

**SUBDIVISION REGULATIONS
of the Town of
WEBSTER, NEW HAMPSHIRE**

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Table of Contents

Section I Authority and Purpose	4
Section II Title	5
Section III Definitions	5
Section IV General Provisions	7
4.1 Conformity to Master Plan and Town Map:	8
4.2 Protection of Natural Features:	8
4.3 Unsuitable Land:	8
4.4 Scattered or Premature Subdivision:	8
4.5 Flood Hazard Areas:	9
Section V Subdivision Procedures	10
5.1 General Information:	10
5.2 Preliminary Conceptual Consultation	10
5.3 Design Review	10
5.4 Filing and Acceptance of Completed Application	11
5.5 Lot Line Adjustments	12
5.6 Voluntary Mergers	12
5.7 Minor Subdivision—Expedited Review	13
5.8 Board Action on Completed Application	13
5.9 Developments of Regional Impact	13
5.10 Conditional Approval	14
5.11 Public Hearings and Joint Hearings	14
5.12 Notices	14
5.13 Revocation of Approval	15
5.14 Waiver of Subdivision Regulation Requirements	15
5.15 Appeals	15
Section VI Fees and Costs and Third Party Review	15
Section VII Plat and Application Submission Requirements	16
7.1 Plat Requirements	16
7.2 Final Plat	17
7.3 Additional Application Requirements	17
7.4 Performance Guarantee	19
7.5 Permits and Approvals	20
Section VIII Design Standards	20
8.1 Minimum Standards:	20
8.2 Street Layout:	21
8.3 Block Layout and Lot Detail:	24
8.4 Street Construction for Public and Private Roads:	24

8.5 Driveways:	25
8.6 Boundary Marking	25
8.7 Stormwater Management:	26
8.8 Erosion Control	27
8.9 Water and Sewer Facilities:	28
8.10 Utilities:	28
8.11 Maintenance of Improvements and Facilities:	28
Section IX Required Improvements	28
Section X Administration, Enforcement and Penalties	29
Section XI Conflicting Provisions	29
Section XII – Severability	29
Section XIII Validity	29
Section XIV Amendments	29

Subdivision Regulations
for the
Town of Webster, New Hampshire

Section I Authority and Purpose

- 1.1. Pursuant to the authority vested in the Webster Planning Board by the voters in the Town of Webster, on March 9, 1971 and in accordance with the provisions of RSA 672-677 of the New Hampshire Revised Statutes Annotated, as amended, the Webster Planning Board adopts the following regulations governing the subdivision of land in the Town of Webster, New Hampshire.
- 1.2. The purpose of these regulations, as provided in RSA 674:36, as amended, is to:
 - A. Provide against such scattered or premature subdivision of land as would involve danger or injury to health, safety, prosperity by reason of the lack of water supply, drainage, transportation, schools, fire protection, or other public services, or necessitate the excessive expenditure of public funds for the supply of such services;
 - B. Provide for the harmonious development of the municipality and its environs;
 - C. Require the proper arrangement and coordination of streets within subdivisions in relation to other existing or planned streets or with features of the official map of the municipality;
 - D. Provide for open spaces of adequate proportions;
 - E. Require suitably located streets of sufficient width to accommodate existing and prospective traffic and to afford adequate light, air, and access for fire-fighting apparatus and equipment to buildings, and be coordinated so as to compose a convenient system;
 - F. Require, in proper cases, that plats submitted to the Planning Board for approval shall show open space or park land suitably located for recreational or conservation purposes;
 - G. Require that proposed parks shall be of reasonable size for neighborhood playgrounds or other recreational or conservational uses;
 - H. Require that the land indicated on plats submitted to the Planning Board shall be of such character that it can be used for building purposes without danger to health;
 - I. Assure conformance with local zoning ordinances and provide such additional areas as may be needed for each lot for on-site sanitary facilities;
 - J. Include provisions which will tend to create conditions favorable to health, safety, convenience, or prosperity;
 - K. Support the Master Plan recommendations and be consistent with the overall goals of the Master Plan,
 - L. Encourage the installation and use of solar, wind, or other renewable energy systems and protect access to energy sources by the regulation of orientation of streets, lots and buildings; establish maximum building height, minimum set back requirements and limitations on the type, height, and placement of vegetation; and encourage use of solar skyspace easements under RSA 477.49-51, as amended;
 - M. Provide for efficient and compact subdivision development which promotes retention and public use of open space and wildlife habitat, by allowing for innovative land use controls (RSA 674:21I, as amended);
 - N. Adopt innovative land use controls on lands when supported by the Master Plan (RSA 674:21II, as amended);
 - O. Include provision for waiver of any portion of the regulations. The basis for any waiver granted by the planning board shall be recorded in the minutes of the board. The planning board may only grant a waiver if the board finds, by majority vote, that:
 - (1) Strict conformity would pose an unnecessary hardship to the applicant and waiver would not be contrary to the spirit and intent of the regulations; or

(2) Specific circumstances relative to the subdivision, or conditions of the land in such subdivision, indicate that the waiver will properly carry out the spirit and intent of the regulations. .

P. As a condition of subdivision approval, where the subdivision requires an alteration of terrain permit under RSA 485-A:17, as amended require that the applicant protect or document archeological resources in areas of archeological sensitivity that have been identified in the master plan in accordance with RSA 674:2, III(h), as amended.

Section II Title

These regulations shall be known and cited as the SUBDIVISION REGULATIONS OF THE TOWN OF WEBSTER, NEW HAMPSHIRE.

Section III Definitions

Abutter: Shall mean any person whose property adjoins or is directly across the street or stream from the land under consideration by the Board. For the purposes of receiving testimony only, and not for purposes of notification, the term "abutter" shall include any person who is able to demonstrate that his land will be directly affected by the proposal under consideration. For purposes of receipt of notification of a 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, as amended.

Acceptance: Shall mean an affirmative vote, by a majority of the Planning Board at a public meeting, that an application is complete in accordance with Section 5.4, Filing and Acceptance of Completed Application and contains all of the items required by these subdivision regulations.

Agent/Designee: Shall mean the person given authority by the Planning Board to carry out certain administrative functions such as receiving an application when it is filed, logging it in, preparing and sending, setting the agenda and keeping the records of the Board. If authorized by the Planning Board, the agent/designee may review applications for completeness and, after notice to abutters, discuss the details of the proposal with the applicant. The agent/designee makes no decisions and does not commit the Board to a course of action.

Applicant: Shall mean the owner of record of the land to be subdivided, including any subsequent owner of record making any subdivision of such land or any part thereof, or the duly authorized agent of any such owner.

Application: The packet of information submitted by the applicant to meet the requirements of the Subdivision Regulations to include the form prepared by the Planning Board as well as all additional information and documents required by the Subdivision Regulations.

Approval: Shall mean 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.

Board: Shall mean the Planning Board of the Town of Webster.

Building: Shall mean any structure used or intended for supporting or sheltering any use or occupancy.

Certified Soil Scientist: Shall mean a person who by reason of special knowledge and experience is qualified to practice soil science and who has been duly certified by the board of natural scientists under RSA 310-A:75, as amended.

Completed Application: Shall mean the application form and supporting documents, as specified in these Regulations, that contains the information the Planning Board needs to review a subdivision proposal to make an informed decision and is sufficient to invoke jurisdiction to obtain approval in accordance with RSA 676:4.I(b) and 676:4.I(c).1, as amended. All fees and administrative expenses, as indicated in these Regulations, must be included. For submission requirements, see Section 5.4, Filing and Completed Application; Sections VI, VII, VIII and the application checklist.

Conditional Approval: Shall mean that the application satisfies all requirements save for one or more administrative details as discussed in Section 5.10 and in accordance with RSA 676:4-I(i), as amended. Conditional approval does not constitute, nor should it be construed as final approval, either implied or granted of the final plat, nor does it bind the Board to approval of the final plat.

Conceptual Consultation: Shall mean a preliminary, pre-application meeting with the Planning Board to discuss the basic concept of a proposal in general terms and suggestions which may assist the applicant in resolving problems with requirements during final consideration. The consultation shall not bind either the applicant or the board (see Section 5.2).

Design Review: Shall mean a discussion with the board which involves more specific design and engineering details; provided the abutters are identified and noticed, and in accordance with RSA 676:4-II(b), as amended (see Section 5.3).

Decision: Shall mean the action taken by majority vote of the Planning Board to approve, conditionally approve, or disapprove the application. The decision must be placed on file in the Planning Board's office and shall be available to the public within five business days after the decision is made. If the decision is a denial, the applicant must be given written reasons for the action.

Easement: Shall mean an acquired privilege or right of use which one party may have in the land of another.

Engineer: Shall mean the duly designated engineer of the Town of Webster or, if there is no such official, the planning consultant or official assigned by the Selectmen. Engineers shall be licensed in accordance with the New Hampshire Revised Statutes Annotated.

Escrow: Shall mean a deposit of cash with the town in lieu of an amount required and still in force on a performance or maintenance bond.

Filing: Shall mean delivery of an application, plans and all supporting material to the Planning Board or its agent/designee. It must be received at least 21 days before the date of the Planning Board meeting at which it is to be submitted and must include the names and addresses of abutters and fees for all required notices (RSA 674-I(b), as amended).

Flood Plain: Shall mean as delineated in the April 19, 2010 FEMA DFIRM Floodplain Maps, as amended. Floods are defined as a temporary overflow of water onto lands that are not normally covered by water.

Formal Consideration: The board shall, at the next regular meeting or within 30 days following delivery of the application, determine if a submitted application is complete and vote upon its acceptance (RSA 676:4-I(c), as amended).

Frontage: Means that portion of a lot bordering on a highway, street, or public way.

