



# SUBDIVISION & BOUNDARY LINE ADJUSTMENT REGULATIONS

ESTABLISHED

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# Ossipee Subdivision Regulations

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SUBDIVISION REGULATIONS  
For the  
TOWN OF OSSIPEE, NEW HAMPSHIRE

SECTION 1. **AUTHORITY**

Pursuant to the authority vested in the Ossipee Planning Board by the voters of the Town of Ossipee at the Town Meeting in March 1972, and in accordance with the authority contained in New Hampshire RSA title LXIV, including, but not limited to Chapter 674, and Chapter 676.4, Sections 35-42, as amended, the Ossipee Planning Board adopts the following regulations governing the subdivision of all land in the Town of Ossipee, New Hampshire.

SECTION 2. **PURPOSES** (N.H. RSA 674:36)

These regulations are adopted for the following purposes:

- 2.01 To protect and provide for the public health, safety, and prosperity of the municipality.
- 2.02 To provide for future harmonious growth and provide against such scattered or premature subdivision of land in the development of the municipality, in accordance with the Master Plan Reports.
- 2.03 To provide adequate light, air, and privacy, to secure safety from fire, flood, and other danger, and to prevent overcrowding of the land and undue congestion of population.
- 2.04 To protect and conserve the value of the land throughout the municipality and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings.
- 2.05 To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, schools, parks, playgrounds, recreation, and other public requirements and facilities.
- 2.06 To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the municipality, having particular regard to the avoidance of congestion in the streets and highways, and the pedestrian traffic movements appropriate to the various uses of land and buildings. To provide for the proper location and width of streets, buildings lines, and the proper arrangement and coordination within a subdivision or plan.
- 2.07 To establish reasonable standards of design and procedures for divisions and re-subdivisions, in order to further the orderly layout and use of land; and to insure proper legal descriptions and documenting of subdivided land.
- 2.08 To ensure that facilities are available and will have a sufficient capacity to serve the proposed subdivision.
- 2.09 To prevent the pollution of air/streams, ponds, and groundwater; to assume the adequacy of drainage facilities; to safeguard the water table; and to encourage the wise use and management of natural resources throughout the municipality in order to preserve the integrity, stability, and beauty of the community and the value of the land.

- 2.10 To preserve the natural beauty and topography of the municipality and to insure appropriate development with regard to these natural features.

### SECTION 3. **POLICY**

- 3.01 It is hereby declared the policy of the Planning Board of the Town of Ossipee to consider the subdivision of land and the subsequent development of the subdivided plat subject to the control of the municipality for the orderly, planned, efficient, economical and environmentally sensitive development of the municipality.
- 3.02 Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace. The land shall not be subdivided until available public facilities, improvements exist, and proper provision has been made for drainage of surface and ground waters, sewerage, and capital improvements such as schools, parks, recreation facilities, open space, and transportation facilities.
- 3.03 It is intended that these regulations shall supplement and facilitate the enforcement of the provisions and standards contained in ordinances and codes adopted by the Town of Ossipee. (RSA 674:3, 4, 9-11)
- 3.04 It is the policy of the Board to have all property owners within 200 feet of the boundaries notified of any Public Hearing at the same time as the abutters.

### SECTION 4. **TITLE**

These Regulations shall be known and cited as Subdivision Regulations of the Town of Ossipee, New Hampshire.

### SECTION 5. **DEFINITIONS**

**Abutter** - Any property owner whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration by the Planning Board. For purposes of receiving testimony only, and not for purposes of notification, the term abutter shall include any person who is able to demonstrate that his land will be directly affected by the proposal under consideration. For the purpose of notification by a municipality of a Planning Board hearing, in the case of an abutting property being under condominium or other collective form of ownership, the term abutter means the officers of the collective or association as defined in RSA 356-B:3 XXIII as amended.

**Applicant** - Means the owner, or agent of the owner, of the land to be subdivided who files an application hereunder for such subdivision. An agent shall be authorized in writing by the owner at the time of the application. The holder of an option or agreement to purchase the subject property shall be considered an applicant.

**Approval** - Shall mean recognition by the Planning Board, certified by written endorsement on the plan, that the final plan submission meets the requirements of these regulations.

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

**Boundary Line Agreement** - An agreement between adjoining landowners as to the location of a disputed common boundary, the location of which cannot be determined by monuments and boundaries named in deeds of said landowners or their predecessors in title. A survey plat showing an

agreement line shall show courses and distances, and suitable and permanent monuments shall be placed at each end and at each angle of the agreed upon boundary. (RSA 472:1, 2, 3, 4)

**Certified Soil Scientist** - A person qualified in soil evaluation and mapping whose education and experience meet the certification requirements of the State of New Hampshire.

**Cluster Development** - Means a division of land into lots used, or available for use, as residential building sites for single detached one family dwellings or other lawful buildings where such lots are clustered together into one or more groups, separated from adjacent property and other groups of lots by intervening common land.

**Common Lands** - Includes all land set aside in a subdivision for the common use of two or more owners of land in such subdivision, whether or not the title thereof is vested in the developer, the Town, the owner of lots, or in an association of owners, whether incorporated or not, or in a trust .

**Community Wastewater System** - A non-municipal wastewater collection, and disposal system that serves an average of at least twenty-individuals daily year-round or that has at least fifteen (15) service conditions.

**Community Water Supply** - A non-municipal water supply system that serves an average of at least twenty-five (25) individuals daily year-round or that has at least fifteen (15) service connections.

**Collector Road** - Means roads that collect traffic from neighborhood and other minor roads connecting them to principal cross-town routes and to state roads.

**Completed Application** - Means the formal submission, at a Public Meeting of the Board, of all required information and final plans sufficient to invoke the jurisdiction of the Board. The application shall be deemed complete by an approved motion of the Board for formal acceptance. The time limits for a decision shall begin as of the date of formal acceptance.

**Condominium** - Shall mean what is defined in RSA 356-B:3, V, which states: "Condominium means real property and any interest therein, lawfully submitted to this chapter by the recordation of condominium instruments pursuant to the provisions of this chapter". No project shall be deemed a condominium within the meaning of this chapter unless the undivided interests in the common area are vested in the unit owners.

A condominium shall constitute a subdivision as defined herein. A single building containing more than one condominium unit shall constitute a subdivision. Davis v. Town of Barrington, 127 NH 202 (1985).

**Contiguous Lots** - means adjacent or abutting lots which have a common boundary line. An area or land separated by a street, road or other public right-of-way shall not constitute a contiguous area or land.

**Driveway** - Means an area located on a lot, tract or parcel of land, and built for access to a garage or off-street parking space, serving not more than two (2) lots or sites.

**Easement**- A grant or reservation by an owner of land for the use of all or a portion of such by others, including the public, for a specific purpose or purposes and which must be included in the



conveyance of land affected by such easement. The usage of the word "easement" for land platting purposes in these regulations means that such easement area is included within the dimensions and areas of the lots or parcels through which the easement may run and is not to be separated therefrom as in the case of a right-of-way.

**Engineer** – Means the designated duly licensed professional civil or sanitary engineer, as required by the New Hampshire Licensing Laws.

**Flood Hazard** - That portion of land which has one percent (1%) chance of flooding in any given year, as designated on Flood Insurance Rate Maps issued by the Federal Insurance Administration, if available, or on Flood Hazard Boundary Maps issued by the Federal Insurance Administration.

**Floodways** - The channel of a stream and those portions of the flood plain adjoining the channel that are required to carry and discharge the flood water or flood flows of any river or stream.

**Final Plan** - A plan submitted with a completed application which is presented to the Planning Board for approval and which if approved will be submitted by the Planning Board to the Registry of Deeds of Carroll County for recording.

**Frontage** - Is defined as the distance along a waterbody, watercourse. Class V or better highway or a road, shown on a subdivision plan approved by the Planning Board, between the points of intersection of the side lot lines with the water body, water course or such highway or road.

**Street or Road Frontage** - The measured distance along a Class V or better highway or a road shown on a subdivision plan approved by the Planning Board. When a lot is bounded by more than one street, any one of them, but only one, may be designated as the frontage street by the owner, provided that the street meets the frontage requirement and the principal permitted building on the lot is numbered on such street.

**Water Frontage** – The average of the total straight-line distance and the measured distance along a river, lake or pond.

**High Intensity Soils Survey Map (HISS)** - A soils map of a parcel of land being considered for development on a perimeter survey, with a scale of one (1) inch not to exceed one hundred 100 feet, where soils are identified and mapped in accordance with the high intensity soils mapping standards as established in the SSSNNE Special Publication No. 1.

**Inspector** - Means any individual who has been designated by the Planning Board to conduct inspections of proposed subdivision, including on-site and relevant off-site conditions.

**Lot** - A lot is a parcel of land occupied or to be occupied by only one main building and the accessory buildings or uses customarily are incidental to it. A lot: shall be of sufficient size to meet minimum zoning requirements for uses, coverage, and area and to provide such yards and other open spaces as are herein required. Such a lot shall have frontage on an improved public road or on an approved private road.

**Lot Line Adjustment** - A sale, conveyance or exchange of adjacent land among two or more owners which does not increase the number of owners or parcels of land, and the original parcels of land are not reduced below; the minimum lot size as required in the Ossipee Zoning Ordinance. In

the case of existing non-conforming lots, the acreages or frontages of the lots shall not be made more non-conforming.

**Lot Size** - Means the total land area within the boundaries of a lot, exclusive of any land area designated for roads or rights-of-way.

**Municipal Water Supply** - A wastewater collection, treatment and disposal system that serves at least two homes that is owned and operated by a municipal or regional government.

**Municipal Wastewater System** - A water supply system that serves an average of at least twenty-five (25) individuals daily, year-round or that has at least fifteen (15) service connections and that is owned and operated by a municipal or regional government.

**Owner** - Any person, group of persons, firms, corporation(s), or any other legal entity having legal title to the land sought to be subdivided under these regulations.

**Performance Bond** - Shall mean a security which may be accepted in lieu of a requirement that certain improvements be made within a specified period of time before the Planning Board approves a plan. Such security shall include surety bonds, escrow deposits, certified letter of credit, and similar collateral guarantees or surety agreements which must be acceptable by Town Counsel.

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

**Preliminary Layout** - A plan prepared as required by these regulations and submitted to the Board prior to preparing the Final Plan.

**Qualified Professional** - Means individuals whose training experience and professional certification are appropriate to accomplish the specific tasks with accuracy and proficiency. Reports, plans and other materials submitted must bear the signature and seal of the individual who drafted or supervised the drafting of such documents.

**Re-subdivision** - A change in a map of an approved or recorded subdivision plan if such change affects any street layout on such map or area reserved thereon for public use, or any lot line, other than a lot line adjustment, or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.

**Right-Of-Way** - Shall mean a strip of land used for or intended to be used for a street, road, or for other special use including public use. The usage of the term "right-of-way" for land planning purposes in these Regulations shall mean that every right-of-way hereafter established and shown on a recorded plan is to 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 other lots or parcels.

**Road** - Shall mean a Class V or better highway, or a private road on a subdivision plan which has received final approval by the Planning Board and recorded in the Carroll County Registry of Deeds. It shall not include "driveway."

**Road, Class VI** - Means an existing public way which is either 1.) Discontinued and made subject to gates and bars by a Town meeting vote or 2.) All roads which have not been maintained or repaired by the Town for five (5) successive years or more.

**Selectmen** - Means the Selectmen of the Town of Ossipee.

**Setback** - The minimum distance from the property lines, road right-of-way lines, or high-water mark of a waterbody, established by the requirements of the Zoning Ordinance for each zoning district. A line which runs parallel to the property line. The area between the property line and the minimum setback line shall remain open space and unoccupied by any structure except as permitted in the Ossipee Zoning Ordinance.

**Site** - That portion of a lot, tract, or parcel of land upon which a structure is to be placed, including any physical improvements.

**Slope** - Means the steepness of land surface. Slope is expressed in percent by dividing the change in elevation in a given distance by that distance and multiplying by one hundred.

**Soil Type** - Type of soil as defined by the USDA Soil Conservation Service of Carroll County, N.H. or as found by an on-site inspection by a certified professional soil scientist.

**Subdivider** - Means the owner of record or said owner's authorized agent of the land to be subdivided.

**Subdivision** - Means the division of a lot, tract or parcel of land into two or more lots, plats, sites or other divisions of land for the purpose, whether immediate or future, of sale, rent, lease condominium conveyance or building development. It includes re-subdivisions and when, appropriate to the context, relates to the process of subdividing or to the land or territory subdivided. The division of a parcel of land held in common and subsequently divided into parts among the several owners shall be deemed a subdivision. The development of two or more building sites on a single lot constitutes a subdivision and will require application of the subdivision regulation.

**Subdivision, Minor** - Means the subdivision of land into three or fewer lots, with no potential for resubdivision and fronting on an existing street, requiring no new streets, utilities or other municipal improvement.

**Surveyor** - Means a duly designated licensed land surveyor as required by the N.H. Licensing Laws.

**Water Body** - Means a lake, pond, stream, brook, or river contains surface water throughout the year.

**Waterfront Property** - Means a lot or parcel of land wholly or partially bounded by a water body.

**Wetland Soils** - Means soils classified by the USDA Soil Conservation Service as poorly drained or very poorly drained, including freshwater marsh or alluvial soils.

## **SECTION 6. APPLICATION PROCEDURE**

### **6.01.1 General Procedure**

**A.** There are three phases to the application procedure:

Phase 1 - Pre-Application consultation and review

Phase 2 - Preliminary layout review

Phase 3 - Completed application and Final Plan submission

Both Phase 1 and Phase 2 are optional and strongly encouraged by the Board. These phases are to provide guidance for the applicant to minimizing the cost of changes in preparing the final plan.

**B.** Whenever a subdivision of land is proposed and before any contract or offer for sale, rent, condominium conveyance or lease of lots in the Subdivision thereof or writing to subdivision shall have been negotiated; the owner his authorized agent shall apply in the Board for approval of such on a form to be provided by the Board. Such application shall give the names and mailing addresses of all abutting property owners. Authorized Agents of the owner shall present written authority of their appointment.

**6.01.2 Procedure when approvals from ZBA are required** – When approvals from the ZBA, including variances, special exceptions, or any other approvals are required by the Zoning Ordinance, the subdivider shall first obtain such approval before applying, for Subdivision Review. **Any application submitted without the necessary Zoning Approval shall be deemed incomplete.** Any conditions imposed by the Zoning Board of Adjustment shall not be diminished by the requirements contained in the regulations. The condition which imposes the greater restriction or higher standards shall be controlling.

**6.01.3. Approval of Preliminary Plan Required Before Disturbing Environment.** No person required to submit application pursuant to these Regulations shall commence the construction of roads within the land proposed to be subdivided or clear the land of natural vegetation or place any artificial fill thereon or do any other act or acts which will alter the natural state of the land or environment unless and until the preliminary plan relating thereto has been submitted and approved in accordance with the requirements of Section 8. Nothing in this paragraph shall be construed to prevent such preliminary ground surveys, marking by stakes, engineering studies, inspections, testing (including test borings and test pits), logging operations, and clearing of land for agricultural; or visual use as may be necessary to evaluate the suitability of the land for subdivision and to assemble be shown by a preliminary thereby; provided however, surveys, staking, studies, shall be accomplished without the information required to plan, or to be accompanied that such preliminary inspections, and testing unnecessary disturbance or alteration of environment. The addition to those the natural requirements imposed by RSA state of the land or of this paragraph are in 149-E:3, IX (Supp.).

### **6.02 Pre-Application - Consultation and Review (optional)**

#### **6.02.1 Procedure**

**A.** Any person wishing to discuss any matter with the Board shall make an appointment by contacting the Secretary to appear at a regular meeting of the Board.

**B.** No application fees are required for this review.

**C.** The time limits for a decision shall not apply until a Completed Application is submitted.

- D. Pre-application consultation and review shall not bind the applicant
- E. Pre-Application consultation and review beyond such conceptual and general discussion may proceed only after identification of and notice to abutters and the general public as required in Section 6.08 and 6.09.

#### 6.02.2 **Information Required**

Prior to formal submission of a subdivision layout, a subdivider shall submit a sketch (concept) plan for informal discussion with the Board.

#### 6.02.3 **Action of the Board**

Pre-Application consultation shall be in general terms and directed toward:

- 1) Reviewing the basic concepts of the proposal.
- 2) Reviewing the proposal with regard to the Town Master Plan.
- 3) Reviewing the Towns subdivision regulations as they may apply to this proposal and determination of the proposal as a Major or Minor subdivision, and
- 4) Guiding the applicant relative to necessary state and local requirements.

### 6.03 **Preliminary Layout Review (Optional)**

#### 6.03.1 **Procedure**

- A. Should the subdivider elect to proceed with the Preliminary Layout Review phase, which is an optional step, the procedure in this section shall apply.
- B. Neither time limits for consideration nor action as provided for in Section 6.06 shall apply to this submission. No completed application is required. The subdivider may terminate Preliminary Layout Review during the review procedure and submit a completed application for Final Plan approval.
- C. The subdivider shall submit the information required to the Secretary of the Board, not less than twenty-one (21) days prior to the scheduled public meeting.

#### 6.03.2 **Information Required**

- A. Properly completed "Request for Preliminary Layout Review" form supplied by the Board, (see attachment #2)
- B. A list of names and addresses of the applicant, agent and all abutters as indicated in the town records not more than twenty-one (21) days prior to the day of filing/submitting of the application. Note: The Boards and Commissions secretary will rerun the abutter list five (5) days prior to the hearing to ensure that all abutters have been notified, in accordance with RSA 674.
- C. One unsealed envelope addressed to each of the abutters including the applicant and agent with the Ossipee Planning Board return mailing address on the upper left-hand corner of the envelope, and properly completed certified mail forms for each address. (See example in appendix)
- D. The subdivider shall provide and submit the information required in Section 8 (Preliminary Layout Requirements).

- E. Fees to cover all costs of notice and application review fee as provided for in Section 6.14.
- F. If the subdivider wishes to develop a subdivision into sections, this shall be indicated on the Preliminary Plan and shall be indicated on the proposed use of each portion not platted.

#### 6.03.3 **Review of Layout**

- A. The preliminary layout review shall be conducted by the Board only at such scheduled Public Hearing after due notification to applicant, abutters and the general public.
- B. The Board may engage in non-binding discussions with the applicant, which involve specific design and engineering details with regard to the preliminary lot and road layout, proposed improvements in connection with the topography of the area, the needs of the surrounding area, or other pertinent Federal, State or Municipal regulations.

#### 6.03.4 **Action of the Board**

Based on the data submitted and the review of the Preliminary Layout, the Board shall indicate to the applicant its recommendations and reservations with respect to the proposed subdivision including but not limited to Sections 10, 11 and 12. The Board shall make findings and determinations of any changes or additions it will require in the Final Plan Application.

#### 6.04 **Completed Application/Final Plan**

The following requirements shall constitute a Completed Subdivision Application sufficient to evoke Board jurisdiction and to obtain Board approval or disapproval.

- A. Properly completed Final Application on the forms provided by the Board and filed in accordance with Section 6.05.1.
- B. A list of names and addresses of the applicant, agent and all abutters as indicated in the Town Records not more than twenty-one (21) days prior to the day of filing/submitting of the application. Note: The Boards and Commissions secretary will rerun the abutter list five (5) days prior to the hearing to ensure that all abutters have been notified, in accordance with RSA 674.
- C. One unsealed envelope addressed to each of the abutters including the applicant and agent with the Ossipee Planning Board return address on the upper left-hand corner of the envelope, and properly completed certified mail forms for each address, (see example in Appendix I).
- D. Payment to cover all costs pertaining to a subdivision and the approval of same as provided in Sections 6.14.
- E. Ten (10) copies of the Final Plan completed in accordance with Sections 9.02, 9.03, and Section 9.05. All abutters shall also be identified on the Final Plan submitted to the Board.
- F. The requisite copies of plans and documents as specified in Sections 9.04 and 9.06.

## 6.05 **Review of Final Plan**

### 6.05.1 **Procedure**

- A. The Completed Application shall be filed with the Secretary of the Planning Board at least twenty-one (21) days prior to a scheduled Public Meeting of the Board at which time the application is to be considered for acceptance by the Board.
- B. When an application is to be submitted to the Board for acceptance as a completed application. Public Notice shall be posted and published of such Public Meeting as provided for under Section 6.09.B. The notice to abutters may be sent at this time provided that, in the event the application is accepted as complete, the Public Hearing on the application will commence at the same meeting.
- C. The application shall be formally presented to the Board by the subdivider at such Public Meeting of the Board for which notice has been given.
- D. The Board shall review the application to determine if it is complete. The Board, by motion, shall accept or reject the application at the Public Meeting or an adjourned session thereof, and such action shall be noted on the application and in the records of the Board.
- E. The accepted application shall be deemed to be submitted to the Board as of the date on which the Board accepts the Completed Application. Within 30 days of such date, the Board shall begin formal consideration of the application at a Public Hearing for which notice shall be given to the applicant and abutters as provided in Section 6.09.
- F. Applications shall be considered incomplete and rejected by the Planning Board, without Public Hearing on grounds of; (1) Failure of the Applicant to supply information required by these Regulations, including failure to identify abutters; (2) failure to pay costs of notices or other costs and fees required by these Regulations; and (3) Failure to meet any reasonable deadline established by these Regulations; and (4) Failure to provide appropriate plans or documentation.
- G. An incomplete Application filed by the Applicant will not be formally accepted by the Planning Board nor will notices of a Public Hearing be mailed, posted or published.

### 6.05.2 **Information Required**

A Completed Application shall address or consist of the documents and information required by Section 6.04.

