



# **TOWN OF WAKEFIELD, NEW HAMPSHIRE**

## **SUBDIVISION PLAN REGULATIONS**

Adopted  
November 11, 1972

Latest Revision Adopted April 6, 2006

Town of Wakefield Planning Board  
In Consultation With  
Strafford Regional Planning Commission

## **Thank you for your interest in developing in Wakefield!**

**The Town's Master Plan Vision is to be *a balanced residential, commercial, and light industrial business community that reflects, preserves, enhances the Town's natural resources and rural quality of life, its historic traditional New Hampshire architecture and unique scenic and rural environment; and enables quality growth.* To achieve this the Planning Board encourages using open space or cluster development subdivision designs. This will permit you to achieve the same number of dwelling units as a conventional design, but with the benefits of lower infrastructure costs and an improved environment. We look forward to working together to make the process as clear and expeditious as possible to meet our mutual economic growth and environmental enhancement and protection objectives.**

### **Subdivision Plan Review Process**

The process begins when an Applicant obtains and reads applicable Zoning Ordinance and Subdivision Regulations to understand the requirements necessary for Planning Board approval. The Subdivision Regulations are organized by the steps in the review process.

Next, Applicants should meet with the Planning Board to discuss the site features and preliminary concept prior to preparing a plan. Applicants are encouraged to submit a preliminary site analysis, conceptual plan and general information to the Planning Board a minimum of one (1) week prior to the conceptual review meeting. The Planning Board meets on the 1<sup>st</sup> and 3<sup>rd</sup> Thursday of each month at 6:30pm.

The Subdivision Plan Review Checklist describes the minimum required information for Planning Board plan review.

Applicants shall be placed upon the Planning Board agenda within thirty (30) days of receipt of a Subdivision Plan application and payment of all related fees. Following Technical Review Committee review, the Planning Board will meet and determine whether the application is complete and can be accepted. Once the Planning Board accepts the application, the Planning Board will review it. Based on findings, the Planning Board will approve, conditionally approve or deny the application. Approved plans must be recorded at the Carroll County Registry of Deeds.

Again, **thank you** and we look forward to working with you.

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## **SECTION 1.00 GENERAL PROVISIONS.**

(Note: Any references to State RSA or local ordinance and regulation section numbers are for convenience of the reader only. All applicable current RSA, local ordinance and regulations shall apply.)

### **1.01 TITLE.**

These Regulations shall be known and cited as the "*SUBDIVISION PLAN REGULATIONS FOR THE TOWN OF WAKEFIELD, NEW HAMPSHIRE.*"

### **1.02 AUTHORITY, PURPOSE AND APPROVAL CRITERIA**

- A. Pursuant to the authority vested in the Wakefield Planning Board by the voters of the Town on September 12, 1972, and in accordance with the provisions of applicable State regulations, the Wakefield Planning Board adopts the following regulations governing the subdivision of land in the Town of Wakefield, New Hampshire.
- B. The general purposes of these regulations are to:
1. Protect the rural quality of life, natural resources, scenic environment, and historic traditional Wakefield/New Hampshire architecture and character;
  2. Provide for the orderly present and future development of the Town of Wakefield by promoting the public health, safety, convenience and welfare of its residents; and
  3. Promote the development of an economically sound and stable community.

Also, the purpose is to enable the Planning Board to address the scope of subdivision regulation issues provided in applicable State regulations. To this end, the Planning Board shall consider the review criteria enumerated in these Subdivision plan regulations before it grants approval of any subdivision including conventional and Open Space conservation / cluster development subdivision and shall make findings of fact that, to the best of its knowledge, the provisions of these regulations have been met and the proposed subdivision meets all State and other statutory requirements.

- C. These regulations apply to Planning Board review and approval, approval with conditions, or disapproval, of all subdivisions and boundary line adjustments as defined by applicable State regulations. They do not apply to voluntary mergers as defined by applicable State regulations.
- D. Plans recorded before the adoption of this regulation, including those initially adopted as well as subsequently amended, are exempt from the provisions of this Regulation unless no substantial investment as a percentage of the total construction cost or substantial

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construction occurred within one (1) year of the date of approval and signing of the Plan in which case the Plan is rendered null and void. Upon determining a subdivision's approval has expired under this section, the Planning Board shall have a notice placed in the Registry of Deeds to that effect. Subdivisions approved prior to this Regulation shall comply with the applicable rules and regulations in effect at the time of approval. Extensions of further development of subdivisions approved prior to this Regulation shall comply with this Regulation.

- E. Planning Board approval criteria and findings of fact, to accomplish the purposes set forth in applicable State regulations and other municipal ordinances and regulations, shall include that the land is appropriate to subdivide and that the subdivision will:
1. Provide against scattered or premature subdivision of land involving danger or injury to health, safety or prosperity because of lack of water supply, drainage, transportation, schools, fire protection, or other public services that necessitate the excessive expenditure of public funds for supplying such services.
  2. Provide for harmonious development of the municipality and its environs.
  3. Provide for the proper arrangement and coordination of streets within subdivisions in relation to existing or planned streets or with features of the official map of the municipality.
  4. When applicable, provide for open space of adequate proportions.
  5. Provide suitably located streets of sufficient width to accommodate existing and prospective traffic and to afford adequate light, air, and access for fire fighting apparatus and equipment to buildings, and be coordinated so as to compose a convenient system.
  6. Provide for parks of suitable location and size for playground or other recreational purposes.
  7. Assure that subdivided land shall be of such character that it can be used for building purposes without danger to health.
  8. Provide lot areas that conform with the municipal Zoning Ordinance and additional areas that are of sufficient area as needed for on-site sanitary facilities.
  9. Provide for conditions favorable to health, safety, convenience or prosperity.
  10. Consider the installation and use of solar, wind, or other renewable energy systems and protect access to energy sources by the regulation of orientation of streets, lots, and buildings; establishment of maximum building heights, minimum setback requirements, and limitations on type, height, and placement of vegetation; and encouragement of the use of solar skyspace easements under applicable State regulations.
  11. Provide for efficient and compact subdivision development that promotes retention and public usage of open space, and retention and protection of wildlife

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- habitat, scenic environment, rural quality of life and natural resources.
12. Use or consider innovative land use controls on land when consistent with the Master Plan.
  13. Fully comply with all local, State and federal laws, ordinances and regulations governing land use.
  14. Conform to the Master Plan for the municipality and other municipal land use zoning or related ordinances and regulations.
  15. Not result in water or air pollution. In making this determination, the Board shall at least consider the elevation of the land above sea level and its relation to the floodplains, the nature of soils and sub-soils and their ability to adequately support waste disposal as well as the slope of the land and its effect on runoff.
  16. Have sufficient water available for the current and reasonably foreseeable needs of the subdivision.
  17. Not cause a burden on an existing water supply.
  18. Not cause significant soil erosion from storm water runoff or reduction in the capacity of the land to hold water.
  19. Not cause highway or public road congestion or unsafe conditions with respect to use of the highways or existing or proposed public roads.
  20. Provide for adequate solid and sanitary waste disposal.
  21. Not cause an unreasonable burden on the ability of the municipality to dispose of solid waste and sanitary waste if municipal services are to be used.
  22. Not have an adverse effect on: the scenic or natural beauty of the area, aesthetics, historic sites, rare species, wildlife habitat, or any public rights of a visual access to a shoreline, field, ridgelines or other scenic sight.
  23. Not adversely affect a body of water or unreasonably affect the shoreline of that body of water, and not adversely increase boat traffic.
  24. Not, alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater.
  25. Be submitted by an Applicant with adequate financial and technical capacity to meet the standards listed.
  26. Protect the natural resources and rural scenic character.
  27. Protect prime soils and Soils of Statewide Significance.

**1.03 APPLICABILITY.**

These regulations shall apply to divisions of land per applicable State regulations including the following:

- A. **BOUNDARY LINE ADJUSTMENT.** The alteration of lot boundaries between two (2) or more adjoining lots, which does not create more lots; the creation of a different form

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of ownership, other than condominium ownership, of an existing property that does not require physical changes. A voluntary merger pursuant to the provisions of applicable State regulations is not a boundary line adjustment and does not require subdivision review. A boundary line adjustment does not apply to condominium development. (Further information and instructions are provided in Sections 2.03 and 2.04.)

B. **MINOR SUBDIVISION.** A Minor Subdivision involves any of the following:

1. The division of a parcel into three (3) or fewer parcels fronting on an existing street, and not requiring the upgrade of municipal services. None of the lots in the subdivision, including any otherwise subdividable “remainder” lot, shall be further subdivided and this restriction shall be noted on the plan.
2. An increase of three (3) or more residential units on a single parcel provided the total number of proposed units does not exceed six (6).
3. An increase of any campsites on a single parcel provided that the total number of proposed sites does not exceed six (6).
4. A change in the form of ownership of not more than six (6) residential or non-residential units (i.e. conversion to condominiums).
5. Granting of a waterfront access to three (3) or fewer non-waterfront parcels or lots.

(Further information and instructions are provided in Sections 2.03 and 2.05.)

C. **MAJOR SUBDIVISION.** A Major Subdivision involves any of the following:

1. The division of a parcel that exceeds or otherwise does not comply with the limitations of a Minor Subdivision.
2. An increase in the number of residential units or campsites on a single parcel in excess of six (6) units or sites.
3. A change in the form of ownership of more than six (6) residential or non-residential units (i.e. conversion to condominiums).
4. Subdivision of a parcel meeting the requirements of a Minor Subdivision, but implemented under rules of a Major Subdivision to allow for the further subdivision of any of the lots.

(Further information and instructions are provided in Sections 2.03 and 2.06.)

**1.04 GENERAL REQUIREMENTS FOR SUBDIVISION OF LAND.**

The Planning Board shall consider the following general requirements for the subdivision of land:

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- A. **Character of Land for Subdivision:** Land of such character that it cannot, in the judgment of the Board, be safely used for building development purposes because of a problem affecting health or peril from fire, flood, poor drainage, excessive slope (i.e. 25% or greater), or other hazardous conditions, shall not be subdivided for residential, commercial, or industrial use, nor for such other uses as may increase danger to life or property, or aggravate the flood hazard.
  
- B. **Premature Subdivision:** The Board may provide against such scattered or premature subdivision of land as would involve danger or injury to health, safety, or prosperity by reason of the lack of water supply, sewage disposal, drainage, transportation, schools, fire protection, or other public services which necessitate the excessive expenditure of public funds for the supply of such services.
  
- C. **Preservation of Existing Features:** Wherever feasible, suitable steps shall be taken to preserve and protect significant existing features such as trees, scenic points, ridgelines, stone walls, archeological features, rock outcroppings, water bodies, and historic landmarks. Wherever possible, the boundary line(s) should follow stonewalls.
  
- D. **Plan Review History:** An Applicant may not avoid a Major Subdivision review by applying for a series of Minor Subdivisions. To comply with this section, yet allow for future subdivisions, an Applicant may apply for a Major Subdivision review on a subdivision that otherwise qualifies for a Minor Subdivision review.

## **SECTION 2.00 PRE-APPLICATION AND APPLICATION PROCESS.**

### **2.01 PRE-APPLICATION - CONCEPTUAL CONSULTATION**

#### **A. Procedure.**

1. An Applicant may request a pre-application conceptual consultation meeting with the Planning Board per applicable State regulations. This meeting shall be directed at a review of the basic subdivision planning process steps (i.e. 1. Natural Resource Inventory and Site Analysis, 2. Building Siting/Building Envelopes & Clearing, 3. Vehicular and Pedestrian Connections Planning, and 4. Lot Boundary Platting), the concept of the proposal and suggestions that might be of assistance in resolving problems with meeting requirements during subdivision plan consideration. Such consultation shall not bind either the Applicant or the Board, and statements made by Board members shall not be the basis for disqualifying said members or invalidating any action taken. Such discussion may occur without public notice, but such discussions may occur only at formal meetings of the Board. Preliminary conceptual consultation meetings are strictly optional to the Applicant.
2. Conceptual Consultation shall be required for a subdivision involving ten (10) or more units or lots.

### **2.02 PRE-APPLICATION - DESIGN REVIEW**

#### **A. Procedure.**

1. An Applicant may request a pre-application design review meeting with the Planning Board per applicable State regulations. The Board and Applicant may engage in non-binding discussions addressing specific subdivision planning process steps (i.e. 1. Natural Resource Inventory and Site Analysis, 2. Building Siting/Building Envelopes & Clearing, 3. Vehicular and Pedestrian Connections Planning, and 4. Lot Boundary Platting) as well as other planning, design, and engineering details, provided the design review may proceed only after formal public notice is provided. Statements made by Board members shall not be the basis for disqualifying said members or invalidating any action taken.
2. The meeting shall be held at a formal Planning Board meeting with prior public

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notice. The Applicant shall pay appropriate public notice fees and shall provide all required materials and information required for public notice. If all application submissions and requirements are met, the Planning Board may approve continuing the meeting to a public hearing, and applying paid application fees toward the application review process.

3. Design Review meetings are strictly optional to the Applicant, but such meetings can be helpful in identifying and resolving problems in an application prior to major design investments by the Applicant. The Design Review meeting is especially appropriate for receiving comments on subdivision development standards.
- C. Submission. Applicant should submit preliminary results of the subdivision planning process steps (i.e. 1. Natural Resource Inventory and Site Analysis, 2. Building Siting/Building Envelopes & Clearing, 3. Vehicular and Pedestrian Connections Planning, and 4. Lot Boundary Platting) and preliminary plans sufficient to illustrate the proposed subdivision.
  - D. On-Site Inspection. The Board may hold an on-site inspection of the property.

### **2.03 APPLICATION SUBMISSION REQUIREMENTS – GENERAL**

#### **A. General.**

For the Planning Board to have authority to approve an application, the Applicant must provide a complete application per applicable State regulations. A summary of required application information by type of application is shown on Appendix B. An application that appears to be complete shall be scheduled on the next available Planning Board agenda for consideration. The Planning Board will then review the application for completeness and acceptance. Upon acceptance, the Planning Board will review the application for approval per the process specified in Section 2.07 through 2.19 of this Regulation.

#### **B. Submission Requirements.**

The Applicant shall submit to the Planning Board the following information:

1. **Application.** Form with all requested information, and signed by the owner or

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authorized agent in number of copies per Section 4.02. Owner must provide authorization for Agent. Said information shall include, but not be limited to:

- a. Subdivision classification (major, minor or boundary line adjustment)
  - b. Subdivision's Status (new or amendment to previously approved plan)
  - c. Subdivision Name.
  - d. Subdivision address, street name or general location and municipality.
  - e. Subdivision's Assessor's map and lot number.
  - f. Owner of record's name and address.
  - g. Applicant's name, address, phone number and e-mail address.
  - h. Authorized agent's name, address, phone number, e-mail address, and signed authorization by the Owner of Record.
  - i. Individual(s) or company (ies) that prepared the plans name(s), address(s), phone numbers, and e-mail address.
  - j. Other individual's or party's names and addresses that should be notified about this application other than abutters.
  - k. Subdivision's current zoning district including overlay zone(s).
  - l. Project description.
  - m. Survey clearly showing all boundaries and any lot lines to be adjusted.
  - n. Lot coverage.
  - o. Existing land use(s).
  - p. Existing water bodies or if within two-hundred and fifty (250) feet of a water body and name.
  - q. Area(s) within a special flood hazard area.
  - r. Waivers requested from Application submittal or other requirements.
  - s. Owner's or Agent's certification and agreement.
  - t. Any environmental issues, agreements, decrees, or findings pertaining to any of the land in question.
2. **Deed** - A copy of the deed from which the survey was based.
  3. **Current Restrictions** - A copy of all deed restrictions, easements, rights-of-way or other encumbrances currently affecting the property.
  4. **Proposed Restrictions** - A copy of any proposed deed restrictions intended to cover all or part of the lots in the property.
  5. **Checklist for Application Completeness** to ensure completeness prior to accepting the application and signed by the Applicant or authorized agent.

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6. **Plan** and mapped information per Section 4.00 in number of copies as noted. (Note: Submittal will require one (1) original of a maximum size of twenty-four (24) inches x thirty-six (36) inches printed on mylar, or other material as required by the Carroll County Registry of Deeds, for Final Plan approval and recording.)
7. **Abutters List, Labels and Envelopes** (One (1) list, four (4) sets of adhesive mailing labels and one (1) set of number ten (#10) business envelopes) with all: current abutters to the property including those across any abutting public or private roadway; holders of conservation, preservation, or agricultural preservation restrictions; names, addresses, e-mail address and phone number of every engineer, architect, land surveyor, or soil scientist whose professional seal appears on any plan submitted to the Planning Board; and the Applicant. The list shall be dated within five (5) days of submittal, signed by the preparator, and submitted with four (4) sets of adhesive mailing labels and one set of number ten (#10) business envelopes.
8. **Fees**, as adopted by the Planning Board, payable by check to the municipality including fees for administration, public notice and technical review.
9. **Permit Approvals** from all applicable local, State and federal agencies in writing and a copy of the application for State Subdivision approval if the proposal requires such approval to comply with applicable State regulations.