Licensed Land Surveyor: Shall mean a person who engages in the practice of land surveying and is licensed by the State of New Hampshire under RSA 310-A:53, as amended.

Lot: Means a parcel of land capable of being occupied by one principal structure and its accessories, or used for one particular purpose and designated as such on a plat. Said lot shall have its principal frontage on a public street.

Master Plan: Shall mean a plan for development of the Town of Webster developed in accordance with the provisions of RSA 674:2, as amended.

Ninety Day Review: Shall mean the time period following acceptance of a completed application within which the Planning Board must make its decision. The Planning Board may apply to the selectmen for an extension not to exceed an additional 90 days before acting to approve or disapprove an application under RSA 676:4.I(f), as amended.

Performance Guarantee: Shall mean any security, including performance bonds, escrow agreements, letters of credit and other similar collateral or surety agreements, which may be accepted by the town in lieu of a requirement that an applicant completes certain improvements before the Board or other town body approves the plat (see Section 7.3(C)).

Plat: Means a map, plan, drawing or chart on which a subdivision of land is shown, and Final Plat means the final map, plan drawing, or chart on which the applicant's plan or subdivision is presented to the Board for approval and which, if approved, will be submitted to the Register of Deeds of Merrimack County for recording.

Public/Formal Meeting: Shall mean any meeting of the Planning Board, except executive session under RSA 91-A, as amended. Notice of such public meetings must be posted at least 24 hours ahead and must be open to the public. The public may attend but is not necessarily given the opportunity to speak. Such a meeting may or may not be a Public Hearing as described in these Regulations.

Public Hearing: Shall mean a meeting scheduled to deal with a specific application or with amendments to regulations. The meeting must be open to the public with notice given in advance and conducted in accordance to the standards described in RSA 676:4, as amended. The public is given the opportunity to speak and to participate in the meeting. Each individual public hearing should be listed separately on the agenda and each should be officially opened and closed by the Board.

Right-of-Way: Shall mean a strip of land used for or intended to be used for a street, crosswalk, water main, sanitary or storm sewer main, electric line, fiberoptic line or for other special use including public use. Drainage right-of-way is the land required for the installation of storm water sewers or drainage ditches, or required along a natural stream or water course for preserving the channel and providing for the flow of water therein to secure safety from flood drainage and to preserve natural amenity.

Setback: Shall mean the distance between the nearest portion of a building or structure attached thereto and a lot line, right-of-way line or a shoreline of a river, brook, lake or pond.

Sketch Plan: Shall mean a rough drawing of sufficient detail to demonstrate the manner or layout of a proposed subdivision. A sketch plan shall not be construed as being a preliminary, final or any other type of plat.

Street: Shall mean a highway, road or public way that lawfully exists and is maintained by the Town of Webster for vehicular travel. The word street shall include the entire right-of-way.

Street, Arterial: A street or highway used primarily for heavy and/or through traffic.

Street, Collector: A street which, in addition to giving access to abutting properties, serves primarily to carry traffic from local streets to arterial streets, thoroughfares and to public and other centers of traffic concentration. A collector street may be further classified as major or minor, depending on average daily traffic count.

Street, Local: A street used primarily to give access to abutting properties.

Street, Private: Any road or street serving three or more dwellings which is not publicly owned and maintained and is used for access by the occupants of the development and their guests .

Subdivision: Shall mean the division of a lot, tract, or parcel of land into 2 or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale, rent, lease, or building development. It includes re-subdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided. The division of a parcel of land held in common and subsequently divided into parts among the several owners shall be deemed a subdivision under this title. The grant of an easement in gross to a public utility for the purpose of placing and maintaining overhead and underground facilities necessary for its transmission or distribution network such as poles, wires, cable, conduit, manholes, repeaters and supporting apparatus, including any unmanned structure which is less than 200 square feet, shall not be construed as a subdivision under this title, and shall not be deemed to create any new division of land for any other purpose.

Subdivision, Major: Any subdivision not classified as a minor subdivision.

Subdivision, Minor: Shall mean a subdivision of land into not more than three (3) lots with no potential for re-subdivision and that front on an existing public street and requires no new streets, utilities, or other municipal improvements, and no part of which has resulted from a subdivision approved less than 10 years prior to the date of the new application.

Submission: Shall mean the presentation of the application to the Planning Board. Submission must take place at a public meeting of the board, following required notice to the abutters and the general public.

Voluntary Merger: The merger by the owner of two or more contiguous preexisting approved or subdivided lots or parcels as permitted under RSA 674:39-(a), as amended

Wetlands: Shall mean an area that is inundated or saturated by surface water or groundwater 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. (RSA 482-A:2. X, as amended).

Zoning: Refers to the Zoning Ordinance of the Town of Webster as provided in RSA 674:16-22, as amended.

Zoning Board of Adjustment: The Zoning Board of Adjustment of the Town of Webster provided in RSA 673:3, as amended.

Section IV General Provisions

The applicant shall observe the following general requirements and principles of land subdivision.

4.1 Conformity to Master Plan and Town Map:

The plat shall conform to the Town Master Plan, the Official Map if and when adopted, and any other relevant state or town laws or regulations.

4.2 Protection of Natural Features:

Due regard shall be given to the preservation and protection of existing natural features, such as trees, scenic vistas, rock outcroppings, water courses, rare plant or animal species, other natural resources and historic landmarks. The Board may require the applicant to demonstrate the manner by which desirable natural features will be protected. Where appropriate, the Board may require the applicant to dedicate lands or grant conservation easements to the town to protect such resources.

4.3 Unsuitable Land:

Land of such character that it cannot be safely used for building purposes because of danger to health or peril from fire, flood, impermeable soil, or other hazard shall not be platted for residential occupancy, nor for other use which would tend to increase the danger to health, life or property or aggravate the flood or sewage hazard. Land with unsuitable soil or inadequate capacity for individual sanitary sewage disposal systems shall not be subdivided unless connected to a common sewer system. Other unsuitable land characteristics that may be considered include:

- A. Land designated as Flood Plain or shown to be bog, marsh, swamp area, area of high water table (within four feet of the surface) or any similar situations;
- B. Areas necessary for the protection of aquifers and aquifer recharge areas, including those areas and watersheds of areas which have been designated as potential future sources of drinking water for the town;
- C. Land with slopes in excess of twenty-five percent (25%) or with ledge which is exposed or lying within four (4) feet of the soil surface;
- D. Areas which are subject to an easement or a right-of-way in favor of the Town, County, State, or Federal Government, or any other party;
- E. Any land covered by any soils listed by the New Hampshire Water Supply and Pollution Division as Groups 5 (Poorly Drained) and 6 (Very Poorly Drained).

In the event that a subdivision contains any land, soils or natural features described in this subsection, the Board may require that the applicant submit as part of the application, the report of an accredited NH certified soil scientist who has performed a High Intensity Soil Survey of the Subdivision.

4.4 Scattered or Premature Subdivision:

- A. 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, drainage, transportation, schools, fire protection, or other public services or necessitate the excessive expenditure of public funds for the supply of such services.
- B. The following items shall be considered in determining whether the proposed subdivision is scattered or premature and the applicant may be required to have studies made under guidelines established by the Planning Board to determine the effect that the proposed subdivision may have on:
 - 1. Distance from nearest elementary school.
 - 2. Capacity of school system and effect on school bus transportation.
 - 3. Adequacy of access street(s) and/or sidewalk(s).
 - 4. Adequacy of water supply for domestic and fire-fighting purposes.
 - 5. Potential health problems due to on-site sewage systems and water supply.
 - 6. Potential fire protection problems due to location and/or special conditions relative to type of use.

7. Potential special policing problems.
8. Potential drainage problems both on the site and downstream.
9. Excessive expenditure of public funds.
10. Other potential problems within the meaning or the purpose of this section as stated in Part A above.

4.5 Flood Hazard Areas:

All subdivision proposals and proposals for other developments governed by these regulations having lands identified as Areas on the Flood Insurance Rate Map for the Town of Webster, as amended, and the April 19, 2010 FEMA DFIRM Floodplain Maps, as amended, and shall meet the following requirements:

- A. All proposals must be consistent with the need to minimize flood damage. All public utilities and facilities, such as sewer, gas, electrical and water systems shall be located and constructed to minimize or eliminate flood damage. All proposals shall provide adequate drainage to reduce exposure to flood hazards. Sufficient evidence, such as construction drawings or grading and land treatment plans, shall be submitted to comply with these requirements.
- B. All proposed subdivisions plans shall depict, any relevant flood zones in accordance with Webster Zoning Ordinance Article IX, Flood Plain Development, as amended, and April 19, 2010 FEMA DFIRM Floodplain Maps as amended. The plan shall also reference the appropriate map number(s) used to make this determination. If no flood zones are present, a plan note indicating this shall be listed on the plan with proper map citation(s).
- C. In riverine situations, prior to the alteration or relocation of a watercourse, the applicant for such authorization shall notify, as applicable, all relevant state and federal authorities, as well as the Webster Conservation Commission and submit copies of such notification to the Planning Board and the Federal Emergency Management Agency. Further, the applicant shall be required to submit copies of said notification to those adjacent communities as determined by the Planning Board.
- D. Within the altered or relocated portion of any watercourse, the applicant shall submit to the Planning Board certification provided by a registered professional engineer assuring that the flood carrying capacity of the watercourse has been maintained.
- E. Where new replacement water and sewer systems (including on-site systems) are proposed in flood-prone areas the applicant shall provide the Planning Board with assurance that new and replacement water and sanitary sewage systems are designed to minimize or eliminate infiltration of flood waters and on-site waste disposal systems are located to avoid impairment to them or contamination from them during flooding. A relevant study, produced by, and stamped by a Professional Engineer licensed to do work in the State of New Hampshire, may be required by the Planning Board.
- F. 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.
- G. The Planning Board reviewing a subdivision plat, site plan or other land use application may require the applicant to reimburse the board for expenses reasonably occurred by obtaining third party review and consultation during the review process under 676:4-b(1), as amended.
- H. Applications before the Planning Board shall be consistent with any relevant provisions as prescribed by Webster Zoning Ordinance Article IX, Flood Plain Development, as amended.
- I. For subdivisions and site plans that involve land designated as "Special Flood Hazard Areas" (SFHA) by the National Flood Insurance Program (NFIP): The Planning Board shall require that all proposals for development greater than 50 lots or 5 acres, whichever is the lesser, include Base Flood Elevation (BFE) data within such proposals (i.e. floodplain boundary and 100-year flood elevation).

