

**TOWN OF BARTLETT
NEW HAMPSHIRE**

SUBDIVISION REGULATIONS

**Adopted April, 1974
As Amended Through April 2007
As Amended Through October 6, 2008
As Amended Through May 1, 2017**

TABLE OF CONTENTS

- SECTION I. AUTHORITY AND PURPOSE..... 1
- SECTION II. GENERAL REQUIREMENTS AND STANDARDS FOR SUBDIVISION ... 1
 - A. Lot Size 1
 - B. Subdivision Name..... 1
 - C. Suitability of Land 1
 - D. Excavation 1
 - E. Premature and Scattered Development 2
 - F. Preservation of Natural and Cultural Features..... 2
 - G. Easements..... 2
 - H. Conformance to Future Land Use 2
- SECTION III. ACCESS..... 2
 - A. Lots of Record 2
 - B. Frontage 3
 - C. Subdivision by Creation of Lots 3
 - D. Subdivision by Condominium 3
 - E. Driveways 3
 - F. Contiguity of Streets 3
- SECTION IV. STREETS 3
 - A. Standards 3
 - B. Continuation 3
 - C. Street Names..... 3
 - D. Lot Numbering 4
 - E. Street Design and Construction..... 4
- SECTION V. REQUIRED IMPROVEMENTS IN SUBDIVISIONS 4
 - A. Property Markers/Monuments 4
 - B. Water Supply 4
 - C. Storm Drainage 5
 - D. Fire Protection 5
 - E. Street Signs 5
 - F. Off-Site Improvements..... 5
- SECTION VI. PROCEDURES..... 5
 - A. Pre-Application Review 5
 - B. Application Procedure 6

- C. Board Action on Completed Application 7
- D. Conditional Approvals..... 7
- E. Failure of the Planning Board to Act 8
- F. Site Inspections 8
- G. Fees 8

- SECTION VII. SUBMISSION REQUIREMENTS..... 9
 - A. Application Requirements..... 9
 - B. Preliminary Plat Requirements 9
 - C. Additional information 10
 - D. Final Plat Requirements 11

- SECTION VIII. DEVELOPMENTS HAVING REGIONAL IMPACT 12

- SECTION IX. SPECIAL FLOOD HAZARD AREAS..... 12

- SECTION X. PERFORMANCE GUARANTEE 13

- SECTION XI. REVOCATION OF PLANNING BOARD APPROVAL 13

- SECTION XII. ADMINISTRATION AND ENFORCEMENT 13

- SECTION XIII. WAIVERS 14

- SECTION XIV. APPEALS 14

- SECTION XV. VALIDITY..... 14

- SECTION XVI. CONFLICTING ORDINANCES 14

- SECTION XVII. AMENDMENTS 14

- SECTION XVIII. DEFINITIONS..... 14

SECTION I. AUTHORITY AND PURPOSE

- A. Pursuant to the authority vested in the Bartlett Planning Board by the voters of the Town of Bartlett in November 1973, and in accordance with the provisions of 674:35 and 36, New Hampshire Revised Statutes Annotated, as amended, the Bartlett Planning Board hereby adopts the following regulations governing the subdivision of land in the Town of Bartlett, New Hampshire. These regulations shall be known as the Town of Bartlett Subdivision Regulations.
- B. The purpose of this ordinance is to promote the development of an economically sound and stable community; to assure provision of adequate streets, utilities, and other facilities and services to new land developments; to assure adequate provisions for safe and convenient traffic access and circulation, both vehicular and pedestrian; to assure, in general, wise development of areas in harmony with the community; to create conditions favorable to health, safety, convenience, or prosperity; and to secure equitable handling of all subdivision plans by providing uniform procedures and standards of observance both for the subdivider and the Planning Board.
- C. These regulations apply to Planning Board review and approval or disapproval of all subdivisions as defined by RSA 672:14 and to boundary line adjustments. They do not apply to voluntary mergers as defined by RSA 674:39-a.

