

**TOWN OF BARNSTEAD**

**SUBDIVISION**

**REGULATIONS**

***As Amended December 7, 2023***

BARNSTEAD SUBDIVISION REGULATIONS  
AS AMENDED DECEMBER 7, 2023

**SUBDIVISION REGULATIONS  
TOWN OF BARNSTEAD, NEW HAMPSHIRE**

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**Section 1: Title**

The regulations shall be known and may be cited as the "Subdivision Regulations, Town of Barnstead, New Hampshire".

**Section 2: Authority & Purpose**

The Barnstead Planning Board prescribes the following rules and regulations to control the subdivision of land pursuant to Chapter 674:35, New Hampshire Revised Statutes Annotated, 1983, as amended. As provided in said Laws, no subdivision either public or private shall be authorized in the town until its character and extent has been submitted and approved by the Barnstead Planning Board.

The purpose of these subdivision regulations, in accordance with RSA 674:36, is to:

- (1) Provide against such scattered or premature subdivision of land as would involve danger or injury to health, safety, or prosperity by reason of the lack of water supply, drainage, transportation, schools, fire protection, or other public services, or necessitate the excessive expenditure of public funds for the supply of such services;
- (2) Provide for the harmonious development of the municipality and its environs;
- (3) Require the proper arrangement and coordination of streets within subdivisions in relation to other existing or planned streets or with features of the official map of the municipality;
- (4) Provide for open spaces of adequate proportions;
- (5) Require suitably located streets of sufficient width to accommodate existing and prospective traffic and to afford adequate light, air, and access for fire-fighting apparatus and equipment to buildings, and be coordinated so as to compose a convenient system;
- (6) Require, in proper cases, that plats showing new streets or narrowing or widening of such streets submitted to the Planning Board for approval shall show a park or parks suitably located for playground or other recreational uses;
- (7) Require that proposed parks shall be of reasonable size for neighborhood playgrounds or other recreational or conservation uses;
- (8) Require that the land indicated on plats submitted to the Planning Board shall be of such character that it can be used for building purposes without danger to health;
- (9) Prescribe minimum areas of lots so as to assure conformance with local Zoning Ordinance, and to assure such additional areas as may be needed for each lot for on-site sanitary facilities; and

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(10) Include provisions, which will tend to create conditions favorable to health, safety, convenience, or prosperity.

### **Section 3: Definitions & Word Usage**

Words used in the present tense include the future; the singular includes the plural, and the plural the singular; the word "lot" includes the word "plot" or "plat"; and the word "building" includes the word "structure".

**Abutter:** Any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration by the Barnstead 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 purposes of receipt of notification by the Barnstead Planning Board of a public hearing in the case of an abutting property being under a 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.

**Accessory dwelling unit:** A second dwelling unit, attached or detached, which is located on the same lot as the permitted principal dwelling unit. (Added 3/9/10; Amended 3/14/17)

**Accessory structure:** A structure detached from the primary building on the same lot which is customarily incidental and subordinate to the primary building or use, such as a pump house, gazebo or woodshed.

**Accessory use:** A use or structure naturally and normally incidental and subordinate to the main use of the premises.

**Aggregate Extraction:** Extraction of crushed rock or gravel screened to sizes for use in road surfaces, concretes, or bituminous mixes.

**Agricultural use:** Any land, buildings or structures on or in which agriculture and farming operations are carried on and shall include the residence of the owner, occupants, or employees located on such land. The words "agriculture" and "farming" shall mean all operations of a farm such as the cultivation, conserving, and tillage of the soil; dairying; greenhouse operations; the production, cultivation, growing of agricultural, floricultural, sod or horticultural commodities; forestry or lumbering operations; the raising of livestock, bees, fur-bearing animals, fresh water fish or poultry; or any practices on the farm which are incidental to or in conjunction with such farming operations, including the marketing and selling of what is grown or harvested on the property.

**Animal feedlot:** A plot of land on which twenty-five (25) livestock or more per acre are kept for the purpose of feeding.

**Aquifer:** Geologic formation composed of rock or sand gravel that contains significant amounts of potentially producible potable water.

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**Aquifer Recharge Areas:** Porous permeable geologic deposits that can absorb precipitation and allow it to percolate down to the water table and flow into the aquifer.

**Applicant:** The owner or agent of the owner of record of the land to be subdivided, including any subsequent owner of record who makes application to the Planning Board for the subdivision of land pursuant to these subdivision regulations.

**Application, Complete:** Shall mean the application form and all supporting documents, as specified in these regulations, that contains all the information the Planning Board requires or needs to review a subdivision proposal and make an informed decision.

**Application, Accepted:** An application, which is considered complete and ready for review and consideration by the Board. A majority vote by the Board shall indicate formal acceptance.

**Approval:** Recognition by the Board certified by written endorsement on the plat, that the final plat submission meets the requirements of these Regulations and satisfies, in the judgment of the Board, all criteria of good planning and design.

**Auto Repair and Service:** Automobile Service means the repair, rental, and maintenance of automobiles, motorcycles and trucks (commercial and non-commercial), including but not limited to body shops, transmission shops, lube and emissions centers, tire stores, car washes as a Primary Use, auto glass shops, and car rental.

**Basal Area:** The cross-sectional area of a tree measured at a height of four and one-half (4-1/2) feet above the ground, usually expressed in square feet per acre for a stand of trees.

**Base map:** Any map drawn to scale which is public record i.e., A USGS topographic map, the Town Zoning Map, or the Town Tax Map.

**Bed and Breakfast:** Bed and breakfast is a small lodging establishment that offers overnight accommodation and breakfast. Bed and breakfasts are often private family homes and typically have between four and eleven rooms, with six being the average. In addition, a B&B usually has the hosts living in the house

**Board:** Shall mean the Planning Board of the Town of Barnstead.

**Boat slip:** An area of water twenty (20) feet long and at least two (2) feet deep and six (6) feet in width, measured at and located adjacent to a structure to which a watercraft may be secured.

**Building:** Any structure built for the support, shelter or enclosure of persons, animals, chattels or property of any kind and which is constructed and permanently affixed on the land. Such "building" includes open porches, open breezeways, and any other roofed areas. The term "building" shall not be applied to a travel trailer or motor home.

**Building Line:** An imaginary line running across the width or length of a lot beyond which no portion of the building or associated improvements may project except for

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chimneys, stairs, bulkheads, ramps and the eaves of the building. The building line shall coincide with the required yard setbacks.

**Building Permit:** Written permission issued by the proper Town Official authorizing the construction, repair, alteration or addition to a structure.

**Business:** Activities of buying and selling; trade; commercial dealings, commercial enterprise, industrial establishments. (Added 3/11/08)

**Campgrounds:** a place used for camping, especially one equipped with cooking grills, water, and toilets, year-round or seasonal, and allow Pop-ups, RV's, Motor homes, tenting and other temporary accommodations.

**Church/Community Buildings:** a building that is owned in common by all residents of that community or neighborhood and may include a meeting room, laundry facilities, a dining area, kitchen and other shared facilities

**Commercial Towers:** Any towers that are used for commercial purposes:

**Wireless Telecommunication Facilities** – any structure that is designed and constructed primarily for the purpose of supporting one or more antennas constructed from grade, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, and alternative tower structures used for similar purposes.

**Solar Power Facilities-** any structure that is designed and constructed primarily for the support of any solar array for the purpose of generating power for commercial sale.

**Wind Power Facilities-** any structure that is designed and constructed primarily for the support of any wind powered generator for the purpose of generating power for commercial sale.

All towers must be located as permitted in Article 14, Table 1 of this Ordinance.

All towers must be permitted by the Site Plan Review process. (Added 3/13/12)

**Common Open Space:** Specifically designated areas of land within an Open Space Preservation Development (OSPD), not individually owned, which is designed and intended for the common use and enjoyment of the residents of the development of the public.

**Community Waste Water System:** A non-municipal waste water system that serves at least twenty-five (25) individuals daily, year-round or that has at least fifteen (15) service connections.

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**Condominium and/or Condex:** A building or group of no more than 2 units in which units are owned individually, but wherein open space and group facilities are held in common ownership. A condominium or condex shall be considered a subdivision of land as outlined in RSA 356-B and reviewed accordingly. (Added 12/7/2023)

**Conforming Lot:** Any lot meeting the area requirements, wastewater system site requirements, soil classification requirements defined in Section 4-1 and meeting the frontage, setback and shoreland setback and shoreland frontage requirements defined in Section 4-2 shall be considered a conforming lot. (Added 3/9/10)

**Construction and Demolition Debris:** (Amended 3/14/06) non-putrescible waste building materials and rubble, which is solid waste resulting from the construction, remodeling, repair or demolition of structures or roads. The term includes but is not limited to, bricks, concrete and other masonry materials, wood, wall coverings, plaster, dry wall, plumbing, fixtures, non-asbestos insulation or roofing shingles, asphalted pavement, glass, plastics that are not sealed in a manner that conceals other wastes and electrical wiring and components, incidental to any of the above and containing no hazardous liquid or metals. The term does not include asbestos waste, garbage, corrugated containerboard, electrical fixtures containing hazardous liquids such as fluorescent light ballasts or transformers, furniture, appliances, tires, drums and containers, and fuel tanks.

**Controlling Road:** The road adjacent to a lot that is the most heavily traveled by vehicles. (Added 3/9/10)

**Cul-De-Sac:** A short, minor local street, having only one end open for vehicular traffic and the other permanently terminated by a turnaround for vehicles. [See Appendix A in the Subdivision Regulations]

**Day Care:** daytime care for the needs of people who cannot be fully independent, such as children, elderly or disabled people.

**Deck:** An open area, usually attached to or part of and with direct access to or from a building.

**Developer:** The owner of land proposed to be subdivided or his representative. For a person other than the owner, proof of consent from the owner is required.

**Disturbed Area:** An area in which natural vegetation is removed, exposing the underlying soil.

**Driveway:** A private road which is intended to provide vehicular access from a public or private way to a parking space, garage, dwelling or other structure. A driveway shall provide access to no more than two (2) lots. A driveway shall exit onto an approved street.

**Dwelling, Single Family:** A residential unit intended for use by one household or family consisting of dedicated facilities for sleeping cooking and sanitation. (Amended 3/9/10)



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**Dwelling, Two Family:** A residential unit (or duplex) intended for use by two households or families consisting of dedicated facilities for sleeping cooking and sanitation in each unit.

**Dwelling, Two Unit:** A residential unit or condex intended for use by two household or families consisting of dedicated facilities for sleeping cooking and sanitation.

**Easement:** A permanent right of use or access that a person, public utility, or public authority has in or over another person's property, or part thereof.

**Engineer:** A person licensed in accordance with the RSA 310-A, Sections 2-27, 1955, as amended.

**Engineer - Town:** The duly designated individual of the Town of Barnstead, if there is no such person, the consultant or official assigned by the Board.

**Farm:** an area of land and its buildings used for growing crops and rearing animals, typically under the control of one owner or manager.

**Fire Cisterns:** Fire Cisterns are an underground water storage tank with a capacity determined by and built to the specifications of the Town of Barnstead using NFPA 1142 as a guide. Fire Cisterns are designed to be a reliable year-round water source for firefighting.