**2.04 APPLICATION SUBMISSION REQUIREMENTS – BOUNDARY LINE ADJUSTMENT.**

**A. General Requirement.**

1. The Board may require, where it deems it necessary for the protection of public health, safety and welfare, that a Boundary Line Adjustment comply with all or any of the submission requirements for a Minor Subdivision.
2. The application shall be made to the Board, and shall be reviewed per the process specified in Sections 2.07 through 2.19 of this Regulation.

**B. Submission Requirements in addition to General (2.03).**

The Applicant shall submit to the Planning Board the following application information in addition to that required in Section 2.03:

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1. The Applicant shall submit ten (10) copies of the application materials for a Boundary Line Adjustment per Section 2.03 and Section 4.00 that comply with applicable Design Standards per Section 3.00. (See Appendix B)
2. Checklist for Application Completeness (ten (10) copies) to ensure completeness prior to accepting the application and signed by the Applicant or authorized agent.
3. Plan and mapped information per Section 4.00 including:
  - i. Five (5) – twenty-two (22) inches x thirty-four (34) inches or twenty-four (24) inches x thirty-six (36) inches paper copies;
  - ii. Ten (10) – eleven (11) inches x seventeen (17) inches paper copies; and
  - iii. One (1) – original, a maximum size of twenty-four (24) inches x thirty-six (36) inches printed on mylar, or other material as required by the Carroll County Registry of Deeds, for Plan approval and recording.

**2.05 APPLICATION SUBMISSION REQUIREMENTS – MINOR SUBDIVISION PLAN.**

**A. General Requirements.**

1. The Board may require, where it deems it necessary for the protection of public health, safety and welfare, that a Minor Subdivision comply with all or any of the submission requirements for a Major Subdivision.
2. The application for a Minor Subdivision shall be made to the Planning Board, and shall follow the process specified in Section 2.06 through Section 2.19 of this Regulation.

**B. Submission Requirements in addition to General (2.03) and Boundary Line Adjustment Requirements (2.04).**

The Applicant shall submit to the Planning Board the following application information for a Minor Subdivision in addition to General (2.03) and Boundary Line Adjustment Requirements (2.04) including: (See Appendix B)

1. Information shall include Plans and mapped information per Section 4.00

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including:

- a. Five (5) – twenty-two (22) inches x thirty-four (34) inches or twenty-four (24) inches x thirty-six (36) inches paper copies.
  - b. Fourteen (14) – eleven (11) inches x seventeen (17) inches paper copies.
  - c. One (1) – original, a maximum size of twenty-four (24) inches x thirty-six (36) inches printed on mylar, or other material as required by the Carroll County Registry of Deeds, for Plan approval and recording.
2. Information shall be submitted in a stapled or booklet format, excluding large sized plans or maps.
  3. Information shall comply with Section 2.03, Section 4.00, and Section 2.05B that also complies with the Design Standards per Section 3.00 in addition to the following:

Application shall include the following information in addition to that required per Section 2.03:

- a. Number of lots to be subdivided.
  - b. Subdivision type (open space conservation, conventional)
  - c. Subdivision's Status (new, amendment)
  - d. Project's start date.
  - e. Project's anticipated completion date.
  - f. Proposed extension or connection of public infrastructure and type.
  - g. Proposed infrastructure extension or connection improvement estimated costs.
  - h. Proposed water supply source.
  - i. Proposed sewerage disposal method.
  - j. Proposed soil waste disposal method.
  - k. Proposed storm water management plan.
  - l. Proposed dedications to the municipality including streets, recreation areas, common lands, etc.
  - m. Proposed restrictive covenants or easements.
  - n. Proposed homeowners' association or other management organization.
  - o. The type of water supply system(s) to be used in the subdivision.
  - p. The type of sewage disposal method to be used in the subdivision.
- q. When sewage disposal is to be accomplished by connection to the public sewer, a

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letter from the Town of Wakefield Board of Selectmen indicating that there is adequate capacity within the district's system to transport and treat the sewage shall be submitted.

- (1) When sewage disposal is to be accomplished by subsurface sewage disposal systems, test pit analyses prepared by a licensed site evaluator.
  - (2) A map showing the location of all test pits dug on the site shall be submitted.
- r. When sewage disposal is to be accomplished by transporting septage offsite a written statement from the Applicant and Town stating that the State approved septage hauler has the capacity to collect and remove the wastewater shall be provided.
- s. Construction cost estimate as the basis for the performance agreement.
- t. Proposed performance agreement. (See Appendix C)
- u. Description of waterfront access.

**2.06 APPLICATION SUBMISSION REQUIREMENTS – MAJOR SUBDIVISION – PLAN**

**A. General Requirements.**

The application for a Major Subdivision shall be made to the Planning Board, and shall follow the process specified in Section 2.07 through Section 2.19 of this Regulation.

**B. Submission Requirements in addition to General (2.03), Boundary Line Adjustment (2.04), and Minor Subdivision Requirements (2.05).**

The Applicant shall submit to the Planning Board the following application materials for a Major Subdivision in addition to General (2.03), and Boundary Line Adjustment Requirements (2.04) including: (See Appendix B)

1. Said information shall include Plans and mapped information per Section 4.00 including:
  - a. Five (5) – twenty-two (22) inches x thirty-four (34) inches or twenty-four (24) inches x thirty-six (36) inches paper copies;
  - b. Fourteen (14) – eleven (11) inches x seventeen (17) inches paper copies; and

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- c. One (1) – original, a maximum size of twenty-four (24) inches x thirty-six (36) inches printed on mylar, or other material as required by the Carroll County Registry of Deeds, for Plan approval and recording.
2. Said materials shall comply with Section 2.03, Section 4.00, and Section 2.05B that comply with the Design Standards per Section 3.00 in addition to the following permit approvals from all applicable local, State and federal agencies in writing such as:
- a. New Hampshire Department of Environmental Services, under the Site Location of Development Act and the Natural Resources Protection Act.
  - b. National Pollutant Discharge Elimination System Permit.
  - c. The Sanbornville Water Precinct, if the district's water service is to be used.
  - d. New Hampshire Department of Environmental Services, if the Applicant proposes to provide a central water supply system.
  - e. The Town of Wakefield Board of Selectmen, if the public sewage disposal system is to be used.
  - f. New Hampshire Department of Environmental Services, if a centralized or shared subsurface sewage disposal system(s) is to be used.
  - g. A dredge and fill permit obtained from the Army Corps of Engineers and/or NH Department of Environmental Services.
  - h. National Pollutant Discharge Elimination System (NPDES) permit for stormwater discharges.
  - i. NH Department of Transportation approving driveway and/or street access to highways.
  - j. Stormwater Permit for projects that disturb one (1) or more acres of land.
  - k. Erosion Control Plan for a disturbed area greater than twenty thousand (20,000) square feet, construction or reconstruction of street or road, subdivision greater than three (3) building lots, or disturbed critical areas.
  - l. Phasing plan as applicable.
  - m. Performance Guarantee Site Restoration/Construction Cost Estimate.
  - n. Performance Guarantee.
  - o. Impact Assessment.
  - p. Impact Fee.
  - q. Off-site Improvements Fee as applicable.
  - r. Monument installation certification.
  - s. Easement documents.
  - t. Homeowner Association Documents
  - u. Other plans or information as required by the Planning Board.

**2.07 INITIAL REVIEW.**

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- A. The Planning Board will use the appropriate Checklist for Application Completeness to ensure completeness. No application will be accepted as complete until all items on the appropriate Checklist have been submitted.
- B. The Board may require written reviews of the application, at the Applicant's expense, by a Professional Planner, Professional Engineer, and/or the Town's Technical Review Committee, or other professional with specialized expertise, where appropriate. These written reviews shall be prepared and available one week prior to the meeting at which application acceptance will be considered. The reviews will address both application completeness and compliance with applicable laws, regulations and ordinances. Additional reviews may be prepared in the case of applications that take more than one meeting. Applicants may pick up copies of written reviews at the Town Offices as soon as they are available to the Board.

Planning Board Members may visit the site prior to accepting the application to familiarize themselves with the site, although individual Board members should not discuss the acceptability of the application with the Applicant or other Board Members except at the Board's meetings.

**2.08 FEES.**

In accordance with applicable State regulations, the Applicant shall pay the following fees to the Town to compensate the Town for its expenses in processing, noticing and reviewing each application. ( See Appendix A).

**2.09 SUBMITTAL OF APPLICATION MATERIALS.**

All materials to be submitted to the Board for consideration shall be submitted thirty (30) days prior to the meeting so each Board member, the public, and staff may have sufficient opportunity to review the application prior to meeting. The following shall apply:

- A. The Planning Board, designee, or Technical Review Committee will review the application to determine if it is substantially complete. When it is found to be substantially complete notices will be posted according to these regulations.
- B. Other Public Hearings. New materials shall be submitted to the Board at least seven (7) days prior to a meeting when a new public notice is required.
- C. Continued Meetings. When consideration of an application is continued and new information is required, the Board shall specify the deadline for filing this new

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information. In no case shall it be less than seven (7) days prior to the meeting. The deadline shall be stated in the motion to continue.

**2.10 SUBMITTAL OF OTHER GOVERNMENT PERMITS/APPROVALS.**

The Board shall not grant a final approval of an application until all other government permits and approvals are obtained and documentation of their approval is forwarded to the Planning Board. The only exception to this requirement shall be when State or Federal permits require prior local approval in which case a conditional approval may be granted. Applicants are advised to apply early for these other approvals to avoid unnecessary delays in obtaining final approval of the Subdivision application, but Applicants with Major Subdivisions are advised to delay applications to the State until the Board has provided general planning and design guidance.

**2.11 CONCURRENT SUBDIVISION PLAN AND SITE PLAN APPLICATION.**

Where the proposed development requires approval under the Subdivision Plan regulations and the Site Plan Regulations, the Board may require or allow a concurrent application. The Applicant shall provide all materials required for complete applications for both regulations, except that the public notice fees shall not be paid twice.

**2.12 PUBLIC NOTICE.**

Public notice pursuant to applicable State regulations shall be required for all applications. The public notice shall identify the property owner, the location, and a general description of the scope and purpose of the application.

A. Public notice shall be required for the following:

1. Pre-Application Design review meetings.
2. Meetings at which an application is considered for acceptance.
3. Meetings at which a public hearing is conducted.

B. Public notice shall be mailed by certified mail at least ten (10) days prior to the meeting for which the notice is required to the Applicant, the Applicant's authorized representative, any professional whose stamp appears on the plan (including surveyors, soil scientists, engineers, etc.); all owners of abutting property including those across the street from a public or private road; and holders of conservation, preservation, or agricultural preservation restrictions.

1. Using the Abutters List form provided by the Planning Board, the Applicant shall prepare a list of abutters using Town records no sooner than five (5) days prior to

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the submittal of the application; and

2. The Applicant shall provide one (1) copy of the list of all abutters and other parties required to be notified, four (4) sets of adhesive mailing labels for each party on the abutters list, including the Applicant and authorized representative, and one set of number ten (#10) business mailing envelopes.
- C. Public notice shall be posted by the Planning Board at the Town Office and applicable Post Office at least ten (10) days prior to the meeting.
- D. All public notices shall be published in a newspaper of general circulation at least ten (10) days prior to the meeting.
- E. Continuation of a meeting or public hearing shall not require new public notice provided that, at the prior meeting or hearing, the Board shall state the location, date, and time at which the continued session shall resume per applicable State regulations.

**2.13 REGIONAL NOTICE.**

In accordance with applicable State regulations, applications that might have a regional impact, shall require additional public notice, and by State law require additional time for public notice.

- A. Determination of potential regional impact shall be found only for applications defined as Major Subdivisions, and further which meet any of the following criteria:
1. Any portion of the property is located within five hundred (500) feet of the border of the Town of Wakefield.
  2. The proposal involves twenty (20) or more residential units.
  3. Other criteria that the Board may reasonably determine.
- B. Notice shall be sent by certified mail fourteen (14) days in advance of the scheduled public hearing to the Strafford Regional Planning Commission (for impacts in Brookfield, Middleton or Milton) and/or the Lakes Region Planning Commission (for impacts in Wolfeboro, Ossipee, or Effingham), and to each town reasonably likely to be affected, with each governmental entity to be considered an abutter for purposes of offering testimony and computing public notice fees.

**2.14 On-Site Inspection.**

The Board may hold onsite inspections of the property. No onsite inspections shall be

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held when the ground is covered with snow.

**2.15 APPLICATION RECEIPT AND ACCEPTANCE.**

- A. The Planning Board Secretary or other Town Official will stamp all submitted applications and give a dated receipt of submittal to the Applicant. The Planning Board will post all required public notices and consider the application for acceptance within thirty (30) days of receipt of the submittal. The Planning Board Secretary or other Town Official may return any submittal to the Applicant that is clearly incomplete.
- B. Before the Board reviews the application, it must be accepted by a formal vote of the Board. The Applicant shall attend this meeting to ensure that questions can be answered and issues clarified as necessary. Per applicable State regulations, the Board shall vote to accept the application only if it determines that the application is complete per this Regulation and the appropriate checklist. The Planning Board or its designee may review the application for completeness and/or request that the Technical Review Committee and other officials comment upon completeness and the adequacy of their department's existing capital facilities to service the proposed subdivision. Upon acceptance, deliberation on the application may proceed.
- C. If an application is not accepted, the Board may proceed with Pre-Application Design Review discussions per Section 2.02. The Design Review meeting may be continued to another date and time for Application Acceptance without further public notice.

**2.16 APPLICANT'S PRESENTATION.**

Following application acceptance, the Applicant shall make a brief, general presentation to the Board and audience. This presentation should include a brief description of the proposed project and a general description of the design, layout, and so forth. The Applicant is solely responsible for bringing any audio-visual materials or equipment needed. The Chairman shall have sole authority to limit the time taken for this presentation to keep the meeting moving, and Applicants should plan on ten (10) minutes or less for most applications. For applications reviewed over a series of meetings, this presentation may be appropriate at the beginning of each session.

**2.17 PUBLIC HEARING.**

The Board shall open a public hearing following application acceptance and the Applicant's presentation. The purpose shall be to solicit public input, comments,

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questions and concerns. The Chairman may temporarily suspend public comment during the public hearing so that the Board may deliberate, vote on waivers, and so forth. The public hearing may be continued if additional meetings are necessary, provided that the Board follows the continuation procedures specified in Section 2.12E. Only when all pertinent, new public input is complete shall the Chairman close the public hearing. The Applicant shall be responsible for attending the public hearing, including all continuations, to ensure that questions can be answered and issues clarified as needed.

**2.18 DELIBERATION.**

The Board shall deliberate as necessary to determine the appropriate decision. The deliberation does not necessarily follow the public hearing, and may be interspersed within the public hearing, or may occur prior to the public hearing. This is the appropriate forum for the Applicant and Board to discuss specific issues. However, the Board shall defer decisions until after the public hearing is closed and all information is collected and considered.

**2.19 DECISION.**

Pursuant to applicable State regulations, the Board shall issue a decision within sixty-five (65) days of application acceptance, subject to time extensions as per applicable State regulations. The Applicant may waive the sixty-five (65) day requirement or may ask for an extension of the sixty-five (65) days to a date certain. If the Applicant requests an extension to a date certain, the sixty-five (65) day clock shall be stopped and it shall be resumed at the date certain. The Board must approve, conditionally approve, or disapprove the application as follows:

- A. **APPROVAL.** The Board shall grant approval to an application when it issues a Notice of Decision that makes findings of facts that to the best of its knowledge the purposes of the Regulations, approval criteria, and full compliance with the standards and processes of this Regulation and other applicable law have been met.

All approved waivers shall be noted on the plan. Any regulation not waived shall be required.

- B. **CONDITIONAL APPROVAL.** The Board may grant conditional approval to an application when minor additional action by the Applicant will bring the application into full compliance for approval. This may include the posting of financial securities, payment of fees, minor changes in design, and other matters, subject to the requirements

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of applicable regulations. These statutory requirements are summarized as follows:

1. Minor plan changes, whether or not imposed by the Board as a result of a public hearing, compliance with which is administrative and which does not involve discretionary judgment; or
2. Conditions which are in themselves administrative and which involve no discretionary judgment on the part of the Board; or
3. Conditions with regard to the Applicant's possession of permits and approvals granted by other governmental units.

The Board may also issue a conditional approval requiring certain actions by the Applicant, in which case, the specific conditions of approval shall be stated in the Notice of Decision.

Conditional Approvals shall be valid for a period of not more than six (6) months. If the conditions of the approval have not been satisfied within this time, the conditional approval shall automatically lapse. The Planning Board may grant a single six (6) month extension to accommodate unusual circumstances, but the Applicant is required to provide a written request for extension to the Board before the expiration date. The Board shall consider the request at its next regular meeting, and such action shall not require a public hearing.

- C. **DISAPPROVAL.** The Board shall disapprove an application when it fails to comply with the standards and/or procedures of this Regulation, for failure to meet reasonable deadlines established by the Board, or for failure to pay fees.

If the Board includes the phrase, "without prejudice" in the motion to disapprove, it signifies that the application was denied solely for procedural reasons, and that it may be re-submitted to the Board at a later date without design changes, but shall be subject to the regulations in effect at the time of the new application. Applications disapproved without this stipulation shall not be considered again by the Board unless the Applicant demonstrates that there have been design changes or changes in regulations affecting the application.

