adjustments or Boundary Agreements, or Appendix B. Checklist for Subdivision Applications*, as applicable. The final plat shall be drawn at a scale of 100 feet to the inch, or at greater detail as directed by the Board to clearly indicate 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.

#### **3.2 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-one (21) days prior to a scheduled public meeting of the Board.
- B. Notice of submission of the final application to the Board shall be given to abutters and others as provided in Section 3.5.
- C. The Board shall, at the next meeting or within 30 days following the delivery of the application, for which notice can be given, determine if the application is complete. If determined to be complete, and all required fees and costs of notice have been paid, then the Board shall vote upon acceptance of the submission. When a completed application is accepted by the Board, such action shall be noted on the application and in the records of the Board. If the application is determined to be incomplete, the Board shall notify the applicant in writing describing the requirements for acceptance of the application as complete.
- D. Applications may be rejected by the Board without a public hearing on grounds of:
  1. Failure of the applicant to supply information required by these Regulations, including abutters' names and addresses and other information required.

2. Failure to pay costs of notices or other costs and fees required by these Regulations.
  3. Failure to meet any reasonable deadline established by these Regulations.
- E. 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 in accord with RSA 676:4, I(g) and 676:4-b.
- F. Developments with Potential Regional Impact  
Pursuant to RSA 36:54-58, upon receipt of an application for subdivision, the Board shall review the application and determine whether or not the development, if approved, could reasonably be construed as having the potential for impact beyond the boundaries of the town of Sugar Hill. This regional impact could result from a number of factors, such as, but not limited to, the following:
1. Relative size or number of units compared with existing stock.
  2. Transportation networks.
  3. Proximity to the borders of a neighboring community.
  4. Anticipated emissions such as light, noise, smoke, odors or particles.
  5. Proximity to aquifers or surface waters which transcend municipal boundaries.
  6. Shared facilities such as schools and solid waste disposal facilities.

Doubt concerning regional impact shall be resolved in a determination that the development has a potential regional impact. Upon determination that a proposed development has a potential regional impact, the Board shall follow the required notice procedures accordingly, including notification to potentially affected municipalities and the regional planning commission. In addition, the Board may take an additional 30 days to review the application.

### **3.3 Board Action on Completed Application**

- A. The Board shall act to approve, approve with conditions, or disapprove the application within 65 days of the date of acceptance of the application as a complete submission. 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 may request permission of the applicant to schedule a site visit in order to thoroughly and knowledgeably review the proposal. Denial of permission prior to completion of the review process may result in the Board's disapproval of the application for lack of sufficient information.



- C. If the Planning Board has not obtained an extension, and has not taken action to approve, approve with conditions, or disapprove the application within sixty-five (65) days of its acceptance, the applicant may seek relief as provided by RSA 676:4, as amended.

### **3.4 Fees**

- A. Filing Fees. 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.

### **3.5 Notices**

Notice of Submission of a Final Application ("completeness review") or a Public Hearing shall be given by the Board to abutters; all holders of conservation, preservation or agricultural preservation restrictions; every engineer, architect, land surveyor or soil scientist whose professional seal appears on the plat; and the applicant by certified mail mailed at least ten (10) days before the meeting of the Board. ***Except in the case of a minor lot line adjustment or boundary line agreement***, the public will be notified, at the same time, by posting in at least two public places in the Town. 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, boundary line agreement or subdivision.

### **3.6 Public Hearing**

- A. Subdivisions. No application for a subdivision may be denied or approved without a public hearing on the application, duly-noticed in accordance with Section 3.5. At the discretion of the Chair, the public hearing may be noticed for the same meeting as the review of the final submission for completeness, with wording to indicate that if the submission is accepted as a complete application, a hearing will follow immediately. If the notice of the public hearing was included in the notice of submission, additional notice of the public hearing is not required. Additional notice is not required of an adjourned session of a hearing provided that the date, time and place of the adjourned session was made known at the prior meeting.
- B. Minor Lot Line Adjustments and Boundary Line Agreements. A public hearing is not required for an application for a minor lot line adjustment or boundary line agreement. However, any abutter or holder of conservation, preservation, or agricultural preservation restrictions may be heard on the application upon request.

### **3.7 Review by Other Town Officials**

Before approval of the final plat is given, the Planning Board may require that the subdivider obtain a signed statement as provided in *Appendix C. Approvals* that the proposed subdivision is satisfactory to town officials as follows:

- A. The Town Road Agent as to the proposed drainage facilities, locations of easements, driveway locations and the design of street system.
- B. The Chief of the Fire Department as to 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, including planned street radii and turnarounds.
- C. The Chief of Police as to vehicular and pedestrian traffic safety and access for emergency vehicles.
- D. Any other town or school district officials as requested by the Board.