Section V Subdivision Procedures

5.1 General Information:

- A. Before any subdivision is made, or before the transfer or sale of any part thereof, and before any subdivision plat may be filed in the office of the Register of Deeds of Merrimack County, the owner or authorized agent shall apply in writing to the Board on a form provided by the Board (see Applicant Packet) and secure approval of such proposed subdivision in accordance with these regulations.
- B. By filing an application, the applicant consents to a visual on-site inspection of the property by the Board or its agents at any stage of the proposal and without prior notice. The applicant will be responsible for adequately flagging all lot corners, lot lines, test pits, and street centerlines prior to on-site inspection.
- C. The applicant also consents to review by appropriate town entities including but not limited to the conservation commission, the road agent and the fire department.
- D. Approval of the plan by the Board shall not constitute an acceptance by the town of the dedication of any proposed street, highway, park or other public open space.
- E. Formal acceptance of a street or road by the Town of Webster, including changing a Class VI road to a Class v road, shall be in accordance with Webster's 2019 Road Acceptance Policy, as amended. Further, constructing a road to Town Standards is required for considering a new road for acceptance by the Town but it is in no way a guarantee the Selectmen will accept the road.
- F. Applicant may refer to Subdivision and Site Plan Review Process in the application and checklist package.

5.2 Preliminary Conceptual Consultation

- A. Preliminary Conceptual Consultation. Prior to the submission of a formal application, the optional preliminary conceptual consultation is a strongly encouraged non-binding phase during which a prospective applicant and the Board may discuss the basic concept of a proposal in very general terms only. The Board may advise the applicant of submittal requirements and provide appropriate Town of Webster subdivision regulations and may offer suggestions and advice dealing with the subdivision process. Such pre-application consultation shall be informal and directed toward:
 - 1. Reviewing the basic concepts of the proposal.
 - 2. Reviewing the proposal with regard to the Master Plan and Zoning Ordinance
 - 3. Explaining the local regulations that may apply to the proposal.
 - 4. Determination of the proposal as a major or minor subdivision.
 - 5. Advising the applicant relative to state and local requirements.
- B. The following information or data is requested to be submitted for review of the concept by the Planning Board.
 - 1. General description of existing conditions on the site including characteristics of the land, topography, vegetation, and similar features.
 - 2. General description of available community facilities and utilities.
 - 3. General description of the lots, sites, or units to be created, including their size and dimensions, and proposed use.
 - 4. An approximate topographic map of the site showing in sketch form the proposed layout of streets, lots, and other features in relation to existing conditions and/or the location of other site development features.
 - 5. Location map.

5.3 Design Review

- A. Optional Design Review: A more formal review than the Preliminary Conceptual Consultation, the optional Design Review offers the opportunity for the Board to review a more formal design in a non-binding preliminary phase. Design review takes place prior to a formal application.
- B. If the applicant desires a design review by the Board, the applicant is required to submit design plans, related information and a fee of \$25 to the Board at least 21 days prior to a regularly scheduled meeting of the Board. The Board will then notify abutters via certified mail and publish notices of the design review.
- C. At the design review meeting, the Board will in general, review the submitted materials relative to proposed lot shapes, density, street profile in connection with topography in the area (if applicable), the existing requirements of the applicable zoning ordinance relative to the general requirements of the community, the best use of land to be subdivided and the best use of lands adjoining the proposed subdivision and other general observations.

1 All consultation held during the design review shall be non-binding with respect to the applicant and the Board.

2 The design review phase may proceed only after proper public and abutter notification, as set forth elsewhere in these Regulations. Abutter fee and newspaper notice costs shall be borne by the applicant. Cost per abutter and for the newspaper notices shall be the same amount that is charged for a formal subdivision application. A proposal should be provided, showing, at a minimum:

- a. Location of lot lines (existing and proposed).
- b. Lot measurements.
- c. The streets surrounding and within the site (existing and proposed).
- d. Buildings on the site (existing and proposed).

5.4 Filing and Acceptance of Completed Application

- A. A completed application sufficient to invoke jurisdiction of the Board shall be filed with the Land Use Coordinator of other Board designee at least 21 days prior to the public meeting of the Board at which it is to be submitted. Deadlines for filing are posted in the Planning Board Office at the Town Hall
- B. The application shall include the names and addresses of the applicant, all holders of conservation, preservation, or agricultural preservation restrictions (RSA 477:45, as amended), and all abutters as indicated in the town records.
- C. A completed application shall meet the requirements spelled out in the definition of a "Completed Application" as described in the Definition Section of these Regulations.
- D. The completed application shall be accompanied by payment of all required fees for notices, administrative expenses and costs of special investigative studies or other fees assessed by the Board under the provisions of RSA 676:4, I(g), as amended. See Section VI, Fees and Costs and Third Party Review.
- E. The completed application shall include the names and addresses of the applicant, all holders of conservation, preservation or agricultural preservation restrictions (RSA 477:45, as amended), and all abutters as indicated in the town records, not more than 5 days before the day of filing.
- F. The completed application shall include all necessary state and local approvals and pending applications for approvals as specified by law or ordinance, such as State highway driveway permits; Town driveway permit; permits required under the Shoreland Water Quality Protection Act RSA 483-B, including Department of Environmental Control (DES) requirements for septic, wetlands and others. At the Board's discretion, a driveway permit may be waived if no building is proposed within one year of the subdivision's approval.

- G. The completed application shall be submitted to the Board which must act upon acceptance of the application at its next regular meeting or within 30 days of delivery of such application and accepted acted upon by the Board only at a regular meeting after due notification has been given as required by RSA 676:4.I(d)(1)., as amended.
- H. Applications shall be disapproved by the Board without public hearing if the applicant fails to supply information required by the regulations; fails to meet reasonable deadlines established by the board; or fails to pay costs of notice or other fees required by the board. The applicant is responsible for checking with the Land Use Coordinator or other Planning Board designee regarding the completion of the application packet.
- I. If the application is accepted by affirmative vote of a majority of the Board members present, the Board shall provide a written notice to the applicant indicating the date of acceptance which is the start of the 90-day review.

5.5 Lot Line Adjustments

- A. Lot line adjustments require application and approval in the same manner as subdivisions, except that a public hearing shall not be required for lot line adjustments that do not create buildable lots unless the abutters and other parties noticed under RSA 676:4.I(e)(1), as amended, request to be heard on the application.
- B. For a lot line adjustment, a detailed survey plat shall be prepared and submitted to the Board showing the original boundaries of the adjacent parcels in question and the new property line or lines created as a result of the adjustment. The plat shall conform to the requirements given in Section VII. The Planning Board, upon request and at its discretion, may waive some of those provisions. However, the Board, at its discretion, may elect to require a detailed metes and bounds survey only for the boundary lines affected by the adjustment, accepting existing boundary markers and/or pre-existing survey data for the other boundaries of the affected properties.
- C. A deed restriction shall be placed in the body of the deed or other instrument of transfer and on the plat, stating as follows: "The grantee by virtue of acceptance hereof agrees that the premises hereby conveyed shall not be deemed or considered a separate lot of record, but shall be regarded as merged into and made an integral part of the contiguous lot of land previously owned by the grantee(s) so that the same shall hereafter be one combined single lot of record."
- D. The application shall include the following language, to be recorded both on the plat and in a deed or other instrument of transfer: "This document describes a conveyance of land for the purpose of lot line adjustment as defined in the Webster Subdivision Regulations. This approval does not constitute a subdivision."

5.6 Voluntary Mergers

- A. A voluntary merger requires application to the Planning Board, under RSA 674:39-a, as amended.
- B. Except where such merger would create a violation of ordinances or regulations in effect at the time of filing, the application shall be approved and no public hearing or notice shall be required.
- C. No new survey plat need be recorded, but a notice of the merger, sufficient to identify the relevant parcels and endorsed in writing by the Planning Board or its designee, shall be filed for recording in the registry of deeds and a copy sent to the municipality's assessing officials.
- D. No portion of such merged parcel shall be separately transferred without subdivision approval.

5.7 Minor Subdivision—Expedited Review

- A. All lots shall comply with Webster Zoning Ordinance, Article IV.1 if a variance has not been granted by the Zoning Board of Adjustment.
- B. For a minor subdivision, the applicant shall submit a Completed Application as required in Section VII.
- C. In such application, the applicant may request an expedited review wherein the Planning Board may determine completeness of the application at the same meeting the public hearing is held. Expedited review must be requested by the applicant in writing at the time of application submittal. If so, Notice of Submission shall be given and may be combined with the Notice of Public Hearing.
- D. The applicant may meet the Board for preliminary conceptual consultation to determine if the proposal qualifies as a Minor Subdivision as defined in Section III.
- E. At the discretion of the Board, the completed application under this Section may be submitted and approved at one or more Board meetings, but no application shall be approved without the full notice of abutters and a public hearing.

