

TOWN OF NEWPORT, NEW HAMPSHIRE

SUBDIVISION REGULATIONS

Adopted by the
Newport Planning Board
April 13, 1988
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SECTION I: AUTHORITY

Article 1. ADOPTION AND AMENDMENT

- 1.01 Authority: Pursuant to the authority granted by the voters of the Town of Newport, and in accordance with the provisions of Chapter 674: Section 35, N.H. Revised Statutes Annotated, the Newport Planning Board adopts the following Regulations governing the subdivision of land in the Town of Newport, New Hampshire.
- 1.02 Title: These regulations shall be known as the Town of Newport Subdivision Regulations, hereinafter referred to as “these Regulations”.
- 1.03 Validity: If any portion of these Regulations is found for any reason to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of these Regulations.
- 1.04 Amendment: These Regulations may be amended whenever such action is deemed advisable by the Planning Board following a duly noticed public hearing on the proposed amendment. All changes to these Regulations shall become effective when adopted and signed by a majority of the Planning Board members and filed with the Town Clerk and with the Board of Selectmen, and filed in a central file with the Office of State Planning.
- 1.05 The Planning Board hereinafter shall be referred to as the “Board”.

Article 2. ADMINISTRATION AND ENFORCEMENT

- 2.01 Administrative and Enforcement Officer: The administrator and enforcement officer of these Subdivision Regulations shall be the Planning Director.
- 2.02 Approval by the Board: All subdivision of land in the Town of Newport requires approval of the Board in accordance with these Regulations.
- 2.03 Zoning Permits: No zoning permit for use of land or buildings related to a proposed subdivision shall be granted prior to review and approval of said subdivision by the Board and the recording of a signed Final Plat in the Sullivan County Registry of Deeds.
- 2.04 Prohibition of Construction Prior to Approval: No construction, land clearing, or building development shall be initiated until the Final Plat of the proposed subdivision has been approved by the Board, as evidenced by the issuance of the Notice of Action (Article 5.17).
- 2.05 Prohibition of Sale Prior to Endorsement and Recording: No sale, rental, lease, or other conveyance of any part of a proposed subdivision shall be entered into by the subdivider until an approved Final Plat has been endorsed by the Board and recorded in the Sullivan County Registry of Deeds.
- a.) In the event the Planning Board accepts a performance bond, in a form acceptable to the Town Manager after review by Town Counsel, the Final Plat shall be endorsed by the Board at the time of approval and thereupon recorded in the Sullivan County Registry of Deeds.
- b.) If construction of the subdivision is not secured by a performance bond, construction of said subdivision shall be fully completed in accordance with Article 16, following which the approval Final Plat shall be endorsed by the Board and recorded in the Sullivan County Registry of Deeds.
- 2.06 Penalties: As provided in RSA 676:16, any owner or agent of the owner of any land located within a subdivision who transfers or sells any land before a Plat of the said subdivision has been approved and endorsed by the Board and recorded in the Office of the Sullivan County Registry of Deeds shall pay a penalty of five hundred dollars for each lot or parcel so transferred or sold. The Town may enjoin such transfer or sale and may recover the said penalty by civil action. As may be ordered by the court, the prevailing party may recover reasonable court costs and attorneys' fees.
- 2.07 Appeals: Any person aggrieved by an official action of the Board may appeal therefrom to the Superior Court as provided in RSA 677:15.

- 2.08 Construction of Subdivision: A subdivider shall construct the subdivision to comply with the approved Final Plat and all requirements set forth in the Notice of Action (Article 5.17). Construction of improvements shall be in accordance with the provisions of Article 16.
- 2.09 Acceptance of Streets and Utilities: Any new street or utility within a subdivision will not be considered for acceptance by the Town until such time as all improvements have been completed as shown on the Final Plat, in accordance with these Regulations and Town policy and subject to any conditions established by the Board at the time of approval of the Final Plat. The Town shall be under no obligation to accept the offer to dedicate any street.

Article 3. WAIVERS OF COMPLIANCE

3.01 Relaxation of Requirements: Upon the request of the subdivider, the Board may grant a relaxation of one or more of the provisions of these Regulations as it deems appropriate, provided the Board shall first determine the following:

- a.) That the relaxation is related to unique physical conditions peculiar to the proposed subdivision.
- b.) That the granting of the relaxation will not be contrary to the purposes and objective of these regulations; and
- c.) That the public good will not be adversely affected.

3.02 Expedited Review for Annexation, Minor Lot Line Adjustments, and Boundary Agreements Which Create No New Lots or Nonconforming Lots.

- a.) Notice is required.
- b.) Any abutter may be heard on the application for review at the public meeting when the matter is discussed by the Board. If deemed necessary, the Board may adjourn its consideration to another date and time to allow further abutter participation.
- c.) A site location map shall be submitted with the application and fee to the Board showing the original boundaries of adjacent parcels.
- d.) A detailed plan shall be submitted with the application and fee to the Board showing the new property line or lines created as a result of the annexation.
- e.) A statement shall be placed on the plan stating as follows:

"This plan shows a division of land for the purpose of annexation/minor lot line adjustment as defined in the Newport Subdivision Regulations and does not require the approval of the Newport Planning Board as a subdivision."
- f.) The approved, signed plan shall be filed in the Sullivan County Registry of Deeds and with the Newport Board of Selectmen.

SECTION II: PROCEDURES AND SUBMISSION REQUIREMENTS

Article 4. APPLICATION PROCEDURE FOR SUBDIVISION

4.01 Submission of Application: Application to the Board for subdivision approval, and subsequent submission of required information, shall be made through the Town Office of Planning and Zoning. Inquiries for advice concerning procedures, requirements, or the status of a particular application may be made to the Town Office of Planning and Zoning during regular business hours.

- a.) The application shall include the names and addresses of the subdivider and all abutters as indicated in the town records not more than fifteen (15) days before the day of filing. Abutters shall also be identified on any plat submitted to the Board.
- b.) The subdivider shall pay, in advance, all costs pertaining to subdivision. Failure to pay costs may be the basis for disapproval of Application.

4.02 Notice: When Notice is required, the Board shall give Notice as follows:

- a.) The Notice shall include a general description of the proposed subdivision which is the subject of the Application; shall identify the subdivider and the location and number of lots of the proposed subdivision; and shall state the day, time, and place of the public meeting/hearing.
- b.) A copy of the Notice shall be sent to the abutters and the subdivider by certified mail.
- c.) For the purpose of these Regulations in counting days, the day on which the notice is given and the day of the public meeting/hearing shall be excluded,
- d.) Notice shall be mailed at least ten days prior to the public meeting/hearing.
- e.) Notice to the general public shall be given by at least one publication of a copy of the Notice in a newspaper of general circulation at least ten days prior to the public meeting/hearing.

4.03 Filing Fees, Administrative Expenses, and Other Costs Incurred by the Town and Board: The subdivider shall pay the filing fees according to the Schedule of Fees adopted by the Selectmen and placed on file in the Town Office of Planning and Zoning. In addition, the Board may require the subdivider to pay additional reasonable fees to cover its administrative expenses and cost of special investigative studies, review of documents, and other matters which may be

required by particular application (RSA 676:4(g)). Such additional fees may also include an appropriate allocation of legal fees incurred by the Board.

4.04 Types of Subdivisions: For the purpose of these Regulations, four types of subdivision are defined. Types a) and b) may involve residential, commercial, or industrial development.

- a) Minor Subdivision: A subdivision resulting in no more than 3 lots and requiring no new streets, utilities, or public improvements. The procedure, requiring only the Final Plat, is set forth in Article 6.
- b) Major Subdivision: Any subdivision resulting in 4 or more lots or requiring new streets, utilities, or public improvements. Applications are normally processed in three steps: an informal discussion, a review of the preliminary layout, and a review of and public hearing on the Final Plat. Procedure and requirements are set forth in Article 7.
- c) Cluster Subdivision: An optional form of subdivision for single-family housing which includes condominiums, allowing the division of land into lots of reduced dimensions and the sharing of open space. Procedure and requirements are set forth in Article 8.
- d) Subdivision for Planned Residential Development: A form of subdivision for mixed housing types, i.e., single family, multi-family, in which the buildings are grouped in a harmonious pattern allowing a greater proportion of open space than with Cluster Subdivision. Procedure and requirements are set forth in Article 9.

ARTICLE 5. PLATTING PROCEDURE

A. Informal Discussion

- 5.01 Procedure: Upon request of the subdivider, the Director of the Town Office of Planning and Zoning shall place on the agenda of the Board at a regularly scheduled meeting an Informal Discussion between the subdivider and the Board. No fee shall be assessed for the Informal Discussion. No notice to abutters is required.
- 5.02 Informational Request: The subdivider shall provide the Board with the sketch plan showing the location and type of the proposed development, with additional information such as general topography including prominent natural features of the tract and how the concept conforms with the Master Plan.
- 5.03 Action of the Board: The Informal Discussion between the subdivider and the Board shall be limited to a discussion as to concept and in general terms for the limited purpose of familiarizing the Board with the location and type of development and the subdivider with general requirements of the Board as set forth in the Regulations. Following the Informal Discussion, and after determining the general character of the proposed subdivision, the Board shall advise the subdivider concerning subsequent procedures and submission requirements as enumerated in Sections B and C.

B. Review of Preliminary Layout

- 5.04 Procedure: Unless waived by the Board following the Informal Discussion, the subdivider shall submit to the Director of the Town Office of Planning and Zoning for review by the Board a Preliminary Layout of the proposed subdivision.
- 5.05 Description of Layout: The Preliminary Layout may be drawn in pencil or ink and shall be submitted on 5 (five) paper prints, and one 11" x 17" print. Dimensions may be approximate; date may be tentative, but shall be sufficiently clear to establish the basis of and to clarify the design requirements for the subdivision Final Plat. Maps shall be in a scale of no more than 100 feet per inch unless otherwise specified by the Board.
- 5.06 Information Required: The following information shall be submitted to the Director of the Town Office of Planning and Zoning as the Preliminary Layout unless waived by the Board.
- a.) Name of municipality and subdivision; name and address of subdivider and designer or engineer; names and addresses of abutters (all of these items shall appear on the layout).

- b.) General site location map locating the subdivision boundary and proposed streets in relation to major roads or other features shown on the Town base map.
- c.) Boundaries and area of the entire parcel owned by the subdivider, whether or not all land therein is to be subdivided, referenced to a public street intersection or USGS bench mark; north point, bar scale, date, and dates of revision.
- d.) Boundaries and designations of Zoning Districts within the subdivision; municipal boundary, if any, land use designations from Zoning Ordinance.
- e.) Approximate contours at 10 foot intervals taken from a standard USGS map or Town base map,
- f.) Soil mapping units and boundaries are classified by the U.S. Department of Agriculture Soil Conservation Service.
- g.) Subdivisions and buildings within 100 feet of the parcel to be subdivided; roads, streets and driveways within 200 feet of the parcel to be subdivided.
- h.) Location of parks and other open space, watercourses, flood-prone areas, foliage lines, significant natural and man-made features.
- i.) Existing and proposed lot lines; existing and proposed easements, deed restrictions, buildings, accessory buildings, and building setback lines.
- j.) Preliminary road profiles showing grades, existing and proposed street right-of-way lines (including side slopes), width of streets, proposed names of new streets.
- k.) Location of existing and proposed water mains, sanitary sewers, septic system, storm drainage lines, drainage structures and drainage ways, existing and proposed telephone, electricity, water, sewer, fire protection lines and other proposed facilities and/or utilities.
- l.) Preliminary drainage analysis and computations; watershed areas.
- m.) Recommendations on Preliminary Layout from the Conservation Commission, the Public Works Department, the Fire Department, the Police Department, other boards and officials, as the Director of the Town Office of Planning and Zoning will require; and, if the subdivision is to be served by public water supply or public sewers, a statement from the municipal department or company involved, attesting to the availability of such service.