SECTION II. GENERAL REQUIREMENTS AND STANDARDS FOR SUBDIVISION

- A. Lot Size: All subdivisions shall comply with the Minimum Land Area requirements set forth in Article VI of the Town of Bartlett Zoning Ordinance.
- B. Subdivision Name: The name of the subdivision shall not duplicate or too closely approximate the name of any other subdivision within the Town.
- C. Suitability of Land: Land subject to flooding and land deemed by the Planning Board, on the recommendation of the Soil Conservation Service, to be uninhabitable shall not be plotted for residential occupancy or for such other uses as may increase danger to health, life or property, but such land shall be set aside for such uses as shall not produce unsatisfactory living conditions. The use of land within the 100-year floodplain shall be in accordance with the Town of Bartlett Floodplain Development Ordinance. Where the 100-year floodplain must be crossed to access land to be developed, such access roads shall be raised above the 100-year floodplain and designed to protect against erosion. However, such access road shall not prevent floodwater from entering the floodplain.
- D. Excavation: Any excavation associated with development is subject to the provisions of NH RSA 155:E administered by the Planning Board. A permit is not required if excavation is exclusively incidental to the development of the property.

However, excavation may be subject to the Excavation Tax. A Notice of Intent to Excavate must be filed with the Board of Selectmen unless one of the following exemptions is met: 1) Excavation will be exclusively incidental to construction projects and will not remove more than 1,000 cubic yards from the parcel, or 2) Excavated earth will be put back on the parcel, or other contiguous parcel in common ownership, in the construction, reclamation, reconstruction or alteration of such parcel of land within a single tax year. Applicants claiming one of these exemptions may be required to provide certification to the Planning Board.

- E. Premature and Scattered Development. The Planning Board shall deny 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.
- F. Preservation of Natural and Cultural Features. To the extent feasible, suitable steps shall be taken to preserve and protect significant existing features such as but not limited to trees, scenic views, stone walls, rock outcroppings, water bodies, and historic landmarks.
- G. Easements: Easements across lots shall be provided where necessary for utilities or drainage. Drainage easements are required wherever the stormwater flow rate off of the property is calculated to increase as a result of the subdivision. Easements shall be provided from the point at which concentrated stormwater runoff leaves the property to the point at which it reaches a wetland or waterbody under the jurisdiction of the New Hampshire Department of Environmental Services. Drainage easements are not required on public road rights-of-way.
- H. Conformance to Future Land Use: When a proposed school site, or other public building site, park, playground, or other land for public use is located in whole or in part in the subdivision, the Planning Board may require that, as a prerequisite to plat approval, such sites will be reserved by the subdivider for acquisition by the appropriate public agency. Whenever a plat proposes the dedication of land to public use that the Planning Board finds not required or suitable for public use, the Board shall refuse to approve that plat.

SECTION III. ACCESS

- A. Lots of Record: If all other regulatory conditions are met, a single dwelling unit may be constructed on a lot of record regardless of the status of the road. The Town of Bartlett neither assumes responsibility for maintenance of Class VI highways nor liability for any damages resulting from use thereof. Prior to the issuance of a building and use permit, the applicant shall produce evidence that

notice of the limits of municipal responsibility and liability has been recorded in the Carroll County Registry of Deeds.

- B. Frontage: All lots shall meet the minimum frontage requirements set forth in Article VII of the Town of Bartlett Zoning Ordinance.
- C. Subdivision by Creation of Lots: Lots must front upon and be served by a Class V street or a privately-owned and maintained street which meets town road specifications, except that for privately owned and maintained streets right-of-way exceptions may be granted as provided in Section IV.E.
- D. Subdivision by Condominium: A lot which is to be subdivided by condominium must front upon and be accessed from a Class V street or a privately-owned and maintained street which meets town road specifications, except that for privately-owned and maintained streets, right-of-way exceptions may be granted as provided in Section IV.E. Streets internal to a condominium subdivision must be Class V streets or privately-owned and maintained streets which meet town road specifications, except that for privately-owned and maintained streets right-of-way exceptions may be granted as provided in Section IV.E.
- E. Driveways. A maximum of three dwelling units may be served by a single driveway when the driveway is accessed by a Class V road or is accessed by a privately-owned and maintained road which meets town road specifications. Multiple driveways constructed in close proximity to each other will not be used as a substitute for construction of a road built to town specifications. All driveways shall be constructed to standards set forth in the Town of Bartlett Street Regulations. (Rev. 5/01/17)
- F. Contiguity of Streets: In order for a street to be offered to and accepted by the Town as a Class V street, the street, in addition to meeting all other provisions of these regulations, must be contiguous with a Class V street.