5.8 Board Action on Completed Application

- A. The Board shall act to approve, conditionally approve, or disapprove the completed application within 65 days of its acceptance. A written notice of the Board decision will be given to the applicant. The minutes of the meeting at which the vote was taken, including the written decision with all conditions of approval, shall be made available within five business days of the vote. Acceptance of the application does not imply eventual approval of the proposed subdivision.
 - 1. If any submitted plat 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. 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. The 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. (RSA 676:4, I(f), as amended).
 - 2. If the Board has not taken action on the completed application within 65 days of its acceptance and has not obtained an extension, the applicant may obtain from the Board of Selectmen an order directing the Board to act within thirty (30) days. Failure of the Board to act on the order shall constitute grounds for the applicant to petition the Superior Court as provided in RSA 676:4, I(c)(1), as amended.
 - 3. An application shall be considered to have been abandoned by the developer if he has not submitted a final plat for all or a portion of such subdivision within one year from the date of conditional approval of the preliminary plat. The developer may be granted an extension of this time by the Board upon written application, and for reasons deemed adequate by the Board. An abandoned application cannot be revived but shall require a complete new submission for further consideration by the Board per RSA 676:4-a, as amended.
 - 4. Approval of the final plat shall be certified by written endorsement on each Mylar of the Final Plat, signed and dated by Members of the Board. The Mylar of the Final Plat shall be in permanent black ink on the original Mylars in conformity with the Merrimack County Registry of Deeds. Wording of the signatures shall read: Approved by the Webster Planning Board on _____, Certified by _____, Chair, and by _____, Board Member.
 - 5. After signing by the Board Members, One Mylar version of the Final Plat will be carried by a Board Member or its designee to the Registry of Deeds. The fee for recording at the Registry of Deeds will be paid by the applicant. The second Mylar of the Final Plat will be retained by the Planning Board.

5.9 Developments of Regional Impact

- A. At the time that an application is accepted by the Planning Board a decision should be made as to whether the proposal has regional impact and which communities are impacted. If it does have regional impact, within five business days notify and grant abutters' status to the Regional Planning Commission and the affected communities. Reference RSA 674:53 and RSA 36:55-36:56, as amended.

B. Definition of proposals with regional impact: In most cases the affected community is only that community closest to the proposed development.

(1) Proposed subdivisions and site plans where, within five years or less, a total of sixty (60) or more dwelling units would be constructed.

(2) Proposed subdivisions and site plans where, within five years or less, a total of 30,000 square feet of commercial gross floor area, 70,000 square feet of office or medical gross floor area, or 120,000 square feet of industrial gross floor area would be constructed.

(3) Proposed subdivision and site plans where, within five years or less, a total of eight (8) or more lots or dwelling units would be constructed within 1000 feet of a municipal boundary.

(4) Proposed subdivision and site plans where, within five years or less, a total of four (4) or more lots or dwelling units would be constructed, which abut or involve the Contoocook River or the Blackwater River, within one half (1/2) river miles downstream flow across a municipal boundary.

(5) Proposals before the Planning Board which are reasonably likely to have substantial effect on another municipality due to such factors as: pollution, school enrollment, waste disposal, demand for water, road deterioration, or traffic safety

5.10 Conditional Approval

A. The Board may grant conditional approval of an application, but the plat will not be signed or recorded until all of the conditions have been met.

B. Conditional approval may be granted when such conditions are:

1. Are minor plan changes which are administrative in nature, and do not involve discretionary judgement, or
2. Conditions which are in themselves administrative and which involve no discretionary judgment on the part of the Board, or
3. Conditions with regard to the applicant's acquisition of permits and approvals granted by other boards or agencies or approvals granted by other boards of agencies, including state and federal permits.

5.11 Public Hearings and Joint Hearings

A. Prior to the approval of a subdivision, a public hearing shall be held as required by RSA 676:4, I(d), as amended, with notice given to the applicant, abutters, and the public.

B. An applicant may petition two or more land use boards to hold a joint meeting or hearing when the subject matter of the application is within the responsibilities of those two land use boards. Each board has the discretion to decide whether or not to hold a joint meeting.

5.12 Notices

- A. Notice of submission of an application shall be given by the Board to the abutters, the applicant, and others as required under 676:4, I(d) by certified mail, mailed at least ten (10) days prior to the submission.
- B. The public will be given notice at the same time, by posting at the Town Hall and the Town of Webster website: www.webster-nh.gov/upcoming-meetings.
- C. The notice shall give the date, time, and place of the Planning Board meeting at which the application or other item(s) will be normally 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 proposed subdivision.
- D. If the notice for a public hearing is 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 ed session were made known at the prior meeting. (keep adjourned)

5.13 Revocation of Approval

- A. A subdivision plat, street plat, site plan or other approval may be revoked only under the provisions of RSA 676:4-a (I-IV, as amended.), and as noticed in 5.12 A and B above.
- B. Any public nuisance or danger, any impairment to proper drainage or any damage to natural and scenic features remaining on the land after the Revocation of Approval may be penalized as provided in Section X.

5.14 Waiver of Subdivision Regulation Requirements

The Planning Board may waive any requirements listed in the Town of Webster Subdivision Regulations. Before granting a waiver, the Board shall find that requiring all of the subdivision plan information would be inconsistent with the intent of these regulations, and the lack of such information will not impair or prejudice the Board's review. The basis for any waiver granted by the Planning Board shall be recorded in the minutes of the Board. The Planning Board may only grant a waiver if the board finds, by majority vote, that:

1. Strict conformity to the specific Subdivision Review Regulation would cause undue hardship to the owner of the land; or,
2. Specific circumstances relative to the subdivision, or conditions of the land in such a subdivision site plan, indicate that the waiver will properly carry out the spirit and intent of these Regulations.

5.15 Appeals

A. If the appeal involves the interpretation of a zoning ordinance, the appellant first proceeds to the Zoning Board of Adjustment (ZBA) and complete that process before filing the planning board appeal at court. The appellant must file the appeal with the superior court within 30 days of the final decision of the ZBA upon motion for rehearing (RSA 677.15.I-a(a), as amended).

B If the appeal does not involve the interpretation of a zoning ordinance , a party wishing to appeal a Planning Board decision must file with the superior court within 30 days of the planning board decision (RSA 677:15-I, as amended).

Section VI Fees and Costs and Third Party Review

- A. Applicants are subject to fees and costs as outlined below:
 1. A completed application for Subdivision or Site Plan Review shall be accompanied by a filing fee.
 2. A fee is required for a Design Review.
 3. All costs of notices, whether mailed, posted, or published, shall be paid in advance by the applicant
 4. A recording fee for the Registry of Deeds shall be paid by the applicant
- B. Third Party Review and Inspections
 1. The Planning Board reviewing a subdivision plat, site plan or other land use application may seek third party review from a variety of consultants, including but not limited to, planners, engineers, lawyers, economists and other specialists. See RSA 676:4.I(g), as amended.
 2. The applicant will bear the expenses reasonably incurred by third party review and consultation. Applicants shall provide an escrow for such services and failure to pay in full will result in denial of application.

- C. Failure to pay all fees and costs shall constitute valid grounds for the Board to terminate further consideration of the application and to disapprove the plat without a public hearing.
- D. A fee schedule is available from the Land Use Coordinator at the Town Office.

Section VII Plat and Application Submission Requirements

7.1 Plat Requirements

- A. A Subdivision Application shall include three (3) paper copies of a detailed plat describing the proposed subdivision and prepared by a surveyor registered in the State of New Hampshire. The sheet size shall be 22 x 34 inches, with additional sequentially numbered sheets if and as required. One reduced plan set, to scale and 17 x 22 inches, shall also be provided. A digital version of the full submittal package shall also be provided.
- B. Prior to any Board approval, two Mylar copies and one paper copy shall be submitted, incorporating all revisions, additions, and amendments resulting from Board deliberation on the proposed subdivision.
- C. The content of both the initial and the final the plats shall include the following for both Major and Minor Subdivisions:
 - 1. Proposed subdivision name or identifying title.
 - 2. Name and address of the owner.
 - 3. Names and addresses of all abutters, taken from town records no more than 10 business days before delivery of the application to the Board or its designee.
 - 4. Name, license number and seal of the surveyor.
 - 5. Date of the survey.
 - 6. North arrow (magnetic AND grid).
 - 7. An indication of scale, chosen to optimally use the available space on the sheet and shown graphically to maintain validity in the event the plat is reduced or enlarged.
 - 8. Site location map showing the general location of the tract to be subdivided within the town.
 - 9. A boundary survey of the undivided lot and the proposed subdivided lots including bearings to the nearest 60 seconds of arc, distances to the nearest one-hundredth of a foot, and with an error of closure no more than one part in ten thousand.
 - 10. The location and description of all found pre-existing and all new boundary markers, with the latter in compliance with Section 8.8 of these regulations.
 - 11. For each proposed lot: Lot area, setback lines, frontage lengths, easement locations (including but not limited to shared driveways, drainage, maintenance, and utility easements), and proposed lot number per the tax map numbering system.
 - 12. The footprint of any buildings or significant structures, both existing and/or proposed.
 - 13. The locations and extent of all water courses, ponds, standing water, rock ledges, stone walls, and other significant site features
 - 14. The delineation of flood plain.
 - 15. Existing and proposed contour lines, at 2-foot intervals unless otherwise approved by the Board.
 - 16. Locations and elevation profiles of existing water mains, sewers, culverts, drains, bridges, wells and septic systems.
 - 17. Location of driveway.
 - 18. Location of water bodies, rivers, ponds and delineated wetlands.
 - 19. Preliminary locations and sizes of any bridges or culverts that may be required (with culverts over 10 feet in diameter regarded as bridges).
 - 20. Dotted line indication of all soil type boundaries, based on the "Soils Survey, Merrimack County, New Hampshire".
 - 21. For proposed lots less than 5 acres in size: Locations of and test results from percolation test pits, with tentative locations of a well and septic system showing that both can be located in full compliance with State and local setback requirements. Septic leach fields may not be shown within the 75' wellhead protection radius.
 - 22. Planning Board approval signature block reading as follows:

Approved by the Webster Planning Board on _____

Certified by _____ Board Member
and by _____ Board Member

23. A "Notes" section providing references to all relevant proposed deeds, easement and/or covenant agreements, supporting surveys, any zoning variances granted by the Zoning Board of Adjustment, and any other sources of pertinent information.
24. Visual representation of any legal description on the properties in question as may be listed in item 23 above (easements, covenants, etc.).