5.07 Review of the Layout: Upon receipt of the complete Preliminary Layout, the Board shall conduct a review of the proposed subdivision during a regularly scheduled public meeting.

Notice shall be given to the subdivider, the abutters, and the general public in accordance with RSA 676:4.

5.08 Action of the Board: Within sixty days of the receipt of the complete Preliminary Layout by the Director of the Town Office of Planning and Zoning (or within ninety days if an extension is granted by the Board of Selectmen), and after review of the Preliminary Layout by the Board, the Board shall give oral comments regarding the preparation of a Final Plat.

C. Review of Final Plat

5.09 Procedure: A complete application for Final Plat approval for review and action by the Board shall be submitted to the Director of the Town Office of Planning and Zoning.

5.10 Description of Final Plat: The proposed Final Plat shall be submitted on 3 (three) paper prints.

5.11 Information Required on Final Plat: The Final Plat shall contain or be accompanied by all of the information listed in Article 5.06 for the Preliminary Layout, whether or not a Preliminary Layout has been prepared for the proposed subdivision. In addition, the Final Plat shall contain the following maps and information. Maps shall be drawn at a scale of no more than 100 feet per inch, unless otherwise specified by the Board.

- a.) A boundary survey certified by a land surveyor licensed to practice in the State of New Hampshire.
- b.) Contour lines at 5 foot intervals for the entire parcel to be subdivided.
- c.) Soil test data, sewage disposal information, and approvals as required in Article 10.07.
- d.) Existing and proposed lot lines and building sites, angles and dimensions, lot sizes in square feet and acres, consecutive numbering of lots.
- e.) Existing and proposed street right-of-way lines; dimensions of tangents, chords, radii; location of all monuments to be set at street intersections; points of curvature and tangency of curved streets and angles of lots; names of existing and proposed streets.

- f.) The base flood elevation data, if the proposed subdivision is located in the Flood Plain District as described in the Town Zoning Ordinance and flood information maps.

5.12 Additional Information for Final Plat: As part of the Final Plat submission, the Board may require the subdivider to submit any or all of the following information:

- a.) Subdivision Grading and Drainage Plan: This Plan shall be submitted on a separate sheet or sheets and shall provide the following information for the entire area of the proposed subdivision, unless there is a determination by the Board that a lesser area is sufficient:
 - 1.) Basic street and lot layout, with all lots or sites numbered consecutively.
 - 2.) Location of all existing buildings and application location of proposed building, if known.
 - 3.) Contours of existing grade at intervals of not more than 5 feet. Intervals less than 5 feet may be required, depending on the character of the topography.
 - 4.) Final identification, location, elevation, grades and/or contours at intervals of not more than 5 feet for the existing and proposed drainage ways, drainage easements, drainage structures, and water bodies. Intervals of less than 5 feet may be required by the Board depending on the topography.
 - 5.) Final identification and location of proposed soil erosion and sediment control measures and structures.
 - 6.) Final drawings and specifications for each proposed soil erosion and sediment control measure in accordance with the standards set forth in Article 15.
 - 7.) Final drawings, details, and specifications for proposed flood hazard prevention measures and structures for proposed storm water retention facilities for ground water recharge.
 - 8.) Final slope stabilization details and specifications.
 - 9.) A timing schedule indicating the anticipated start and completion dates of the subdivision development and the duration of exposure of each area prior to the completion of effective soil erosion and sediment control measures.

- b.) Subdivision Street and Utilities Plan: This plan shall be submitted on a separate sheet or sheets and shall provide the following information:
 - 1.) Complete plans and profiles of all proposed streets, including but not limited to horizontal and vertical curve data at the street centerline, street stationing every fifty feet, intersection and turnaround radii, and typical sections of proposed streets.
 - 2.) Complete plans and profiles of all proposed sanitary and storm sewers, including invert elevations, original and finished ground profiles, grades of storm sewer lines and inlets, type and class of material used.
 - 3.) A statement as to the adequacy of flow and pressure for proposed subdivision and surrounding properties, the flow available on existing and proposed water mains, the proposed number of units and anticipated sanitary sewer flow, and the available storm water facilities downstream of the subdivision. In the event of non-availability of sewer system, that State approved septic system be provided. In the event of non-availability of public water supply, then State approved water supply be provided.
 - 4.) A statement from the appropriate utility company that utilities will be placed underground and that the work will be done within a reasonable time and without expense to the Town.
 - 5.) Location and details of all existing and proposed utilities (including water mains, fire hydrants, telephone, electric, land television distribution lines) on and adjacent to the land to be subdivided.
 - 6.) Any other details pertinent to street and/or utility construction.
- c.) Fire Protection and Emergency Access Plan: This Plan shall be submitted to show conformity with the recommendations of the Newport Fire Department.
- d.) Requests for Waivers: All requests for relaxation of requirements (as described in Section 3.01) shall be included in the Application.
- e.) Information if a Performance Bond is Requested of the Subdivider: If a performance bond is to be requested, the subdivider shall furnish an estimate of the full cost of all improvements and a description of the surety or security to be offered to secure the performance bond.
- f.) Additional Information to be Contained in the Application with Regard to a Cluster Subdivision or a Planned Residential Development: Applications for a Cluster Subdivision or a Planned Residential Development shall include the information required under Section 8.02 and Section 9.02.

- g.) Other Plans: The Board may require such other information as it deems necessary to serve the purposes of these Regulations.

D. Action on Final Plat

5.13 Submission of an Application for Final Plat Approval:

- a.) Time for Filing Application: The subdivider shall file the Application for Final Plat approval with the Director of the Town Office of Planning and Zoning at least 15 working days prior to the public meeting at which the Application is to be considered for acceptance by the Board.

5.14 Consideration and Action on Final Plat: The accepted application shall be deemed to be submitted to the Board as of the date on which the Board accepted the application. The Board shall act to approve with modifications, or disapprove the application within ninety (90) days of the date of submission. The Board may apply to the Board of Selectmen prior to the expiration of the ninety (90) day period for an extension of the time not to exceed ninety (90) days before acting to approve or disapprove the Application. The subdivider may consent to an extension of time for the Board to act beyond the initial ninety (90) day period on the condition that such consent shall be in writing and shall be made a part of the Board's record.

5.15 Notice for Meetings/Hearings: Notice shall be given to the abutters, the subdivider, and the general public as to all public hearings on the Application. As provided by law, any public meeting or public hearing for which Notice was required may be recessed without additional Notice. The Board shall announce at the public meeting or public hearing that such meeting or hearing shall be recessed to a fixed day, time and place when the recessed meeting/hearing is to be held.

5.16 Failure of the Board to Approve or Disapprove the Application Within the Specified Time Limit: The subdivider upon the failure of the Board to approve or disapprove the Application within the time specified may obtain for the Selectmen an order directing the Board to act within fifteen (15) days. The failure of the Board to act within fifteen (15) days shall constitute grounds for the Superior Court upon petition of the subdivider to issue an order approving the Application if the Court first determines that the proposed subdivision complies with the existing Subdivision Regulations, Zoning, and other applicable ordinances. If the Court determines that the failure to act within the time specified was the fault of the Board and was not justified, then the Court may order the Board to pay the subdivider's reasonable costs and attorney's fees incurred in securing the Court order in accordance with RSA 674:4.

- 5.17 Notice of Action on the Final Plat: The Board shall notify the subdivider, by Notice in writing signed by the Chairman, of its actions on the Final Plat. In case of disapproval, the grounds for such disapproval shall be set forth in the Notice which shall become part of the records of the Board. In case of approval, the Notice of Action shall set forth the following:
- a.) A copy of any deed restrictions submitted by the subdivider and accepted by the Board.
 - b.) All requirements for off-site improvements.
 - c.) A description of land, if any, to be dedicated to widen existing streets.
 - d.) A description of any relaxation of requirements granted to the subdivider.
 - e.) Requirements, if any, relative to underground utilities.
 - f.) When applicable, the statement described in Article 10.08 concerning liability for public use of land.
 - g.) All agreements, if any, between the subdivider and the Board concerning matters not required by these Regulations, but to be performed by the subdivider.
 - h.) A statement that the subdivision shall be completed and constructed in conformity with the Final Plat and these Regulations.
 - i.) A reference to the bond to be provided by the subdivision as guarantee of performance in construction of the subdivision as set forth in Article 5.19 and Article 16 of these Regulations.
- 5.18 Acknowledgement of Receipt of Notice: The subdivider shall acknowledge receipt of Notice and acceptance of all provisions set forth therein and shall return a signed copy of same to the Board for its records. Until such acknowledgement and acceptance has been filed with the Board, no further action shall be taken with regard to the Final Plat. Failure to acknowledge receipt of Notice of Action and acceptance within ninety (90) days of mailing of the Notice of Action will cause approval to lapse.
- 5.19 Performance Bond: When the Board agrees to accept a performance bond, the subdivider shall submit a performance bond providing for and securing to the Town the completion of the actual construction and installation of all improvements and utilities within three years from the date of acknowledgement and acceptance of the Notice of Action. The bond shall be in an amount determined by the Planning Board and in conformity with the requirements of Article 16.03.

- 5.20 Description and Recording of Final Plat: The subdivider shall submit to the Board one mylar copy and three (3) copies of the approved Final Plat. Sheet sizes shall be in accordance with the requirements of the Sullivan County Register of Deeds. Space shall be reserved on the Plat for endorsement by the Board. The Final Plat shall contain the following statement:

“The Subdivision Regulations of the Town of Newport are a part of the Plat, and approval of this Plat requires the completion of all the requirements of said Subdivision Regulations excepting only any relaxation of requirements granted in writing by the Board.”

The Board shall cause one copy of the Plat to be recorded in the Sullivan County Registry of Deeds and shall deliver the second copy to the Town for its records. All graphic material and presentations shall be on that surface of the mylar Plat which is suitable for writing. The act of recording an approved subdivision Plat shall not in itself constitute acceptance by the Town of any street or easement shown thereon.

- 5.21 Failure to Record: No sale or transfer of land within the subdivision may be entered into until an approved subdivision Final Plat has been recorded in the Sullivan County Registry of Deeds within three years from the date of acknowledgement and acceptance of the Notice of Action (Section 5.18) unless the Planning Board extends the time.
- 5.22 Modification of Official Map: When there exists an Official Map of the Town, the recording of an approved Final Plat shall without further action modify the Official Map. The act of modifying the Official Map shall not constitute acceptance by the Town of any street or easement shown thereon.

ARTICLE 6. MINOR SUBDIVISION

A. Definition

6.01 Definition: A Minor Subdivision is any division of land resulting in no more than 3 lots derived from the parent lot over a 5 year period, each fronting on an existing street, and not involving any new street or extension of municipal facilities nor the creation of any public improvements. The 5 year period shall begin on the date of signing of the first subdivision plat. Subdivisions that go beyond the scope of this definition will be subject to the requirements of Article 7.

B. Procedure

~~6.02 Re-subdivision: A parcel of land which has been subjected to minor subdivision shall not be eligible for further subdivision under the Minor Subdivision procedures for a period of 5 years from the date of the most recent minor subdivision approval. This section repealed by the Planning Board on March 5, 2013.~~

6.03 Standards: All Minor Subdivisions shall conform to applicable standards set forth in Sections III and IV. In addition, the subdivision may not adversely affect any lot or lots which may be subject to future subdivision, nor any adjoining property.