SECTION IV. STREETS

- A. Standards. The Town of Bartlett Street Regulations, adopted by the Board of Selectmen in October 2005, are the standards which are required for a street to become town-owned and maintained. The same standards shall apply to private roads within subdivisions. (Rev. 10/6/08)
- B. Continuation: The arrangement of streets in the subdivision shall provide for the continuation of the principal streets in adjoining subdivisions or for their proper projection when adjoining property has not yet been subdivided.
- C. Street Names: Street names shall not duplicate or closely approximate those of existing streets, must be consistent with the town's E911 Street Numbering

Ordinance and must be approved by the Board of Selectmen. Streets obviously in alignment with existing, named streets shall be given the name of the existing street.

- D. Lot Numbering: Lot numbering in conformance with the Town of Bartlett's E911 Street Numbering Ordinance is not required for subdivision approval. However, all lots or units must eventually be numbered in conformance with the Ordinance. Applicants should consult the Ordinance as to the standards and procedures for approval of lot numbering by the Board of Selectmen.
- E. Street Design and Construction: Any subdivision containing an approved street that has not been accepted as a town road shall include the following disclaimer: "Access to and from (name of public road/street) for dwellings in this subdivision is to be over private roads as shown hereon. The Town of Bartlett shall have no obligation to maintain or repair the private roads shown hereon. The maintenance and repair of said private roads shall be borne by the subdivider or an owners association or, in default of such obligation by the subdivider or owners association, by individual owners. The Town of Bartlett shall not be obligated to provide any services to the subdivision which require the use of said private roads unless the Town vehicle supplying the service is able to pass freely and safely over said private roads." (Rev. 10/6/08)
- F. Waivers: Any waivers to the Street Regulations for private roads within subdivisions shall be approved by the Planning Board prior to subdivision approval. In addition to the provisions of Section XIII, the following additional provisions shall govern the consideration and granting of waivers to Street Regulations:
1. Requests for waivers shall set forth the purpose for the waiver(s) and describe in detail the impacts to public safety, maintenance requirements, environmental resources and scenic quality in comparison to the impacts that would occur if the road were to be constructed in conformance with the Street Regulations.
 2. Waivers shall not be approved if they create increased adverse impacts to public safety, maintenance requirements, environmental resources or scenic quality in comparison to impacts that would occur if the road were to be constructed in conformance with the Street Regulations.
 3. Any subdivision for which road waiver(s) have been approved shall include the following notice on the final plat: "[Name of street] does not conform to current Town of Bartlett Street Regulations. The following waiver(s) to the Street Regulations has (have) been approved: [list waiver(s)]." (Added 10/6/08)