B. The content of both the initial and the final the plats shall include the following for Major Subdivisions Only, unless Board-requested for a minor subdivision:

1. A tabulation by proposed Lot Number showing lot size in acres, street frontage lengths in feet, and any other pertinent zoning ordinance requirements.
2. Delineation of all existing and proposed streets, including location, name, and right-of-way widths. Temporary stakes along centerlines of proposed streets shall be driven in the ground to facilitate inspection.
3. Plots of all street profiles, showing grades and cross sections at 50-foot intervals.

7.2 Final Plat

- A. The Final Plat shall be certified by written endorsement as indicated in Section 7.1A(23).
- B. The Final Plat shall measure 22 x 34 inches.
- C. Final disposition of land into lots, streets, open spaces, drainage courses and any easements running with the land. The subdivision plat shall be based on a boundary survey with a maximum error of closure of 1 in 10,000 certified by a surveyor registered in the State of New Hampshire. Distances shall be to the nearest 100th of a foot and bearings to the nearest 10 seconds. Primary horizontal and vertical control points shall be included on the plat. Topographic contours shall be depicted at a maximum contour interval of 2 feet or as required by the Board. All survey shall be tied to the New Hampshire State Plane coordinate system (1983 Datum) at the discretion of the Board, as soon as appropriate reference control points have been set by the Town and notice of same has been published.
- D. Provide station, Radii, Curve data and paving widths for proposed streets; lot and parcel dimensions, areas in square feet and acres, consecutive numbering of lots.
- E. Accurate locations of all easements, either on or off the site. Easements of at least twenty (20) feet in width shall be provided for all storm water and sanitary sewer pipes that are located other than in the streets. Easements shall also be provided for the full width of the channel of any stream or drainage ditch which will carry drainage runoff from any proposed street, existing street or street which may be constructed in the future on the undeveloped land within the watershed area. Easements shall also be provided for storm water and sanitary sewer pipes that may need to be installed in the future to serve undeveloped land within the watershed that drains across the area of the proposed subdivision. A written acknowledgment of the applicant's responsibility for maintenance and the assumption by the applicant of liability for injuries and damages that may occur on any land to be dedicated for public use, until such land has been legally accepted by the Town.

7.3 Additional Application Requirements

In addition to the plat requirement cited in Section VIII, a Subdivision Application shall include or be accompanied by the following items, with each duly listed on the Application Form:

A. For both Major and Minor Subdivisions

1. A properly executed, signed, and dated copy of the Subdivision Application form available from the Town Office.

2. Payment to cover filing fees, mailing of notices, and the costs of any third party studies, consultations, or professional reviews that have been identified and quantified prior to application submission.
3. Copies of all required Federal, State, and local permits and approvals. Copies of applications for same are acceptable for initial application, but must be replaced by executed permits/approvals prior to any Board subdivision approval. See Section 7.5 below for additional details.
4. Any required State and/or Webster Driveway Permits.
5. All required State septic system approvals or copies of the applications therefore.
6. Copies of deeds that reflect of all existing easements, deed restrictions, open spaces, and other encumbrances, covenants, reservations or restrictions benefiting or burdening the property.

B. For Major Subdivisions Only, unless Board-requested for a minor subdivision

1. A description of any proposed landscaping (see Section 8.5)
2. Erosion and sedimentation control proposals and installation. The proposed storm drainage shall be accompanied by a drainage analysis map stamped by a professional engineer licensed by the State of NH. Computations for methods of controlling runoff shall be provided. The subdivision shall provide for proper surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm water system and will, so far as practicable, conserve the water resources of the area and avoid flooding, erosion and sedimentation. The draining system shall also be so designed that, except in unusual circumstances, the rate of runoff from the site will not exceed the rate prior to construction.
3. Plans for proposed utility installations, including electric, telephone, gas and solar.
4. Copies of agreements, if any, between the Applicant and the Town regarding public improvements or other topics.
5. If the project is to be phased, a document stating how the project is to be phased, the work to be performed in each phase, and the construction schedule for each phase. Phasing shall meet the requirements and approval of the Town of Webster Select Board.
6. Impact of Subdivision on Town Services – if the Board feels that a proposed subdivision may have an adverse impact on Town services, the Board may require one or more of the studies listed below. Each study shall be conducted by an independent consultant, approved by the Board, at the cost of the applicant
 - a) Fiscal Impact Study: Such a study is required when a subdivision would contain the equivalent of two (2) percent of the existing dwelling units within the Town or where the Planning Board finds that a commercial or industrial subdivision may have an adverse fiscal impact on the Town, the applicant must submit an analysis of the projected operating, maintenance and capital costs of the Town. The analysis must contain a summary of the services applicable to the subdivision and of the capital facilities used to deliver the services.
 - b) Traffic Impact Study: Where a Subdivision will result in the generation of an average of two hundred (200) weekday vehicle trip ends (according to Trip Generation - An Informational Report, Institute of Transportation Engineers), the Applicant must submit a Traffic Impact Study to the Board.
 - i. Traffic Impact Study shall include, but not be limited to, information with respect to:
 - a. Estimated vehicular trips per day;
 - b. An analysis of approaches;
 - c. An analysis of the circulation and channelization patterns, a description and analysis of the location and type of existing and proposed traffic control devices;
 - d. Pedestrian traffic and systems;
 - e. An analysis of signal warrants;
 - f. A description of the condition and capacity of the road network, and
 - g. Other analysis of specific impacts as identified by the Planning Board.
 - ii. A “trip end” is defined as a vehicle movement either entering or leaving the site.

- iii. Examples of developments which may generate two hundred (200) weekday vehicle trip ends include (from Trip Generation, approximate values):
 - a. 20 detached single family units,
 - b. 40 manufactured housing units or condominium units, iii. 20 motel units,
 - c. 17,000 gross square feet general office building,
 - d. 1,700 gross square feet shopping center,
 - e. 1,200 gross square feet high sit-down restaurant vii. 8,400 gross square feet medical office building or clinic,
 - f. 4,000 gross square feet hardware/paint store, ix. Gasoline/service station,
 - g. 1,200 gross square feet bank.
- c) Community Facilities Impact Study: Where a Subdivision contains one hundred (100) lots, one hundred (100) residential units, one hundred (100) gross acres, eight thousand five hundred (8500) gross square feet of office or commercial space, or seventeen (17) gross acres of industrial land the applicant shall submit an assessment of the demands that the development will place on existing or proposed community services including, but not limited to, police, emergency, water, sewer, solid waste, roads, recreation, and Town Offices.
- d) School Impact Analysis: . Where a Subdivision would generate a school age population equal to one classroom (according to current U. S. Census data from Subdivision Regulations Amended, September 6, 2016 Page 14 Merrimack County), the Applicant must submit an analysis of the impact of the subdivision on the School system.
- e) Environmental Assessment. The Applicant of each development containing ten (10) or more lots or twenty (20) or more acres shall submit a report from the New Hampshire Natural Heritage Inventory (NH Department of Resources and Economic Development,) which identifies rare plant and animal species and exemplary natural communities in or near the proposed Subdivision with the Application. If any of the species or communities are identified within or adjacent to the Subdivision, an EA addressing the impacts on the species and communities.
- f) Other Considerations: The requirements contained in this section are based on thresholds at which the expected impacts will measurable and at which point mitigation measures by the Applicant may be required by the Board. Nothing contained in this Section shall be construed to prevent the Planning Board from requiring other special investigations, at the applicant's expense or from requiring the above identified investigations at lower thresholds where, in the opinion of the Board, circumstances related to the development or the area warrant such special studies. An Applicant may not evade the application of the provisions of this Section through phased or scattered development of a parcel. The Board may, in its discretion, consider the effects of both prior and potential development of the land owned by the Applicant or other prior or future owners of the Subdivision and require compliance with the terms of this Section.

7.4 Performance Guarantee

Performance Guarantee – for Major Subdivisions only, unless Board-requested for a Minor Subdivision

1. As a condition of approval, the Planning Board may require the posting of a performance guarantee (bond) in an amount sufficient to defray the costs of construction of streets, public improvements, drainage structures, the extension of water and sewer drains, storm drains, underdrains and other improvements of a public utility nature.
2. The amount of the security shall be based on an estimate of costs provided by the applicant and, at the discretion of the Planning Board, reviewed by a licensed engineer. The applicant shall pay the costs of such a review.
3. The security shall be approved as to form and sureties by the Board and the town counsel.
4. The amount of the security shall include fees to cover the cost of periodic inspections.

5. Where electric lines or other utilities are to be installed by a corporation, municipal department or public utility, a letter of intent shall be required stating that the work will be done in reasonable time and without expense to the town.
6. Each approved plat shall contain a time limit for the completion of streets and public improvements. The maximum time limit shall be three years.
7. The performance guarantee shall remain in full force and effect until the expiration of 13 months after the date of approval or until the Board of Selectmen is satisfied that all conditions have been met for the site plan approval, acceptance of the roads by BOS and other improvements.
8. The performance guarantee shall be released in phases as portions of the secured improvements or installations are completed and approved by the Board or its designee, in accordance with the plan approved by the Board. A sufficient amount not to exceed 25% of the total shall be retained to cover the expense of any latent defects, which may appear within one year after the completion of the secured improvement or installation.
9. The Planning Board may require the applicant or his authorized agent to deposit in escrow with the Town an amount of money sufficient to cover the costs for any professional review of the subdivision and site plan documents, which the Board may feel is reasonable in accordance with the Webster Subdivision Regulations.