**Flood Hazard Area:** That portion of land as designated on the most current FEMA Flood Insurance Rate Maps.

**Forest/Woodlot:** A woodlot is a parcel of a woodland or forest capable of small-scale production of forest products as well as recreational uses like bird watching, bushwalking, and wildflower appreciation

**Frontage, Shoreline:** The width of that portion of a lot which abuts a waterway shall be measured either from side boundary to side boundary along a straight line or in a series of fifty (50) foot lines measured along the high water line.

**Frontage, Street:** The width of a lot as measured along the line of a street where the lot meets the street.

**Ground Cover:** Any herbaceous plant, which normally grows to a mature height of four (4) feet or less.

**Ground Water:** All water found beneath the surface of the ground. In this Ordinance, the term refers to the slowly moving subsurface water present in aquifer recharge areas.

**Health Officer:** The duly appointed person in the Town of Barnstead who represents the Director of Public Health Service, State of New Hampshire.

**Home Business:** A home business or home-based business is a small business that operates from the business owner's home office. In addition to location, home businesses have no more than 3 employees, usually all immediate family of the business owner, in which case it is also a family business.

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**Homeowners Association:** A private, non-profit corporation, association, or other non-profit legal entity established by the developer to manage and maintain the common property.

**Immediate Family:** The parent, child, or sibling of a property owner. (Added 3/9/10)

**Improvement:** Within this Ordinance it shall refer to all work affecting the proposed site including, but not limited to, site grading, streets, drainage, fire protection and public utilities which are required to be installed as part of the approved site subdivision plan.

**Inn:** an establishment providing accommodations, food, and drink, especially for travelers.

**Lot:** A tract, plot, or portion of a subdivision or other parcel of land intended as a unit for the purpose of transfer of ownership or for building development. Each individual lot shall be capable of being occupied by only one principal structure or use and its accessory use, and shall conform to dimensions and area requirements in the Barnstead Zoning Ordinance.

**Lot Line Adjustment:** Shall mean the exchange of abutting land among two or more owners which does not increase the number of owners or number of lots. A lot line adjustment shall not be permitted if by so doing, it creates, worsens or increases a nonconformity in any of the lots affected, e.g., decreases the lot frontage or the lot area beyond what is currently legal; creates a non-conforming yard setback from an existing structure; etc.

**Lot of Record:** A parcel, the plat or description of which has been recorded at the registry of deeds for the county in which it is located.

**Manufacturing:** Manufacturing is the creation or production of goods with the help of equipment, labor, machines, tools, and chemical or biological processing or formulation

**Manufactured Housing:** Any structure, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width and forty (40) body feet or more in length, or when erected on site, is 320 square feet or more, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to required utilities, which include plumbing, heating, and electrical heating systems contained therein (RSA 674:31).

**Manufactured Housing Park:** A trailer park, caravan park, mobile home park, mobile home community or manufactured home community is a temporary or permanent area for mobile homes and travel trailers.

**Marina:** A waterfront facility whose principal use is the provision of publicly available services for the securing, launching, storing, servicing or repairing of water craft. A marina is a specialized type of commercial use.

**Master Plan:** Shall mean a plan for development of the Town of Barnstead developed in accordance with the provisions of RSA 674:2.

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**Mining of Land:** The removal of geologic materials such as topsoil, sand and gravel; metallic ores, or bedrock to be crushed or used as building stone.

**Municipality:** The Town of Barnstead.

**Natural Woodland Buffer:** A forested area consisting of various species of trees, saplings, shrubs, and ground covers in any combination and at any stage of growth.

**Non-Conforming Lot:** Any lot that does not meet even one of the area requirements, wastewater system site requirements, soil classification requirements defined in the Barnstead Zoning Ordinance, Article 4, Section 4-1 or the frontage, setback and shoreland setback and shoreland frontage requirements defined in the Barnstead Zoning Ordinance, Article 4, Section 4-2 shall be considered a non-conforming lot. All lots in the Suburban District are considered non-conforming lots.

**Non-Conforming Use:** Any building or land lawfully occupied by a use at the time of passage of this Ordinance, or amendment thereto, which does not conform after the passage of this Ordinance or amendment thereto with the Regulations of the District in which it is situated. A use of land that is non-conforming but which was lawful when established. (Amended 3/9/10)

**Office Building:** a building that contains offices

**Open Space Preservation Development (OSPD):** A form of residential development that permits housing units to be grouped on sites or lots with dimensions, frontages, and setbacks reduced from the existing Barnstead Zoning Ordinance, providing the density of the tract as a whole shall not be greater than the density allowed by the zoning district under the existing Barnstead Zoning Ordinance.

**Ordinary High-Water Mark:** The line on the shore, running parallel to the main stem of the river, established by the fluctuations, of water indicated by physical characteristics such as a clear, natural line impressed on the immediate bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas. Where the ordinary high-water mark is not easily discernible, the Department of Environmental Services may determine the ordinary high-water mark.

**Patio:** See Terrace.

**Permitted Septic Designer - Certified:** Shall mean a person who has been permitted by the State of New Hampshire for designing septic or sewage disposal systems. (RSA 485-A:35,I)

**Person:** A corporation, company, association, society, firm, partnership or joint stock company, as well as an individual, a state, and any political subdivision of a state or any agency or instrumentality thereof.

**Plat:** The map or drawing prepared by a licensed surveyor, depicting the applicant's plan for a subdivision. A legally accepted plat is one that has been approved by the Board and recorded by the Register of Deeds of Belknap County.

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**Porch:** A roofed open area, which may be screened, usually attached to or part of and with direct access to or from a building.

**Primary Building Line:** A setback from the public boundary line.

**Primary Roads:** Roads, which move traffic to and through the development.

**Primary Structure:** A structure other than one, which is used for purposes wholly incidental or accessory to the use of another structure on the same premises.

**Protective Open Space:** Undevelopable land and agricultural land held in common ownership. This land shall not be considered as common open space.

**Protected Shoreland:** For natural fresh water bodies without artificial impoundments, for artificially impounded fresh water bodies and for coastal water and rivers, all land located within two hundred fifty (250) feet of the public boundary line of public waters.

**Public Hearing:** A meeting announced and advertised in advance and open to the public. The public is given an opportunity to talk and participate. [RSA 676:4-I(d) (e)].

**Public Meeting:** Any scheduled meeting of the Planning Board.

**Public Waters:** Shall include:

A. The following fresh water bodies:

- (1) Upper Suncook Lake
- (2) Lower Suncook Lake
- (3) Huntress Pond a/k/a Pinkham Pond
- (4) Lougee Pond a/k/a Skunk Pond
- (5) Locke Lake
- (6) Lily Lake
- (7) Half Moon Pond
- (8) Brindle Pond
- (9) Adams Pond

B. The Suncook River from the outlet of the Suncook Lakes to the Pittsfield Town Line.

**Recreation Facility, Indoor:** Any recreational which includes use wholly contained inside a building such as bowling alley, dance hall, gymnasium, tennis center or other indoor commercial amusement facility or place of public assembly.

**Recreation Facility, Outdoor:** Any recreational facility which includes use of outdoor facilities such as golf driving range, miniature golf course, disc golf, water slide, outdoor theater, race track, shooting ranges, paint ball, music venue or other outdoor commercial amusement facility or place of public assembly

**Recreational Vehicle:** A vehicle or portable device, with or without motor power, designed as a temporary dwelling for travel, recreational, vacation or business use.

**Reference Line:** (Amended 3/11/08)

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**A.** For natural fresh water bodies without artificial impoundments, the natural mean high-water level as determined by the Water Division of the Department of Environmental Services.

**B.** For artificially impounded fresh water bodies, the waterline at full pond as determined by the elevation of the top of the impoundment structure.

**Rivers,** the ordinary high-water mark.

**Removal or Removed:** Cut, sawed, pruned, girdled, felled, pushed over, buried, burned, killed, or otherwise destructively altered.

**Residential Unit:** A structure, or portion thereof, providing complete and independent living facilities including permanent facilities for living, sleeping, eating, cooking, and sanitation, which are used in common by one or more persons.

**Retail Business:** Retail is the sale of goods and services to consumers, in contrast to wholesaling, which is sale to business or institutional customers.

**Right of Way:** The full width of a strip of land deeded to the Town for highway purposes, or dedicated to public use as a highway, or laid out or established as an access to other parcels of land.

**Road Agent:** The individual designated by the Town as being in charge of, and responsible for, maintenance and construction of all Town roads and bridges.

**Sapling:** Any woody plant which normally grows to a mature height greater than twenty (20) feet and has a diameter less than six (6) inches at a point four and one-half (4-1/2) feet above the ground.

**School, Private:** A private school is a school not administered or funded by the government, unlike a public school. They are also known as independent schools, micro schools, learning pods, non-governmental, privately funded, or non-state schools.

**Secondary Roads:** Roads, which move traffic within the development.

**Setback, Building:** The shortest distance between a structure and a lot line.

**Selectmen:** Shall mean the Board of Selectmen of the Town of Barnstead.

**Setback, Building:** The shortest distance between a structure and a lot line.

**Septage Facility:** a plant or system for sewage treatment and disposal, except for an on-site wastewater treatment facility, that consists of treatment works, disposal works and appurtenant pipelines, conduits, pumping stations, and related subsystems and devices. A sewage treatment facility does not include components of the sewage collection system or the reclaimed water distribution system.

**Service Business:** a form of business providing different types of labor services in a wide variety of business sectors, e.g., lawn mowing, housecleaning and clothes cleaners are three types of consumer services offered to the general public.

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**Shoreland Protection District:** The Shoreland Protection District is an overlay, which is superimposed over the conventional existing zoning and includes within its boundary the protected shore lands adjacent to all public waters within the municipality.

**Shoreline Lot:** is any lot adjacent to any public waters as defined by the Barnstead Zoning Ordinance and subject to RSA: 483B The Comprehensive Shoreland Protection Act. (Added 3/10/09)

**Short Term Rental Property:** A rental property that is utilized in the business or practice of offering short term stay rentals; either directly, or through a property rental service. Short term stay rentals are generally offered or rented on a daily, weekend or weekly basis.

**Shrub:** Any multi-stemmed woody plant, which normally grows to a mature height of less than twenty (20) feet.

**Sign:** Any display of lettering, logos, colors, lights, or illuminated neon tubes visible to the public from outside of a building or from a traveled way, which either conveys a message to the public, or intends to advertise, direct, invite, announce, or draw attention to, directly or indirectly, a use conducted, goods, products, services or facilities available, either on the lot or on any other premises.

**Site Walk:** In which the Board (having a quorum present and having proper notification) visits the site of a proposed project as a public meeting. (See Appendix F in the Subdivision Regulations)

**Slope:** The average steepness of the land surface under consideration. For the purpose of determining lot size categories, slope shall be determined by slope factors used by the National Cooperative Soil Survey Soil Classification where B=0-8%; C=8-15%; D=15-25%; E=>25%.