SECTION V. REQUIRED IMPROVEMENTS IN SUBDIVISIONS

- A. Property Markers/Monuments. Stone bounds, iron pipes $\frac{3}{4}$ inch in diameter and 36 inches long, or metal reinforcing bar $\frac{5}{8}$ inch in diameter and 36 inches long, shall be set at all points on boundary lines of lots where there is a change in direction and at all lot corners. Road monumentation shall be set according to the Town of Bartlett Street regulations.
- B. Water Supply
1. Where a subdivision is within a water precinct or will connect to a water precinct or public water supply, it shall be subject to the precinct's/public system's regulations. The applicant shall provide evidence that the precinct/public system is willing and has sufficient capacity and pressure to serve the proposed subdivision.
 2. Where a subdivision is not reasonably adjacent to any public water line, the subdivider shall provide a water supply that meets requirements of the New Hampshire Department of Environmental Services (NHDES) Water Division. Where approval is required from NHDES, documentation of such approval shall be provided.
- C. Storm Drainage. In addition to complying with the drainage requirements indicated in the Town of Bartlett Street Regulations, the applicant shall ensure that the peak rate of runoff from the proposed development shall not exceed the peak rate of runoff calculated for the existing conditions, unless drainage easements are provided from downstream properties and the downstream channels have sufficient capacity to accommodate the additional flow without causing erosion. The peak rate of runoff shall be assessed during both the 2-year event and the 25-year event. The erosion control requirements indicated in the Town of Bartlett Street Regulations shall apply to the overall subdivision in addition to the subdivision roads.
- D. Fire Protection. Prior to final approval of a subdivision, the Planning Board will, where appropriate, be furnished with a certificate signed by the Town Fire Chief or his designee that 1) subdivision blueprints or building plans provide for a two-hour firewall between each unit in any structure containing more than two dwelling units in accordance with specifications contained in New Hampshire Code of Administrative Rules and 2) adequate provision has been made for a source of water or other system for firefighting purposes as approved by the Fire Chief.
- E. Street Signs. The applicant shall be responsible for the erection of street signs at all street intersections within the subdivision in compliance with the Town of Bartlett Street Regulations and E911 Street Numbering Ordinance.
- F. Off-Site Improvements. If the Planning Board determines that the proposed subdivision will adversely affect existing public facilities (such as streets,

sidewalks, or drainage), adjacent properties, or public health and safety, the Board may require the applicant to pay for the installation or upgrade of off-site facilities and improvements to the extent necessary to protect the public interest.

SECTION VI. PROCEDURES

- A. Pre-Application Review. Whenever any subdivision is proposed, and before making formal application for approval of a plat, the subdivider may submit to the Planning Board a sketch plan of the subdivision and the surrounding land for informal non-binding review. The purpose of this pre-application non-binding review is to establish for the subdivider the suitability of the land intended for subdivision, and to facilitate the preparation of the preliminary plat. There shall be no fee for a pre-application review.
- B. Application Procedure:
 1. Filing of Application. An applicant requesting approval of a subdivision shall submit a completed application form, subdivision checklist, five copies of the preliminary plat, list of abutters and notification materials, and application fee to the Planning Board 20 days prior to the scheduled Public Hearing. This constitutes a completed application to invoke the jurisdiction of the Planning Board. Application forms and a checklist are available from the Planning Board Secretary at the Bartlett Town Offices during regular business hours.
 2. Public Hearing. Prior to approving the application, the Board shall hold a formal Public Hearing with abutter notification, which the Board shall duly advertise to the public at least ten days before the scheduled date of the hearing.
 3. Notification of Abutters:
 - a) The applicant shall furnish to the Planning Board all notification documents, to include a copy of the notice (forms available at the Town Hall) and pre-addressed, unsealed envelopes with postage and certified/return receipt documents enclosed in the envelope, in sufficient number to be sent to all abutters, the applicant, precinct commissioners, or property owners, or condominium associations (if applicable).
 - b) Notification of abutters will follow procedures outlined in New Hampshire Revised Statutes Annotated.
 - c) All notices will be sent Certified Mail with Return Receipt Requested. The Return Receipt must be addressed returnable to: Bartlett Planning Board, 56 Town Hall Road, Intervale, NH 03845. Applicant is responsible for costs.

- d) Where applicable, Precinct Commissioners and/or property owners or condominium associations will be considered abutters and notified accordingly.
4. Public Notice. The Planning Board will be responsible for public notices in the newspaper. The applicant will be assessed a fee for this notice as established by the Planning Board.
5. If any of the above requirements are not fulfilled, the Planning Board reserves the right to re-schedule the Public Hearing.