7.5 Permits and Approvals

Requirements for Federal, state and local permits and approvals will vary based on site-specific circumstances but, in most instances, will include but not be limited to the following:

1. Certificates of "Subdivision Approval" and "Construction Approval." From the New Hampshire Water Supply and Pollution Control Division, except that the "Subdivision Approval" certificates are not required for subdivision of land exclusively into lots of five or more acres. "Construction Approval" must be issued before a building permit can be granted (RSA 485-A:29, as amended).
2. New Hampshire Department of Transportation must issue a "Construction Permit" for any subdivision or development which would substantially affect the size or grade of any driveway, entrance, exit or approach within the limits of the right-of-way of any Class I or II Highway of the State-maintained portion of a Class I Highway (RSA 236:13, as amended).
3. State of New Hampshire Water Resources Board.
4. New Hampshire Department of Environmental Services approvals or permits.
5. U.S. Environmental Protection Agency Notice of Intent.
6. A Board-approved driveway permit for access to a road maintained by the Town.
7. Town of Webster Police and Fire Department approvals as required by Town ordinance, or at the discretion of the Board, regarding the need for traffic control devices, access for fire equipment, and other public safety requirements.
8. Utility Clearance Letters – certificates of approval from the appropriate utilities for extension and layout.

Section VIII Design Standards

8.1 Minimum Standards:

In considering applications for subdivision of land, the Planning Board shall adhere to and be guided by the standards hereinafter set forth. Such standards shall be considered to be minimum standards and shall be modified by the Board only when in its opinion specific circumstances surrounding a subdivision, or condition of the land in such subdivision, indicate that

such modification will properly carry out the purpose and intent of the Master Plan, Subdivision Regulations and Zoning Ordinance. Design standards generally follow the current NHDOT Road and Bridge Standards.

8.2 Street Layout:

All of the following standards shall be part of any proposed public road or street. Upgrading a private street or road for acceptance by the Town as a public road shall meet all of the following criteria in addition to the adoption process as prescribed in the Town of Webster 2019 Road Acceptance Policy, as amended. Note that the construction of roads to town standards does not automatically guarantee acceptance by the BOS. For current street layout specifications, refer to the 2016 New Hampshire Standard Specifications for Highway and Bridge Construction, as amended, and the ASHTO standards. All roads shall also comply with Section 8.6 of these Regulations. For Street Construction, see Section 8.4.

All streets shall have a minimum right-of-way of 60 feet. All right-of-way(s) shall be conveyed to the town by warranty deed.

- A. All streets to be constructed shall have a minimum paved width of 20 feet centered on the right-of-way. All additional streets deemed by the Board as being through streets shall also meet this requirement.
- B. Streets shall be arranged to provide for extension or connection of eventual street systems necessary to develop abutting land in future subdivisions.
- C. The grades of all streets shall be between 2% and 3%
- D. The maximum grade within 50 feet of an intersection shall be 3%.
- E. Intersections shall be nearly as possible at right angles (90 degrees) with a minimum allowable intersection angle of 60 degrees.
- F. Streets shall be constructed in accordance with the "Typical Cross Section" included with these Road Specifications.
- G. Side slopes shall not be steeper than 2 feet horizontal and 1 foot vertical, graded, loamed and seeded.
- H. The centerlines of no more than two accepted rights-of-way shall intersect at any one point.
- I. Minimum centerline radii of curves shall be 200 feet and the minimum curve tangent lengths shall be 100 feet. (No streets shall be constructed with a curvature of less than 30 m (100 ft.) radius.)
- J. Minimum width of shoulders shall be 5 feet.
- K. All streets shall be named to comply with the provisions of the 'Enhanced 911 System' (RSA 106-H, as amended). Street names shall be subject to the approval of the Planning Board.
- L. Dead-end streets, whether "Temporary" or "Permanent," shall be no longer than 1,000 feet and shall terminate with an approved type of turnaround as described below:
 - 1. Temporary turnaround: The right-of-way width, per classification of the roadway, shall be maintained to the end of the improvements and further, to the property line, if ordered by the Board. A "T" type turnaround shall be constructed at the end of the road.
 - a. The "ears" or "extensions" that form the "T" shall be deeded to the Town of Webster in the form of an Easement. The Easement shall stipulate that the Town has sole rights to use and maintain the area and that such Easement shall expire when those portions of the "T" are no longer needed. Those portions of the "T" no longer needed shall revert to owners of the abutting lots. For the purposes of frontage requirements only, that portion of a lot that would front on an extension of a street when the "T" is discontinued, or the width of the right-of-way for the "T" shall be counted. This type of turnaround shall be used only when the possibility of extension is evident. This type of turnaround shall not be considered as a permanent turnaround. Driveways should not be located on any portion of the "T" and not within 35 ft. of the intersection of the 'ear.'
 - b. Where an applicant proposes to extend a street which currently ends in a T-type turnaround or other temporary dead-end, it is the applicant's responsibility to restore the temporary turnaround to "through street" standards. This includes, but is not limited to removing the "ears" or other maneuvering facilities where abutters desire and installing a suitable drainage system.

c. The temporary turnaround shall expire two years from the date of the approval or in accordance with the terms of the approval unless active and substantial development or building has begun to continue the street(s). In the event that the authorization of the Temporary Turnaround expires, the applicant shall restore the T turnaround to a Permanent Turnaround configuration as specification as provided in this section.

2. Permanent dead-end turnaround shall comply with AAS-NH DOT minimum design standards. The "tear drop" shape is preferred over the "p" or "lollypop" shape. Pavement widths shall be the same as for the road servicing the development, as will all other improvements within the turnaround area. The deed to the town for the roadway shall include all lands within the outermost dimensions of the turnaround area. All drainage, signs, and other improvements within the area of the turnaround shall be as per guidelines contained within these Regulations for "Required Improvements" described in Section IX.

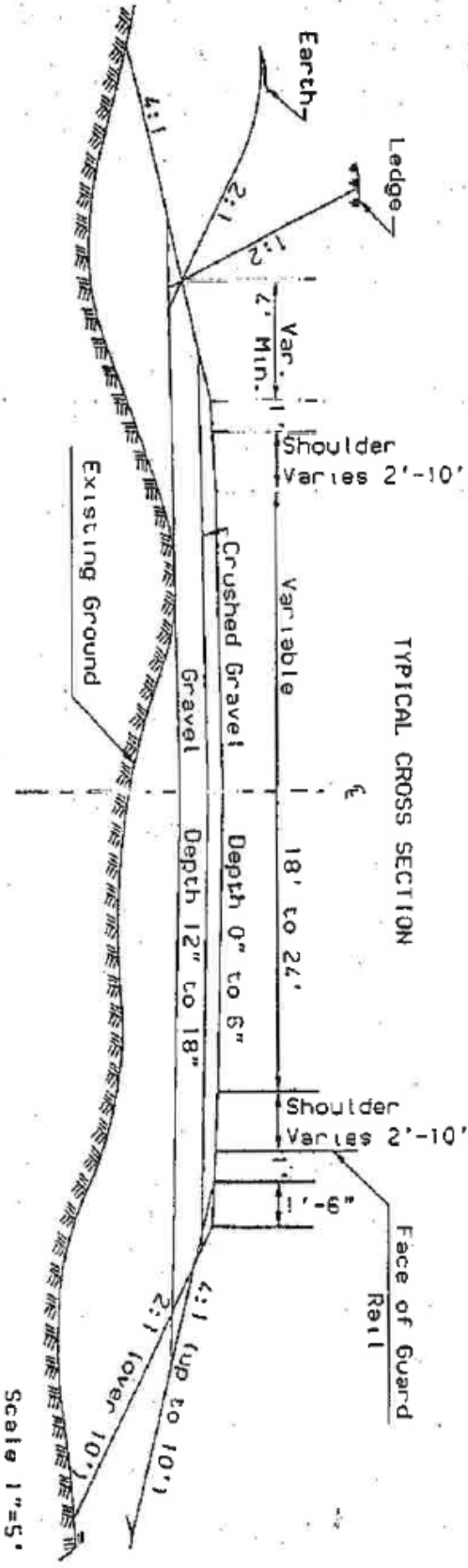
3. Where an applicant proposes to extend a street which currently ends in a permanent turnaround, it is the applicant's responsibility to restore the turnaround to "through street" standards, including, but not limited to, removing unnecessary street surface and subsurface, replanting areas previously used for street, restoring lot access, installing drainage facilities, and necessary title and deed work, as directed by the Board.