### 6.05.3 **Board Action on Completed Application**

#### **A. Time Limit**

The Planning Board shall consider the Completed Application within thirty (30) days of its formal submission and acceptance, and shall act to approve, conditionally approve or disapprove the application within sixty-five (65) days after submission, subject to extension or waiver as provided in accordance with Section 4, I ,(f), Chapter 676, N.H. RSA 1955, as amended.

The subdivider may consent to an extension of time for the Board to act beyond the initial sixty-five (65) days period on the condition that such consent shall be in writing and shall be made part of the Board's record.

The Board shall issue a final written decision which shall be filed in the office of the Town Clerk within 72 hours after the decision is made. If the application is not approved, the Board shall provide the subdivider with written reasons for the disapproval.

### **B. Conditional Approval**

The Board may grant conditional approval for a plan or application accepted as Complete. Such approval may become final without further public hearing, upon certification to the Board, based on evidence submitted by the Applicant of satisfactory compliance with the conditions imposed. However, final approval of a plan or application without further public hearing may occur only when the following conditions apply:

- (1) Permits or approvals from other boards or agencies may be lacking;
- (2) Improvements to roads, sewers or other utilities may be required before the development is completed;
- (3) The board may want to require preservation of specific natural features during development.
- (4) No person required to submit an application pursuant to this Regulation shall commence the construction of roads or structures within the land proposed to be developed or clear the land of natural vegetation or place any artificial fill thereon or do any other act or acts which will alter the natural state of the land or environment unless and until the Final Plan relating thereto has been submitted and approved in accordance with the requirements.

All other conditions shall require a public hearing as provided for in Section 6.08 and notice as provided for in Section 6.09.

### **C. Approval Endorsement**

(1) When a bond is required, the Chairman of the Planning Board and a member of the Planning Board shall endorse approval on the plan after the bond has been approved and all the conditions of the decisions pertaining to the plan have been satisfied.

(2) When installation of improvements is required, the Chairman of the Planning Board and a member of the Planning Board shall endorse approval on the plan after all conditions of the decision have been satisfied and all improvements satisfactorily completed.

(3) Approval of the Final Plan shall be certified by written endorsement on the Final Plan and signed by the Chairman and a member of the Planning Board. The Chairman or secretary of the Board shall transmit a copy of the Final Plan with such approval endorsed in writing thereon to the Registry of Deeds of Carroll County, prior to the sale or transfer of any land within the subdivision. The subdivider shall be responsible for the payment of the recording fees in accordance with Section 6.14.

### **D. Application Disapproval**

In case of disapproval of any Application submitted to the Planning Board, the final decision must be put in written form and placed on file in the Town offices and made available to the public within 5



business days. The decision shall include specific written findings of fact that support the decision. Failure of the board to make specific written findings of fact supporting a disapproval shall be grounds for automatic reversal and remand by the superior court upon appeal, in accordance with the time periods set forth in RSA 677:5 or RSA 677:15, unless the court determines that there are other factors warranting the disapproval. The Board is not required to notify the applicant individually except in the case of a denial, in which case the same time limit applies.

#### 6.06 **Failure to Take Action**

**A.** If the planning board does not act on the application within the 65-day period (or 95 days in the case of developments of regional impact), then the governing body {selectmen, city or town council} is required to approve the application. If warranted, the applicant and board should agree to an extension of the 65-day time frame.

**B.** Upon failure of the Planning Board to approve, conditionally approve, or disapprove the application (unless the board has determined that the application is a development of regional impact, which gives the board an additional 30 days). If the planning board does not act on the application within the 65-day period, then the governing body {Selectmen} is required to approve the application. If warranted, the applicant and board should agree to an extension (continuance) of the 65-day time frame. This 65-day period starts the day after the decision was made to accept the application as complete. (If the board meets on Tuesday night and accepts the application that night, then Wednesday is day 1, Thursday is day 2, etc. (RSA 21:35)). In order for the planning board to have more than 65 days (or 95 days in the case of developments of regional impact) to act upon the application, **the applicant** must waive the statutorily specified time period and **the board and the applicant** must agree upon the time of the extension.

If the planning board fails to act on the application within the 65-day time period, then the Selectmen or city council shall certify on the applicant's application that the plat is approved.

#### 6.07 **Waivers**

**A. General** - The Planning Board may approve waivers to these regulations provided such waivers shall not have the effect of nullifying the intent and purposes of these Regulations or is not inconsistent with other Town Ordinances or State Laws.

**B. Procedure** - A request for any waiver shall be submitted in writing by the Subdivider at the time any application is filed for consideration of the Board. The request shall state the grounds for the request and all facts relied upon by the Subdivider. The Planning Board shall not approve waivers unless findings, based on evidence presented to it, substantiate that the objectives of these Subdivision Regulations will not be diminished.

**C. Types of Waivers** - There are two types of waivers that may be considered by the Board.

**Waiver of Application Requirements** – A subdivider may request a determination be made that specific requirements of Section 9 do not apply due to special circumstances of a particular plan or application.

**Waiver or Modification of the Requirements or standards** - A Subdivider may request a waiver or modification of the General Requirements of Section 10 and/or the Design Standards of Sections 11 and 12. The Planning Board may grant such request if it determines strict compliance with these regulations is not required or the purposes of these regulations may be served to a greater extent by

an alternative proposal provided that the purposes of these regulations and the public good are not adversely affected.

**D. Conditions** - In approving waivers the Planning Board may require such conditions as will, in its judgement, secure substantially the objectives of the standards or requirements of these regulations.

#### 6.08 **Public Hearing**

**A.** The Planning Board, before considering or taking formal action upon a Preliminary Application and/or a Completed Application, shall hold a Public Hearing as required by the provisions of RSA 676:4 as amended, and notice to the Subdivider, agents, abutters, and public shall be given in accordance with Section 6.09.

**B.** At the hearing, the Subdivider, any abutter or any person with a direct interest in the matter may testify in person or in writing. Other persons may testify subject to Board approval at the hearing.

#### 6.09 **Notification**

**A.** The Subdivider and all abutters shall be notified of the Public Hearing by certified mail, return receipt requested, stating the time, date, place of such hearing, and a general description of the subdivision proposal and its location, at least ten (10) days before the date fixed for the hearing.

**B.** Notice to the general public of any public meeting or hearing shall be given at least ten (10) days prior to the hearing by publication in a newspaper of local circulation and by posting a notice in the Town Hall. Notice shall state the time, date, and place of the hearing and shall identify the Subdivider and location of the proposed subdivision.

**C.** If the notice of Public Hearing has been included in the notice of submission or any prior notice, additional notice of the Public Hearing is not required, nor shall additional notice be required of an adjourned session of a hearing with proper notice, if the date, time, and place of the adjourned session was announced at the Public Hearing and recorded in the minutes of that Hearing.

#### 6.10 **Reserved**

#### 6.11 **Site Inspection**

The Planning Board may conduct a site inspection of the proposed subdivision to ascertain the natural conditions of the site and to inspect the layout of proposed roads, improvements, etc.

#### 6.12 **Engineering and Consultants Services**

**A.** The Board may require the Subdivider to engage a registered professional engineer or other consultant, subject to Planning Board Approval, to review a subdivision plan, including drainage facilities, sanitary sewer disposal, water facilities and road construction or other improvements to assure conformity to subdivision regulations. The cost of such engineer or consultant is not the responsibility of the Planning Board.

**B.** The Board may require that a subdivision plan or any portion thereof be reviewed by a consulting engineer to ensure compliance with all applicable local, state and federal regulations, construction standards and building codes. The Town shall periodically retain a consulting firm for

this purpose. The consultant shall submit a written report to the Board summarizing the technical review of the proposal. The cost of such consultant shall be paid by the Subdivider prior to the Board's final approval or disapproval of the subdivision plan, (see Section 6.15)

#### 6.13 **Legal Services**

The Board, if it deems necessary, may seek legal counsel during the review process to assure conformity with the Subdivision Regulations. The cost of such counsel shall be paid by the applicant prior to approval or disapproval of Final Plans.

#### 6.14 **Fees**

6.14.1 Payment to cover all costs pertaining to a Subdivision/Boundary Line Adjustment includes an Application Fee, Public Notice Fee and Current First-Class Postage Rate, Receipt for Certified Mail, Return Receipt Post Card (for each abutter, owner, applicant, and agent) plus \$1.00 per each. Refer to the Fee Schedule.

#### 6.15 **Other Costs**

The Planning Board may require special investigative studies, inspection of improvements, impact statements, environmental assessments, and legal review of documents, consultant review of studies and other requisite obligations necessary to make an informed decision. All costs of such studies, reviews etc., and any costs incurred by the Town of Ossipee or the Planning Board in utilizing the services of the Town Engineer, consultants, inspectors, Town Counsel or other professional in connection with the review of any subdivision or documentation shall be paid by the Subdivider, at a cost plus twenty-five (25) dollars administration fee prior to the approval or disapproval of the Final Plan.

#### 6.16 **Performance Bond**

6.16.1 Consistent with RSA 674:36 III (as amended), in lieu of completion of construction and installation of all improvements and utility installations prior to the Final Approval of a plan, the Planning Board shall accept a performance bond, including an irrevocable letter of credit, cash deposit, or such other type of security arrangement as the Board determines will adequately assure the due completion thereof and to secure to the Town the actual construction and installation of such improvements and utilities. The subdivider shall be responsible for the actual cost of the construction and installation of all improvements regardless of the amount of the bond. It is intended that all required improvements shall be made by the subdivider at the subdivider's expense without cost or reimbursement by the Town.

- A. The Planning Board shall have the discretion to prescribe the type and amount of the bond or other security, determine the terms thereof, and specify a period, not to exceed three (3) years, for the completion of the improvements.
- B. The subdivider shall submit, with the Final Plan, a written schedule of work completion, indicating the appropriate phases of the improvements and the amount of bonding that is allocated to each phase, to accommodate the partial release of the bonding upon the satisfactory completion of each phase of the project.

- C. The performance bond may include provisions to reserve to the Town a reasonable portion of the full amount as a maintenance account for the improvements, (see Section 6.16.4)
- D. The form of all bonds, letters of credit or other security documents and arrangements shall be prepared by the subdivider and approved by Town Counsel, at the subdivider's expense, prior to acceptance by the Board.
- E. The Town shall have the power to enforce such bonds or other securities by all legal and equitable means.

6.16.2 **Amount** - The amount of the performance bond shall be based on an engineer's cost estimate of the improvements. The Board may require a review, at the subdivider's expense, by a Registered Professional Engineer of the submitted plans and cost estimate. The Board shall approve the estimate and determine the amount prior to the subdivider obtaining the bond. All bonds shall be 100% of the determined amount and shall include fees for necessary inspections of improvements. The subdivider shall be liable for the actual cost of construction regardless of the amount of the Performance Bond.

6.16.3 **Release of Bond** - The performance bond shall be released by the Board of Selectmen upon receiving written certification by the Planning Board that required improvements have been completed in accordance with the Final Plan and in compliance with the Subdivision Regulations of the Town of Ossipee.

6.16.4 **Maintenance Account** - The Planning Board may require a maintenance bond so the Town is placed in an assured position that the completed' improvements will remain in satisfactory condition for a period not to exceed two (2) years from the date of completion. The amount shall not exceed 25% of the cost of improvements and shall be held by the Board of Selectmen. The maintenance bond shall be released following inspection and written certification by the Planning Board that the improvements are in satisfactory condition.

## Section 7 **APPLICATIONS FOR MINOR SUBDIVISION APPROVAL**

Minor subdivision procedures are intended to provide for expedited review and approval of minor subdivision but are not intended to relieve the applicant of his obligation to meet all pertinent requirements and standards set forth in the Subdivision Regulations of the Town of Ossipee.

### 7.01 **Scope**

Minor subdivisions are defined as those proposals involving;

- A. Three (3) lots or less with no potential for resubdivision and fronting on existing approved road, or
- B. Minor lot line adjustments which do not create substandard lots.

### 7.02 **Pre-application Consultation and Review**

The Subdivider may first meet with the Board for pre-application consultation and review of his proposal under Section 6.02.

### 7.03 **Preliminary Layout Review**

A preliminary layout, as outlined in Section 6.03, is optional but strongly encouraged by the Board.

7.04 **Final Plan and Completed Application**

The Subdivider shall submit a Completed Application and a Final Plan with the information as specified under Section 9.

7.05 **Meetings and Hearings**

A. The application under this section may be submitted and approved at one or more scheduled Public Meetings, but no application shall be approved without the full notice to abutters and the public as required under Section 6.09.

B. A Public Hearing with notice as provided under Section 6.09 shall be held.

7.06 **Final Action**

A. If all items are in order at the scheduled public meeting at which the Completed Application is formally accepted for consideration, the planning board has 65 days to approve, conditionally approve, or disapprove the application (unless the board has determined that the application is a development of regional impact, which gives the board an additional 30 days)

B. The application may be conditionally approved at such scheduled Public Hearing in accordance with Section 6.05.3 B or final consideration deferred to a subsequent duly noticed Public Hearing. If the planning board does not act on the application within the 65-day period, then the governing body {selectmen} is required to approve the application. If warranted, the applicant and board should agree to an extension of the 65-day time frame. This 65-day period starts the day after the decision was made to accept the application as complete.

After the planning board is satisfied that it has addressed all potential concerns and issues associated with a subdivision or site plan application, the board is ready to make a decision. Under state statutes, the board shall take one of the following actions, which shall be based on findings of fact:

RSA 676:3, (I) requires that the applicant be given a final written decision (commonly referred to as a “Notice of Decision”) that documents the board’s decision to approve or disapprove the application. The decision **shall include specific written findings of fact** that support the decision. Failure of the board to make specific written findings of fact supporting a disapproval shall be grounds for automatic reversal and remand by the superior court upon appeal, in accordance with the time periods set forth in RSA 677:5 or RSA 677:15, unless the court determines that there are other factors warranting the disapproval.

**Approval:** The approval of an application by the planning board signifies that the proposal meets all applicable regulations.

**Disapproval:** When denying an application, **the planning board must vote to disapprove, specify the reasons for denial, and cite the sections of the regulations that were not satisfied**. The reasons for denial must be clearly stated in the board’s findings of fact, minutes, and other records of its actions.

C. No person required to submit an application pursuant to this Regulation shall commence the construction of roads or structures within the land proposed to be developed or clear the land of

natural vegetation or place any artificial fill thereon or do any other act or acts which will alter the natural state of the land or environment unless and until the Final Plan relating thereto has been submitted and approved in accordance with the requirements.

**D. No business is allowed to open for business on a conditional approval or without final approval from the Planning Board and a Certificate of Occupancy for the Zoning Officer.**

**E.** The Board action time limits under Section 6.05.3 B hereof shall apply to applications under this section.

## Section 8 **PRELIMINARY LAYOUT REQUIREMENTS (OPTIONAL)**

8.01 **Preliminary Layout Requirements** - Should the Subdivider elect to follow the preliminary layout process, the applicant shall submit five (5) copies of a preliminary layout clearly marked "Preliminary Layout", to the Planning Board at a Public Hearing of the Board. The preliminary layout shall be at a scale of not more than one hundred (100) feet to the inch, showing or accompanied by the following information:

**A.** Proposed subdivision name or identifying title, name and address of owner(s) of record, the name of the subdivider, name of the engineer or surveyor. Date, Scale, North point, Tax map/lot numbers and a locus plan.

**B.** Names of owners of record and lot numbers of abutting properties, abutting subdivision names, roads, easements, setbacks, alleys, parks, public open spaces, intersecting roads, and driveways within two hundred (200) feet of parcel to be subdivided and any other pertinent facts regarding abutting properties.

**C.** The preliminary layout shall show the boundaries and area of the entire parcel, Zoning District including boundaries if in more than one district, location, bearing, and length of existing and proposed lot lines, reservation lines, road right-of-way lines, easement lines and setback lines, area of each lot in square feet. Proposed lots shall be numbered consecutively.

**D.** 1) A copy of the current deed for the parcel or parcels of land involved.

2) The location and area of all parcels of land proposed to be dedicated to public use and the conditions of such dedication as are intended to cover part or the entire tract.

**E.** Location, names and widths of existing and proposed roads.

**F.** Location, width, grades, drainage, safe site distance and proposed improvements of all driveways, entrances, exits, approaches and other access points in the subdivision.

**G.** Existing and proposed water mains, sewers, culverts, drains, and electric utilities and their proposed connections.

**H.** A statement that the proposed road centerlines and lot locations have been adequately flagged on the ground at the site to facilitate on-site inspection and evaluation of the proposed subdivision by the Board.

**I.** Where the preliminary layout submitted covers only a part of the subdivider's contiguous holding, a master sketch of the prospective future subdivision shall be furnished showing an overall road system.

**J.** A statement of work required on off-site improvements to meet the minimum standards set forth herein including cost estimates and the method of meeting such costs.

**K.** Location of existing buildings, easements, watercourses, ponds or standing water, rock ledges, and all other significant natural or man-made features on-site and within 200 feet of the subdivision boundary lines. Approximate locations of off-site features would be acceptable when noted on the Plan.

**L.** Location of any wetland areas shall be indicated with standard U.S.G.S, symbols as determined by the engineer or surveyor.

**M.** At least one benchmark, plainly marked in the field and shown on the plan with its elevation. Ties to NGS, USGS or SCS benchmarks may be required.

**N.** The slope of the land, as determined by an engineer or surveyor, shall be indicated by contour intervals not to exceed five (5) feet except in construction areas where not more than two (2) foot intervals will be used. Contour lines shall extend a minimum of two hundred (200) feet beyond the subdivision boundary lines. Off-site contours may be estimated and noted on the Plan.

**O.** The soil types shall be indicated as determined by reference to the Soils Survey Report for Carroll County prepared by the USDA Soils Conservation Service or by a Certified Soil Scientist doing a High Intensity Soil Survey (HISS) on-site, as applicable. (See Section 11.02) When a parcel contains more than one (1) soil type, the soil boundary lines shall be shown on the plan.

**P.** If a subdivision is to be served by public sewers or by public water supply, a statement from the Municipal department or company involved, attesting to the availability of such service.

**Q.** Location, results, and data of each percolation test hole and information with respect to soil conditions, description of soil layers, depth to observed water table, depth to seasonal high-water table, etc. It shall be the subdivider's responsibility to provide adequate information to clearly indicate that the lots can support both on-site water and waste disposal systems if required, without danger of contamination of water supply on such lot or other property.

#### **8.02 Additional Preliminary Layout Requirements**

As part of the preliminary layout subdivision, the subdivider or his agent may be required by the Board to submit any or all of the following;

8.02.1 **Subdivision Grading and Drainage Plan** – Where appropriate, five (5) copies of this plan shall be submitted on a separate sheet or sheets and shall provide the following information for the entire area of the proposed subdivision unless there is a determination by the Board that a lesser area is sufficient.

**A.** Basic road and lot layout, with all lots numbered consecutively.

**B.** Location of all existing and proposed buildings.

**C.** Contours of existing and proposed finished grades at intervals of not less than five (5) feet. Intervals of less than five (5) feet may be required depending on the character of the topography. Contour lines shall extend a minimum of two hundred (200) feet beyond the subdivision boundary (may be estimated and noted on the plan).

**D.** Indicate the direction of flow of the runoff.

**E.** Area in acres of watershed areas and the engineering calculations used to determine the drainage requirements. Flood Hazard areas shall be indicated.

**F.** Identification, location, elevation, grades and/or contours at intervals of not more than two (2) feet for the existing and proposed drainage ways, drainage easements, drainage structures, swales, ditches and water courses.

**G.** Identification, location, and specifications for each proposed soil erosion and sediment control measure and structure in accordance with formal and informal guidelines acceptable to the Town. (Section 11.03)

**H.** Drawings, details, and specifications for flood hazard prevention measures and structures and for proposed storm water retention basins.

**I.** Slope stabilization details and specifications.

**J.** A time schedule indicating the anticipated starting and completion dates of the subdivision development and the time of exposure of each graded area prior to the completion of effective soil erosion and sediment control measures.

**K.** A written acknowledgment of the subdivider's responsibility for the maintenance of slope stabilization, effective control measures for storm water erosion and sediment control, and temporary drainage structures while under construction.

**8.02.2 Road Design** – Five (5) copies of a road design plan(s) in compliance with the standards contained herein shall be submitted as part of the preliminary layout submission. The plan(s) shall have a horizontal scale of 1"=50' and a vertical scale of 1"=10' or other acceptable scale. Subdivision approval will not be granted until a satisfactory road design is approved.

The plan(s) submitted shall show the following:

- A.** Subdivision name or identifying title, name of the owner of record, name and seal of the licensed land surveyor and/or name and seal of the engineer, date. North Point, Tax Map/Lot Numbers, scale and locus plan.
- B.** Existing and proposed road right-of-way lines, dimensions of centerline radius, tangent lengths and bearings, deflection angles, stationing and chords, dimensions of right-of-way line radius and arc length, accurate locations and descriptions of all monuments to be set at road intersections, points of curvature and tangency of curved roads and at angles of lots, and names of existing and proposed roads.
- C.** Road cross sections indicating cut and fill, approximate road grades and profiles, locations and sizes of any bridges and/or culverts.
- D.** Existing grade of each half station (on profile).
- E.** Proposed grade of each half station (on profile).
- F.** Length of vertical curves and data (on profile).
- G.** Sight distance on horizontal and vertical curves.
- H.** Design speed and average daily traffic (ADT).
- I.** Slope and drainage easements.
- J.** Drainage structure location and inverts, station skew, length, slope, and end treatment.