**Sludge:** Residual materials produced by water and wastewater treatment processes and domestic septic tanks.

**Solid Waste:** Useless, unwanted or discarded solid material with insufficient liquid content to be free flowing. This includes, but is not limited to, rubbish, garbage, scrap materials, junk, refuse, inert fill material and landscape refuse.

**Soil Scientist -Certified:** Shall mean a person who has been duly certified by the Board of Natural Scientists under RSA 310-A: 75.

**Streams:** A defined channel where water flows year-round.

**Street:** Shall mean a public or private avenue, boulevard, roadway, lane, alley, viaduct, highway, or other ways, shown or designated on the Town Map or on a Board approved subdivision plat, and which is intended to accommodate vehicular traffic.

**Street, Approved:** A Class V or better road or a street on a subdivision plat approved by the Planning Board.

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**Structure:** Anything constructed or erected, except a boundary wall or fence, the use of which requires location on the ground or attachment to something on the ground. For the purposes of this ordinance, buildings are structures.

**Subdivision:** As defined in RSA 672:14 The division of the lot, tract, or parcel of land into two (2) 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-subdivision 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.

If any of the land indicated on the plat of a proposed subdivision has been part of any previous subdivision, approved, constructed, or created by conveyance no more than twenty (20) years prior to the new proposal, then any such previous subdivision will be treated as part of the new proposal for purposes of analyzing its effect and apply all review criteria.

A. **Major Subdivision:** The subdivision of land into four (4) or more lots; or the subdivision of land into three (3) or fewer lots, with potential for re-subdivision and/or requiring new roads, utilities, or other municipal improvement.

B. **Minor Subdivision:** The subdivision of land into three (3) or fewer lots, with no potential for re-subdivision, and requiring no new roads, utilities or other municipal improvements.

**Surveyor:** A person licensed in accordance with RSA 310-A, Sections 53-75, 1955, as amended.

**Terrace:** A level landscaped and/or surfaced area, also referred to as a patio, directly adjacent to a principal building, at or within three (3) feet of a finished grade and not covered with a permanent roof.

**Trailer** -a manufactured structure that sits on a steel frame chassis with transverse axles that move the structure or that can be easily removed.

**Tree:** Any woody plant which normally grows to a mature height greater than twenty (20) feet and which has a diameter of six (6) inches or more at a point four and one-half (4-1/2) feet above the ground.

**Urbanization:** The concentrated development found in the sections of towns or cities where there has been a historic pattern of intensive building for commercial or industrial use, or mixed residential, commercial, and industrial use.

**Warehouse/Storage:** a large building where raw materials or manufactured goods may be stored before their export or distribution for sale.

**Water dependent structure:** A dock, wharf, pier, breakwater, or other similar structure or any part thereof, builds over, on or in the waters of the State.

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**Wetlands:** Shall mean an area that is inundated or saturated by surface or ground water at a frequency and duration sufficient to support and that under normal conditions does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands include, but are not limited to, swamps, marshes, bogs and similar areas. And as defined by the Department of Environmental Services. (Amended 3/13/07)

**Work Force Housing:** The Barnstead Planning Board of the Town of Barnstead, New Hampshire, will follow the guidelines for Work Force Housing as set forth in RSA 674:58 paragraphs I through IV in its entirety.

## **Section 4: Preliminary Conceptual Consultation (Optional)**

The applicant may request a meeting with the Board to discuss a proposal in conceptual form and in general terms. Such pre-application consultation shall be informal and directed toward:

- A. Reviewing the basic concepts of the proposal.
- B. Reviewing the proposal with regard to the Master Plan, Zoning Ordinance, and Subdivision Regulations.
- C. Explaining the legal regulations that may apply to the proposal.
- D. Determination of the proposal as a major or minor subdivision.

To facilitate discussion the applicant may indicate the location of the proposed subdivision on a base map as defined in these Regulations. Such consultation shall not bind either the Applicant or the Board and statements made by Planning Board members shall not be the basis for disqualifying said members or invalidating any action taken. Such discussion may occur without formal public notice, but must occur only at formal meetings of the Board. [RSA 676:4 II (a)]



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## **Section 5: Design Review Phase (Optional, But Recommended)**

A more detailed discussion of the subdivision by the Board may take place beyond the conceptual and general discussion and may involve more specific design and engineering details. Such discussion may only occur after formal notification of abutters (by certified mail not less than ten (10) clear days before the meeting) and the general public as required by RSA 676:4 I (d). The Applicant must submit to the Board a list of abutters and their addresses, and pay a notification fee in accordance with Section 13 of these Regulations. A public hearing will be held to provide an opportunity for public testimony relative to the proposed subdivision. Statements made by the Planning Board Members shall not be the basis for disqualifying them or invalidating any action taken. [RSA 676:4 II (b)]

## **Section 6: Submission of Completed Application (Required)**

A.A completed application shall be filed with the Planning Board Office at least thirty (30) days prior to the public meeting at which the application will be submitted. A complete application will not be accepted by the Board unless it includes the following:

<b>Applicant Submitted</b>	<b>Planning Board Review</b>	<b>Waiver Requested</b>	<b>Not Applicable</b>
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[     ]     [     ]     [     ]     [     ]

[     ]     [     ]     [     ]     [     ]

[     ]     [     ]     [     ]     [     ]

[     ]     [     ]     [     ]     [     ]

[     ]     [     ]     [     ]     [     ]

[     ]     [     ]     [     ]     [     ]

1. A completed application form.

2. Three (3) paper copies of the proposed plat. If approved, two (2) paper copies and one (1) wash-off mylar of the final plat are required.

3.A request for waivers in accordance with Section 14 of these Regulations.

4.A non-refundable filing fee in accordance with Section 17 of these Regulations.

5.A list of names and addresses of abutters by map and lot number as indicated in Town records.

6.The fee to cover administrative costs of mailing and public notice in accordance with Section 17 of these Regulations.

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[     ]	[     ]	[     ]	[     ]	7. Review by Fire Chief an approved set of cistern drawings if a cistern is required
[     ]	[     ]	[     ]	[     ]	8. Review by Chief of Police.
[     ]	[     ]	[     ]	[     ]	9. A fiscal impact study prepared by a firm or professional acceptable to the Board.
[     ]	[     ]	[     ]	[     ]	10. A traffic impact study prepared by a firm or professional acceptable to the Board.
[     ]	[     ]	[     ]	[     ]	11. An environmental impact study prepared by a firm or professional acceptable to the Board.
[     ]	[     ]	[     ]	[     ]	12. Percolation test pit results performed by a permitted septic designer
[     ]	[     ]	[     ]	[     ]	13. Copies of any deed restrictions, homeowner's association covenants or by-laws, full legal descriptions of easements, right-of-ways, reservations, minor subdivision with lot sizes greater than 2 acres must have a deed restriction for no further subdivision or other restrictions.
[     ]	[     ]	[     ]	[     ]	14. Calculations used to determine minimum lot size as required by the Zoning Ordinance and these Regulations, Section 9.
[     ]	[     ]	[     ]	[     ]	15. Any other special studies or reviews deemed necessary by the Board. Note: The cost of any required studies, surveys, and/or reviews shall be assumed by the Applicant. [RSA 676:4-I (g)]B.

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[     ]     [     ]     [     ]     [     ]

16. A Third-Party Review Acknowledgement and Authorization Form signed by the applicant and/or their agent.

The following shall be shown on all subdivision plats submitted to the Board for consideration:

<b>Applicant Submitted</b>	<b>Planning Board Review</b>	<b>Waiver Requested</b>	<b>Not Applicable</b>
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[     ]     [     ]     [     ]     [     ]

17. A locus map insert showing general location of total tract. Approximate scale of one (1) inch equals three thousand (3000) feet.

[     ]     [     ]     [     ]     [     ]

18. Scale not to exceed (1) inch equals one hundred feet.

[     ]     [     ]     [     ]     [     ]

19. If plan is on more than one sheet, a reduced copy showing the entire plan shall be furnished.

[     ]     [     ]     [     ]     [     ]

20. The maximum error of closure shall not exceed one (1) in ten thousand (10,000).

[     ]     [     ]     [     ]     [     ]

21. A surveyor's stamp including signature and license number. And approval boxes as shown in Appendix C.

[     ]     [     ]     [     ]     [     ]

22. Name of proposed subdivision.

[     ]     [     ]     [     ]     [     ]

23. Name(s) and address(s) of the Applicant(s).

[     ]     [     ]     [     ]     [     ]

24. Name and address of surveyor or firm who prepared plat.

[     ]     [     ]     [     ]     [     ]

25. Names of all abutting property owners of record.

[     ]     [     ]     [     ]     [     ]

26. Dimensions of all existing and proposed property lines.

[     ]     [     ]     [     ]     [     ]

27. Dimensions of proposed lot(s) in square feet and acres.

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[ ]	[ ]	[ ]	[ ]	28.North point.
[ ]	[ ]	[ ]	[ ]	29.Existing and proposed structures within one hundred (100) feet of subdivision.
[ ]	[ ]	[ ]	[ ]	30.Setback lines. [Front - minimum fifty (50) feet. Rear and side - minimum thirty (30) feet. From shoreline - minimum fifty (50) feet.]
[ ]	[ ]	[ ]	[ ]	31.Existing and proposed driveways within two hundred (200) feet of subdivision.
[ ]	[ ]	[ ]	[ ]	32.Existing bodies of water, water courses, and/or wetlands within one hundred (100) Feet of subdivision.
[ ]	[ ]	[ ]	[ ]	33.Existing cemeteries.
[ ]	[ ]	[ ]	[ ]	34.Existing telephone and/or power line poles.
[ ]	[ ]	[ ]	[ ]	35.Existing stone walls.
[ ]	[ ]	[ ]	[ ]	36.Location of soil types and boundaries if required by the Planning Board after they have completed a site- specific walk.
[ ]	[ ]	[ ]	[ ]	37.Land contours at intervals not to exceed five (5) feet
[ ]	[ ]	[ ]	[ ]	38.Spot elevations.
[ ]	[ ]	[ ]	[ ]	39.Location of aquifer recharge protection district as depicted on Town of Barnstead Aquifer Recharge District Map if within one hundred (100) feet of subdivision.
[ ]	[ ]	[ ]	[ ]	40.Location of one hundred (100) year flood area as depicted on F.E.M.A. Flood Insurance Rate Map if within one hundred (100) feet of subdivision.

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[     ]     [     ]     [     ]     [     ]

41. Tax map references for each abutting property (map and lot numbers).

[     ]     [     ]     [     ]     [     ]

42. Title and deed references as assigned by the Belknap County Registry of Deeds (book and page number).

[     ]     [     ]     [     ]     [     ]

43. Location of percolation test pits.

[     ]     [     ]     [     ]     [     ]

44. Location of septic system leach fields. [No part of a leach field shall be located less than ten (10) feet from a property line.]

[     ]     [     ]     [     ]     [     ]

45. All lot lines shall be monumented as follows: where practical and possible iron rods of 5/8" minimum diameter or iron pipe of 3/4" minimum diameter driven securely into the earth. As an alternate granite bounds of at least 4" x 4" x 2' long set into the earth a minimum of 18" may be used. When conditions dictate, i.e., ledge or boulders, a drill hole is acceptable. The plat shall indicate each monument and its type. Monuments located along rivers and streams shall be along the meander line.