4. Dead end streets located off dead end streets are prohibited.

WEBSTER ROAD TYPICAL CROSS SECTION

Proposed Average Daily Traffic.....	0-200.....	200-750.....	1500+
Pavement Width (Feet).....	20'	20'	22'
Shoulder Width (Feet).....	2'	4'	4'
Center of Road to Ditch Line.....	16.....	18.....	19-21
Pavement Type.....	Asph. Surf.....	Hot Bitum.....	Hot Bitum.
	Treated		
Slope of Roadway.....	3%.....	2%.....	2%
Base Course Depth (Gravel).....	12".....	12".....	18"
(Cr. Gravel).....	N/A.....	4".....	6"

- Notes
1. Gravel surface should be paved where steep grades occur.
 2. For average daily traffic over 1000 veh./day paved shoulders should be considered
 3. Base course depths may need to be increased in areas of poor soils



8.3 Block Layout and Lot Detail:

- A. A block created within a subdivision shall not have a length greater than 1,000 feet.
- B. All lots shall meet the requirements of the Zoning Ordinance of the town in effect at the time of application
- C. Lot Shape:
 - 1. All new lots shall be laid out in a reasonably symmetrical manner. All lots should meet the requirements for area, frontage, width to depth requirements of the Webster Zoning Ordinance.
 - 2. Whenever possible, side lot lines shall be at right angles to street lines and radial to the center of all exterior curves.
- D. Lots with frontages on curves with a radius of less than 200 feet shall have a minimum chord distance of 200 feet.
- E. Land of such character that cannot be safely used for building purposes because of exceptional danger to health due to high water table or flooding or other hazard shall not be permitted for occupancy or use that may increase danger to health, life or property until appropriate measures have been taken by the owner or his agent to eliminate such hazards. Any improvement of the aforesaid hazardous situation must meet the approval of the Town Building Inspector or Zoning Enforcement Officer or other designee.
- F. All lots shall have a minimum of one contiguous acre of dry land, meaning soil not classified as poorly drained or very poorly drained.
- G. In the case of lots fronting on the ends of cul-de-sacs, the required lot width shall be applied one hundred (100) feet from the street line (i.e. where the two-way street ends and the cul-de-sac circle begins), provided that in no case shall the lot frontage be reduced to less than fifty (50) feet.

8.4 Street Construction for Public and Private Roads:

For street layout, refer to section 8.2, as amended. Further, the 2016 New Hampshire Standard Specifications for Highway and Bridge Construction, as amended, and the ASHTO standards shall apply in addition to the following. Further, while constructing a road to Town Standards is required for considering a new road for acceptance by the Town, it is in no way a guarantee the Selectmen will accept the road. See typical for Road Cross Section on previous Page 23.

- A. All topsoil, stumps, brush, roots, boulders and like materials shall be stripped and removed between the slope lines of the proposed street. Whenever practical, natural vegetation outside of the slope lines shall be retained, protected and supplemented. All soft and spongy places shall be excavated to such a depth as shall be necessary to stabilize the foundation of the road and refilled solidly with sub-base material. Compaction is to be obtained by use of approved rollers and equipment to at least 95% of the standard Proctor Density (ASTM-698).
- B. All street sub-base shall consist of 12" of bank run gravel as defined by the current State of New Hampshire Standard Specifications for Highway and Bridge construction, as amended, installed in two 6" lifts, compacted to a minimum of 95% of the soils standard proctor dry density.
- C. All streets shall receive a 6" upper base course of crushed gravel as defined by the current State of New Hampshire Standard Specifications for Highway and Bridge Construction, as amended. Said course shall be compacted to 95% of its standard proctor maximum dry density.
- D. No stones, cobbles or boulders of greater than 4" shall be allowed in any of the aforementioned street base material courses.
- E. The street surface itself shall consist of a 2" binder course of bituminous concrete pavement and a 1" wearing course of bituminous concrete pavement. Both binder and wearing courses shall conform to the current State of New Hampshire Standard Specification for Highway and Bridge Construction, as amended.
- F. The street shall have a cross slope from centerline to edge of shoulder of 1/4" per foot and from edge of street to edge of shoulder of 1/4" per foot.
- G. Ledge and boulders shall be removed to at least 18" below sub-grade and replaced with sand or bank run gravel.

- H. All loam, muck, stumps and other improper foundation material shall be removed from within the limits of the fully extended street shoulders. In embankment areas, suitable foundation material shall be placed in one foot layers and compacted to form a stable sub-grade. Stumps, trees, rubbish and other unsuitable materials of substance shall not be placed in the fill.
- I. The pavements shall be applied by an approved paving contractor in accordance with the current State of New Hampshire Standard Specifications for Road and Bridge Construction, as amended.
- J. Sub-base shall be installed by the developer prior to the issuance of building permits.
- K. Bituminous pavement wearing course shall be installed by the developer after the sub-base and binder course has been in place for a minimum of one winter season which shall be defined as running from November 15th to April 15th.
- L. Approved street signs and culvert posts shall be provided by the Town, at the developer's expense.
- M. It shall be the obligation of the developer planning a new street to do the following:
 - 1. Advise the Selectmen of his intent in order to secure approval for the proposed right-of-way. Selectmen to notify the Road Agent.
 - 2. To request inspection and approval of the right-of-way and sub-grade before base gravel is applied.
 - 3. To request inspection and approval of the right-of-way and sub-grade after finish gravel has been brought to grade but before bituminous concrete pavement is installed.
 - 4. The developer shall have stakes set on centerline with finish grades marked on them at least every 100 feet for the entire length of the street or the street side staked with distance and grades marked before each inspection.
 - 5. Before final inspection, the developer shall remove all trash from the right-of-way and the center of the turn around and shall repair any damage done to the roadway, shoulders, etc.
 - 6. Inspections, samples and core test may be required by the town before final acceptance and all costs incurred shall be reimbursed by the applicant.

N. Any access (driveway) serving three (3) or more properties is considered a private road. Refer to Town of Webster Driveway Regulations for specifications. Private roads must include an easement and maintenance provisions for the road to be maintained and used in perpetuity by those proposed to access it.

8.5 Driveways:

See Town of Webster Driveway Regulations document for details pertaining to driveways and shared driveways.

8.6 Boundary Marking

- A. The intent of this section is to assure that the boundaries of all new parcels comprising a subdivision or parcels subject to a lot line adjustment are marked in a manner as permanent and immovable as practical and in such a way that current and future interested parties, referring to relevant plats, can readily locate said boundaries.
- B. Except as in Paragraph C below, all boundary lines along streets, rights-of-way, public easements, and abutting lots shall be marked per Paragraphs D through I below at every point where straight-line boundary line segments meet (i.e. where the boundary line changes direction) or where a straight boundary line segment meets an arcuate segment.
- C. Boundary lines clearly defined by prominent stone walls, waterways, shorelines, or similar physical features shown as boundaries on the plat need be marked only at lot corners, not at intermediate change-of-direction points.
- D. Except as noted below, all changes of direction shall be monumented. Further, there shall be no more than 500' between bounds. Bounds at the front corners of the lot along the roadway shall be granite at least 4 inches square, at least 36 inches long, and set vertically into the ground in such a way as to project at least 6 inches but no more than 10 inches above the surrounding grade. Other bounds may be iron pins or drill holes, in accordance with the NH Land Surveyor's Association (NH-Admin.RLAN 503.08). Frozen ground shall not be a basis for setting a monument to

less than the specified depth. A drill hole on the upper surface of all granite monuments shall indicate the exact boundary point.

- E. If ledge or large rocks below grade prevent setting a 36-inch-long monument at the depth specified above, a shortened monument may be set in concrete in such a way as to obtain an equivalent degree of rigidity and permanence.
- F. If a boundary marker is required in an area of exposed ledge or on an above-grade boulder large enough to be reasonably regarded as immovable with other than power equipment, a half-inch diameter iron pin securely cemented into and projecting a minimum of 2 inches from a drilled hole at least 1 inch deep may be used in lieu of a granite monument. The pin must be marked with the license number or name of the surveyor. NH. (Admin. Rules 503.8(d(1)).
- G. If a boundary marker is required at a point that is inaccessible (e.g. under water, in the middle of a large tree trunk, or in an unstable wall or rubble pile), an offset marker, preferably on one of the intersecting boundary lines, may be used. The distance and direction from the offset marker to the property line intersection point must be clearly shown on the plat.
- H. If an above-grade monument is for any reason impractical or unsafe, e.g. in or close to a traveled way or in the middle of a mowed field, the Board may grant special permission to set a monument flush with grade. Such a monument must be equipped with a magnetic pin, cemented into the drill hole in the top of the monument, to facilitate location with a metal detector.
- I. Final subdivision approval shall be subject to walking the bounds of the subdivided or reconfigured parcels by one or two Planning Board members to confirm that all boundary markers, with the exception of any temporary markers permitted in accordance with Paragraph J below, are in compliance with these regulations and that the submitted plat is in all respects an accurate representation of the subdivided or reconfigured lots.
 - 1. In order to facilitate said walking of the bounds, each boundary marker, whether newly set or found/pre-existing, shall be flagged for easy identification with surveyor's tape above grade level.
 - 2. Each such tape or the stake to which it may be attached shall be annotated with a permanent marking pen in such a way as to clearly distinguish the associated boundary marker from others in the subdivision, e.g. "SW corner of Lot 2".
 - 3. Where practical, any boundary line the location of which is not clearly defined by a physical feature (e.g. a street, shoreline, stone wall, etc.) shall be flagged for easy identification with surveyor's tape above grade level at intervals sufficient to assure that the line can be readily followed by Planning Board members.
 - 4. Any flagging of reference lines or marks employed by the surveyor but not directly representing lot boundaries must be in different colors.
 - 5. If Planning Board members attempting to walk the bounds deem the marking thereof to be inadequate, that judgment shall constitute grounds for withholding of subdivision approval.
- J. With prior Planning Board approval, when permanent boundary markers would potentially be subject to disturbance during construction of a new roadway, iron pins may be used as temporary boundary markers. Any such temporary markers must be replaced by permanent markers before final approval.
- K. All bounds shall be set by, or under the supervision of, a New Hampshire licensed land surveyor. A plan note on the final plat shall indicate that all bounds were placed in such a manner.