6.04 Procedure for Review: The Minor Subdivision process requires only the submission of the Final Plat, as set forth in Article 6.07 below. At an informal meeting with the subdivider, the Board shall first determine that the proposed subdivision qualifies for the Minor Subdivision procedure, following which the subdivider may submit the Final Plat immediately or at a subsequent meeting of the Board. Review of the Final Plat shall be in accordance with the procedures in Article 5D.

6.05 Expansion of Procedures: If, in the judgment of the Board, the subdivision as initially presented does not meet the requirements for a Minor Subdivision as stated in the Definition, the Board shall require the subdivision to be processed as a Major Subdivision.

C. Submission Requirements

6.06 Description of Final Plat: The Final Plat shall be in permanent black ink on permanent reproducible polyester film. It shall be submitted in 1 polyester film copy and 3 (three) paper prints. Sheet sizes shall be in accordance with the requirements of the Sullivan County Registry of Deeds. Space shall be reserved on the Plat for endorsement by the Board. The Final Plat shall contain the following statement:

“The Subdivision Regulations of the Town of Newport are a part of this Plat, and approval of the Plat requires the completion of all the requirements of said Subdivision Regulations excepting only any relaxation of requirements granted in writing by the Board.”

6.07 Information Required: For Minor Subdivision the Final Plat shall contain or be accompanied by the following maps and information. Maps shall be drawn at a scale of no more than 100 feet per inch, unless otherwise specified by the Board

- a.) Name of municipality and subdivision; names and addresses of the subdivider and designer.
- b.) Names and addresses of abutting property owners, subdivisions and buildings within 100 feet of the parcel to be subdivided; roads, streets, and driveways within 200 feet of the parcel to be subdivided.
- c.) Name and seal of land surveyor licensed by the State of New Hampshire who prepared the Final Plat.
- d.) A general site location map locating the proposed Minor Subdivision boundaries in relation to major roads.
- e.) Boundaries and areas of the entire parcel referenced to a public street intersection of USGS benchmark; north point, bar scale, date and dates of any revisions. The Board may waive the requirement of a perimeter survey for the entire parcel and may require specific data only for lots for which sale or lease is contemplated; in such instances, the Final Plat shall include a general map insert which indicates approximately the size and shape of the entire parcel to be subdivided.
- f.) Approximate contour lines at 10 foot intervals for the entire parcel, sketched from a standard USGS map or a Town base map.
- g.) Existing and proposed building sites and lot lines, angles and dimensions, lot sizes in square feet and acres, consecutive numbering of lots.
- h.) Location of existing and proposed easements, deed restrictions, building set-back lines, parks and other open space, water courses, and significant natural and man-made features.
- i.) Where individual on-lot sewage disposal systems are proposed or in existence for lots 5 (five) acres or smaller, the subdivider shall present evidence of State approval of the suitability of each lot for onsite sewage disposal for building purposes. For lots greater than 5 acres an opinion by a New Hampshire State designer that a suitable site for a subsurface disposal system exists may be required. A request for a waiver from this requirement may be made when

supported by appropriate soil data. In all instances where State review is not available, the plat shall specifically indicate on each such lot that State approval for an onsite subsurface disposal system has not been granted.

- j.) Where the Minor Subdivision is to be served by public water supply or sewers, the Plat shall show the location of such existing service. A statement from the municipal department or company involved attesting to the availability of such service shall be submitted.
- k.) A statement from the Chief of the Newport Fire Department with comments and recommendations for fire protection and emergency access.

6.08 Other Information: When in the judgment of the Board additional information is required to serve the purpose of these Regulations, the Board may require such other information as set forth in Articles 5.11 and 5.12, Final Plat requirements.

ARTICLE 7. MAJOR SUBDIVISION

- 7.01 Definition: A Major Subdivision is any division of land which results in 4 or more lots or which requires new streets, utilities, or public improvements.
- 7.02 Standards: All Major Subdivision shall conform to the requirements of Articles 10 through 15, Standards for Subdivision Design, and to those of Article 16, Standards for Construction.
- 7.03 Procedure for Review: The procedures of Article 5 shall be followed for the review of Major Subdivision. These procedures involve three steps: an Informal Discussion for which no fee shall be assessed, a review of the Preliminary Layout, and a review of and public hearing on the Final Plat. Prior to submission of the Final Plat, the subdivider may exercise the option of complying with the procedures of either the Informal Discussion or the Preliminary Layout. If the Informal Discussion is selected, the Board upon review may at its discretion require the subdivider to submit a Preliminary Layout.
- 7.04 Submission Requirements: Submission requirements for Major Subdivision shall be set forth in Article 5.

ARTICLE 8. CLUSTER SUBDIVISION

8.01 Definition: A Cluster Subdivision is an optional form of subdivision for single-family housing including condominiums which provides for lots of reduced dimensions and the sharing of open space. The maximum density is set by the Zoning Ordinance.

8.02 Standards: A Cluster Subdivision shall conform to all of the standards for a Major Subdivision as set forth in Article 7.02. In addition, the following special standards will apply:

- a.) All requirements of the Zoning Ordinance for Cluster Subdivision shall be met and indicated on the Final Plat.
- b.) A buffer zone, suitably landscaped and not less than thirty (30) feet in width, shall be provided between any cluster development and adjacent property lines. Additional buffer areas may be required within a development between groups of building lots.
- c.) Access to all lots shall be from interior roads. Each lot shall have reasonable access to the common open land but need not front directly on such land.
- d.) The subdivision plan shall provide for the convenience and safety of vehicular and pedestrian movement within the development and for the proper location of driveways in relation to street traffic.
- e.) The requirements for off-street parking shall be as set forth in Section 409.7 of the Zoning Ordinance.

8.03 Procedure for Review: The procedures for review of Cluster Subdivision applications shall be as set forth in Article 5.

8.04 Review under Article 10 (General Provisions): Upon review by the Board under Article 10 of these Regulations, the following restrictions may apply:

- a.) The allowable density of the subdivision may be required by the Board to be less than the maximum permitted by the Zoning Ordinance. The reasons for the reduction shall be clearly indicated in the records of the Board.
- b.) Subdivision of more than 25 dwelling units may be required by the Board to be constructed in phases over a period of years to be determined by the Board.

- 8.05 Submission Requirements: Submission requirements shall be the same as for a Major Subdivision, as set forth in Article 5, together with the additional submissions required by Article 8.02 above.
- 8.06 Open Space: The area of the subdivision not used for individual lots, building sites, zoning setbacks, and roads and parking areas constitutes open space and common-use land. The following provisions shall also apply:
- a.) There shall be legal restrictions running with the land to preserve open space and common-use land for purposes of recreation, agriculture, conservation, or parks.
 - b.) Restrictions shall provide for the management and maintenance of the open space, including the manner and source of providing funds; these restrictions may be contained in any suitable legal instrument, as approved by the Town Manager.
 - c.) Upon the request of the owners, such restrictions as have been provided may be modified by the Planning Board subsequent to the approval of the Final Plat. The Planning Board shall hold a hearing for this purpose in the same manner and with the same notice as for a hearing on the Final Plat. Such modification shall be subject to terms and conditions deemed by the Planning Board as necessary to carry out the purposes and intent of open space and common-use land.
 - d.) The Planning Board shall obtain from the Town Manager a written statement that the restrictions proposed by the subdivider are in conformity with these requirements, prior to approval of the Final Plat.
- 8.07 Phased Development: The approval procedure for phased development shall be as follows:
- a.) The entire subdivision plan shall meet the requirements of the Preliminary Layout as set forth in Article 5B.
 - b.) The first portion to be developed (Phase 1) shall meet the requirements of the Final Plat in accordance with Articles 5C and 5D.
 - c.) Review of succeeding phases by the Board shall proceed in one of three ways:

- 1.) No change: When there are no changes from the accepted Preliminary Layout, the subdivider may proceed to presentation of the Final Plat.
- 2.) Minor Change: A minor change shall be one which respects the approved plan's basic land and building site allocations in terms of use and density, type and variety of facilities, and dwelling units. The Board may hold a public hearing on the proposed change after notification to all abutters. After approval by the Board the subdivider may proceed to presentation of the Final Plat.
- 3.) Major Change: Any requested change which in the Board's judgment does not qualify as a minor change shall be required to be re-submitted as a separate Cluster Subdivision plan for review as a Major Subdivision in accordance with these Regulations.

ARTICLE 9. PLANNED RESIDENTIAL DEVELOPMENT

9.01 Definition: Planned Residential Development is a form of subdivision intended for mixed housing types, from single-family to multi-family, in which buildings are grouped in patterns which allow a large percentage of open space to be retained for common use. The maximum density shall not exceed that set by the Zoning Ordinance; however, the allowable density may be reduced by the Planning Board under Article 9.04.

9.02 Standards: A Planned Residential Development shall conform to all of the standards for a Major Subdivision as set forth in Article 7.02. The following special conditions shall also apply:

- a.) All requirements of the Zoning Ordinance for Planned Residential Development shall be met and indicated on the Final Plat.
- b.) The proposed Planned Residential Development shall conform to the requirements of the Site Plan Review Regulations.
- c.) The Planning Board may require the subdivider to pay the costs of professional review of the proposed Planned Residential Development upon such terms and conditions as the Planning Board deems appropriate.
- d.) Typical elevations, location, size and type of all buildings shall be shown on the Final Plat.
- e.) A buffer area, suitably landscaped, shall be provided between buildings or parking areas and adjacent abutting property lines in accordance with standards set by the Site Plan Review Regulation. The Board may require additional buffer areas between buildings and groups of buildings both within a phase and in the total development.
- f.) The requirements for off-street parking shall be as set forth in Section 409.7 and 409.16 of the Zoning Ordinance.
- g.) Distances between nearest points of principal buildings will be as contained in the Zoning Ordinance.
- h.) Distances between nearest points of principal buildings and the street right-of-way within the PRD shall be not less than 20 feet. Parking spaces within the distances may be allowed, but they may not be entered directly from the street right-of-way.

- i.) The Planning Board may reduce the distances within the PRD under Article 3.01, Relaxation of Requirements.

9.03 Procedure for Review: All PRD applications shall follow the procedures set forth in Article 5. These procedures involve three steps: an Informal Discussion for which no fee shall be assessed, a review of the Preliminary Layout, and a review of and public hearing on the Final Plat. It is intended at both the review of the Preliminary Layout and the Final Plat that the Planning Board will apply the requirements of the Site Plan Review Regulations to avoid duplicate review procedures.

9.04 Review under Article 10 (General Provisions): Upon review by the Planning Board under Article 10 of these Regulations, the following restrictions may apply:

- a.) The allowable density of the subdivision may be required by the Planning Board to be less than the maximum permitted by the Zoning Ordinance. The reasons for the reduction shall be clearly indicated in the records of the Board.
- b.) Subdivision of more than 25 dwelling units may be required by the Planning Board to be constructed in phases over a period of years to be determined by the Board.

9.05 Submission Requirements: Submission requirements shall be the same as for Major Subdivision as set forth in Article 5, together with the additional submissions required by Article 9.02 above.

9.06 Open Space Requirements: The area of the subdivision not used for buildings, roads, and parking provide Open Space, which shall meet the following provisions:

- a.) There shall be legal restrictions running with the land to preserve land for purposes of recreation, agriculture, conservation, parks, or forestry.
- b.) Restrictions shall provide for the management and maintenance of the Open Space, including the manner and source of providing funds. These restrictions may be contained in any suitable legal instrument, as approved by the Town Manager.
- c.) The Planning Board shall obtain from the Town Manager a written statement that the restrictions proposed by the subdivider are in conformity with these requirements, prior to approval of the Final Plat.

