



**A Bicentennial Community
1798-1998**

SUBDIVISION REGULATIONS

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TOWN OF FARMINGTON LAND SUBDIVISION REGULATIONS

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TOWN OF FARMINGTON SUBDIVISION REGULATIONS

SECTION 1. AUTHORITY

Pursuant to the authority vested in the Farmington Planning Board by the voters of the Town of Farmington on November 19, 1975 and in accordance with the provisions of RSA 674:35 of the New Hampshire Revised Statutes Annotated, and as amended, the Farmington Planning Board adopts the following regulations governing the subdivision of land in the Town of Farmington, New Hampshire, hereinafter known as Farmington Subdivision Regulations.

SECTION 2. PURPOSE AND APPLICABILITY

The purpose of these regulations is to provide for:

- the orderly present and future development of the Town by promoting the public health, safety, convenience and welfare of its residents;
- the harmonious development of the Town of Farmington, including its natural and manmade environments;
- open spaces of adequate proportions; and
- the proper arrangement and coordination of streets within subdivisions in relation to other existing or planned streets or with other features of the town so as to impose a convenient system.

These regulations apply to Planning Board review and approval or disapproval of all subdivisions as defined by RSA 672:14 and minor lot line adjustments or boundary agreements. They do not apply to voluntary mergers as defined by RSA 674:39-a.

SECTION 3. CONFLICTING PROVISIONS AND VALIDITY

Whenever the regulations made under the authority hereof differ from those prescribed by any statute, ordinance, or other regulations, that provision which imposes the greater restriction or the highest standard shall govern.

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

SECTION 4. DEFINITIONS

Abutter: Means: (1) any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration by the local land

use board; and (2) affected municipalities and the regional planning commission(s) in the event of developments having regional impact. For purposes of receiving testimony only, and not for purpose of notification, the term "abutter" shall include any person who is able to demonstrate that his land will be directly affected by the proposal under consideration. For purposes of receipt of notification by a municipality of a local land use board hearing, in the case of an abutting property being under a condominium or other collective form of ownership, the term abutter means the officers of the collective or association, as defined in RSA 356-B: 3, XXIII.

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

Application, Complete: Means a final plat and all accompanying materials and fees as required by these regulations.

Approval: Means recognition by the Planning Board, certified by written endorsement on the plat, that the plat meets the requirements of these Regulations and in the judgment of the Board satisfies all criteria of good planning and design.

Approval, Conditional: Means recognition by the Planning Board, certified by written endorsement on the plat, that the plat is neither finally approved nor ready for filing with the Registry of Deeds until such time as certain conditions, set forth by the Board, are met. This is not to be confused with a plat that has been approved *subject to certain conditions* that would be met as part of the implementation of the plan.

As-Built Plans: Revised set of plans submitted by an Applicant upon completion of the project. The as-built plans shall reflect all changes made in the field during the construction process, and show the exact dimensions, geometry, and location of all elements of the work completed under the approved plan. As as-built plan may also be called a record drawing. A digital copy of the as-built plans must also be submitted.

Board: Means the Planning Board of the Town of Farmington.

Buildable Area: That portion of a parcel upon which a structure may be erected. The following are not to be included in the buildable area: steep slopes; wetland soils; rock outcrops; floodplains; proposed or existing rights of way and utility easements; and state and local required setbacks.

Development: Means any construction or grading activities on real estate other than agricultural and silvicultural (tree care and harvesting) practices.

Easement: Means the authorization by a property owner for the use by another, and for a specific purpose, of any designated part of his/her property.

Frontage: Means that side of a lot abutting a street or body of water and ordinarily regarded as the front of the lot.

Lot: Means a parcel of land capable of being occupied that is of sufficient size to meet the minimum requirements for use, building coverage, and area.

Lot of Record: Means a parcel, the plat or description of which has been recorded at the county register of deeds.

Lot Line or Boundary Adjustment: Means adjustments to the boundary between adjoining properties, where no new lots are created.

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

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

Public Meeting: Means the regular business meeting of the Planning Board as required per RSA 673:10. Notice must be posted at least 24 hours in advance and the meeting must be open to the public, although participation by the public is at the discretion of the Board.

Right-of-Way: Means a strip of land for which legal right of passage has been granted by the landowner or utility company to provide access to a lot which lacks adequate frontage.

Setback: The horizontal distance between a Structure and the Lot boundaries, measured at right angles or radial to the Lot boundary.

Sewage Disposal System (Individual): Means any on-site sewage disposal or treatment system that receives either sewage or other wastes, or both. For the purposes of this regulation, this means all components of the system, including the leach field.

Steep Slope: For the purpose of calculating buildable area, steep slopes are those in excess of 25%.

Street: Means a publicly approved road, Class V or better, maintained for vehicular travel, or a road that appears on a subdivision plat approved by the Planning Board.

Street Frontage: The horizontal distance between side lot lines measured along the street line. When a lot is bounded by more than one street, only one shall be designated by the Planning Board as the frontage street. That street must provide sufficient frontage as required by the Zoning Ordinance.

Subdivision: Means the division of a lot, tract, or parcel of land into two (2) or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale, rent, lease, condominium conveyance or building development. The division of a parcel of land held in common and subsequently divided into parts among several owners shall be

deemed a subdivision.

Subdivision, Major: Means a subdivision of five (5) or more lots, or one which involves the creation of new streets and/or utilities, regardless of the number of lots.

Subdivision, Minor: Means a subdivision of land into not more than four (4) lots for building development purposes, with no potential for resubdivision, and requiring no roads, utilities or other municipal improvements.

Wetlands: Means an area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal conditions does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands include swamps, marshes, bogs and similar areas.

SECTION 5. GENERAL REQUIREMENTS FOR SUBDIVISION OF LAND

- A. Character of Land for Subdivision:** Land of such character that it cannot, in the judgment of the Board, be safely used for building development purposes because of exceptional 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, or aggravate the flood hazard.
- B. Premature Subdivision:** The Board may provide against such scattered or premature subdivision of land as would involve danger or injury to health, safety, or prosperity by reason of the lack of water supply, sewage disposal, drainage, transportation, schools, fire protection, or other public services which necessitate the excessive expenditure of public funds for the supply of such services.
- C. Preservation of Existing Features:** Wherever feasible, suitable steps shall be taken to preserve and protect significant existing features such as trees, scenic points, stone walls, rock outcroppings, water bodies, and historic landmarks. Where possible, the boundary line(s) should follow stone walls.
- D. Open Space:** In the case of major subdivisions, the Planning Board may require that suitable areas of open land of reasonable size for the nature of the subdivision submitted be set aside as parks or for other recreational purposes.
- E. Compliance With Regulations:** No subdivision of land shall be made, and no land in any subdivision shall be sold or offered for sale or lease, and no street or utility construction shall be started until a final plat, prepared in accordance with the requirements of these regulations, has been approved by the Board, and other required permits have been issued.

SECTION 6. SUBDIVISION DESIGN STANDARDS

A. General Standards

In review of any subdivision plans conducted under these regulations, the Planning Board will require that adequate provisions be made by the owner or his agent for:

1. The safe and attractive development of the tract and to guard against such conditions as would involve danger or injury to health, safety, and the diminution in value of surrounding properties;
2. Traffic circulation and access including adequacy of entrances and exits, traffic flow, sight distances, access to state highways, turning lanes, and traffic signalization;
3. Pedestrian and bicycle safety and access;
4. Off-street parking;
5. Stormwater drainage and ground water recharge;
6. Water supply, wastewater and septage disposal, and solid waste disposal;
7. Adequate fire safety, prevention, and control;
8. The harmonious and aesthetically pleasing development of the municipality, including its natural and man-made environments;
9. Suitably located and coordinated travel ways of sufficient width to accommodate existing and prospective traffic and to afford adequate light, air, and access to buildings for fire fighting apparatus and other emergency equipment;
10. Conformance with all existing regulations and ordinances;
11. Demonstration that the proposal is generally consistent with the Town's Master Plan;
12. Adequate green areas, open space, conservation easements, slope and drainage easements as may be necessary/applicable;
13. Facilities to meet the recreational needs of the residents in the subdivision.
14. Sidewalks, when required, shall be installed and constructed in accordance with the specifications of the Town of Farmington.