## **2.20 APPROVAL CRITERIA.**

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- A. **General.** The Planning Board shall find that to the best of its knowledge the purposes of the Regulations, approval criteria, and full compliance with the standards and processes of this Regulation and other applicable law have been met.
- B. **No Default.** The Planning Board shall not approve any plan as long as the Applicant is in default on a previously approved plan.
- C. **Phasing of Development.**
1. At the time the Planning Board grants plan approval to develop a Major Subdivision, it may permit the plan to be divided into two (2) or more separate and distinct phases subject to any conditions the Planning Board deems necessary in order to ensure the orderly development of the plan. This may be accomplished by limiting Final Plan approval to those lots abutting that section of the proposed subdivision street that is covered by a Performance Guaranty. When development is phased, road construction shall commence from an existing public way. The subdivision shall be divided in such a manner that each phase, when aggregated with the previous phase(s), shall meet the standards of these regulations. Final approval of lots in subsequent phases shall be given only upon satisfactory completion of all requirements pertaining to previous phases.
  2. If any municipal or quasi-municipal department head notified of the proposed subdivision informs the Planning Board that his or her department or district does not have adequate capital facilities to service the subdivision, the Planning Board shall require the plan to be divided into two (2) or more phases subject to any conditions the Planning Board deems necessary in order to allow the orderly planning, financing and provision of public services to the subdivision.
  3. If the Superintendent of Schools indicates that there is inadequate class room capacity existing in the school(s) that will serve the subdivision, considering previously approved but not built subdivisions, the Planning Board may require the subdivision plan to be divided into phases to prevent classroom overcrowding.
- D. **Changes.** No changes, erasures, modifications or revisions shall be made in any plan after approval has been given by the Planning Board and endorsed in writing on the plan, unless the revised plan is first submitted and the Planning Board approves any modifications, except in accordance with Section 2.25. The Planning Board shall make findings that the revised plan meets the purposes and approval criteria per Section 1.02. In the event that a plan is recorded without complying with this requirement, it shall be

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considered null and void, and the Board shall institute proceedings to have the plan stricken from the records of the Registry of Deeds.

- E. **Municipal Acceptance of Property.** The approval by the Planning Board of a subdivision plan shall not be deemed to constitute or be evidence of any acceptance by the municipality of any street, easement or other Open Space shown on such plan. When a park, playground or other recreation area shall have been shown on the plan to be dedicated to the municipality, approval of the plan shall not constitute an acceptance by the municipality of such areas. The Planning Board shall require the plan to contain appropriate notes to this effect. The Planning Board may also require the filing of a written agreement between the Applicant and the municipal officers covering future deed and title, dedication and provision for the cost of grading, development, equipment and maintenance of any such dedicated area.

**2.21 NOTICE OF DECISION.**

As required by applicable State regulations, within one hundred and forty-four (144) hours of the meeting at which a decision is reached, the Board shall issue a Notice of Decision that states the final decision reached by the Board regarding the application.

- A. In the case of a conditional approval, the Notice of Decision shall state all conditions to be met for final approval. The plan shall be held by the Planning Board and not signed until all conditions are met.
- B. In the event that the conditions are not satisfied, the Board shall issue a supplemental Notice of Decision stating that the application is denied for failure to comply with the conditions of approval in a timely manner.
- C. In the case of disapproval, the Notice of Decision shall state the reasons for denial as required by applicable State regulations.

**2.22 SIGNING AND RECORDING OF AN APPROVED PLAN.**

- A. An approved plan shall be signed by the Planning Board including:
  - 1. One (1) – original, a maximum size of twenty-four (24) inches x thirty-six (36) inches printed on mylar, or other material as required by the Carroll County Registry of Deeds, for Plan approval and recording.

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2. Five (5) - maximum size twenty-four (24) inches x thirty-six (36) inches paper copies for Town files including one for the Applicant.
- B. A plan with multiple sheets, the first sheet shall be dated and signed by all Planning Board members approving the plan. Subsequent sheets shall be dated and signed by the Planning Board Chair.
- C. The approved original plan printed on mylar and related deed, covenant and easement documents printed on material acceptable to the Carroll County Registry of Deeds shall be recorded by the Planning Board at the Carroll County Registry of Deeds to prevent tampering with the approved plan and to ensure the plan is recorded in a timely manner.
- D. The Applicant shall pay all fees prior to the Planning Board recording and issuing the signed approved plan copies.
- E. The Board shall retain two (2) copies of the signed plan as part of its permanent records. Other copies of the signed plan shall be forward as follows: one (1) to the Tax Assessor, one (1) to the Code Enforcement Officer, and two (2) copies to the Applicant.

### **2.23 COMPLETED PROJECT PLAN.**

Upon project completion, a digitized “Completed Project Plan ” with sufficient data for geographic positioning as well as other record drawings as may be required by the Planning Board shall be submitted to the Planning Board or municipal official as designated by the Board, prior to the issuance of an occupancy permit. The compact disk (CD) should be in a standard CAD format, .DWG file or .DXF file, geo-referenced in New Hampshire State plane coordinated, North American datum, 1983.

### **2.24 APPEALS.**

Any person aggrieved by any decision made in the course of applications pursuant to this chapter may appeal as follows:

- A. Decisions by the Planning Board based solely upon interpretation of the Zoning Ordinance may be appealed to the Zoning Board of Adjustment or Carroll County Superior Court per the provisions of applicable State regulations.
- B. All other decisions by the Planning Board may be appealed to Carroll County Superior Court per applicable State regulations.

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**2.25 REVISIONS TO A PREVIOUSLY APPROVED SUBDIVISION PLAN**

- A. **Procedure:** An Applicant for a revision to a previously approved subdivision plan shall:
1. At least ten (10) business days prior to a scheduled meeting of the Planning Board, request to be placed on the Board's agenda.
  2. The Applicant shall pay a fee plus the applicable per- dwelling-unit fee, both as adopted by the Planning Board, according to the procedures for a Minor or Major Subdivision.
- B. **Submissions.** The Applicant shall submit a copy of the approved plan, as well as copies of the proposed revisions per Sections 2.03 to 2.06 as applicable. The application shall also include enough supporting information to allow the Planning Board to make a determination that the proposed revisions meet the standards of these regulations and the approval criteria. The revised plan shall indicate that it is the revision of a previously approved and recorded plan and shall show the book and page or cabinet and sheet on which the original plan is recorded at the Registry of Deeds.
- C. **Scope of Review.** The Planning Board's scope of review shall be limited to those portions of the plan that are proposed to be changed and related possible adverse impacts.

**2.26 REVOCATION OF APPROVAL.**

- A. The Planning Board may act to revoke an approval per the requirements of applicable State regulations:
1. When the Applicant or successor in interest to the Applicant fails to accomplish no substantial investment as a percentage of the total construction cost or active and substantial development or construction within twelve (12) months after the date of approval,
  2. When the Applicant or successor in interest to the Applicant has performed work, erected a structure or structures, or established a use of land, which fails to conform to the statements, plans or specifications upon which the approval was based, or has materially violated any requirement or condition of such approval,
  3. When the Applicant or successor in interest to the Applicant has failed to perform any condition of the approval within a reasonable time specified in the approval, or, if no such time is specified, within the time periods specified in applicable State regulations,
  4. When the time periods specified in applicable State regulations have elapsed

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without any vesting of rights as set forth therein, and the plat, plan or other approval no longer conforms to applicable ordinances or regulations,

5. When the Applicant or successor in interest to the Applicant has failed to provide for the continuation of adequate security as provided by applicable State regulations until such time as the work secured thereby has been completed, or
  6. For any other reason recognized under New Hampshire law.
- B. In the event the Planning Board seeks revocation of a plan, it shall follow the requirements of applicable State regulations and all related and successor statutes.

## **2.27 INSPECTIONS AND VIOLATIONS.**

### **A. Inspection of Required Improvements.**

1. At least five (5) business days prior to commencing construction of required improvements or, for a phased subdivision, prior to each major phase of construction of required improvements, the Applicant or Applicant's agent shall notify the Town's Code Enforcement Officer in writing of the time when he proposes to commence construction of such improvements so that the municipal officers can cause inspection to be made to assure that all municipal specifications and requirements shall be met during the construction of required improvements and to assure the satisfactory completion of improvements and utilities required by the Board.
2. If the inspection official finds upon inspection of the improvements that any of the required improvements have not been constructed in accordance with the plans and specifications filed by the Applicant, he shall so report in writing to the municipal officers, Planning Board and the Applicant or Applicant's agent. The municipal officers shall take any steps necessary to preserve the municipality's rights.
3. If at any time before or during the construction of the required improvements it appears to be necessary or desirable to modify the required improvements, the inspecting official is authorized to approve minor modifications due to unforeseen circumstances, such as encountering hidden outcrops of bedrock, natural springs, etc. The inspecting official shall issue any approval per this Section in writing and shall transmit a copy of the approval to the Planning Board. Revised plans shall be filed with the Town at the completion of all construction or of the particular phase. For major modifications, such as relocation of rights-of-way, property boundaries, changes of grade by more than one percent (1%), etc., the Applicant shall obtain

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permission to modify the plans from the Planning Board prior to constructing the modification. The inspecting official shall initially determine whether a modification is major or minor, subject to the concurrence of the Planning Board.

4. At the close of each summer construction season the Town may, at the expense of the Applicant, have the site inspected by a qualified individual. In such event, by December first (1<sup>st</sup>) the inspector shall submit a report to the Planning Board based on that inspection, addressing whether storm water and erosion control measures both temporary and permanent are in place, are properly installed and appear adequate to do the job they were designed for. The report shall also include a discussion and recommendations on any problems that were encountered.
5. Prior to the issuance of a building permit in any approved subdivision, the Applicant shall provide the Code Enforcement Officer with a letter from a registered land surveyor stating that all monuments shown on the plan for the lot receiving the building permit and for the approved subdivision perimeter boundaries or phase therein as approved by the Planning Board have been installed.
6. The Applicant or Applicant's agent shall be required to maintain all improvements and provide for snow removal on streets and sidewalks until the responsibility therefore has transferred to a homeowner's association.

**B. Violations and Enforcement.**

1. No plan of a division of land within the municipality that would constitute a subdivision shall be recorded in the Registry of Deeds until a final subdivision plan has been approved by the Board in accordance with these regulations.
2. No person may convey, offer or agree to convey any land or interest in a subdivision that has not been approved by the Board and recorded in the Registry of Deeds.
3. No person may convey, offer or agree to convey any land or interest in an approved subdivision that is not shown on the final plan as a separate lot.
4. Any person who conveys, offers or agrees to convey any land or interest in a subdivision that has not been approved as required by these regulations shall be punished in accordance with the provisions of applicable State regulations.
5. No public utility, water district, sanitary district or any utility company of any kind

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shall serve any lot in a subdivision for which a plan has not been approved by the Board.

6. Development of a subdivision without Board approval shall be a violation of law. Development includes grading or construction of roads, grading of land or lots or construction of buildings that require a final plan approved as provided in these regulations and recorded in the Registry of Deeds.
7. No lot or unit in a subdivision may be sold, leased or otherwise conveyed before the street upon which the lot or the lot containing the unit fronts is completed up to and including the hot top base course of pavement, in accordance with these regulations, up to and including the entire frontage of the lot, and a performance guarantee acceptable to the Board of Selectmen is posted with the Town for the completion of the street.

## **Section 3.00 Design Standards.**

### **3.01 GENERAL**

- A. In reviewing an application for a subdivision, the Planning Board shall consider the following general standards and make findings that, to the best of its knowledge, each has been met prior to the approval of a Plan. In all instances the burden of proof shall be upon the Applicant.
- B. The standards in Section 3.02 are required for an Open Space Conservation / Cluster Development Subdivision per the Zoning Ordinance unless modified as provided.
- C. The standards in Sections 3.03 to 3.27 are required for Open Space Conservation / Cluster Development Subdivisions as well as Conventional Subdivisions unless waived by the Board in accordance with provisions of the Open Space Conservation / Cluster Development Subdivision Zoning Ordinance or these Subdivision plan regulations.

### **3.02 OPEN SPACE CONSERVATION / CLUSTER DEVELOPMENT SUBDIVISION.**

All Open Space Conservation or Cluster Development Subdivisions shall comply with the requirements of the Wakefield Zoning Ordinance, Open Space Conservation / Cluster Development (6.02) unless modified by the Planning Board as well as the applicable provisions of these Subdivision plan regulations. An Open Space Conservation / Cluster Development Subdivision is allowed by Planning Board approval, and is encouraged for all Major Subdivisions and Minor Subdivisions especially when a road is required per the Subdivision plan regulations. Cluster development will provide a more efficient use of land resulting in the preservation of natural landforms, wetlands, wildlife and waterfowl habitats, significant vegetation and agricultural lands and other natural resources.

#### **A. Purpose**

The purpose of the Open Space Conservation Subdivision design is to require environmentally sound development of land and thereby conserve natural resources such as agricultural and forestlands, wildlife habitat, and water quality, as well as to preserve rural character and scenic areas, that might otherwise be lost through conventional development approaches. To accomplish this goal, greater flexibility and creativity in design is encouraged with no reduction in conventional subdivision dwelling unit density and thus, lowering development costs. Specific objectives are as follows:

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1. Implement the Master Plan philosophy, vision, policies and implementation strategies.
2. Discourage development sprawl and consumption of rural agricultural, forest, wildlife habitat and scenic land.
3. Conserve areas with productive soils for continued agricultural and forestry use by preserving blocks of land large enough to allow for economic and ecologically sensitive operations.
4. Encourage the preservation and enhancement of habitat for plant and animal communities, including rare species
5. Conserve land that protects water quality and quantity, including watersheds and buffers along streams and rivers, wetlands and floodplains, ponds and lakes and land overlying aquifers.
6. Protect scenic views and special elements of rural character, such as, but not limited to farmlands, waterbodies, scenic ridgelines, and historic sites.
7. Conserve historic settings, cultural features, archeological sites and structures that serve as significant visible reminders of Wakefield's history.
8. Create compact neighborhoods accessible to open space amenities by providing for outdoor recreational needs of the subdivision residents and/or the community at large, by including trails, scenic and tranquil beauty, community gardens and playgrounds and other recreational uses such as snowmobiling trails.
9. Create continuous open space or "greenways" by linking the common open spaces in adjoining subdivisions wherever possible.
10. Minimize the impact of development on the Town, neighboring properties, and the natural environment.
11. Locate the buildings and structures on those portions of each site that are most appropriate for development considering the visual impact and the environmental and conservation value of the site.
12. Minimize water runoff and non-point source pollution by reducing the land area covered by impervious surfaces and using Best Management Practices.

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In addition to the above listed objectives/benefits to the Town and the environment, developers should achieve cost saving with Open Space Conservation/Cluster Development because of the reduced requirements for constructing roads and other infrastructure.

**B. Applicability**

1. The Planning Board may approve any Open Space Conservation / Cluster Development Subdivision in the Agricultural Zoning District (except that portion in the Historic Overlay District), and the Residential I Zoning District.
2. Applicants are especially encouraged to consider Open Space Conservation/Cluster Development whenever the property possesses one (1) or more of the following special features:
  - a. Agricultural land used for producing crops, hay (forage), and/or forestry.
  - b. Rare, threatened or endangered species or known habitat area for those species.
  - c. Frontage on waterbodies, ponds, lakes, perennial streams or rivers.
  - d. A portion of a watershed, wellhead and aquifer protection area.
  - e. A portion of a snowmobile trail network.
  - f. Steep slope land covering more than twenty percent (20%) of the total area of the property.
  - g. Historic, cultural, archeological sites and/or structures
  - h. Scenic areas or viewsheds.

**3.03 CONFORMANCE WITH MASTER PLAN.**

All proposed subdivisions shall be in conformance with the Master Plan and with the provisions of all pertinent State and local codes and ordinances.

**3.04 BLOCKS.**

Where street lengths exceed one-thousand (1,000) feet between intersections with other streets, the Board may require an utility/pedestrian easement, at least twenty (20) feet in width, to provide for underground utility crossings and/or a pedestrian pathway of at least five (5) feet in width. Maintenance obligations of the easement shall be included in the written description of the easement.

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**3.05 LOTS.**

- A. All lots shall conform with the requirements of the zoning district in which they are located per the Wakefield Zoning Ordinance, and any applicable State or Federal laws. In cases where a lot is to have an on-site wastewater treatment or septic system, the minimum lot size may be greater than that required by the Zoning Ordinance due to soil conditions.
- B. Lots shall be laid out and graded to eliminate flood or stagnant water pools. No water shall be permitted to run across a street on the surface. Lot size may vary based on the soil capability to accommodate wastewater treatment or septic systems as determined by the most current State Standards.
- C. Lot configuration and area shall be designed to provide for adequate off-street parking and service facilities based upon the type of development contemplated.
- D. Lots with multiple frontages shall be avoided wherever possible. When lots do have frontage on two or more roads, the plan and deed restrictions shall indicate that vehicular access shall be located only on the less traveled way.
- E. Wherever possible, side lot lines shall be perpendicular to the street.
- F. Where public utilities could be extended to the subdivision in the foreseeable future, the subdivision should be designed to accommodate the extensions of utilities.
- G. If a lot on one (1) side of a river, tidal water, road or other similar barrier fails to meet the minimum requirements for lot size, it may not be combined with a lot on the other side of the river, tidal water or road to meet the minimum lot size.
- H. Odd-shaped lots or other contorted configurations, including those in which narrow strips are joined to other parcels in order to meet lot size requirements are prohibited. The ratio of lot length to width shall not be more than four (4) to one (1) unless, approved by the Planning Board.
- I. Lots shall be numbered in accordance with Town of Wakefield standards.
- J. Where the Planning Board finds that safety considerations so require, driveways of adjoining lots shall be combined or joined to minimize the number of driveway entrances and maximize the distance between entrance points.