- K.** Culvert locations, sizes, and culvert header specifications.
- L.** Monuments not more than 1000' apart. (See Section 11 .04).
- M.** Preliminary engineer's estimate of construction cost shall be filed with the road design plan(s) when submitted for approval.
- N.** A letter of certification that all road and utility materials meet the standards specified in these regulations.
- O.** A notarized letter fixing the legal responsibility for construction and maintenance of a private road.

8.02.3 **Subdivision Utility Plan** - Five (5) copies of a subdivision utility plan shall be submitted as part of the final plan submission. The plan submitted shall provide the following information:

- A.** The location and sizes of sewer and drains, Y- branches, laterals, manholes, and catch basins.
- B.** The location and sizes of hydrants, valves, curb shut offs.
- C.** The location and sizes of water supply lines, valves, curb shut offs.
- D.** The location of electric and telephone utilities if underground.

## Section 9 **FINAL PLAN**

### 9.01 **Final Plan/Completed Application Filing**

The Subdivider shall file with the Board the Completed Application and the Final Plans at least twenty-one (21) days prior to the scheduled Public Meeting of the Board at which time the application is to be considered for acceptance. The Final Plan shall contain the information required in Section 9.05 and be accompanied by the applicable documentation as required in Section 9.06, provided however, if the preliminary plans indicate development by sections, the Final Plan is one of the sections to be developed.

### 9.02 **Final Plan Requirements**

- A.** Five copies of the Final Plan, no larger than 24" X 36" shall be submitted for approval and recording.
- B.** Adequate space shall be provided on the plan for the necessary endorsement by the Planning Board and other appropriate agencies. (See Appendix B)

### 9.03 **Certification**

The following statement shall be on the Final Plan: "The Subdivision Regulations of the Town of Ossipee are a part of this plan, and approval of this plan is contingent upon completion of all the requirements of said Subdivision Regulations, accepting only waivers or modifications made in writing by the Planning Board".

### 9.04 **The following plans shall accompany the Final Plan:**

- A.** One (1) Mylar copy of the Final Plan shall also be submitted which is of the same scale as the corresponding Official Tax Map of the Town of Ossipee.

- B. Five (5) copies of the lot layout which shall indicate lot areas in square feet, five-foot contour intervals, soil types, location and data of each percolation test hole, and the zoning district boundaries.
- C. Five (5) copies of the Final Subdivision Grading and Drainage Plan with information as required in Section 8.02.1 and consistent with the standards in Section 11.03.1.
- D. Five (5) copies of the Final Road Design Plans with the information as required in Section 8.02.2 and consistent with the provisions in Section 12.
- E. Five (5) copies of the Final Subdivision Utility Plan.
- F. Five (5) copies of the Final Plan for recreational development of open space, if appropriate.

9.05 **The following information shall be indicated on the Final Plans:**

- A. The proposed subdivision name or identifying title.
- B. The name and address of the owner(s) of record.
- C. Tax Map, Lot Number and Zoning District of the parcel.
- D. The name and seal of the licensed land surveyor, and certification as to the accuracy of the plan details.
- E. The name and seal of the professional engineer (if applicable), and certification as to the accuracy of plan details.
- F. Date.
- G. North Arrow.
- H. Scale, no greater than one hundred (100) feet to the inch.
- I. Locus Plan.
- J. Names and tax map numbers of abutting property owners, including subdivisions where applicable.
- K. Intersecting roads and driveways within a 200 feet radius of the parcel to be subdivided.
- L. All dimensions both linear and angular, and curve data necessary for locating the boundaries of the; subdivision road, rights-of-way, easements, lots, setback lines and reservations. All dimensions shall be shown to nearest hundredth of a foot and all bearings to the nearest minute. The error for closure of blocks enclosed by roads shall not exceed one in five thousand. All surveying must conform to the procedural and technical standards of the New Hampshire Land Surveyors Association as adopted December 4, 1981, as amended.
- M. All lots shall be consecutively numbered.
- N. Benchmark Monuments and iron pins shall be set in compliance with Section 11.04 and indicated on the plan.
- O. Location, names and widths of existing and proposed roads and highways.
- P. Location of existing and proposed easements, deed restrictions, parks, and open space, areas reserved by the developer, existing buildings, water courses, ponds, ledges,

wetlands and other significant natural and man-made features on-site and estimated location within two hundred (200) feet of the subdivision boundary lines.

9.06 **Documentation Required** - Where applicable to a specific subdivision, the following are required prior to approval of a subdivision in a form approved by the Board and Town Legal Counsel.

- A. The conditions of any easement, reservation, dedication of land for public use, and the proposed use of sites other than residential shall be noted on the plan or attached. A copy of such private deed restrictions and/or covenants for protection of open space or other purposes as are intended to cover part or the entire tract shall accompany the Final Plan.
- B. If a subdivision is to be served by the public water supply or by public sewers, a statement from the municipal department or company involved, attesting to the availability of such service.
- C. Unless public sewage and/or water facilities are provided, it shall be the responsibility of the subdivider to provide adequate information to ensure that the area of each lot is adequate to permit the installation and operation of both individual on-lot water and sewerage systems.
- D. When approval of a plan is required by an officer or body of such municipality, county, or state, approval shall be certified on the plan in an appropriate space provided therefore on the plan.
- E. A duplicate copy of all applications and data submitted to any Federal, State, County and/or Municipal Agency which may have jurisdiction as prescribed by law pertinent to the subdivision.
- F. Copies of all necessary permits and/or approvals, pertinent to the subdivision, from any Federal, State, County and/or Municipal Agency, i.e., Dredging and Filling permit. Curb Cut (driveway) permit/approvals, Subdivision Septic Approval, etc.
- G. A written acknowledgment of the subdivider's responsibility for maintenance of the easement areas, and the assumption of liability for injuries and damages that may occur on any land to be dedicated for public use, until such land has been legally accepted by the Town of Ossipee.
- H. The subdivider shall provide, in a form certified as satisfactory by Legal Counsel for the Town, conditional title to all land included in roads, highways, or parks not specifically reserved by him. Approval of the plan by the Board shall not constitute an acceptance by the Town of the dedication of any street, road, highway, park or other open space.
- I. A statement describing the proposed phasing of the subdivision including the time frame, percentage of total residential and non-residential uses, and the improvements and facilities included in each phase.
- J. Agreements, if any, between the subdivider and the Town regarding public improvements or other purposes.
- K. Assurances, including Bonds and other financial guarantees.
- L. Copies of appropriate impact statements as may be required by the Board (See Section 10.11).

- M.** A written statement by the Ossipee Fire Department assessing or evaluating, and describing fire protection facilities and hazards if any, of the proposed subdivision.
- N.** A copy of the current deed for the parcel or parcels of land involved and typical deed for the conveyance of lots or dwelling units within the proposed subdivision.
- O.** A statement of work required on off-site improvements to meet the minimum standards set forth herein including cost estimates and the method of meeting such costs.

## Section 10 **GENERAL REQUIREMENTS FOR THE SUBDIVISION OF LAND**

### 10.01 **General Guidelines**

**A.** The Plan shall conform to all pertinent State or Town laws or regulations. Each lot in any subdivision shall be created with an area of at least 44,000 sq. ft. of contiguous buildable land and with a minimum road frontage and a minimum of water frontage (if applicable) in compliance with Town of Ossipee Zoning Ordinance.

**B.** No subdivision of land shall be made, and no land in any subdivision shall be sold or offered for sale, rent, lease or condominium conveyance until a Final Plan, prepared in accordance with the requirements of these regulations, has been approved by the Board, and other required permits have been issued.

**C.** No road or utility construction shall be started until a Final Road Design Plan prepared in accordance with the requirements of these regulations has been approved by the Board.

**D.** The subdivider shall give due regard to the preservation and protection of existing features; trees, scenic points, brooks, streams, water bodies, rock out cropping's, other natural areas, historic landmarks, cemeteries and similar community assets in order to preserve the natural environment.

### 10.02 **Easements**

**A.** 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 preliminary layout shall show the boundaries of proposed permanent easements over 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. Water courses proposed for public control shall also have a permanent easement of not less than thirty (30) feet.

**B.** Where a subdivision is traversed by a water course, drainage way, channel, or stream, there shall be provided a stormwater drainage easement conforming substantially with the lines of such water course, and such further width or construction or both, as will be adequate for the purpose. To the- extent possible natural drainage ways shall be maintained including redesign, and/or deletion of lots traversed by water courses.

**C.** A dedicated easement must be provided to the receiving waterway for all surface water drainage, including road, lot drainage, and natural waterways, etc.

### 10.03 **Open Space**

**A.** The Board may require open spaces and/or parks (not to exceed 15% of the total area of the subdivision) suitably located for recreational purposes and of appropriate area and physical characteristics for this use to serve the needs of the subdivision. 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. Such areas of open space, whether privately or publicly owned, shall have a sufficient legal restriction recorded in the Town land records to assure permanence of use as open space. Open space land in private ownership shall be deeded in such a way that will assure operation or maintenance of the land in an orderly manner suitable for the purpose intended.

**B.** Development of Open Space – On land to be used as active recreation open space, undesirable growth and debris shall be removed. Wooded and brook areas shall be left natural; active recreation open spaces shall be graded properly to dispose of surface water and shall be seeded with lawn grass. There shall be no depositing, dumping, or storage of waste, or other natural or man-made material, supplies, or equipment, on any subdivision land designated as open space.

**C.** In cases where the Board determines that due to the size, topography or location of the subdivision, land for park, playground, or other recreation purposes cannot be properly located therein, the subdivider shall pay to the town a sum of money in an amount to be determined by the Board. This cash payment shall be remitted to the Town for either land acquisition or development of public land for recreational purposes for the benefit of the residents of the subdivision. The Board may approve the combination of the two previous methods in making provision for open space and recreation.

#### 10.04 Flood Hazard Areas

**A.** "Special Flood Hazard Area" by the Federal Insurance Administration shall be submitted indicating sufficient evidence to assure the Board that:

- (1) The proposal shall be consistent with the need to minimize flood damage;
- (2) The proposal shall have public utilities (if available) and facilities such as sewer, gas, electric and water systems located and constructed to minimize or eliminate flood damage;
- (3) The proposal shall have adequate drainage provided to reduce exposure to flood damage; and
- (4) Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least 5 lots or 5 acres (whichever is less).

**B.** Where new and replacement water and sewer systems (including on-site systems) are proposed in flood prone areas, the applicant shall provide the Planning Board with assurances that new and replacement sanitary sewage systems are designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters. On-site disposal systems shall be located to avoid impairment to them or contamination from them during flood.

**C.** Flood Plain Areas - The Planning Board may, when it deems it necessary for the health, safety, or welfare of the present and future population of the area and necessary to the conservation of water, drainage, and sanitary facilities, restrict the development of any portion of the property which

lies within the flood plain of any stream or drainage course. These flood plain areas shall be preserved from any and all destruction or damage resulting from clearing, grading, or dumping of earth, waste material, or stumps, except at the discretion of the Planning Board.

**D. FEMA Requirements:** For subdivisions and site plans the involve land designated as “Special Flood Hazard Areas” (SFHA) by the National Flood Insurance Program (NFIP): The Planning Board shall review the proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State Law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

#### 10.05 **Character of Land for Subdivision**

**A.** Land of such character that it cannot be safely used for building development purposes because of danger to health due to erosive stream action; flood hazard, poor drainage, poor soil conditions, excessive slope instability of slope or fill or other hazardous conditions shall not be included in the minimum lot sizes. Land with inadequate characteristics or capacity for sanitary sewage disposal shall be platted but shall not be used to calculate any part of the minimum buildable lot size unless a design solution by a professional engineer, acceptable to the Board, can be presented.

**B.** The subdivider shall submit a map identifying the specific soils present on each proposed lot. The Board may require an on-site soil type determination by a qualified soil scientist, by qualified personnel of the N.H. Water Supply and Pollution Control Commission, or by another qualified individual designated by the Carroll County Conservation District, and by reference to the Carroll County Soil Survey.

#### 10.06 **Reserve Strips**

Privately owned reserved strips, except an open space area, shall not be permitted which control access to any part of the subdivision or to any other parcel of land from any road, or from any land dedicated to public use, or which may be so dedicated.

#### 10.07 **Rights-of-Way**

Rights-of-way shall be kept clear of any buildings, parking lots, or similar obstructions. A right-of-way shall not be used as a method to connect two (2) nonadjacent lots to make a single lot nor shall a right-of-way be considered as part of a lot when determining minimum lot size.

#### 10.08 **Subdivision and Road Names**

The name of subdivisions or roads shall not duplicate or bear phonetic resemblance to the names of existing subdivisions or roads within the Town, or be numbered or lettered (i.e., 1st. first, or "A" road). Any extension of an existing road shall bear the same name.

#### 10.09 **Premature Subdivision Development**

The purpose of this Section is to provide against scattered and premature subdivision of land as would involve danger or injury to the health, safety, or prosperity by reason of lack of water supply, drainage, transportation, school, fire department protection, or other public services, or the lack of these facilities would be a hazard or necessitate an excessive expenditure of public funds for the supply of such services.

The Planning Board shall not allow such scattered or premature subdivision of land unless the subdivider shows:

- (1) Through studies approved by the Board and conducted at the expense of the subdivider that the type and/or scope of the proposed subdivision and/or
- (2) Through both on and off-site improvements made at the expense of the subdivider, the conditions on whether the subdivision is premature or scattered are not valid, and/or are overcome by remedial action of the subdivider.

The Planning Board may, if the situation warrants, approve an entire subdivision, allowing only a portion thereof to be developed each year. This phased development would permit an orderly expansion within the Town of its services to match growing needs.

The following items shall be considered in determining whether the proposed subdivision is scattered and premature and the subdivider may be required to have studies made under the guidelines established by the Planning Board to determine the effect that the proposed subdivision may have on:

1. Distance from nearest elementary school;
2. Capacity of school system and effect on school bus transportation;
3. Adequacy of access roads and/or sidewalks to serve the subdivision;
4. Adequacy of water supply for domestic and fire protection purposes;
5. Potential health problems, due to on-site sewage systems and/or water supply;
6. Potential fire protection problems due to location and/or special conditions relative to type or use;
7. Potential special policing problems;
8. Potential drainage problems both on the site and downstream; and
9. Cause an excessive expenditure of public funds.

Where the Town's share of the cost of improvements necessitated by the proposed subdivision constitute an excessive and unreasonable expenditure of public funds, the Subdivider shall either alter the proposal to lessen the subdivision's demand for necessary services or agree to bear that portion of the Town's share that the Town cannot reasonably finance. If the subdivider declines either of these alternatives, then the Board shall deny approval of the proposed subdivision.

#### 10.10 **Documentation of Impacts**

It shall be the responsibility of the Subdivider, if the Board deems it necessary, to provide an accurately documented environmental, traffic, and/or economic impact statements that could Impact the short- and long-term well-being of the public in Ossipee. Such studies shall be completed prior to the acceptance of the Completed Application.

#### 10.11 **Plans Straddling Municipal Boundaries**

Whenever access to the subdivision is required across land in an adjoining Town, the Planning Board shall require approval from that adjoining Town's Planning Board that access is legally established. In general, lot lines should be laid out so as not to cross municipal boundaries.

#### 10.12 **Marginal Access Roads**

Where a subdivision abuts or contains an existing or arterial road, the Planning Board may require marginal access roads, reverse frontage with screen planting contained in a no access reservation along the rear property line, deep lots with rear service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

## Section 11 **DESIGN STANDARDS FOR ALL SUBDIVISIONS**

### 11.01 **Lots**

**A.** According to the provisions of RSA. 674:36, each lot shall meet the requirements of the Town Zoning Ordinance and shall be in conformance with the lot size by soil type per the Tables contained, herein in order to assure adequate area as may be needed for safe, long-term operation of on-site sanitary facilities.

1. For a single-family residence of not more than four bedrooms, the minimum lot size shall comply with the Town of Ossipee Zoning Ordinance or the soils and slopes Table 1 A, whichever is greater.
  2. For residential uses of five to ten bedrooms, the minimum lot size shall be determined by dividing the number of bedrooms by four and multiplying times the minimum lot size listed in the soils and slopes table 1 A or the Town of Ossipee Zoning Ordinance whichever is greater.
  3. For residential uses of more than ten bedrooms, commercial, institutional and industrial uses, the minimum lot size shall be determined by the Town of Ossipee Zoning Ordinance and subject to the regulations of the New Hampshire Water Supply and Pollution Control Division.
- B.** Lot dimensions and area shall not be less than the requirements of any town ordinance and as required by soil or topography conditions. Lots shall be sized according to the land suitability standards set forth in this section.
- C.** When a lot is bounded by more than one road, any one of them, but only one, may be designated as the frontage road by the owner, provided that the road meets the frontage requirement and the principal, permitted building on the lot is numbered on such road.
- D.** The lot length-to-width ratio should generally not exceed 4:1 .
- E.** Where extra width has been dedicated for widening of existing roads, lots shall begin at such extra width line, and all setbacks shall be measured from such line.
- F.** Side lines of lots shall generally be at right angles to straight roads, and radial to curved roads.
- G.** Lots fronting on two parallel roads will not, in general, be approved.
- H.** Where a lot is bounded by a limited Access Highway, such road may be used to meet the frontage requirements only if a State Approved curb cut permit is obtained granting access from said highway.

### 11.02 **Minimum Lot Sizes**

In the absence of municipal sewerage facilities, minimum lot sizes within all subdivisions shall meet the lot size requirements specified in the Town of Ossipee Zoning Ordinance or Table 1, "Minimum



Lot Sizes by Soil Type" by high intensity soil survey (HISS) or Table 2, "Minimum Lot Size by Soil Type" by Soil Conservation Service (SCS) as applicable, whichever is greater.

**A.** High intensity soils survey (HISS) maps, complying with Table 1, Sec 11.02.1, are to be provided for all subdivisions. The applicants may request that the Planning Board to waive this requirement and use the soils and slopes in the SCS Table 2 herein.

**B.** Ground control shall be marked, by the applicant, both on the site and on the plan (map[s]). The ground control shall consist of numbered flags, stakes, walls, trees or other easily identifiable points on the property. These points will be well distributed throughout the site at a density of not less than Five (5) points per acre. The numbered points must be identified, by number, on the plan. The purpose of this requirement is to provide easy identification for all parties required or interested in examining the site.

**C.** The location of all existing and proposed buildings, accessory buildings driveways, sewer lines, water lines, public and private roads and driveways on the site, and the general location of such features within 200 feet of its boundaries, shall be indicated on the plan.

**D.** Where more than one soil type is found on a lot, a weighted average of those soils occurring on the lot shall be used to determine the minimum lot size.

**E.** Wetlands shall not be used as part of the computed lot size according to the following:

- (1) Areas designated as poorly drained or very poorly drained, freshwater Marsh or alluvial soils shall be considered wetlands.
- (2) No subsurface wastewater disposal system shall be constructed within 125 feet of any designated wetland area.

**F.** The HISS maps shall be prepared by a certified soils scientist who is certified by the State of New Hampshire.

**G.** Five paper copies of the HISS survey shall be provided to the Planning Board. In addition to the soils information provided by the survey, the map shall have on it the following:

- (1) The signature of the certified soils scientist;
- (2) Any qualifying notes made by the soils scientist;
- (3) Any cover letters or explanatory data provided by the certified soils scientist shall also be submitted.

**H.** If a soils classification provided on the HISS map is in dispute, the Planning Board may request an evaluation of the soils designations by the Carroll County Conservation District and/or an independent consultant.

# 11.02.1 MINIMUM LOT SIZE BY SOIL TYPE (HIGH INTENSITY SOIL SURVEY)

TABLE 1

Note: The following may not be a complete list of soil types in your town. Contact the Soil Conservation Service or the Carroll County Conservation District for assistance. Lot sizes in square feet.

Soil Type	Lot Size	Soil Type	Lot Size	Soil Type	Lot Size
111BH	44,000	212BH	75,000	23XCH	100,000
111CH	45,000	212CH	80,000	23XDH	140,000
111DH	60,000	212DH	95,000	23XEH	NA
111EH	NA	212EH	50,000	241CH	75,000
112CH	80,000	213CH	75,000	241DH	100,000
112DH	95,000	213DH	10,000	241EH	NA
112EH	NA	213EH	NA	243BH	50,000
114*H	NA	214*H	NA	243CH	75,000
11XBH	80,000	21XBH	80,000	243DH	100,000
11XCH	100,000	21XCH	100,000	243EH	NA
11XDH	140,000	21XDH	140,000	244*H	NA
11XEH	NA	21XEH	NA	24XBH	90,000
121BH	44,000	221BH	44,000	24XCH	130,000
121CH	45,000	221CH	45,000	24XDH	180,000
121DH	60,000	221DH	60,000	24XEH	NA
121EH	NA	221EH	NA	251BH	90,000
122BH	75,000	222BH	75,000	251CH	135,000
122CH	80,000	222CH	8,000	251DH	160,000
122DH	95,000	222DH	95,000	251EH	NA
122EH	NA	222EH	NA	253BH	90,000
124*H	NA	223BH	50,000	253CH	135,000
12XBH	80,000	223CH	75,000	253DH	160,000
12XCH	100,000	223DH	100,000	253EH	NA
12XDH	140,000	223EH	NA	254*H	NA
12XEH	NA	224*H	NA	25XBH	13,000
161BH	50,000	22XBH	80,000	25XCH	190,000
161CH	55,000	22XCH	100,000	25XDH	240,000
161DH	70,000	22XDH	140,000	25XEH	NA
161EH	NA	22XEH	NA	261BH	50,000
164*H	NA	231BH	44,000	261CH	55,000
166*H	NA	231CH	45,000	261DH	70,000
16XBH	90,000	231DH	60,000	261EH	NA
16XCH	110,000	231EH	NA	263BH	60,000
16XDH	150,000	233BH	50,000	263CH	85,000
16EH	NA	233CH	75,000	263DH	110,000
211BH	44,000	233DH	100,000	263EH	NA
211CH	45,000	233EH	NA	264*H	NA
211DH	60,000	234*H	NA	266*H	NA
211EH	NA	23XBH	80,000	26XBH	90,000
26XCH	110,000	33XBH	115,000	412BH	145,000
26XDH	150,000	33XCH	155,000	412CH	190,000
26XEH	NA	33XDH	205,000	413BH	90,000
275*H	NA	33XEH	NA	413CH	135,000
311BH	60,000	341BH	75,000	414*H	NA

TABLE 1 (cont.)