B. Lots

1. The layout of lots shall be in conformance with the following conditions:
 - a. Lot dimensions and area shall not be less than the requirements of the Zoning Ordinance.
 - b. Lots shall front on an existing or proposed Class V road or better.
 - c. No driveway may be laid out such that its curb cut will be closer than one hundred (100) feet to an intersection.
 - d. Sidelines of lots shall generally be perpendicular to straight streets and radial to curved streets.
 - e. Lots shall be laid out and graded to eliminate flood or stagnant water pools. No water shall be permitted to run across a street on the surface, but shall be directed into catch basins, drainage swales and/or pipes underground in a pipe of not less than 12 inches in diameter.
 - f. Lots shall generally be configured as rectangular or square. Odd-shaped lots or other contorted configurations, including those in which narrow strips are joined to other parcels in order to meet minimum Building Area requirements, are prohibited.
 - i. In zoning districts requiring a minimum buildable area of 40,000 sq. ft, each lot shall be configured such that a rectangle with minimum dimensions of approximately 350 feet by 115 feet (not to exceed a 3:1 ratio) of Buildable Area, a square of 200 feet by 200 feet of Buildable Area, or a circle with a minimum diameter of 225 feet of Buildable Area can be contained within it.
 - ii. In zoning districts requiring a minimum buildable area of 30,000 sq. ft, each lot shall be configured such that a rectangle with minimum dimensions of approximately 300 feet by 100 feet (not to exceed a 3:1 ratio) of Buildable Area, a square of 175 feet by 175 feet of Buildable Area, or a circle with a minimum diameter of 195 feet of Buildable Area can be contained within it.
 - g. The lot length-to-width ratio should generally not exceed four-to-one (4:1).
 - h. Double frontage lots shall be avoided wherever possible. If allowed, the driveway access for said lot shall be from the street with the lowest traffic volume.
 - i. Corner lots may require extra width sufficient to permit the appropriate setback on each street. Driveway access to such lots shall be from the street with the lowest traffic volume.
 - j. Wherever feasible, suitable steps shall be taken to preserve and protect significant existing features such as trees, scenic points, stone walls, rock outcroppings, water bodies, and historic landmarks. Where possible, the boundary line(s) should follow stonewalls or natural features such as surface waters.
 - k. Lots shall be configured so that all required setbacks for wells and septic are contained within the lot serviced by the well and septic.

2. Areas set aside for parks and playgrounds to be dedicated or reserved for the common use of all property owners shall be of reasonable size and character for neighborhood playgrounds or other recreational uses.
3. Clustered subdivisions shall comply with all requirements of Section 3.17 of the Town of Farmington Zoning Ordinance.
4. Condominiums.
 - a. Condominiums will require both subdivision and site plan approval. Each is considered a separate application, though the Applicant may request that the applications are reviewed simultaneously by the Planning Board.
 - b. The common areas shall be designed as an integral part of the development and used for recreation, conservation or park purposes and be accessible to the owners and occupants of the condominium. The common areas shall be so defined on the subdivision and site plans and shall be made subject to a deed restriction, which shall thereafter prohibit further subdivision of open space or the use of the open space for purposes other than originally designated.
 - c. The total number of dwelling units shall not exceed the overall density that would be permitted in a conventional subdivision layout or clustered subdivision layout, with all requirements of the Town of Farmington Zoning Ordinance and Subdivision Regulations being satisfied.

C. Reserve Strips

Reserve strips of land that show an intent on the part of the Applicant to control access to land dedicated or to be dedicated to public use (such as a road) shall not be permitted.

D. Fire Protection

The Fire Chief shall review all subdivision applications to determine whether or not water supply should be addressed for that particular proposal: If the Fire Chief determines that a water supply for fire protection purposes is necessary, the requirements below and in Appendix B shall apply.

1. The Fire Chief shall complete an inspection of the proposed site to evaluate the availability of existing water supply in the area.
2. The Fire Chief shall implement all applicable provisions of the National Fire Prevention Association's Standard on Water Supplies for Suburban and Rural Fire Fighting.
3. The Fire Chief shall determine the type, location and spacing of any water supply (such as fire ponds, cisterns, etc.)

4. Following the inspection and evaluation, the Fire Chief will submit his findings in writing to the Planning Board.
5. All proposed developments, whether including the provision of hydrants or other water supply facilities, shall be accessible to firefighting and other emergency equipment.

E. Septic Systems and Water Supply

1. In areas not currently served by public sewer systems, it shall be the responsibility of the Applicant to prove that the area of each lot is adequate to permit the installation and operation of an individual septic system.
2. On new lots of less than five (5) acres, not less than two (2) test pits and at least one (1) percolation test shall be required within the 4,000 square-foot area designated for a leach field. The Applicant shall be required to provide the necessary equipment and labor for the making of these tests.
3. When subdividing parcels with existing dwellings, the Applicant must demonstrate to the satisfaction of the board that the existing septic system is in good working order.
4. All new wells shall have a radius of seventy-five (75) feet, said radius to be located entirely on the lot serviced by the well.

F. Stormwater Management and Erosion Control

1. The Applicant shall submit stormwater management and erosion control plan when one or more of the following conditions are proposed:
 - a. A cumulative disturbed area exceeding 20,000 square feet.
 - b. Construction of a street or road.
 - c. A subdivision involving three or more dwelling units.
 - d. The disturbance of critical areas, such as steep slopes, wetlands, floodplains.
2. Standard agricultural and silvicultural practices are exempt from this regulation.
3. All stormwater management and erosion control measures in the plan shall adhere to the “Erosion and Sediment Control Design Handbook for Developing Areas of New Hampshire”, published by the Rockingham County Conservation District, and the “Model Stormwater Management and Erosion Control Regulation”, by the NH Association of Conservation Districts, Water Quality Committee.

4. The Applicant shall bear final responsibility for the installation, construction, and disposition of all stormwater and erosion control measures required by the Board. Site development shall not begin before the plan is approved.

G. Surveys

All surveys shall be prepared according to the minimum standards for instrument surveys adopted by the NH Land Surveyors Association for Standard Property Surveys. The maximum error of closure shall be 1:10,000 and certified by a NH-licensed engineer or surveyor.

In the case of applications that involve large acreages from which one building lot is being subdivided, the Board may, upon written request, waive the requirement for a complete boundary survey, when it is apparent that the remaining lot can meet existing frontage requirements and is suitable for building.

H. Monumentation

1. Monuments constructed of concrete or stone at least 4 inches square on the top and at least 30 inches long shall be set at all right-of-way control corners. Concrete or granite bounds shall be set at all points of curvature and all points of tangent for surveying purposes.
2. Monuments shall be tied in to a public street intersection, a U.S.G.S. benchmark, or other recognized existing monument.
3. Pipes, iron rod with surveyors cap, or other acceptable monumentation shall be set at all lot corners.
4. If the subdivision involves the construction of a roadway, all monumentation shall be in place before 50% of the surety held for the construction is released. If no road construction is involved, all monumentation must be in place prior to the signing of the plat by the Board Chairman.
5. All monumentation shall be set on the plat and in the field prior to recording the plat at the Strafford County Registry of Deeds.

SECTION 7. SUBDIVISION REVIEW PROCEDURES

A. General Information

1. Application shall be made using appropriate forms provided by the Planning Board and shall conform to the application procedures and any other applicable regulations adopted by the Town.

2. Changes in lot line locations require subdivision application or a Boundary Line Adjustment application, and approval in the same manner as ordinary subdivision as defined in these regulations.
3. The Board may make a visual on-site inspection of the land at any stage of the proposal. Inspection is to be at such time when the site is free of snow cover, unless the Board is otherwise satisfied that such inspection is not required.
4. Approval of the plan by the Planning Board shall not constitute an acceptance by the Town of the dedication of any proposed street, highway, park or other public open space.
5. The Planning Board may approve the plan with such conditions as may be necessary to insure proper completion of the required improvements.
6. All subdivision applications shall be reviewed by the Technical Review Committee (TRC).

The purpose of the TRC meeting is to allow department heads to review an application in order to identify issues of concern related to the department's function area. Following this review, the TRC will provide comments and recommendations to the Planning Board.

B. Preliminary Conceptual Consultation

1. The Applicant may request a meeting with the Board to discuss a proposal in conceptual form and in general terms. Although this phase is strictly optional, the Board strongly suggests that the Applicant avail him/herself of the opportunity to resolve any issues at this early stage that might become a problem later on. Such pre-application consultation shall be informal and directed toward:
 - a. Reviewing the basic concepts of the proposal.
 - b. Reviewing the proposal with regard to the master plan and zoning ordinance.
 - c. Explaining the state and local regulations that may apply to the proposal.
 - d. Determination of the proposal as a major or minor subdivision, and of the submission items that would be required.
2. Preliminary conceptual consultation shall not bind the Applicant nor the Board. Such discussion may occur without formal public notice, but must occur only at a posted meeting of the Board.
3. An Applicant wishing to engage in a Preliminary Conceptual Discussion shall submit a written request to be placed on the next available Planning Board agenda to the Chairman of the Planning Board. The written request must be received at least two (2) weeks prior to the date of the preferred meeting of the Board.