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- K. Proposed lots shall not be permitted to have driveway entrances onto existing arterial or collector streets unless the Planning Board determines that no reasonable alternative exists consistent with Master Plan Transportation Access Management policies and implementation strategies.

**3.06 LOTS WITH WATER FRONTAGE AND WATER ACCESS.**

For one (1) subdivision providing one (1) or more non waterfront lots with water access deeded or otherwise, and two (2) subdivisions for the granting of ownership rights, rights to use easements, rights-of-way or other privileges permitting use of waterfront property upon which the user does not reside, for uses other than boating the following requirements set forth in paragraphs A through E shall be met:

- A. The subdivision shall conform to the requirements of the Shoreland Protection Act, RSA 483-B. The intent of this sub-section is to ensure compliance with the minimum lot size requirements of applicable State regulations.
- B. All subdivisions within the protected shoreland, as defined by applicable State regulations, require State subdivision approval for subsurface disposal of sewage, regardless of the size of the lots. Therefore, certification that such approvals have been obtained shall be required.
- C. Recreation area abutting the shore frontage shall be provided on the basis of eight-hundred (800) square feet per dwelling unit.
- D. Parking area in addition to the recreation area shall be provided on the basis of three-hundred and fifty (350) square feet for each dwelling unit located more than one-quarter (1/4) mile from the waterfront area.
- E. Toilet facilities shall be provided on the basis of one (1) toilet facility each for males and females for each twenty-five (25) dwellings or fraction thereof, or for each one hundred (100) persons in the case of a group development.
- F. Subdivisions providing water access for boating shall meet all of the preceding standards and also:
  - 1. Meet the following requirements for a boat launch facility:

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- a. For public or commercial boat launch facility, be supervised (manned) during hours of operation, and otherwise inaccessible to vehicular traffic by way of a locked barrier or gate, for the launching and retrieval of watercraft into/from a body of water. The area shall consist of not less than two (2) contiguous acres of land having a minimum of one-hundred and fifty (150) feet of shoreline (at high water mark), and that contains at a minimum a parking area, sanitary facilities to include, at a minimum, pump-out facilities for boat sewage connected to a sewage treatment system from where boats are to be serviced, separate men and women's bathrooms with running water and sink connected to a sewage treatment system and a boat inspection and sanitizing area separate from the parking area with running water and hoses to facilitate removal and disposal of invasive species (i.e. milfoil. etc.) from the watercraft hull, mechanisms, and trailer. The boat inspection and sanitizing area shall be situated such that a natural or man-made earthen berm is located between the body of water and the boat inspection and sanitizing area to ensure that invasive species that are dislodged from the watercraft hull, mechanisms and trailer during the sanitizing process cannot be carried into the body of water through water run-off or otherwise.
  - b. For a group boat launch facility, the same requirements as a public or commercial boat launch facility, except the facility need not be supervised.
  - c. For private boat launch facility be a privately owned area that is inaccessible except by permission of the landowner and incidental to the use of the property.
2. Demonstrate that the lake is capable of absorbing the boat traffic with no substantial increase in shoreline erosion and no substantial degradation of boating safety or water quality.
  3. Demonstrate that the boating area is as isolated from swimming areas as possible. Where such isolation is not possible and a boating area is allowed adjoining a beach area, the boating area shall be separated from the swimming area by appropriate safety devices and be adequately signed.

**3.07 LAND FEATURES.**

- A. Topsoil shall be considered part of the subdivision and shall not be removed from the site except for surplus topsoil from roads, parking areas and building excavations. Topsoil shall not be removed from the site until completion of construction and inspection by the Town to assure a minimum of four (4) inches (compacted depth) of topsoil has been spread over all areas to be grassed.

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- B. Existing vegetation shall be left intact to prevent soil erosion, except as provided per Sections 3.27 Tree Cutting, Grading or Excavation; 3.23 Erosion Control; and 3.17 Landscaping. The Board shall require developer and builders to take measures to correct and prevent soil erosion in the proposed subdivision in accordance with Best Management Practices.

**3.08 FLOOD HAZARD AREAS.**

- A. If any part of the subdivision is located in a flood-prone area, as indicated on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Maps, the Applicant shall determine the one-hundred (100) year flood elevation and flood hazard boundaries within the subdivision. The proposed subdivision plan shall include a condition requiring that principal structures will be constructed with their lowest floor including the basement at least one (1) foot above the one-hundred (100) year flood elevation.
- B. Subdivision proposals having land designated as "Special Flood Hazard Area" by the Floodplain Development District, Section 3.04 of the Zoning Ordinance of Wakefield, New Hampshire, shall include sufficient evidence so as to assure the Planning Board that:
  - 1. All such proposals are consistent with the need to minimize flood damage; and
  - 2. All public utilities and facilities, such as sewer, gas, electrical and water systems, are located at sufficient elevations and constructed to eliminate flood damage; and
  - 3. Adequate drainage is provided so as to reduce exposure to flood hazards.
- C. The Planning Board shall require new or replacement water supply systems and/or sanitary sewage systems to be designed to eliminate infiltration of flood waters into the systems and discharge from the systems to be located so as to avoid impairment of them or contamination from them during flooding.

**3.09 MONUMENTS.**

- A. Complete survey monuments shall be installed as a condition of final approval by the Planning Board.
- B. Granite or concrete monuments shall be placed as the corner pins for the street, but no further than seven hundred and fifty (750) feet apart along street lines without curves or intersections.

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- C. The granite monuments shall be a minimum of three (3) inches by three (3) inches by thirty-six (36) inches in length, with a drill hole in the center of the top face or other marking to identify the corner point. The surveyor shall excavate holes adequate to place the monuments securely in the ground at final grade with their top flush to four (4) inches above the final grade.
- D. Concrete monuments shall be Portland cement reinforced with one-half ( $\frac{1}{2}$ ) inch reinforcement bar. Concrete monuments shall be four (4) inches by four (4) inches or four (4) inches in diameter and thirty-six (36) inches in length and set in the ground at final grade with their top flush to four inches above the final grade.
- E. Iron pins (pipe, rod, or reinforcement bar) shall be placed at all property and easement line corners, angles, and at all points of curvature and tangency unless otherwise regulated by Section 3.09A. The pins shall be one-half ( $\frac{1}{2}$ ) inch diameter and thirty-six (36) inches long. The pins shall be driven into the ground so that two (2) inches of the pin is left exposed (if possible). All newly installed pins shall include a surveyor's "cap" and conservation easement marker, where applicable, to help identify their location in the field.
- F. Where site conditions (i.e., ledge, stonewalls, boulders, etc.) do not allow for granite, concrete, or iron pin monuments, drill holes may be set with a minimum dimension of one-half ( $\frac{1}{2}$ ) inch diameter by one (1) inch deep.
- G. The Applicant's surveyor shall certify in writing to the Planning Board that the monuments have been installed per the approved plan.

**3.10 WATER FOR FIRE PROTECTION .**

- A. The Applicant shall construct dry hydrants connected to ponds or water storage tanks, provide fire hydrants connected to a public water source, or implement an alternative program approved by the Fire Chief to provide for adequate water for fire protection purposes within the subdivision.
- B. An easement at least thirty (30) feet wide shall be granted to the municipality providing access to the hydrants or other improvements where necessary.
- C. If a subdivision has fewer than ten (10) lots or dwelling units or any combination of lots and dwelling units, the Board may waive the requirement for an adequate on-site water supply upon submittal of evidence that:
  - i. There is a fire pond, fire hydrant connected to public water, or another water

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source within one (1) mile of the subdivision that the Applicant has obtained the legal right to use for fire protection purposes; and

- ii. The Fire Chief has determined that the proposed water source has sufficient capacity to serve the needs of the subdivision and any other subdivisions currently using or relying on the water source for fire protection.
- D. For purposes of this section, the one (1) mile distance is measured from the pond, water source or fire hydrant to the driveway of the subdivision residence located farthest from the water supply along routes that fire trucks can safely travel year round.
- E. In the case that four (4) or more lots are being created and one (1) or more lots have frontage on a waterbody, the Planning Board may require that the Applicant provide fire protection fixtures, an easement, and access to the water body for fire protection purposes.

**3.11 ROAD, PEDESTRIAN WALKWAY, BIKE ROUTE, AND PUBLIC TRANSPORTATION FACILITY DESIGN AND CONSTRUCTION.**

A. General

- 1. Transportation Needs and Traffic Impact Analysis.
  - (a) A Transportation Needs and Traffic Impact Analysis shall be required as deemed necessary by the Planning Board.
  - (b) A Licensed NH Professional Engineer shall prepare a Transportation Needs and Traffic Impact Analysis. This analysis shall include:
    - (i) Traffic analysis.
    - (ii) Pedestrian walkway and bike route analysis to determine needs and ways to meet the needs within the subdivision and to link with other subdivisions.
    - (iii) Public transportation analysis including school buses, etc.
    - (iv) Other transportation and impact issues as required by the Planning Board.
  - (c) Any subdivision expected to generate average daily traffic of two hundred (200) trips per day or more shall have at least two (2) street connections with existing public streets, streets shown on an Official Map or streets on an approved subdivision plan for which performance guaranties have been

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filed and accepted. Any street with an average daily traffic of two-hundred (200) trips per day or more shall have at least two (2) street connections leading to existing public streets, streets shown on an Official Map, according to RSA 674:10, or streets on an approved subdivision plan for which performance guaranties have been filed and accepted. Said two (2) street connections' centerlines shall be no closer than four-hundred (400) linear feet apart. Traffic generation rates shall be based on the latest edition of the Traffic Generation Manual, Institute of Transportation Engineers. Some sample, but not necessarily applicable, traffic generation rates are:

- (i) Single-family house: Ten (10.0) trips per day per unit.
  - (ii) Residential condominium: Five point nine (5.9) trips per day per unit.
  - (iii) Motel: Ten point two (10.2) trips per day per room.
  - (iv) Industrial: Seven (7.0) trips per day per one-thousand (1,000) square feet of floor space.
- (d) If it is determined through a Transportation Needs and Impact study, Professional Engineer's report, or other valid means, that a public road or other facilities servicing a proposed subdivision is inadequate to carry the increased traffic or meet the service requirements of the new population created by the subdivision, the Applicant shall be required to fund his or her proportional share of the necessary improvements per applicable State regulations. Off-Site Improvements means those improvements that are necessitated by a development, but which are located outside the boundaries of the property that is subject to a subdivision plat or approval by the Planning Board. Such off-site improvements shall be limited to any necessary roadway, bridge, drainage, and sewer and water upgrades pertinent to that development.
- (e) The estimated cost of such improvements shall be determined by a N.H. licensed Professional Engineer or Architect. In a case where the Town is unable to fund its portion of the necessary improvements to the public road or other facilities, or the Applicant is unwilling or unable to fund his or her portion of the necessary improvements, the Planning Board may determine that the development is scattered and premature, or require the payment of Off-Site Improvement Costs or Impact Fees.
2. Traffic Function. Roads must accommodate: safe access to properties; convenient and efficient pickup and delivery of people, parcels, fuel, and other goods;

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emergency vehicle access; maintenance services; bicycle use, and other such uses. The overall Town and regional road system needs to provide for a sufficient number and layout of collectors and arterials to handle through traffic flow as one (1) means of protecting local residential streets from through traffic. Further, local residential streets shall be linked to traffic carrying streets in a way that simultaneously provides good access to other parts of the community and region while minimizing the chances of residential streets' use by through traffic. Further, residential streets should be protected from vehicles moving at excessive speeds, typically greater than twenty-five (25) to thirty (30) miles per hour. Proper access management is essential in protecting the traffic capacity of arterial roads.

3. **Road Layout.** There should be alternative routes to most, if not all destinations. The layout of proposed roads shall provide for the continuation of the principal streets in adjoining areas, if applicable. The number of permanent cul-de-sacs shall be minimized. Suitable connections and reservation for future connections to adjacent areas shall be provided. Layout geometry shall be designed to follow and take advantage of the topography and proposed future development patterns, creating vista terminations and improving the view of and the view from buildings and other prominent vistas. Layout shall also be carefully designed to avoid creation of a situation where the local road is used for through traffic flow.
4. **Access Management.** Where roads intersect arterial highways, they shall be consistent with Master Plan Access Management policies and implementation strategies incorporated herein by reference.
5. **Scale.** The scaling of the facility must facilitate the appropriate level of sharing of road use among cars, pedestrians, bicycles, emergency vehicles and others. The final product shall permit comfortable and safe pedestrian and bicycle movements as well as motorized vehicular movements, and shall protect vulnerable users such as children, the disabled, and the elderly.
6. **Aesthetics.** Road design should enhance the overall aesthetics of the neighborhood through well-designed street layout and landscaping. Additionally, civic areas in the form of commons or public squares, community buildings, churches and other gathering places should be used as focal points and vista terminations. Aesthetics must be achieved through the thoughtful integration of all aspects of design, and cannot simply be "added on" to a design.
7. **Quality Construction.** Regardless of the outcome of the more policy-oriented layout and function issues of the road system, the construction of roads shall be of high

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quality. Roads shall be constructed to standards suitable for the climate, the environment in which they are built, and for the proposed use. The resulting road should require a minimal amount of maintenance for many years.

8. Design Standards. It is the intent of these regulations to provide design parameters to guide overall design, but that it is the responsibility of the Professional Engineer designing the transportation facility to apply her or his professional expertise in creating the design. Additionally, the Town shall have another engineer review the design for compliance with the purposes and controls of this regulation, as well as with accepted engineering practices. It should be noted that the board expects to create only local roads, and that more restrictive standards for design and construction may be required otherwise.
9. Design Speed. The design speed of proposed private streets shall be in accord with applicable State regulations. Given the rural character of Wakefield, the design speed in most instances shall be thirty-five (35) miles per hour as required pursuant to applicable State regulations. However, if the Selectmen shall determine on the basis of an engineering or traffic investigation that the thirty-five (35) miles per hour limit is greater than is reasonable and safe under the conditions found to exist upon a proposed private street or part thereof, the Selectmen may determine and declare a reasonable and safe speed limit thereon which decreases the limit. In such event, the Planning Board may, but is not required to, allow the Applicant to reduce the design speed of the proposed private street or part thereof.
10. Pedestrian and Bicycle Ways.
  - a. Adequate provisions may be required to accommodate pedestrians and bicyclists. Pedestrian ways shall extend from side lot line to side lot line, along street frontage. Sidewalks shall be at least four (4) feet wide, six (6) inches above grade, and shall be protected by curbing or physically separated. Pedestrian way or sidewalk designs shall include means for handicapped access. Adequate roadway shoulders that are typically four feet in width should accommodate bicycle routes.
  - b. In any subdivisions located in the a residential zoning district, provisions shall be made for the interconnection of proposed pedestrian ways and bicycle routes and streets with other subdivisions or adjacent properties if it is determined to be practical and desirable by the Planning Board.

- B. Road Design. The following conditions are required for all roads:
  1. General

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- a. The Planning Board shall not recommend the approval of any private road that does not meet the standards of this regulation and the most conservative design criteria.
- b. A minimum traveled surface width of twenty (20) feet is required of all streets.
- c. Roadways and appurtenances shall be designed by a N.H. licensed Professional Engineer. For other important design criteria not specifically addressed in the section, the Engineer shall use New Hampshire Department of Transportation (NHDOT) and the American Association of State Highway and Transportation Officials (AASHTO) criteria which ever is most stringent.

2. Minimum Widths:

Right-of-Way:		Fifty (50) feet
Traveled Way:	Collector	Twenty-six (26) feet
	Local	Twenty (20) feet

- a. The minimum width of any road right-of-way shall be fifty (50) feet. A larger width may be required where conditions warrant. Additionally, flairs or radii may be required at intersections where such areas would be beneficial.
- b. Restricting access to the right-of-way from adjacent lots or streets shall be prohibited.
- c. Easements for cut & fill slopes, drainage, water lines, sewer lines and other such improvements shall be provided as appropriate.
- d. The application shall specify ownership and responsibility for maintenance of the right-of-way and all improvements therein. Subdivision approval in no way implies Town acceptance of any road or right-of-way, and in no way obligates the Town in any future consideration of such acceptance.

3. Minimum Grade: One-half a percent (0.5%)

4. Maximum Grade: Ten percent (10%)

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5. Grade within fifteen (15) feet of an intersection: Negative three percent (-3%)
6. Maximum Grade within sixteen (16) to fifty (50) feet of an intersection: Three percent (3%)
7. Intersections: Roads shall intersect at ninety (90) degrees, plus or minus fifteen (15) degrees.