C. Board Action on Completed Application:

1. The Planning Board shall act to accept or refuse the application within 30 days of receipt of application.
2. The Planning Board shall act to approve or disapprove the application within 65 days after acceptance of the application. The Planning Board and the applicant may mutually agree to an extension of time beyond the 65 days, but not to exceed an additional 90 days, before acting to approve or disapprove an application. The Planning Board may ask the Board of Selectmen for an additional extension as provided in RSA 676:4.
3. At least 14 days shall elapse between acceptance of a subdivision application and final approval. Applications for boundary-line adjustment may be approved immediately following acceptance of the application if all administrative procedures are complete.
4. Approval of the application shall be certified by written endorsement on the plat and signed and dated by the Chairman of the Board. If any application is disapproved, the grounds for such disapproval shall be adequately stated in the records of the Planning Board and in written notice given to the applicant within 144 hours of the decision.
5. When a final plat is approved by the Board, the Board shall record one mylar copy thereof, bearing the signature of the Chairman or the Secretary of the Planning Board, in the Registry of Deeds of Carroll County.

D. Conditional Approvals:

1. The Board may grant conditional approval of an application, but the plat will not be signed or recorded until all of the conditions have been met.
2. If the applicant has not complied with the conditions of approval within one year, the approval is considered null and void, and the applicant must

resubmit a new subdivision application. A further public hearing is not required when such conditions:

- a) are administrative in nature; or
- b) involve no discretionary judgment on the part of the Board, or involves the applicant's possession of permits and approvals granted by other boards or agencies (e.g., the New Hampshire Department of Transportation or the Department of Environmental Services).

E. Failure of the Planning Board to Act:

1. In the event that the Planning Board does not act on an accepted application within the prescribed 65 days, the applicant may petition the Selectmen to issue an order directing the Planning Board to act within 30 days.
2. If the Planning Board fails to act within 30 days of this directive, then within 40 days of the directive the Selectmen must approve the application unless they find in writing that the plan does not comply with a local regulation. In the event the Selectmen fail to act, the applicant may petition superior court to approve the plan.

F. Site Inspections:

1. Whenever the Planning Board deems it necessary for the consideration of an application to visit the site, the Board shall arrange a time that is reasonable for the applicant.
2. If there will be a quorum present for a site inspection, then it shall be posted as a meeting of the Board pursuant to the Right-to-Know provisions of RSA 91-A and minutes shall be kept.
3. All applications are conditioned upon the owner allowing access to the property to the extent reasonable and necessary to properly review the application. Denial of access automatically terminates any further consideration of the proposal.

G. Fees:

1. All applications shall be accompanied by a check to reimburse the Board for its administrative and notification costs involved in processing applications. A current fee schedule is available upon request.
2. All costs of notices, whether mailed, posted, or published, shall be paid in advance by the applicant. Failure to pay costs shall constitute valid grounds for the Board to not accept the application as complete.

3. Pursuant to RSA 676.4 I (g), it shall be the responsibility of the applicant, if the Board deems it necessary, to pay reasonable fees for special investigative studies, environmental assessments, legal review of documents, administrative expenses, and other matters that may be required to make an informed decision on a particular application. Failure to pay such costs shall constitute valid grounds for the Board to terminate further consideration of the application and to disapprove the plat without a public hearing.