4. The written request shall include the following:
 - a. Name and address of the Applicant;
 - b. Name and address of the property owner, if different;
 - c. Tax map and lot number, and address of the subject parcel;
 - d. Size of the subject parcel; and
 - e. A brief description of the proposal.
5. The Applicant may prepare a simple sketch of the proposed subdivision to facilitate the discussion. The sketch may not include any technical information such as survey or engineering data, soils or wetlands delineations. Approximate location of any special features, such as wetlands, floodplain, stonewalls, cemeteries, may be included on the simple sketch.

C. Design Review Phase

- 1) Prior to submission of an application for Board action, an Applicant may request to meet with the Board or its designee for non-binding discussions beyond the conceptual and general stage, involving more specific design and engineering details of the potential application.
- 2) The design review phase may proceed only after proper notification, as set forth in Paragraph J of this Section.
- 3) Statements made by Board members shall not be the basis for disqualifying said members or invalidating any action eventually taken on the application.
- 4) An Applicant wishing to engage in a Design Review shall submit a written request to be placed on the next available Planning Board agenda to the Chairman of the Planning Board. The written request must be received on or before the submission deadline published by the Planning Board for the preferred meeting of the Board.
- 5) In addition to the information required in Paragraph B) 4) of this Section, the Applicant for a Design Review shall also provide the following with the written request:
 - a) Names and mailings addresses of the Applicants;
 - b) Names and mailing addresses of the owner(s) of record, if different than the Applicant;
 - c) Names and mailing addresses of all abutters as defined in Section 4, Paragraph A of these regulations;
 - d) Names and mailing address of holders of conservation, preservation or agricultural preservation restrictions, and every engineer, architect, land surveyor or soil scientist whose professional seal appears on any plat;

- e) Two sets of mailing labels for each person identified in a) through d), above; and
 - f) A rough sketch of the site which shows the following:
 - i) Approximate location of proposed lot lines.
 - ii) Approximate lot measurements, and area of new lots.
 - iii) Street(s) on which lots have frontage, including proposed streets;
 - iv) Special features, including approximate location of wetlands, flood hazard areas, etc., where applicable.
- 6) An Applicant shall pay the public notice fees and the abutter notification fees as indicated in the fee schedule adopted by the Planning Board and in effect when the application is submitted.
- 7) An Applicant shall meet with the Technical Review Committee (TRC) at least two (2) weeks prior to the Planning Board meeting. The Applicant may request to meet with the TRC at any time during the design process to obtain guidance on technical issues related to the proposal.

D. Submission of Completed Application

- 1) A completed application shall be submitted to the Planning Department on or before the submission deadline published by the Planning Board. A completed application shall consist of all data required in Section 8, Subdivision Requirements, of these regulations.
- 2) At the next scheduled meeting, the Board will determine whether the application is complete. If the application is incomplete, the Board shall notify the Applicant of the deficiencies in the application in accordance with RSA 676:3 and shall advise the Applicant of a date certain to provide the necessary information. Failure of the Applicant to provide the required information by said date will result in a finding the application is incomplete. Upon that finding, the Applicant will need to resubmit the application under a new notification procedure.
- 3) Acceptance of an application as complete shall only occur at a meeting of the Planning Board after due notification has been given according to Paragraph J of this Section. Acceptance will be by affirmative vote of a majority of the Board members present.
- 4) Once an application has been accepted as complete by the Board, the 65-day review period begins.

E. Board Action on Completed Application

- 1) The Board shall begin consideration of the Completed Application upon acceptance. The Board shall act to approve, conditionally approve, or disapprove the Completed Application within 65 days of acceptance.
- 2) An Applicant may waive the requirement for Board action within the time periods specified in these regulations and consent to such extension as may be mutually agreeable.
- 3) The Board may apply to the Selectmen for an extension not to exceed an additional 90 days before acting to approve, conditionally approve or disapprove an application.
- 4) Approval of the application shall be certified by written endorsement on the Plat and signed and dated by the Chairman of the Board. If any application is disapproved, the grounds for such disapproval shall be adequately stated in the records of the Planning Board and in written notice given to the Applicant within five (5) business days of the decision.
- 5) An approved plan shall be recorded by the Planning Board with the Strafford County Register of Deeds upon satisfaction of conditions of approval, subject to the requirements of Paragraph G of this section.

F. Failure of the Planning Board to Act

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

G. Conditional Approval

The Board may grant conditional approval of an application, but the plat will not be signed or recorded until all of the conditions of approval have been met. A further public hearing is not required when such conditions:

- 1) are administrative in nature;
- 2) involve no discretionary judgment on the part of the Board;

- 3) Involve the Applicant's possession of permits and approvals granted by other boards or agencies, such as the Department of Transportation, the Wetlands Board, or Water Supply and Pollution Control Division; however, any subsequent change to the plan required by such approvals would constitute grounds for a new application process.

If the Applicant has not complied with the conditions of approval within one (1) year from the date of approval, the approval is considered null and void and the Applicant must submit a new subdivision application.

H. Expedited Review

- 1) The Planning Board may allow for an expedited review of applications for lot line adjustments or minor subdivisions as defined by these regulations.
- 2) The application may be submitted, accepted as complete and voted on at the same meeting, provided the public notice so indicates.

I. Public Hearing

Prior to the approval of an application, a public hearing shall be held.

J. Notification

- 1) Notice of a Design Review, submission of an application, or a Public Hearing shall be given by the Board to the abutters, the Applicant, holders of conservation, preservation or agricultural preservation restrictions or easements, and every engineer, architect, land surveyor or soil scientist whose professional seal appears on any plat.
- 2) Notice shall be by certified mail, mailed at least ten (10) days prior to the submission. The public will be given notice at the same time, by posting at the Municipal Office Building, Old Town Hall, publication in Foster's Daily Democrat, and on the Town's website at www.farmington.nh.us.
- 3) The notice shall give the date, time, and place of the Planning Board meeting at which the application will be formally submitted to the Board, shall include a general description of the proposal which is to be considered, and shall identify the Applicant and the location of the proposal.
- 4) If the notice for the public hearing was included in the notice of submission or any prior notice, additional notice of the public hearing is not required. Additional notice is not required of an adjourned session of a hearing provided that the date, time, and place of the adjourned session were made known at the prior meeting.

K. Fees

- 1) The Applicant shall be responsible for all fees incurred by the processing of applications including, but not limited to, application fees, public notice fees and abutter notifications fees. Failure to pay such costs shall constitute valid grounds for the Board to not accept the application as complete.
- 2) It shall be the responsibility of the Applicant to pay all reasonable fees for special investigative studies, environmental assessments, legal review of documents, administrative expenses and other matters which may be required to make an informed decision on a particular application.

L. Site Inspections

- 1) Whenever the Board deems it necessary for the consideration of an application to visit the site, the Board shall arrange a time that is reasonable for the Applicant. Such inspection may be required at any stage of the proposal. Inspection is to be at such time when the site is free of snow cover, unless the Board is otherwise satisfied that such inspection is not required.
- 2) Such a site inspection shall be posted as a meeting of the Board pursuant to the Right-to-Know provisions of RSA 91-A. If there is a quorum present at the site inspection, minutes shall be kept.
- 3) All applications are conditioned upon the owner allowing access to the property, to the extent reasonable and necessary to properly review the application. Denial of access automatically terminates any further consideration of the proposal.

M. Concurrent and Joint Hearings

The Applicant or the Planning Board may request a joint hearing with one or more land use boards in conjunction with a subdivision hearing if approval from all boards is required for the same project, subject to the requirements of RSA 676:2.

N. Termination of Final Approval

From the date the subdivision is approved, the approval will be good for one (1) year without substantial work being done (see Section 7(P)). A six (6) month extension may be granted upon written request.

O. Termination of Conditional Approval

Conditional approvals granted by this Board will expire in one (1) year days if conditions have not been met. A written request for an extension of ninety (90) days may be submitted which will be reviewed at a regularly scheduled Planning Board Meeting.