Roadway intersections shall be configured such that new roads are directly across from existing intersections (if applicable) and/or are at least one-hundred (100) feet from street intersections and driveway entrances.

No point along a road shall be more than one-thousand and two-hundred (1,200) feet from a single point of access. This is similar to a maximum cul-de-sac length requirement. The intent is to prevent an undue number of residential properties from being dependent on a single access (which could be blocked off by an accident, fallen tree or other obstruction), and to ensure good flow of traffic around a neighborhood. Providing for the flow of traffic should not encourage through-traffic, but should provide for smooth flow of delivery and service vehicles (the mail delivery truck, home heating oil truck, school bus, snow plow, and so forth).

8. Minimum width of shoulders: Three (3) feet each
9. Grade of shoulder: One half ( $\frac{1}{2}$ ) inch per foot
10. Minimum centerline radii on curves: Three-hundred and ten (310) feet.
11. Minimum tangent length between reverse curves: One-hundred and thirty (130) feet.
12. Minimum road crown or super elevation: One-quarter ( $\frac{1}{4}$ ) inch per foot
13. Cul-de-sac minimum diameter full circle center line: One-hundred and thirty (130) feet.

Any dead-end street shall have a turnaround at its end which shall be a cul-de-sac having a paved area with a radius of fifty (50) feet or another design approved by the Road Agent.

The centerline of a cul-de-sac shall be aligned with the centerline of the street.

Temporary cul-de-sacs shall be provided, with easements for their construction and use as appropriate, in locations where future connections are planned for but cannot

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be provided at the time of development. Where connections can be made at the time of development, they shall be made.

Where appropriate, vegetative stormwater retention areas shall be provided in the cul-de-sac island.

14. Maximum cul-de-sac length: One-thousand and two-hundred (1200) feet.
15. Ditches: Adequate ditches eighteen (18) inches below edge of shoulder shall be provided. Underdrains shall be incorporated in drainage design, as appropriate, to prevent saturation of the road base.
16. Slopes: Cut - Earth: Two (2) horizontal - One (1) vertical  
Ledge: One (1) horizontal - Four (4) vertical  
Fill < Ten (10) feet Four (4) horizontal - One (1) vertical

Side slopes shall be graded, covered with four (4) inches (compacted depth) of topsoil, and suitably seeded.

17. Guardrail shall be required for fills over ten (10) feet.
18. Cut and Fill: Only that portion of the right-of-way shall be cleared and grubbed as is necessary to meet safety requirements. Where possible, preservation of existing vegetation, ground cover and especially trees is highly desirable. The extent of clearing shall be shown on the plan. Excavation of roadbeds shall consist of removing all topsoil, ledge, stumps, and roots to a depth of at least two (2) feet below the finished roadbed grade (sub-base) shown on the plan profile. Unsuitable material such a stumps, roots and peat shall be removed. Filled roadbeds shall be formed by spreading successive 6 inches layers of acceptable fill material compacted to ninety-five percent (95%) of maximum standard proctor density prior to spreading a new layer. Material containing loam, forest litter, wood, roots, or other substances that will not provide a stable bed or embankment shall not be used. Broken ledge may be used in fills over four (4) feet thick, with the voids being filled by earth or soil. Broken ledge or boulders larger than one-half (½) cubic yard shall not be placed within two (2) feet of the finished grade.
19. Materials. Types of materials and methods of construction shall be in accordance with the latest version of “Standard Specifications for Road and Bridge Construction,” New Hampshire Department of Transportation, Section 304, hereby incorporated into this regulation by reference.

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20. Sub-base: Twelve (12) inches minimum gravel uniformly compacted to the full width of the traveled surface. This requirement shall not be waived. Additional base material may be required depending on the nature of the land as designated by the Planning Board or its authorized agents.
21. Finish Base Course: Crushed gravel per NH DOT Specification 304.3 to a minimum depth of six (6) inches. This requirement shall not be waived.
22. Paved Surface: Asphalt or concrete flexible pavement – Two (2) inches Base. The base course pavement shall go through one winter freeze-thaw cycle prior to adding the wear course so that problems can be identified and corrected properly. Wear Coat – One (1) inch.
23. Bridges. Bridges shall be designed by a professional engineer to appropriate standards. The minimum roadway width shall be twenty-four (24) feet.
24. Regard for Natural Features. Due regard shall be shown for all natural features such as large trees, water courses, stonewalls, scenic views, ridgelines and similar community assets during road construction.
25. Field Changes: Given the nature of the design and construction of roads, certain design modifications are made in the field on virtually every construction project. The Planning Board acknowledges that such changes will be necessary from time to time, and authorizes the inspecting engineer(s), representing the Town, to exercise professional judgment in making such changes within the context of the purposes of this regulation and Section 2.27.
26. Road Names. Proposed road names shall not duplicate any existing road name in Wakefield, and shall be approved in advance by the Board of Selectmen. Each road name shall be adequately identified with a road name sign per Town standards at each intersection. Upon completion of the road, the Applicant shall notify the Town Clerk, who shall then notify the Commissioner of the NH Department of Transportation of the new road, as required per applicable State regulations.
27. Traffic Control Signs. All roads shall have such traffic control signs as are necessary to provide for safety and efficiency. The Applicant shall be responsible for providing and installing all required signs.
28. Clean-up. Before release of any financial security, a road shall be cleaned up, by whatever means necessary, so it is left in a neat and presentable condition.

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Construction-related debris of all kinds, both natural and man-made, shall be completely removed from the roadway and the right-of-way.

29. Road Maintenance and Acceptance. Acceptance of any road by the Town is the sole responsibility of the Board of Selectmen and Town Meeting, and approval of a subdivision plan by the Planning Board shall not imply acceptance of the road by the Town. While a private road, the Applicant shall make adequate provisions for the on-going maintenance of the road.
30. Subdivision along a Class VI road, or any private road, shall not be approved unless the Applicant upgrades such road to meet the design standards of this regulation and the Town's ordinances. Also other applicable State regulations may apply. Sampling and testing of soils in such existing roads, to show conformance with the Town's standards shall be conducted by licensed professional engineer. Test pits shall be dug every two-hundred (200) feet and two (2) samples from each pit (top and bottom) shall be tested for compliance with the latest version of "Standard Specifications for Road and Bridge Construction" by NHDOT. The Class VI road or private road shall meet the "Suggested Minimum Design Standards for Rural Subdivision Streets" as published by NHDOT.
31. Private Streets. Where the subdivision streets are to remain private streets, the following words shall appear on the recorded plan: "All streets in this subdivision shall remain private roads to be maintained to Town standards by the developer or the lot owners and shall **not** be accepted or maintained by the Town." In addition, the developer shall establish a homeowners' association, and the owners of lots whose access to their property is by way of a private street as shown on the plan shall be required to be members of the association. A primary obligation of the association shall be to collect dues to maintain the private road(s) as shown on the plan. The association and related documents shall provide the Town of Wakefield the right to require the association and the owners of lots served by the private roads to maintain the private roads, and to seek relief and recoup its attorney fees and costs in pursuing any legal action to force the association and the lot owners to maintain the private roads.

### **3.12 ACCESS TO PUBLIC OR PROPOSED STREETS.**

- A. Purpose. The purpose of the regulations in this section is to limit road and driveway cuts as much as possible to promote safety and maintain efficiency of roads in Wakefield.

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These provisions are designed to cause fewer distractions to motorists, fewer requirements to brake, while promoting smooth traffic flow and optimum sight distances.

They are designed to insure wise use of taxes for road construction and maintenance, and long-term use of the public roadways for intra and inter-town commerce. This regulation also is designed to help minimize potential conflict with children at play, to allow for sufficient privacy and quiet in residential neighborhoods, and to assist in maintaining the rural character of Wakefield. All access points, including driveway entrances, shall be located to most adequately promote the safety, efficiency, and convenience of the traveling public and the residents adjacent to the roadway. Access points to through highways, public roads and streets shall be limited in number to protect the long-term utility of the roadway. Whenever possible, minor interior streets or cul-de-sacs shall be required to serve land subdivisions.

- B. Permit. Before any driveway or other access is constructed within the limits of the right-of-way of any Class I or Class III highway or the State maintained portion of any Class II highway, a written construction permit must be obtained from the New Hampshire Department of Public Works and Highways as per applicable State regulations. State approvals shall be submitted to the Planning Board as part of the subdivision review material.
- C. Access Locations on Plans. All subdivision plans (concerning access to any roadway in Town) shall indicate the location of the driveway or other access points, the width of the driveway, entrance, exit or approach and the safe sight distance for each access point.
1. The maximum width of any access point or driveway shall be fifty (50) feet measured parallel to the highway centerline at the curb or shoulder line with a desirable width of thirty-five (35) feet, except that an access point or driveway may be flared beyond a width of fifty (50) feet at its junction with the highway to accommodate the turning radius of vehicles expected to use the driveway or approach.
  2. Streets and driveways shall be laid out so as to intersect as nearly as possible at right angles.
  3. Street jogs with centerline offsets of less than one-hundred and twenty-five (125) feet shall be prohibited.
  4. When connecting street lines deflect from each other at any one point by more than ten (10) degrees, they shall be connected by a curve with a radius adequate to insure proper sight distances.
  5. Safe sight distances should be consistent with probable traffic speed, terrain,

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alignments and climatic extremes. Recommended distances are based on standards developed by the American Association of State Highway and Transportation Officials. All designs shall comply with the current AASHTO standards and incorporate Best Management Practices.

- D. Driveway(s) – Number. The Planning Board shall determine the appropriate number of driveways or access points for each subdivision.
- E. Internal Street System. For proposed residential, commercial, or industrial development along Town or State roadway frontage that exceeds five-hundred (500) feet, the construction of an internal street system or service road outside of the roadway right-of-way will be required to provide greater safety for the development occupants, as well as the highway users. Commercial/Industrial development along Route 16 shall use access roads whenever possible.
- F. Buffer. A minimum of a twenty (20) foot undisturbed naturally vegetated buffer, excepting driveways, shall be maintained along all State and Town roads that are outside of the development. This buffer shall be in addition to the utility or drainage easement and required sight distance clearing areas.
- G. Signage. No sign shall obstruct or impair the vision of vehicular and pedestrian traffic or otherwise constitute a hazard to the same. No sign shall reduce the sight distance from any driveway, road or street below a distance of ten (10) feet for every mile per hour of the posted speed limit on the street. Sight distance shall be measured at a point on the driver's side of the exit lane ten (10) feet behind the curb or edge of shoulder line with the height of the eye ranging from three and one-half (3.50) to six (6) feet above the pavement to an object having a height of four and a quarter (4.25) feet located within all of the travel lanes of the intersecting street.

**3.13 ROAD DRAINAGE.**

All roads shall be provided with drainage facilities adequate to accommodate a fifty (50) year storm event. The facilities shall provide protection from flooding of the road and erosion of adjacent facilities. In all cases the design engineer shall use Best Management Practices to insure ground water recharge.

- A. Connection to the municipal storm sewer system shall be required if available within one-hundred (100) feet of any boundary of the property.
  - 1. The system shall be constructed according to Town of Wakefield specifications.

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2. Stormwater shall be carried off in subsurface storm sewers or ditches. Storm sewer facilities shall be located within the street right-of-way where possible and shall be at least eighteen (18) inches in diameter or greater where necessary. Where location in the street right-of-way is impossible, unobstructed easements shall be granted to the Town of Wakefield for the maintenance and future upgrade of the storm sewer. Such easements shall be thirty (30) feet or more in width, and shall have satisfactory access to a road. Easements shall be carried from the road to a natural watercourse or other drainage facilities using Best Management Practices.
- B. Where connection to a municipal storm sewer will not occur, the Applicant shall construct drainage facilities to retain and gradually release storm water. Storm water shall not leave the subdivision in greater quantities than pre-development levels. In no case shall water drain over a road surface. No standing water shall be permitted in ditches, culverts or catch basins. No water from adjacent lots shall be permitted to run across road surfaces.
1. Drainage plans and a written report, prepared and certified by a N.H. licensed Professional Engineer, shall be submitted with the application.
  2. Details for all drainage facilities including, but not limited to culverts, headwalls, swales/ditches, catch basins, manholes, storm drains, and underdrains shall be provided in the plan. Design and construction of drainage facilities shall be in accordance with current "New Hampshire Standard Specifications.
  3. Details for wetlands crossings including a detailed site plan at a scale no smaller than one (1) inch equals twenty (20) feet shall be provided in the plan.
  4. Details and calculations shall show that the first inch of rain shall be retained on site.

**3.14 WATER SUPPLY.**

All subdivisions shall provide an adequate supply of potable water for consumption by subdivision residents. Well locations and their protective radius shall be indicated on plans. If public water service is proposed, the location of proposed public water lines shall be indicated on the plan.

- A. When a subdivision is to be served by a Water District, the complete supply system, including fire hydrants, shall be installed at the expense of the Applicant.
1. The Applicant shall provide a written statement from the Water District that

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adequate water for both domestic and fire-protection purposes can be provided without placing an undue burden on the source, treatment facilities or distribution system involved. The Applicant shall be responsible for paying the costs of system improvements necessary to serve the subdivision.

2. The size and location of mains, gate valves, hydrants and service connections shall be reviewed and approved in writing by the Water District and the Fire Chief.
- B. When the location of a subdivision does not allow for a financially reasonable connection to the Water District, the Planning Board may allow the use of individual wells or a private community water system.
1. Dug wells shall be permitted only if it is demonstrated to be not feasible to develop other groundwater sources and shall be constructed so as to prevent infiltration of surface water into the well. Unless otherwise permitted by the Board, the Applicant shall prohibit dug wells by deed restrictions and a note on the plan.
  2. If a central water supply system is provided by the Applicant, the location and protection of the source and the design, construction and operation of the system shall conform to the standards of the New Hampshire Rules Relating to Drinking Water.
  3. The results of the water quality test submitted shall indicate that the groundwater meets the primary drinking water standards of the New Hampshire Rules Relating to Drinking Water for those categories tested. If the Board has reason to believe, due to previous uses of the property or due to previous or existing uses of neighboring property, that the existing water quality may be threatened by contaminants not tested for in the primary inorganic water analysis, it may require the water to be tested for those contaminants.
  4. Prior to the issuance of a building permit for the construction of any principal structure in a subdivision, the Applicant shall present evidence of suitable water supply to the Code Enforcement Officer. This evidence shall consist of:
    - a. A letter from the Water District indicating availability of service; or
    - b. The results of a primary inorganic water analysis performed upon the well to serve the structure indicating the groundwater meets the primary drinking water standards of the New Hampshire Rules Relating to Drinking Water for

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those categories tested.

- c. Evidence presented by a licensed hydrologist indicating adequate potable water to supply the foreseeable needs of the subdivision.

**3.15 SEWAGE DISPOSAL.**

All subdivisions shall provide for the appropriate disposal of sewage either through a sanitary sewer system, wastewater treatment, or septic systems. These system locations shall be indicated on plans. If public sewer service is proposed, the location of proposed sewer lines shall be indicated on the plan.

A. Public System.

- 1. A sanitary sewer system shall be installed at the expense of the Applicant when there is a public sanitary sewer line located within one-thousand (1,000) feet of the proposed subdivision at its nearest point if approved by the Board of Selectmen. The Board of Selectmen shall certify that providing service to the proposed subdivision is within the capacity of the district's collection and treatment system.
- 2. The Board of Selectmen or their designated agent shall review and approve in writing the construction drawings for the sewage system.

B. Private Systems.

- 1. The developer shall submit evidence of soil suitability for subsurface sewage disposal prepared by a New Hampshire licensed site evaluator in full compliance with the requirements of the State of New Hampshire Subsurface Wastewater Disposal Rules. In addition, on lots in which the limiting factor has been identified as being within twenty-four (24) inches of the surface, a second site with suitable soils shall be shown as a reserve area for future replacement of the disposal area. The reserve areas shall be shown on the plan and restricted so as not to be built upon.
- 2. In no instance shall a disposal area be permitted on soils or on a lot that requires a new system variance from the State subsurface wastewater disposal rules.

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C. Shared Wastewater Treatment or Septic Systems.

Shared wastewater treatment or septic systems may be permitted only where the Zoning Ordinance permits multi-family residential units or Open Space Conservation / Cluster Development, and provided that the requirements of the local Health Department are met, including appropriate provisions for legal obligations related to maintenance and replacement.

**3.16 SURFACE DRAINAGE/NON-POINT SOURCE WATER POLLUTION PREVENTION.**

- A. All subdivisions shall meet the requirements for a USEPA Phase II Permit. If improvements at the site involve over one (1) acre of site disturbance, the construction site operator(s) is required to comply with the USEPA - NPDS General Permit for storm water discharges from construction activities. A copy of the Notice of Termination (NOT) shall be submitted to the Planning Board and Code Enforcement Officer within thirty (30) days after one (1) or both of the following conditions have been met:
1. Final stabilization has been achieved on all portions of the site for which the permittee is responsible;
  2. Another operator/permittee has assumed control over all areas of the site that have not been fully stabilized.