[     ]     [     ]     [     ]     [     ]

46. Location of existing and proposed wells within one hundred (100) feet of the subdivision.

C. In addition to the above requirements, the following shall be shown on all major subdivision plats of four (4) or more lots submitted to the Board for consideration:

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[     ]     [     ]     [     ]     [     ]

47. Locations and dimensions of all property to be dedicated or reserved for parks, playgrounds, or open space. The subdivision shall, at the discretion of the Board, preserve in

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				their natural condition important natural features such as watercourses, wetlands, agricultural land, slopes greater than fifteen (15) percent, large or unique trees, wildlife habitat, or ledge outcroppings.
[     ]	[     ]	[     ]	[     ]	48.Location of all electrical, telephone, and cable TV utility lines. All lines shall be placed underground according to specifications set forth by the appropriate utility company.
[     ]	[     ]	[     ]	[     ]	49.Location of storm mains, catch basins, culverts.
[     ]	[     ]	[     ]	[     ]	50.Natural features that provide buffers between lots within the subdivision, and buffers between the subdivision and abutters shall be preserved whenever possible. The clearing of natural vegetation within the subdivision shall be conducted in such a manner as to preserve the above buffers. Clear-cutting of vegetation is prohibited except where necessary for road construction. No person shall commence the construction of roads within the proposed subdivision by clearing the land of natural vegetation, placing any artificial fill thereon, or otherwise altering the land, nor shall he do any other act or acts which alter the natural state of the land or environment, unless the subdivision plan has been approved by the Board. Nothing in this paragraph shall be construed to prevent the taking of test borings, the digging of test pits, or any other preliminary testing and inspection.

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[     ]	[     ]	[     ]	[     ]	51.Locations of street lights shall be required at the Board's discretion.
[     ]	[     ]	[     ]	[     ]	52.Stamp and signature of engineer who prepared plans.
[     ]	[     ]	[     ]	[     ]	53.Location of existing and proposed streets.
[     ]	[     ]	[     ]	[     ]	54.Names of existing and proposed streets.
[     ]	[     ]	[     ]	[     ]	55.Profiles showing existing and proposed elevations along the centerline of all proposed streets. Where a proposed street intersects an existing street(s), the elevations along the centerline of the existing street(s) within one hundred (100) feet of the intersection.
[     ]	[     ]	[     ]	[     ]	56.Length of proposed cul-de-sacs. Cul-de-sacs shall not exceed two thousand (2,000) feet in length and shall terminate in a turn-around as depicted in Appendix A.
[     ]	[     ]	[     ]	[     ]	57.Radii of proposed cul-de-sacs, right-of-ways, and improved surfaces as depicted in Appendix A.
[     ]	[     ]	[     ]	[     ]	58.Example of proposed street cross sections showing construction standards, shoulder widths, gravel sub-base and base depths, street surface type, thickness, and slope. (See Section VII of these Regulations for street design and other construction standards.)

D.In addition to the above requirements, the following will be required for all major subdivisions submitted to the Board for consideration:

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[     ]     [     ]     [     ]     [     ]     59.Landscape Plan

[     ]     [     ]     [     ]     [     ]     60.Storm Drainage Plan

- A. Storm drainage systems shall be designed to permit unimpeded flow of all natural watercourses and to insure adequate drainage of storm water away from and off of streets and lots. Off-site surface water shall be conducted safely through the project area.
- B. The design of storm water management shall be by the use of the Rational Method Formula. A twenty-five (25) year storm event rainfall intensity shall be used.
- C. Storm drains, culverts, ditches, and related installations, including catch basins and any drop inlets shall be installed within and outside the subdivision, as necessary. All storm drainage structures and materials shall be in accordance with the 2016 published Standard Specifications for Bridges and Highways by the New Hampshire Department of Transportation.
- D. The proposed subdivision shall not cause any off-site increases in drainage, either during construction or once construction is completed.
- E. Measures shall be taken to minimize impermeable areas and provide for adequate infiltration.
- F. All pipes, except under drains, shall be Class IV reinforced concrete, with a minimum H-20 load rating, a minimum diameter of eighteen (18) inches, and shall have a minimum of two (2) feet of cover below subgrade over all pipes.
- G. Sod or stone shall be provided in ditches where soil or velocity conditions warrant protection from erosion.

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[     ]     [     ]     [     ]     [     ]     61.Erosion and Sediment Control  
Plan including steep slopes.

No subdivision plans or site plans shall be granted approval unless they include measures for erosion and sediment control. The Applicant shall bear the final responsibility for the installation and construction of all required soil erosion and sediment control measures as follows:

- A. The Applicant shall submit a soil erosion and sediment control plan for the entire tract of land. The plan shall identify the various measures proposed for control of erosion and sediment and their relative locations.
- B. All erosion and sediment control measures shall meet the design standards and specifications set forth in the current publication Erosion and Sediment Controls During Construction (2008) by New Hampshire Stormwater Manual



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C. The following standards shall be used in planning for erosion and sediment control:

- (1) Whenever practical, natural vegetation will be retained, protected and supplemented. The stripping of vegetation will be done in a manner that minimizes soil erosion.
- (2) The disturbed areas shall be kept to a minimum and protected from erosion during the winter months.
- (3) Measures will be taken to control sediment and retain it within the project area.
- (4) The permanent final vegetation and structures should be installed as soon as possible in subdivisions.
- (5) Increased runoff water caused by changed soil and surface conditions during development shall be retained in such a way as to not increase the peak discharge of runoff water occurring on the site before any development begins.
- (6) Sediment in runoff water shall be trapped and retained on the project area.
- (7) Off-site surface water shall either be diverted around or conducted safely through the project area.

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[     ]     [     ]     [     ]     [     ]     62. Fire Protection:

- A. A subdivision plan of ten (10) or more house lots shall provide for a water supply capable of delivering not less than five hundred (500) gallons of water per minute for a period of not less than one (1) hour year-round, which will provide for such a water supply within one thousand (1,000) feet of each dwelling unit measured along a road. The system shall consist of pressurized hydrants or underground tanks as described in Section B. In the event that provision of such a supply (ies) is not physically possible on the land of the Applicant and an arrangement can be made by utilizing water resources off the property, the Applicant may do so. The Applicant shall bear all costs, legal and otherwise, of such arrangements. The following requirements shall apply:
- B. A subdivision plan of four (4) or more, but less than ten (10) house lots shall provide for an underground water storage tank with hydrant and fill manifolds. Such a facility shall be located within one thousand (1,000) feet of each dwelling, and within a permanent easement immediately adjacent to a road. The tank shall have a capacity of at least thirty thousand (30,000) gallons and shall be protected from freezing.
- C. Water sources shall be installed as directed by the Fire Chief of the Town of Barnstead. They shall be equipped with a hydrant consisting of a steamer device and cap and built to Town Regulations. Such hydrants shall be constructed in such a manner as to ensure that the water level in the pipe is below the frost level. There

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shall be a roadway, built according to street design criteria in these Regulations, from the hydrant to the nearest right-of-way, and a paved parking area adjacent to the hydrants which will allow the parking of at least one (1) fire vehicle. Water sources shall be fenced where appropriate in the judgment of the Board. All water sources required under this Regulation shall be capable of providing a minimum flow of 1,000 gallons per minute.

- D. It shall be the responsibility of the Applicant to bear the cost of any equipment, apparatus, or construction which may be incurred under this Regulation. All land areas and equipment or apparatus shall, upon completion and installation of such equipment and apparatus, be made available to the Town of Barnstead for firefighting purposes. All water containment equipment and apparatus shall be maintained by the Barnstead Fire-Rescue
- E. A Certificate of Occupancy shall not be issued until fire protection has been completed according to these Regulations.

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[     ]       [     ]       [     ]       [     ]

63. After consideration of the fiscal, traffic, and/or environmental impact studies, the Board may require the applicant to bear that portion of the cost of off-site improvements which bears a rational nexus to the needs created by, and special benefits conferred upon the subdivision.

[     ]       [     ]       [     ]       [     ]

64. Performance surety in accordance with Section 16 of these regulations.

## **Section 7: Street Design and Other Construction Standards**

- A. **Streets:** All proposed streets shall be graded and improved to conform to the following standards and specifications:
- (1) Streets shall be related to the topography, with curvilinear alignment whenever practical.
  - (2) Centerlines of streets shall coincide with the centerline of the right-of-way and shall be designed using the following minimum standards:
    - a. Right-of-way width - fifty (50) feet
    - b. Pavement width - twenty-two (22) feet
    - c. Crushed gravel shoulder - four (4) feet
    - d. Minimum road grade - one (1) percent

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- e. Maximum road grade - nine (9) percent
  - f. Maximum intersecting road grade within fifty (50) feet of intersection of through street - two (2) percent
  - g. Minimum centerline radius two hundred fifty (250) feet
  - h. Minimum intersection angle - seventy-five (75) degrees
  - i. Depth of compacted granular base - twelve (12) inches of bank run gravel and six (6) inches of crushed gravel
  - j. Depth of bituminous pavement (binder course) - two (2) inches measured after compaction
  - k. Depth of bituminous pavement (surface course) - one (1) inch measured after compaction
  - l. Slope of pavement (minimum) - one quarter (1/4) inch per foot
  - m. Slope of shoulder (minimum) - three eighths (3/8) inch per foot
  - n. Intersection sight distance - AASHTO standards
  - o. Minimum stopping sight distance - two hundred seventy-five (275) feet
  - p. Minimum design speed - thirty-five (35) miles per hour
- (3) All roadway intersections shall be designed to have the specified corner sight distance measured from a point forty (40) feet from the edge of the intersected street.
- (4) Intersecting roadway pavements shall maintain the minimum width and shall be constructed with a minimum radius of twenty-five (25) feet at the inside of the curb line.
- (5) All bridges shall be as wide as the required pavement and shoulder width, and shall conform to standard specifications for road and bridge construction as defined by the 2016 publication, Standard Specifications for Bridges and Highways by the New Hampshire Department of Transportation (as amended).
- (6) Staking shall be located as follows:
- a. Prior to any clearing along the street right-of-way, the centerline of the new street shall be staked and side staked at fifty (50) foot intervals. The limits of clearing shall be marked by stakes or flagging.
  - b. After clearing is completed and prior to commencing excavation, stakes shall be re-established and offset stakes set. Cuts and fill shall be computed to finish grade or roadway and shall be marked on stakes.
- (7) All topsoil, stumps, brush, roots, boulders, and like material shall be removed from the proposed subgrade area. All muck or peat soils shall be excavated to stabilize the foundation of the road and refilled solidly with sub-base material, as directed by the Town Engineer.

