

Chapter 170

SUBDIVISION REGULATIONS

[HISTORY: Adopted by the Planning Board of the Town of Sandwich 9-6-1967; amended 7-13-1973; 3-13-1974; 5-18-1977; 10-21-1981; 4-6-1988; 5-11-1989; 6-14-1990; 4-25-1991; 7-1-1992; 7-7-1993; 11-8-1995; 7-2-1997; 5-3-2000; 1-3-2013; 1-7-14; 05-05-16. Subsequent amendments noted where applicable.]

ARTICLE I

Title, Purpose and Definitions

§ 170-1. Authority and purpose.

Pursuant to the authority vested in the Sandwich Planning Board by the voters of the Town of Sandwich at the Town Meeting, March 14, 1967, and in accordance with the provisions of Chapters 672 to 677, New Hampshire RSA 1955, as amended, the Sandwich Planning Board adopts the following regulations governing the subdivision of all land in the Town of Sandwich, New Hampshire. These regulations are designed to accomplish the purposes set forth in RSA 674:36, and in the Town Zoning Ordinance and Master Plan, to protect the health, safety, convenience, economic and general welfare of our citizens, preserving the scenic beauty of the Town, based on the concept that private landowners wish to demonstrate responsibility and respect for fellow citizens and the community as a whole.

§ 170-2. Title.

These regulations shall be known and cited as the "Subdivision Regulations for Sandwich, N.H."

§ 170-3. Definitions.

All definitions are contained in the Zoning Ordinance, Article I, Section 150-5.
[Amended 05/05/16]

ARTICLE II
Application Procedure

§ 170-4. General procedure.

Whenever a subdivision is proposed and before any contract or offer for sale, rent, condominium conveyance or lease of lots in the subdivision shall have been negotiated, the owner(s) thereof or his agent shall apply in writing to the Board, on a form to be provided by the Board, for approval of such subdivision. Such application shall give the names, mailing addresses, tax map and lot numbers of the owner(s) and all abutters. A plat, complying with the requirements given below, and the application fee must be submitted with the application. Agents of the owner shall present written authority of their appointment.

§ 170-5. Plat requirements.

- A. Six copies of the plat conforming to the requirements of RSA 478:1-a shall be submitted for approval and subsequent recording by the Carroll County Register of Deeds. [Amended 1-7-14]
- B. The plat shall show the proposed subdivision name or identifying title, the tax map and lot number(s) of the lot(s) to be subdivided, the name(s) and mailing address(es) of the owner(s) of record, date, scale, and North direction, the name and seal of the licensed land surveyor and, when required by the Board, the license number and seal of the engineer. The plat must also include a locus indicator showing the relation of the site to established roads and other features. The names of any adjoining streets and proposed new streets must be shown. Names of any new streets must be approved by the Board of Selectmen.
- C. The plat must show areas in square feet of the total lot, of wetlands and stream beds and, if steep slopes exist, the additional areas required by § 170-42. These areas shall be presented in such a way as to prove compliance with the minimum lot sizes required in § 170-21.
- D. The plat shall delineate all soil types, using the symbols of the Carroll County Soil Survey or the High Intensity Soil Maps for New Hampshire, with a distinctive type of line. It may be required that soil types be determined by a soil scientist certified by the State of New Hampshire.
- E. The plat shall delineate any flood-prone areas with boundaries of a distinctive type of line.
- F. The plat shall show street lines, setback lines, pedestrian ways, lot lines, reservations, easements, areas to be dedicated to public use and areas the title to which is reserved by the developer. It must show rights-of-way or other provision for access from each lot to a public way. Area and ownership of rights-of-way must be specified. To enable the Board to inspect the site, the plat shall show the location of markers identifying lot lines and corners.
- G. If streets are to be constructed, the plat must show cross sections indicating cut and

fill, street grades and profiles and the location and sizes of any bridges and culverts. (See § 170-24I.)

- H. The plat must show surface elevations sufficient in number to indicate the general topography as determined by the owner's land surveyor. If deemed necessary, the Board may require contours to be shown. If the subdivision includes steep slope areas, the additional requirements of Article VII apply.
- I. The plat must show the location and extent of any wetland areas, as determined by the owner's land surveyor or soil technician, with standard USGS symbols. The Board may require that wetland areas be determined by a state-certified soil scientist.
- J. Unless public sewage and/or water facilities are provided, it shall be the responsibility of the subdivider to provide adequate information to prove that the area, soil type and terrain of each lot are adequate to permit the installation and operation of individual on-lot sewage, water and drainage systems. Test pits and percolation tests may be required for soils classified by the Soil Survey of Carroll County as having severe limitations for septic systems.
- K. The plat must provide sufficient data to determine the location, bearing and length of every lot boundary, street right-of-way and easement or reservation line, and to permit determining the location of such lines on the grounds.
- L. The plat must show the location, tax map and lot numbers of abutting lots together with the names of their owners of record not more than five days before the day of filing the application with the Board.
- M. Existing roads, driveways, shorelines, wetlands and other off-site geographic features within 200 feet of the proposed subdivision must be shown.
- N. If the applicant so desires, a simplified plat may be provided for recording with the Register of Deeds. However, a plat meeting all of the above requirements must be submitted to the Board for its consideration and permanent record.