The Planning Board shall be provided with copies of all correspondences with Federal or State agencies regarding compliance with their rules or regulations.

- B. Where a subdivision is traversed by a stream, river or surface water drainage way, or where the Board feels that surface water runoff to be created by the subdivision should be controlled, there shall be provided drainage easements using swales, culverts, catch basins or other means of channeling surface water within the subdivision. A registered professional engineer shall design this stormwater management system.
- C. Drainage easements for existing watercourses or proposed drainage ways shall be at least thirty (30) feet wide and shall be indicated on the plan, conforming substantially to the lines of existing natural drainage.
- D. The developer shall provide a statement from the design engineer that the proposed subdivision will not create erosion, drainage or runoff problems either in the subdivision or in other properties. The engineer shall certify that peak runoff from the subdivision

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onto other properties shall not be increased either in volume or duration from the peak runoff characteristics existing prior to development. Stormwater shall not leave the subdivision development in greater quantities than pre-development levels.

- E. A stormwater drainage plan, showing ditching, culverts, storm drains, easements and other proposed improvements, meeting the applicable standards obtained herein and any other Municipal Code requirements, shall be submitted. The stormwater plan shall use Best Management Practices and provide calculations showing that the first inch of rain is retained on site and that ground water recharge is protected.

**3.17 LANDSCAPING.**

Landscaping shall be installed per a landscape plan approved by the Planning Board. Said landscape plan shall show the type, location, and size of trees, shrubs, ground cover and walls, fences, lighting and other features to stabilize the soil and enhance the development. Said Plan shall retain all possible trees. The Planning Board may require other landscaping to preserve the rural character and aesthetics of the area. All naturally vegetated or installed landscaping shall be maintained in good condition by the property owner.

**3.18 STREET AND NEIGHBORHOOD LIGHTING.**

Street and neighborhood lighting, if any, shall be low intensity, and fully screened to maintain a dark sky. All street and other lighting in the subdivision shall be consistent with Master Plan Dark Sky policies and implementation strategies.

**3.19 PEDESTRIAN WAYS AND BICYCLE ROUTES.**

- A. The Planning Board may require designated pedestrian and bicycle paths to be provided/installed within the development. In addition, designated pedestrian and bicycle paths within the development and to adjacent developments, neighborhoods and areas in the Town are encouraged, where appropriate, to foster a sense of community, for the convenience of the residents, and to maximize preservation of the natural resources (e.g. through use of a designated pathway versus use of multiple undesignated pathways).
- B. Where appropriate, pedestrians and bicyclists may share the same pathway. Pedestrian paths shall be separated from the paved roadway by a minimum of five (5) feet.
- C. The Planning Board may require deed or covenants to support the cost of maintaining the pedestrian and bicycle ways.

### **3.20 NATURAL AND HISTORIC FEATURES.**

The Planning Board may require the preservation and protection of existing features: trees, scenic points, ridgelines, brooks, streams, water bodies, prime farmland or soils of statewide significance, other natural areas and historic landmarks to preserve the natural environment.

### **3.21 UTILITIES.**

- A. All utilities including but not limited to electrical, telephone, cable, and street lighting, shall be installed underground, unless the Planning Board finds that such installation is unfeasible.
- B. The size, type and location of all utilities shall be shown on the Plan.
- C. Proposed utilities shall be located within proposed street rights-of-way. Where the topography is such as to make difficult the inclusion of any utilities or other facilities within the public area so laid out, the Plan shall show the boundaries of proposed permanent easements over and/or under private property. Such easements shall not be less than thirty (30) feet in width and shall have satisfactory access to existing or proposed public ways. In cases where the road is to remain private for an extended period of time, an easement as described above, shall be granted to the appropriate parties in order to maintain utilities.
- D. Proposed public watercourses (e.g. drainage ditch, swales, etc.) shall also have a permanent easement of not less than thirty (30) feet.
- E. Underground utilities shall be installed prior to the installation of the final gravel base of the road.

### **3.22 OPEN SPACE AND RECREATIONAL AMENITIES (CONVENTIONAL SUBDIVISION).**

In any subdivision that is not an “Open Space Conservation / Cluster Development Subdivision” as provided for in Section 3.02, the Planning Board may require open spaces and/or parks suitably located for recreational purposes and of appropriate area and physical characteristics for this use. Whether or not the Planning Board requires an Applicant to include open spaces and/or parks in the subdivision, all such areas shall be reserved for the common use of all property owners by a covenant in the deed or other instrument acceptable to the Planning Board, and shall be of reasonable size and

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character for the intended uses.

### **3.23 EROSION CONTROL**

Soil erosion and resultant sedimentation is to be minimized by provision for water disposal and protection of soil surfaces under normal weather conditions. Land shall be subdivided and improved in reasonable conformity to existing topography to minimize grading, cut and fill, and to retain natural contours insofar as possible. Erosion control measures shall be in place during the construction of roads and the clearing of land, and long-term controls shall be in place on embankments and other exposed areas. Erosion control plans shall use the Best Management Practices per New Hampshire Department of Environmental Services.

In addition to other construction components such as roads, public improvements, drainage structures and other utilities, erosion control shall be subject to the performance guarantees described in Section 5.00.

### **3.24 IMPACT ON GROUNDWATER/NON-POINT SOURCE WATER POLLUTION PREVENTION.**

- A. When a hydrogeologic assessment is submitted, the assessment shall contain at least the following information:
1. A map showing the basic soils types.
  2. The depth of the water table at representative points throughout the subdivision.
  3. Drainage conditions throughout the subdivision.
  4. Data on the existing groundwater quality from test wells in the subdivision and/or from existing wells on neighboring properties.
  5. An analysis and evaluation of the effect of the subdivision on groundwater resources. In the case of residential developments, the evaluation shall, at a minimum, include a projection of post-development nitrate-nitrogen concentrations at any wells within the subdivision, at the subdivision boundaries or at a distance of one-thousand (1,000) feet from potential contamination sources, whichever is a shorter distance. For subdivisions within the watershed, projections of the development's impact on groundwater phosphate concentrations shall also be provided.
  6. A map showing the location of any subsurface wastewater disposal systems and drinking water wells within the subdivision and within two-hundred (200) feet of the subdivision boundaries.
  7. A map showing groundwater gradients and directions of flows.

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- B. Projections of groundwater quality shall be made at any wells within the subdivision and at the subdivision boundaries or at a distance of five-hundred (500) feet from potential contamination sources, whichever is a shorter distance.
- C. Projections of groundwater quality shall be based on the assumption of drought conditions assuming sixty-percent (60%) of annual average precipitation.
- D. Subsurface wastewater disposal systems and drinking water wells shall be constructed as shown on the map submitted with the assessment. If construction standards for drinking water wells are recommended in the assessment, those standards shall be included as a note on the final plan and as restrictions in the deeds to the affected lots.

**3.25 CONVERSION TO CONDOMINIUMS OR TIME SHARING UNITS**

The Applicant shall provide the Planning Board with information to assess the adequacy of the sewage and water systems so the Planning Board may be assured that systems will provide the units with the necessary services.

**3.26 CAMPGROUNDS**

The establishment or expansion of a campground shall be considered a subdivision and shall be subject to all submittals and review requirements thereof.

**3.27 TREE CUTTING, GRADING OR EXCAVATION**

The owner, Applicant or their contractors shall not, for purposes of development, cut any trees or commence grading on the site until the Plan is approved, and, in the case of building sites, until a permit is issued.

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**SECTION 4.00 PLANS AND FORMAT STANDARDS.**

The following are standards for plans and mapped information submitted to the Planning Board:

**4.01 SIZE.**

Plan sheets shall be a maximum of twenty-four (24) inches x thirty-six (36) inches and of a size acceptable to the Carroll County Registry of Deeds.

**4.02 MATERIAL AND NUMBER OF COPIES.**

The Applicant shall provide copies of the following application materials.

Copies of plan sheets to be recorded shall be printed on mylar, or other material as specified by the Carroll County Registry of Deeds.

	Boundary Line Adjustment	Minor Subdivision	Major Subdivision
Application, Deed, Restrictions & Checklist.	Ten (10) copies	Fourteen (14) copies	Fourteen (14) copies
Abutter's List Labels Envelopes - # 10.	One (1) copy Four (4) sets One (1) set	One (1) copy Four (4) sets One (1) set	One (1) copy Four (4) sets One (1) set
Plan – max 24" x 36" paper copies.	Five (5) copies	Five (5) copies	Five (5) copies
Plan – 11" x 17" paper copies.	Ten (10) copies	Fourteen (14) copies	Fourteen (14) copies
Plan - for recording - max 24" x 36" mylar copy.	One (1) mylar	One (1) mylar	One (1) mylar

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**4.03 BASIC INFORMATION.** All plan sheets shall contain the following:

- A. Title Block. The title block shall indicate the:
  - 1. Title of the sheet;
  - 2. Owner's name;
  - 3. Applicant's name, if other than owner;
  - 4. Tax map and parcel number; and
  - 5. Name and address of the person or company that prepared the sheet.
- B. Scale. The scale of the plan shall be given in text and graphic form.
- C. North Arrow.
- D. Dates. Each sheet shall indicate the date of original preparation, and the date and nature of each revision.

**4.04 CERTIFICATIONS - BOUNDARY SURVEY PLANS.**

The plan sheet(s) that provide(s) the required boundary or other survey information shall be stamped and signed by a N.H. Licensed Land Surveyor. The surveyor shall certify on the plans that all plans meet the current standards as set forth by the N.H. Joint Board of Licensure (and the N.H. Land Surveyors Association if appropriate).

**4.05 CERTIFICATIONS - ENGINEERING PLANS.**

The plan sheet(s) that provide(s) any required engineering information shall be stamped and signed by a N.H. licensed Professional Engineer. This shall include all road designs, drainage plans, community or municipal water system plans, and municipal sewer system plans.

**4.06 APPROVAL SHEET(S).**

In addition, the plan sheet(s) on which the Planning Board will indicate approval shall have:

- A. Signature block that states "Approved by the Wakefield Planning Board" and has signature and date lines for all Planning Board members on the first (or only) plan sheet and signature and date lines for only the Chairman on all other plan sheets;
- B. Note indicating the title and most recent date of revision for all supplemental plan sheets;

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- C. Location Map showing the location of the property within the municipality including at least one global positioning system (GPS) location; and
- D. Notes indicating:
  - 1. All existing or proposed easements of record, covenants and deed restrictions.
  - 2. Zoning district(s), including applicable overlay districts, if such districts exist.
  - 3. Area of each lot.
  - 4. Length of road frontage for each lot.
  - 5. List of waivers and substitutions granted by the Planning Board.
  - 6. Any regulation not waived is required.
  - 7. Any other development restrictions, limitation, performance agreements, or requirements.
  - 8. Permits approved by State and other agencies
  - 9. Conditions of Approval.

**4.07 MULTIPLE SHEETS.**

Where the size of the property and the scale of the plan require multiple sheets, match lines shall be provided.

**4.08 SCALE.**

The smallest scale used on all plans shall be one (1) inch equals one-hundred (100) feet.

**4.09 AREA OF COVERAGE.**

Plans submitted for approval under this Regulation shall depict the entire area and boundary of each lot, except as follows:

Boundary Line Adjustment. Each lot of five (5) acres or less in area shall be shown in its entirety. For lots larger than five (5) acres, the plan shall depict a portion of the lot, at least five (5) acres in size that include the area from the boundary line adjustment to the nearest road frontage. Additionally, the entire road frontage of both lots shall be included for any proposed changes that would alter the amount of frontage on a lot.

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**4.10 SURVEY, SITE AND PLAN INFORMATION.**

The set of plans submitted shall provide the following information about the site:

- A. Boundary Survey Plan of the existing property boundaries, including the remainder tract unless the remainder tract is greater than ten (10) acres, prepared by a licensed land surveyor, indicating:
  - 1. Distances, deflection angles, radii, arc lengths, control angles, monument types and locations, and other necessary survey data;
  - 2. The names of all abutters, including map and parcel numbers;
  - 3. Roads, rights-of-way, intersections and driveways within fifty (50) feet of the lot;
  - 4. Location and nature of easements of record, deed restrictions and covenants; and
  - 5. References to deeds, earlier surveys, and other pertinent information as determined by the LLS.
  
- B. Vicinity Map showing the relationship of the proposed subdivision to the adjacent properties and natural features. The Vicinity Map shall be at a minimum of one (1) inch equals four-hundred (400) feet and show the following within one-thousand (1,000) feet of the subject property:
  - 1. Existing subdivisions adjacent to the proposed subdivision.
  - 2. Locations and names of existing and proposed streets, classification and speed limits.
  - 3. Boundaries and designations of zoning basic and overlay districts.
  - 4. An outline of the proposed subdivision and any remaining portion of the owner's property if the proposed plan submitted covers only a portion of the owner's entire contiguous holding.
  - 5. Natural features, including wetlands, open space conservation areas, rivers, and other waterbodies, significant wildlife and fishery habitats, topography, and other natural and historic resources (e.g. stonewalls and cemeteries) and building structures that may influence the subdivision's design.
  - 6. Existing snowmobile, hiking, and recreation trails.
  
- C. Existing Conditions Map of the property, showing:

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1. Elevation contours for Minor Subdivisions and Major Subdivisions, contours at five (5) feet intervals shall be required, except in cases where the Planning Board requires two (2) feet intervals, or for remainder lots greater than ten (10) acres.
  2. Delineation of hydric soils on the entire lot shall be required. This work shall be conducted by a NH licensed Soil and / or Wetland Scientist. Additionally, soil types and boundaries per the Carroll County Soil Survey shall be indicated. Poorly and very poorly drained soils shall be clearly labeled as such. In locations where the boundary of such soils is important in evaluating the proposed design of the subdivision, the Planning Board may require the Applicant to provide a high intensity soil survey, conducted by a NH Licensed Soil Scientist.
  3. Existing buildings, wells, wastewater treatment or septic systems, water lines, sewer lines, drainage facilities, utilities and other such improvements, in plan view, with description of uses and sizes, if applicable.
  4. Approximate location of buildings, wells and wastewater treatment or septic systems, in plan view, within one-hundred (100) feet of the site.
  5. Surface waters, stonewalls, scenic points, ridgelines, prime soils and soils of statewide significance, vegetation areas and significant trees, historic landmarks and resources, and other significant natural and man-made resources including a letter from the State regarding the existence of rare, endangered or threatened species.
  6. Municipal and zoning district boundaries, including base and overlay districts.
  7. Setback lines, except for remainder lots greater than ten (10) acres.
  8. Elevation of one-hundred (100) year floodplain, or the extent of the one-hundred (100) year floodplain as otherwise defined by FEMA, or a note stating that the site is not within the one-hundred (100) year floodplain.
  9. The location of significant wildlife or fishery habitats as located by the NH Department of Fish and Game.
- D. Subdivision Plan or Plat (Plan sheets to be Recorded) with proposed conditions on the property, showing:
1. Subdivision Plan with the proposed property boundaries, showing all information provided for Section 4.10A, plus distances, deflection angles, radii, arc lengths,

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control angles, monument types and locations, and other necessary survey data for proposed property boundaries. Not required for remainder lots greater than ten (10) acres.

2. Plan Notes as required per Section 4.06D 1-8 (e.g. waivers and conditions).
- E. Subdivision Plan (Plan sheets not to be recorded) with proposed conditions on the property, showing:
1. Grading Plan. A plan for grading and topography with proposed contours at five (5) feet intervals, unless the Planning Board requires two (2) feet contours, in areas where changes are proposed. Not required for remainder lots greater than ten (10) acres.
  2. Building Site Plan. A plan showing building sites and envelopes.
  3. Land Use Plan. A plan for land use(s), if other than single family residential.
  4. Transportation Plan. A plan for transportation, providing all information required to assess compliance with Sections 3.11 (Roads, Pedestrian Walkways, Bike Route, and Public Transportation Facility Design and Construction), 3.12 (Access to Public or Proposed Streets) and 3.19 (Pedestrian Ways and Bicycle Routes). For road plans, cross sections at one-hundred (100) foot stations and a centerline profile shall be provided. All subdivision plans (concerning access to any roadway in Town) shall indicate the location of the driveway or other access points, the width of the driveway, entrance, exit or approach and the safe sight distance for each access point.
  5. Road Drainage Plan and Surface Water Drainage Plan. A plan for road drainage and a plan for surface water management/drainage, providing all information required to assess compliance with Sections 3.13 (Road Drainage), 3.16 (Surface Drainage / Non-Point Source Water Pollution) and 3.23 (Erosion Control). This includes a stormwater management plan, prepared by a registered professional engineer in accordance with Urban Hydrology for Small Watersheds, T.R. 55, current edition, published by the United States Soil Conservation Service. The plan shall include: existing and future flow estimates based on the fifty (50) year / twenty-four (24) hour storm, tabulations of estimated impervious surface coverage; all proposed drainage facilities, including the directions of flow after development, and a written hydrological analysis documenting that the plan complies with these and other applicable State and federal regulations. Another methodology may be used if the Applicant can demonstrate it is equally or more applicable to the site.