Note: The following may not be a complete list of soil types in your town. Contact the Soil Conservation Service or the Carroll County Conservation District for assistance. Lot sizes in square feet.

<u>Soil Type</u>	<u>Lot Size</u>	<u>Soil Type</u>	<u>Lot Size</u>	<u>Soil Type</u>	<u>Lot Size</u>
311CH	90,000	341CH	100,000	41XBH	150,000
311DH	120,000	341DH	125,000	41XCH	180,000
311EH	NA	341EH	NA	421BH	75,000
312BH	95,000	343BH	75,000	421CH	115,000
312CH	125,000	343CH	100,000	422BH	130,000
312DH	155,000	343DH	125,000	422CH	165,000
312EH	NA	343EH	NA	423BH	90,000
313BH	60,000	344*H	NA	423CH	135,000
313CH	90,000	34XBH	115,000	424*H	NA
313DH	120,000	34XCH	155,000	42XBH	150,000
313EH	NA	34XDH	205,000	42XCH	180,000
314*H	NA	34XEH	NA	431BH	115,000
31XBH	100,000	351BH	90,000	431CH	150,000
31XCH	120,000	351CH	135,000	433BH	115,000
31XDH	160,000	351DH	160,000	433CH	150,000
31XEH	NA	351EH	NA	434*H	NA
321BH	50,000	353BH	90,000	43XBH	175,000
321CH	75,000	353CH	135,000	43XCH	235,000
321DH	100,000	353DH	160,000	441BH	115,000
321EH	NA	353EH	NA	441CH	150,000
322BH	85,000	354*H	NA	443BH	115,000
322CH	100,000	35XBH	130,000	443CH	150,000
322DH	135,000	35XCH	190,000	444*H	NA
322EH	NA	35XDH	240,000	44XBH	175,000
323BH	60,000	35XEH	NA	44XCH	235,000
323CH	90,000	361BH	70,000	451BH	135,000
323DH	120,000	361CH	100,000	451CH	205,000
323EH	NA	361DH	130,000	453BH	135,000
324*H	NA	361EH	NA	453CH	205,000
32XBH	100,000	363BH	70,000	454*H	NA
32XCH	120,000	363CH	100,000	45XBH	195,000
32XDH	160,000	363DH	130,000	45XCH	285,000
32XEH	NA	363EH	NA	461BH	105,000
331BH	75,000	364*H	NA	461CH	150,000
331CH	100,000	366*H	NA	463BH	105,000
331DH	125,000	36XBH	110,000	463CH	150,000
331EH	NA	36XCH	130,000	464*H	NA
333BH	75,000	36XDH	170,000	466*H	NA
333CH	100,000	36XEH	NA	46XBH	165,000
333DH	125,000	375*H	NA	46XCH	195,000
333EH	NA	411BH	90,000	-	-
334*H	NA	411CH	135,000	-	-

(\*) Means any slope or any number

(\*\*) or (\*\*\*) Means additional on-site needed.

(NA) Means NOT ALLOWED

### 11.02.1 **STANDARDS FOR A HIGH INTENSITY SOIL MAP**

#### **A. Criteria for High Intensity Soil Map:**

- (1) Use of a Base Map.
- (2) Use of a Connotative Soil Legend (see attachment Key to Soil Types 11.02.1 B.).
- (3) Required Map Unit Purity.
- (4) Minimum Size Delineation.
- (5) Required accuracy: of soil boundary line placement.
- (6) Map prepared by a certified Soil Scientist.

#### **Base Map:**

- 1) A current perimeter survey by a Licensed Land Surveyor.
- 2) Map scale of 1"=100' or larger, i.e., 1"=50', 1" = 20 ', etc.
- 3) Topography with 2-foot contour intervals or less, i.e., 1-foot contour intervals.
- 4) Ground control is required and shall be at the density specified by the Soil Scientist.

#### **Connotative Soil Legend:** (See Key to Soil Types 11.02.1 B)

All map unit symbols used will be derived from the Connotative Soil Legend, with only one soil type per map unit delineation.

#### **High Intensity Map Unit Purity:**

The Soil within an area enclosed by a soil boundary line (a map unit delineation) will have a minimum of 75 percent of the soil properties inferred by the soil map symbol derived from the Key to Soil Types and placed within that map unit delineation. Limiting soil type or types can make up a maximum of 15 percent of the map unit delineation. The control section for determining soil properties is from the soil surface to a depth of 40 inches.

#### **Minimum Size Delineation:**

The minimum size delineation will refer only to map units of poorly drained, very poorly drained, rock outcrop or slopes of greater than 25 percent soil types. The minimum size delineation will be 2000 square feet. Smaller areas may be shown at the discretion of the Soil Scientist.

#### **Soil Boundary Line Placement:**

Soil boundary line placement should be accurate within 20 feet.  
Streams and small water bodies are shown at the discretion of the Soil Scientist.

### 11.02.1 **THESE ARE MINIMUM STANDARDS FOR HIGH INTENSITY SOIL MAPS.**

#### **B. KEY TO SOIL TYPES**

This key is used in utilized in high administration of lot regulations. The soil determining soil types that are intensity soil surveys for size by soil type and wetlands types are defined as soils having the

same soil characteristics of drainage class, parent material, restrictive features, and slope; and are designated by a five-part symbol, the parts being A,B,C,D,E.

**Symbol A. - Drainage Class**

1. - excessively drained
2. - well drained
3. - moderately well drained
4. - somewhat poorly drained
5. - poorly drained
6. - very poorly drained
7. - not determinable (to be used only with symbol B-6)

**Symbol B. - Parent Material**

1. - Glaciofluvial Deposits (outwash/terraces)
2. - Glacial Till Material Marine or Glaciolacustrine Deposits
3. - Very fine sand and silt deposits
4. - Loamy/sandy over silt/clay deposits
5. - Silt and clay deposits
6. - Excavated, regraded or filled
7. - Alluvial Deposits
8. - Organic Materials - Fresh water
9. - Organic Materials - Tidal Marsh

**Symbol C. - Restrictive Feature** ( if more than one applies, list the most restrictive)

1. - None
2. - Bouldery, with more than 15% of the surface covered with boulders, (larger than 12" in diameter).
3. - Mineral restrictive layer (s) are present in the soil profile less than 40 inches below the soil surface such as hard pan, platy structure, clayey texture. For examples of soil characteristics that qualify for restrictive layer, see Soil Manual for Site Evaluations in New Hampshire, page 2-22, and figure 2-8.
4. - Bedrock present in the soil profile 0 to 40 inches below the soil surface.
5. - Subject to flooding.
6. - Does not meet fill standards (only to be used with symbol B-6).
- X. - Areas where depth to bedrock is so variable that a single soil type cannot be applied will be mapped as a complex of soil types and will have a symbol C of X.

**Symbol D. - Slope Class**

- B.** 0 to 8%  
**C.** 8 to 15%  
**D.** 15 to 25%  
**E.** 25% +

**Symbol E. - High intensity soil map identifier - H.**

#### 11.02.1 C. KEY TO SOIL DRAINAGE CLASSES

- A.** Soils that have an aquic moisture regime or are artificially drained and
- 1) Have organic soil materials that extend from the surface to a depth of 16 inches or more; or
  - 2) Have a histic epipedon ( either mineral or organic); or
  - 3) Have an epipedon that has "n" value of greater than 0.7; are very poorly drained.
- B.** Soils that have an aquic moisture regime or are artificially drained and
- 1) Have an albic horizon that lies just above a horizon having hue 10 YR or redder, value less than 5, Chroma less than 4; and have faint to prominent mottles in the albic horizon less than 12 inches below the soil surfaces; or
  - 2) Within 20 inches of the soil surface have textures of dominantly very fine sand or finer with distinct or prominent mottles less than 12 inches below the soil surface and have a subsurface horizon less than 20 inches below the soil surface that has dominant color, moist, in the matrix of Chroma 2 or less, value 4 or more; or
  - 3) Within 20 inches of the soil surface have textures of dominantly loamy fine sand or coarser with distinct or prominent mottles less than 12 inches below the soil surface and have a subsurface horizon less than 20 inches below the soil surface that has dominant color, moist, in the matrix of Chroma 3 or less, value 4 or more; or
  - 4) Have any textures with no mottles and have a subsurface horizon less than 20 inches below the soil surface that has dominant color, moist, in the matrix of Chroma 1 or less, value 4 or more; or
  - 5) Have a mineral epipedon greater than 12 inches and less than 20 inches that is underlaid with a mottled subsurface horizon less than 20 inches below the soil surface that has dominant color, moist, in the matrix of Chroma 2 or less, value 4 or more; are poorly drained.
- C.** Soils that have a distinct or prominent mottles, that are not relic mottles, at a depth less than 15 inches below the soil surface; are somewhat poorly drained.
- D.** Soils that have distinct or prominent mottles, that are not relic mottles, between a depth of 15 inches and 40 inches below the soil surface; are moderately well drained.
- E.** Soils that have textures in any horizons between 10 to 40 inches of very fine sand or finer; are well drained.
- F.** All other soils; are excessively drained.

11.02. 2 Minimum Lot Size by Soil Type (Soil Conservation Service)

Table 2

Soil Map Symbol	Soil Type	A0 –3%/B3– 8%	Slope C8 – 15%	D15–25%
*Ac	Acton fsl	55,000	82,500	-
Ad	Acton vsfsl	55,000	82,500	-
Am	Adams ls	44,000	49,500	175,000
AW	Alluvial land, wet	NP	NP	NP
Bc	Becker vsfsl	55,000	82,500	175,000
Bs	Bershire vsfsl	44,000	49,500	175,000
Bt	Bershire xsfsl	44,000	49,500	175,000
*Cf	Charlton fsl	44,000	49,500	175,000
Cl	Charlton vsfsl	44,000	49,500	175,000
CM	Chocorua mucky peat	NP	NP	NP
Cn	Colton glfs	44,000	49,500	175,000
Cy	Croghan lfs	66,000	-	-
De	Deerfield lfs	66,000	-	-
Dn	Duane fsl	66,000	-	NP
FA	Freshwater marsh	NP	NP	NP
*Gl	Gloucester fsl	44,000	49,500	175,000
Gs	Gloucester vsfsl	44,000	49,500	175,000
Gt	Gloucester xsfsl	44,000	49,500	175,000
GW	Greenwood Mucky peat	NP	NP	NP
Ha	Hadley vfsL	NP	NP	NP
*Hf	Herman fsl	44,000	49,500	175,000
Hm	Hermon vsfsl	44,000	49,500	175,000
Hn	Hermon xsfsl	44,000	49,500	175,000
Hs	Hinckley gls	44,000	49,500	-
Ht	Hollis – Charlton fsl	66,000	88,000	175,000
Hv	Hollis – Charlton vrfsl	88,000	110,000	175,000
Hx	Hollis – Charlton rock outcrop	88,000	110,000	175,000
Lf	Leicester – Walpole vsfsl	NP	NP	NP
LK	Limerick silt loam	NP	NP	NP
Lm	Limerick vfsL	NP	NP	NP
Ln	Lyman – Berkshire vrfsl	88,000	110,000	175,000
Ls	Lyman – Berkshire ro	88,000	110,000	175,000
*Ma	Marlow fsl	55,000	82,500	175,000
Md	Marlow vsfsl	55,000	82,500	175,000
*Ml	Millis fsl	55,000	82,500	175,000
Ms	Millis vsfsl	55,000	82,500	175,000
MU	Muck and Peat	NP	NP	NP
Na	Naumburg ls	NP	NP	NP
*Nc	Nicholville silt 1, s subsoil	66,000	-	-
*Of	Ondawa fsl	NP	NP	NP
*Oh	Ondawa fsl, high bottom	NP	NP	NP
*Os	Ondawa vfsL	NP	NP	NP
OT	Ossipee mucky peat	NP	NP	NP

Table 2 (Cont.)

Soil Map Symbol	Soil Type	A0 – 3% /B3–8%	Slope C8–15%	D15–25%
*Pa	Paxton fsl	55,000	82,500	175,000
Pd	Paxton vsfsl	55,000	82,500	175,000
Pe	Peru vsfsl	66,000	99,000	175,000
*Po	Podunk fsl	NP	NP	NP
Ps	Podunk fsl, sandy subsoil	NP	NP	NP
Ra	Raynham silt loam	NP	NP	NP
Rg	Ridgebury fsl	NP	NP	NP
Rl	Ridgebury vsfsl	NP	NP	NP
*Sa	Salmon vsl	44,000	49,500	175,000
Sd	Scituate vsfsl	66,000	99,000	175,000
Se	Skerry vsfsl	66,000	99,000	175,000
Sf	Suncook lfs	NP	NP	NP
*Sn	Sutton fsl	55,000	82,500	-
Su	Sutton vsfsl	55,000	82,500	-
Wa	Waumbek vsfsl	55,000	82,500	-
Wc	Whitman vsl	NP	NP	NP
Wd	Windsor ls	44,000	49,500	175,000
*Wn	Winooski vsl	NP	NP	NP
*Wo	Woodbridge fsl	66,000	99,000	175,000
Wv	Woodbridge vsfsl	66,000	99,000	175,000

ls - loamy sand

vr - very rocky

vs - very stony

ro - rocky outcrop

xs - extremely stony

\* prime Farm Soils

lfs - loamy fine sand

g - gravelly

s - sandy

fsl - fine sandy loam

l - loam

Septic systems not permitted on slopes over 25 percent – cannot be included minimum lot size determination.

NP - Septic systems not permitted on these soils - cannot be included minimum lot size determination.

- Soil types do not normally occur with these slopes. On site, determination is required.



### 11.03 **Drainage, Sediment and Erosion Control**

#### **General**

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

The subdivider shall bear the final responsibility for the installation and construction of all required drainage, slope stabilization, soil erosion and sediment control measures and structures according to the provisions of these regulations.

#### 11.03.1. **Standards**

All drainage and erosion control facilities and practices must be consistent with the town's specifications and the procedures and guidelines used by the U.S.D.A. Soil Conservation Service. The Erosion and Sediment Control Design Handbook for Developing Areas of N.H., April 1981 or as updated will be used in design of all control measures. These standards shall be observed by the subdivider in the design, layout and engineering of the proposed subdivision in both the preliminary layout and the final plan phase.

- 1) No natural drainage shall be obstructed unless adequate means are taken to provide for the runoff.
- 2) All subdivisions shall provide for adequate control of drainage for surface water runoff so as to prevent damage to or creation of problems both on-site and for other land in the adjacent area.
- 3) No water shall be permitted to run across the road on the surface but shall be directed into drainage ditches or catch basins. Paving or stone shall be provided in ditches where soil or velocity conditions warrant protection from erosion.
- 4) Provisions shall be made to accommodate the increased runoff caused by changed soil and surface conditions during and after development.
- 5) Sediment in the runoff water shall be trapped until the disturbed area is stabilized by the use of sediment basins or other acceptable methods.
- 6) 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 and/or mulching of road shoulders, embankments, and other critical exposed areas during development.
- 7) Whenever practical, natural vegetation shall be retained, protected, and supplemented. The disturbed area shall be kept to a minimum and the duration of exposure shall be under a maximum of six months.

#### 11.03.2. **Stormwater Drainage System**

Where public storm sewers are not required, surface water runoff shall be carried away in a system of swales, drainage ways, culverts, and channels to a natural watercourse or to other drainage facilities. Where a subdivision is traversed by a watercourse, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such watercourse, and of such width and construction or both as will be adequate for the purpose.

Wherever possible, it is desirable that the drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume of flow. The Subdivider shall dedicate, either in fee or by drainage or conservation easement, land on both sides of existing watercourses to a distance to be determined by the Planning Board.

#### 11.03.3 **Accommodation of Upstream Drainage Areas**

A culvert or other drainage facility shall, in each case, be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision.

#### 11.03.4 **Effect on Downstream Drainage Areas**

When a proposed drainage system will carry water across land outside the subdivision, appropriate drainage rights must be secured and indicated on the plan. Where it is anticipated that the additional run-off incident to the development of the subdivision will overload an existing downstream drainage facility, the Planning Board may withhold approval of the subdivision until provision has been made for the improvement of said condition. Alternatively, upon recommendation from a professional engineer, the Board may approve on-site retention or detention facilities to prevent the overloading of existing downstream facilities.

### 11.04 **Monuments**

#### **General Requirements**

A permanent control monument or benchmark shall be installed at the beginning of the subdivision and shall be referenced to the nearest USGS survey benchmark. All monuments shall be set plumb and in such a manner that they will not be removed by frost. No permanent monument shall be set until all construction that would disturb or destroy the monument is completed. All bounds shall be set by a licensed surveyor. The Board may waive the benchmark requirement whenever it determines that the requirement is not feasible. Plans submitted to the Board shall reflect all bounds.

#### 11.04.1 **Design Standards**

- A. **Road right-of-way bounds** - Monuments shall be of granite or reinforced concrete with a minimum size of 4" X 4" X 36" long shall have a 1/2" drill hole 1/2" deep at or near the center. Monuments shall be set to protrude 1" above the natural ground surface in residential areas and 4" - 6" above ground in wooded areas.
- B. **Subdivision and lot bounds** - Monuments shall be the same material and dimensions as the road row bounds or a steel pin or pipe 3/4" in diameter and 2 feet long or acceptable substitute and be set to protrude 6" above natural ground surface.

#### 11.04.2 **Required Improvements**

- A. **Road right-of-way bounds** - Monuments shall be set on the right-of-way lines of roads, at the beginning and end of project, intersections, beginning and ending of curves, points of tangency, and all angle points with a maximum distance between bounds of 1000-feet.
- B. **Subdivision and lot bounds** - Monuments shall be set at all corners, each end of all curves, at the point where a curve changes radius, at all angles points in any lines with a maximum distance of 1000 feet between bounds.

### 11.05 **Fire Protection**

**A.** All subdivisions involving the creation of three or more lots or units, any one of which involves water frontage, provision shall be made for an easement or easements at suitable intervals, if appropriate, for access of firefighting equipment. The easement shall provide for the Town of Ossipee the right to remove obstructions from such easement areas and for the installation and the maintenance of a dry hydrant, or other water-access device for year-round access to a supply of water for fire protection purposes.

**B.** Where a subdivision is proposed in a location where a water supply is not readily accessible, the Planning Board may require the applicant to provide for fire protection devices including, but not limited to, fire ponds or dry hydrants and access to such devices by reserving an easement to the Town as the Planning Board may deem appropriate.

**C.** Fire ponds shall be constructed to the standards recommended by the USDA Soil Conservation Service. Facilities will be installed in accordance with appropriate codes and will be subject to the inspection by the Fire Department (see appendix).

**D.** Easements shall be no less than 30 feet in width to allow the Ossipee Fire Department access from the nearest public right of way to the water body or facilities. Such easements shall provide for the maintenance of the easement area, that no obstruction may exist within the easement and that it shall be used for no other purpose.

#### 11.06 **Trees and Planting**

Due regard shall be given to the preservation of existing trees, shrubbery and other vegetation within the subdivision. The Board may require additional tree planting and other landscaping appropriate to the area being subdivided. The subdivider shall comply with the following requirements:

**A.** To the fullest extent possible, all existing trees and shrubbery shall be preserved by the subdivider. Special consideration shall be given to the arrangement and ultimate improvement or development of the lots to this end. Special precautions should also be taken to protect the existing trees and shrubbery during the construction of roads and utilities.

**B.** Where any land other than that included in public rights-of-way is to be dedicated to the public use, the subdivider shall not remove any trees from the site without the written permission of the Planning Board.

**C.** All disturbed areas which are not covered by structures or paving shall be properly seeded or replanted by the subdivider.

#### 11.07 **Topsoil**

Topsoil moved during the course of construction shall be redistributed so as to provide at least four (4) inches of cover to all disturbed areas of the subdivision. At no time shall any topsoil be removed from the site without written permission from the Planning Board.

### Section 12 **ROAD DESIGN AND CONSTRUCTION**

#### 12.01 **Purpose**

The purpose of the regulations in this section is to maintain efficient and safe roads in Ossipee. These provisions are designed to cause fewer distractions to motorists, and 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 Ossipee. All access points, including driveway entrances, shall be located to promote the safety, efficiency, and convenience of the traveling public and the residents adjacent to the roadway. Access points to through highways and public roads 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 subdivisions.

#### 12.02 **Construction or Bonding**

All roads and improvements in any future subdivision shall meet or exceed the minimum standards of these regulations. The roads and improvements shall be installed and constructed; by the subdivider to the satisfaction of the Planning Board and the Selectmen before the approval of the Final Plan or the subdivider shall file a performance bond as provided for in Section 6.16 prior to the approval of the Final Plan.

#### 12.03 **Roads**

Road locations shall be logically related to the topography so as to produce usable lots, reasonable grades and safe intersections in appropriate relation to the proposed use of the land to be served.

The arrangement of roads in the subdivision shall provide for the continuation of the principal roads in adjoining subdivisions, or for their proper projection when adjoining property is not subdivided and the right of way shall be of a width at least as great as that of such existing connecting roads.