SECTION VII. SUBMISSION REQUIREMENTS

- A. Application Requirements: The application shall consist of the completed application form, subdivision checklist, five copies of the preliminary plat, list of abutters and notification materials as given in Section VI.B.3, and application fee. Sheet size shall be 22 by 34 inches and shall include all information described in Sections B below unless a written request for waiver(s) has been granted by the Planning Board. Preliminary and final plats shall be at a scale of one inch equals forty feet (1"= 40') and shall be prepared by a licensed land surveyor or registered professional engineer, in accordance with the procedures and technical standards adopted by the New Hampshire Board of Licensure for Land Surveyors.
- B. Preliminary Plat Requirements:
 1. Name of project or identifying title; names and addresses of owners of record and all abutting landowners; tax map, lot number, and acreage of the property to be subdivided.
 2. North arrow; date of the plat; map legend; scale; name, address, license number, and seal of person preparing the plan; name and address of person or firm preparing other data and information, if different from preparer of map.
 3. Existing and proposed boundary lines, including angles or bearings and length; the proposed lot areas in acres and square feet; lot and street address numbering.
 4. A vicinity sketch (suggested scale 1"= 500') showing the location of the site in relation to the existing public streets and the zoning district for the site.
 5. Existing topographic contours at intervals not exceeding five (5) feet with spot elevations where the grade is less than five (5) percent, and altered contours at intervals of not more than two (2) feet where there are proposed roads or common facilities.
 6. Natural features such as streams, lakes, ponds and wetlands, and ledges.

7. Location and holders of existing and proposed easements, including utility and drainage easements.
8. Names, dimensions, and rights-of-way of existing and proposed streets on or adjacent to the subdivision.
9. Existing and proposed driveways.
10. Floodway and floodplain boundaries, if applicable.
11. Location and type of existing and proposed sanitary sewerage, storm drainage, water supply and fire protection facilities and other utilities on or adjacent to the tract showing proposed connections; 4,000 square foot septic area(s) and protective well radii contained entirely on the lot, if applicable.
12. Existing structures to remain on site; proposed structures or building footprints; other existing and proposed improvements and common facilities.
13. Setback lines and green areas in an appropriate manner so that compliance with the minimums required by the Bartlett Zoning Ordinance can be verified.
14. Area to be designated as Open Space as specified in the Bartlett Zoning Ordinance (if applicable).
15. Soil survey data as mapped by High Intensity Soil Survey unless waived by the Planning Board. Where a High Intensity Soil Survey is waived, the soil series shall be provided based on the Soil Survey of Carroll County by the U.S. Department of Agriculture Natural Resource Conservation Service.
16. Location of percolation and test pits, and test pit data.
17. Calculations used to arrive at the requested density, including maximum allowable density.
18. Areas to be excavated and estimated volume of excavation if planned excavation exceeds 1,000 cubic yards.

C. Additional information:

1. Detailed profiles of all proposed streets.
2. A Stormwater Management and Erosion Control Plan (unless waived by the Planning Board), designed to accommodate a 25-year storm event. Drainage calculations for both 2-year and 25-year events shall be provided and reflect

the potential development on each lot as well as road construction. The plat shall include the assumptions regarding impervious surface used in the drainage calculations along with a note stating, "If the impervious surface resulting from actual on-lot exceeds the levels assumed in the drainage calculations, the lot owner shall provide revised calculations and design plans to the Board of Selectmen when requesting a building permit, and shall amend the storm water control systems as necessary prior to the issuance of a building permit."

3. Existing deed restrictions on the property.
4. A map of planned excavation on the property, including 1) all area to be excavated and estimated volume of excavation if planned excavation exceeds 1,000 cubic yards, and /or 2) all areas to be excavated on slopes greater than 25%, including cut and fill profiles.
5. A general description of planned future subdivision of additional lots on the same property that are not part of the current application.
6. Any additional reports or studies deemed necessary by the Planning Board to make an informed decision. The Board reserves the right to request such information after an application has been accepted as complete.

D. Final Plat Requirements:

1. One mylar and five paper copies of the final plat showing the project as approved shall be submitted to the Planning Board for signature and recording at the Carroll County Registry of Deeds.
2. In addition to the information required for the preliminary plat, the final plat shall include:
 - a) All changes requested by the Planning Board;
 - b) Approval numbers for all required state permits;
 - c) Covenants and/or deed restrictions; either recorded on the final plat or on an identified document attached to the plat.
 - d) Location of final utility and drainage easements and a listing of lots encumbered by easements.
 - e) Location and description of boundary line monuments.
 - f) Road disclaimer as set forth in Section IV.E (if required).
 - g) Assumptions used in drainage calculations and disclaimer as set forth in Section VII.C.2 (unless waived by the Planning Board).
 - h) Signature and seal of the licensed land surveyor or engineer preparing the plat.