P. Approved Subdivision Exemption; Active and Substantial Development

Approved subdivision plans shall be exempt from future changes in regulations and ordinances in accordance with NH RSA 674:39 as follows:

- 1) A subdivision plan that is approved by the Planning Board shall be exempt from all subsequent changes in subdivision plan review regulations, impact fee ordinances and zoning ordinances adopted by the Town of Farmington, except those which expressly protect public health standards, such as water quality and sewage treatment requirements, for a period of five (5) years after the date of certification of the subdivision plan by the Planning Board, provided that:
 - a) Active and substantial development or building has begun on the site by the owner or the owner's successor in interest in accordance with the approved plans within twenty-four (24) months after the date of approval, or in accordance with the terms of the approval;
 - b) If a bond or other security to cover the costs of roads, drains, or sewers is required in connection with such approval, the bond or other security is posted with the Town at the time of commencement of such development;
 - c) The development remains in full compliance with the public health regulations and ordinances of the Town of Farmington; and
 - d) The subdivision plan conforms to the subdivision plan review regulations and zoning ordinances then in effect at the site of the approval of the plan.
- 2) For the purposes of these regulations, 'active and substantial development or building' shall be deemed to have occurred when at least twenty five percent (25%) of the total infrastructure improvements to the site, as indicated in the approved subdivision plan, have been made, unless otherwise specified by the Planning Board when approving an application.¹ Infrastructure improvements include:
 - a) Construction of and/or installation of basic infrastructure to support the development (including all of the following: foundation walls and footings of proposed buildings; roadways, access ways, parking lots, etc., to a minimum of gravel base; and utilities placed in underground conduit ready for connection to proposed buildings/structures) in accordance with the approved plans;
 - b) Completion of drainage improvements to service the development (including all of the following: detention/retention basins, treatment swales, pipes, underdrain, catch basins, etc.) in accordance with the approved plans; and

¹ The Planning Board may determine what constitutes active and substantial development on a project by project basis.

- c) All erosion control measures (as specified on the approved plans) must be in place and maintained on the site.

Movement of earth, excavation, or logging of a site without 25% total completion of items (2)(a) through (2)(c) shall not be considered active and substantial development

Items (2)(a) through (2)(c) shall be reviewed and inspected by the Code Enforcement Officer or designated agent.

- 3) If active and substantial development or building is not accomplished by the end of the twenty-four (24) month period, the subdivision plan will not be subject to the five (5) year exemption per RSA 674:39, as amended. Applicants may request a twelve (12) month extension prior to the expiration of the approval. Such extension shall be granted at the discretion of the Planning Board on a case-by-case basis and is not guaranteed.
- 4) Once substantial completion of the improvements as shown on the plan has occurred in compliance with the approved plans, or by the terms of the approval or unless otherwise stipulated by the Planning Board, the rights of the owner or the owner's successor in interest shall vest and no subsequent changes in subdivision plan review regulations or zoning ordinances shall operate to affect such improvements.
 - a) "Substantial completion of the improvements as shown on the plan" for the development or approved phase shall be deemed to have occurred when a Certificate of Occupancy for all buildings shown on the approved subdivision plan has been issued by the Town, and all other on-site or off-site improvements have been determined by the Town of Farmington or its agent to be in compliance with the approved subdivision plan or satisfactory financial guarantees remain on deposit with the town to insure completion of such improvements.

SECTION 8. SUBMISSION REQUIREMENTS

A completed application shall consist of the following items unless written request for waiver(s) is granted by the Board:

An original and fifteen (15) copies of the completed application form, accompanied by:

- A.** Name(s) and address(es) of Applicant(s), and property owner(s) if different that the Applicant(s)

- B.** Names and addresses of all abutters, taken from the town records not more than five (5) days before the day of filing;
- C.** Names and addresses of all persons whose name and seal appears on the plat;
- D.** Names and addresses of all holders of conservation, preservation or agricultural preservation restrictions;
- E.** Three (3) sets of mailing labels (2 3/4" x 1") for each person identified in A through D, above;
- F.** Payment to cover filing and notification fees;
- G.** Five (5) full-size paper copies of the plat, and up to seventeen (17) colorized 11"x17" reductions, prepared according to the standards of the NH Land Surveyors Association and the Strafford County Registry of Deeds, as follows:
 - 1. Plats shall be at any scale between 1"= 20' and 1"=100'.
 - 2. The outside dimensions of the plat shall be 22" X 34". The Board requires that only one sheet size be used for preparing all plans in a set.
 - 3. The material composition shall be suitable for electronic scanning and archiving by the Strafford County Registry of Deeds.
 - 4. All plats shall have a minimum 1/2" margin on all sides.
 - 5. All plats shall include a title block to be located in the lower right hand corner. The title block shall indicate:
 - a. type of survey
 - b. owner of record
 - c. title of plan
 - d. name of the town
 - e. tax map and lot number
 - f. plan date and revision dates;
 - g. letter of authorization from the owner, if the Applicant is not the owner.

The Planning Board may require additional plans when needed. Plan sets shall be collated, stapled and folded to display title box when submitted.

- H.** The plat shall show the following information:
 - 1. Proposed subdivision name or identifying title; name and address of the Applicant and of the owner, if other than the Applicant.

2. North arrow, scale – written and graphic, date of the plan; name, license number and seal of the surveyor or other person whose seal appears on the plan.
3. Signature block for Planning Board endorsement.
4. Locus plan showing general location of the total tract within the town and the zoning district(s).
5. Boundary survey including bearings, horizontal distances and the location of permanent markers. Curved boundary lines shall show radius, delta, and length.
6. Names of all abutting subdivisions, streets, easements, building lines, parks and public places, and similar facts regarding abutting properties.
7. Location of all property lines and their dimensions; lot areas in square feet and acres. Lots numbered according to the Town tax map numbering system. It is the responsibility of the Applicant to meet with the Town's Assessing Clerk to assure correct numbering of the proposed lots.
8. Location and amount of frontage on public rights-of-way.
9. Location of building setback lines.
10. Location of existing and proposed buildings and other structures.
11. Location of all parcels of land proposed to be dedicated to public use.
12. Location and description of any existing or proposed easements.
13. Existing and proposed water mains, culverts, drains, sewers; proposed connections or alternative means of providing water supply and disposal of sewage and surface drainage.
14. Existing and proposed streets with names, classification, travel surface widths, right-of-way widths. (See Appendix A for road standards.)
15. Final road profiles, center line stationing and cross sections.
16. Location and width of existing and proposed driveways.
17. Water courses, ponds, standing water, rock ledges, stone walls; existing and proposed foliage lines; open space to be preserved; and any other man-made or natural features.
18. Existing and proposed topographic contours based upon the USGS topographical data, with spot elevations where necessary.

19. Soil and wetland delineation.
20. Location of percolation tests and test results; and outline of 4,000 square-foot septic area with any applicable setback lines;
21. Location of existing and proposed well, with 75-foot well radius on the lot serviced by the well.
22. Base flood elevations and flood hazard areas, based on available FEMA maps.

I. Other Information

- 1) Two (2) copies of the drainage report.
- 2) Plan for Stormwater Management and Erosion Control, if applicable (See Section 6, Paragraph F, and Section 9, Paragraph M).
- 3) State subdivision approval for septic systems; septic design approval where applicable; or certification by septic designer of adequacy of existing system.
- 4) EPA Stormwater Pollution Protection Plan (SWPPP)
- 5) Alteration of Terrain Permit from NH Department of Environmental Services.
- 6) State/Town driveway permit, as applicable.
- 7) Report from the Fire Chief, Police Chief, and/or Town Conservation Commission.
- 8) Approval for municipal water/sewer connections, if applicable.
- 9) Any deed restrictions; and all deeds covering land to be used for public purposes, easements and rights-of-way over property to remain in private ownership, and rights of drainage across private property, submitted in a form satisfactory to the Board's counsel.
- 10) Any other state and/or federal permits.
- 11) Any additional reports or studies deemed necessary by the Board to make an informed decision, including but not limited to: traffic, school, fiscal and environmental impact analyses. The Board reserves the right to request such information after an application has been accepted as complete, as well as before acceptance.

Should the Board determine that some or all of the above-described information is to be waived, the Applicant will be notified in writing within ten (10) days of the meeting at which the determination was made.

SECTION 9. SPECIFIC PLAN REQUIREMENT

A. Subdivision Plan

1. Scope of Review: Every application for subdivision review must incorporate the entire parcel within the review. Not to do so may cause approval of a lot or situation which is not in conformance with the zoning ordinance and/or other applicable ordinances and regulations.
2. Professional Standards: Subdivision plans shall be prepared, stamped, and signed by a registered Professional Engineer and/or Licensed Land Surveyor licensed in New Hampshire. The requirement for a Professional Engineer shall apply to all plans showing roadways, utilities, bridges and culverts, plus drainage and other construction plans. In specific cases, the Board may waive the requirement for a Professional Engineer in accordance with Section 14, Paragraph C – Waivers.

B. Specific Plan Information - Existing Site Conditions

In order for the Board to comprehensively evaluate a subdivision plan proposal, the Applicant is required to show the following information as part of the subdivision plan, unless granted a waiver in accordance with Section 14, Paragraph C – Waivers. Other information may be reasonably required by the Board and shall be submitted. Such additional submittals may be required in cases where the submitted information fails to permit the Board to review the subdivision in light of the requirements of Sections 7 and 8 and the purposes of these regulations.