- d.) Upon written request of the entity holding title to Open Space, such restrictions as have been provided may be modified by the Planning Board subsequent to the approval of the Final Plat. The Planning Board shall hold a hearing for this purpose in the same manner and with the same notice as for a hearing on the Final Plat. Such notification shall be subject to terms and conditions deemed by the Planning Board as necessary to carry out the purposes and intent of Open Space.

9.07 Phased Development: The approval procedure for phased development shall be as follows:

- a.) The entire subdivision plan shall meet the requirements of the Preliminary Layout as set forth in Article 5B.
- b.) The first portion to be developed (Phase 1) shall meet the requirements of the Final Plat in accordance with Articles 5C and 5D.
- c.) Review of succeeding phases by the Board shall proceed in one of three ways:
 - 1.) No Change: When there are no changes from the accepted Preliminary Layout, the subdivider may proceed to presentation of the Final Plat.
 - 2.) Minor Change: A minor change shall be one which respects the approved plan's basic land and building site allocations in terms of use and density, type and variety of facilities, and dwelling units. The Board may hold a public hearing on the proposed change after notification to all abutters. After approval by the Board the subdivider may proceed to presentation of the Final Plat.
 - 3.) Major Change: Any requested change which in the Board's judgment does not qualify as a minor change shall be required to be re-submitted as a separate PRD plan for review as a Major Subdivision in accordance with these Regulations.

9.08 Roads and Driveways:

- a.) Roads shall conform to standards in Article 13.14 of the Subdivision Regulations. In a PRD, Service Streets may serve not more than 10 units, on application to and approval by the Board. These roads shall meet requirements of 9.08C and not be intended for ownership of the Town.
- b.) In a PRD, a driveway may serve more than 2 units, on application to and approval of the Board.

- c.) Private roads may be allowed in a PRD when a legal entity shall be in place, having financial substance to assure maintenance of such roads. It shall provide right of access to the Town to meet public safety requirements. All parking areas and accesses thereto shall be specifically approved by the Planning Board.
- d.) The subdivision map shall show the street clearly labeled as "Private Street".
- e.) Before any part or lot of the subdivision is sold or offered for sale, the entrance of a proposed street from any public street with which it connects shall be posted and kept posted with a sign at least 2 feet legibly containing only the name of the street and the words "private street" or "private way" or "private road". Private roads abutting to a Town road shall have the same surface as the Town road it abuts. On such private streets Town services shall not be available.
- f.) Lots abutting a private road as herein defined shall be sold subject to a provision to appear on a subdivision map which reads as follows:

"If the private road, or roads, shown on this plan or subdivision, or any part or parts thereof, are to be accepted by the Town by the owners of property on such road, such private road or roads or part thereof, shall first be improved at the sole cost of the affected lot owner or owners so as to comply with the specifications as contained in the standards of these subdivision control regulations of the Town of Newport."
- g.) In any event the proposed private street shall conform to the width and grade requirements of these regulations.
- h.) The proposed private street shall have been approved by the Board as a part of the subdivision plan.
- i.) The subdivider shall submit to the Board a reasonable plan providing for the upkeep of the street so long as it remains a private street and if the Town is requested to accept the street as a public street at some future date, that the Town will be put in an assured position that the street will comply to the requirements of these regulations, or as the same may be amended, or for an assessment or other method assuring such improvements at the expense of the owners of the property abutting such private street.

SECTION III: STANDARDS FOR SUBDIVISION DESIGN

ARTICLE 10. GENERAL PROVISIONS

- 10.01 Compliance with Other Ordinances: All subdivisions shall be in harmony with the Master Plan and shall be in conformance with the Official Map, when such exists, and shall be in conformance with other applicable federal, State and local by-laws, ordinances, and regulations. Where these Regulations are in conflict with such other ordinances or regulations, the more stringent or those setting the higher standard shall apply.
- 10.02 Character of Land for Subdivision: Land of such character that is cannot, in the opinion of the Board, be safely used for building development because of danger to health or peril from fire, flood, poor drainage, excessive slope, or other hazardous conditions, shall not be platted for residential, commercial, or industrial subdivision, nor for such other uses as may increase danger to life or property. All proposals for subdivisions of land shall be consistent with the need to minimize flood damage. Land with inadequate characteristics or capacity for onsite sanitary sewage disposal shall not be subdivided for residential, commercial, or industrial subdivision purposes unless each lot is connected to a public sewer system.
- 10.03 Prohibition of Premature or Scattered Subdivision: Scattered or premature subdivision of land as would involve danger or injury to health, safety, or prosperity by reason of inadequate water supply, drainage, transportation, school, fire protection, or other public services, or would necessitate an expenditure of public funds for the supply of such services, shall not be approved by the Board.
- 10.04 Preservation of Existing Features: Prominent natural features within a subdivision, such as trees, scenic points, brooks, streams, rock outcroppings, water bodies, stone walls, boundary markers, and historic landmarks, shall be preserved and protected to the maximum extent possible by the subdivider. The subdivider shall demonstrate to the satisfaction of the Board the manner by which he or she intends to protect existing features.
- 10.05 Off-Site Improvements: If, upon the finding of fact, the Board determines that the proposed subdivision will adversely affect existing public facilities, such as streets, sidewalks, drainage, sewer, and water supply, causing them to be inadequate to meet the additional needs created by the

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

- a.) the character of the area,
- b.) the extent that other public and private property will be benefited by the upgrading, and
- c.) any other factors that the Board deems appropriate to establish a rational connection between the needs created by the subdivision and the amount to be paid by the subdivider.

10.06 Fire Protection Requirement: All subdivisions shall meet the approval of the Newport Fire Department relative to fire prevention and protection and emergency access.

10.07 Sewage Disposal Requirement: No subdivision of land will be approved by the Board where it creates a lot or site that will not meet the minimum design and construction standards and requirements imposed by the State of New Hampshire Water Supply and Pollution Control Commission for subdivision for building purposes, and any standards imposed by Town of Newport municipal regulations. Unless the proposed subdivision will be connected to a public sewage system or other State-approved central sewage system, all proposed lots or sites shall include an "approval for subdivision for building purposes" for at least one subsurface disposal system on each such lot or site, in accordance with the most recent regulations of the New Hampshire Water Supply and Pollution Control Commission. For lots greater than 5 acres in minor subdivisions only, an opinion by a registered N.H. Professional Designer that a suitable site for a subsurface disposal system exists may be substituted for State approval. For lots greater than 10 acres in minor subdivisions only, a request for a waiver from this requirement may be made when supported by appropriate soil data. In all instances where State review is not available, the plat shall specifically indicate on each such lot that State approval for an onsite subsurface disposal system has not been granted.

10.08 Liability for Public Use of Land: On land required to be dedicated for public use, the subdivider shall file a statement in writing accepting liability for personal injuries and/or property damage arising from any negligence of the subdivider or agents of the subdivider suffered by any person or to the property of any person until such offer of dedication is accepted by the Town. In addition, the subdivider's statement shall acknowledge responsibility for the maintenance of the easement areas until such time as the areas are dedicated and accepted by the Town or transferred to an association of owners or the like. The subdivider

shall furnish evidence of sufficient insurance coverage with regard to such liability in an amount and form satisfactory to the Town legal counsel and the Town Manager. This statement required of the subdivider shall be approved as to form and substance by the Town Manager after review by the Town legal counsel.

ARTICLE 11. LOT AND SITE LAYOUT

- 11.01 Compliance with Zoning Ordinance: The general layout of lots, sites, and buildings shall conform to the requirements of the Newport Zoning Ordinance.
- 11.02 Lots on Public Streets: All lots shall abut on a regularly maintained public street, or, at the discretion of the Board, on a street planned, built, and maintained to Town specifications and standards.
- 11.03 Entrance into Public Streets: Where lots abut existing Town, State, or federal streets, there shall be a minimum number of driveways and/or streets entering into said Town, State, or federal streets.
- 11.04 Marking of Lots: At the earliest practical stage during the application, the subdivider shall place on the ground clearly observable survey stakes or ribbons marking the corners of all proposed lots or sites. At the time of submission of the Final Plat, the subdivider shall place iron pins at the corners of all lots.

ARTICLE 12. OPEN SPACE REQUIREMENT

12.01 Reservation of Land: When deemed necessary in the judgment of the Board, land for open space and recreation areas within a subdivision shall be reserved. The Board shall determine whether such land shall be deeded to the Town or shall be reserved for the common use of all property owners of the subdivision by covenant in the deeds to the lots. All areas to be reserved for open space or recreation shall be of reasonable size, slope, and character for neighborhood playground or other recreational uses. The following standards shall apply:

- a.) Percentage of Open Space: When the proposed density of the subdivision is 2 residential units or less for each acre of land and the subdivision exceeds 10 acres in size, five percent of the area of the entire subdivision shall be reserved for open space and recreation area. When the proposed density of the subdivision is greater than 2 residential units for each acre of land and the subdivision exceeds 5 acres in size, ten percent of the area of the entire subdivision shall be reserved for open space and recreation area.
- b.) Payment in lieu of Land: When the Board and the subdivider agree that due to size, topography, or location of the subdivision, land for open space or recreation area cannot properly be located therein, or if the Board and the subdivider agree that open space or recreation land is not desirable within the subdivision, the subdivider shall pay to the Town a sum of money equal to the equivalent lot area at the selling price of the lots. This cash payment shall be remitted to the Town for the acquisition or development of land for public recreational purposes or for the benefit of the residents of the subdivision, as determined by the Board. The Board may approve a combination of the reservation of land and payment in lieu of land in making provision for open space and recreation area.

12.02 Review and Comment by Conservation Commission: All plans for open space preservation within a subdivision shall be reviewed by the Newport Conservation Commission prior to submission of the Final Plat, and the Commission shall state its views of the proposal to the Board at the time of submission of the Final Plat.

ARTICLE 13. STREET LAYOUT AND DESIGN

- 13.01 Conformance with Official Map: The layout of all streets shall conform to the Official Map, if such exists.
- 13.02 Conformance with Construction Standards: All streets shall be constructed in conformance with the standards and specifications adopted by the Town of Newport. All bridges, culverts, drainage structures, storm sewers, gutters, drainage ditches, and other improvements shown on the Final Plat and required by accompanying documents, if any, shall be installed in conformance with the construction standards and specifications adopted by the Town.
- 13.03 Connection with Existing Subdivisions: When improvements and utilities are to be installed between the proposed street pattern and any connecting street in an existing subdivision, they shall be indicated on the Final Plat.
- 13.04 Adjustment of Alignment or Right-of-Way: Where a subdivision abuts an existing street and the alignment of right-of-way width of such street is rendered inadequate because of the needs created by the proposed subdivisions, the subdivider shall include in the street dedication all land needed to meet the standards established by these Regulations and as approved by the Board, and such street dedication shall be shown on the Final Plat.
- 13.05 Harmony with Topography: Street patterns shall give due consideration to contours and natural features. Subdivision streets shall be laid out to blend with the topography.
- 13.06 Street Pattern: The layout of the street pattern shall be based on a local street system connected to a collector street system connected to an arterial street system, in conformance with the standards set forth in Article 13.14.
- 13.07 Traffic Deterrents: Local residential streets shall be designed to discourage through traffic.
- 13.08 Curb Cuts: Curb cuts of local and collector streets onto arterial streets shall be minimized.
- 13.09 Intersections and Grades: Except where it is unsuitable because of the character of the land, streets shall intersect so that within 75 feet of the intersection the street lines are at right angles, and in no case shall they be less than 75 degrees. The grade within 100 feet of an intersection shall not exceed five percent. No structure or planting shall impair corner visibility.