3. Supplemental information may be required by the Board to update the final plat to reflect "as-built" conditions and details. "As-built" plans shall be submitted to the Planning Board on mylar.

SECTION VIII. DEVELOPMENTS HAVING REGIONAL IMPACT

- A. All applications shall be reviewed for potential regional impacts according to a determination of the Board.
- B. Upon such a finding, the Board shall furnish the regional planning commission and the affected municipalities with copies of the minutes of the meeting at which the determination is made. The copies shall be sent by certified mail within 144 hours of the meeting.
- C. At least 14 days prior to the scheduled public hearing, the Board shall notify by certified mail the regional planning commission and the affected municipalities of the date, time, and place of the hearing and of their right to appear as abutters to offer testimony concerning the proposal.

SECTION IX. SPECIAL FLOOD HAZARD AREAS

- A. The Planning Board shall review the proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
- B. The Board shall require that all subdivision proposals and other proposed new developments greater than 50 lots or 5 acres, whichever is the lesser, shall include base flood elevation data.
- C. Sufficient evidence (construction drawings, grading, and land treatment plans) shall be submitted so as to allow determination that:
 - a) all such proposals are consistent with the need to minimize flood damage;
 - b) all public utilities and facilities (e.g., sewer, gas, electrical, and water systems) are located and constructed to minimize or eliminate flood damage; and
 - c) adequate drainage is provided so as to reduce exposure to flood hazards.

SECTION X. PERFORMANCE GUARANTEE

- A. As a condition of approval, the Planning Board shall, unless specifically waived, require the posting of a performance guarantee in an amount sufficient to defray the costs of construction of streets and other improvements.

- B. The security shall be approved as to amount, form, and sureties by the Board of Selectmen. The amount of the security shall include fees to cover the cost of periodic inspections.
- C. Where electric lines or other utilities are to be installed by a corporation, municipal department, or public utility, a letter of intent shall be required stating that the work will be done in reasonable time and without expense to the Town.
- D. Each approved plat for which a performance guarantee is required shall contain a time limit for the completion of streets and public improvements.
- E. The performance guarantee shall be released in phases as portions of the secured improvements or installations are completed and approved by the Board of Selectmen or its designee in accordance with the plan approved by the Planning Board.

SECTION XI. REVOCATION OF PLANNING BOARD APPROVAL

- A. An approved and recorded subdivision may be revoked by the Planning Board, in whole or in part, under the following circumstances as specified in RSA 676-4(a) and summarized as follows: (1) at the request of or by agreement with the applicant; (2) when any requirement or condition of approval has been violated; 3) when the applicant has failed to perform any condition of approval within the time specified or within four years; (4) when four years have elapsed without any vesting of rights and the plan no longer conforms to applicable regulations; or (5) when the applicant has failed to provide for the continuation of adequate security.

SECTION XII. ADMINISTRATION AND ENFORCEMENT

- A. These regulations shall be administered by the Planning Board. Enforcement shall be by the Board of Selectmen. The Selectmen shall not issue any building permit for construction that requires subdivision approval until or unless such planned construction has received subdivision approval by the Planning Board.
- B. Any violation of these regulations shall be subject to a civil fine as provided in RSA 676:16 and 676:17, as amended.

SECTION XIII. WAIVERS

- A. Any portion of these regulations may be waived or modified where, in the opinion of the Planning Board, strict conformity would pose an unnecessary hardship to

the applicant and such waiver or modification would not be contrary to the spirit and intent of the Town Master Plan, the Zoning Ordinance, or these regulations.

SECTION XIV. APPEALS

- A. Decisions of the Planning Board may be appealed to Superior Court as set forth in RSA 677:15.

SECTION XV. VALIDITY

- A. If any provision of these regulations shall be held invalid for any reason by a court, such holding shall not invalidate in any manner any other provision contained herein.

