

Planning and Development

*Town of
Wolfeboro*

1 February 2013

RE: Engineering and Surveying Policy

To Whom It May Concern:

The Wolfeboro Planning Board adopted the attached policy regarding Engineering and Surveying.

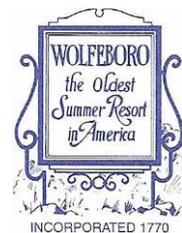
Please take a moment and review this policy. In addition please insure to convey this policy to any client that you are currently working. In order to protect the property owner from potential delays and unnecessary cost it is my expectation that all submittals shall be complete and in compliance with this policy.

I look forward to working with your to ensure that your plans are in full compliance with this policy.

Respectfully,

Robert T. Houseman
Director of Planning and Development

*9 Union Street Post Office Box 629 Wolfeboro, New Hampshire 03894
(603) 569-5970*



WOLFEBORO PLANNING BOARD POLICY
Regarding
Engineering and Surveying
Adopted January 22, 2013

The Town of Wolfeboro, in order to ensure compliance with State Law and to protect the property owner from potential delays and unnecessary cost, shall require all plans that reflect engineering or survey information to be prepared, stamped and signed by the appropriate licensed professional.

NHDES approvals have been issued based on inadequately designed plans and information in violation of the statutory requirements and administrative rules for land surveying and engineering. The NHDES approval is then used as justification for Town approval and often creates tension between the property owner and the Town when the Town requires additional information by a surveyor and/ or engineer. Our goal is to protect the applicant and the public by ensuring compliance with the applicable Statutes and Administrative Rules.

Examples of products requiring appropriate licenses include:

- Surveying
- Building setbacks for a building permit plan
- Storm water management that includes storm water retention, infiltration or detention
- Engineered solutions such as load bearing retaining walls, berms, porous pavement
- Site plans, cross sections and details

Please note that the list provided above are examples of work triggering a PE or LLS to perform work and stamp the plan. Please refer to the attached definitions to ensure compliance with the statutory requirements.

The Town of Wolfeboro is obligated to inform the Joint Licensing Board of a perceived violation of the Statute and/or Administrative Rules.

Below please find the applicable Statutes:

310-A:54 Definitions

IV. "**Practice of land surveying**" means any service or work, the adequate performance of which involves the application of special knowledge of the principles of mathematics, the related physical and applied sciences and the relevant requirements of law for adequate evidence to the act of measuring and locating lines, angles, elevations, natural and man-made features in the air, on the surface of the earth, within underground workings, and on the beds of bodies of water for the purpose of determining areas and volumes, for the monumenting of property boundaries and for the platting and layout of lands and subdivisions of land, including the topography alignment and grades of streets and for the preparation and perpetuation of maps, record plats, field note records and property descriptions that represent these surveys.

310-A:2 Definitions

III. "**Practice of engineering**" means any professional service or creative work requiring education, training, experience, and the application of advanced knowledge of mathematics and physical sciences, involving the constant exercise of discretion and judgment, to such services or work as consultation, investigation, evaluation, planning, design, responsible oversight of construction, and responsible oversight of operation, in connection with any public or private utilities, structure, buildings, machines, equipment, processes, works, or projects, wherein the public welfare, or the safeguarding of life, health, or property is concerned.

IV. "Engineering surveys" means any surveying activities required to support the sound conception, planning, design, construction, maintenance, and operation of engineering projects by persons licensed under this subdivision, but shall exclude the surveying of real property for the establishment or reestablishment of land boundaries, rights-of-way, easements, and the dependent or independent surveys or resurveys of the public land survey system.

310-A:11 Licensure Required. – No person shall practice engineering in this state, except as permitted in RSA 310-A:19, III or RSA 310-A:27, without a professional engineer's license issued under this subdivision.

310-A:25 Violations. –

- I. (a) It shall be a class B misdemeanor for any unlicensed natural person or a felony for any unauthorized business organization to:
- (1) Practice, or offer to practice, engineering in this state.
 - (2) Represent by any verbal statement, sign, letterhead, card, or in any other way that they are professional engineers or able to perform engineering services.

(3) Use or otherwise assume in conjunction with the personal name, or advertise any title or description tending to convey the impression that such person is a professional engineer licensed under this subdivision.

(4)

(5) (b) It shall be a class B misdemeanor for any natural person or a felony for any unauthorized business organization to:

(1) Present or attempt to use the license or seal of another as one's own.

(2) Give any false or forged evidence of any kind to the board or to any member of the board in obtaining a license.

(3) Falsely impersonate any other licensee of like or different name.

(4) Attempt to use an expired or revoked license.

II. The attorney general, or a designee, shall act as legal advisor to the board if the board so requests, and render such legal assistance as deemed necessary by the board in carrying out the provisions of this subdivision, provided that this responsibility shall not relieve the local prosecuting officers of any of their duties under the law. With the approval of the attorney general, the board may employ counsel and necessary assistance in carrying out the provisions of this subdivision. Reasonable compensation and expenses for counsel and legal assistance shall be paid from the funds of the board allocated for such purpose.

310-A:72 Violations and Penalties. – Any person who shall practice or offer to practice land surveying in this state for others without being licensed in accordance with this subdivision, or any person presenting or attempting to use as one's own the license or the seal of another, or any person who shall give any false or forged evidence of any kind to the board or to any board member in obtaining or attempting to obtain a license, or any person who shall falsely impersonate any other licensee of like or different name, or any person who shall attempt to use an expired or non-existent or revoked license or authorization, or any person who shall violate any of the provisions of this subdivision shall be guilty of a class B misdemeanor if a natural person, or guilty of a felony if a business organization.