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- (8) Embankments shall be formed of suitable material placed in successive layers not exceeding twelve (12) inches in depth for the full width of the roadway cross-section and shall be compacted uniformly to ninety-five (95) percent minimum to prevent settlement. Stumps, trees, rubbish, or other unsuitable material shall not be used as fill. Filled material shall be compacted to ninety-five (95) percent before applying gravel sub-base.
- (9) The base course shall not be laid until the subgrade has been inspected and approved by the Town Engineer. The base course shall consist of twelve (12) inches of bank run gravel laid in two (2) six (6) inch courses and a six (6) inch course of crushed gravel. Each layer shall be compacted to ninety-five (95) percent by a method acceptable to the Town Engineer. The completed base shall conform to the lines and grades submitted in the profiles and cross-section construction plans.
- (10) Fill and base course materials shall obtain ninety-five (95) percent density, and shall conform to the 2016 publication, Standard Specifications for Bridges and Highways by the New Hampshire Department of Transportation (as amended).
- (11) Pavement shall conform to the standards contained in Division 400 of the 2016 publication, Standard Specifications for Bridges and Highways by the New Hampshire Department of Transportation (as amended).
- (12) Under drains shall be installed where the character and composition of the soil in the roadbed warrant such structures as determined by the Town Engineer. When necessary, under drains shall be comprised of perforated plastic PVC for pipes, which have a minimum six (6) inch diameter. The trench shall be inspected and approved by the Town Engineer prior to subgrade preparation.
- (13) Untreated shoulders and slopes shall be a mixture of loam and crushed gravel which shall be seeded or treated as noted on approved construction plans. Seeding shall meet the guidelines specified in the 2016 publication, Standard Specifications for Bridges and Highways by the New Hampshire Department of Transportation (as amended).
- (14) Topsoil moved during construction shall be redistributed to provide at least four (4) inches of cover to all areas of the subdivision and those areas disturbed between the right-of-way limits and the shoulders of the roadway. These areas shall be finished by seeding, mulching, or planting.

**B. Sidewalks**

- (1) Sidewalks shall be of bituminous concrete or Portland cement concrete. Bituminous concrete shall not be less than two and one-half (2-1/2) inches in thickness and placed over at least a six (6) inch gravel base. Portland cement concrete sidewalks shall not be less than four (4) inches in thickness, reinforced by eight by eight (8 x 8) inch, six by six (6 x 6) inch wire mesh, and placed on a gravel base not less than twelve (12) inches in thickness. Portland

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cement concrete sidewalks that cross driveways shall not be less than six (6) inches thick and meet all the above standards. All sidewalks shall be five (5) feet in width.

## **Section 8: Inspections**

**8-1:** Inspections shall be made by the Planning Board and/or Town Engineer during development to ensure compliance with the approved plan. A written report of these inspections will be provided to the Board. The cost of inspections performed by the Town Engineer will be assumed by the Applicant. The Board and abutters accompanying the Board may enter upon the land of a proposed subdivision to make such examinations and surveys as are reasonably necessary to review the application. [RSA 674:1 IV]

**8-2:** All required infrastructure (i.e.; roads, culverts, drains, fire protection cisterns, utilities) shall be in place prior to the issuing of a building permit for any individual lot that is a part of the approved sub-division, without exception

## **Section 9: Lot Size**

Each lot shall have a 2-acre minimum area and a contiguous 200-foot minimum frontage as required by the Zoning Ordinance to assure such additional area as is needed for on-site sanitary facilities and to ensure ground water quality protection [RSA 674:36 II(i)].

Minimum lot sizes for residential developments with greater than four (4) bedrooms per building and for open space preservation developments (OSPD) shall be determined as follows:

- A. For multi-family residential use, the minimum lot size shall be proportionately smaller per dwelling unit than the lot size established in the Zoning Ordinance and determined by the following formulas:
  - (1) Number of one and/or two-bedroom units = area of each soil type on the lot divided by (lot size established in the Zoning Ordinance. x .65).
  - (2) Number of three-bedroom units = area of each soil type on the lot divided by (lot size established in the Zoning Ordinance. x .85).
- B. For OSPD's, the overall density of lots or dwelling units within the parcel shall be determined by using the lot size established in the Zoning Ordinance and computing a soil carrying capacity of all allowed soils found in the parcel proposed for the subdivision.
- C. For duplex use, where the total number of bedrooms in the building shall not exceed five (5), the lot size shall be increased forty percent (40%) over the amount established in the Zoning Ordinance.

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D. All building lots shall have a minimum of twenty thousand (20,000) square feet of soil suitable for receiving layer, as defined by the Water Division in Env-Ws 1002.27. At least four thousand (4,000) square feet of this contiguous area shall be suitable for the sitting of an individual wastewater disposal system.

E. Group six soils as classified by the Water Division in Env-Ws 1000 shall not be included in calculating the minimum lot size.

For single family homes with greater than four (4) bedrooms, the required lot size will be increased fifteen percent (15%) for each additional bedroom exceeding four (4).

In developments where a municipal water supply system is to be provided and whose water source is outside the drainage basin of the proposed development, minimum lot sizes may be reduced by twenty percent (20%) of the minimum lot size established in the Zoning Ordinance.

For commercial and industrial uses with residential quality waste, lot sizes will be determined by the formula:

$$\text{Lot size} = \frac{Q \text{ (gpd)}}{200 \text{ gpd}} \times \text{lot size from the Zoning Ordinance (sq. ft.)}$$

Where Q = gallons of waste water to be discharged per day. The amount of flow will be determined by use of Env-WS 1008.02 Average Daily Flow Volume.

## **Section 10: Minor Lot Line Adjustments**

Anyone desiring to alter a lot line shall file with the Planning Board Office a completed Lot Line Adjustment Application at least thirty (30) days prior to the public meeting at which the application will be submitted. A completed application will not be accepted by the Board unless the plat meets the following requirements:

Applicant Submitted	Planning Board Review	Waiver Requested	Not Applicable	
[     ]	[     ]	[     ]	[     ]	1.Locus map insert showing general location of tract.
[     ]	[     ]	[     ]	[     ]	2.Scale not to exceed one (1) inch equals one hundred (100) feet.
[     ]	[     ]	[     ]	[     ]	3.A surveyor's stamp including signature and license number.
[     ]	[     ]	[     ]	[     ]	4.Name(s) and address(es) of the applicant(s).
[     ]	[     ]	[     ]	[     ]	5.Name and address of surveyor or firm who prepared the plat.

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Applicant Submitted	Planning Board Review	Waiver Requested	Not Applicable	
[     ]	[     ]	[     ]	[     ]	6.Names of all adjoining property owners of record.
[     ]	[     ]	[     ]	[     ]	7.Dimensions of all existing and proposed property lines.
[     ]	[     ]	[     ]	[     ]	8.Lot dimensions of newly adjusted lot in square feet and acres.
[     ]	[     ]	[     ]	[     ]	9.Lot dimensions of unaltered lot in square feet and acres.
[     ]	[     ]	[     ]	[     ]	10.North point.
[     ]	[     ]	[     ]	[     ]	11.Existing and proposed structures within the parcel.
[     ]	[     ]	[     ]	[     ]	12.Setback lines [front - minimum fifty (50) feet; rear and side - minimum thirty (30) feet; from shoreline - minimum fifty (50) feet].
[     ]	[     ]	[     ]	[     ]	13. Copies of New Deeds submitted at time of Mylar filing

## **Section 11: Board Action On Completed Applications**

The Board will determine the completeness of the application at a public meeting and by a majority vote of its members, will act to accept the application as complete or to reject the application as incomplete. Reason(s) for rejection of the application as incomplete shall be stated in the official records of the Board, with written notice thereof being given to the applicant. Notice of this public meeting shall be provided to the applicant, land owner, abutters, and the public in accordance with Section 15 of these Regulations.

The Board upon acceptance of an application as complete shall review it promptly and determine whether or not the development may have the potential to impact areas beyond the boundaries of Barnstead because of factors such as, but not limited to, the following:

- A. relative size or number of dwelling units as compared with existing stock;
- B. proximity to the borders of a neighboring community;
- C. transportation networks;
- D. anticipated emissions such as light, noise, smoke, odors, or particles;
- E. proximity to aquifers or surface waters which transcend municipal boundaries; or

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F. shared facilities such as schools and solid waste disposal facilities.

Doubt concerning regional impact shall be resolved in a determination that the development has a potential regional impact.

Upon determination that a proposed development has a potential regional impact, the Board shall afford the regional planning commission and the affected municipalities the status of abutters as defined in RSA 672:3 for the limited purpose of providing notice and giving testimony.

Within seventy-two (72) hours of reaching a decision regarding a development of regional impact, the Board shall furnish, by certified mail, the regional planning commission and the affected municipalities with copies of the minutes of the meeting at which the decision was made.

At least fourteen (14) days prior to public hearing, the Board shall notify, by certified mail, all affected municipalities and the regional planning commission of the date, time, and place of the hearing and their right to testify concerning the development. [RSA 36:54-58]

The Board shall begin consideration of the completed application within thirty (30) days of its acceptance. The Board shall act to approve, conditionally approve, or disapprove the completed application within sixty-five (65) days of acceptance.

The Board may grant conditional approval of a completed application only for a period not to exceed twelve (12) months):

- A. when the conditions imposed by the Board constitute minor plan changes administrative in nature involving no discretionary judgment of the Board; or
- B. concern the submission of permits and/or approvals granted by other Boards or Agencies such as, but not limited to:

<b>Applicant Submitted</b>	<b>Planning Board Review</b>	<b>Waiver Requested</b>	<b>Not Applicable</b>
--------------------------------	----------------------------------	-----------------------------	---------------------------

[     ]     [     ]     [     ]     [     ]

1.Approval from the Department of Environmental Services (D.E.S.) for significant alteration of terrain [RSA 485-A: 17].

[     ]     [     ]     [     ]     [     ]

2.Approval from the D.E.S. for on-site sewage disposal [RSA 485-A: 29].

[     ]     [     ]     [     ]     [     ]

3.D.E.S. Dredge and Fill Permit [RSA 483-A: 1].

[     ]     [     ]     [     ]     [     ]

4.New Hampshire Department of Transportation Driveway Access Permit [RSA 236:13].



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<b>Applicant Submitted</b>	<b>Planning Board Review</b>	<b>Waiver Requested</b>	<b>Not Applicable</b>
--------------------------------	----------------------------------	-----------------------------	---------------------------

[     ]	[     ]	[     ]	[     ]	5.Town of Barnstead Driveway Permit.
[     ]	[     ]	[     ]	[     ]	6.Utility company approval.
[     ]	[     ]	[     ]	[     ]	7.Approval from NH DES for Shoreland Development. [RSA 483-B: 6]

Such approval shall become final, without further public hearing or notice to abutters, upon satisfactory compliance with the condition(s) imposed certified or submitted to the Board.

An applicant may waive the requirement for Board action within sixty-five (65) days of acceptance, and consent to such extension as may be mutually agreeable. If the planning board does not act on the application within the 65-day period, then the governing body is required to approve the application.

## **Section 12: Expedited Review (RSA 676: 4 III)**

The Board may determine that an application qualifies for an expedited review. Such a review may occur for proposals involving minor subdivisions which create not more than three (3) lots for building development purposes or for proposals which do not involve creation of lots for building development purposes. Such expedited reviews may allow submission and approval at one or more Board meetings provided:

- A. Full notice to the abutters and public is given as required under RSA 676: 4 I (d) and Section 15 of these Regulations.
- B. A public hearing shall be held if requested by the Applicant, Abutters, or Board any time prior to approval or disapproval. Notice of this hearing shall be as provided in RSA 676: 4 I (d) and Section 15 of these Regulations.