1. Location of site, names, and addresses of current owners of record and current abutting land owners. A separate list of current names and addresses of abutters must also be provided.
2. Proposed subdivision name. Name and address of person(s) or firm preparing the plan. Said plan must contain the date of preparation, title, north arrow, scale, legend and zoning district(s). Name and address of person(s) or firm preparing other data and information if different from the preparer of the map. Plans shall also contain a signature block for Board approval.
3. Surveyed property lines including angles or bearings, distances, monument locations and size of the entire parcel. Said plan must be attested to and stamped by a Licensed Land Surveyor licensed in the State of New Hampshire, original signature, seal, and license number shall be legible and included on the plan.
4. Existing grades and topographic contours at intervals not exceeding two (2) feet with spot elevations where the grade is less than five percent (5%).

5. The location of existing drainage systems, structures, and drainage easements, if any.
6. The shape, size, height, location and use of all existing structures, including wells and septic systems, on the site and within 200 feet of the site.
7. Natural features such as streams, marshes, lakes, ponds, rock outcrops, wooded areas, significant trees, ledge, and other significant environmental features, including wetland soils as defined under current Farmington Wetlands Ordinance, wetlands shall be identified by a NH certified soil scientist or NH certified wetland scientist.
8. Man-made features such as, but not limited to, existing roads, stone walls, pedestrian ways, and other structures. The plan shall also indicate which structures are to be retained and which are to be removed or altered.
9. The size and location of all existing public and private utilities, including off-site utilities to which connection is planned, and any underground storage tanks, abandoned or in use.
10. A vicinity sketch showing the location of the site in relation to the surrounding public street system, to be shown within a distance of 1,000 feet.
11. Location and description of all existing easements and/or rights of way, parks, reservations, conservation land, and holders of conservation easements.
12. Tax map and parcel number.
13. Each existing building or manmade structure, including stone fences, shall be shown on the plan and reviewed with the Board for historic significance. Such historic features may be destroyed or removed only with Board approval
14. Summary of Farmington Zoning Ordinance requirements, including, but not limited to summary of lot size requirements, lot area, frontage, etc.
15. The subdivision plan shall show any burial site or cemetery as a separate lot from the remainder of the subdivision by means of a fence, stone wall, or granite monuments at all four (4) corners. The fence, stone wall or granite monuments shall be placed not less than twenty-five (25) feet from any grave, monument, or tomb and will be shown on subdivision plans accordingly. Also please refer to *RSA 289:14 Right of Way to Private Burial Ground*.
16. Plans shall show all existing or planned burial site(s) or cemetery(s) as separate lot(s) which may be deeded to the Town of Farmington. Access for maintenance shall also be shown on the subdivision plan.

17. Scale should be not more than 1" = 100' (one inch = 100 feet).
18. The final plan(s) shall include sufficient data acceptable to the Planning Board and the Town's Review Engineer to determine readily the location, bearing and length of every existing and proposed street line and lot line, and to reproduce such lines upon the ground. All dimensions shall be shown to hundredths of a foot and bearings to at least half minutes. The error of closure shall not exceed a ratio of 1 to 15,000. The final plan(s) shall show the boundaries of the property and the bounds of any public or private streets and easements abutting or pertaining to the proposed subdivision in any manner.

C. Specific Plan Information- Proposed Site Conditions

In order for the Board to comprehensively evaluate a subdivision plan proposal, the Applicant is required to show the following information as part of the subdivision plan, unless granted a waiver in accordance with Section 14, Paragraph C – Waivers. Other information may be reasonably required by the Board and shall be submitted. Such additional submittals may be required in cases where the submitted information fails to permit the Board to review the subdivision in light of the requirements of Sections 7 and 8 and the purposes of these regulations.

1. Proposed grades and topographic contours at intervals not exceeding five (5) feet with spot elevations where grade is less than five percent (5%).
2. Construction drawings and location, name, width, curbing and paving of proposed streets, drainage ways, and profiles and the elevations of sufficient points on the property to indicate the general topography of the property , driveways and sidewalks with indication of direction of travel for one-way streets. Including the radii of streets, driveways, access ways, and sidewalks within the site and its relationship to the off-site street system.
3. Location and timing patterns of proposed traffic control devices, including painted road indicators, and all signage.
4. Designs of any bridges or culverts that may be required.
5. Where the plat submitted covers a part of the Applicant's entire holding, a sketch of the prospective future street system of the unsubmitted part shall be furnished and the street system of the submitted part will be considered in the light of adjustments and connections with the street systems for the part not submitted.
6. The location, size and layout of on and off-street parking, including loading zones. The plan shall indicate the calculations used to determine the number of parking spaces required and provided.

7. The location and layout of proposed drainage systems and structures, including elevations for catch basins designed in accordance with these regulations.
8. Note indicating that all road and drainage work to conform to Appendix A – "Road and Driveway Regulations, Design and Construction Standards" of these Regulations, the standard specifications for construction in the State of New Hampshire, and any other applicable standards.
9. The size and location of all proposed public and private utilities, including but not limited to: water lines, sewage facilities, gas lines, power lines, telephone lines, fire hydrants and alarm connection, underground storage tanks, and other utilities.
10. The location and type of street lighting, including the cone of illumination on the site.
11. Location and description of proposed easement(s) and/or rights-of-way. Locations of access to existing town roads, as stated in RSA 236-13, Section 5, and copies of permits for the access.
12. The location and size of all proposed open space areas or parcels to be dedicated to public use and the conditions of such dedication and a copy of such private deed restrictions as are intended to cover part or all of the tract.
13. Deeds or other proposed documents of conveyance of any land located within the subdivision proposed by the Applicant for use for recreational or other Town purposes and Town ownership shall be part of the application. These proposed documents of conveyance shall be in a form satisfactory to Town Counsel. The fact that the Applicant makes such offers and Town Counsel approves the form of the documents does not bind the Town or its agents to accepting the offer. The suitability of lands offered for recreational or conservation uses shall be determined by the Conservation Commission of the Town. A letter indicating the Commission's opinion shall accompany the application.
14. The location of all monumentation that is to be installed in accordance with these regulations shall be shown on the plans. If the monumentation is changed in the field after construction supplemental information shall be filed with the Planning Board to be added to the file. Any change in the actual layout of the lots shall require planning board approval in accordance with these regulations.
15. Any other information the Board may require in order to properly evaluate the proposed development including, but not limited to, the following:
 - a. Calculations relating to stormwater runoff.
 - b. Information on the composition and quantity of wastewater generated.

- c. Information on air, water, or land pollutants discharged.
- d. Estimates of traffic generation.
- e. Grading, drainage and erosion and sediment control plan.

D. Sidewalks and Bikeways

Sidewalks and bikeways shall be constructed in accordance with the standards found in Appendix A - "Road and Driveway Regulations, Design and Construction Standards" of these Regulations.

Sidewalks and/or bikeways, where appropriate, shall be provided for pedestrian traffic to provide connection between the subdivision and nearby destinations. Sidewalk designs shall include means for handicapped access. The board shall consider the following when determining the appropriateness of sidewalks:

- 1. Proximity to schools.
- 2. Whether recreational facilities and land is available within the subdivision.
- 3. Proximity to commercial destinations, including but not limited to, restaurants, stores, shops, etc.
- 4. Proximity to other pedestrian or bikeways, including "abandoned" ways or sidewalks.

E. Landscaping Design and Plan

The Town of Farmington requires attention to landscaping design in order to protect and preserve the appearance, character, and value of the surrounding neighborhoods by providing a better transition; by improving the compatibility between various land uses in the Town; and by buffering neighboring properties and areas from any adverse effects of site development.

These regulations shall mitigate the appearance and detrimental impact of non-residential uses. Any application of these regulations shall protect the value and provide for quiet enjoyment and nuisance-free use of neighboring properties.

- 1. To the extent feasible, naturally landscaped buffer strips of 25 feet must be preserved where a proposed residential development abuts non-residential zones or uses. This buffer shall adequately shield the residential properties from the adverse effects of the non-residential use. No roads shall be located within any part of this buffer zone.

Where appropriate, existing trees and vegetation must be incorporated into the buffer strips or landscaping design. Buffer strips must contain vegetation which

will screen the view from adjacent residential property during all seasons, this screening must exclude visual contact between uses and create a strong impression of the separation of spaces. Fencing alone may be considered an acceptable method of screening only if granted a waiver in accordance with Section 14, Paragraph C – Waivers.

2. Where appropriate or required, subdivisions shall be planned to provide that natural vegetation be retained as a buffer along environmentally sensitive areas such as watercourses, wetlands, and standing waters, in accordance with sound environmental practices, as described by the Department of Environmental Services. Appropriate landscaping along designated Scenic Roadways is strongly encouraged and any tree removal shall only be permitted in accordance with state and local Scenic Roadway provisions.