§ 170-6. Completed application. [Amended 1-7-14]

- A. Pursuant to RSA 676:4I(b), Application contents sufficient to meet the requirements to initiate formal review shall include an application form completely filled in and signed by all property owners including a plat and description of the project, an abutter list, fees, agent form as appropriate, and waivers if requested. If the Board finds that the application is not complete, the application will not be accepted and formal review will not occur. The Board will notify the applicant in writing of the denial of acceptance and include a list of deficiencies.
- B. Application submission shall include the original application form, ten copies of the application form, six copies of the plat as specified in §170-5, and ten 11 x 17 copies of the plat.

- C. An application shall contain the following requirements sufficient to involve Board deliberation and approval or disapproval. Failure to provide all information necessary for the Board to make a determination on the application may result in the application being continued until all information is submitted.
 - 1. A plat in compliance with the requirements of § 170-5.
 - 2. Receipt of a septic system permit from the New Hampshire Water Supply and Pollution Control Division when deemed necessary by the Board.
 - 3. Conceptual approval by the New Hampshire Department of Transportation when subdivision streets or driveways intersect state roads or highways, and approval by the Town when access is on a Town road.

§ 170-7. Filing, submission, and decision of application. [Amended 1-7-14]

- A. For consideration at a scheduled meeting of the Board, an application must be filed with the Secretary or designated agent of the Board at least 24 days before the date of that meeting.
- B. The application shall be formally submitted to and accepted by the Board only at such scheduled public meeting after due notification (§ 170-10) to the applicant, abutters and the general public.
- C. An incomplete application will not be accepted by the Board.
- D. The Board may decline to consider an application without public hearing on grounds of failure of the applicant to supply information required by these regulations, including: abutters' identification, information required on the plat, failure to pay the required fee and failure to meet any reasonable deadline as established herein.
- E. In case of refusal to consider, the grounds for such action and information to or requirements to make the application complete will be stated in the minutes or records of the Board, and a written notice of decision shall be sent to the applicant within five (5) business days of the decision. The Board shall issue a written notice of decision which either approves, denies, or conditionally approves an application within five (5) business days of the decision. In the case of a denial, the written decision shall state the reasons for denial. In the case of a conditional approval, the written decision shall provide a detailed description of all conditions necessary to obtain final approval.

§ 170-8. Board action on completed application [RSA 676:4i(c)]. [Amended 4-1-2004]

The Board shall begin formal consideration of the application within 30 days after formal acceptance of the completed application. The Board shall act to approve, conditionally approve or disapprove within 65 days of the formal acceptance, subject to extension, or to waiver as provided in § 170-47. If necessary, the Board may request one ninety-day extension from the Board of Selectmen. Such request is not necessary if the applicant and the Board mutually agree to the extension as noted in the minutes of a Board meeting. Upon failure of the Board to act on the application, the applicant may obtain from the Selectmen an order directing the Board to act within 30 days in accordance with state law. Failure of the Board to act upon such order shall constitute grounds for the Superior Court, upon petition of the applicant, to issue an order approving the application if the

Court determines that the proposal complies with existing subdivision regulations and zoning and other ordinances. If the Court determines that failure to act within the time specified was the fault of the Board and was not justified, the Court may order the Board to pay the applicant's reasonable costs, including attorney's fees, incurred in securing such order.

§ 170-9. Conditional approval [RSA 676:4I(i)]. [Amended 4-1-2004]

The Board may grant conditional approval of an application, which approval shall become final without further public hearing upon certification to the Board of satisfactory compliance with the conditions imposed. Final approval may occur in the foregoing manner only when the conditions are:

- A. Minor plan changes imposed by the Board, compliance with which is administrative and which does not involve discretionary judgment;
- B. With regard to the applicant's possession of permits and approvals granted by other boards or agencies.