## **Section 13: Public Hearings**

Except as provided in RSA 676: 4 I (d) and this Section of the Regulations, no application may be denied or approved without a public hearing on the application. The Board shall determine a time and place for a public hearing on the proposal and shall notify the applicant, land owner, abutters, and public in accordance with RSA 676: 4 I (d) and Section 15 of these Regulations.

At the hearing, anyone may testify in person or in writing. The Chairman will conduct the public hearing as outlined in the Board's Rules of Procedure. Public hearings are not required when the Board is considering or acting upon:

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- A. Minor lot line adjustments or boundary agreements which do not create buildable lots, except any abutter may be heard on the application upon request.
- B. Disapprovals of applications based upon failure of the Applicant to supply information required by these Regulations; or failure to meet reasonable deadlines established by the Board; or failure to pay costs of notice or other fees required by the Board.

## **Section 14: Waivers**

The Board may waive such requirements of these Regulations that it determines: (1) are not requisite to the interest of public health, safety, or general welfare; (2) which do not contribute to the objectives of these regulations because of special circumstances and conditions relating to a particular subdivision; and (3) will not nullify the intent and purpose of the Barnstead Zoning Ordinance and Master Plan.

Any request for a waiver from the requirements of these Regulations must be submitted to the Board in writing at the time of submission of the completed application. The written request shall include the facts to substantiate those conditions (1), (2), and (3) in Section 14 of these Regulations are met by the proposed application.

Any waiver granted may be withdrawn by the Board prior to final action on the application.

## **Section 15: Public Notice Requirements**

Notice of the design review phase or submission of a completed application shall be given by the Board to the abutters and the applicant by certified mail at least ten (10) clear days prior to the submission. [Note: The ten (10) days shall not include the day the notice is posted or the day of the meeting.] The notice shall include:

- A. The date, time, and place of the Board meeting.
- B. A general description and location of the proposal to be considered.
- C. Identity of the Applicant.

The general public shall be given notice at the same time by posting at the Barnstead Parade Post Office and the Town Hall, and by publication in a local paper of general circulation. If notice of public hearing has been included in the notice of submission or any prior notice, additional notice of that hearing is not required. Additional notice is not required of an adjourned session of a hearing provided the date, time, and place of the adjourned session were made known at the prior meeting.

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## **Section 16: Performance Surety**

- A. The Board may accept performance surety in lieu of the Applicant's completion of streets, drainage, soil erosion and sedimentation plans, landscaping, utilities, fire protection, required inspections, and/or other Board required on and off-site improvements prior to the final approval of the subdivision plat. Prior to final approval of the subdivision, a detailed agreement will be entered into between the Board and the Applicant indicating each and every improvement that must be made for which surety is being posted. Such improvements must be completed within two (2) years from the date of subdivision approval unless an extension is granted by the Board. A schedule indicating the proposed dates for completing the improvements will be submitted to the Board by the applicant.

The Board may only accept cash escrow or an irrevocable letter of credit with an automatic call provision as surety. The Board will consult the Town Engineer to determine the amount of surety. However, the Board will make the final determination of the amount. A cost escalation factor as determined by the Board of no more than ten percent (10%) per year will be included in the amount of surety.

The Board reserves the right to refuse surety served by a financial institution if in determining a bank's financial fitness will consider unacceptable. Costs involved shall be borne by the Applicant. The surety agreement shall be reviewed and approved by Town Counsel as to proper legal form and enforceability.

### **B. Release of Surety**

As phases or portions of the secured improvements and/or installations are completed, and approved by the Board or its designee, the Town of Barnstead shall release at the request of the Applicant, said security to the extent reasonably calculated to reflect the value of such completed improvements and/or installations. Ten percent (10%) of the entire amount of performance surety shall be retained as a maintenance surety for one (1) year after date of such completion and approval, to insure the continued and proper operation and integrity of the improvements and/or installations during said one (1) year period.

Prior to the Board approving a phase or portion of the secured improvements, the Town Engineer shall inspect the said phase or portion, and provide the Board a written report stating said phase or portion complies with Town of Barnstead specifications. Report will also indicate if sufficient surety remains to complete remaining secured improvements.

All costs incurred by consulting the Town Engineer and/or Town Counsel, and all inspections performed by the Town Engineer, shall be borne by the Applicant.

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## **Section 17: Fees**

The following fees and charges shall apply to all subdivision applicants:

**A. Administrative Fee:** A non-refundable application fee to cover administrative costs shall accompany each application for Major or Minor subdivision, Lot Line Adjustments, Site Plan Review. Costs shall be as follows:

- (1) \$150.00 per lot filing fee to cover review of major subdivision applications.
- (2) \$150.00 per lot filing fee to cover review of minor subdivision applications.
- (3) \$100.00 per lot filing fee to cover review of lot line adjustments and boundary line agreements.
- (4) \$100.00 filing fee for Site Plan Review applications
- (5) \$100 newspaper fee

**B. Filing Fee:** A \$20.00 fee per application shall be paid to cover filing mylars in Laconia. (This is in addition to Belknap County filing fees.)

**C. Notification Fees:** In accordance with RSA 674: 4 I (d), the Applicant must pay for formal notification fees. At the time of filing the application and for each successive time notification is necessary, a fee of fifteen (\$15.00) dollars per abutter to cover reproduction and posting costs shall be paid and postage provided for the certified mailing for public hearing notification.

**D. Additional Fees:** Any Applicant may be required to pay additional reasonable fees imposed by the Board to cover its administrative expenses and costs of special investigative studies, third party review, review of documents and other matters which may be required by particular application. [RSA 676: 4-I(g)]

**E. Inspection Fees:** All fees and costs connected with inspections and engineering review of plans and specifications for improvements shall be paid for by the Applicant, at a rate determined by the Planning Board.

## **Section 18: Administration And Enforcement**

These Regulations shall be administered by the Board. The enforcement of these Regulations is vested with the Selectmen.

Any violation of these Regulations shall be subject to a civil fine as provided in RSA 676: 16 and RSA 676: 17, as amended. The Selectmen or Building Inspector are designated as the local authorities to institute appropriate action under the provisions of RSA 676: 17.

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## **Section 19: Interpretation, Conflict, Separability**

- A. Interpretation:** The standards contained in this Chapter shall be interpreted as minimum requirements. Compliance with said minimum requirements shall in no instance obligate the Planning Board to approve any particular application solely on that basis. Only after the Planning Board is fully satisfied that a proposed application is in the best public interest will the application be approved.
- B. Conflict:** Where these Regulations are in conflict with other local, state, or federal ordinances, the more restrictive shall prevail.
- C. Separability:** If any section, subsection, paragraph, sentence, clause, or phrase of these Regulations shall be held to be invalid or unconstitutional by any Court of competent authority, such holding shall not affect, impair, or invalidate any other section, subsection, paragraph, sentence, clause, or phrase of these Regulations.

## **Section 20: Appeals, Adoption & Amendments**

- A. Adoption:** In accordance with RSA 675:6, these Regulations shall become effective after a public hearing is held as specified in RSA 675:7, adoption and certification by a majority of the Planning Board Members, and filing of certified copies with the Town Clerk as required by RSA 675:8. Copies shall also be filed with New Hampshire Office of State Planning as required by RSA 675:9.
- B. Amendments:** In accordance with RSA 675:6, these Regulations may be amended or rescinded by the Board following a public hearing on the proposed change(s) as specified in RSA 675:7. After the public hearing, and after certification of the amendment(s) by a majority of the Board Members, the Chairman of the Board shall file a copy of the amended Regulations with the Town Clerk and the New Hampshire Office of State Planning.
- C. Appeals:** Any person aggrieved by any decision of the Planning Board concerning a plat or subdivision may present to the Superior Court a petition, duly verified, setting forth that such decision is illegal or unreasonable in whole or in part and specifying the grounds upon which the same is claimed to be illegal or unreasonable. Such petition shall be presented to the court within 30 days after the filing of the decision in the office of the Planning Board. This paragraph shall not apply to Planning Board decisions appealable to the Board of Adjustment pursuant to RSA 676:5, III. [RSA 677:15 I].

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## **Appendix A-Cul-De-Sacs**

When it is not possible to make a through road in a subdivision a cul-de-sac is allowed.

Roads terminating with a cul-de-sac may not exceed 2,000' in length.

All roads terminating in a cul-de-sac must be constructed to Class V NHDOT road specifications as shown in Appendix B of this regulation, with a 50' ROW and 24' wide traveled surface.

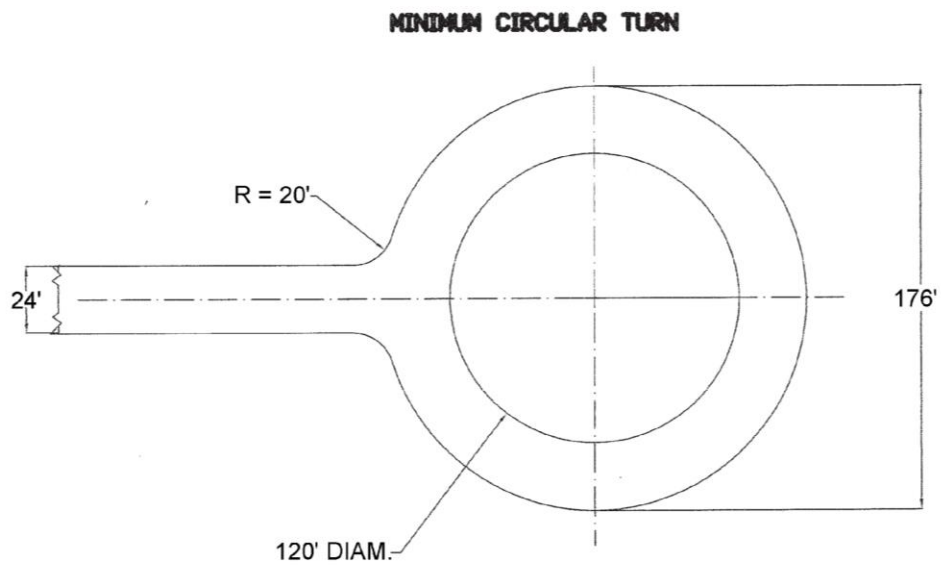
There are three allowable terminations, the circular (figure A-1), hammerhead "T" turn (figure A-2), and hammerhead "L" turn (figure A-3). The following drawings are the minimum dimensions allowed as described in figures A-1, A-2 and A-3.

The island on a circular cul-de-sac may have vegetation in it.

The minimum vertical clearance on all cul-de-sacs must be at least 16'.