### **3.8 Waivers**

- A. Waiver of Application Requirements. Upon written request by the applicant, or upon the motion of any Planning Board member, the Board may vote to waive, in whole or in part, any provision(s) of *Appendix A. Checklist for Minor Lot Line Adjustments or Boundary Agreements*, or *Appendix B. Checklist for Subdivision Applications*, as applicable, when, in the majority opinion of the Board, such provision(s) would be inappropriate or superfluous to informed evaluation of the site in question. If, during the course of its review, the Planning Board determines that the waived information is necessary to complete its review, then the applicant shall provide that information.

B. Waiver of Standards. Upon the written request by the applicant, the Planning Board may grant a waiver or relaxation of the provisions of these Regulations as it deems appropriate per NH RSA 674:36, II(n), by majority vote of the Board. Reasons for the waiver shall be recorded in the meeting minutes. The requirements of these Regulations may only be modified or waived by the Board when:

1. Strict conformity would pose an unnecessary hardship to the applicant and a waiver would not be contrary to the spirit and intent of the regulations; or
2. Specific circumstances relative to the subdivision, or conditions of the land in such subdivision, indicate that the waiver will properly carry out the spirit and intent of the regulations.

In approving waivers, the Planning Board may require such conditions as will, in its judgment, substantially secure the objective of the standard or requirement of these Regulations that is being waived.

### **3.9 Decision**

A. Notice of Decision. The Board shall notify the applicant, by notice in writing signed by the Chair and Secretary of the Board, of its actions on the final application. The Notice of Decision shall include findings of fact as required by RSA 676:3, as amended, and be on file with the meeting minutes within five (5) business days of the vote and available for public inspection. In the case of disapproval, the grounds for such disapproval shall be set forth in the Notice. In the case of approval, the Notice shall set forth the following as applicable:

1. A statement that the subdivision shall be completed and constructed in conformity with the approved final plat and these Regulations.
2. Any waivers granted by the Board from the requirements of these Regulations pursuant to Section 3.8.B.
3. Conditions of approval precedent, i.e., required prior to signing and recording final plat, if any, such as:
  - (a) Any conditions of approval that must appear on the final plat, e.g., long-term responsibility for maintenance of roads, stormwater and other utilities and facilities, restrictions on the use of the property, or safeguards that must be observed during development of the property or once the project is in use.
  - (b) A description of land, if any, to be dedicated to widen existing streets or accomplish some other purpose.
  - (c) Amount of security to be provided to the Town to guarantee performance.
  - (d) Amount to be provided to the Town to escrow for inspection fees.
  - (e) In the case of electric lines or other utilities to be installed by a public

utility corporation, a statement shall be received in writing from such public utility that the work will be done within a reasonable time and without expense to the Town.

(f) Legal Documents:

Where applicable to a specific subdivision, the items listed below are required, in a form as approved by the Town's attorney, prior to final approval of the subdivision plat. All recording fees shall be borne by the subdivider.

- i. The language of any deed restrictions, covenants or articles of association submitted by the applicant and accepted by the Board.
- ii. Easements and/or rights-of-way over property to remain in private ownership.
- iii. Rights to drain onto or across property, whether public or private, including a street.
- iv. Deeds covering land to be used for public purposes, including titles to be transferred to the Town effective on such date as the Town accepts the land through the town meeting process.

(g) Approvals, as prescribed by law, from any other municipal, state or federal agency which may have jurisdiction, for example, NHDOT or town driveway permit, NHDES Shoreland, Wetlands, or Alteration of Terrain permits, or state subdivision approval.

4. Conditions of approval subsequent, i.e., special conditions placed on the approval, if any, such as the following, and specifying which must appear on the final plat to be signed and recorded:
  - (a) Long-term responsibility for maintenance of roads, stormwater and other utilities and facilities.
  - (b) Restrictions on the use of the property or of the open space areas.
  - (c) Safeguards that must be observed during development of the property or once the project is in use.
  - (d) Natural features to remain.
  - (e) Requirements regarding utilities or fire protection.
5. A statement that all improvements, including off-site improvements, required by the Planning Board shall be completed and constructed at the sole expense of the applicant or the successors and assigns of the applicant.
6. A statement of responsibility for possible damage to existing streets during construction.
7. A written acknowledgement of the subdivider's responsibility for maintenance and the assumption by the subdivider of liability for injuries and damages that may occur on any land to be dedicated for public use, until such land has been legally accepted by the Town.

8. A statement that the landowners shall be required to conduct, at no expense to the Town, any maintenance, repairs and/or repaving deemed necessary by the Town prior to any future dedication and acceptance or petition to layout a Town road over said private road.
9. All agreements, if any, between the applicant and Board concerning matters not required by these Regulations, but to be performed by the applicant.
10. Criteria established by the Board for determining “active and substantial development” and “substantial completion” pursuant to RSA 674:39 Five-Year Exemption.

Unless all of the above information appears on the final plat to be signed and recorded, the Notice of Decision shall be recorded at the Grafton County Registry of Deeds with the final plat.

- B. Conditional Approval. The Board may grant conditional approval of an application, but the plat will not be signed or recorded until all of the conditions precedent have been met. A further hearing is not required when such conditions:

1. Are administrative in nature;
2. Involve no discretionary judgment on the part of the Board; or
3. Involve the applicant’s possession of permits and approvals granted by other boards or agencies, such as the NH Department of Transportation (NHDOT) or NH Department of Environmental Services (NHDES).