#### 12.04 **Off-Site Improvements**

The Board shall consider the effect which proposed subdivisions will have on off-site roads. After such considerations, the Board may require the subdivider to improve off-site roads as a condition for subdivision approval. Existing roads within or abutting the subdivision shall, whenever necessary in the opinion of the Board, be widened and improved to the standards required by these Regulations, at the expense of the developer (see Table 12.35).

The extent of these improvements shall bear a rational nexus to the needs created by and the benefits conferred upon the subdivision. Factors to be used in determining the allocation of costs may include, but are not limited to, the following:

The standard to which the town presently maintains the roads, the frontage of the proposed subdivision, the potential traffic increase necessitated by the proposed subdivision, the character and potential for development of the neighborhood served by these access roads, the number of residences presently fronting on or normally trafficking these roads and compliance with the Town's Master Plan.

#### 12.05 **Right-Of-Way**

All roads shall have a minimum right-of-way of 50 feet. A right-of-way in excess of 50 feet may be required if such width is required by the anticipated traffic volume, conditions and use of the road.

#### 12.06 **Road Layout**

The roads shall be laid out to intersect at 90 degrees whenever possible but in no circumstances at less than 60 degrees. The grades at any intersection shall not exceed 2% for a distance of not less than 150' measured along the center line of the proposed road to the closest edge of the intersected road to provide a safe and adequate landing area.

- A. The center lines of no more than two (2) roads shall intersect at any one point.
- B. Roads entering opposite sides of another road shall be laid out either directly opposite one another or with a minimum offset of one hundred fifty feet between their center lines.
- C. Curb radii at road intersections of 90 degrees shall be at least 25 feet. Where the angle of the intersection is less than 90 degrees, a radius of at least 30 feet shall be required.

#### 12.07 **Road Grades**

The grades shall not be less than three quarters of one percent ( $3/4\%$ ) or exceed ten per cent (10%). All changes in grade, if more than 2% shall be connected by vertical curves of such length and radius that clears visibility shall be provided for a distance of 250 feet.

#### 12.08 **Alignment**

No roads shall be constructed with a curvature of less than a 230-foot radius except approved Cul-de-sacs on dead end roads.

Road intersections and curves shall be designed to permit adequate visibility for both pedestrian and vehicular traffic. That portion of any corner lot which is necessary to allow 250-foot sight lines between intersecting roads shall be cleared of all growth (except isolated trees) and other obstructions above a level three feet higher than the center line of the road. If necessary, ground shall be excavated to achieve visibility.

#### 12.09 **Road Width with On-Street Parking**

44-foot-wide pavement may be required in areas where on-street parking is expected. Angle parking shall not be allowed unless sufficient additional width is provided.

#### 12.10 **Sub-grade Preparation**

All loams and other yielding material including stumps, brush, and rocks shall be removed from the roadway area and replaced with suitable fill material. All boulders and ledge shall be removed to a uniform cross-sectional depth of not less than 12" below the sub-grade and replaced with gravel.

#### 12.11 **Gravel Sub-Base**

All roads shall be constructed with a minimum of 12 inches of gravel per New Hampshire Standard Specifications, 1983 Section 304. The maximum allowable size of stone shall not exceed 4 inches.

#### 12.12 **Crushed Gravel Base Course**

The crushed aggregate shall be spread in the amount necessary for proper consolidation to conform to the minimum standards in Table 12.35 and shall be shaped true to grade and cross section. The Maximum allowable size aggregate shall not exceed  $3/4$  inch.

#### 12.13 **Finish Surface**

For all roads designed for 50 cars and under per day the finished surface shall be B.A.S.T. or asphalt paved. All roads designed for over 50 cars per day shall be hot bituminous surface as per New Hampshire Standards Specifications Section 400.

#### 12.14 **Highway Right of Way Bounds**

Highway bounds in accordance with Section 11.04 shall be installed at all R.O.W. intersections or roads, at all points of change in direction and at any other points the Board may deem necessary to designate the right of way bounds (See Sections 14.04.1 and 11.04.2).

#### 12.15 **Gravel Shoulders**

A 4-foot gravel shoulder equal to the base course depth and of the same type material shall be constructed adjacent to the finished surface.

#### 12.16 **Clearing**

The entire area of each right-of-way shall be cleared of all trees not intended for preservation, stumps, brush, roots, boulders and like materials. (This provision may be waived in rural settings.)

#### 12.17 **Bridges**

The structures shall be designed to AASHTO—HS20 loading specifications when spanning streams or gaps of 10' or more and shall have a minimum roadway width of 24'.

#### 12.18 **Dead End Roads**

**A.** Dead end roads designed to be so permanent, shall not be longer than 1000 feet.

**B.** No road shall be designed with a permanent dead end when there is a potential for further development on the lot or on an adjacent lot.

**C.** All dead-end roads shall be provided with a Cul-de-Sac or turn-around providing adequate room for the movement of snowplows and fire equipment in the typical Cul-de-Sacs and turn-arounds. (See Appendix)

#### 12.19 **Easements**

Permanent easements of not less than 30 feet in width across lots shall be provided where necessary for utilities, access and drainage. Such easements shall be centered on rear or side lot lines wherever possible.

#### 12.20 **Utilities**

Utility poles should be kept close to the Right-of-Way line. In no case, the utility poles should be closer than the ditch line and always well back of a curb. Water and sewer mains shall be constructed outside the surface area and preferably outside the ditch line. All street plans shall include adequate area for future installation of utilities should such become necessary to control pollution.

#### 12.21 **Drainage**

Surface water shall be disposed of by means of culverts of sufficient capacity at water courses as determined by standard hydraulic design methods and by construction of a longitudinal storm

drainage system whenever required to relieve water in the ditch sections. Construction is to be in accordance with New Hampshire Standard Specifications, 1983, Section 603 and 604 as amended.

**A.** All proposed drainage facilities and culverts shall be installed. Natural water courses shall be cleaned and increased in size where necessary to take care of storm runoff. 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 paved roadway.

**B.** Natural drainage courses shall have a culvert for passage of water beneath roadway and culverts shall be provided at spacing not to exceed 300 feet along any grades in roadway. At its discretion, the Planning Board may require curbs and gutters. Concrete or stone masonry head walls or approved equivalent shall be provided at both ends of culverts and drainage ends of storm drains.

#### 12.22 **Erosion Control**

Erosion shall be controlled by seeding, sodding, mulching, matting or other vegetative cover or riprap on all surfaces where there is a danger of erosion. (See Section 11.03)

#### 12.23 **Embankment Slopes**

The maximum slope of cuts or embankments is 4:1 horizontal to vertical unless approved reinforcements or retainments are used.

**A.** Cut Slope - Even transition from bottom of the ditch (16" or deeper) upward to original ground at the rate of 4:1, 3:1 or 2:1 depending on depth of cut and room within R.O.W. i.e.

4:1 - One foot rise per four feet horizontal travel;

3:1 - One foot rise, per three feet horizontal travel:

2:1 - One foot rise per two feet horizontal travel.

**B.** Fill Slope - Even transition from, edge of roadway downward to original ground at the rate of 4:1, 3:1, or 2:1 depending on the depth of fill and room within R.O.W. i.e.,

4:1 – One foot fill per four feet horizontal travel;

3:1 – One foot fill per three feet horizontal travel;

2:1 – One foot fill per two feet horizontal travel.

Starting 4' beyond the edge of roadway allowing room for guide rails.

#### 12.24 **Guide Posts**

Guide posts shall be spaced no more than 15 feet apart with rails on all 2:1 fill slopes and at each culvert in accordance with New Hampshire Standard Specifications 1983, Section 606, as amended.

#### 12.25 **Traffic Control Devices and Signing**

Traffic control devices or signs shall be placed at locations where conflicting traffic movements will exist or where large traffic volume indicates necessity. Generally, stop signs will be provided at intersections where the street of lesser traffic volume enters that of a higher traffic volume. All signs and control devices shall conform to those standards set forth in the Manual of Uniform Traffic Control Devices of Federal Highway Administration, 1972.

#### 12.26 **Road Names**

The name of new roads shall not duplicate or bear phonetic resemblance to the names of existing roads, within the Town, or be numbered or lettered (i.e., 1st, first, or "A" street). Any extension of an existing road shall bear the same name.

#### 12.27 **Parking**

All subdivision development shall contain off-street parking to be provided at the rate of at least two (2) parking spaces per dwelling unit. In order to provide for the most efficient means of road maintenance, snow plowing and access by emergency, police and fire vehicles, no parking of vehicles within the road shall be permitted.

#### 12.28 **Sidewalks**

Sidewalks of two-inch-thick asphalt or- its equivalent on a four-inch gravel base, not less than four (4) feet in width and no closer than 20 feet to the street center line, shall be constructed on one or both sides of the street when, in the opinion of the Planning Board, such sidewalks are necessary.

#### 12.29 **Service Roads**

For proposed development along town or- state roadway frontages that exceed six hundred feet (600'), the construction of an internal street system or service road outside of the roadway right-of-way may 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 Planning Board must first review and conditionally approve the proposal. The Planning Board may require more than one access to multiple lot subdivisions.

#### 12.30 **Number of Access Points**

No more than one (1) access point shall be allowed from any one road to any one parcel of land unless the parcel's frontage along, that road exceeds eight hundred feet (800'). The same ratio of one access point per 800 feet of frontage, provided the minimum safe sight distance requirements can be met, shall be used for parcels which have more than 800 feet of frontage.

12.30.1 All subdivisions having forty-one (41) or more lots shall have two (2) access points, the location of which shall be determined by the Planning Board.

#### 12.31 **Driveways**

All lots must be capable of having access points, as shown on the subdivision plan, which shall meet the following standards for a driveway/access point approval. Failure to meet the standards shall constitute reason for subdivision denial.

Standards include:

**A.** The location(s) for access shall comply with the minimum safe sight distance required in Section 12.33.

**B.** There must be adequate drainage and grades to permit a safe and controlled approach to the highway in all seasons of the year. The slope of the driveway or access point shall not exceed ten percent (10%). Surface water runoff shall be diverted so it will not drain onto the roadway.



**C.** The width of the driveway, entrance, exit or approach shall not exceed fifty feet (50'), except for a normal flare at its junction with the road.

#### **12.32 Safe Sight Distance**

For the purpose of this section, all season safe sight distance is defined as a line which encounters no visual obstruction between 2 points, each at a height of 3 feet 9 inches above the pavement, and so located as to represent the critical line of sight between the operator of a vehicle using the access and the operator of a vehicle approaching from either direction.

#### **12.33 Table for Safe Sight Distance**

Type of Road	Speed Limit or Typical Speed	Minimum Safe Sight Distance
Minor roads	30 MPH or lower	200 feet
Through roads	31 - 40 MPH	275 feet
Through roads	41 - 50 MPH	350 feet
Major roads	51 MPH and over	400 feet

#### **12.34 Performance and Inspection Work**

**A.** The roadway shall be graded to the final grade in accordance with the profile and cross-section plan submitted.

**B.** All work necessary for the construction and required improvements shall conform to the requirements of these regulations and shall be free from faults and defects. All work and materials rejected by the Engineer as defective shall be removed and corrected by the subdivider. The subdivider shall provide the Board, in advance, with a schedule of work to be performed and shall give timely notice to the Board of the completion of each major stage of construction to facilitate inspection of the work prior to the covering thereof. The Board will promptly arrange for the Engineer to make such inspection and when he finds that the particular improvement has been completed in accordance with the requirements of these regulations, he shall approve the same in writing. Such approval shall not modify in any way the requirements of law for the acceptance of roads by the Town.

**C.** The subdivider shall be and remain fully responsible for the performance of the construction work in accordance with the requirements of these regulations and the Engineer shall have no responsibility for the failure of the subdivider to carry out the work as required herein.

**D.** The subdivider shall promptly remedy any defects in any required improvement due to faulty workmanship or materials which appear at any time after the approval of the Engineer.

**E.** Inspections by the Planning Board or their duly appointed Engineer shall occur at the following phases:

1. Initial inspection shall take place upon the submission of a proposed road plan. It is the responsibility of the subdivider to have the roads laid out and described adequately on the ground.
2. Periodic inspections during construction shall occur at each of the following phases prior to the covering thereof or the continuation of further work.

**A.** Subgrade preparation

- B. Sub-base, culverts and drainage
- C. Base course, slopes and ditches
- D. Finish surface, shoulders and seeding

3. Final inspection shall take place after presentation of the "as built" plans and before final approval by the Board.

F. The costs of all inspections shall be borne by the Subdivider (see Section 6.15).

#### 12.35 **Table of Minimum Road Standards**

<u>Traffic (ADT)</u>	<u>0-50</u>	<u>51-250</u>	<u>251-400</u>	<u>401 +</u>
Pavement Width (ft.)	18	20	22	24
Shoulder Width (ft.)	4	4	4	4
Center Line to ditch line (ft.)	17	18	19	Varies
Pavement type	B.A.S.T. Conc.	H.Bit. Conc.	H.Bit. Conc.	H.Bit. Conc.
Pavement thickness	2"	1" Base	2" Base	Varies
		1" Wearing	1" Wearing	
Pavement Crown	1/2"-ft.	1/4"-ft.	1/4"-ft.	1/4"-ft.
Sub-Base Course Depth	12"	12"	12"	18"
Base Course	2"	4"	6"	6"

#### Notes:

- The above geometric and structural guides shall be considered minimum.
- For average daily traffic over 1000 vehicles a day paved shoulders should be considered.
- Base Course depths may need to be increased in areas of poor soil.
- Average Daily Traffic is based on 10 trips per day per household.
- Cross section elements may be modified when based on sound engineering design and approved by the Board or its designated engineer.
- Material specifications shall conform to "Standard Specifications for Road and Bridge Construction by New Hampshire Department of Transportation and Highways, approved and adopted 1983" as amended.
- Design standards shall conform to geometric design guides by the American Association of State Highway and Transportation Officials.
- B.A.S.T. designates "Mix in Place" or bituminous asphalt surface treatment designed and constructed in accordance with New Hampshire Standard Specifications Section 410.
- H.Bit. Conc. indicates hot laid bituminous asphalt pavement in accordance with New Hampshire Standard Specifications, Section 403.

## Section 13 **ADMINISTRATIONS AND ENFORCEMENT**

### 13.01 **Scope**

These regulations shall apply to all land within the boundaries of the Town of Ossipee and in the spirit of regional cooperation the Board may consider the potential effects of which any subdivision or development in Ossipee may have on neighboring communities.

### 13.02 **Amendments**

For the purpose of providing for the public health, safety, and general welfare, the Planning Board may from time to time amend, change, alter, add or rescind the provisions imposed by these subdivision regulations. These regulations may be amended by the Board as provided in RSA 675:6 which requires a Public Hearing prior to amendment and notice as required by RSA 675:7. After the completion of the Public Hearing, the amendment may be adopted by an affirmative vote of a majority of all the members of the Board. A copy of the amendment shall be certified to by a majority of the Board and shall be filed with the Ossipee Town Clerk who shall note thereon the date of the recording. The amendment shall be legal and shall be in effect upon recording of the certified copy with the Ossipee Town Clerk., A copy of the certified copy filed with the Ossipee Town Clerk shall be sent to the Office of State Planning, RSA 675:9.

### 13.03 **Annual Review**

These regulations may be reviewed annually at a public meeting of the Board. Any necessary hearings for revision of these regulations shall be held in accordance with Section 13.02.

### 13.04 **Appeals**

As provided for in RSA 677:15, any persons aggrieved by any decision of the Planning Board concerning a plan or subdivision may present to the Superior Court a petition, duly verified, setting forth that such decision is illegal in whole or in part, specifying the grounds of the illegality. Such petition shall be presented in the Court within thirty (30) days after the filing of the decision in the Office of the Planning Board.

### 13.05 **Conflicts**

In any case, where a provision of these regulations is found to be in conflict with a provision of any other existing ordinance or regulation, the provision which imposes the greater restriction or higher standard shall be controlling.

### 13.06 **Separability**

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

### 13.07 **Interpretation**

In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. In matters of interpretation of these regulations, the opinion of the Planning Board shall prevail.

### 13.08 **Failure to Make Substantial Improvements**

Subsequent to the filing of an endorsed plan with the Carroll County Registry of Deeds, said plan shall be exempt from compliance with further amendments to these regulations, only pursuant

to N.H. RSA 674:39 as amended. Failure of the subdivider to make substantial improvements within Five (5) years after approval by the Board shall constitute abandonment. The Board may rescind approval of such subdivisions if they do not comply with current subdivision regulations.

#### 13.09 **Conditions**

Regulations of the subdivision of land and the attachment of reasonable conditions to land subdivision is an exercise of valid police power delegated by the State to this Municipality. The developer has the duty of compliance with reasonable conditions laid down by the Planning Board for design, dedication, improvement, and restrictive use of the land so as to conform to the physical and economic development of the Municipality and to the safety and general welfare of the future lot owners in the subdivision and of the community at large.

#### 13.10 **Compliance with Regulations**

No subdivision of land shall be made and no land in any subdivision shall be sold or offered for sale or lease, and no road or utility construction shall be started until a final plan prepared in accordance with the requirements of these regulations has been approved by the Board, and other required permits have been approved.

#### 13.11 **Reviews by other Town Officials**

Before the approval of the final plan is given, the Planning Board may require the Subdivider obtain written statements that the proposed subdivision plan is satisfactory to the Town Officials as follows:

1. The Board of Selectmen or their agent(s) as to the relationship of the proposed water, sewer and drainage facilities to the water, sewer and drainage facilities in existing public ways.
2. The Selectmen and the Road Agent as to the design of the road system, location of easements, and design of water and drainage systems, including appurtenances.
3. The Chief of the Fire Department as to the location of fire ponds, rights-of-way and hydrants, where they are provided.
4. The Chief of the Police Department as to vehicular and pedestrian traffic safety and access for emergency vehicles.
5. The Conservation Commission as to location of Conservation Easements, Wetlands, Flood Hazard areas, Open Space and related.

#### 13.12 **Acceptance of Roads**

Nothing herein is intended to modify the requirements of the law with reference to the acceptance of roads by the Town of Ossipee. Nothing herein is intended to modify or control the construction, reconstruction, or extension of roads by the Town of Ossipee, or the State of New Hampshire.

#### 13.13 **Driveway Permits**

All driveways in subdivisions, from the effective date of these regulations, will be reviewed and permits issued by the Public Works Director prior to final approval.

#### 13.14 **Transfer of Ownership**

Where the applicant-owner of the parcel to be subdivided, transfers ownership of said parcel prior to the signing of the plan, the original applicant-owner shall submit an "Acknowledgment of Planning Board Action" form. The acknowledgment shall state all the actions of, and conditions imposed by the Planning Board on the subdivision application to date. Both the original applicant-owner and the new owner must sign the acknowledgment. See (ATTACHMENT I)

#### 13.15 **Penalties**

Any Owner, or agent of the owner, of any land located within a subdivision, who transfers, rents, leases, or sells any land before the 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 five hundred dollars (\$500.00) for each lot, unit, or parcel so utilized; pursuant to RSA 676:16. The metes and bounds in the instrument of transfer or other document used in the process shall not exempt the transaction from such penalties. 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.

Any other violation of these Regulations, pursuant to RSA 676:17 may be made punishable by either a civil fine or criminal penalty.

The Town of Ossipee may enjoin such transfer or sale or agreement which may violate the provisions of these regulations and may recover the said penalty by injunctive relief or otherwise. In any such action, the Town of Ossipee may recover reasonable court costs and attorney's fees as may be ordered by the court.

#### 13.16 **Reservations**

Upon adoption of these regulation, in accordance RSA 675.6 (as amended) the Subdivision Regulations of the Planning Board of the Town of Ossipee adopted August 15, 1978, and amended August 12, 1986 are hereby repealed.

#### 13.17 **Adoption**

These regulations shall become effective after a public hearing or hearings, in accordance with RSA 675.6 (as amended) have been held and after having been, passed by the vote of the majority of the Planning Board and a signed copy has been filed in the Office of the Town Clerk.

## APPENDIX A

### ABUTTERS NOTIFICATION CERTIFIED/RETURN RECEIPT MAIL PROCEDURE

1. Provide a #10 standard size business envelope
2. Apply one set of labels obtained from Checklist item #2 (E) and #2 (F), apply address label for each abutter to the envelopes and return addressed to: Town of Ossipee; Planning Board or Zoning Board of Adjustment (whichever Board applies): PO Box 67; Center Ossipee, NH 03814
3. Apply second set of abutter address labels to the "Receipt for Certified Mail" (Please see sample provided)
4. Apply third set of abutter address labels to the "Return Receipt Post Card" (Please see sample provided)
5. DO NOT AFFIX POSTAGE; Postage fee will be applied by the Boards & Commissions Secretary per the Fee Scheduled

***Do not stuff or seal envelopes. Place "Receipt for Certified Mail" and "Return Receipt Post Card" under envelope flap and submit with your application package.***

UNITED STATES POSTAL SERVICE

First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

\* Sender: Please print your name, address, and ZIP+4® in this box\*

Town of Ossipee  
Zoning Board or Planning Board  
PO Box 67  
Ctr. Ossipee, NH 03814

**CERTIFIED MAIL**

7012 2210 0002 4346 0716  
7012 2210 0002 4346 0716

**U.S. Postal Service®**  
**CERTIFIED MAIL - RECEIPT**  
(Domestic Mail Only) (For Return and Coverage Protection)  
For delivery instructions and for return to www.usps.com

**OFFICIAL USE**

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Recipients Name  
Mailing Address  
City, State, Zip Code

9590 9400 0692 8183 5412 02

7012 2210 0002 4346 0716

PS Form 3811, April 2015 PSN 7530-02-000-0003

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
X

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes ☐ No  
If YES, enter delivery address below:

E. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☒ Certified Mail
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Insured Mail Restricted Delivery (over \$500)
- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Return Receipt for Merchandise
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

Domestic Return Receipt

## APPENDIX B

### Planning Board Signature Block

"The Subdivision Regulations of the Town of Ossipee are a part of this plan, and approval of this plan is contingent upon completion of all the requirements of said Subdivision Regulations, accepting only any waivers or modifications made in writing by the Planning Board".