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6. Soil Erosion and Sedimentation Control Plan. A plan for soil erosion and sedimentation control, prepared in accordance with the New Hampshire Erosion and Sedimentation Control Handbook for Construction: Best Management Practices, providing all information required to assess compliance with Section 3.23 (Erosion Control).
  7. Water Supply Plan. A plan for water supply, providing all information required to assess compliance with Section 3.14 (Water Supply).
  8. Fire Protection Water Supply Plan. A plan for fire protection water supply, providing all information required to assess compliance with Section 3.10 (Water for Fire Protection).
  9. Sewage Disposal Plan. A plan for sewage disposal providing all information required to assess compliance with Section 3.15 (Sewage Disposal), including the location of a test pit and percolation test on each lot, with results provided in an accompanying report.
  10. Utility Plan. A plan for utilities providing all information required to assess compliance with Sections 3.21 (Utilities) and 3.18 (Street and Neighborhood Lighting).
  11. Landscaping Plan. A plan for landscaping, providing all information required to assess compliance with Section 3.17 (Landscaping).
  12. Open Space and Recreation Amenities Plan. A plan for open space and recreational amenities, providing all information required to assess compliance with Section 3.22 (Open Space and Recreational Amenities).
  13. Natural and Historic Feature Plan. A plan for natural and historic features preservation and protection, providing all information to assess compliance with Section 3.20 (Natural and Historic Features).
  14. Any other plans, reports or information required by the Planning Board.
- F. Streetscape Design Sketch. For subdivisions with new roads, a design sketch of the streetscape of the development when fully built out, to help permit the Planning Board and abutters to visualize the development.
- G. Subdivision Plan Impact Assessment Form as approved by the Planning Board.

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- H. Performance Guarantee.
- I. Homeowners' Association declarations and bylaws.
- J. Dedicated Lands. Parcels of land proposed by the Applicant to be dedicated to public use. Written offers of dedication of all such public Open Spaces to the municipality and the conditions of such dedication shall be shown on the plan, and copies of agreements or other documents showing the manner in which Open Spaces are to be retained by the developer or lot owners are to be maintained shall be submitted. If title to the land is to be offered to the municipality, written evidence that the Selectmen are satisfied with the legal sufficiency of the title and written offer of dedication shall be included.
- K. Construction Budget.  

A list of construction items with cost estimates that will be completed by the developer prior to the sale of lots and, a separate list of construction and maintenance items, with both capital and annual operating cost estimates that must be financed by the municipality or quasi-municipal districts.

  - 1. These lists shall include but not be limited to: schools, including busing; street maintenance and snow removal; police and fire protection; solid waste disposal; recreation facilities; stormwater drainage; wastewater treatment; and water supply.
  - 2. The developer shall provide an estimate of the net increase in taxable assessed valuation at the completion of the construction of the subdivision.
- L. Technical Review Reports as may be required by the Planning Board.
- M. "Completed Project Plan". Upon project completion, a digitized "Completed Project Plan" shall be submitted to the Planning Board or municipal official as designated by the Board, prior to the issuance of an occupancy permit. The compact disk (CD) should be in a standard CAD format- .DWG file or .DXF file, geo-referenced in New Hampshire State plane coordinated, North American datum, 1983.

## SECTION 5.00 PERFORMANCE GUARANTEE

- A. **Performance Guarantee Agreement.** Before the Board grants approval of the plan, the Applicant shall meet these performance guaranty requirements.
- B. **Types of Performance Guarantees.**
1. With submittal of the application, the Applicant shall provide any one or a combination of the following performance guaranties as required by the Planning Board, in an amount adequate to cover the total site preparation and construction costs of all required improvements, taking into account the time span of the construction schedule and the inflation rate for construction costs:
    - a. Either a certified check payable to the municipality or a savings account or certificate of deposit naming the municipality as owner for the establishment of an escrow account.
    - b. A performance bond payable to the municipality issued by a surety company approved by the municipal officers.
    - c. An irrevocable letter of credit from a financial institution establishing funding for the construction of the subdivision, from which the municipality may draw if construction is inadequate, approved by the municipal officers.
    - d. An offer of conditional approval prohibiting the sale of any units or lots until all required improvements serving those units or lots have been constructed to the satisfaction of the Town and in compliance with all ordinances, plans and specifications.
  2. The conditions and amount of the performance guaranty shall be determined by the Planning Board with the advice of the Town's Technical Review Committee, municipal officers, Attorney and/or others as the Planning Board deems appropriate. If an offer of conditional approval is made by the Applicant, pursuant to Subsection A (1)(d), the Applicant shall be required, in addition, to present a cash escrow, performance bond or irrevocable letter of credit, as described in Subsections B(1)(a) through (c) above, to pay for the cost of completion of all such items for which conditional approval is sought including, but not limited to, restoring the site to a stable or its pre-subdivision plan condition, should the Applicant create erosion or sedimentation problems during site preparation or during the construction of roads, utilities, and/or other required improvements.

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- B. **Contents of Guaranty.** The performance guaranty shall contain a construction schedule, cost estimates for each major phase of construction, taking into account inflation, provisions for inspections of each phase of construction, provisions for the release of part or all of the performance guaranty to the Applicant and a date after which the Applicant will be in default, and the municipality shall have access to the funds to finish construction. The Planning Board may require the services of a third party inspector to be paid for at the expense of the Applicant.
- C. **Escrow Account.** If the Applicant chooses to establish an escrow account, a cash contribution to the account shall be made by either a certified check made payable to the municipality, the direct deposit into a savings account or the purchase of a certificate of deposit. For any account opened by the Applicant, the municipality shall be named as owner or co-owner, and the consent of the municipality shall be required for a withdrawal, but not vice versa. Any interest earned on the escrow account shall be returned to the Applicant unless the municipality has found it necessary to draw on the account, in which case the interest earned shall be proportionately divided between the amount returned to the Applicant and the amount withdrawn to complete the required improvements. The Town Attorney and Planning Board shall review and have final authorization on the establishment of escrow accounts.
- D. **Performance Bond.** If the Applicant chooses to submit a performance bond, the performance bond shall detail any special conditions, the method for release of the bond or portions of the bond to the Applicant and the procedures for collection by the municipality. The bond documents shall specifically reference the subdivision for which approval is sought.
- E. **Letter of Credit.** If the Applicant chooses to submit an irrevocable letter of credit from a bank or other lending institution, at a minimum the letter shall indicate that funds have been set aside for the construction of the subdivision and may not be used for any other project or loan. The Town municipal officers and Town Attorney shall certify the bank or institution as acceptable to the Town. The Town Attorney shall review and, if found acceptable, approve the wording of the letter of credit.
- F. **Standard Condition of Approval.** As a standard condition of approval for all applications for which a performance guaranty is required, the Planning Board shall require the Applicant to enter into a binding performance agreement with the municipality regarding the development of the required improvements and the sale of lots or units in the subdivision until such time as one or more of the allowable performance guaranties have been accepted by the municipality.

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1. The agreement shall prohibit the sale or occupancy of any lot or unit in the subdivision for which the improvements to be covered by the guaranty are required for access to or intended use of the lot until either:
    - a. It is certified by the Planning Board, or its agent, that all of the required improvements have been installed in accordance with these regulations and the regulations of the appropriate utilities; or
    - b. A performance guaranty, acceptable to the municipality, is submitted in an amount necessary to cover the completion of the required improvements at an amount adjusted for inflation and prorated for the portions of the required improvements already installed.
  2. Notice of the agreement and any conditions shall be on the final plan that is recorded at the Registry of Deeds. Release from the agreement shall follow the procedures for release of the performance guaranties contained in Section 5.00G.
- G. **Release of Guaranty.** Prior to the release of any part of the performance guaranty, the Planning Board shall determine to its satisfaction, in part upon the report of the Town Technical Review Committee and whatever other agencies and departments may be involved, that the proposed improvements meet or exceed the design and construction requirements for that portion of the improvements for which the release is requested.
- H. **Default.** If upon inspection the third party inspector, the Town's civil engineer or other qualified individual retained by the municipality finds that any of the required improvements have not been constructed in accordance with the plans and specifications filed as part of the application, he or she shall so report in writing to the Code Enforcement Officer, the municipal officers, the Planning Board and the Applicant or builder. The municipal officers shall take any steps necessary to preserve the municipality's rights.
- I. **Improvements Guaranteed.** Performance guaranties shall be tendered for all improvements required to meet the standards of these regulations and for the construction of the public or private streets, stormwater management facilities, public or private sewage collection or disposal facilities and water systems that are shared by multiple dwelling units and erosion and sedimentation control measures, as well as any other improvements required by the Planning Board.

## **SECTION 6.0 ADMINISTRATIVE PROVISIONS.**

### **6.01 ADMINISTRATION AND ENFORCEMENT.**

The Planning Board shall administer these regulations. The enforcement of these regulations is vested with the Selectmen.

### **6.02 FILING:**

No subdivision regulation or amendment, adopted under applicable State regulations, shall be legal or have any force and effect until copies of such are filed with the Town Clerk.

### **6.03 WAIVERS.**

The Applicant may request that the Planning Board waive certain provisions of this regulation. All such waiver requests shall be made in writing to the Planning Board. Where strict conformity with these Regulations would cause undue hardship or injustice to the Applicant or the Town, the request may be approved and a subdivision plan substantially in conformity with these Regulations may be approved by the Planning Board, provided that the spirit of these Regulations and public convenience and welfare will not be adversely affected.

### **6.04 AMENDMENTS TO REGULATIONS.**

These Regulations may be amended or rescinded by the Planning Board following a public hearing on the proposed change. The Chairman or Secretary of the Planning Board shall file a copy of the subdivision plan regulations and any amendments thereto with the Town Clerk in accordance with RSA 675:8, and with the Office of State Planning in accordance with applicable State regulations.

### **6.05 PENALTIES AND FINES.**

Whoever, being the owner or agent of the owner of any land located within a subdivision, transfers, rents, leases, or sells any land, before plan of such subdivision has been approved by the Planning Board and recorded or filed in the office of the Carroll County Registry of Deeds shall forfeit and pay a penalty of a minimum of one thousand (\$1,000) dollars for each lot or parcel so utilized in accordance with applicable State regulations. The amount of the fine shall reflect the severity of the violation. The errors in the

Town of Wakefield, New Hampshire  
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instrument of transfer or other document used in the process shall not exempt the transaction from such penalties. The execution of a deed that constitutes a subdivision is subject to the foregoing penalty. The owner or agent of the owner and the party executing the deed will be held individually responsible for the violation. The Town, through its solicitor or other official designated by its Selectmen, may enjoin such transfer(s) and may recover the penalty(s) by civil action.

Notwithstanding the foregoing, any person or entity who violates any provision of these regulations is subject to the imposition of civil penalties, injunctive relief, payment of restitution, and other relief as allowed pursuant to applicable State regulations.

**6.06 ADOPTION.**

These Regulations shall become effective after a public hearing or hearings in accordance with applicable State regulations have been held and after having been passed by the vote of the majority of the Planning Board.

**6.07 SEPARABILITY.**

If any section, provision, portion, clause or phrase of these Regulations shall be held to be invalid or unconstitutional by any court or competent authority, such holding shall not affect, impair or invalidate any other section, clause, provision, portion or phrase of these Regulations.

**6.08 APPEALS.**

Any persons aggrieved by a decision of the Planning Board may appeal to Superior Court in accordance with applicable State regulations.

**6.09 TECHNICAL ASSISTANCE.**

In cases where the Planning Board requires additional technical information to adequately evaluate an application, the Planning Board may secure the advice of such professionals. Areas in which the Planning Board may require technical assistance include, but are not limited to, planning reviews, engineering reviews, legal reviews, soils reviews, economic reviews, land use reviews, school impact reviews, site inspections during construction, etc. The Applicant shall reimburse the Planning Board for the cost of such assistance, but the professionals shall work for the Planning Board, and report directly to the Planning Board.

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**6.10 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 or her land will be directly affected by the proposal under consideration.

**APPLICANT** - The registered owner(s) or the authorized agent of the registered owner(s) of a subdivision.

**BEST MANAGEMENT PRACTICES** – Methods found to be the most effective means of preventing or reducing pollution.

**BOARD** - The Planning Board of the Town of Wakefield, New Hampshire.

**BOAT LAUNCH FACILITY** – A facility for the launching of watercraft on a body of water.

1. Public - Owned and/or operated by a governmental agency.
2. Commercial- Owned or operated by a non-governmental person or organization open to the public on a demand basis.
3. Group - Owned or operated by a condominium, campground, homeowners association or other group and open only to the members of that group.
4. Private - Privately owned and for the use of the property owner.

**CLASS VI ROAD** - A right-of-way or highway that has the status of a Class VI highway under New Hampshire law, namely a highway whose Class VI status results from a layout, a discontinuance subject to gates and bars, or by the failure of the Town to maintain and repair such highway in suitable condition for travel thereon for five (5) successive years or more.

**CLUSTER DEVELOPMENT** - A residential subdivision of a tract of land where dwelling units are grouped on lots of reduced dimensions. The remaining land in the tract, that is not built upon is reserved as permanently protected open space.

**COLLECTOR STREET** – A road that collects traffic from neighborhood and other minor streets, and connects them to principal cross-town routes and to State roads.

**CONSERVATION EASEMENT** - A legal agreement between a landowner and a land trust, government agency or other qualified party that permanently limits uses of land to protect conservation values. It allows the property owner to continue to own and use the land and to sell it or pass it on to heirs. The easement may permit or restrict public access, allow or disallow recreational use, development, agricultural use, tree harvesting, forestry, and similar provisions.

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Easements are recorded and linked to the title of the land, regardless of its subsequent ownership. (Per applicable State regulations.)

CONDOMINIUM – A single, two-family, multi-family, group or clustered dwelling, wherein dwelling units are individually owned, but wherein open space and group facilities are held in common ownership. Condominiums and condominium conversions shall be considered a subdivision as outlined in applicable State regulations and reviewed accordingly.

CONTIGUOUS LOTS - Adjacent or abutting lots that have a common boundary line.

DEVELOPMENT - Any construction or grading activities on real estate for other than agricultural and tree care and harvesting practices.

DRIVEWAY - An area located on a lot, tract or parcel of land, and built for access to a garage or off-street parking space, serving one (1) or more lots or sites.

DWELLING UNIT - A single residential housing unit providing complete, independent living facilities for one (1) or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

EASEMENT - An acquired privilege or right-of-use which one party may have in the land of another.

ENGINEER - A designated duly registered professional engineer, as required by the N.H. Licensing Laws.

FRONTAGE, SHORE - The average of the total straight-line distance between the points of intersection of the waterfront property boundary with the shoreline and the measured distance along the shoreline.

GROUP DEVELOPMENT - Clubs, including recreational clubs and fraternal lodges, or organizations.

IMPERVIOUS SURFACE - Any surface that cannot effectively absorb or infiltrate rainfall.

LOT –A parcel of land or any part thereof capable of being occupied by at least one (1) principal structure or use and accessory structures or uses incidental thereto; is of sufficient size to meet the minimum requirements for use, building coverage, and area; and designated on a plan to be filed with the Registry of Deeds as a separate lot. For the purposes of these regulations, a lot shall have boundaries identical with those recorded with the Registry of Deeds.

LOT SIZE - The total land area within the boundaries of a lot, exclusive of any land area

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designated for street purposes.

**NATURAL CONDITION** - The topography and vegetation of an area that is unaltered by clearing and grading during construction.

**NON-POINT SOURCE WATER POLLUTION** - Pollution that is generated by various land use activities rather than from an identifiable or discrete source and is conveyed to waterways through natural processes such as rainfall, storm water runoff or groundwater seepage rather than direct discharges.

**NON-TIDAL WETLAND** - Those areas not influenced by tidal fluctuations that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions.

**ONE HUNDRED YEAR FLOODPLAIN** - As defined by the National Flood Insurance Program, Flood Insurance Rate Map (FIRM) the area of land that is subject to inundation during a storm event that has a recurrence interval of one-hundred (100) years. (Reference: ENV 1005)

**PERFORMANCE GUARANTEE** - Cash, a suitable surety bond, an escrow deposit or a lien on the property as approved by the Planning Board or Board of Selectmen to secure regulated improvements on or related to subdivided property.

**PLAN or PLAT** - A map, plan, drawing or chart on which a subdivision of land is shown, and Final Plan means the final map, plan, drawing or chart on which the Applicant's plan or subdivision is presented to the Board for approval and which, if approved, will be submitted to the Registry of Deeds of Carroll County for recording.

**PUBLIC HEARING** - A meeting with notice that must be given per applicable State regulations where the public is allowed to offer testimony.

**PUBLIC MEETING** - A regular business meeting of the Planning Board as required per applicable State regulation. Notice must be posted at least twenty-four (24) hours in advance and the meeting must be open to the public, although participation by the public is at the discretion of the Board.

**RESIDENTIAL DEVELOPMENT** - A development that includes single-family residences either detached or attached; multi-family residences, either for rent or for sale; and other development intended for use by a family, either as temporary or permanent residence.

**RIGHT OF WAY** – Under most circumstances, a corridor or a strip of land used for or intended to be used for a public or private street, road, or highway. It may also mean, if the context of the

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wording so indicates, a crosswalk, pedestrian way, bicycle path, water main, sanitary or storm sewer main, utility, or other private or public access or use. Typically, but not necessarily always, a right-of-way shall be separate and distinct from the lots and parcels adjoining such right-of-way and not to be included within the dimensions or areas of such lots or parcels.