SECTION XVI. CONFLICTING ORDINANCES

- A. Whenever a provision of these regulations differs from an existing ordinance or other regulation, the provision which imposes the greater restriction or higher standard shall be controlling.

SECTION XVII. AMENDMENTS

- A. Amendments to these regulations may be made by the Planning Board following a duly constituted public hearing on such amendments.

SECTION XVIII. DEFINITIONS

Defined terms marked with an asterisk (*) are taken from the Town of Bartlett Zoning Ordinance. Should the definitions in the Zoning Ordinance be amended, those definitions shall take precedence over the definition given below.

Abutter*: Any person whose property or any part thereof is contiguous with or directly across a road right-of-way, stream, or railroad right-of-way from the property under consideration.

Applicant: The owner of record of the land to be subdivided or his/her designated agent.

Application: A preliminary plat and all accompanying materials and fees as required by these Regulations.

Approval: Recognition by the Planning Board, certified by written endorsement on the plat, that the plat meets the requirements of these Regulations.

Boundary-line adjustment: A change in the location of the line dividing adjoining properties where no new lots are created.

Common facility: Any structure or other developed feature of the property under common ownership of the homeowners or condominium association including but not limited to streets, utilities and recreational amenities.

Condominium: The division of a building, lot, tract, or parcel of land into two or more lots or building sites for the purposes, whether immediate or future, of condominium conveyance under NH RSA 356-B.

Development: Any construction, grading or excavation activities on real estate for other than agricultural or silvicultural purposes.

Driveway: A means of providing vehicular access to not more than three dwelling units. (Rev. 05/01/17)

Dwelling unit*: One room, or rooms connected together, constituting a separate, single-family, independent housekeeping establishment for owner occupancy, rental or lease, and physically separated from any other rooms or dwelling units which may be in the same structure and containing independent cooking, bathroom and sleeping facilities.

Easement: The legally recognized and recorded transfer of certain property rights to another party, granting that party defined rights of use, access, or control of all or parts of the property.

Excavation: The removal or translocation of any earthen material (including topsoil, subsoil and bedrock) from its pre-existing position.

Frontage*: The continuous distance along a street or street right-of-way.

Highway: Synonymous with Street.

Lot*: A lot is a tract, parcel, or plot of land. Such lot shall front upon and have access to a street which meets town road specifications except that a maximum of three dwelling units may be served by a single driveway. This definition does not include zero lot-line lots or similar forms of individual lot ownership, i.e., within a planned unit or cluster development. (Rev. 05/01/17)

Lot of Record*: A lot which is part of an approved subdivision recorded in the Carroll County Registry of Deeds, or a lot or a parcel described by metes and bounds, the description of which is recorded and filed in the Registry of Deeds, Carroll County, NH.

Plat: The map, drawing or chart on which the plan of subdivision is presented to the Planning Board for approval, and which, if approved, will be submitted to the Carroll County Registry of Deeds for recording.

Public Hearing: A meeting at which the public is allowed to offer testimony on the application, notice of which must be given per RSA 675:7 and 676:4.I(d).

Right-of-way*: Includes all town, state, federal and private highways and associated land on both sides of said highways restricted or exclusively controlled by easement or deed. Also means a strip of land for which legal right of passage to an adjacent lot has been granted by the landowner.

Road: Synonymous with Street.

Setback*: The distance from the extreme limit of a structure to a boundary line, right-of-way, or the nearest bank of a watercourse or body of water.

Street*: A public or private thoroughfare, highway, street, road, or avenue, including the full width of right-of-way, which meets or exceeds Town of Bartlett road specifications.

Subdivision: The division of a 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. The division of a parcel of land held in common, and subsequently divided into parts among several owners, shall be deemed a subdivision.

Voluntary merger: The combination of two adjacent lots under common ownership into a single lot by dissolution of the common boundary line.

Adopted October 6, 2008 after public hearing held on October 6, 2008.

Approved:

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