8.7 Stormwater Management:

- A. Stormwater management installation shall be regulated by the NH DOT Standards Specifications for Road and Bridge Construction, 2016, as amended; and the NH DES Stormwater Manual, Volume 3, Erosion and Sediment Control during Construction, as amended.
- B. Storm drains, culverts and related installations, including catch basins and drop inlets, shall be installed within or without the subdivision as necessary to permit unimpeded flow of all natural water courses, to insure adequate

drainage of all low points along streets, and to intercept storm water runoff along streets at intervals reasonably related to the extent and grade of area drained. (Where required, catch basins may be on both sides of the roadway on continuous grade at intervals of approximately 300 feet.) Catch basins and drop inlets shall be equal to New Hampshire Standard Type A or acceptable to the Selectmen. Storm sewer pipes and culverts shall be reinforced concrete, corrugated aluminum, bituminous-coated corrugated steel, or equivalent and shall have a minimum 2-foot cover over all pipes. Headwalls, where required, shall be either of concrete or masonry. Natural watercourses shall be cleaned and increased in size where necessary to take care of the storm runoff. All drainage facilities shall be installed subject to the approval of the Planning Board and the Road Agent.

- C. Drainage ditches at least 27" in depth at its midpoint below centerline grade shall be constructed within the street right-of-way on both sides of the roadway and so designed as to provide for the proper flow of storm runoff.
- D. All drainage structures and swales shall be designed to handle a 50-year, 24-hour storm. Post-development runoff shall not exceed the pre-development.
- E. Culvert pipes shall consist of heavy gauge aluminum or galvanized steel corrugated metal pipe or PVC plastic pipe having a minimum interior diameter of 18".
- F. All culvert pipes shall be placed with a minimum of 24" of cover to centerline road grade and have reinforced concrete or masonry headwalls conforming to the current State of New Hampshire Standard Specifications for Highway and Bridge Construction.
- G. Culverts in embankment over 15 feet high shall be of Class V reinforced concrete pipe.
- H. Where a subdivision is traversed by or requires the construction of a water course or a drainage way, an easement of adequate width shall be provided for such purposes.
- I. Open roadside drainage ditches in excess of a 5% grade shall be paved with stone or asphalt as required by the Planning Board.
- J. All field changes must be approved by the Road Agent or the Town's Engineer.
- K. All roadways with the abutting land sloping away from the roadway at slopes of greater than 2:1 shall have a vehicle restraining system (i.e. guard rails) of a type and construction approved by the State of New Hampshire Department of Public Works and Highways.
- L. Construction methods, materials and specifications for the construction of storm drains, culverts, drainage ditches and related installations shall be prescribed by the current State of New Hampshire Department of Transportation's Standard Specifications for Highway and Bridge Construction.
www.nh.gov/dot/org/projectdevelopment/highwaydesign/specifications/documents/2016NHDOTSpecBookWeb.pdf
- M. Necessary Approvals – the State, Federal and/or local reviews and approvals required for the project must be submitted to the Board before the final plat approval will be approved by the Board before final approval.
- N. All major subdivisions, as well as all minor subdivisions depicting roadways or other significant impervious coverage to topography changes, shall require a drainage study depicting stormwater flow rates and volumes at each property line. Such study shall show both pre and post development stormwater calculations and shall be prepared, stamped and signed by a Professional Engineer.

8.8 Erosion Control

Landowners and developers must make provision to accommodate the increased run-off caused by changed soil and surface conditions during and after development. Erosion control provisions depicted in the plan set shall include maintenance provisions for each control measure to ensure functionality. The proposed development shall provide for proper surface drainage so that removal of surface waters will not adversely affect neighboring properties and will, so far as practicable, conserve the water resources of the area and avoid flooding, erosion and sedimentation. The permanent drainage system shall be so

designed that except for unusual circumstances, the rate of run-off from the site will not exceed the rate prior to construction. These Erosion Control provisions shall also be adopted by reference into the Webster Site Plan Regulations.

Landowners and developers will refer to the NH DES Stormwater Manual, Volume 3, Erosion and Sediment Control During Construction, for specific temporary erosion control: when it is required, what should be used, when it should be removed and routine maintenance while in use.

<https://www.des.nh.gov/organization/commissioner/pip/publications/wd/documents/wd-08-20c.pdf>

8.9 Water and Sewer Facilities:

It shall be the responsibility of the applicant or his agent to provide adequate information to prove that the area of the lot is adequate to permit the installation and operation of an individual sewage disposal system (septic tank and drain field), as required in the NH DES regulations and RSA 485-A, as amended. The applicant shall be required to provide the necessary percolation tests and submit such tests together with the proposed plan to the New Hampshire Department of Environmental Services, Division of Water Supply and Pollution Control for its consideration and approval. Such approval must be obtained before subdivision approval can be finalized. Further, no septic leach field may be situated in the 75' wellhead protection radius.

8.10 Utilities:

- A. All electric, telephone and cable TV distribution systems within the subdivision shall be placed underground where possible
- B. The applicant shall coordinate subdivision design with the appropriate utility companies to insure adequate and suitable area for underground installations. Locations of utilities should be shown on the plat and utility stubs should be placed at the edges of the right of way.
- C. Utility construction shall not interfere with road drainage.

8.11 Maintenance of Improvements and Facilities:

- A. The recipient of subdivision approval or his successor shall be responsible for maintaining all improvements or facilities required by this regulation or approval conditions issued in accordance with its provisions. As illustrations, and without limiting the generality of the foregoing, this means that streets, parking areas, and water, sewer, storm water, and recreation facilities must be properly maintained so that they can be used in the manner intended. All vegetation required for screening, landscaping, or erosion and sediment control must be replaced if it dies or is destroyed.
- B. As provided in these regulations, all facilities and improvements with respect to which the owner makes an offer of dedication to public use shall be maintained by the owner until such offer of dedication is accepted by the appropriate public authority.

Section IX Required Improvements

Specifications for Required Improvements: All required improvements shall be constructed or installed in accordance with accepted engineering design practice and in accordance with these regulations and Planning Board conditions of approval.

If it is determined by the Planning Board that the proposed subdivision is scattered or premature unless special on and off-site improvements are made to the satisfaction of the Planning Board, the Planning Board may require the applicant to make said improvements prior to or as condition of approval of the subdivision. These improvements may consist of, but not be limited to the following:

- A. Improve any access street to the subdivision to the appropriate street standards if such access would otherwise be inadequate provided the town owns or provides the right-of-way.

- B. Extend the public water and/or sewer system(s) if either or both exist within 3,000 feet of the subdivision provided that the subdivision serves or potentially can serve 12 or more lots.
- C. Build or reconstruct sidewalks on any access streets where potential increase in pedestrian traffic will occur provided the town owns or provides the right-of-way.
- D. Construct static water supplies (fire ponds) with dry hydrants for fire protection and make other improvements as recommended by the town Fire Chief relevant to fire prevention and protection and to emergency access.
- E. Provide traffic signals at intersections and rebuild intersection in the immediate area of the proposed subdivision if such intersection would otherwise be inadequate provided the town owns or provides the right-of-way.

As an alternative to making the studies and/or improvements as required by this section and by Section 4.4, the applicant may propose to develop his subdivision in stages. This may be approved by the Planning Board if the town and/or School District have plans to make public improvements and a schedule to implement these improvements so that the various phases of the subdivision will not take place until the relative public improvements are scheduled.

Section X Administration, Enforcement and Penalties

These regulations shall be administered by the Planning Board and enforced by the Select Board or their designee.

The requirements of the foregoing regulations may be modified when, in the opinion of the Planning Board, specific circumstances surrounding a subdivision, or 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.

Any violation of these regulations shall be subject to a civil fine as provided in RSA 676:16 and 676:17, as amended. The Selectmen or the Zoning Enforcement Officer (or other designee) are designated as the local authorities to institute appropriate action under the provisions of RSA 676:17 and RSA 676:15, as amended.

Any violation of approved subdivision components may result in penalties including fines, as provided for in RSA 676:17, Cease and Desist orders per RSA 676:17-a, as amended, injunctive relief, as provided by (RSA 676:15, as amended, or revocation of approval as provided for in RSA 676:4-a, as amended).

Section XI Conflicting Provisions

Where these regulations are in conflict with other local, state or federal ordinances, the more stringent shall apply.

Section XII – Severability

The invalidity of any section, subsection, paragraph, sentence, clause, phrase or word of these regulations shall not be held to invalidate any other section, subsection, paragraph, sentence, clause, phrase or work thereof and to this end, the provisions of these regulations are hereby declared to be severable.

Section XIII Validity

If any section or part of 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 sections or part of a section or paragraph of these regulations.

Section XIV Amendments

These regulations may be amended by the Planning Board following a noticed public hearing on the proposed change. Such changes are effective on the date enacted by the Board.

A copy of any amendments to these Regulations shall also be filed with the Planning Division of the Office of Strategic Initiatives in Concord, New Hampshire. (RSA 675:9, as amended).



Town of Webster

945 Battle St, NH 03303 | Telephone: 603.648.2272 | Fax: 603.648.6055

CERTIFICATE OF ADOPTION OF

TOWN OF WEBSTER SITE PLAN REVIEW REGULATIONS

Select Board

Members

David Hemenway

Chair

Marlo Herrick

Member

Normandie Blake

Member

Dana Hadley

Town Administrator

Pursuant to RSA 675:6 III, the undersigned, being a majority of the members of the Webster Planning Board, certify that attached to this certificate is a true copy of the Town of Webster Site Plan Review Regulations incorporating the revisions made at the August 18, 2022 Public Hearing of the Webster Planning Board.

WEBSTER PLANNING BOARD MEMBERS

DATE

Raig Fournie
Paul H. King
my
Alan E. Mott

Sept 15, 2022

9/15/2022

9/15/2022

WEBSTER TOWN CLERK

DATE

Michelle R. Denby

9/21/22