§ 170-10. Notification and public hearing. [Amended 4-1-2004]

In accordance with RSA 676:4I(d), notice to the applicant, abutters, holders of conservation, preservation, or agricultural preservation restrictions, and every engineer, architect, land surveyor, or soil scientist whose professional seal appears on any plat submitted to the Board, and the public shall be given as follows: The Board shall notify the applicant, abutters, holders of conservation, preservation, or agricultural preservation restrictions, and every engineer, architect, land surveyor, or soil scientist whose professional seal appears on any plat submitted to the Board by certified mail of the date upon which the application will be submitted to the Board. Notice shall be mailed at least 10 days prior to the hearing. Notice to the general public shall also be given at the same time by posting or publication in a local newspaper. The notice shall include a general description of the proposal which is the subject of the application, the location of the proposal, and shall identify the applicant. For any public hearing on the application, the same notice as required for notice of submission shall be given. If notice of public hearing has been included in the notice of submission or any prior notice, additional notice of that hearing is not required nor shall additional notice be required of an adjourned session of a hearing with proper notice if the date, time and place of the adjourned session was made known at the prior hearing. All costs of notification, whether mailed, posted or published, shall be paid in advance by the applicant. Failure to pay such costs shall constitute valid grounds for the Board to terminate further consideration without a public hearing.

§ 170-11. Site inspection.

The Board or its agent may conduct a site inspection of the proposed subdivision to ascertain the natural conditions of the site, the accuracy and completeness of the plat, and to inspect the layout of proposed roads.

§ 170-12. Performance Security.

Except when specifically waived by the Board, the subdivider shall post a Performance Security in an amount sufficient to cover the cost of the preparation and construction of streets, the extension of public water and sewer lines, if available, the installation of storm drains, under drains, erosion control, structures, etc. This security shall be approved as to form, substance, and content by the Board and its legal counsel and be conditioned on the completion of such improvements within two years of the date of the security. The amount of the performance security shall be based on an engineer's cost estimate of the necessary improvements. The Board may require, at the subdivider's expense, a review by a Registered Professional Engineer of the submitted plans and cost estimate. The estimate shall be approved by the Board prior to the subdivider obtaining the security. The performance security shall not be released until the Board have certified completion of the required improvements in accordance with the subdivision design and construction standards and in accordance with the plan approved by the Board. [Amended 1-3-2013; 05-05-16]

§ 170-13. Special investigative studies.

Pursuant to RSA 676:4I(g), it shall be the responsibility of the subdivider, if the Board deems it necessary, to pay reasonable fees for the review of documents, the cost of special investigative studies, Board administrative costs and other matters which may be required for a particular application.

§ 170-14. Consultations [RSA 676:4II(a), (b) and (c)].

The Board may provide for preliminary consultation and review of an application as long as this consultation is limited to discussions of proposals in conceptual form only and in such general terms as the types of developments recommended by the Master Plan and permitted by the Zoning Ordinance and the Subdivision Regulations. The Board or its designee may engage in non-binding Design Review discussions with the applicant which involve more specific design and engineering details provided, however, that this phase may proceed only after identification of and notice to abutters and the general public as required under § 170-10. Preapplication review shall be separate and apart from formal consideration under § 170-7.

§ 170-15. Boundary line adjustments.

Applications for boundary line adjustments are considered as subdivisions and are subject to the requirements of these regulations. A proposed boundary line adjustment will not be approved by the Board if the result would be to make nonconforming a lot which conforms to the Zoning Ordinance.

ARTICLE III
General Requirements for Subdivision of Land

The subdivider shall observe the following general requirements and principles of land subdivision:

§ 170-16. General guidelines.

- A. The proposal shall be consonant with the Town Master Plan and comply with any pertinent state or Town laws, ordinances or regulations. Development on Class VI or Private Roads may be subject to Board of Selectmen road policies. [Amended 05-05-16]
- B. The subdivider shall give due regard to the preservation and protection of existing features such as trees, scenic points, brooks, streams, water bodies and other natural areas and historic landmarks in order to preserve the existing environment.
- C. Land of such character that it cannot be safely used for building development purposes because of danger to health or peril from fire, flood, poor drainage, poor soil conditions, excessive slope or other hazardous conditions shall be platted but not included in minimum lot sizes unless a design solution by a professional engineer acceptable to the Board can be presented.
- D. When required by state law, the sub-divider shall provide certification of approval of subdivision by the State of New Hampshire Department of Environmental Services for any proposed lots of less than five (5) acres in size accompanied by a duplicate copy of all data submitted to it and any stipulations related to approval. Test pits and percolation tests may be required for soils classified by the Soil Survey of Carroll County as having severe limitations for septic systems. In all cases the Board, at its discretion, may require certification of approval of septic system design by the Town and the aforementioned division. [Amended 1-7-14]
- E. The subdivider must demonstrate that each lot created is buildable within the restrictions imposed by the Zoning Ordinance and §§ 170-21 through 170-23 of these regulations. The Planning Board may, at its discretion, approve a nonconforming lot if it is clearly identified on the plat as "nonbuildable."
- F. In areas remote from access to water, fire ponds, dry hydrants and other fire protection facilities shall be furnished by the subdivider if deemed necessary by the Board.
- G. Prior to the issuance of any building permits, improvements as depicted on the approved plat shall be constructed or in place as agreed upon by the subdivider and the Planning Board.
- H. Off-Site Improvements. If, upon the finding of fact, the Board determines that the proposed subdivision will adversely affect existing public or private facilities, such as streets, causing them to be inadequate to meet the additional needs created by the

subdivision, the applicant shall pay for such upgrading to an extent necessary to protect the public or private interest. If other properties benefit from the upgrading of such off-site public improvements, the Board shall determine the portion of the cost to be paid by the applicant, taking into consideration the following elements:

1. The character of the area;
2. the extent to which the proposed subdivision will adversely affect existing public facilities;
3. the extent that other public and private property will be benefited by the upgrading; and
4. any other factors that the Board deems appropriate to establish a rational connection between the needs created by the subdivision and the amount to be paid by the applicant. [Added 05-05-16]

§ 170-17. Easements; open space.