A further public hearing will be required to demonstrate compliance with the terms of all other conditions pursuant to RSA 676:4, I (I).

- C. Final Plat. Following final approval, the applicant shall provide four (4) paper and two (2) Mylar copies of the approved final plat. Approval of the final plat shall be certified by written endorsement on the final plat and signed by the Chairman and 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.

## **IV. DESIGN STANDARDS AND REQUIRED IMPROVEMENTS**

### **4.1 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. 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, other facilities shall be required for installation.
  
- 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 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 inadequate 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 generally be 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, erosion 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 unsuitable 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

If the Board determines that the proposed subdivision will adversely affect existing public facilities such as highways and drainage, as well as sewer and water if available in the future, 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 (RSA 674:21, V(j)). 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:

1. The character of the area;
2. The extent that other public and private property will be benefited by the upgrading;
3. 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

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

F. Open Spaces

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.

**4.2 Lots**

- A. 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 ensure that such additional area as needed for each lot is provided, taking into consideration soil and topographical conditions.
- B. Insofar as is practical, side lot lines shall be at right angles to straight streets, and radial to curved streets.
- C. 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.
- D. 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, erosion, 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.

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

#### **4.3 Streets**

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

- 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.
- B. Street Naming. Street names shall comply with NH Department of Safety Addressing Standards 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.
- C. Rights-of-Way.
  - 1. The minimum right-of-way width for streets providing frontage and access to lots shall be 50 feet. The Board may require a greater width where in its judgment such is necessitated by the demands of the present or future traffic (including cars, trucks, bicycles, and pedestrians) or utilities, or where topographic conditions create a need for greater width for grading and drainage.
  - 2. For internal roads, i.e., those serving multiple buildings or sites on the same lot, a reduction in the width of the area reserved for the purposes of the roadway from 50 feet to 40 feet may be considered by the Board provided the applicant can demonstrate the adequacy for providing all future utilities, grading and drainage, and safe passage for users, including cars, trucks, bicycles and pedestrians.

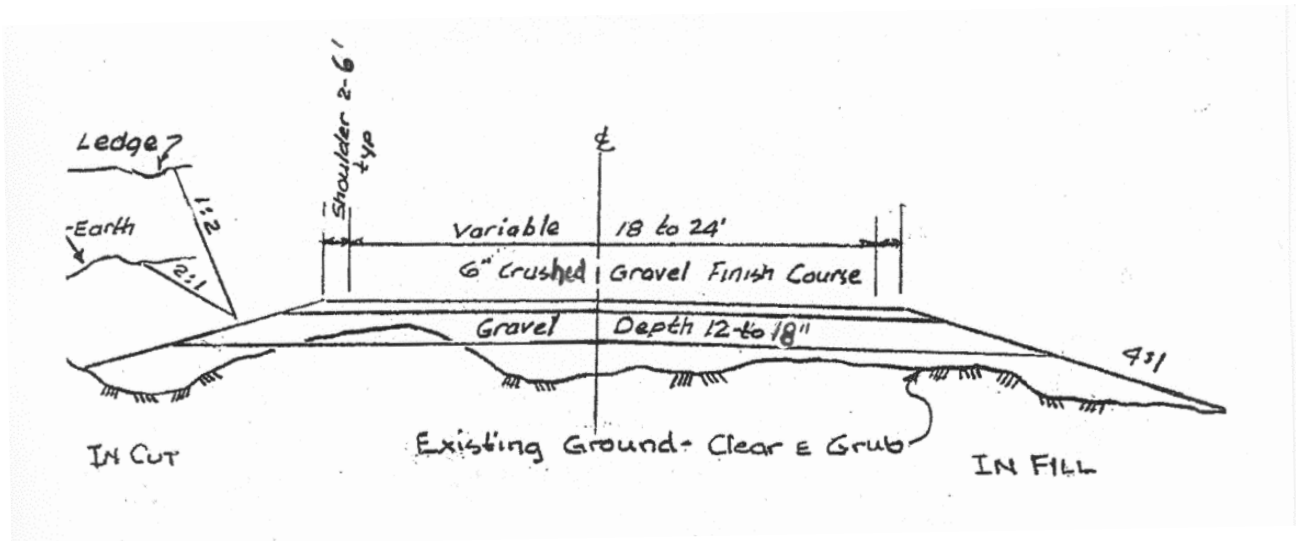


- D. Standard Specifications. Unless an alternative standard is provided herein, or approved by the Planning Board after obtaining and considering input from the Board's engineer, the following standard specifications shall apply:
1. Materials shall conform to NHDOT *Standard Specifications for Road and Bridge Construction*, latest edition, including Supplemental Specifications if any.
  2. Design standards, including but not limited to minimum sight distances at intersections and at changes in grade, shall conform to geometric design guides by the American Association of State Highway and Transportation Officials (AASHTO), *A Policy on Geometric Design of Highways and Streets*, latest edition, or, if applicable, *Guidelines for Geometric Design of Very Low-Volume Roads*, latest edition.
  3. On stream crossings of 10 feet or more span, the structure shall be designed to HS-20 loading (AASHTO *LRFD Bridge Design Specifications*). The minimum roadway width shall be 24 feet.
- E. 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) degree angle.
- F. 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.
- G. Minimum Geometric and Structural Guide. All streets shall be constructed to the following minimum requirements:

Average Daily Traffic <sup>1</sup>	1-50	51-200	201-750	751-1500	Over 1500
Travelled Way	18 ft.	20 ft.	20 ft.	22 ft.	24 ft.
Shoulder Width	2 ft.	2 ft.	4 ft.	4 ft.	6 ft.
Center of Road to Ditch	15 ft.	16 ft.	18 ft.	Varies	Varies
Cross Slope of Roadway	2%	2%	2%	2%	2%
Surface Type	Crushed Gravel <sup>2</sup>		Hot Bituminous		
Crushed Gravel	6 in.	6 in.	6 in.	6 in.	6 in.
Base Course Depth (Gravel) <sup>3</sup>	12 in.	16 in.	18 in.	18 in.	18 in.
Notes:					
1. Vehicles per day shall be calculated as 8 trips per possible dwelling unit. A traffic study may be required for nonresidential developments.					
2. Streets to be dedicated to the Town must be paved with Hot Bituminous					

prior to acceptance, if any. The Board may also require gravel surface to be paved where steep grades occur.

3. Greater base course depths may be required in areas of poor soils. Geomembrane fabric may be required when indicated by soil types or groundwater.



Typical Section

- H. Street Grades. Grades of all streets shall not be less than 0.5% or more than 10% unless specifically approved by the Board where, in its judgment, existing topographic conditions or the preservation of natural features indicate that such modifications over short distances will result in the best subdivision of land. 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 may allow greater grades after obtaining and considering input from the Board's engineer.
- I. Street Guard Rails. Guard rails may be required where indicated by depth of fill, steep side slopes, grade, curvature of roadway, or combination thereof.
- J. 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:
1. 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.

2. Gradation. The required gradation of base course material shall conform to the table that follows.
3. 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.
4. Crushed Gravel. This shall consist of at least 50 percent of the material retained on the 25.0 mm (1 inch) sieve and shall have a fractured face.

#### 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

\* Fraction passing the No. 4 sieve

- K. 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.

- L. Dead-End Streets (Turnarounds). Dead-end streets shall be provided with a hammerhead turnaround at the end with the width and turning radius providing adequate room for movement of snowplows and fire equipment as determined by the Board with input from the Road Agent and Fire Chief. 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.
- M. Drainage. The Planning Board requires that a drainage design performed by a licensed engineer in conformance with Section 4.4 Stormwater Management Calculations for the size of drainage features shall be available to the Board upon request.
1. 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 ensure adequate drainage of all low points along streets, and to intercept stormwater runoff along streets at intervals reasonably related to the extent and grade of the area drained.
  2. Erosion Protection Ditches. Stone or sod shall be provided in ditches where soil or velocity conditions warrant protection from erosion as determined by the Board's engineer.
  3. Underdrains. Underdrains shall be installed where the character and composition of the soil in the roadbed and other areas of the subdivision render such installation necessary in the opinion of the Board's engineer. These underdrains 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 Board's engineer.
  4. Storm Drainage Structures and Materials. Shall meet the standards set forth in NHDOT *Standard Specifications for Roads and Bridge Construction*, latest edition, including Supplemental Specifications if any. All pipes shall have a minimum diameter of 15 inches. There shall be a minimum subgrade cover of 15 inches over pipe of 15-inch diameter. Those pipes having a diameter greater than 15 inches shall have a minimum subgrade cover equal to the diameter of the pipe installed. If a culvert diameter is proposed that is smaller than any upstream culvert, the applicant shall provide a statement from an engineer licensed in New Hampshire verifying that the proposed culvert size is adequate to handle projected flows received from the larger upstream culvert.
  5. Maximum Head Water Depth. During a 50-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.

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

6. Culverts. Culverts shall be constructed with end sections, headers or stone slope paving.
  7. Drainage Ditches. Drainage ditches shall be at least 18 inches in depth at the midpoint below the centerline grade, constructed on both sides of the roadway and designed for the proper flow of storm runoff. The following also applies:
    - (a) Maximum length of ditch, 300 feet, to a catch basin or drop inlet, or as designed by a licensed engineer.
    - (b) Minimum grade of 0.5% is required in order to keep the ditch self-cleaning, except for site specific swales.
    - (c) Ditches shall be designed and constructed to resist erosion and downstream siltation of streams. Designated methods of treatment for erosion control to include, but not limited to, matting for seeded soil, sod, stone fill and rip rap.
    - (d) Ditches shall be used at the top of back slopes only when excessive off-site runoff will damage slopes and/or overtax on-site systems.
- N. Inspection/Approval Procedure for New Road Construction. The following inspection procedures apply for new road construction:
1. The Board's engineer shall perform all new road construction inspections and it is the responsibility of the landowner (or the site work contractor) to notify the engineer 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.
  2. The **first** inspection will take place when the proposed roadway has been cleared and staked for the start of construction.
  3. The **second** inspection shall be performed after stumps, ledge, and all topsoil have been removed and before the base gravel has been placed.
  4. 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.