Approved by the Planning Board

Chairman: \_\_\_\_\_

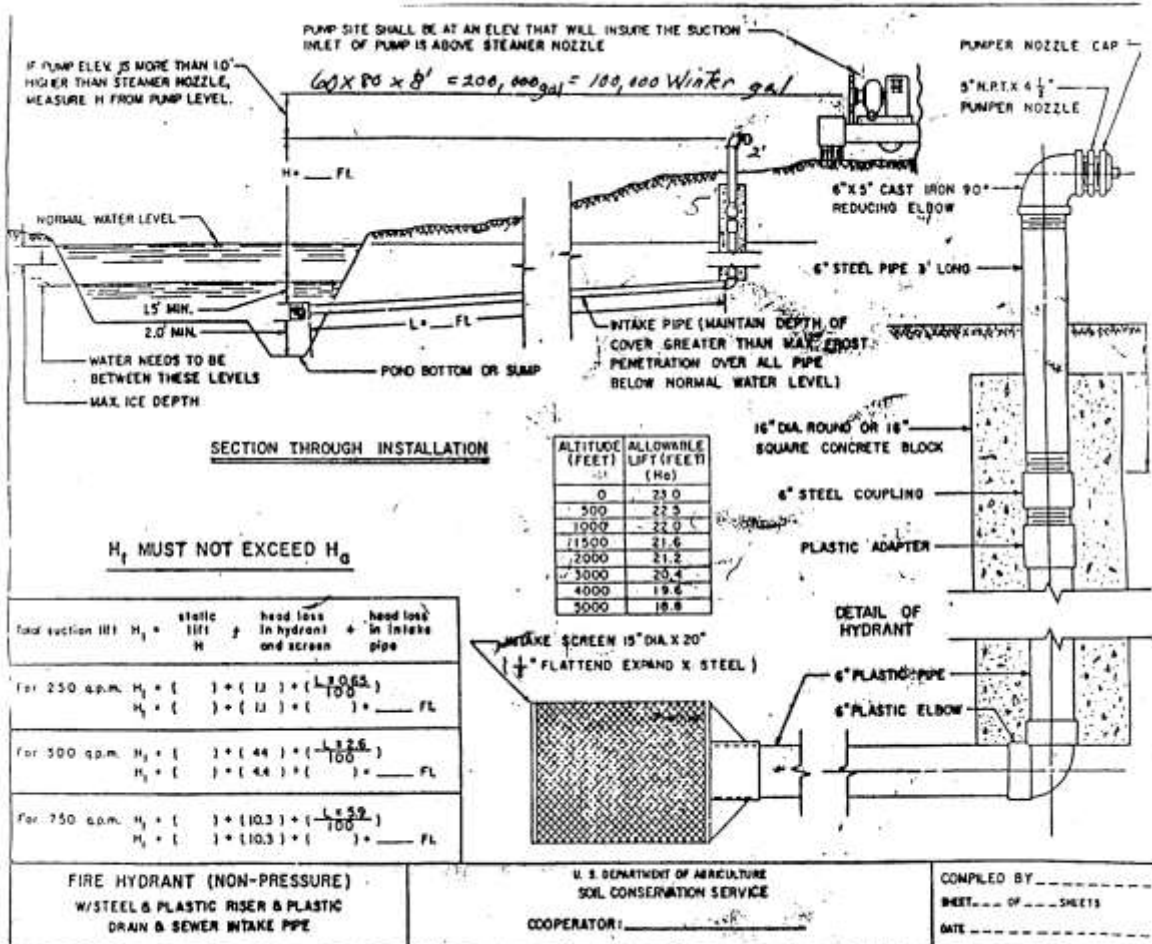
Member: \_\_\_\_\_

Date: \_\_\_\_\_

# APPENDIX C

## Fire Pond Specifications

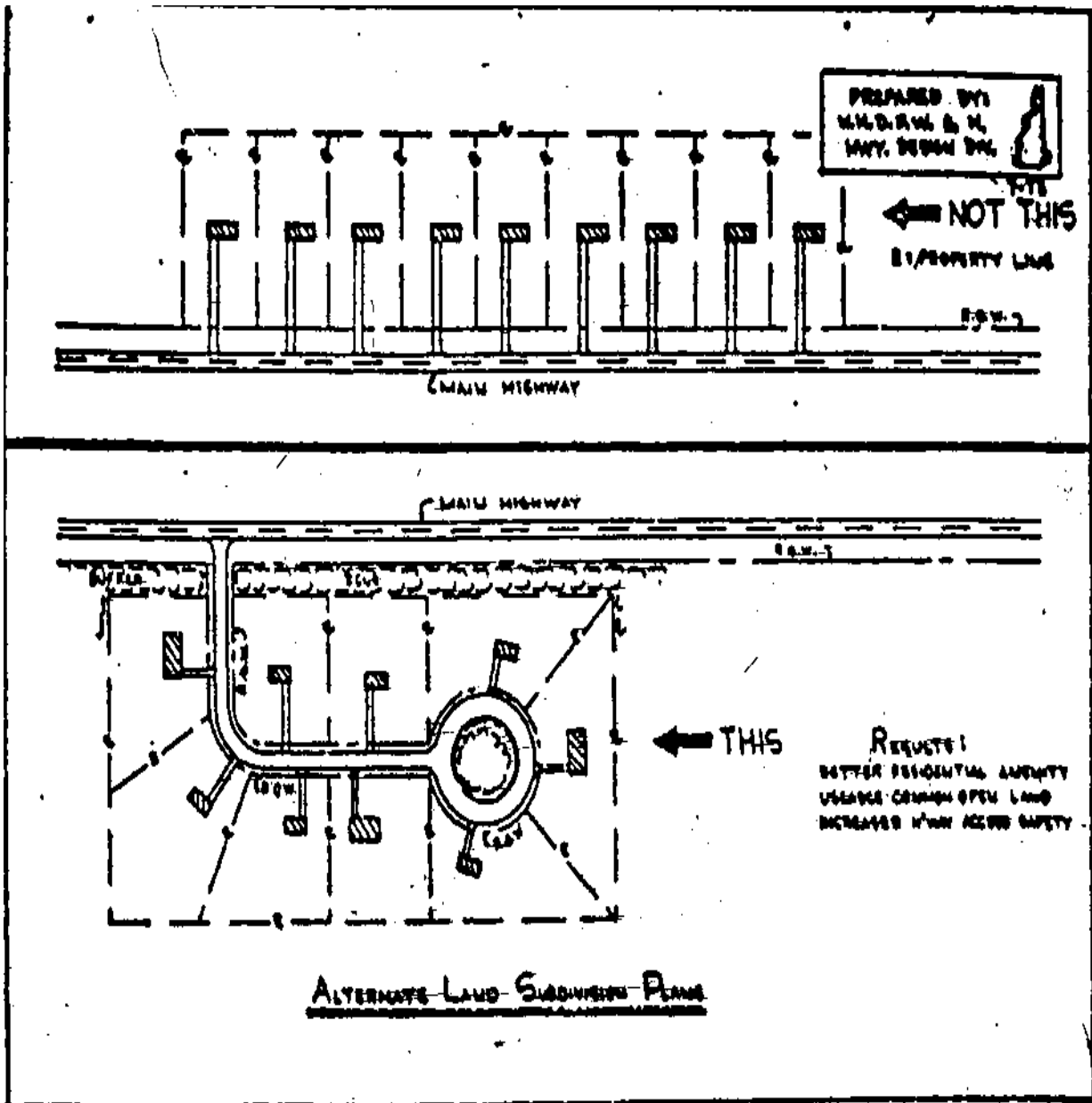
59  
Appendix B Fire Pond Specifications





# APPENDIX D

## REDUCING ROAD ACCESS POINTS



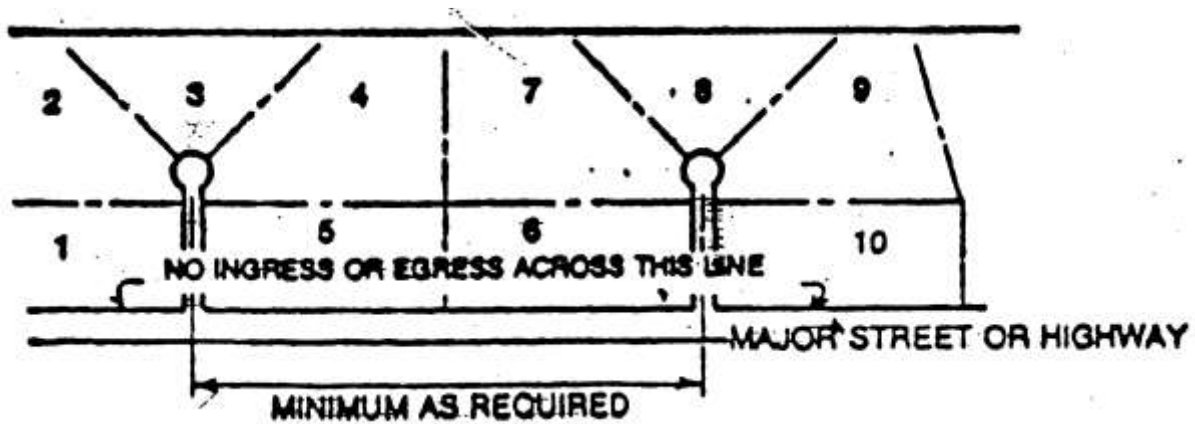
Adopted by  
Lakes Region Planning Commission

## APPENDIX D

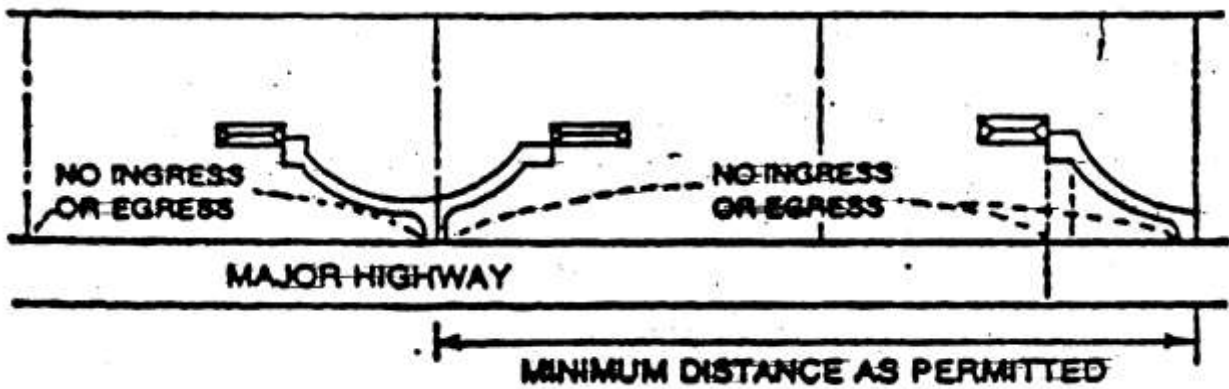
(Continued)

### MINIMIZING HIGHWAY ACCESS

With Cul-De-Sac



With Common Driveways



Prepared by:

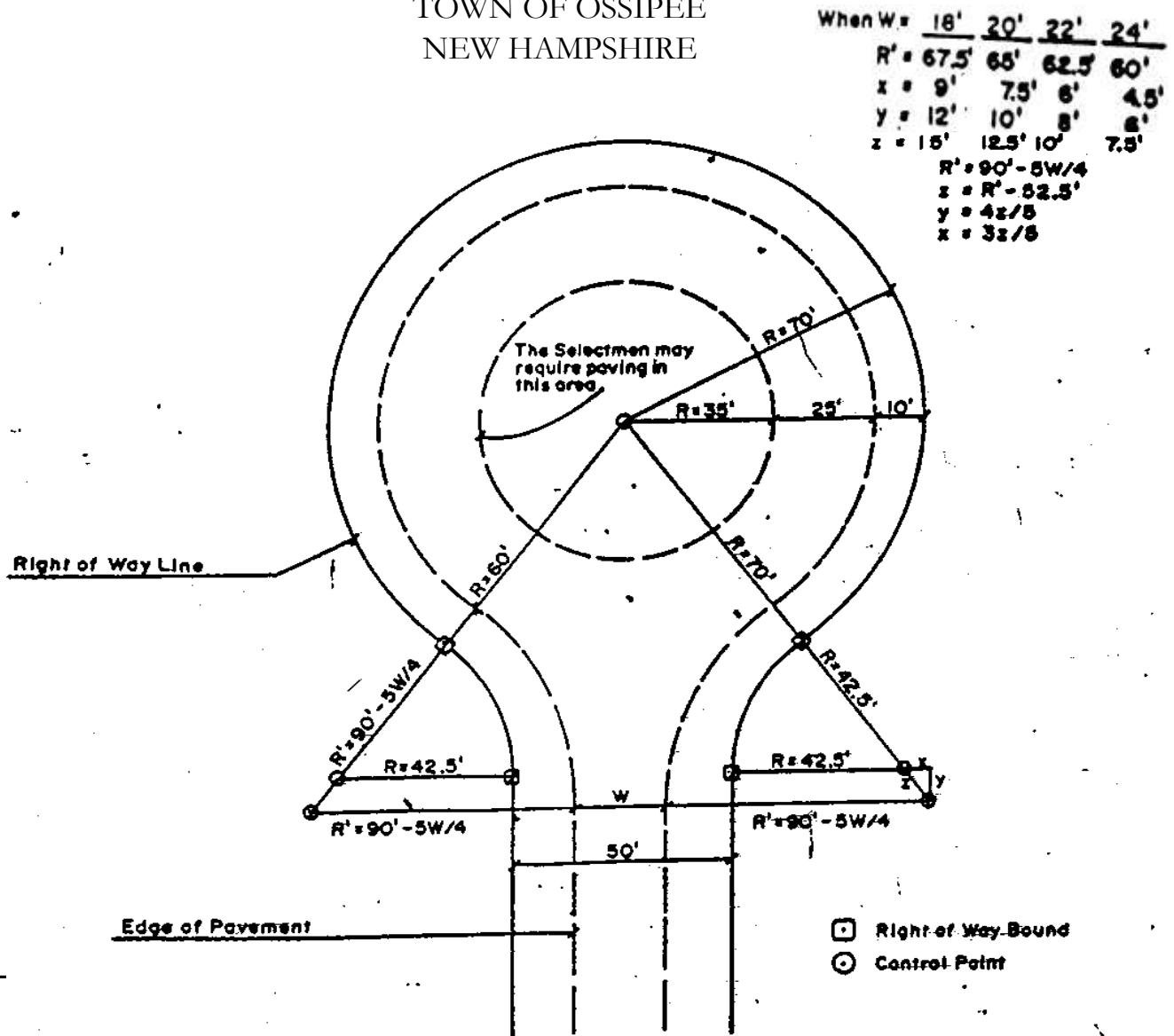
Lakes Region Planning Commission

Adapted from;

Rural and Small Town Planning

American Planning Association, 1979

APPENDIX E  
TOWN OF OSS�PEE  
NEW HAMPSHIRE



**Note:**

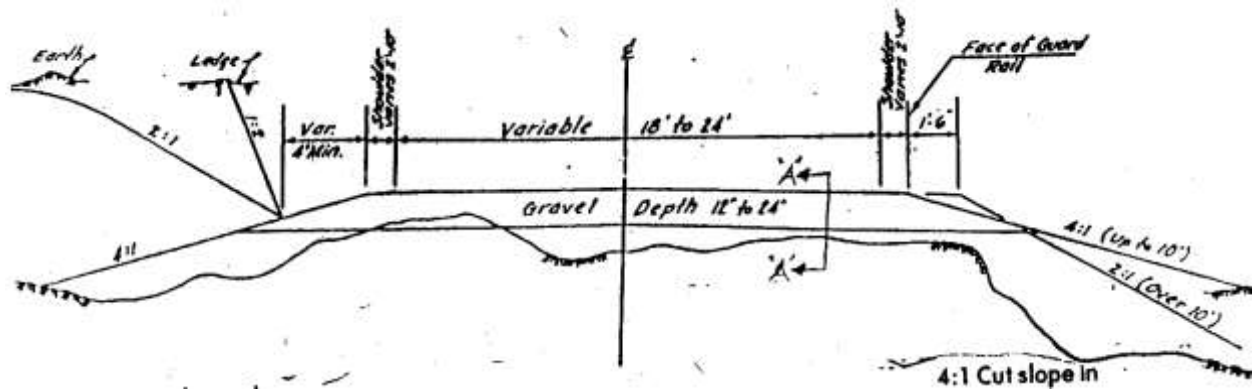
Variations in the typical cul-de-sac will be allowed for differences in terrain. In all cases, design must allow adequate room for movement of snowplows, fire equipment and delivery vehicles.

**TYPICAL CUL-DE-SAC**

Scale 1" = 40'

APRIL 1988

## APPENDIX F

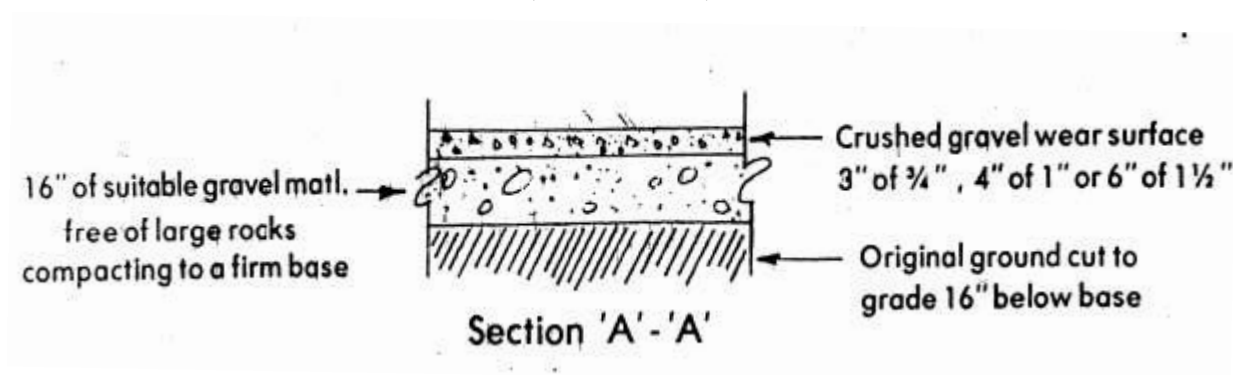


2:1 Cut slope where  
shallow cut where  
necessary to stay within 50' row  
50' row can be maintained

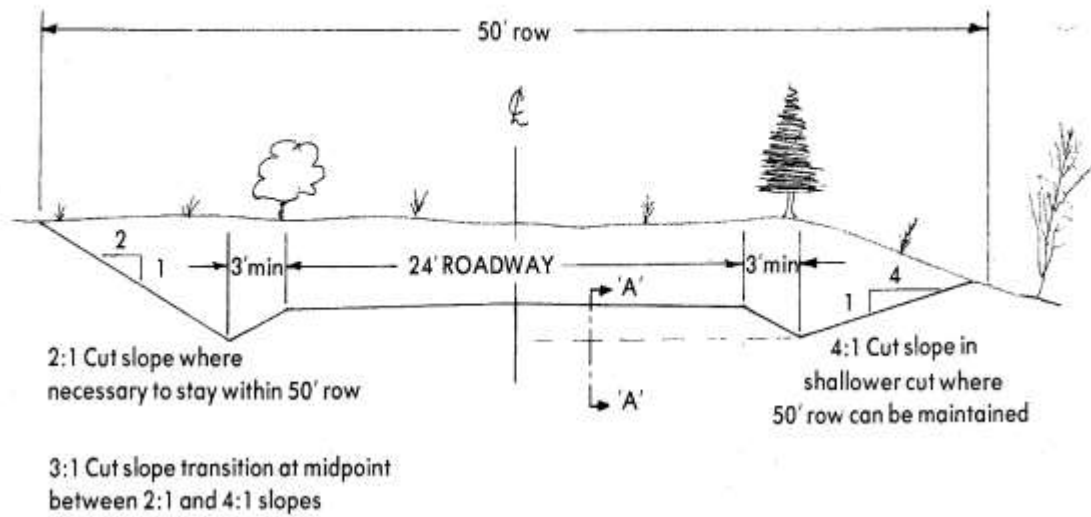
3:1 Cut slope transition at midpoint  
Between 2:1 and 4:1 slopes

Typical cut section

(FIGURE I)