F. Protection of Natural and Historic Features

1. Each significant natural feature within the site including large or unusual trees, watercourses, natural stone outcroppings, and other scenic features shall be shown on the plan. It is recommended that such significant features be preserved in the development of the site.
2. Each existing building or manmade structure, including stone fences, shall be shown on the plan and reviewed with the Planning Board for historic significance. Such features will not be destroyed or removed without Planning Board approval.
3. Where subdivisions impact or access via designated Scenic Roads, mitigation measures shall be taken to preserve the scenic quality of such roads. These measures may balance the needs and requirements for safety and health, but should only minimally consider economic expediency.

G. Bridges

Bridges must be built according to the N.H. Department of Transportation manual, *Standard Specifications for Road and Bridge Construction*, current edition including all amendments. All bridge plans must be approved by the State Engineers prior to construction.

H. Fire Protection

Fire hydrants, fire ponds, and other improvements reasonably required for fire safety shall be provided as specified by the Farmington fire department and approved by the Planning Board. These items shall be shown on the site plan and installed by the Applicant. Please refer to Appendix B for complete requirements.

The Planning Board may require additional fire protection measures in addition to the requirements of Appendix B and the Farmington Fire Department's recommendation if the Board deems it reasonably necessary to do so.

I. Water, Wells, On-Site Sewage, and Hydrogeological Studies

1. Water

- a. On-site water supply: the provision of an on-site water supply shall conform to criteria of the Water Supply and Pollution Control Division of the N.H. Department of Environmental Services. It shall be the responsibility of the Applicant to provide sufficient and complete information to prove that the site is able to permit the installation and operation of both individual on-site water supply and sewage disposal systems.
- b. A hydrogeologic study shall be required for any well with a withdrawal of over 20,000 gallons per day.
- c. Drinking water supplied by a community water system serving less than twenty-five (25) persons shall be tested by the Town with the cost of such testing being borne by the Applicant. Community water systems serving more than twenty-five persons are subject to "Design Standards for Small Public Water Systems", Chapter WS 300, Part 310 of the NH Code of Administrative Rules."

2. Well Radius Placement

- a. Each newly created lot shall show the entire well radius protection area as required by the State Department of Environmental Services rules.
- b. The entire required well radius shall be located within the boundaries of the lot served by the well.
- c. Well radius easements covering neighboring parcels are not permitted in new subdivisions. This insures:
 - i. Protection of health and safety for individual on-site water resources from adverse impacts of land uses on adjacent and neighboring parcels.
 - ii. Allows for maximum flexibility in the placement of septic systems and other land uses on neighboring parcels of land.
 - iii. Promotes the wise and free use of property unencumbered by easements.

3. Sewered Area System Siting Requirements

If an Applicant intends to utilize Town of Farmington sewer and water service, or private community water system, they should make an appointment with the Farmington Sewer and/or Water Departments to determine proper requirements and procedures. Plans must be submitted for review by the water and sewer department, if required.

Written approval by Farmington Sewer and/or Water Departments is required prior to Planning Board approval.

4. Non-Sewered Area System Siting Requirements

- a. In areas not served by public sewage disposal systems at the time of subdivision, it shall be incumbent upon the Applicant or his agent to adequately demonstrate that all proposed lots will meet all current state and local septic system disposal standards. No subdivision of land will be approved where it creates a building lot that will not meet these standards.
- b. The Applicant or his agent shall be required to submit all site information, including but not limited to percolation tests, test pits, soil, slope, and minimum distance data as may be required by the Planning Board to determine the suitability of each proposed lot for on-site sewage disposal.
- c. In no case shall the Planning Board grant final approval of a proposed subdivision until the following State approvals, if necessary, have been received: New Hampshire Department of Environmental Services (DES) Subdivision Approval; DES Subsurface Disposal; DES Site Specific; DES Wetlands Board - Dredge and Fill Permit; DES Water Supply Approval; and U.S. Army Corps of Engineers 404 Permit.
- d. The location of and pertinent data on sufficient test pits and percolation tests to show that the regulations can be met on each lot created by the subdivision. Information shall include at least the following: the location of test pits; percolation test data; the certification of the test pit inspector witnessing the perc tests; and an outline of the areas reserved for leach fields which corresponds to test locations. The location of reserve leach field areas if available shall also be shown.
- e. Siting and design of septic systems shall meet all NH Dept. of Environmental Services requirements.
- f. All new on-site waste disposal systems are to be located so as to avoid impairment to them or contamination from them during flooding.

- g. All on-site waste disposal systems must be located seventy-five (75) feet from the location of a private well, two hundred (200) feet from a community well and four hundred (400) feet from a public well.
- h. The slope of a lot shall be determined by finding the average slope across the lot, measured perpendicular to the contours.
- i. Each proposed lot of a subdivision shall contain an area of land sufficient in size and site characteristics to be used as an auxiliary septic system absorption field. Said area shall be reserved for this use and must be capable of meeting the pertinent minimum standards as set forth above. The location of the auxiliary absorption field area shall be indicated on the subdivision plan and at final siting of system.

J. Utilities

- 1. The Applicant proposing a residential development shall insure the installation all electric, telephone, and other utility distribution lines per specifications of the public utility companies involved, and easements required for transformer units shall be provided by the developer.
- 2. The Planning Board may, in its discretion, require underground utilities.

K. Easements

All easements dedicating rights to the Town of Farmington are subject to review and approval by the Board and Town Counsel, and any other Town agent or body which the Board and/or Counsel deem necessary.

- 1. Where the topography is such as to make difficult the inclusion of any utilities or other facilities within the road rights-of-way, the subdivision plan shall show the boundaries of the proposed permanent easements over or under private property. Such easements shall not be less than twenty five (25) feet in width and shall have satisfactory access to existing or proposed rights-of-way.
- 2. Where a proposed residential development is traversed by a watercourse or drainage way, the Board may require a stormwater easement or drainage right-of-way of at least twenty five (25) feet in width.

L. Open Space Requirements

In accordance with RSA 674:36,II, a subdivision of land shall show open spaces of adequate proportions. Plats submitted to the planning board for approval which show new streets or narrowing or widening of such streets shall show a park or parks suitably located for playground or other recreational purposes that are reasonably sized for neighborhood use.

1. Natural Features. The subdivision and development shall, whenever possible, preserve in their natural condition important natural features. The Planning Board may request an advisory opinion from the Conservation Commission in the determination of the value of natural features and the boundaries of such natural systems. Such areas include watercourses, wetland areas, steep slopes, large or unique trees, groves, or special habitats. Natural features that provide buffers between lots, or sections, of a subdivision should be preserved to enhance privacy and aesthetic value.
2. Buffer Strips. The Planning Board may require the designation of buffer strips of at least fifty feet width around surface water, wetlands, or other natural features which may be adversely affected by erosion or stormwater runoff. The Board may require a vegetative buffer to provide screening where non-residential developments abut a residential zone.
3. Parks. The Board may require the dedication or reservation of such open space within the subdivision for park, playground or other recreational or open space purposes, for the residents of the subdivision.

The Board shall also require of the developer that he/she supply and plant such trees and shrubbery as are deemed compatible to the environmental design of the neighborhood. It shall also be stipulated by covenant upon the plan that such open spaces shall not contain signs other than street directional or place-name signs. Upon approval of the final plans and plantings, if the park is dedicated for public use, the maintenance of said landscaped areas shall be the responsibility of the community. If the park is solely for subdivision use, the maintenance of said landscaped areas shall be the responsibility of the residents of the subdivision.

4. Tree Planting. The planting of shade trees within all subdivision layouts where residential, commercial, or industrial development is to take place may be required of the developer who shall supply planting plans to the Board.

M. Stormwater Drainage and Erosion Control

1. An adequate surface stormwater drainage system for the entire subdivision area shall be provided. Storm drainage shall be carried to existing water courses or connect to existing storm drains. No new drainage ways shall be created unless necessary easements are obtained. Such easements shall be duly recorded on the plat and the property deeds involved.

No increase in surface runoff shall be permitted if such increased runoff passes beyond the property lines of the parcel upon which such development occurs, unless it is within an approved public storm drainage system. Storm drains and other subdivision drainage facilities shall be based upon a design flow to accommodate a 50-year/24-hour storm. All water courses shall be designed so as

not to create erosive velocities. Calculations of runoff used to determine stormwater system design shall be submitted for Planning Board review.

Stormwater drainage system design shall incorporate stormwater BMPs as identified in the NH Stormwater Manual, December 2008.