5. 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.
6. The **fifth** inspection shall be performed when the base layer is in place and the topcoat is ready to install to ensure proper depth and compaction.
7. The **sixth** and **final** inspection will be performed to ensure that all slopes and water runoffs adhere to specifications and that all required erosion protection has been met.

O. Maintenance Responsibility.

1. 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; however, the Planning Board's approval of a proposed street as part of a subdivision application does not constitute or imply any future acceptance of the street by the Town.
2. Any private road that is proposed for Town maintenance must be brought up to the current road standards and specifications at the expense of the developer, homeowners association or abutting landowners before Town acceptance. When there are no records indicating that the Town witnessed the road construction (e.g., inspection reports, sieve analyses, compaction tests), road corings to investigate subgrade shall be performed and paid for by the applicant.
3. All subdivision streets shall be noted on the plat as private unless already accepted by the Town. Acceptance of a street by the Town may be accomplished only by the Town Meeting or as provided by RSA 674:40-a; such acceptance shall be determined on an individual basis.
4. The developer, landowners, or homeowners association shall be responsible for maintenance and repair of private roadways until or unless accepted by the Town. The applicant shall demonstrate that an entity (e.g. developer, landowners, or homeowners association) will be in place having the responsibility and financial substance to ensure maintenance and repair of proposed roads in a manner which provides safe access for all users, including residents, visitors, delivery and emergency vehicles. Covenant language shall be incorporated in deeds within the subdivision to provide for maintenance and repair. The proposed covenant language shall be provided for review and approval by the Planning Board, Selectboard and town attorney and shall include:
  - (a) The legal description of all properties that have a right to use the street.
  - (b) The legal owner of the street.
  - (c) The manner in which the responsibility for carrying out and paying for maintenance and repairs is to be shared by the parties.
  - (d) The process for emergency repairs.
  - (e) The consequences for non-participation.

- (f) The statement that in the event any lot owner petitions the Town to take over maintenance, the road owner(s) will be solely responsible for paying any costs of upgrading the road to Town road specifications if required.
- 5. Any existing private road which was constructed prior to the adoption or amendment of these Regulations, or not constructed and maintained in compliance with the standards and specifications contained herein, and is proposed to serve as the access to a new building site or lot, must be brought up to the standards and specifications contained in these Regulations and approved by the Planning Board.
- 6. Unless dedicated to and accepted by the Town, the plat shall bear 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.”

#### **4.4 Stormwater Management**

Stormwater management systems shall be designed to permit unimpeded flow of all natural watercourses, ensure adequate drainage of stormwater away from buildings and parking areas and off of streets, and prevent erosion and the resulting sedimentation. All subdivisions shall be developed in accordance with the NHDES *New Hampshire Stormwater Manual*, latest edition, to the extent practicable. This shall include but not be limited to the following measures:

- 1. The smallest practical area of land should be exposed at any one time during development.
- 2. When land is exposed during development, the exposure should be kept to the shortest practical period of time. Land should not be left exposed during the winter months.
- 3. Where necessary, temporary vegetation and/or mulching and structural measures should be used to protect areas exposed during development.
- 4. Stormwater treatment should be provided to remove sediment from run-off waters and from land undergoing development.
- 5. Provisions should be made to effectively accommodate and treat the increased run-off caused by the changed soil and surface conditions during and after development.

6. The permanent, final vegetation and structures should be installed as soon as practical in the development.
7. The development plan should be fitted to the topography and soils so as to create the least erosion potential.
8. Whenever feasible, natural vegetation should be retained and protected.
9. Storm drainage shall be designed to handle adequately a 50-year frequency 24-hour rainfall amount as reported in the Northeast Regional Climate Center's Extreme Precipitation Table or other source based on current data and trends acceptable to the Planning Board, with emergency overflow structures based on assessment of the 100-year 24-hour frequency storm discharge rate.
10. Flow volume and velocity shall not be increased, nor water quality decreased, at the property line when compared to pre-development conditions.
11. The applicant shall bear final responsibility for the installation, construction, and establishment of provisions for ongoing maintenance of all stormwater and erosion control measures required by the Planning Board. Final approval will not be granted until the plan and a mechanism for ensuring ongoing maintenance are approved by the Planning Board.

#### **4.5 Monuments**

- A. Concrete or stone 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 4" x 4" x 36" long. The concrete monuments shall be reinforced with 3/8-inch diameter deformed bars or acceptable substitutes. On streets, the monuments shall extend six inches (6") above finished grade.
- B. Relevant features of lot lines, angle points along meander line, and any other pertinent points not marked by monuments of stone or concrete shall be marked by steel pins. Steel pins shall be at least thirty-six inches (36") long and five-eighths inch (5/8") in diameter or square.
- C. No permanent monuments shall be set until all construction is completed.
- D. Bounds shall be set by a land surveyor licensed in New Hampshire.