- 13.10 Multiple Intersections: Multiple intersections involving a junction of more than two streets shall be prohibited. Four-way intersections shall be avoided on all local streets. The minimum distance between center line offsets of successive intersections shall be 150 feet.
- 13.11 Permanent Dead-End Streets: A permanent dead-end street shall terminate in a suitable turnaround. The turnaround shall be designed to provide for adequate drainage. Unless there is the expectation of extending the street through to the adjoining property, a dead-end street shall not be brought to the property boundary line but shall be placed so that the lots are contiguous with the property line of the subdivision. The length of a permanent dead-end street shall be determined by the Board.
- 13.12 Temporary Dead-End Streets: In the case of temporary dead-end streets, where future extension to another outlet is approved by the Board, the full width of the right-of-way to the subdivision property line shall be reserved as a street right-of-way and shall be shown on the Final Plat. For a dead-end street of a temporary nature, a turnaround shall be provided, and provision shall be made for future extension of the street through to adjacent property and for reversion of the excess right-of-way to the adjoining properties.
- 13.13 Tree Plantings: The Board may require the planting of trees within the street right-of-way in those subdivisions where, due to the nature and character of the land, it would be appropriate, and such tree plantings shall be indicated on the Final Plat. The Town Manager shall recommend to the Board specifications for the tree plantings.
- 13.14 Classification of Streets: Classification standards for street design shall be as set forth below:

STANDARDS FOR STREET DESIGN

	Service ¹	Local	Collector	Arterial
Number of Units	1-5	1-30	31-50	50+
Average Daily Traffic ²	1-40	1-240	241-400	400+
Minimum Right-of-Way (ft.) ³	30	50	50	50
Minimum Travel Surface Width (ft)	14	16	18	20
Minimum Shoulder Width (ft) each side	2	2	3	3
Minimum Horizontal Curve Radii (ft)	50	100	150	200
Minimum Vertical Curve Radii (ft)	50	100	150	200
Minimum Length of Tangents between Curves	50	100	150	200
Maximum Grade	14%	12%	10%	8%
Minimum Grade	0.5%	0.5%	0.5%	0.5%
Minimum Sight Distance (ft) ⁴	100	200	300	400

¹Service street standards may only be used on application to and approval of the Board.

²Shall be future anticipated traffic (assuming 8 trips per day per dwelling unit).

³All cross-section horizontal distances shall be measured perpendicular to straight-line sections and radial to curved sections.

⁴Sight distance shall be measured between two points along the centerline of the street on a straight line entirely within the street right-of-way and clear to obstructions, one of the points to be at the surface and the other 4½ feet above the surface.

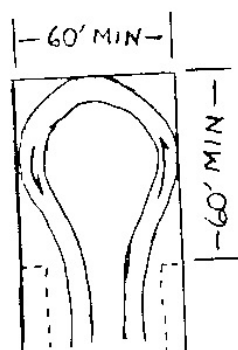
13.15 Marking of Proposed Streets: At the earliest practical stage during the application the subdivider shall place on the ground clearly observable survey stakes or ribbons marking the center line of all proposed streets.

13.16 Alteration of Gradient: The Board may modify the maximum and minimum gradient for short lengths of street where, in the judgment of the Board, existing topographic conditions or the preservation of natural features indicate that such modification will result in the best subdivision of land.

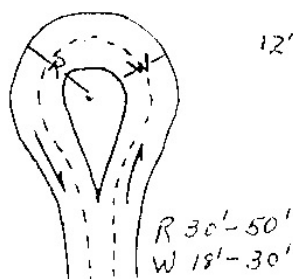
- 13.17 Alteration of Right-of-Way or Travel Surface: The Board may require greater width of right-of-way and/or travel surface where, in the judgment of the Board, the demands of present or future traffic make it desirable or where topographic conditions create a need for greater width for grading.
- 13.18 Private Roads abutting a Town road may be required to have 20 feet of the same surface at the Town road abutting it.
- 13.19 Curbing: The Board may require curbing in urban or village areas.
- 13.20 Pedestrian Walks, Sidewalks, and Bicycle Paths: Where necessary in the judgment of the Board, rights-of-way for pedestrian and/or bicycle travel and access may be required between parts of the subdivision or between a subdivision and public property. When such need has been created by the subdivision, the Board may require the subdivider to provide sidewalks and/or bicycle paths outside the subdivision.
- 13.21 Street Lighting: The Board may require the installation of street lighting in any subdivision where it deems it necessary.
- 13.22 Naming of Streets: No street shall have a name which will duplicate or closely duplicate the name of an existing street. The continuation of an existing street shall have the same name.

13.23 Design of Turnarounds: Turnarounds shall conform to the design standards illustrated below:

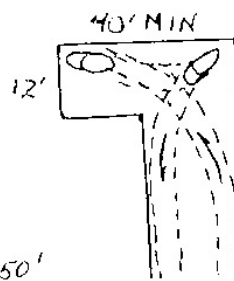
13.23 Design of Turnarounds: TURNAROUNDS SHALL CONFORM TO THE DESIGN STANDARDS ILLUSTRATED BELOW:



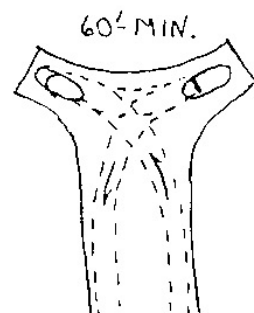
Square and-all



Circular-with



L-type



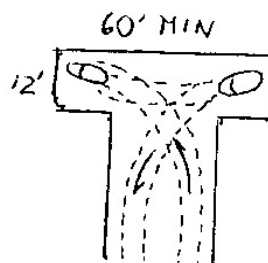
Y-type



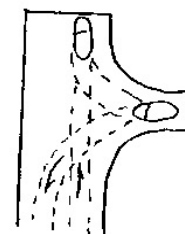
Circular-offset



Circular all-



T-type



turnaround

- 13.24 Minimum Street and Road Standards Policy: Copy of Newport's minimum street and road standards policy shall be included at the end of these Regulations and shall be considered as part of these subdivision regulations.

MINIMUM STREET & ROAD STANDARDS POLICY

Purpose: The purpose of this policy is to establish minimum road standards for paved roads, Section I, and gravel roads, Section II, in the Town of Newport, N.H. to insure the proper arrangement and coordination of streets and roads for the health, safety, convenience and prosperity of the Town of Newport.

Responsibilities: The Town Manager is responsible for the implementation of this policy.

The Superintendent of the Highway Department is responsible for the inspections to insure that the minimum standards are complied with on new roads and roads being upgraded.

Procedure: When an individual desires to have the Town assume responsibility for a newly constructed road as approved by the Planning Board or requests the Board of Selectmen to reclassify a Class VI road to a Class V road, the construction/reconstruction will be in accordance with the appropriate standards contained in this policy. Upon receipt of the application to construct a new road or reconstruct an existing road, the application will be forwarded to the Superintendent of the Highway Department. The Superintendent of the Highway Department will inspect the existing circumstances and submit a recommendation to the Town Manager as to what action should be taken. Upon review by the Superintendent of the Highway Department, the request will be forwarded to the Town Manager for presentation to the Board of Selectmen for a decision.

The Superintendent of the Highway Department will review this policy annually, in July of each year. Changes may be proposed when necessary.

when necessary.

Effective: July 7, 1986

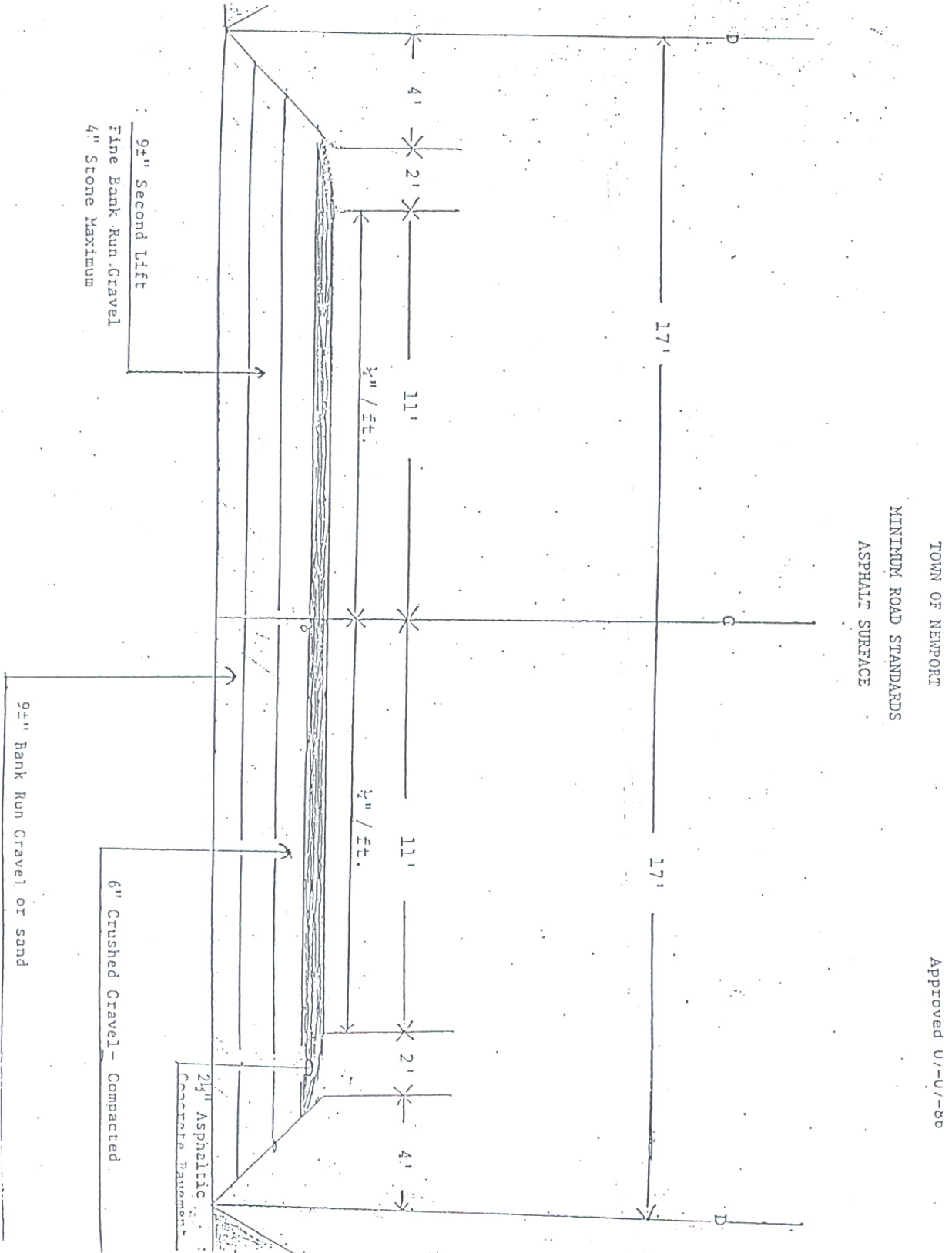
Anthony R. Smith
Virginia Anderson
J. David C. Amodeo
Donald H. Smith
William H. Smith
BOARD OF SELECTMEN