- A. Where the topography is such as to make difficult the inclusion of utilities or other facilities within a public area, the plat shall show the boundaries of proposed permanent easements over or under private property. Such easements shall not be less than 25 in width and shall have satisfactory access to existing or proposed public ways. Watercourses proposed for public control shall also have a permanent easement of not less than 20 feet.
- B. All subdivisions with frontage on bodies of water shall provide up to thirty-foot wide easements at suitable intervals for access by fire-fighting equipment to said bodies of water. Such easements shall be used for no other purpose. Such facilities will be installed according to specifications of the Fire Chief conforming with the appropriate codes, maintained by the subdivider and subject to inspections by the Fire Department.
- C. The Board may require open spaces and/or parks (not to exceed 15% of the total subdivision area) suitably located for recreational purposes, and of appropriate area and physical characteristics for this use. Areas set aside for parks and playgrounds to be dedicated or to be reserved for the common use of all property owners by a covenant in the deed, whether or not required by the Board, shall be of reasonable size and character for neighborhood playgrounds or other recreational uses.

§ 170-18. Flood hazard areas.

Subdivision proposals which include land designated as "Areas of Special Flood Hazard" by the Federal Emergency Management Agency and shown on the Flood Insurance Rate Maps for the Town of Sandwich must provide sufficient evidence to assure the Board that the requirements of Article XII of the Sandwich Zoning Ordinance have been satisfied.

§ 170-19. Lot markers.

Iron pins or equivalent shall be set at all lot corners and points where the bearing of a boundary changes. The Board may require stone or concrete monuments at corners of the

entire subdivision.

§ 170-20. Documentation of impacts.

Pursuant to RSA 674:36II, it shall be the responsibility of the subdivider, if the Board deems it necessary, to provide an accurately documented environmental and socioeconomic impact statement. It may be required that such a statement evaluate effects of drainage, erosion, forest productivity, ground- and surface water quality, traffic safety, public services and any other factors that could impact the short- and long-term well-being of the public interest. The statement shall be prepared by qualified professionals acceptable to the Board.

ARTICLE IV
Design Standards for All Subdivisions

§ 170-21. Lot area.

- A. The minimum lot size permitted in the Rural Residential and Commercial Zoning Districts shall be 100,000 square feet (2.30 acres) of unrestricted area or, if the slope of the terrain is 15% or greater, 260,000 square feet (5.97 acres) of buildable area contiguous to, and including the site of the structure. (150-10)
The minimum lot size permitted in the Village Zoning District shall be 43,560 square feet (one acre) of unrestricted area.(150-127) [Amended 05-05-16]
- B. In the case of multiple-unit structures or multiple-unit nonresidential developments, the minimum lot size permitted shall be 175,000 square feet of unrestricted area or, if the slope of the terrain is 15% or greater, 455,000 square feet of buildable area. For multiple-unit developments, the area per unit shall not be less than one-quarter of the minimum lot size. Where the lot is a composite of unrestricted land and slopes from 15% to 25%, the minimum lot size is determined by interpolation as indicated in Table 1.¹ Soil types and their classifications are listed in Table 1.
- C. No more than one principal structure shall be allowed on any existing or newly subdivided lot, except in the case of multiple-unit dwellings or multiple-unit nonresidential developments.
- D. Minimum lot sizes for cluster developments are specified in Article V.
- E. Minimum lot size and unit density for a mobile home park shall be as specified for multiple-unit developments.
- F. Wetlands, areas with slopes exceeding 25% and rights-of-way may not be included in the area used to meet the minimum lot size requirement.
- G. Isolated occurrences of steep slopes totaling less than 15,000 square feet in area may be disregarded when computing the lot size to meet the minimum area requirement if it is the determination of the Board that such areas do not interfere with the safe development of the lot. Occurrences of wetlands totaling less than 15,000 square feet in area may also be disregarded if the area is not contiguous to surface waters such as lakes, ponds or streams. However, such areas must be shown on plats.
- H. If a lot is divided into parts by a wetland, or by a slope in excess of 25%, there must be a contiguous area where the soil type and other conditions are such as to permit construction of a dwelling and septic system within the required setbacks.

§ 170-22. Lot frontage.