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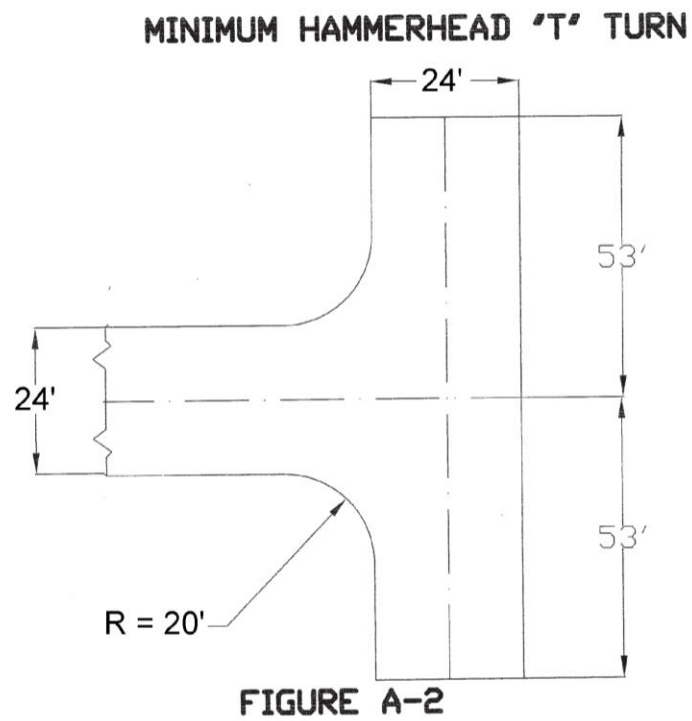
***Appendix A- Minimum Circular Turn***



**FIGURE A-1**

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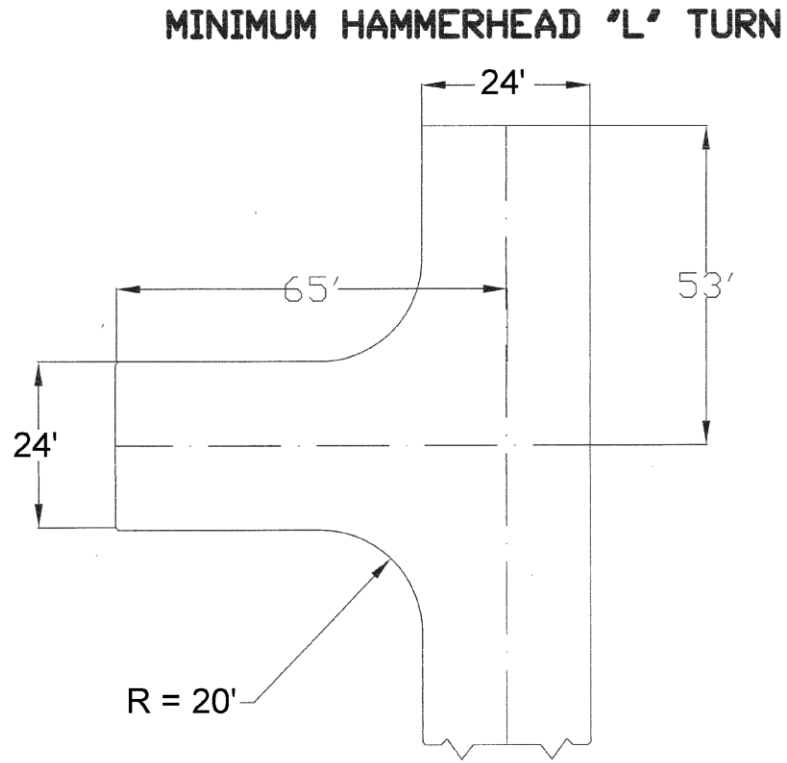
***Appendix A- Minimum Hammerhead "T" Turn***





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***Appendix A- Minimum Hammerhead "L" Turn***



**FIGURE A-3**

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# Appendix B – NHDOT Minimum Geometric & Structural Guides for Local Roads & Streets

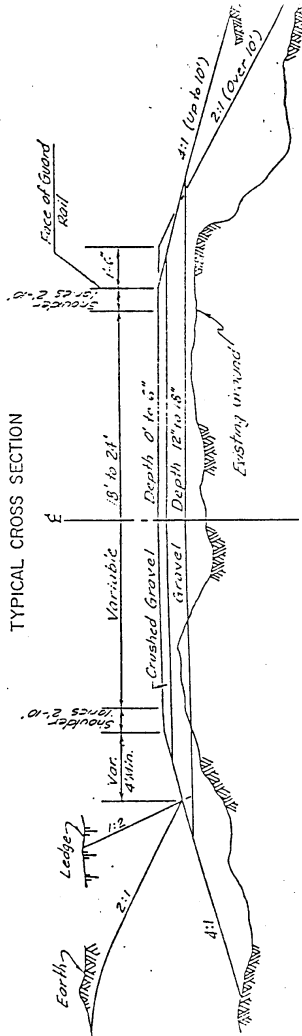
MARCH, 1986

NEW HAMPSHIRE DEPARTMENT OF TRANSPORTATION  
**MINIMUM GEOMETRIC & STRUCTURAL GUIDES FOR LOCAL ROADS AND STREETS**

Average Daily Traffic (Veh./Day)	0-50	50-200	200-750	750-1500	1500 & OVER
Pavement Width (Feet)	18 min.	20	20	22	24
Shoulder Width (Feet)	2	2	4	4	8-10
Center of Road to Ditch Line	15	16	18	19-21	Varies
Pavement Type	Gravel	Asph. Surface Treated	Hot Bituminous	Hot Bituminous	Hot Bituminous
Slope of Roadway	1/2" per Ft.	3/8" per Ft.	1/4" per Ft.	1/4" per Ft.	1/4" per Ft.
Base Course Depth - (Gravel)	12"	12"	12"	12"	18"
Base Course Depth - (Cr. Gravel)	12"	12"	12"	12"	18"

**APPENDIX B**

- B.1** Notes 1. Gravel Surface should be Paved where Steep Grades occur.  
2. For Average Daily Traffic over 1000 Veh./Day Paved Shoulders should be considered.  
3. Base Course Depths may need to be increased in areas of Poor Soils.



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**Appendix C - Signature Blocks**

APPROVED BY THE BARNSTEAD, NH PLANNING BOARD	
DATE:	_____
CHAIRPERSON:	_____

REVIEWED BY THE BARNSTEAD, NH FIRE CHIEF	
DATE:	_____
FIRE CHIEF:	_____

**BARNSTEAD SUBDIVISION REGULATIONS  
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**TOWN OF BARNSTEAD**

**Appendix D - Fire Protection Cistern Specifications  
Subdivision Regulations -**

The Town of Barnstead is the ultimate customer/owner of any cistern constructed for subdivisions and/or large buildings built under the Large Building Fire Code. As a result, the Town has a clear interest in assuring that the work is satisfactory. To that end, inspections will be performed by both the Town Building Inspector and the Fire Chief as they deem necessary.

- 1) Cisterns are to be located as required by the Town of Barnstead Subdivision Regulations and/or Large Building Fire Code.
- 2) The Barnstead Fire Chief expects the design of a cistern to be reasonable, practical, and trouble-free and last a lifetime. All design and construction information must be shown on plans.
- 3) The cistern is to be 30,000 gallons, minimum, available through the suction piping system.
- 4) The suction piping system is to be capable of delivering 1000 gallons per minute for three-quarters of the cistern capacity.
- 5) The design of the cistern is to be submitted to the Fire Chief, through the Planning Board, for approval prior to the acceptance of a completed application for the subdivision approval. All plans must be signed by an acceptable registered professional engineer.
- 6) Each cistern must be sited to the particular location by the same registered engineer as in Item #5 above and approved by the Fire Chief.
- 7) The entire cistern is to be rated for highway loading, unless specifically exempted by the Fire Chief.
- 8) All drawings herein are for estimating purposes only and are not to be used as design.
- 9) Cast in place concrete is to achieve twenty-eight-day strength of 3000 psi. It must be placed with a maximum of a 4-inch slump and vibrated in a workmanlike manner. Three (3) samples must be taken by an ACI certified person and kept- 1 after 7 days, 1 after 30 days and 1 to be kept.
- 10) The concrete is to be mixed, placed, and cured without the use of calcium chloride. Winter placement and curing must follow the accepted ACI codes.
- 11) All suction and fill piping are to be ASTM Schedule 40 steel. Any deviation from this must be specifically approved by the Fire Chief.
- 12) The 8 x 5-inch eccentric reducer is available from suppliers such as Boston Pipe and

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Fittings, Cambridge, MA. or local suppliers.

13) The final suction connection is to be 4-1/2-inch National Hose male thread. It must be capped. Both the adapter and the cap must be of non-corrosive materials.

14) The filler pipe is to have 4-inch Storz connection with FDC locking caps manufactured by Knox.

15) The entire cistern is to be completed and inspected before any backfilling is done.

16) All backfill material is to be screened gravel with no stones larger than 1-1/2 inches and shall be lightly compacted by mechanical means.

17) Bedding for the cistern shall be a minimum 12 inches of 3/4 to 1-1/2-inch crushed, washed stone, compacted. No fill shall be used under the stone.

18) Filler pipe Fire Department connection is to be 36 inches above final backfill grade.

19) Suction pipe connection is to be 20 to 24 inches above the level of the finished surface where vehicle wheels will be located when cistern is in use. No benchmark grades are permitted to be shown on plans. The only notation permitted indicating height of suction pipe connection is in relation to the level of the finished roadway surface.

20) Suction pipe is to be supported either to top of tank or to a level below frost.

21) Cistern must be designed so that it will not float when empty. This must be stated on the plans.

22) Perimeter of tank at floor/wall joint to be sealed with continuous 8-inch PVC water stop. All butt ends are to be sealed.

23) After backfilling, tank is to be protected by fencing or large stones.

24) Backfill over the tank shall be:

a) 4 feet of fill; or

b) The top and highest 2 feet of sides of cistern insulated with vermin-resistant foam insulation, and 2 feet of fill.

c) All backfill shall extend 10 feet beyond the edge of the cistern, then maximum 3:1 slope, loamed and seeded.

25) Bottom of suction pipe to pumper connection must not exceed 14 feet vertical distance.

26) Pitch of shoulder and vehicle pad from edge of pavement to pumper suction connection must be 3% downgrade.

27) Shoulder and vehicle pad must be of sufficient length to permit convenient access to suction connection when pumper is set at 45 degrees to the road.

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- 28) All construction, backfill, and grading material to be in accordance with proper construction practices and acceptable to the Fire Chief.
- 29) All horizontal suction piping must slope slightly uphill towards pumper connection.
- 30) Installer is responsible for completely filling cistern until accepted by Fire Chief.
- 31) All form ties shall be of a type that permit breaking-off at least one inch below the surface of the concrete. In addition, sealing washers shall be placed halfway along the length. All form ties are to be broken at least 1 inch below the surface and sealed with a non-shrinking grout. **NO EXCEPTIONS PERMITTED.**
- 32) The outside of the cistern walls must be waterproofed with an acceptable material.
- 33) The Fire Chief shall perform such tests on the cistern both during and after construction as they deem necessary. These tests shall include a flow test and a leakage test, the latter requiring at least two weeks.
- 34) Some method of positive leak prevention must be provided.
- 35) The filler connection may be mounted on a separate 4-inch steel pipe. (See Detail B.) The filler connection may then be located 24 inches above final grade level. The plans must state which method is to be used.
- 36) Each cistern must be furnished with an automatic fill system deemed acceptable by the Fire Chief.
- 37) Three (3) sets of stamped and signed final plans must be submitted. More may be required as needed by the Town or its engineer.
- 38) The acceptable padlock is a Caterpillar brand. Keying is to be determined.
- 39) A building permit is required by the Town.