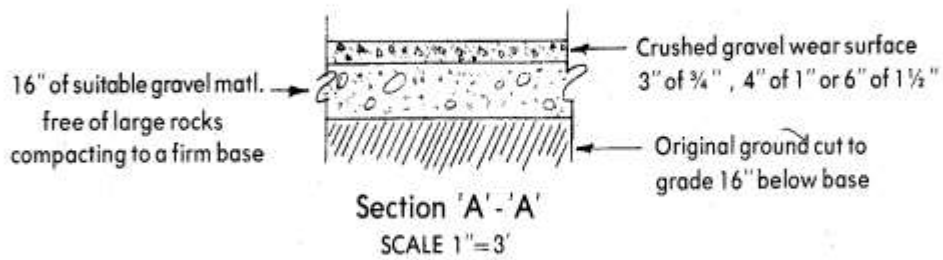


# APPENDIX F (CONT.)



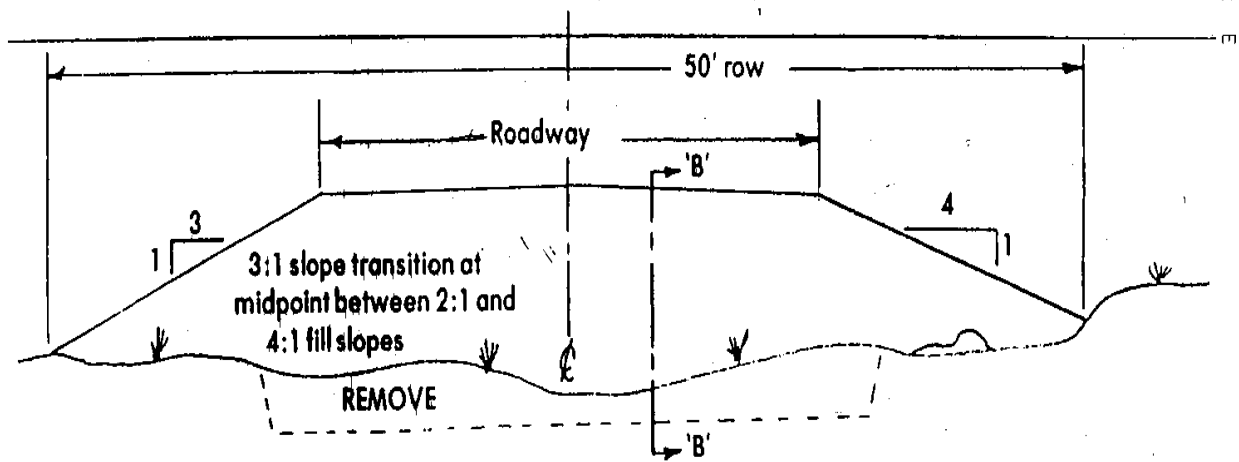
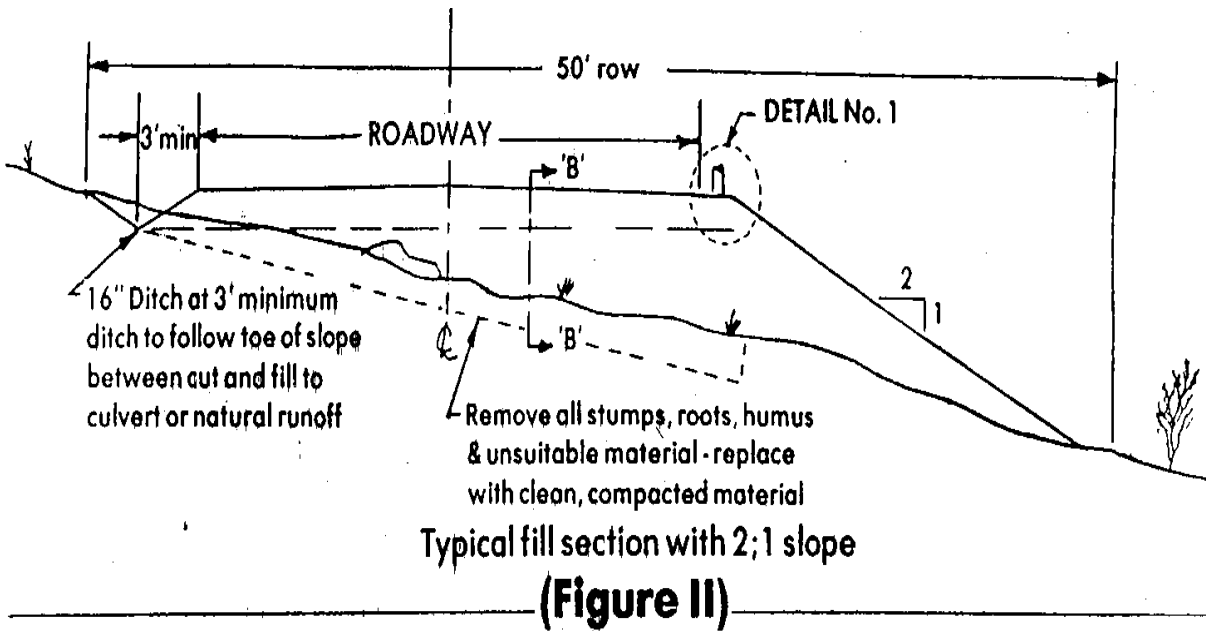
Typical cut section

SCALE 1"=5'

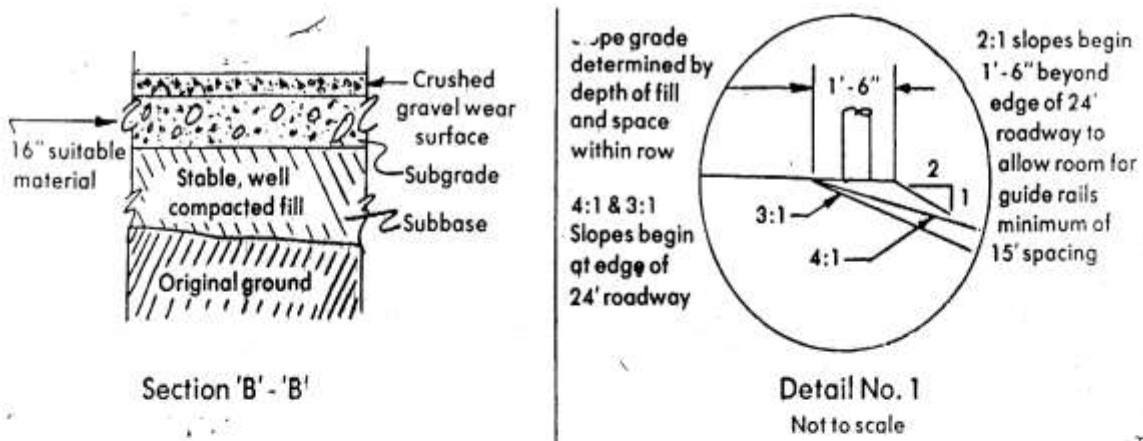


(Figure I)

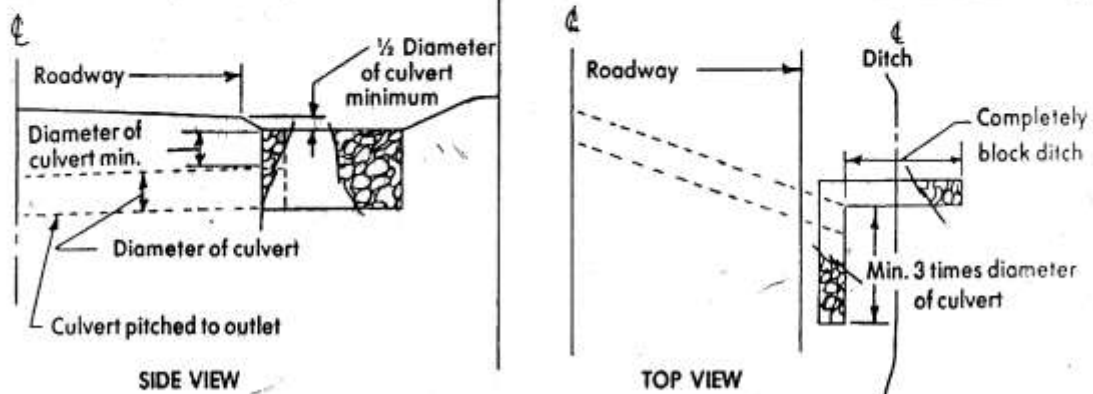
APPENDIX F (CONT.)



# APPENDIX F (CONT.)



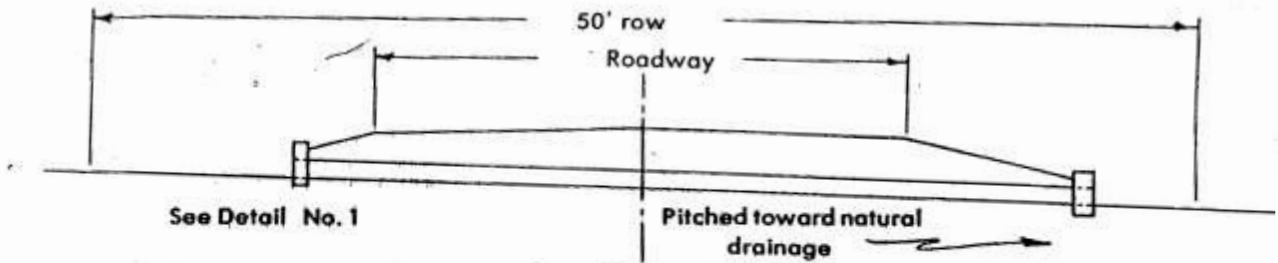
(Figure IV)



Typical ditchline culvert header  
(Figure V)

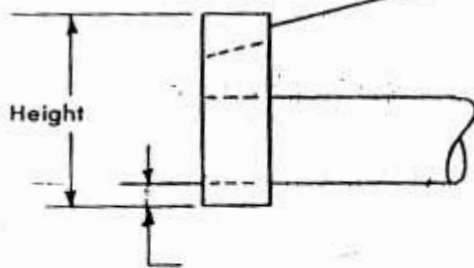
Appendix F  
65

APPENDIX F (CONT.)

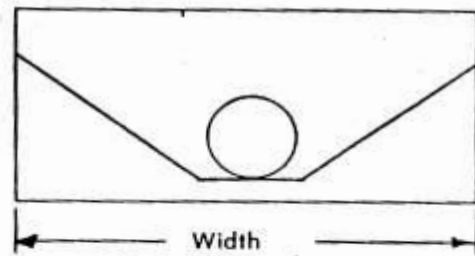


Typical natural drainage culvert headers

(Figure VI)



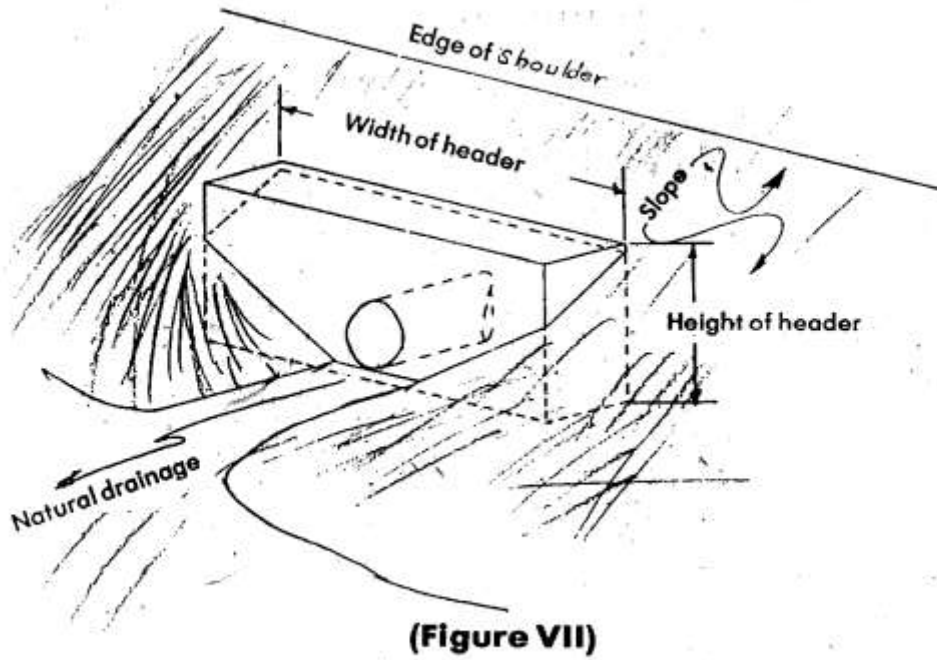
SIDE VIEW



FRONT VIEW



APPENDIX F (CONT.)



Appendix F  
67

## ARMCO End Sections For Corrugated Steel Pipe

Easily Installed, Easily Maintained Culvert End Treatments  
Armco End Sections for corrugated steel pipe provide a practical, economical and hydraulically superior method of finishing a variety of steel culverts. The lightweight, flexible steel construction of Armco End Sections creates an attractive, durable and erosion-preventing treatment for all sizes of culvert inlets and outlets. They can be used with pipe having either annular or helical corrugations, and even can be salvaged if lengthening or relocating the culvert is necessary. End sections are available in Armco ZINCGRIP Steel (galvanized) or in Armco ALUMINIZED STEEL

Type 2 for added corrosion resistance.

### Better Hydraulics

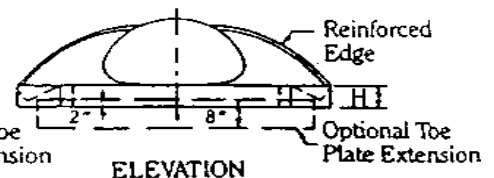
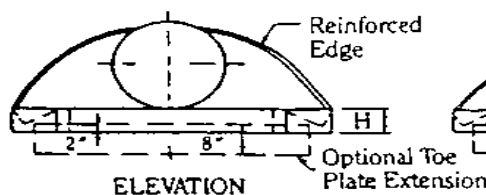
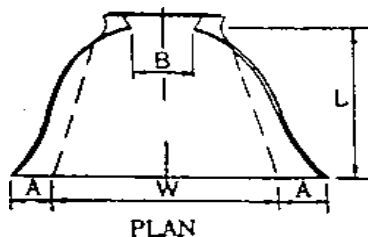
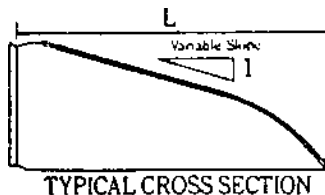
Flow characteristics are greatly improved by the exacting design of Armco End Sections. Scour and sedimentation are eliminated, and headwater depth can be better controlled. Culverts aligned with the streamflow and finished with Armco End Sections generally require no additional hydraulic controls.

### Improved Appearance

Armco End Sections present a clean effect that harmonizes with surroundings. The tapered sides of an end section merge with slope design to increase roadside beauty. Unsightly weed growth and debris collection at the culvert end are greatly reduced.

### Economical Installation

Lightweight equipment and simple instructions to crews result in smooth and easy installation of Armco End Sections. End sections are easily joined to culvert barrels, forming a continuous, and one - piece structure for easiest installation,



### Low Maintenance

Armco End Sections reduce maintenance expenses because their tapered design provides for easier mowing and snow removal. There is no obstruction to hamper weed cutting, and washouts are virtually eliminated.

### Adaptable Specifications

Armco End Actions can be designed to meet the most stringent highway specifications. Because they can be fabricated quickly and according to requirements, Armco End Sections are easily adaptable to local specifications.

### End Sections for 2 1/2 x 1/2, 3 x 1 and 5 x 1 Round Pipe Shapes

Pipe Diam.	Gage	Dimensions, inches					Approx. Slope	Body
		A (1" ±)	B (Max.)	H (1" ±)	L (1 1/4" ±)	W (2" ±)		
12"	16	6-1/2	6-1/2	6	21	24	2-1/2	1-Pc.
15"	16	7-1/2	8	6	26	30	2-1/2	1-Pc.
18"	16	8	8	6	31	36	2-1/2	1-Pc.
21"	16	10	12	6	36	42	2-1/2	1-Pc.
24"	16	10	13	6	41	48	2-1/2	1-Pc.
30"	14	12-1/4	12-1/2	8	51	57	2-1/2	2-Pc.
36"	14	14-1/2	12	9	60	72	2-1/2	2-Pc.
42"	12	17	11	10-1/2	69	84	2-1/2	2-Pc.
48"	12	18-1/2	29	12	79	90	2-1/4	3-Pc.
54"	12	18-1/2	30	12	84	102	2	3-Pc.
60"	12/10	18	36	12	88	114	1-3/4	3-Pc.
66"	12/10	18	36	12	87	120	1-1/2	3-Pc.
72"	12/10	18	44	12	88-1/2	120	1-1/3	3-Pc.
78"	12/10	18	46	12	87-1/2	138	1-1/4	4-Pc.
84"	12/10	18	48	12	87-1/2	144	1-1/6	4-Pc.

### NOTES FOR ALL END SECTIONS:

1. All three-piece bodies to have 12 – gage sides and 10 – gage center panels. Multiple panel bodies to have lap seams which are to be tightly joined by galvanized rivets or bolts.
2. For 60" and 84" sizes, reinforced edges to be supplemented with galvanized stiffer angles. The angles to be attached by galvanized nuts and bolts.
- For 66" and 72" equivalent round pipe – arch sizes, reinforced edges to be supplemented by galvanized angles. The angles to be attached by galvanized nuts and bolts.
2. Angles reinforcement will be placed under the center panel seams on the 66" and 72" equivalent round pipe – arch sizes.
3. Galvanized toe plate to be available as an accessory when specified on the order and will be the same gage as the end section.

## APPENDIX F (CONT.)

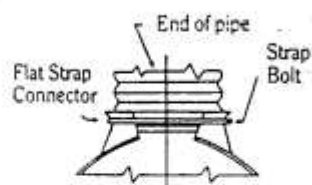
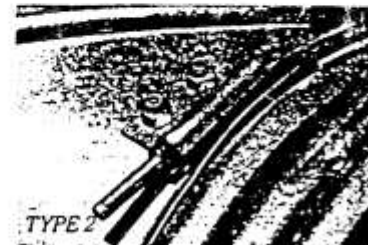
### End Sections for 2 1/2" x 1/2" Pipe-Arch Shapes

Span/ Rise	Equiv. Round	Gage	Dimensions, inches					Approx. Slope	Body
			A (1" ±)	B (Max.)	H (1" ±)	L (1 1/4" ±)	W (2" ±)		
17" x 13"	15	16	6-1/2	8-1/2	6	20	30	2-1/2	1-Pc.
21" x 15"	18	16	7-1/2	11	6	24	36	2-1/2	1-Pc.
24" x 18"	21	16	8	12	6	28	42	2-1/2	1-Pc.
28" x 20"	24	16	8	16	6	32	48	2-1/2	1-Pc.
35" x 24"	30	14	10	16	6	39	60	2-1/2	1-Pc.
42" x 29"	36	14	12	12	7-1/2	46	75	2-1/2	2-Pc.
49" x 33"	42	12	13-1/2	20	9	53	84	2-1/2	2-Pc.
57" x 38"	48	12	18-1/2	26	12	62	90	2-1/2	3-Pc.
64" x 43"	54	12	18	29	12	69	102	2-1/4	3-Pc.
71" x 47"	60	12/10	18-1/2	36	12	77	114	2-1/4	3-Pc.
77" x 52"	66	12/10	18	36	12	77	126	2	3-Pc.
83" x 57"	72	12/10	18	44	12	77	132	2	3-Pc.

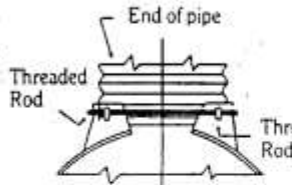
### End Sections for 3" x 1" and 5" x 1" Pipe-Arch Shapes

Span/ Rise in.	Equiv. Round in.	Gage	Approximate Dimensions, inches					Approx. Slope	Body
			A (1" ±)	B (Max.)	H (1" ±)	L (1 1/4" ±)	W (2" ±)		
60" x 46"	54	12	18	30	12	70	102	2-1/4	2-Pc.
66" x 51"	60	12	18	33	12	77	114	2-1/4	3-Pc.
73" x 55"	66	12	18	36	12	77	126	2	3-Pc.
81" x 59"	72	12	18	39	12	77	138	2	3-Pc.

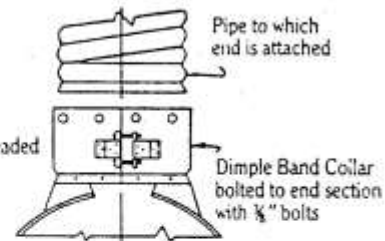
Armco End Sections attach to corrugated pipe culvert with one of these three types of connections.