- A. When any boundary of a lot is the shore of a lake or pond, or the shore of a

navigable stream, the minimum frontage on the water of that boundary shall be not less than 320 feet measured on a straight line.

- B. Lakefront lots used for the purpose of granting deeded rights or access to the lake for residential dwelling units, regardless of the location of such units, shall have not less than 320 feet of shore frontage, measured on a straight line, for the first dwelling unit having the right of access, and 50 feet of additional frontage for each additional unit having access.
- C. Lots in the Rural Residential and Commercial Zoning Districts which front on a public or private way shall be required to have not less than 160 feet of frontage. This does not apply to a lot which is the only lot at the end of a street or right-of-way. Existing land-locked lots or lots with limited or road access less than 160' shall be allowed to have not less than 50 feet of frontage.
Lots in the Village Zoning District which front on a public or private way shall be required to have not less than eighty (80) feet of frontage. This does not apply to a lot which is the only lot at the end of a street or right-of-way. Minimum frontage for multiple-unit property containing multiple-unit structures or nonresidential developments may be required by the Planning Board to exceed eighty (80) feet, to a maximum of one hundred sixty (160) feet depending upon the number of units and individual building layouts and configurations. (150-131) [Amended 05-05-16]
- D. Minimum road frontage for property containing multiple-unit dwellings or nonresidential developments may be required by the Board to exceed 160 feet, depending upon the number of units and individual building layouts and configurations.

§ 170-23. Setbacks. [Amended 05-05-16]

- A. Rural Residential and Commercial Districts: Refer to §150-13.
- B. Village Zoning District: Refer to § 150-130.
 - (4) Setback from the edge of any right-of-way: 15 feet.
- C. Principal and accessory structure wetland setbacks apply unless a wetland area is less than 15,000 square feet and is not contiguous to surface waters such as lakes, ponds or streams.
- D. For multiple-unit developments involving more than two dwelling units, the developers must submit to the Board a site plan, showing all building locations, in compliance with the Sandwich Site Plan Review Regulations.
- E. Commercial lots shall have a wooded buffer zone of not less than 200 feet between the center line of any public way and the business buildings, parking lot or storage area. The coverage of a lot used for commercial purposes, including buildings, parking areas, driveways and other impervious surfaces, shall not exceed 50% of the lot.

§ 170-24. Road design and construction. These standards shall apply to all new subdivision roads and are intended to reflect the rural character and nature of the town while providing safe access for emergency vehicles and property owners. Waiver

requests to these standards will be reviewed by the Planning Board and the Road Agent pursuant to § 170-47.

Subdivision Roads [Amended 05-05-16]

- A. A roadway serving six or fewer lots may be designated as a Country Lane with the following conditions:
 - a. It is privately maintained; and
 - b. Each owner served by the roadway shall enter into an agreement with the Town, that the roadway shall be improved by the private owners to meet the existing new road standards if the owner(s) petition the Town to layout the road; and
 - c. (c)The agreement shall be recorded with the Carroll County Registry of Deeds.
- B. A roadway serving seven to forty lots – a greater width and/or paving or other surface treatment may be required to accommodate traffic and emergency services.
- C. A roadway serving more than forty lots- a greater width and/or paving or other surface treatment may be required to accommodate traffic and emergency services.
- D. All topsoil, loam clay, muck and stumps and other improper road foundation material must be removed from the limits of the roadbed to a depth of at least 18 inches. Topsoil shall be removed from areas that will be filled. Loam or improper road foundation materials must be excavated and replaced with bank-run gravel or broken rock.
- E. All roads shall be crowned 1/4 inch per foot from the center line, with the exception of banked curves.
- F. The base course shall consist of three-inch to six-inch crushed gravel, free from loam or organic matter, to a minimum depth of 12 inches.
- G. The finish course shall consist of crushed bank-run gravel not to exceed 1 1/2 inches in diameter to a depth of six inches.
- H. Streets shall be logically related to the topography so as to produce usable lots, reasonable grades and safe intersections in relation to the proposed use of the land to be served by such streets. Where practicable, lots shall be graded toward the ditch line of streets. Where not practicable, adequate provision shall be made to control the drainage of each lot by an adequate storm water system, subject to the approval of the Selectmen.
- I. All proposed drainage facilities and culverts shall be installed. Natural watercourses shall be cleaned and increased in size where necessary to take care of storm run-off. Drainage ditches, at least three feet in width and 16 inches in depth at their midpoint below center-line grade, shall be constructed in the street right-of-way on both sides of the roadway. At their discretion, the Selectmen may require curbs and gutters. The roadway shall be graded to the final grade in accordance with the profile and cross-section submitted. (See § 170-5G.)
- J. The Board may require that all utilities be placed underground where feasible.
- K. The Board may require other improvements in appropriate cases, in order to comply with the intentions of these regulations and the Zoning Ordinance, as a

condition of approval.