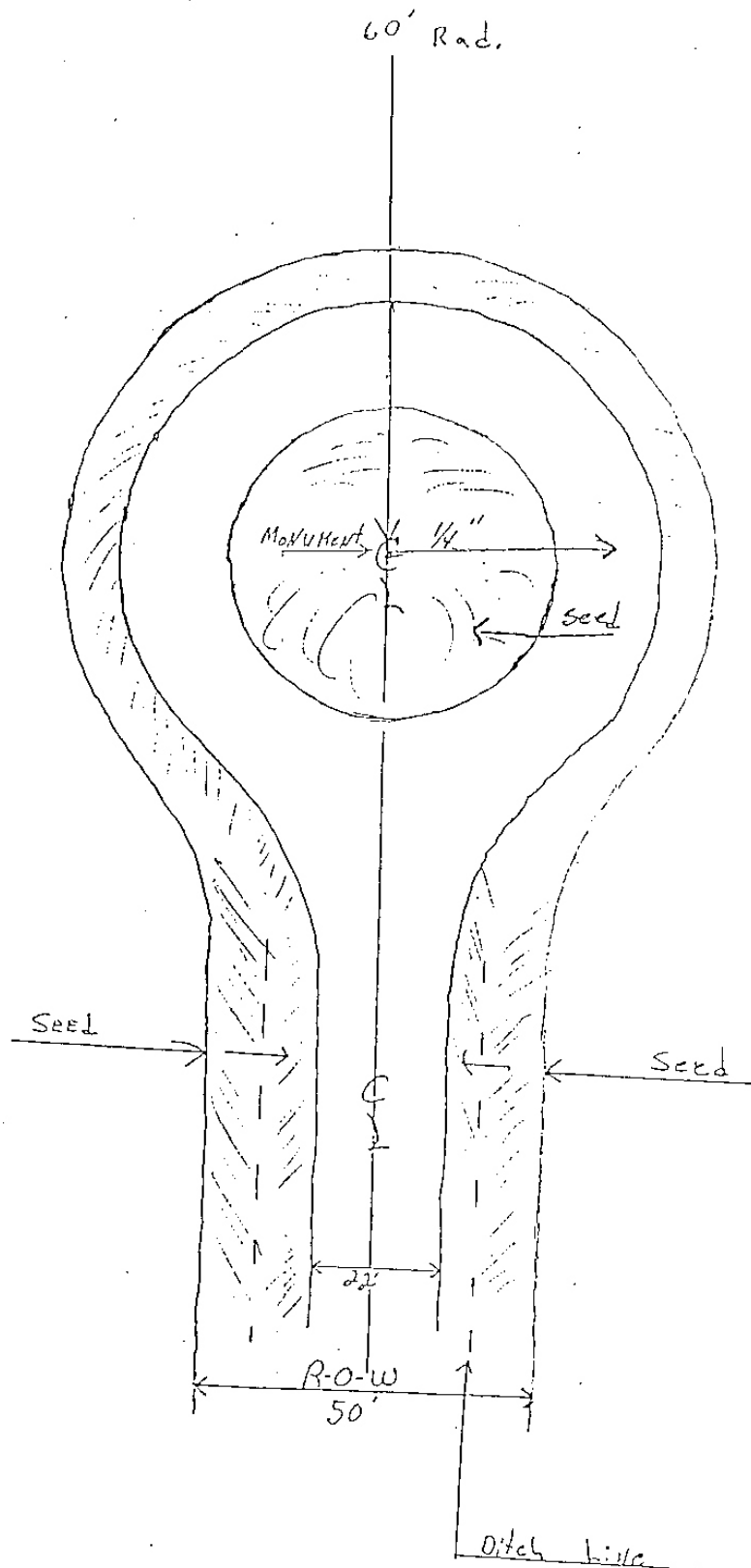
SECTION I

MINIMUM ROAD STANDARDS

ASPHALT SURFACE

TOWN OF NEWPORT, NEW HAMPSHIRE





SECTION 1 – CONSTRUCTION SPECIFICATIONS FOR STREETS AND ROADS**1.01 Construction of Roads, Streets, and Drainage Facilities**

- A. Materials – General: All materials to be used shall meet the requirements as specified, unless the same are altered by specific requirements under any itemized specification or by modifying notes shown on the approved plans. In the absence of specific reference to specifications, the material(s) to be incorporated into any project and the work performed are intended to conform to the New Hampshire Department of Public Works and Highways specifications, as determined by the Town.

1.02 Basis of Construction:

In order to assure the structural integrity of the sub-grade and crushed gravel foundation course, the following rules shall apply:

- A. Underground utilities shall be constructed outside the traveled shoulder areas and ditches of the roadway.
- B. Where utilities and/or culverts cross the roadway, the trenches shall be backfilled with acceptable select earth backfill (approved by the Town) and shall be compacted in 6 inch layers with vibrating compaction equipment. Note: The developer will be responsible for assuring compaction of all trenches crossing the roadway including utility trenches.
- C. After properly shaping and obtaining approval from Town designated agencies of the sub-grade, the crushed gravel foundation course may be placed. The entire foundation course including shoulders, shall be thoroughly compacted with vibratory compaction equipment.
- D. Where embankments are constructed under the roadway section, the entire height of the embankment shall be constructed with the use of standard and appropriate compaction equipment. This equipment shall consist of sheepscoat rollers, vibratory rollers or similar equipment. The embankment area shall be compacted to 95% modified AASHO density. If required by the Town, the developer shall provide certified compaction test results from a competent soils testing laboratory.

1.03 Roadway Excavation:

The entire roadway section shall be cleared and grubbed. All sod and topsoil is also to be removed from the roadway section and stockpiled on the site for later use. All stumps, brush, trees, and other debris shall be disposed of in a manner satisfactory to Town Ordinance or Regulation.

1.04 Sub-grade Preparation

A. Work: All topsoil, other unsuitable soil and organic material shall be removed from the area under the "Typical Road Sections" prior to constructing or shaping the sub-grade.

B. Method: The sub-grade shall be excavated and shaped following the depth and alignment of the stakes established by the Project Engineer for this purpose. The stakes shall be at intervals of no more than 50 feet and 25 feet when ordered by the Town.

After excavation to the proper depth, the sub-grade shall be graded and crowned 1/4 to 3/8 inch for each foot of width on each side of the centerline and as shown on the "Typical Road Section". The sub-grade shall then be rolled with a 10-ton or vibratory roller. Any unsuitable material found below the sub-grade shall be removed and replaced with bank run gravel or select earth backfill approved by the Town. Should the sub-grade become rutted, it shall be re-graded and rolled prior to the placement of the crushed gravel base.

No base material shall be placed over unstable trenches or soft spots in the sub-grade. Should such a complication exist, the soil is to be removed and replaced with bank run gravel or select earth fill approved by the Town and thoroughly reshaped and compacted.

1.05 Road Base (Foundation Course)

A. Work: The contractor shall furnish and place a gravel base in two (2) 9" \pm lifts as shown on the "Typical Road Sections". When paving is required, it will be done upon completion of the gravel.

B. Material: The crushed gravel shall conform to the standards established by State specifications for Graded Crushed Gravel Bases and Sub-bases.

C. Method: The base shall be placed on a graded, crowned and compacted sub-grade free of ruts and disturbed earth as follows:

1. After proper shaping and compaction of the sub-grade, the first layer of bank run sand or gravel (not more than 4" stone) shall be placed and graded, maintaining the specified crown of 1/4 to 3/8 inch per foot of width and thoroughly compacted with a vibratory compactor producing a minimum dynamic vibration force of 27,000 lbs.

2. After proper shaping and compaction, the second layer of bank run gravel (not more than 4" stone) shall be placed and graded, maintaining the specified crown of 1/4 to 3/8 inch per foot of width and thoroughly compacted with a vibratory compactor producing a minimum dynamic vibration force of 27,000 lbs.

3. The final 4 inches of the fine dense Graded Crushed Gravel Base shall be placed and graded to conform to the lines and grades shown on the plans and "Typical Road Section". The surface shall be graded, maintaining the specified crown of 1/4 to 3/8 inch per foot of width and thoroughly compacted as noted in 1 above. Any open or boney areas shall be choked with Crushed Gravel and thoroughly compacted. Compaction shall be from the outside edge of the shoulder to the centerline.

1.06 Road Surface

A. Work: When specified, the contractor shall furnish and construct a two-course processed gravel surface, placed to conform to the required thickness and cross section as shown on the plans and on the "Typical Road Section" and further described in the following specifications.

B. Material: All stones, in processed gravel, shall not exceed 1½ " and shall not allow more than 10% to pass through a 200 mesh screen. If required by the Town, the developer shall place the final 4" lift with so called "hard pak", "shur pac", "blue stone", "shoulder stone". Upon request, the contractor shall furnish the Town with written certification of the materials compliance with these specifications.

C. Method: Prior to the placement of the material, the base material will be cleared of any foreign material, e.g., soil, etc. and graded and compacted as noted in 1.05 above.

The processed gravel will be placed in 2 courses consisting of two 4" compacted lifts. Or, if required by the Town, one 4" processed gravel lift, and one final 4" lift consisting of hard pak, etc. as described in 1.06B above. The material will be placed with a grader or crawler/dozer operated by competent operators. It should be noted that the above are final compacted thicknesses and not placement thicknesses. Weather conditions shall be satisfactory for proper handling and finishing of the material.

1.07 Drainage Structures

Easements and deeds for storm drainage, water courses and public right-of-way shall be prepared in a form satisfactory to the Town Counsel. Culverts shall be constructed of concrete or galvanized steel pipe. Other pipe materials will be accepted only after approval by the Town.

A. Culverts shall be designed with the calculations being submitted with the plans. When specifying the pipe to be used, the depth of cover, nature of foundation soil, type of bedding and trench width shall be considered. When design conditions cannot be met in the field, the subdivider shall be responsible for providing extra strength pipe, extra strength bedding, cradle of encasement so that design conditions are met. All pipe which falls under the roadway shall be designed so

that it is capable of carrying legal load limits. In special circumstances, when required by the Superintendent of the Highway Department, culverts shall be designed for proper strength classifications by the subdivider's Registered Professional Engineer.

B. All culverts shall have both the inlet and outlet ends of the pipe protected by means of headwalls or rip-rap. Headwalls, when required, are to be constructed of either concrete or stone and shall be protected from any possible frost action. In no case will frozen concrete or mortar be accepted. When rip-rap is to be used, conforming to the roadway slopes, it shall comply with New Hampshire Department of Public Works and Highway Specifications for Road and Bridge Construction Section 583, Rip-Rap. When approved by the Town, 5 inch stone may be considered. In the case of headwall construction, the following specifications from the above noted source shall apply:

1. Section 520, Concrete Masonry-Class B Concrete
2. Section 544, Reinforcing Steel
3. Section 570, Stone Masonry

C. Any special structures or construction shall be properly designed in accordance With and approved by the Town prior to the commencement of the work. A 30 day Time period will be allowed for the review of plans and specifications. Drainage Inlets, headwalls, etc. shall be designed in accordance with these specifications And the typical details that follow.

D. Storms Drains shall be installed as directed by the Superintendent of the Highway Department according to plans approved by the Superintendent. Sanitary sewerage and water mains as shown on the plan and profile drawings shall be installed by the developer at his expense under the supervision of the Town Water & Sewer Superintendent.

E. All pipe, fittings, etc. shall be handled carefully so as to prevent damage. All Joint surfaces and fittings shall be clean and shall fit in such a manner that all joints will be tight and free of leaks. Proper workmanship and tools shall be used when handling and installing the pipe so that the quality and strength is not impaired. Where, in the judgment of the Town, the quality of strength of the pipe has been Impaired, the materials will be rejected.

F. Necessary precautions shall be taken at all times to prevent the flooding of adjacent property. Drainage ditches, necessary stream channel location or other positive means of diverting/controlling the water shall be employed. Water shall not be allowed to drain into a pipe or trench under construction. Water shall not be allowed to accumulate in the trenches but shall be drained or pumped away from the work area to established drainage channels.

G. In no case shall pipe be installed without grade stakes being set to the line

and grade shown on the approved plans.