NOTE: These specifications and accompanying drawings are subject to change. Be sure to check for revisions.

Adopted by a majority vote of the Barnstead Planning Board at their meeting of October 1, 2009 held at Barnstead Town Hall.

BARNSTEAD SUBDIVISION REGULATIONS  
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**Appendix E - Subdivider Agreement**

Agreement made this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by and between \_\_\_\_\_ of \_\_\_\_\_, County of \_\_\_\_\_, and State of New Hampshire (“Subdivider”) and the Town of Barnstead, a New Hampshire municipal corporation situated in \_\_\_\_\_, at Town Office, County of Belknap and State of New Hampshire (“Town”).

WHEREAS, Subdivider has applied to the Barnstead Planning Board for approval of a Subdivision Plan of property located in \_\_\_\_\_, as shown on a plan entitled “\_\_\_\_\_” and dated \_\_\_\_\_, (“the Subdivision Plan”); and

WHEREAS, the subdivision will require the installation of certain improvements to be installed by, and at the expense of, the Subdivider; and

WHEREAS, Subdivider seeks to obtain approval of the subdivision under RSA 674:36 and Barnstead Subdivision Regulations, §\_\_\_\_\_, while providing satisfactory surety for the performance of these obligations, and proposes to complete these obligations under this Agreement as a condition of subdivision approval.

NOW THEREFORE, in consideration of the mutual terms and conditions hereinafter set forth, Subdivider and Town agree as follows:

**1.General Compliance.** Subdivider agrees to abide by all requirements of the Barnstead Subdivision Regulations as they pertain to subdivision of this property. Subdivider agrees to install all improvements and take all other actions required by the Barnstead Subdivision Regulations and as shown on the Subdivision Plan whether or not the installation of said improvements and performance of said obligations are secured under this Agreement.

**2.Secured Improvements.** Subdivider’s performance with regard to installation and construction of the improvements shown on the Subdivision Plan that are described in this section shall be secured in the manner provided by this agreement. The improvements for which surety of performance is required are as follows:

**BARNSTEAD SUBDIVISION REGULATIONS  
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**3. Nature of Work.** All improvements, whether secured or not, shall be made in accordance with the specifications and requirements of the Town as specified in (the Town Subdivision Regulations) (the conditions of preliminary approval specified by the Planning Board) (the plans, drawings and specifications approved by the Planning Board in association with Subdivider's application for subdivisions approval). *[Use whichever phase is appropriate.]*

**4. Timing.** Subdivider shall commence installation and construction of the improvements (no later than thirty (30) days after preliminary approval) by \_\_\_\_\_. Installation and construction shall proceed in a timely fashion, according to the schedule affixed hereto as Exhibit 1, and in accordance with the following requirements:

- A. Installation and construction shall be performed in a proper, workmanlike manner and in full compliance with Town requirements, approval conditions, and approved plans, drawings and specifications. Subdivider shall be responsible for appropriate stabilization and restoration of the area during and after construction.
- B. Subdivider shall work with the Town Road Agent to assure compliance with the requirements, conditions and specifications. In the event of disagreement, the Town may engage an independent engineer to resolve the matter with costs thereof to be borne by Subdivider.

**5. Security for Performance.** Subdivider shall tender and Town will accept, prior to commencement of construction and recording of conditional approval, as surety for the satisfactory completion of Subdivider's obligations, under this Agreement a (performance bond) (letter of credit) satisfactory in form and substance to the Town and subject to the following terms and conditions:

- A. Upon receipt of a certificate of satisfactory completion of obligations under this Agreement to be submitted by the Planning Board, Subdivider shall be released from further obligation under this Agreement, except as otherwise



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provided, and the surety may be released. Obligations of the Subdivider under the subdivision approval and in accordance with the subdivision documents reviewed by the Planning Board shall continue as stated in those documents.

- B. The surety shall be partially released as portions of the construction are satisfactorily performed in accordance with RSA 674:36 III (b). The schedule of values for partial release shall be as set forth in Exhibit 2.
- C. Upon failure of Subdivider to satisfactorily and timely perform its obligations under this Agreement, the Town, after notice to the Subdivider, may withdraw from the surety so deposited such amounts as it requires in accordance with the following procedures:
  - (a) Town shall notify Subdivider of any asserted failure of performance. If Subdivider does not satisfactorily remedy the failure within thirty (30) days after notice, Town, by its Planning Board or other designee, may utilize the surety for payment of costs associated with correcting the failure to perform. In matters determined by the Planning Board to immediately concern public health or safety, the 30-day period for remedial action may be waived with such notice as may be appropriate under the circumstances.
  - (b) Subdivider may cure the default of failure to perform within thirty (30) days after notice to avoid utilization of the surety, except as stated under subparagraph (a).
  - (c) Failure to perform, as used in this paragraph, includes failure to comply with the requirements and conditions referred to in this agreement, or to timely carry out the responsibilities for construction of improvements under this Agreement. Work interruptions caused by acts of God, labor disputes or other causes beyond the control of the Subdivider shall cause said period to be extended by the period of any such interruptions.

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- (d) If Town receives notice or has reason to believe that the surety may be revoked, rescinded or otherwise placed in jeopardy, after reasonable notice to Subdivider, and if Subdivider does not provide adequate replacement surety approved by the Planning Board, Town may draw on the then-existing surety for such amounts as it deems necessary to protect the Town's interest.
- D. The surety shall be in an amount not less than \$\_\_\_\_\_ and shall be released upon certification of completion of the improvements as satisfactory by the Planning Board or its designee and upon final approval of the subdivision plan, following public hearing. The full amount of the surety may be so released subject to replacement by a maintenance bond in the amount of \$\_\_\_\_\_ to be kept in force for \_\_\_\_\_ years following final approval. Drawing upon the maintenance bond shall be in the same manner as is provided from drawing on the construction surety. Any unused balance shall be released at the expiration of the \_\_\_\_\_ year period.

**6. Status of Road.** (To be used when improvements include Road) In accordance with RSA 674:38, approval of the subdivision and construction of the road does not constitute or result in acceptance of the road by the Town of Barnstead. If Subdivider seeks to have the road become a Town road, it may become a Town road only by acceptance or layout in accordance with applicable law.

**7. Miscellaneous.**

- A. The Town may at any time inspect the work to ensure that it is being performed in compliance with this Agreement. The Town shall, upon receipt of notice from Subdivider that it believes the work has been completed, inspect the work.
- B. Drawing upon the performance surety shall not be deemed the exclusive remedy that the Town may exercise and the Town is not limited by the dollar limit of such surety in seeking other relief.

**BARNSTEAD SUBDIVISION REGULATIONS  
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- C. This Agreement constitutes the entire agreement of the parties relative to its subject matter and may not be modified except by a writing duly executed by the authorized agent of each party.
- D. This Agreement is binding upon the heirs, successors and assigns of the parties.
- E. This Agreement shall be construed under New Hampshire law. The parties, including any surety providing bond or letter of credit for Subdivider, agree that any action under this Agreement shall be brought and pursued in a Court located in New Hampshire. This Agreement shall not be deemed to replace or supersede the regulatory approval of the Barnstead Planning Board or the conditions imposed therein, but shall be deemed a means of implementing and assuring the performance of such approval.

IN WITNESS WHEREOF, the parties have executed this Agreement on the date indicated.

\_\_\_\_\_  
Witness Subdivider Date

IN WITNESS WHEREOF, the Town of Barnstead has this day executed this document by its Planning Board.

\_\_\_\_\_  
Witness Date

\_\_\_\_\_  
Witness Date

\_\_\_\_\_  
Witness Date

Adopted by a majority vote of the Barnstead Planning Board at their meeting of October 1, 2009 held at Barnstead Town Hall.

**BARNSTEAD SUBDIVISION REGULATIONS  
AS AMENDED DECEMBER 7, 2023**

**Appendix F - Site Walks**

There are frequent occasions when some or all members of a land use board do have a legitimate reason to meet outside a traditional, formal meeting. The most common of these is a "site walk" in which board members visit the site of a proposed project. Site walks can be very important because they enable board members to get a better understanding of existing property conditions and any issues that are not apparent from looking at a plan on paper.

If a quorum of the board attends the site walk, it is by definition a public meeting, and it must comply fully with the Right to Know Law - appropriate written notice, proper minutes and to allow public attendance. There is no room for argument on this point. It is "the convening of a quorum of the membership of a public body to discuss or act upon a matter or matters over which the public body has supervision."

A site walk is a public meeting, and not a public hearing. While the public, including abutters, has a right to observe the planning board as it conducts its business, there is no right to speak or offer information during the walk. The owner has a right to control the abutters/public access in the sense that the person may be chaperoned, and may not go to portions of the property that the board does not observe, such as inside a structure. This may be a difficult thing for an applicant who is in a dispute with an abutter, but allowing controlled access is the only way for the board to obtain the information it needs to complete work on an application. If the applicant excludes the public, he is effectively excluding the board, and the board can't get access to needed information, so the application may be denied.

The board has a right to obtain all the information it needs to make an intelligent and informed decision on the application. If the board has decided in good faith that a site walk is necessary, the applicant's refusal to allow access to the site ought to be a sufficient basis for denying the application. The applicant has refused to provide access to information necessary to make a decision. It is no different from refusing to provide, say, soil information or a traffic impact study.

The applicant needs to understand that the full board has a right to participate in the site walk, and if the full board is meeting, it has to be done in public. The board does not have a right to exclude the public.

**BARNSTEAD SUBDIVISION REGULATIONS  
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**Certification Of Amendments And Filing To  
The Subdivision Regulations**

After a public hearing the amendments and revisions passed with a majority vote in the affirmative, of the Barnstead Planning Board, at their meeting December 7, 2023 held at Barnstead Town Hall.

In accordance with New Hampshire RSA 675, Enactment and Adoption Procedures.

Certified by:

\_\_\_\_\_  
Nancy Carr , Chairman

\_\_\_\_\_  
David Kerr, Vice Chair

\_\_\_\_\_  
Elaine Swinford, Secretary

\_\_\_\_\_  
Erin Stone, Member

\_\_\_\_\_  
Tim Eade, Member

\_\_\_\_\_  
Jeanette Locke Sanchez, Alternate

\_\_\_\_\_  
Pricilla Tiede, Select Rep.

\_\_\_\_\_  
Paula Penney, Select Rep. Alternate

I hereby certify that on December 7, 2023 the amendments and revisions, adopted into the Town of Barnstead Subdivision Regulations, with its original signatures, was filed with the Town Clerk, Town Hall, Barnstead, New Hampshire.

\_\_\_\_\_  
Jessie Fifield, Town Clerk