- L. Existing streets shall, whenever necessary and practicable, be widened and improved to the standards required by these regulations, at the expense of the developer.
- M. The arrangement of streets in the subdivision shall provide for the continuation of the principal streets in adjoining subdivisions or for their proper projection when adjoining property is not subdivided, and shall be of a width at least as great as that of such existing connecting streets.
- N. Grade requirements shall be as follows:
 - 1. Grades on all roads shall not be less than .75% nor greater than 12%. Grades between 8% and 12% shall not exceed 250' in distance.
 - 2. All changes in grade exceeding 1% shall be connected by vertical curves of sufficient length to ensure a minimum sight distance of 150 feet.
- O. Streets which join or are in alignment with streets of abutting or neighboring properties shall bear the same name. Names of new streets shall not duplicate nor bear phonetic resemblance to the names of existing streets within the Town. Plats shall list new street names which are subject to approval by the Board. Street signs and traffic signs shall be installed by the Town at the expense of the developer.
- P. No street right-of-way shall be less than 50 feet in width, and may be required to be more, whether the street is new or existing. The width of the roadway in a subdivision shall be not less 16 feet with clearing on either side of the roadway to accommodate ditching, drainage, snow removal, and utility poles.
- Q. Dead-end streets may utilize a hammer-head or cul-de-sac design.
- R. No horizontal curves shall have a center-line radius of less than 150 feet, except roundabouts or turnarounds on a dead-end street.
- S. An "as-built" plan showing road location as constructed, front lot corners and any utilities in relationship to the road's fifty-foot right-of-way shall be submitted by the sub-divider prior to the sale of the first lot. This condition is applicable should the entire subdivision be sold prior to the construction of any improvements.

§ 170-25. Protection of public thoroughfares from excessive number of access points.

- A. The purpose of the regulations in this section is to maintain efficient and safe roads in Sandwich. 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 ensure 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 Sandwich. All access points, including driveway entrances, shall be located to most adequately promote 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, interior streets or cul-de-sacs shall be required to serve land subdivisions.

- B. Before any driveway or street access proposed within the limits of the right-of-way of any Class I or Class III highway, or state-maintained portion of any Class II highway, may be accepted as a part of a subdivision plat, conceptual approval must be obtained from the New Hampshire Department of Transportation as per RSA 236:13. A written construction permit must be obtained prior to construction. State approvals shall be submitted to the Board as part of the subdivision application. Access proposed within the limits of a Town or private road requires a permit approved by the Road Agent of the Town of Sandwich and signed by the Selectmen or the Building Inspector. If a driveway or street is to be constructed through or near a wetland, a state dredge and fill permit is required. Any lot which is created or changed by a subdivision must have an approved access to a public way, such access shall be identified by a surveyed center line. (See RSA 674:41.)
- C. All subdivision plans (which include access to any roadway in Town) shall indicate the location of the driveway or street access points, the width of the entrance, exit or approach and the safe sight distance for each access point.
- (1) Driveway or street access onto any roadway will have a maximum width of 50 feet and a minimum width of 18 feet for street access and 10 feet for driveway access. Widths will be measured at their intersection with the roadway traveled way. A street access or driveway may be flared beyond a width of 50 feet at its junction with the roadway to accommodate the turning radius of vehicles using the access.
 - (2) Streets shall be laid out so as to intersect as nearly as possible at right angles.
 - (3) Street jogs with center-line offsets of less than 125 feet shall be prohibited.
 - (4) When connecting street lines deflect from each other at any one point by more than 10°, they shall be connected by a curve with a radius adequate to ensure proper sight distances as defined by these regulations.
 - (5) Safe sight distances should be consistent with probable traffic speed, terrain, alignments and climatic extremes. These distances shall be based on standards developed by the American Association of State Highway and Transportation Officials. A minimum safe distance shall be 200 feet on minor roads and streets with speed limits of 30 MPH or lower. Sight distances of 275 feet shall be required on through roads and streets where posted or anticipated traffic speeds are from 31 to 40 MPH. From 41 to 50 MPH, the sight distance requirement will be 350 feet. Sight distances of 400 feet are required on all state roads or other major roads with posted speed limits in excess of 50 MPH.
- D. For proposed residential or commercial development along Town or state roadway frontages that exceed 600 feet, the construction of an internal street system, or a service road outside of the roadway right-of-way, shall be required to provide greater safety for the development occupants, as well as the highway users. Unusual land conditions may provide the basis for an exception. However, the Board must first review and approve the proposal.

§ 170-26. Drainage, water supply and sewage disposal.