#### **4.6 Easements**

- A. Utilities. 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 utility providers involved (electric, telephone, cable, fiber) with respect to the type of subdivision contemplated and the type of service provided (overhead, underground, etc.).
- B. 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 stormwater 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.

#### **4.7 Water and Sewer Facilities**

- A. Individual Service. Individual wells and subsurface disposal facilities shall in all respects comply with all applicable local and State requirements.
- B. Common System. Such systems proposed by a subdivider shall be of sufficient capacity to serve the subdivision. All such facilities shall meet the requirements of and be approved by the NH Department of Environmental Services.

#### **4.8 Special Flood Hazard Area (SFHA) Requirements**

The following requirements are 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 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.
- 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:
  - 1. All such proposals are consistent with the need to minimize flood damage;
  - 2. All public utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage; and
  - 3. Adequate drainage is provided so as to reduce exposure to flood hazards.

#### **4.9 Fire Protection**

All subdivisions shall meet the approval of the Sugar Hill Fire Department, documented by the Fire Chief or designee, relative to emergency access, and fire prevention, protection, and water supply. Installation of hydrants, cisterns or fire ponds may be required by the Planning Board if recommended by the Fire Chief or designee.

## **V. CONSTRUCTION OF SUBDIVISION AND PERFORMANCE GUARANTEES**

### **5.1 Construction of Subdivision**

- A. Timeline. 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.
- B. 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 to be placed in escrow. 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 ensure 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.
- C. Minor 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. Modifications not deemed by the Board to be minor modifications shall require a public hearing prior to amendment of the approved plan.
- D. 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 performance guarantee has been required and all the required improvements satisfactorily completed, the Selectmen shall release the performance guarantee in accordance with Section 5.2 below and upon the approval of the Board's 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.

- E. 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.

## **5.2 Performance Guarantee**

The Board may accept a bond, letter of credit 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 Guarantee. 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 guarantee to the Planning Board. The Planning Board shall then determine the amount of the guarantee.
- B. Surety or Security. The subdivider's obligations as set forth in the performance guarantee 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 Guarantee. The performance guarantee shall be released when the Board is satisfied that the subdivider has complied with all applicable requirements of the approval. The decision to release the guarantee 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 guarantee and the surety or security given to secure it. In the event that the Town is required to enforce the guarantee, 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 performance guarantee 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.

## **VI. ADMINISTRATION AND ENFORCEMENT**

### **6.1 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.

### **6.2 Other Regulations.**

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

### **6.3 Enforcement.**

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

### **6.4 Penalties**

Any owner, or agent of the owner, of any land within a subdivision, who transfers or sells any land before a plat of said subdivision has been approved by the Board and recorded in the office of the Register of Deeds of Grafton County or otherwise violates any provision of these Regulations shall forfeit and pay a civil fine as provided in RSA 676:16 and 17, as amended. The Board of Selectmen is designated as the local authority to institute appropriate action under the provisions of RSA 676:16 and 17. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties. In any such action, the prevailing party may recover reasonable court costs and attorneys' fees as the same may be ordered by the court.

### **6.5 Amendments.**

These Regulations may be amended by the Board as provided in RSA 675:6, which requires a public hearing prior to amendment, with 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 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. An electronic copy of the certified copy filed with the Sugar Hill Town Clerk shall be sent to the NH Office of Planning and Development (RSA 675:9).

### **6.6 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 as

provided in RSA 677:15, or to the Zoning Board of Adjustment in accord with RSA 676:5 if the appeal is based on the terms of the Zoning Ordinance.

#### **6.7 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.

#### **6.8 Effective Date**

These Regulations shall become effective upon their official adoption by the Planning Board and recording with the Town Clerk and shall apply thereafter to all subdivisions within the Town of Sugar Hill.

### **VII. 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:** 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 herein.

**Drainage Right-of-Way:** Land required for the installation of stormwater 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:** Shall mean the professional engineer licensed in the State of New Hampshire and designated by the Planning Board. At the Board’s discretion, may be the Town Engineer or an engineering consultant hired to assist with the review and oversight of a specific subdivision.

**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.

**Internal Road:** – An access way serving only a group of related buildings or sites on a single lot developed as part of an approved subdivision or site plan application.

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

**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:** 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.

**Performance Guarantee:** Security in the form of a performance bond issued by a surety company, 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 Guarantee shall not include mortgage of real estate. Regardless of the amount of the Performance Guarantee, 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.

**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.

**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, that has commenced proceedings under these Regulations to affect 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, lease, 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.

## ADOPTION

These Regulations were amended August 7, 2024 by the Sugar Hill Planning Board.