**TYPE 1**  
Recommended for sizes 12" through 24" round, and equivalent pipe-arch sizes.



**TYPE 2**  
Recommended for sizes 30" and 36" round, and equivalent round pipe-arch sizes.

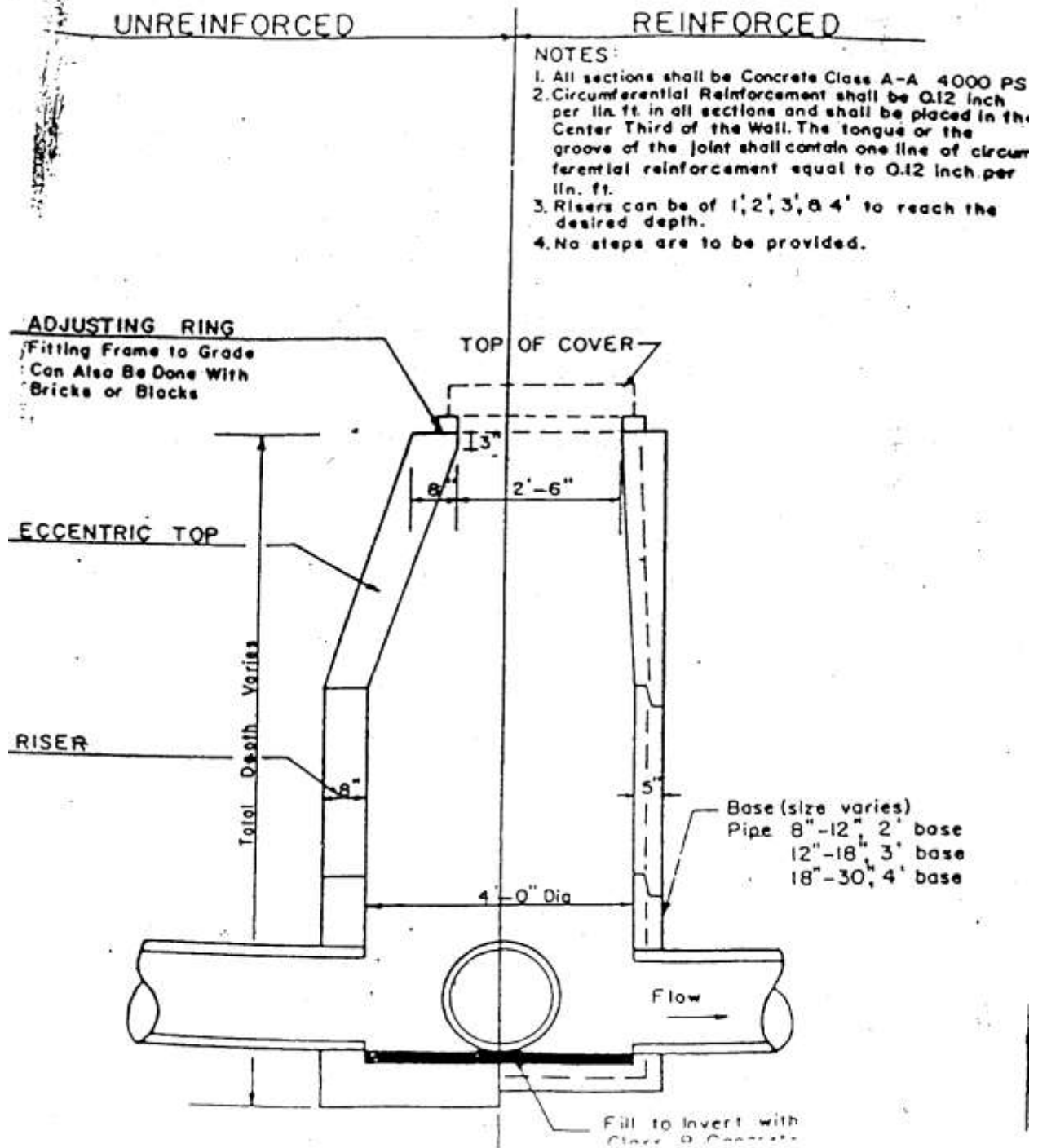


**TYPE 5**  
Available for all round and equivalent round pipe-arch sizes.

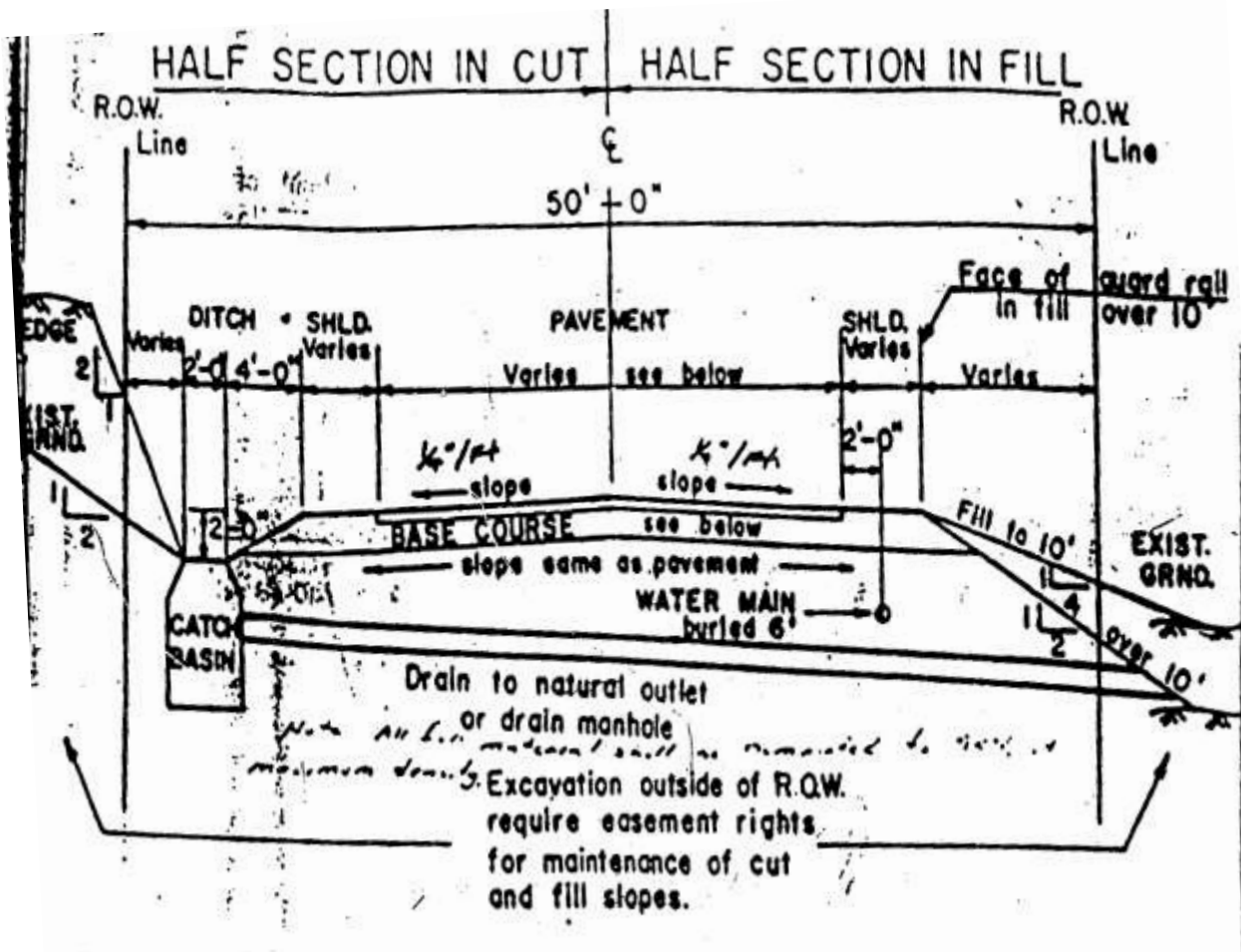
Copyright 1985, Armco Inc., Construction Products Division, Middletown, Ohio

Armco, the Armco Triangle and ZINGGRIP are trademarks of Armco Inc., Middletown, Ohio. ALUMINIZED STEEL is a trademark of Armco Inc.

# APPENDIX G CATCH BASIN



APPENDIX G (CONT.)



J. No grades shall exceed 10 percent.

8.4 All proposed drainage facilities and culverts shall be installed.

8.5 Natural water courses shall be cleaned and increased in size where necessary to take care of storm runoff. Drainage ditches at least three feet in width and 16 inches in depth at their mid-point below center line grade shall be constructed in the street right-of-way on both sides of the paved roadway. At its discretion, the Planning Board may require curbs and gutters.

8.6 The roadway shall be graded to the final grade in accordance with the profile and cross-section submitted. See Section VI, 6.5.

Inspections by the Planning Board Engineer shall occur at the following periods of construction:

1. Subbase and drainage.
2. Subgrade, slopes, culverts, and ditches.
3. Wear surface and seeding.

Inspections shall be ordered only by the Planning Board after notice to the Planning Board that each construction stage of roadway is fully completed.

There shall be a charge of \$50.00 per inspection, payable in advance, after three inspections.

#### Section IX Variances

Where strict conformity with these regulations would cause undue hardship or injustice to the subdivider, a subdivision plat substantially in conformity with these regulations may be approved by the Board, provided that the spirit of these regulations and public convenience and welfare will not be adversely affected.

#### Section X Amendments

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

#### Section XI Penalty

Any owner, or agent of the owner, of any land located within a subdivision, who transfers or sells any land, before a plat of the said subdivision has been approved by the Planning Board and recorded or filed in the office of the appropriate register of deeds shall forfeit and pay a penalty of five hundred dollars for each lot or parcel so transferred or sold within a subdivision, before said subdivision has been approved by the Planning Board and the description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties. Said municipality

may enjoin such transfer, sale, or agreement and may recover the said penalty by civil action. In any such action, the prevailing party may recover reasonable court costs and attorney's fees as same may be ordered by the court.

#### Section XII Adoption

These regulations shall become effective after a public hearing or hearings in accordance with New Hampshire RSA Chapter 36.22 have been held, and after having been passed by the vote of a majority of the Planning Board.

#### Section XIII 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 this ordinance.

#### Section XIV Relationship Between State and Local Regulations

Where both State and local regulations are applicable, the more stringent regulation shall take effect. If the State regulation addresses an issue not included in the local regulation or if the local regulation addresses an issue not included in the State regulation, that regulation shall automatically apply.

#### Section XV Annual Review

These regulations may be reviewed annually at a public meeting of the Planning Board. Any necessary hearings for revision of the regulations shall be held in accordance with Section X.

#### Section XVI Court Review

Any persons aggrieved by any decision of the Planning Board concerning a plat or subdivision may present to the superior court a petition, duly verified, setting forth that such decision is illegal in whole or in part; specifying the grounds of the illegality. Such petition shall be presented to the court within thirty days after the filing of the decision in the office of the Planning Board (in accordance with the provisions of Chapter 36, Section 34).

#### Section XVII Saving Clause

The Regulations as recorded herein include all the amendments and revisions adopted by the Ossipee Planning Board, pursuant to public hearings as required by law, up to August 15, 1978.

Peter D. Billings, Chm.	Kenneth C. Leavitt
Lorraine B. Onufry	George R. Earnshaw
Bruce Rines	Wenda T. Helme
Franklin R. Riley	

**TABLE 1**  
**MINIMUM LOT SIZES BASED ON SOIL AND SLOPES CARROLL COUNTY (in Square Feet)**

Soil Map Symbol	Soil Survey Field Sheets			
	Soil Type	A0 – 3 % / B 3 – 8%	Slope C8 - 15 %	D 15 - 25%
1	* Ondawa fsl		NP	NP
IH	* Ondawa fsl	NP	NP	NP
2	Suncook Is	NP	NP	NP
4	* Podunk fsl	NP	NP	NP
4G	Podunk fsl	NP	NP	NP
5	Rumney fsl	NP	NP	NP
5G	Rumney fsl	NP	NP	NP
6	Saco sil	NP	NP	NP
6G	Saco sil	NP	NP	NP
7	Mixed Alluvial	NP	NP	NP
8	* Hadley vfsl	NP	NP	NP
8H	* Hadley vfsl	NP	NP	NP
9	* Winooski vfsl	NP	NP	NP
009	Limerick sil	NP	NP	NP
10	Merrimack fsl	44,000	49,500	-
11	Merrimack is	44,000	49,500	-
12	Hinckley Is	44,000	49,500	-
14	Sudbury fsl	66,000	-	-
15	Scarboro fsl	NP	NP	NP
19	Jaffrey Is	44,000	49,500	175,000
20	Colton fsl	44,000	49,500	175,000
21	Colton sl	44,000	49,500	175,000
22	Colton Is	44,000	49,500	175,000
23	Stetson fsl	44,000	49,500	175,000
23L	Stetson Ifs	44,000	49,500	175,000
24	* Agawam vfsl	44,000	49,500	175,000
26	Windsor Is	44,000	49,500	175,000
27	* Groveton fsl	44,000	49,500	-
28	* A Madawaska fsl	66,000	-	-
29	* Woodbridge 1	66,000	99,000	175,000
30	*A Hartland vfsl	55,000	82,500	175,000
31	Suffield sil	-	148,500	175,000
32	*A Buxton sil	99,000	148,500	175,000
33	Scantic sil	NP	NP	NP
36	Adams Is	44,000	49,500	175,000
38	* Elmwood fsl	66,000	-	-
39	Whatley fsl	NP	NP	NP
40	Shapleigh Gloucester sl	66,000	88,000	175,000
41	Shapleigh-Gloucester vrsf	88,000	110,000	175,000
41R	Shapleigh-Gloucester xrsf	88,000	110,000	175,000
42	Gloucester sl	44,000	49,500	175,000
43	Gloucester vssf	44,000	49,500	175,000
43R	Gloucester xssf	44,000	49,500	175,000
44	* Essex fsl	55,000	82,500	175,000
45	Essex vsfsl	55,000	82,500	175,000
46	Acton fsl	55,000	82,500	-
47	Acton vsfsl	55,000	82,500	-

TABLE 1 – (Cont.)  
MINIMUM LOT SIZES BASED ON SOIL AND SLOPES  
CARROLL COUNTY (in Square Feet)

Soil Map Symbol	Soil Survey Field Sheets			
	Soil Type	A0 – 3 % / B 3 – 8%	Slope C8 - 15 %	D 15 - 25%
48	Whitman loam	NP	NP	NP
49	Leicester-Ridgebury-Whitman vsl	NP	NP	NP
52	Canaan-Hermon sl	66,000	88,000	175,000
53	Canaan-Hermon vrs1	88,000	110,000	175,000
53R	Canaan-Hermon xrs1	88,000	110,000	175,000
54	Hermon sl	44,000	49,500	175,000
55	Hermon vssl	44,000	49,500	175,000
55R	Hermon xssl	44,000	49,500	175,000
56	* Becket fsl	55,000	82,500	175,000
57	Becket vsfsl	55,000	82,500	175,000
57R	Waumbek fsl	55,000	82,500	-
59	Waumbek vsfsl	55,000	88,000	175,000
60	Hollis-Charlton 1	66,000	110,000	175,000
61	Hollis-Charlton vrl	88,000	49,500	175,000
62	* Charlton 1	44,000	49,500	175,000
63	Charlton vsl	44,000	82,500	175,000
66	* Paxton vsl	55,000	82,500	175,000
67	Paxton vsl	55,000	82,500	175,000
68	* Sutton 1	55,000	82,500	-
69	Sutton vsl	55,000	82,500	-
70	Lyman-Berkshire fsl	66,000	88,000	175,000
71	Lyman - Berkshire vrfsl	88,000	110,000	175,000
71R	Lyman - Berkshire xrfsl	88,000	110,000	175,000
72	* Berkshire 1	44,000	49,500	175,000
73	Berkshire vsl	44,000	49,500	175,000
73R	Berkshire xsl	44,000	49,500	175,000
76	*Marlow 1	55,000	82,500	175,000
77	Marlow vsl	55,000	82,500	175,000
77R	Marlow xsl	55,000	82,500	175,000
78	*Peru 1	66,000	99,000	175,000
79	Peru vsl	66,000	99,000	175,000
80	Brimfield - Brookfield sl	66,000	88,000	175,000
81	Brimfield - Brookfield vrs1	88,000	110,000	175,000
81R	Brimfield - Brookfield xrs1	88,000	110,000	175,000
82	* Brookfield sl	44,000	49,500	175,000
83	Brookfield vssl	44,000	49,500	175,000
83R	Brookfield xssl	44,000	49,500	175,000
95	Muck and Peat	NP	NP	NP
114	AuGres fsl	NP	NP	NP
116	Saugatuck fsl	NP	NP	NP
129	Woodbridge vsl	66,000	99,000	175,000
134	Biddeford sil cl	NP	NP	NP
195	Peat	NP	NP	NP
197	Freshwater marsh	NP	NP	NP



**TABLE 1 – (Cont.)**  
**MINIMUM LOT SIZES BASED ON SOIL AND SLOPES**  
**CARROLL COUNTY (in Square Feet)**

Soil Map Symbol	Soil Survey Field Sheets			
	Soil Type	A0 – 3 %/B 3 – 8%	Slope C8 - 15 %	D 15 - 25%
214	AuGres Is	NP	NP	NP
220	Colton vssl	44,000	49,500	-
236	Adams vsls	44,000	49,500	175,000
295	Deep Muck	NP	NP	NP
312	Hinckley Is, dark mineral phase	44,000	49,500	175,000
313	Deerfield Ifs	66,000	-	-
326	Windsor Is, dark mineral phase	44,000	49,500	175,000
330	*Bernardston sil	55,000	82,500	175,000
331	Bernardston vssil	55,000	82,500	175,000
334	*Pittstown sil	66,000	99,000	175,000
336	Pittstown vsl	66,000	99,000	175,000
340	Stissing sil	NP	NP	NP
341	Stissing vssil	NP	NP	NP
360	Hollis - Charlton 1 (silty subsoil variant)	66,000	88,000	175,000
361	Hollis Charlton vrl (silty subsoil variant)	88,000	110,000	175,000
362	Hollis Charlton xrl (silty subsoil variant)	88,000	110,000	175,000
366	*Charlton 1 (silty subsoil variant)	44,000	49,500	175,000
367	Charlton vsl (silty subsoil variant)	44,000	49,500	175,000
370	*Sutton 1 (silty subsoil variant)	55,000	82,500	-
371	Sutton vsl (silty subsoil variant)	55,000	82,500	-
395	Shallow muck over sand	NP	NP	NP
399	Rock outcrop	NP	NP	NP
413	Duane fsl	66,000	-	NP
446	*Scituate fsl	66,000	99,000	175,000
447	Scituate vsfsl	66,000	99,000	175,000
495	Shallow muck over loam	NP	NP	NP
510	Warwick 1	44,000	49,500	
513	*Ninigret vfl	66,000	-	-
514	Walpole fsl	NP	NP	NP
532	*A Belgrade sil	82,500	-	-
533	Raynham sil	NP	NP	NP
538	Swanton fsl	NP	NP	NP
546	Leicester 1	NP	NP	NP
547	Leicester vsl	NP	NP	NP
549	Whitman vsl	NP	NP	NP
558	*Skerry fsl	66,000	99,000	175,000
559	Skerry vssl	66,000	99,000	175,000
595	Shallow muck over clay	NP	NP	NP
612	Hinckley Is	-	-	175,000
613	Croghan lfs	66,000	-	-

<p style="text-align: center;">TABLE 1 – (Cont.)  <u>MINIMUM LOT SIZES BASED ON SOIL AND SLOPES</u>  <u>CARROLL COUNTY (in Square Feet)</u></p>				
		Soil Survey Field Sheets		
Soil Map Symbol	Soil Type	A0 – 3 %/B 3 – 8%	Slope C8 - 15 %	D 15 - 25%
614	Walpole Is	NP	NP	NP
619	Jaffrey Is	44,000	49,500	175,000
622	Colton Is	-	-	175,000
623	Stetson lfs	44,000	49,500	175,000
646	Ridgebury 1	NP	NP	NP
647	Ridgebury vsl	NP	NP	NP

Septic systems not permitted on slopes over 25 percent - cannot be included in minimum lot size determination

NP Septic systems not permitted on these soils - cannot be included in minimum lot size determination

- Soil types do not normally occur with these slopes. On-site determination required.

1 loam

fsl fine sandy loam

Is loamy sand

sil silt loam

si sandy loam

vs very stony

vr very rocky

Ifs loamy fine sand

xr extremely rocky

vf very fine

\* Indicates prime farm soils

\* A Indicates prime farm soils on (A) slopes only.

ATTACHMENT I

Transfer of Ownership  
Acknowledgment of Planning Board Action

Original Applicant-Owner: \_\_\_\_\_

Address: \_\_\_\_\_

Subdivision Application Number and Description: \_\_\_\_\_

\_\_\_\_\_

Planning Board Action to Date: \_\_\_\_\_

Sketch Plan Approval: \_\_\_\_\_

Conditions: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Preliminary Plan Approval: \_\_\_\_\_

Conditions: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Final Plan Approval: \_\_\_\_\_

Conditions: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

The undersigned hereby acknowledges the Planning Board actions and conditions regarding the subdivision of:

\_\_\_\_\_

Original Owner

New Owner

I hereby consent to honor the actions and conditions imposed by the Planning Board regarding the subdivision of:

\_\_\_\_\_

New Owner

AMENDMENT TO SUBDIVISION  
REGULATIONS  
OF THE TOWN OF OSSIPPEE, NEW HAMPSHIRE

Following a public hearing held on July 5, 2023, the Ossipee Planning Board voted to amend Section XI, the Penalties Section, by adding thereto the following:

“Violation of any regulation herein may be punishable by either:

a) A civil fine of \$275.00 for the first offense, and \$550.00 for subsequent offenses, for each day that such violation is found to continue after the conviction date or after the date on which the violator receives written notice from the municipality that the violator is in violation, whichever is earlier. Each day that a violation continue4s shall be a separate offense pursuant to RSA 676:16

b) A criminal penalty, which shall be:

(1) A misdemeanor if the violation is committed by a natural person; or

(2) A felony if the violation is committed by any other person. The Town may, in addition to other remedies, institute injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, or abate any violation. If the Town prevails in any legal actions brought hereunder, it may recover reasonable attorney’s fees and its costs, including, but not limited to inspection fees, expert fees and investigatory expenses. Additionally, the Court may order, as an additional civil penalty, restitution for any public funds expended which are not otherwise reimbursed hereunder. Further, an alleged violator may be required to post bond, pursuant to RSA 676:17, IV.”

\*\*\*\*\*

The undersigned, being a majority of the members of the Ossipee Planning Board, hereby certify that they have voted to adopt the Subdivision Regulations as amended and contained in this document, after notice and public hearing as required by RSA 675:6.

Date of Public Hearings. July 5, 2023

Original Date of Adoption: October 24, 1989

Date of Vote for Amendments: July 5, 2023

Ossipee Planning Board:

Chairman: \_\_\_\_\_, Member

Vice-Chairman: \_\_\_\_\_, Member

Member: \_\_\_\_\_, Member

Member: \_\_\_\_\_, Selectmen’s Rep.

Received and recorded this Eighteenth (18<sup>th</sup>) day of July, 2023

\_\_\_\_\_  
Ossipee Town Clerk