- A. Pursuant to RSA 674:36, land of such character as to create a danger to health, flood or fire hazard, injury, or other menace, shall not be platted for development which would promote these hazards, until appropriate measures have been taken by the developer to eliminate such hazards. No natural drainageway will be obstructed unless adequate means are taken to provide for the runoff. Scattered or premature use of land that would constitute a threat to the prosperity of the Town by reason of the lack of water supply, drainage, transportation, schools, fire protection, or other public services that would necessitate an excessive expenditure of public funds, or are in conflict with the harmonious development of the Town, will not be approved for subdivision.
- B. Each lot, regardless of its location, shall be adequate to provide for on-site sewage disposal and water supply unless public or community systems are available or are to be supplied by the subdivider. Each lot in all subdivisions shall satisfy the requirements of the State of New Hampshire and the Town of Sandwich for sewage disposal systems near shorelines, wetlands and floodplain areas. Each lot shall also be adequate for an on-site water supply that is located no closer than 75 feet to any portion of a septic tank or drainage field on its own or adjoining lots, and shall be constructed in accordance with the U.S. Department of Health, Education and Welfare publication entitled "Manual of Individual Water Supply Systems", NH. Service Pub. No. 24.
- C. The Board will approve no subdivision with a community water supply or sewage disposal system subject to control by the State of New Hampshire until provision satisfactory to the state is made for the continued operation and maintenance of such systems. The design of any community water supply or sewage disposal system to be provided by the subdivider shall be approved by the Selectmen prior to being forwarded for approval by appropriate officials of the State of New Hampshire before the Board will approve the subdivision.
- D. If sewage and water connections are required it shall be the responsibility of the subdivider to install and connect to existing public water and/or sewage lines in accordance with current water and sewage department regulations. If water and sewage connections are not practical, all street plans will include adequate area for the future installation of public utilities should such become necessary to control pollution. In areas shown on the official sewer map for Town sewer facilities, it shall be the responsibility of the subdivider to install sewer lines in accordance with current sewer regulations.
- E. No water shall be permitted to be run across the street on the surface but shall be directed into catch basins, or otherwise in ditches, and shall be piped underground in a pipe of not less than 12 inches in diameter, or such size as may be deemed necessary by the Selectmen.
- F. Unless public sewage and/or water facilities are provided, it shall be the responsibility of the subdivider to provide adequate information to prove that the area, soil types and terrain of each lot are adequate to permit the installation and

operation of both individual on-lot water and sewage systems.

- G. Each sewage system shall be constructed to conform with the specifications and design standards established by the New Hampshire Department of Environmental Services. No water or sewage system shall be constructed contrary to any state law or Town ordinance.
- H. All drainage or erosion control facilities must be consistent in design with procedures and guidelines used by the Carroll County Soil Conservation District or developed by the U.S. Soil Conservation Service.
- I. Paving, stone or sod waterways shall be provided in ditches where soil or velocity conditions warrant protection from erosion. Adequate measures to prevent soil erosion shall be taken during road construction and lot clearing. Such measures may include, but not be limited to: maintenance of vegetative cover on steep slopes, seeding of road shoulders and embankments, construction of settlement basins and temporary dams.

ARTICLE V
Cluster Residential Developments

§ 170-27. In general.

A cluster residential development consists of single-unit dwellings on individual lots and a related common open space not individually owned. For the purpose of these regulations cluster developments are considered to be subdivisions except that the following special provisions apply.

§ 170-28. Board approval required.

Approval of the Planning Board is required before any construction or site development can be undertaken on property intended for cluster development.

§ 170-29. Lot size and unit density.

The total buildable area of a cluster development shall not be less than the number of dwelling units times the minimum lot size for a single unit as specified in § 170-21. The minimum area for individual building lots within the development shall be determined by the Planning Board based on the circumstances of the development proposal and in the interest of encouraging flexibility in site design and the preservation of open space. However, the individual lot area shall be no less than one-quarter of the minimum lot size for a single-unit dwelling.

§ 170-30. Special plat requirements.

The plat must conform to the specifications given in § 170-5. However, for cluster developments the plat must show contours with an interval of not more than five feet.

§ 170-31. Common open space.

The common space in a cluster development, i.e., the difference between the total area and the sum of the individual lot areas, shall not be less than 25% of the total area and shall be designated as permanent common open space exclusive of road rights-of-way and common parking areas. Ownership, protection and maintenance of the common space shall be in compliance with the Sandwich Zoning Ordinance.

§ 170-32. Site plan.

Pursuant to RSA 674:43, the Board is empowered to review and approve or disapprove site plans for cluster development. Applications must be in compliance with the Site Plan Review Regulations of Sandwich.

§ 170-33. Environmental impact study.

For cluster developments in steep slope areas, an environmental impact study as described in § 170-20 must be submitted to the Board. In other areas, the Board may, at its discretion, require such a study.

ARTICLE VI
Multiple-Unit Structures or Nonresidential Developments

§ 170-34. In general.

Multiple-unit structures or nonresidential developments, for the purpose of these regulations, are considered to be subdivisions except that the following special provisions apply.