Sugar Hill Planning Board Approval:

_____	_____
_____	_____
_____	_____
_____	

Received by Town Clerk:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

APPENDIX A.  
Checklist for Minor Lot Line Adjustments or Boundary Agreements  
Planning Board, Sugar Hill, NH

A complete application for approval of a Minor Lot Line Adjustment or Boundary Agreement shall contain all of the information listed below. For any items not checked off, please write "NA" and attach a written explanation.

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, easement holders and any professional whose seal is on the plat is required. The Board shall review the application and determine if the proposal is a Minor Lot Line Adjustment or Boundary Agreement and verify that the changes will not result in or increase any lack of conformance with the Zoning Ordinance or other requirements. Any abutter or holder of conservation, preservation, or agricultural preservation restrictions 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.

The following items must be submitted to the Secretary or Chair of the Board not less than twenty-one (21) days before the regular monthly Planning Board meeting.

- ☐ 1. Completed Application Form signed by all owners.
- ☐ 2. Completed Checklist.
- ☐ 3. A check payable to the Town to cover filing fees, mailing, advertising and other costs.
- ☐ 4. Names and addresses of the applicant and all abutters as indicated in town records not more than five (5) days before the date of filing, along with any easement holders and the land surveyor and any other professional whose seal appears on the plat.
- ☐ 5. A PDF of the plat.
- ☐ 6. Written request for any waivers of requirements pursuant to Section 3.8.
- ☐ 7. Four (4) paper and two (2) Mylar copies of a survey plan on 22 x 34 inch standard sheets measured from the cutting edge prepared in accordance with the standards of the NH Land Surveyors Association and stamped by a land surveyor licensed in New Hampshire, at a sufficient scale to clearly depict the property lines to be changed or boundary to be agreed to, shall be provided, showing:
  - ☐ a. Title block with name of municipality, name(s) and address(es) of owner(s), address and tax map and lot numbers of parcels, whether the plat is a minor lot line adjustment or boundary line agreement, name and address of surveyor.
  - ☐ b. Names of all abutters with tax map and lot numbers.
  - ☐ c. Seal of surveyor with license number.
  - ☐ d. A small location map indicating parcels in relation to major streets and intersections and the name of roads.



- \_\_\_ e. North arrow and bar scale.
- \_\_\_ f. Date of plat and date of any revisions.
- \_\_\_ g. Signature block or pre-stamped seal for signature of the Planning Board's Chairman and Secretary.
- \_\_\_ h. Boundary survey certified by a professional land surveyor licensed in the State of New Hampshire. (In the case of a large parcel, the Board may waive the survey requirement for property lines not being changed.)
- \_\_\_ i. Proposed new property line or lines in solid lines with bearings and distances, and dotted lines showing the line or lines to be abandoned.
- \_\_\_ j. Lot areas and dimensions, before and after the proposed change.
- \_\_\_ k. Zoning district and zoning boundaries if proximate, frontage and setbacks to be affected by the property line change.
- \_\_\_ l. Location and description of existing and proposed boundary monuments.
- \_\_\_ m. General location of all existing buildings and other structures, septic systems and wells with protective radii, rights-of-way, driveways. The Planning Board may request surveyed locations for any features that will be closer to a property line following the proposed change.
- \_\_\_ n. The following statement: "The property conveyed herein shall not be deemed or considered a separate lot of record, but upon the recording of this plat and the accompanying deed, shall be regarded as merged into and made an integral part of the contiguous lot of land previously owned by the grantee(s) so that the same shall hereafter be one combined single lot of record."
- \_\_\_ 8. Any other information which may be required by the Board.
- \_\_\_ 9. Following approval but prior to signing the plat, NHDES state subdivision approval will be required if any lot will become less than five (5) acres.

APPENDIX B.  
Checklist for Subdivision Applications  
Planning Board, Sugar Hill, NH

A complete application for final approval of a subdivision shall contain all of the information listed below. For any items not checked off, please write "NA" and attach a written explanation.

Notice to abutters, easement holders and any professional who seal is on the plat is required prior to the submission of the application to the Board and prior to the public hearing if not the same meeting.

The following items must be submitted to the Secretary or Chair of the Board not less than twenty-one (21) days before the regular monthly Planning Board meeting:

- \_\_\_ 1. Completed Application Form signed by all owners.
- \_\_\_ 2. Completed Checklist.
- \_\_\_ 3. A check payable to the Town to cover filing fees, mailing, advertising and other costs.
- \_\_\_ 4. Names and addresses of the applicant and all abutters as indicated in town records not more than five (5) days before the date of filing, along with any easement holders and the land surveyor and any other professional whose seal appears on the plat.
- \_\_\_ 5. A PDF of the plat.
- \_\_\_ 6. Written request for any waivers of requirements pursuant to Section 3.8.
- \_\_\_ 7. Four (4) paper copies of a survey plan on 22 x 34 inch standard sheets measured from the cutting edge prepared in accordance with the standards of the NH Land Surveyors Association and stamped by a land surveyor licensed in New Hampshire, in a format acceptable for recording at the Grafton County Registry of Deeds, at a sufficient scale to clearly depict the information listed below. 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.
  - \_\_\_ a. Title block with subdivision name, name of municipality, name(s) and address(es) of owner(s), address and tax map and lot numbers of parcel; name and address of surveyor.
  - \_\_\_ b. Names of all abutters with tax map and lot numbers.
  - \_\_\_ c. Seal of surveyor with license number.
  - \_\_\_ d. A small location map indicating parcels in relation to major streets and intersections and the name of roads.
  - \_\_\_ e. North arrow and bar scale.
  - \_\_\_ f. Date of plat and date of any revisions.