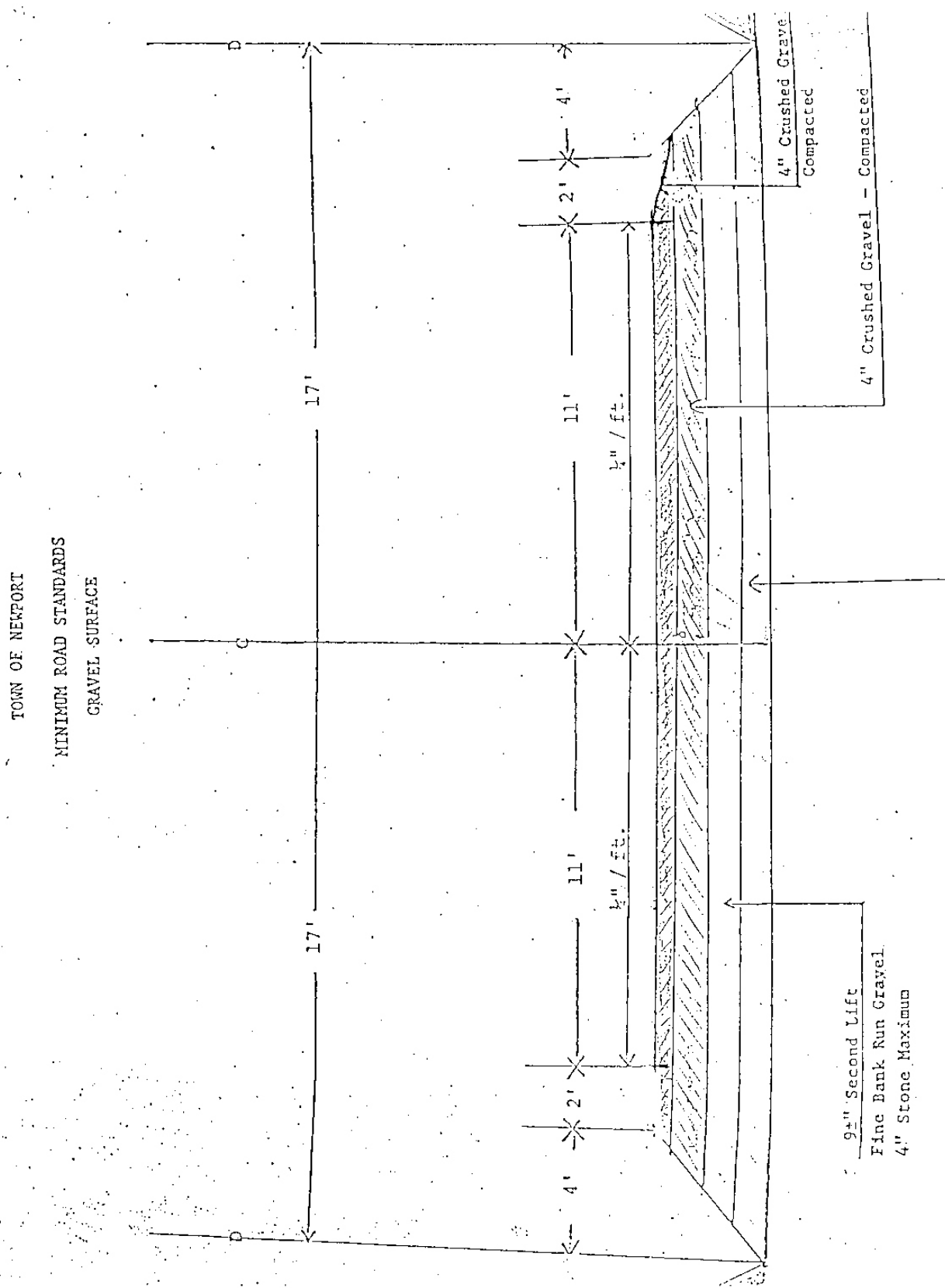
H. Prior to installment of the pipe, the trench bottom shall be shaped flat to the designated line and grade. Low areas shall be filled to grade with suitable material and thoroughly compacted prior to installing the pipe. Where solid rock and boulders are encountered, the material shall be removed to a depth of at least 12 inches below grade, and backfilled with suitable material and thoroughly compacted. When the trench bottom becomes soft, spongy, or otherwise unsuitable, and specific conditions are not specified on the approved plans, all such material under the pipe and for a width equal to 3 diameters of the pipe shall be removed and replaced with gravel or other suitable material and thoroughly compacted.

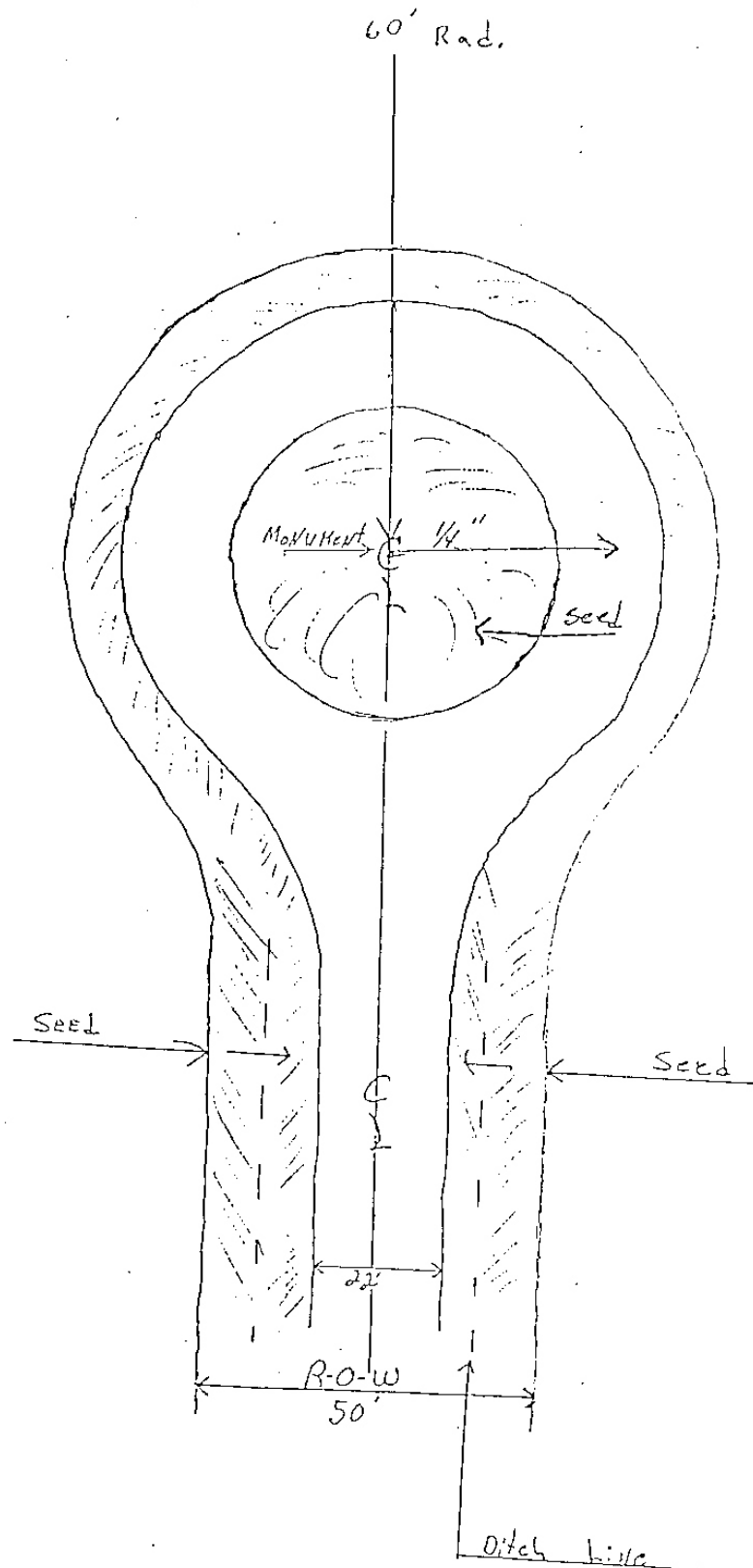
I. Care must be taken when backfilling around and over the pipe. The backfill around the pipe and for a minimum height of 12 inches shall be free of stone in excess of 4 inches in its greatest dimension. This material will also be compacted in accordance with manufacturers specifications so that the pipe will be thoroughly protected against deformation.

J. Grades of all streets shall conform in general to the terrain and shall, as far as is practicable, not exceed an 8% slope. Where the grade of the street exceeds 5% for a distance of more than 100 feet, curbing and gutters shall be rip-rapped as soon as possible after construction to prevent erosion. Grades under 5% shall be seeded. When an area is not completed prior to October first, temporary seeding shall be applied to reduce erosion during the winter and spring.

K. The Superintendent shall inspect stages of construction upon receipt of two workings days advance notice which are followed by a working day as follows:

1. Upon completion of the preparation of the subgrade.
2. Upon completion of the spreading of the base course.
3. Upon completion of the priming of the base course.
4. Upon completion of the second application of the processed material.





ARTICLE 14. UTILITIES, DRAINAGE, AND SEWAGE DISPOSAL

14.01 Provision for Utilities and Drainage: All subdivisions shall make adequate provision for water supply, storm water and sanitary sewage disposal, and required utilities and improvements. The board may require the extension of public water and sewer to and within a proposed subdivision without cost to the Town, where, in the sole judgment of the Board, existing lines are within a reasonable distance of the proposed subdivision. Where a subdivision requires expenditures by the Town to improve existing utilities to conform to minimum requirements, the Board may disapprove such subdivision as premature in accordance with Article 10.03 until the Selectmen shall certify that funds for the utility improvement have been assured by the municipality.

14.02 Avoidance of Flood Damage: All public utilities and facilities, such as sewer, gas, electrical, and water systems shall be located, elevated, and/or constructed to minimize or eliminate flood damage. All utilities and drainage construction in subdivisions shall conform to the flood plain protection requirements of the Newport Zoning Ordinance.

14.03 Installation of Utilities: All utility system installation shall be at the expense of the subdivider and shall be installed under the supervision of the Town Manager.

14.04 Installation of Laterals: The subdivider shall install laterals from all utilities in the street right-of-way to 5 feet inside the property line of each building lot within the subdivision.

14.05 Underground Placement of Utilities: Unless otherwise approved by the Board, electric, telephone, cable television distribution, and alarm systems shall be placed underground, including services to street lights. The subdivider shall coordinate subdivision design with the utility companies to ensure adequate and suitable area for underground installations.

14.06 Storm Water Drainage System: An adequate surface storm water drainage system for the entire subdivision area shall be provided by the subdivider. Adequate draining shall be provided so as to reduce exposure to flood hazards. The subdivider shall provide a suitably designed on-site drainage retention system wherever possible. Otherwise, storm drainage shall be carried to existing watercourses or shall connect to existing storm drains. If the storm water drainage system creates an additional flow over any adjacent property, the subdivider shall hold the town harmless from any claims for damage resulting therefrom. For the purpose of preparing drainage plans, storm sewers and subdivision drainage facilities shall be based on a ten-year storm design flow.

14.07 Sewage Disposal Design: The design of sewage disposal systems for all subdivisions shall meet the requirement of Article 10.07.

ARTICLE 15: SEDIMENT AND EROSION CONTROL

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

15.02 Standards: The following standards shall be observed by the subdivider in the design, layout and engineering of the subdivision.