§ 170-35. Board approval required.

No construction, remodeling or site development activity shall be permitted on property intended for multiple-unit structures or nonresidential developments, and no multiple-unit structures shall be erected or enlarged, without the prior approval of the Board.

§ 170-36. Lot size and unit density.

Lot size and unit density shall comply with the requirements of § 170-21. No multiple-unit structure will contain more than four units.

§ 170-37. Special plat requirements.

The plat must conform with the specifications given in § 170-5. However, for multiple-unit developments, the plat must show contours with an interval of not more than five feet.

§ 170-38. Site plan.

Pursuant to RSA 674:43, the Board is empowered to review and approve or disapprove site plans for the development of tracts for multiple-unit structures of more than two units and for nonresidential developments. The site plan must be submitted to the Board in accordance with the Sandwich Site Plan Review Regulations.

§ 170-39. Environmental impact study.

For multiple-unit developments in steep slope areas, an environmental impact study as described in § 170-20 must be submitted to the Board. In other areas, the Board may, at its discretion, require such a study.

**ARTICLE VII
Steep Slope Areas**

§ 170-40. General.

In keeping with purposes stated in Article I, and inasmuch as a great portion of the Town of Sandwich occupies land that slopes in excess of 15%, and the nature of the soils is such that slopes render the land exceptionally vulnerable to erosion and attendant problems of water pollution and sedimentation, potentially affecting not only an individual landowner's property but that of abutters and ultimately the community, the Town of Sandwich deems it necessary and proper to regulate certain practices upon and uses of such lands to preserve and protect the health and well-being of all the inhabitants. The special provisions of this article apply to any lot where steep slopes are a part of the land area used to meet the minimum lot size requirement (§ 170-21). For further steep slopes requirements refer to the Zoning Ordinance, Chapter 150, Article X, Steep Slope Protection.

§ 170-41. Identification of steep slopes.

Steep slopes are defined as those areas having slopes in excess of 15% and delineated by the U.S. Department of Agriculture Soil Conservation Service in the Soil Survey of Carroll County, New Hampshire, issued December, 1977, as revised. These areas are shown on the Sandwich Steep Slopes Map on file at the Town Hall. However, for subdivision applications, the Board requires that slopes be delineated by actual field survey based on five foot contours. (see § 170-44). [Amended 11-3-05]

§ 170-42. Special plat requirements.

The plat must conform with the specifications given in § 170-5 and, in addition, the plat shall:

- A. Delineate topography with contour intervals of five feet as determined by actual field survey or air photographic survey with ground control. Wetlands, both permanent and intermittent streams, and standing water will be shown.
- B. Delineate all slope areas, with a clear indication by hatching of areas with slopes over 15% and counter-hatching of areas with slopes over 25%.
- C. Show areas within each lot, computed in square feet, of wetlands and stream beds, land with slopes less than 15%, land with slopes between 15% and 25% and land with slopes exceeding 25%.

§ 170-43. Environmental impact study.

The Board may require, at its discretion, a formal investigation of effects that might result from a proposed development of a steep slope area. Such study shall be made by qualified professionals acceptable to the Board.

ARTICLE VIII
Administration

§ 170-44. Administration and enforcement.

The Planning Board of the Town of Sandwich shall administer these regulations. They shall be enforced by the Board of Selectmen of the Town of Sandwich.

§ 170-45. Amendments.

These regulations may be amended or rescinded by the Board, but only following a public hearing on the proposed change. The Chairman or Secretary of the Board shall transmit a record of any changes so authorized to the Town Clerk.

§ 170-46. Penalties.

Whoever, being the owner or agent of the owner of any land located within the subdivision, transfers, rents, leases or sells any land before the plat of such subdivision has been approved by the Board and recorded or filed in the office of the Carroll County Registry of Deeds shall forfeit and pay a penalty of \$1,000 for each lot or parcel so utilized, and the metes and bounds in the instrument of transfer or other document used in the process shall not exempt the transaction from such penalty. The execution of a deed which 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 said penalty(s) by civil action.

§ 170-47. Waivers.

The Board may waive specific requirements of these regulations if the Board finds, by majority vote, that (1) strict conformity would pose an unnecessary hardship to the applicant and waiver would not be contrary to the spirit and intent of the regulations; or (2) specific circumstances relative to the subdivision, or conditions of the land in such subdivision, indicate that the waiver will properly carry out the spirit and intent of the regulations. The basis for any waiver granted by the Board shall be recorded in the minutes of the Board. In granting such a waiver, the Board may require private deed restrictions to assure that such lots are used for the intended purpose. A variance from requirements contained in the Zoning Ordinance must be obtained from the Board of Adjustment. [Amended 1-7-14]

§ 170-48. Appeals.

Any persons aggrieved by any decision of the Board concerning a plat or subdivision may appeal in accordance with RSA 677:15. [Amended 1-7-14]