2. Provisions shall be made to accommodate the increased runoff caused by changed soil and surface conditions during and after development. Sediment in the runoff water shall be trapped by the use of sediment basins or other acceptable methods until the disturbed area is stabilized. Diversions, sediment retention basins, and other erosion/sedimentation control structures shall be constructed prior to any on-site grading or disturbance of existing surface material.
3. A stormwater system shall be constructed in accordance with the following requirements:
 - a. The stormwater system shall include an adequate number and sizes of catch basins and/or drop inlets, and shall be fully designed to handle all computed or reasonably anticipated stormwater drainage. The minimum size, slope, and location of the pipe shall be determined by a qualified engineer and installed under his supervision.
 - b. No stormwater pipe, catch basin, drainage inlet, or other pipe floor drain, draining surface water shall be connected to any sanitary sewer system, pipe or other part of said system. All stormwater pipe shall be inspected and approved by the Town Engineer before covered. Inspection shall be completed on a normal workday within a 24-hour period after notification.
 - c. The Applicant shall provide satisfactory information that his stormwater drainage system will not cause flooding or unreasonable deposits of such waters upon or onto adjacent private or public lands or streets, unless deed easements for the same are obtained in the name of, or to be deeded to, the Town of Farmington.
4. Low Impact Development techniques should be incorporated wherever practical.

N. Traffic Impact and Mitigation Analysis

All proposed developments shall be reviewed by the Board to ascertain that adequate provisions have been made by the owner or his/her agent for traffic safety. To facilitate this review, the Applicant may be required to provide a traffic impact analysis when deemed necessary by the Board due to the size, location, or any other traffic generating characteristics of the development.

1. In addition to the requirements of Section 3.20 Paragraph E of the Town of Farmington Zoning Ordinance, a traffic impact and mitigation analysis shall be

required in the following circumstances:

- a. The subdivision involves the creation of 10 or more residential lots or residential units;
 - b. The subdivision is intended to facilitate non-residential land uses;
 - c. A traffic impact analysis may be required of any development, at the discretion of the Planning Board, where information submitted does not permit the Board to with adequately identify the impacts of the development to the health, safety, and welfare of existing and proposed public.
2. The traffic impact and mitigation analysis shall be prepared by a NH licensed Professional Engineer. This analysis shall be prepared to meet, at a minimum, the NH-DOT's Policy for the Permitting of Driveways and Other Access to the State Highway System (current edition, including all revisions) and NHDOT Intersection Capacity Analysis Guidance (current edition, including all revisions).
 3. Depending on the magnitude of the proposed development, acceptable report formats may include: a letter report, a formal traffic impact and access study, or a technical memorandum addressing specific issues and concerns. All report types shall include a technical appendix containing all pertinent traffic data and analyses used in the preparation of the study.
 4. Where applicable, reports shall include a qualitative as well as quantitative analysis including, but not limited to, details concerning the following impacts and proposed efforts to mitigate these impacts:
 - a. Inventory of the existing roadway conditions surrounding the site including identification of existing deficiencies;
 - b. Description of the proposed development including a trip generation estimate for daily and peak hour conditions;
 - c. Internal circulation patterns including service, delivery, and emergency response vehicles;
 - d. Pedestrian and bicycle mobility;
 - e. Adequacy of the existing roadway network to accommodate site-generated traffic;
 - f. Sight distances;
 - g. Traffic control needs;
 - h. On and off-site parking adequacy;
 - i. Accident statistics;
 - j. Neighborhood impacts; and
 - k. Air quality and noise impacts.
 - l. Any other identifiable impact that the Board finds necessary to address.

5. The extent of the study area for the traffic analysis will depend on the location and size of the proposed development. Small projects may require minimal analysis limited to site access locations and existing intersections immediately adjacent to the project. Large-scale projects may require a more extensive study area. The study area limits shall be reviewed by the Town Planner and/or town-hired consultant prior to the preparation of the study.
6. Analysis periods shall include weekday morning and evening peak hours for residential, industrial, and office type developments. Commercial developments (depending on the use) may include weekend peak hours in addition to the weekday.
7. Reports shall include the following unless the requirement is beyond the scope of the reasonably predicted impact of the development:
 - a. Existing Conditions Analysis
 - i. ADT and peak hour volumes shall be provided for critical roadways and intersections.
 - ii. Traffic volumes shall be seasonally adjusted to reflect peak traffic month conditions. Historical traffic volume data obtained from the Town, NHDOT, or Nashua Regional Planning Commission shall be used to determine seasonal variations within the study area.
 - iii. Levels of service and vehicle queues shall be calculated for the existing (peak month) conditions at all study area intersections.
 - iv. Existing conditions traffic volume networks shall be prepared for the study area.
 - b. “No Build” Analyses
 - i. Analyses shall be performed for the opening year of the project and opening year plus ten.
 - ii. Traffic growth projections shall include regional background growth in addition to traffic generated by any nearby proposed or approved development projects. Local historical traffic volume data shall be reviewed in assessing a traffic growth rate for use in the study.
 - iii. Opening year and opening year plus ten traffic volume networks shall be prepared for the No Build condition.
 - c. Trip Generation Estimate and Distribution
 - i. Daily and peak hour trip estimates for the proposed project shall be developed using rates published by the Institute of Transportation Engineers (ITE). Deviations from the industry standard rates must be substantially supported with data collected at similar facilities.

- ii. Procedures used to determine the distribution and assignment of site-generated trips shall be documented within the study.
 - iii. Site-generated trips shall be added to the No Build traffic volume networks to establish the Build condition. Traffic volume networks demonstrating the distribution and assignment of site-generated trips shall be included in the study.
 - d. Build Analysis
 - i. Analyses shall be performed for the opening year of the project and opening year plus ten.
 - ii. Opening year and opening year plus ten traffic volume networks shall be prepared for the Build condition.
 - e. Mitigation Plan
 - i. Where traffic operations or safety deficiencies are expected to occur as a result of the proposed development, mitigation measures to alleviate such deficiencies shall be evaluated and recommended by the proponent.
 - ii. Acceptable mitigation measures may include (but are not limited to) roadway and intersection improvements that address capacity or geometric problems, traffic calming, and transportation demand management.
 - iii. Conceptual improvement plans demonstrating the recommended mitigation shall be provided when appropriate.
8. Recommended acceptable sources include the latest edition of the following publications:
- a. Trip Generation, 9th Edition including all revisions, 2012, ITE
 - b. Policy for the Permitting of Driveways and Other Access to the State Highway System, March 10, 2000, NHDOT
 - c. Intersection Capacity Analysis Guidance, January 8, 2001, NHDOT Memorandum
 - d. Highway Capacity Manual 2010, Transportation Research Board
 - e. Manual on Uniform Traffic Control Devices 2009 including all revisions, FHWA
 - f. A Policy on Geometric Design of Highways and Streets AASHTO 2011 6th edition
 - g. Highway Design Manual, most current edition including all revisions, NHDOT
9. The Board may retain the services of a consultant qualified in traffic engineering and transportation planning to review the traffic impact analysis and to insure that adequate provisions are made in the development plan to reduce or eliminate

project-related impacts. The Board may further require, pursuant to RSA 676:4 I(g), that the developer reimburse the Town for reasonable costs of this review. No plan shall be approved until such fees, if applicable, are paid in full.

O. Inspections

1. Periodic inspections of the work by an engineer designated by the Board are required during construction or alteration of all roads. Inspections are required:
 - a. After clearing and grubbing and removal of topsoil has been completed, but before grading has been started.
 - b. After the addition of required fill and setting of culverts, but before gravel base has been laid.
 - c. After gravel base has been laid and compacted, but before surfacing has been placed.
 - d. During surfacing.
 - e. At such other times as may be found necessary by the Board.
2. It shall be the responsibility of the Applicant to notify the designated engineer of all required inspections at least 48 hours in advance, Saturdays, Sundays and holidays excluded, and to pay the Town for cost of inspection service at designated engineer's customary rates including travel time and reasonable mileage charges.
3. All community and municipal water systems shall be inspected for compliance. It shall be the responsibility of the designated engineer to determine the frequency of said inspections.
4. All underground pipe installations for all community and municipal systems shall be inspected prior to burial for compliance to municipal installation standards. It shall be the responsibility of the installer to notify the designated engineer to inspect all underground piping prior to burial.

P. Performance and Maintenance Security

1. The Planning Board may accept performance security in lieu of the Applicant's completion of street work and other required improvements in conformance with these regulations. The security shall be in a form and an amount, and with surety, and other conditions all satisfactory to the Board to insure for the Town the construction and installation of such improvements within a period of time not to exceed two (2) years. The time limit of two years for completion from the date of final approval shall be expressed in the security. The security shall remain valid

and available until drawn upon by the Town or released in accordance with this Section.