- a) Stripping of vegetation, regarding, or other development shall be done in such a way that will minimize onsite and offsite soil erosion.
- b) Whenever practical, natural vegetation shall be retained, protected and supplemented.
- c) The disturbed area shall be kept to a minimum and the duration of the exposure shall be less than a maximum of six months.
- d) Diversions, sediment basins, and other erosion control mechanisms shall be constructed by the subdivider prior to any onsite grading or disturbance of any existing surface material.

SECTION IV: APPENDIX

ARTICLE 16. CONSTRUCTION OF SUBDIVISION

16.01 Administrative Officer: During construction of an approved subdivision the administrative officer for these regulations shall be the Newport Town Manager.

16.02 Time for Completion of Construction The subdivider shall construct the subdivision and shall comply with all requirements of the Final Plat as set forth in the Notice of Action (Article 5.18). Upon written request of the subdivider, when the Board finds that conditions beyond the control of the subdivider prevent compliance within the three year period, the Board may grant an additional period of time for compliance with the Notice.

16.03 Performance Bond: As provided in Article 5.19, the subdivider shall execute and deliver to the Board, in a form acceptable to Town Counsel, a bond conditioned on the performance of all terms and conditions of the Final Plat approval.

13.24.1.1 Amount of Bond: The subdivider's engineer shall furnish to the Board an estimate of the full cost of all improvements. Such estimate shall be reviewed by the Manager who will recommend the amount of the bond to the Board. The Board shall then determine the amount of the bond.

- 13.24.1.2 Surety or Security: The subdivider's obligations as set forth in the performance bond shall be secured by surety or security as approved by the Town Counsel and the Manager. All documents evidencing or establishing the surety or security shall be prepared at the subdivider's expense. And approved by Town Counsel.
- 13.24.1.3 Reduction of Security: The security may be reduced during the course of construction by the Manager in such amounts as he deems to be in the best interests of the Town but on the condition that the remaining security shall be sufficient to complete all remaining construction.
- 13.24.1.4 Release of Bond: The performance band shall be released when the Manager is satisfied that the subdivider has complied with all requirements as set forth in the Notice. The decision to release the bond shall be based upon an assessment of the plans, the engineer's preparatory work for construction, engineering, inspection during construction, and the final plans on completed work. The Manager shall notify the Board that all conditions of the bond have been performed and shall have the authority to release the bond unless, after notification, the Board directs otherwise.
- 13.24.1.5 Enforcement of Bond: If the subdivider has not fully complied within three years of the date of the recording of the Final Plat in the Sullivan County Register of Deeds, the Town shall enforce its rights under the performance bond and the security or surety given to secure it. In the event that the Town is required to enforce the bond, it shall be entitled to have reasonable attorney's fees paid by the subdivider and awarded by the court.

16.04 Modification of Design and Improvements: If at any time before or during the construction of the subdivision, the Board determines that unforeseen conditions make it necessary or desirable to modify the location or design of any of the required improvements or installations, the Board may authorize such modifications which shall be set forth in writing and signed by the Chairman of the Board.

16.05 Inspection of Construction: Prior to commencing construction, the subdivider shall pay to the Town an amount of money estimated by the Manager to compensate fully the Town for all inspection and testing charges deemed necessary. The subdivider shall notify the Manager in writing of the time when construction is proposed so the Manager may cause inspection to be made to insure that all Town specifications and requirements shall be met. It shall be the responsibility of the subdivider to notify the Town during the period of construction when inspection is to be made in the same manner as an owner or contractor notifies the Building Inspector under the Town Building Code for inspection.

16.06 Certification of Compliance: The subdivider shall notify the Board in writing when all requirements of the Final Plat have been met. The subdivider's engineer shall certify compliance with the Notice including total recertification to the extent necessary of any original installation, the guarantee, and demand deficiencies.

16.07 Correction of Deficiencies: If the Manager determines that any of the required improvements have not been completed in accordance with the plans and specifications as filed by the subdivider in writing of any such deficiencies. The subdivider shall rectify all deficiencies at the expense of the subdivider. If the subdivider does not substantially rectify all deficiencies within a reasonable time as determined by the Town, the Town shall take all necessary action to protect and preserve the Town's rights and interests including suspension or revocation of Final Plat approval. In the event of legal action, the Town shall be entitled to have reasonable attorney's fees paid by the subdivider and awarded by the court.

16.08 Guarantee of Installation of Improvements: For a period of two years after completion of all improvements or one year after the correction of all deficiencies as described above, whichever occurs last, if the Manager determines that the improvements have failed for any reason or do not meet the specifications as filed by the subdivider and as required by the Town, the Manager shall notify the subdivider in writing of such failure and the subdivider shall rectify all failures at the expense of the subdivider. If the subdivider does not substantially rectify all deficiencies within a reasonable time as determined by the Town, the Manager shall take all necessary action to protect and preserve the Town's rights and interests. In the event of legal action, the Town shall be entitled to have reasonable attorney's fees paid by the subdivider and awarded by the Court.

16.09 Damage to Adjacent Public and Private Property, Drainage Facilities, Waterways, Streams and Brooks: If at any time before all public improvements are finally accepted by the Town and before performance bond is totally released, should any condition within the approved subdivision cause damage to adjacent public or private property, drainage facilities and waterways, streams and brooks, including but not limited to soil erosion and damage to standing vegetation, the Manager shall notify the subdivider in writing of such damage and the subdivider shall correct all such damage at his own expense. If the subdivider does not substantially correct all damage within a reasonable period of time as set forth in the notice by the Town, the Town shall take all action necessary to protect and preserve its rights and interest including injunctive relief. In the event of legal action the Town shall be entitled to have reasonable attorney's fees paid by the subdivider and awarded by the Court.

16.10 Maintenance of Streets and Improvements: Upon completion of improvements and approval by the Town, the subdivider shall furnish a bond covering maintenance of roads and improvements for a period of two years from completion as may be required by the Town Manager in an amount based on the cost of such improvements.

16.11 Erosion Control After Construction: For a period of one year after completion of all improvements, the subdivider shall be responsible for the control of soil erosion and any resulting sedimentation, in accordance of the requirements of Article 15.

16.12 Subdivision As-Built Plans: Following completion of all improvements, the subdivider shall submit an As-Built Plan. This plan shall be drawn to scale and shall

indicate the dimensions, angles and distances, as applicable, the location of sewer and drain Y-branches, laterals, manholes, catch basins, hydrants, valves, curb shut-offs, road profiles and center line elevations, and final grading plan showing swales and ditches. The plan shall show easements, dedicated roadways, and road beds.

16.13 Monuments: Permanent survey monuments shall be set in the boundary of rights-of-way at intersecting streets, points of curvature, and point of tangency of curves, the point of intersection of short curves may be used instead, where such is practical, at the discretion of the Manager. Monuments shall be placed on ones side of the street only and at the only one corner of intersecting streets. Adjacent monument points shall be in site of one anther.

Monuments shall be referenced to a public street intersection, USGS benchmark or other recognized existing monument. Monument locations and benchmark locations and elevations shall be shown and dimensioned in the As-Built Plans.

16.14 Offer of Cession: Upon completion of the construction of the subdivision, the subdivider shall convey all necessary deeds and documents pertaining to easements and rights-of-way as may be required in the Notice of Action.

ARTICLE 17. DEFINITIONS

Abutter: Any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land in consideration by the Planning Board. For purposes of receiving testimony only, and not for purposes of notification, the term “abutter” shall also include any person who is able to demonstrate that such person’s land will be directly affected by the proposal under consideration.

Annexation: A sale, transfer, or other conveyance which involves only an exchange of land among two or more adjacent owners and which does not increase the number of parcels, lots, or owners.

Approval: Recognition by the Planning Board that the Final Plat submission meets the requirements of these regulations.

Board: The Planning Board of the Town of Newport, New Hampshire.

Building Development: The creation of sites to be occupied by buildings.

Building Site: The estimated location, as shown on a subdivision Preliminary Layout or Final Plat, of a proposed building. A building site may be assigned a specific size and shape. The location of an accessory building shall not be considered on a building site.

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 RSA 356-B. More than one building site on land submitted to the condominium form of ownership shall constitute a subdivision.

Driveway: An area located on a lot, tract, or parcel of land built for adjacent lots or dwelling units, except as provided in Planned Residential Developments, Article 9.08.

Easement: A right of way which one party may have in the land of another, normally, but not limited to, a strip of land used or intended to be used for a sanitary or storm sewer line, other utility, or driveway.

Endorsement: Certification of approval of a Final Plat, as evidenced by the signature of the Chairman of the Planning Board on the Final Plat.

Erosion: The wearing away of land surface by the action of wind, water, or other natural forces.

Final Plat: The final drawing or drawings on which a plan of subdivision is indicated, prepared as required under Article 5 of these regulations.

Improvements: The alteration of land being subdivided, including the installation of utilities, roads, drainage systems, and sewage disposal systems.

Lot: A lot is a parcel of land occupied or to be occupied by only on main building and the accessory buildings or uses customarily incidental to it. A lot shall be of sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards or other open spaces as are herein required except as provided below. Such lot shall have frontage on an improved public street, or other means of access approved by the Board of Adjustment, provided that in no case of division or combination shall any residential lot be created which does not meet the requirement of these regulations. A lawful lot may be used for any use permitted or allowed in the zoning district in which it is located as provided in this Ordinance or any amendment thereto. A lawful lot is a lot which meets the minimum size requirements of the Zoning Ordinance in effect at the time the lot was created. All lots shown on a subdivision plan which has received Final Plat approval from the Planning Board shall be separate lots regardless of whether there is separate ownership or common ownership of contiguous lots.

Lot Line: The property line dividing a lot from a street right-of-way, a body of water, or adjacent property.

Master Plan: The comprehensive plan or plan of development for the Town of Newport defined in RSA 674:1.

Official Map: Map of the Town showing the location of the exterior lines of streets.

Plat: Shall mean Final Plat.

Preliminary Layout: A plan of a proposed subdivision prepared as required in Article 5 of these Regulations and submitted to the Board prior to preparation of the Final Plat.

Sediment: Solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, or gravity as a produce of erosion.

Site: Shall mean Building Site.

Street: A highway, road, avenue, lane, or other way which exists for automotive travel exclusive of a right-of-way.

Subdivider: The owner of record of land to be subdivided, or the agent of any such owner.

Subdivision: The division of a lot, tract, or parcel of land into two or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale, rent, lease, condominium conveyance, building development, or other form of conveyance. When appropriate to the context, subdivision refers to the process of subdividing or to the land 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. A division of land resulting from the laying out of a public street shall be considered a subdivision.

Time: For the purpose of these Regulations, the day on which the filing or Notice, etc., is done and the day of the public meeting or hearing shall be excluded.

Zoning Ordinance: The Zoning Ordinance of the Town of Newport.

Effective: April 13, 1988

R E Vanderpool Clerk
Louis H Thompson
Karen L. Dewey
Henry P. Rodeschini
Brian Stillson
Wm Lawrence

NEWPORT PLANNING BOARD

Subscribed and sworn to me at Newport, N.H. this 28th day of April, 1988.

Sandra J. Cornish
Notary Public
My Commission Expires 10/14/91

Amendments

- | | |
|---------------|---|
| July 12, 2005 | Article 5, Sections 5.05 (number and size of plans to submit), 5.07 (PB no longer required to submit comments in writing) and 5.08 (same).
Article 16, Section 16.13 (Monuments). Strike material description of monuments. |
| March 5, 2013 | Article 6, Section 6.01 (Definition of Minor Subdivision) changed to allow not more than 3 lots derived from a parent lot over 5 years. Previously only one minor subdivision was allowed in a 5 year period.
Article 6, Section 6.02 Paragraph was completely repealed. |