- \_\_\_ g. Signature block or pre-stamped seal for signature of the Planning Board's Chairman and Secretary.
- \_\_\_ h. Boundary survey certified by a professional land surveyor licensed in the State of New Hampshire, with total acreage, existing property line bearings and distances. (In the case of a large parcel with subdivision of only a minor portion, the Board may waive the survey requirements for a portion of the parcel.)
- \_\_\_ i. Significant adjacent features such as buildings, streets, bridges, culverts, drains, pedestrian ways, wells within 75 feet.
- \_\_\_ j. Zoning district and zoning boundaries if proximate, frontage and setback lines.
- \_\_\_ k. Rights-of-way width and lines of proposed or existing streets and easements.
- \_\_\_ l. All existing structures, wells, water mains, culverts, utility poles, water courses, septic systems.
- \_\_\_ m. Significant natural features such as woods, wetlands, streams, ponds, ledges, mines, scenic views, regulated and/or eroding shorelines.
- \_\_\_ n. Flood hazard areas as indicated on the National Flood Insurance Map available in the Town Office.
- \_\_\_ o. 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.
- \_\_\_ p. Soil types for each lot from the NRCS.
- \_\_\_ q. Distances and bearings of proposed new property lines, lot sizes in acres and square feet, consecutive number of lots.
- \_\_\_ r. Existing and proposed driveways.
- \_\_\_ s. Location and description of all existing and proposed monuments.
- \_\_\_ t. Location and purpose of any proposed easements.
- \_\_\_ u. Final locations of all proposed improvements including roads, drainage, erosion and sediment control structures, well or water lines, protective radius for wells, septic systems, utilities and common areas for recreation or open space.

Other Information as Applicable:

- \_\_\_ 8. Existing deed restrictions.
- \_\_\_ 9. Road plan including road profiles, centerline stationing, and cross sections, certified by licensed engineer to be compliant with Section 4.3.
- \_\_\_ 10. Certification by Road Agent that any private road used to meet frontage requirements and provide access to any lot meets the specifications contained in the Sugar Hill Subdivision Regulations.
- \_\_\_ 11. Stormwater plan certified by licensed engineer to be compliant with Section 4.4.

- \_\_\_ 12. Fire protection plan.
- \_\_\_ 13. Any proposed landscaping, lighting and/or signs.
- \_\_\_ 14. Proposed text of any proposed deed restrictions; deeds covering land to be used for public purposes; drainage easements; and/or maintenance covenants for roads and stormwater facilities.
- \_\_\_ 15. Unless dedicated to and accepted by the Town already, the plat shall bear the following statement for any new roads:

“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.”
- \_\_\_ 16. Any other information or documentation which may be required by the Board.

The following items shall be provided prior to endorsement of the final plat:

- \_\_\_ 17. A PDF and four paper and two Mylar copies of approved plat in a format acceptable for recording with the Grafton County Registry of Deeds.
- \_\_\_ 18. All required federal, state or local permits and approvals, including, but not limited to:
  - \_\_\_ a. state or local driveway permit
  - \_\_\_ b. NHDES wetlands permit
  - \_\_\_ c. NHDES shoreland permit
  - \_\_\_ d. NHDES alteration of terrain permit
  - \_\_\_ e. NHDES state subdivision approval (required when any lot will be less than 5 acres)
  - \_\_\_ f. Road Agent approval
  - \_\_\_ g. Fire Chief Approval
  - \_\_\_ h. Police Chief Approval

APPENDIX C.  
Approvals  
Planning Board, Sugar Hill, NH

Subdivision/Owner Name:  
Subdivision location:  
Tax Map #:

The Subdivision listed above was reviewed and meets requirements set forth in the Town of Sugar Hill Subdivision Regulations with regard to drainage facilities, locations of easements, driveway locations and the design of street system.

Comments:

---

Road Agent Signature

---

Date

The Subdivision listed above was reviewed and meets requirements set forth in the Town of Sugar Hill Subdivision Regulations with regard to fire protection and access of the Fire Department's fire apparatus.

Comments:

---

Chief of the Fire Department Signature

---

Date

The Subdivision listed above was reviewed and meets requirements set forth in the Town of Sugar Hill Subdivision Regulations with regard to vehicular and pedestrian traffic safety and access for emergency vehicles.

Comments:

---

Chief of Police Signature

---

Date

---

Approved by the Sugar Hill Planning Board:

---

Chairman of the Planning Board Signature

---

Date