Further to the above, the security shall be one of the following:

- a. Certified check or bank check properly endorsed to the Town of Farmington, or cash.
 - b. Irrevocable letter of credit with self-calling features, submitted on the standard form approved by the Town and drawn on a bank licensed to do business in New Hampshire. The letter of credit shall be reviewed and approved by the Town Counsel as to proper legal form and enforceability. The cost of this review shall be borne by the Applicant.
2. The Applicant shall file with the Board a detailed estimate of all costs of required street improvements, drainage structures, utilities or other improvements, and the cost of preparation of as-built plans. The Board may have the estimate reviewed by a professional consultant, if deemed necessary. The cost of this review shall be borne by the Applicant. The Board, after considering the estimate, any other pertinent information received, and their own knowledge shall determine the amount of the performance security required.
3. The Board may further extend the time of two years for completion when the reasons for delay were unforeseeable and beyond the reasonable control of the Applicant. Any such extension shall be in writing and signed by a majority of the Board signifying their concurrence and shall only be granted after ensuring the validity and availability of the security for such extension. Any such extension shall be solely at the discretion of the Planning Board.
4. The performance security shall not be released until the Board has certified after inspection that the required improvements have been completed in accordance with the approved plat. A fee, payable by the Applicant, may be charged to cover the cost of professional consultation selected by the Board to assist in determining completion of all required work to the construction standards of the Town.
5. All security shall be held by the Selectmen of the Town. The Selectmen shall not draw upon or release any security until they are in receipt of a resolution passed by a majority of the Planning Board stating the purpose and amount to be drawn or released. The Selectmen shall enforce such securities by all appropriate legal and equitable remedies.

Q. Legal Documents

Where applicable to a specific subdivision, the following are required in a form approved by Town Counsel:

1. Homeowners' association documents, including open space agreements;
2. Easements and rights-of-way over property to remain in private ownership, including drainage easements.
3. Performance security, as described in Paragraph P this Section.

Review by Town Counsel of documents identified in A and B, above, is at the expense of the Applicant.

R. Streets and Roads

All public and private streets, roads, driveways, sidewalks, pedestrian ways and bikeways shall be submitted as specified in Appendix A – "Road and Driveway Regulations, Design and Construction Standards" of these Regulations.

S. Driveways

All permits required for driveways and other accesses onto a State highway shall be obtained from the New Hampshire Department of Transportation prior to final approval of the subdivision. Any permits required for driveways onto local streets shall be obtained from the Town. The Planning Board shall attempt to assure that the location of all driveways and accesses do not endanger safety or impede reasonable traffic flow.

No driveway shall access more than two (2) single-family or duplex units, or one (1) three or four-family structure. Dual access "looped" driveways may be required if deemed necessary by the Planning Board.

Driveways will be constructed in accordance with Appendix A - "Road and Driveway Regulations, Design and Construction Standards" of these Regulations.

T. Protection of Natural and Historic Features

Each significant natural feature within the subdivision including large or unusual trees, watercourses, natural stone outcroppings, and other scenic features shall be shown on the subdivision plan. Planning Board approval shall be obtained before removal of such features.

Each existing building or man-made structure, including stone fences, shall be shown on the subdivision plan and reviewed with the Planning Board for historic significance. Such features will not be destroyed or removed without Planning Board approval.

U. Off-Site Improvements

Pursuant to RSA 674:36, the Board may require special improvements on or off-site which it deems reasonably necessary or desirable for the conditions or circumstances relative to the particular subdivision plan review. Any such special requirements shall be stated in writing in the minutes of the Board with the reasons therefore. The Board may require, either that the Applicant construct the improvements in whole or in part, or reimburse the municipality or any other party who, at the direction of the municipality, undertakes such improvements. The Applicant's responsibility for such improvements is limited to that portion of the cost of the improvements which bears a rational nexus to the needs created by, and special benefits conferred upon, the site, taking into consideration the municipality's ability to pay for such improvements.

SECTION 10. DEVELOPMENTS HAVING REGIONAL IMPACT

- A.** All applications shall be reviewed for potential regional impacts. Upon such a finding, the Board shall furnish the regional planning commission(s) and the affected municipalities with copies of the minutes of the meeting at which the determination was made. The copies shall be sent by certified mail within 72 hours of the meeting.
- B.** At least 14 days prior to the scheduled public hearing, the Board shall notify by certified mail the regional planning commission(s) and the affected municipalities of the date, time and place of the hearing, and of their right to appear as abutters to offer testimony concerning the proposal.

SECTION 11. PREVIOUSLY-APPROVED SUBDIVISIONS

If any land shown on a subdivision plat has been part of any previous subdivision approved, constructed, or created by conveyance no more than five (5) years prior to the new proposal, any such previous subdivision will be treated as part of the new proposal for purposes of analyzing its effect and applying all review criteria.

SECTION 12. SPECIAL FLOOD HAZARD AREAS

- A.** The Planning Board shall review the proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
- B.** The Board shall require that all subdivision proposals include base flood elevation data. Sufficient evidence (construction drawings, grading and land treatment plans) shall be submitted so as to allow determination that:
 - 1. all such proposals are consistent with the need to minimize flood damage;

2. all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage; and
 3. adequate drainage is provided so as to reduce exposure to flood hazards.
- C. The Board shall require new or replacement water supply systems and/or sanitary sewage to be designed to minimize or eliminate infiltration of flood water into the systems and discharges from the systems into flood waters, and require on site waste disposal systems to be located so as to avoid impairment of them or contamination from them during flooding.

SECTION 13. AS-BUILT PLANS

As-Built plans, stamped by a Certified New Hampshire Professional Engineer, shall be submitted to the Department of Planning and Community Development and Department of Public Works prior to the final release of the letter of credit.

SECTION 14. REVOCATION OF PLANNING BOARD APPROVAL

A subdivision plat, street plat, site plan or other approval which has been filed with the appropriate recording official under RSA 674:37 may not be revoked, in whole or in part, by the planning board, except pursuant to this section, and only under the following circumstances:

1. At the request of, or by agreement with, the Applicant or the Applicant's successor in interest.
2. When the Applicant or successor in interest to the Applicant has performed work, erected a structure or structures, or established a use of land, which fails to conform to the statements, plans or specifications upon which the approval was based, or has materially violated any requirement or condition of such approval.
3. When the Applicant or successor in interest to the Applicant has failed to perform any condition of the approval within a reasonable time specified in the approval, or, if no such time is specified, within the time periods specified in RSA 674:39.
4. When the time periods specified in RSA 674:39 have elapsed without any vesting of rights as set forth therein, and the plat, plan or other approval no longer conforms to applicable ordinances or regulations.
5. When the Applicant or successor in interest to the Applicant has failed to provide for the continuation of adequate security as provided by RSA 674:36, III(b) and 674:44, III(d) until such time as the work secured thereby has been completed.

SECTION 15. ADMINISTRATION AND ENFORCEMENT

- A.** These regulations shall be administered by the Planning Board. The enforcement of these Regulations is vested with the Board of Selectmen.
- B.** The Code Enforcement Officer or other agent so designated by the Planning Board shall be charged with the responsibility of inspecting improvements and development of subdivisions on site for compliance with the Subdivision Regulations.
- C.** Waivers: The requirements of these regulations may be waived or modified when, in the opinion of the Board, specific circumstances surrounding subdivision, or the condition of the land in such subdivision, indicate that such modifications will properly carry out the purpose and intent of the master plan and these regulations. The Applicant shall submit the waiver request in writing with reasons to support the request.
- D.** Penalties and Fines: Any violation of these regulations shall be subject to a civil fine as provided in RSA 676:16 and 676:17, as amended.

SECTION 16. APPEALS

Any person aggrieved by a decision of the Planning Board concerning a plat or subdivision may appeal said decision to the superior court pursuant to RSA 677:15, except when a disapproval by the Board is based upon non-compliance with the zoning ordinance, in which case an appeal can be taken to the Board of Adjustment.

SECTION 17. VALIDITY

If any section or part of a section or paragraph of these regulations shall be declared invalid or unconstitutional, it shall not be held to invalidate or impair the validity, force or effect of any other section or part of a section or paragraph of these regulations.

SECTION 18. AMENDMENTS

These regulations may be amended by a majority vote of the Planning Board after at least one (1) public hearing following the notification procedure outlined in RSA 675:7.

SECTION 19. EFFECTIVE DATE

These regulations shall take effect upon their adoption and all regulations or parts of regulations, inconsistent therewith, are hereby repealed.

Authorized by vote of Town Meeting - November 19, 1975

Adopted - March 31, 1976
Amended - February 12, 1980
Revised - February 24, 1983
Amended - August 9, 1983
Amended - February 2, 1988
Amended - May 24, 1988
Amended - June 27, 1989

Amended - September 11, 1990
Amended - January 14, 1992
Amended – July 15, 2008
Amended – June 1, 2010
Amended – April 5, 2011
Revised – June 18, 2013