SETBACK – The definition is the same as in the Zoning Ordinance under SETBACK, FRONT; SETBACK, REAR; SETBACK, SIDE; and WATERFRONT SETBACK.

SEPTIC DISPOSAL SYSTEM (INDIVIDUAL) - Any onsite sewage disposal or treatment system that receives either sewage or other wastes, or both. For the purposes of this regulation, this means all components of the system, including the leachfield.

STORMWATER MANAGEMENT - The use of structural or non-structural Best Management Practices designed to reduce stormwater runoff pollutant loads, discharge volumes and/or peak flow discharge rates.

STORMWATER RUNOFF -The water flow over the surface of the ground that results from precipitation.

STREET - Any private or public street, avenue, boulevard, road, alley, highway or other way, including all the land between the sidelines of the layout or conveyance or dedication thereof, but shall not include driveways serving two (2) or more lots. Roadway width means the traveled way, not including the shoulder (e.g., 20' roadway width results in 26' roadway cross-section from outside edge of shoulder to outside edge of shoulder).

SUBDIVISION - The boundary line adjustment or the division of a lot, tract, or parcel of land into two or more lots, tracts, plans, parcels, sites or other divisions of land, or the conversion to condominiums, campgrounds, or the granting of water access for the purpose, whether immediate or future, of sale, gift, lease, rental, conveyance, use, or building development. A parcel of land held in common by two (2) or more owners and subsequently divided into two (2) or more lots or other divisions shall be a subdivision. Land held in one (1) ownership, but divided by a right-of-way, watercourse, Town boundary or other natural or created means, does not exempt this land from these Regulations.

SURVEYOR – A duly designated licensed land surveyor as required by the N.H. Licensing Laws.

TRACT - Any single land area, including contiguous lots, parcels or tracts of land which is in the same ownership whether conveyed to the owner or owners by one (1) or by separate deeds

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and which is not divided by a separately owned street or highway and which is capable of division into (2) two or more lots in accordance with these Regulations.

**UNBUILDABLE LAND** - The area of a site that includes wetlands and submerged areas, slopes of twenty-five percent (25%) or more and the one-hundred (100) year floodplain.

**WATER BODY**- A lake, canal, pond or river that is available for use by two (2) or more abutting landowners and/or the general public. (Note: All natural bodies of fresh water situated entirely in the State having an area of ten (10) acres or more are State-owned public waters, and are held in trust by the State for public use; and no corporation or individual shall have or exercise in any such body of water any rights or privileges not common to all citizens of this State; provided, however, the State retains its existing jurisdiction over those bodies of water located on the borders of the State over which it has exercised such jurisdiction).

**WATERBODY / WETLAND BUFFER** - A vegetated area bordering a waterbody/wetland that exists or is established to protect a waterbody/wetland. Alteration of this vegetated area is strictly limited.

**WATERFRONT PROPERTY** - A lot or parcel of land wholly or partially bounded by a water body.

**WETLAND OR WETLAND SOILS** – Soils typically found within a “wetland” as that term is defined in applicable State regulations, namely “an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal conditions does support, a prevalence of vegetation typically adapted for life in saturated soil conditions.” “Wetlands soils” include, but are not necessarily limited to, those soils as defined in the Zoning Ordinance of Wakefield, New Hampshire.

**UNDERDRAIN** - Perforated pipe, set in an envelope of permeable material below grade, the purpose of which is to intercept and carry groundwater away from the point of origin. Design shall be dependent on, and appropriate for, the actual soil conditions encountered.

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ADOPTION

Adopted: November 11, 1972

Amended: February 22, 1978  
April 19, 1978  
May 31, 1979  
January 24, 1980  
May 31, 1985  
July 25, 1985

August 29, 1985  
January 29, 1987  
November 12, 1987  
July 28, 1988  
September 14, 1989  
April 9, 1994  
September 2, 2004  
April 6, 2006

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**APPENDIX - A**

**FEEES**

The following fees shall be paid at the time of application:

- A. ADMINISTRATION:
  - 1. Lot Line Adjustment: **\$60.00**.
  - 2. Minor Subdivision: **\$125.00** per lot, unit, or site proposed.
  - 3. Major Subdivision: **\$175.00** per lot, unit, or site proposed.
  
- B PUBLIC NOTICE:
  - 1. **\$100.00** per newspaper notice; plus
  - 2. **\$8.00** per abutter or other party notified.
  
- C. RECORDING:
  - 30.00** or as required by the Carroll County Registry of Deeds.
  
- D. Other costs incurred by the Planning Board in reviewing the application shall be passed through to the Applicant by the Planning Board.
  
- E. Fees as adopted by the Planning Board and payable by check to the municipality including:
  - i. A fee for administrative costs and public notices.
  - ii. A fee per lot or dwelling unit for the first ten (10) lots or dwelling units,
  - iii. A fee in addition to ii per lot or dwelling for lots in excess of twenty (20) lots or dwelling units.
  - iv. An agreement by the Applicant to pay for all independent consulting services directly, or a fee to be deposited in a special account designated for that subdivision application, to be used by the Planning Board for hiring independent consulting services to review the application. If the balance in this special account shall be drawn down by seventy-five percent (75%), the Planning Board shall notify the Applicant and require an additional amount, as determined by the Planning Board per lot or dwelling unit, be deposited by the Applicant. Any balance in the account remaining after a final decision on the subdivision application by the Planning Board shall be returned to the Applicant after payment of all outstanding expenses incurred by the Planning Board on behalf of such application.

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**APPENDIX – B**

**APPLICATION INFORMATION REQUIREMENTS**

Summary (See Checklists)

X – Required Information    O - Optional Information

Item	BLA	MINOR	MAJOR
<b>Application, Deed &amp; Restrictions</b>	<b>X</b>	<b>X</b>	<b>X</b>
<b>Checklist</b>	<b>X</b>	<b>X</b>	<b>X</b>
<b>Abutters List</b>	<b>X</b>	<b>X</b>	<b>X</b>
<b>Fee</b>	<b>X</b>	<b>X</b>	<b>X</b>
<b>Plan/Plat for Recording</b>	<b>X</b>	<b>X</b>	<b>X</b>
<b>Location Map</b>	<b>X</b>	<b>X</b>	<b>X</b>
<b>Vicinity Map</b>	<b>X</b>	<b>X</b>	<b>X</b>
<b>Boundary Survey</b>	<b>X</b>	<b>X</b>	<b>X</b>
<b>Copy of State Subdivision Approval Application</b>	<b>X</b>	<b>X</b>	<b>X</b>
<b>Existing Conditions Maps</b>		<b>X</b>	<b>X</b>
<b>Proposed Subdivision Plans</b> (e.g. Transportation, Drainage, Erosion Control, Utilities, Open Space, etc.)		<b>X</b>	<b>X</b>
<b>Other Permit Approvals</b>		<b>X</b>	<b>X</b>
<b>Approval from Town Departments</b>		<b>X</b> Via Planning Board	<b>X</b> Via Technical Review Committee
<b>Development Phasing Plan</b>		<b>O</b>	<b>X</b>
<b>Bonding/Site Restoration / Construction Cost Estimate</b>		<b>O</b>	<b>X</b>
<b>Performance Guarantee</b>		<b>O</b>	<b>X</b>
<b>Impact Assessment</b>		<b>O</b>	<b>X</b>
<b>Impact Fee</b>		<b>O</b>	<b>O</b>
<b>Offsite Fee</b>		<b>O</b>	<b>X</b>
<b>Monument Install Certification</b>		<b>O</b>	<b>X</b>
<b>Easement Documents</b>		<b>O</b>	<b>X</b>
<b>Homeowner Association Documents</b>		<b>O</b>	<b>X</b>
<b>Other Plans/Information As Required)</b>		<b>X</b>	<b>X</b>

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**APPENDIX - C**

**PERFORMANCE GUARANTEE AGREEMENT - SAMPLE**

Between (developer) \_\_\_\_\_ and the Town of Wakefield  
(Project Name \_\_\_\_\_ Subdivision \_\_\_\_\_ (Date) \_\_\_\_\_)

Pursuant to the Subdivision Regulations of the Town of Wakefield and (Name of Developer) \_\_\_\_\_ (hereafter referred to as the Developer) and the Town of Wakefield (hereafter referred to as the Town), as represented by the Town Administrator, enter into this Performance Guarantee Agreement to ensure the proposed improvements required in conjunction with the subdivision named "(Project Name)" are constructed in accordance with the (Name on subdivision plan) Subdivision Plan (hereafter referred to as the Plan) approved by the Town Planning Board on (date approved), in accordance with Land Subdivision Regulations, of the Town. The Developer acknowledges the requirements of this Agreement specified below shall become Conditions of Approval to the Plan approved by the Town Planning Board and recorded in the Carroll County Registry of Deeds. The Planning Board approved and signed the Plan on (date approved and Mylar signed) \_\_\_\_\_, 200\_.

1. A bond or letter of credit, in the amount of \$ (\_\_\_\_\_), satisfactory in form to the Town Administrator, shall be posted with the Town for the stabilization of any "open" area prior to the start of any construction on the site. "Open" areas are areas that are stumped or graded so no root mat or vegetation remains. Once an area has been permanently stabilized in accordance with an approved erosion control plan and so certified by a third party civil engineer hired in accordance with Section 4., it is not considered "open." Streets, with stabilized side slopes and stabilized related drainage improvements, that have been constructed up to and including their gravel base, shall not be considered to be "open" areas. If the Developer does not stabilize "open" areas in accordance with the approved plans within 48 hours, or another time period mutually agreed upon, after being notified in writing of an erosion or sedimentation problem, this bond or letter of credit may be used by the Town to stabilize any "open" areas. The Town Administrator shall release the bond or letter of credit when all the "open" areas are permanently stabilized.
2. No occupancy permit shall be issued for any structure on Lots \_\_\_\_\_ until all of the street, utilities and drainage facilities needed to service the subdivision, except for the finish coat of pavement, are installed in accordance with the approved Plans as determined by the Town Administrator and are operating properly in accordance with Section 3.b. of this Agreement. Alternatively, the Developer may post a bond or letter of credit, satisfactory in form and amount to the Town Administrator, adequate to

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ensure the completion of any streets, utilities or drainage facilities and the preparation of a Completed Project Plan of the subdivision improvements in accordance with Section 3.a. of this Agreement.

3. Prior to the sale of Lots \_\_\_\_\_ or the issuance of any building permits for Lots \_\_\_\_\_ in the development:
  - a. A letter of credit or bond, satisfactory in form and amount to the Town Administrator, shall be posted with the Town of adequate to pay for the construction of the streets, utilities and all drainage facilities needed to serve the subdivision and for the preparation of as built plans of the improvements. The amount of the letter of credit or bond shall be based on an actual estimate for construction of the streets, utilities and drainage facilities from a contractor or engineer mutually acceptable to the Town Administrator and the Developer including the cost of as-built plans of the improvements. The finish coat of pavement shall not be applied until the entire project is complete or until such time that the Town Administrator deems appropriate. OR
  - b. In lieu of posting a letter of credit or a bond, the developer may complete the construction of the streets (except for the finish coat that shall be guaranteed by bond or letter of credit), utilities and drainage facilities needed to serve the development prior to the sale of Lots \_\_\_\_\_ within the subdivision or the issuance of building permits for Lots \_\_\_\_\_ in the subdivision. Lots \_\_\_\_\_ shall not be sold and no building permits shall be issued for Lots \_\_\_\_\_ until it has been determined by the Town Administrator and the Town Technical Review Committee that the required improvements were installed in accordance with the approved plans and are operating properly and a Completed Project Plan of the improvements has been given to the Town.
4. A third party civil engineer, licensed as a professional engineer by the State of New Hampshire, and approved by the Town Technical Review Committee, shall be hired by the Town to certify to the Town that "open" areas have been permanently stabilized and the streets, utility and drainage improvements are installed according to the approved plans. All reports rendered by the third party engineer shall be binding upon the Developer and the Town Road Agent, provided that the Town Road Agent retains his/her statutory authority to interpret and enforce applicable state and local regulations.
5. The release of any bond or letter of credit, or portion thereof, referenced in this Agreement (except the bond or letter of credit posted pursuant to Paragraph 1) shall follow the procedures specified the Subdivision Regulations of the Town. The Town

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Administrator's reports, as required shall be based upon reports prepared at the completion of the subdivision by the third party engineer, hired in accordance with Paragraph 4 and information received from the Town Technical Review Committee. The report from the third party engineer shall certify whether or not the required improvements have been installed in accordance with the approved plans and applicable regulations.

6. All bonds and/or letters of credit shall be adjusted every year according to the Consumer Price Index. Any bonding company or financial institution selected shall be approved by the Town Administrator and the approval shall not be unreasonably withheld.
7. The institution providing the bond or letter of credit shall be based in the State of New Hampshire or properly registered to do business in the State of New Hampshire.
8. The developer shall be permitted to construct a model home in this project. The model home shall only be sold or occupied as a residential unit in accordance with the requirements of Section 2 & 3 of this agreement and any other applicable regulations. The model home may contain a sales/management office for the project and may be used for sales and management purposes upon obtaining a temporary occupancy/use permit which may be issued contrary to the requirements of Section 2. of this Agreement.

These conditions shall be binding upon the Town and on the Developer and its successors and assigns.

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
(Developer)  
By (Developer Chief Executive Officer)

\_\_\_\_\_  
Town of Wakefield  
By Town Administrator

State of New Hampshire  
County, ss.

Personally appeared before me the above named Developer and acknowledged the foregoing instrument to be his or her free act and deed.

\_\_\_\_\_  
Notary Public

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**APPENDIX – D**

**SAMPLE LETTER OF CREDIT**

(Date)

Town of Wakefield Planning Board  
Town Hall, 2 High Street  
Sanbornville, NH 03872

Re: IRREVOCABLE LETTER OF CREDIT  
Meadows Subdivision Plan  
1000 Colonial Drive  
Wakefield, New Hampshire 03872

Dear Planning Board Members:

By this document First National Bank (hereinafter "issuer"), hereby issues an irrevocable letter of credit in the amount of Two Hundred Forty Thousand Dollars (\$240,000.00) to the Town of Wakefield, New Hampshire on behalf of (Mountain Development Group, Inc.) (hereinafter called "developer"). This irrevocable letter of credit is issued to guarantee completion of all improvements required by the Wakefield Planning Board and the Wakefield Planning Board Subdivision Plan Regulations in conjunction with the construction of the Meadows Subdivision, in accordance with a subdivision plan entitled "Meadows Subdivision Plan," dated March 1, 1990, and approved by the Wakefield Planning Board on June, 15, 1990. Said approved plan contains (number) (#) sheets of subdivision plan drawings.

1. It is understood the improvements guaranteed by this irrevocable letter of credit include but are not limited to the following:
  - a. Stabilization of the open area in accordance with Sheet #1 and # 12.
  - b. Installation of all required boundary monuments.
  - c. Construction of 1,500 linear feet of new street in accordance with Sheets #5, 6, 7 of said plan.
  - d. Construction of 1,800 feet of waterline as shown on sheets #8, 9 of said plan.
  - e. Construction of all drainage improvements shown on said plan including the improvements on Sheet #10.
2. If all improvements guaranteed by this letter of credit are not completed by midnight June 30, 1992, and if a certificate indicating satisfactory completion and Planning Board approval of all improvements has not been issued by the Planning

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Board, then the developer shall be deemed to be in default of the obligations guaranteed by this letter of credit. In such case, this letter of credit shall be automatically considered to have been called, and, without further action of the Planning Board or the Town of Wakefield, the First National Bank shall forthwith forward a check in the amount of \$240,000.00 to the Treasurer of the Town of Wakefield. The funds so forwarded to the Town Treasurer shall be used exclusively for the purpose of completing the improvements that are guaranteed by this letter of credit. Any funds not needed by the Town to complete the improvements guaranteed by this letter of credit shall be returned to the First National Bank.

3. The amount of the credit issued by this letter may be reduced as the developer satisfactorily completes improvements. Such reductions shall be made only pursuant to submittal of a fully executed Request for Letter of Credit Reduction per Exhibit 1. Such requests shall be submitted prior to the last Tuesday of the month in order to be acted upon by the Planning Board at its following regular meeting, which is the second Thursday of each month. A request shall be signed by the developer and by the issuer and shall include the certification of a professional engineer licensed in New Hampshire as to the amount of remaining incomplete work and the estimated cost of completion. The Planning Board shall have the sole discretionary authority to approve or deny or adjust the requested reduction. In no case shall the credit be reduced below an amount of \$24,000.00. If the credit issued by this letter has been reduced and if this letter is called pursuant to §2 above, the amount of funds to be forwarded to the Town by the issuer shall be in the amount of the credit balance, as reduced.

This irrevocable letter of credit is governed by NH RSA Chapter 382-A, **Uniform Commercial Code**, as amended.

FIRST NATIONAL BANK

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
(Name and Title)

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

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
President  
(developer - Mountain Development Group,  
Inc.)