

Chapter 193 Subdivision of Land

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ARTICLE I Authority and Purpose

~193-1. Authority.

Pursuant to the authority vested in the Town of Gorham Planning Board by the voters of the Town of Gorham and in accordance with the provisions of Chapter 674:35-39, New Hampshire Revised Statutes Annotated, 1987, the Town of Gorham Planning Board adopts the following regulations governing the subdivision of land in the Town of Gorham, New Hampshire.

~193-2. Purpose.

- A.** The purpose of this chapter is to promote the development of an economically sound and stable community in a manner consistent with acceptable standards for the municipality and to provide uniform procedures and standards for observance by the Planning Board and subdividers. The provisions of this chapter shall apply to all land within the boundaries of the municipality.
- B.** Additional purposes of this chapter include providing against scattered and premature subdivision of land, providing for the harmonious development of the town and the proper arrangement and coordination of streets within subdivisions in relation to other existing or planned streets, streets with adequate width for present and future traffic and emergency vehicle use and for protection of our town's scenic beauty.

ARTICLE II Definitions

~193-3. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ABUTTER — Any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration by the Board. For purposes of receiving testimony only, and not for the purpose of notification, the term “abutter” shall include any person who is able to demonstrate that his land will be directly affected by the proposal under consideration. For purposes of receipt of notification by a municipality of a local land use board meeting, 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.

BOARD — The Planning Board of the Town of Gorham, New Hampshire.

BUILDING DEVELOPMENT — The process of changing the character of the land from its existing condition to a more usable condition by the construction or placement of a building or buildings thereon.

COMPLETED APPLICATION — The official subdivision application form and submission as defined in Articles III and IV of these regulations.

CONDOMINIUM — A multifamily, group or cluster housing wherein dwelling units are individually owned but wherein open space and group facilities are held in common ownership. A “condominium” shall be considered a subdivision of land as outlined in RSA 356-B and reviewed accordingly.

CONTOUR LINE — A line on a map or chart connecting all points of the same elevation (or depth) in a particular area.

DRIVEWAY — An accessway for two (2) or fewer dwellings, lots or sites except in the case of a multifamily building which may have up to four (4) dwellings served by one (1) driveway.

ENGINEER — The duly designated engineer of the Town of Gorham or, if there is no such official, the planning consultant or official assigned by the Gorham Planning Board.

LOT — A parcel of land at least sufficient in size to meet the minimum requirements for use, coverage and area and to provide required yards and other open spaces. An undersize "lot" is permissible if it passes state standards for soil conditions and substantially meets the requirements here and if in existence on the date of adoption of this chapter.

MINOR SUBDIVISION — A subdivision containing three (3) or fewer lots, with no potential for resubdividing, fronting on an existing street, not involving any new street or road for the extension of municipal facilities and not adversely affecting the development of the remainder of the parcel or adjoining property and not in conflict with any provision of these regulations or any other duly accepted existing or future plan, map or ordinance.

PERFORMANCE GUARANTY — Any security which may be accepted in lieu of a requirement that certain improvements be made before the Planning Board or other approving body approves a plat, including performance bonds, escrow agreements and other similar collateral or surety agreements.

PLAT — The final map, drawing or chart on which the subdivider's plan of subdivision is presented to the Gorham Planning Board for approval and which, if approved, will be submitted to the Register of Deeds of Coos County for recording.

STREET — Means, relates to and includes a street, avenue, boulevard, road, lane, alley, viaduct, highway, freeway and other ways. "Street" shall mean the entire width of the right-of-way whether unimproved or improved.

SUBDIVISION — The division of the lot, tract or parcel of land into two (2) or more lots, plats, sites or other divisions of land for the purpose, whether immediate or future, of sale, rent, lease, condominium conveyance or building development. It includes resubdivision 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 two hundred (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.

ARTICLE III Procedure

~193-4. Requirement for subdivision approval.

Whenever any subdivision of land is proposed, before any construction, land clearing or building development is begun, before converting any existing developed property to condominium or time-sharing, before any permit for the erection of any building in such proposed subdivision shall be granted and before any subdivision plat may be filed in the Office of the Register of Deeds of Coos County, the subdivider or his authorized agent shall apply for and secure approval of such proposed subdivision in accordance with the following procedures.

~193-5. Application Categories

A. Minor Lot Line Adjustments and Boundary Agreements: Minor lot line adjustments or boundary agreements require the approval of the Board to make certain that no new or nonconforming lots have been created. Minor lot line adjustments include an exchange of

land or moving the common boundary between two adjacent lots where no new lots are created. A boundary agreement is an agreement between two abutting landowners as to the location of a common boundary, which is shown on a plan to be recorded in the registry of deeds.

- B. Minor Subdivision:** A minor subdivision is any subdivision resulting in no more than three (3) lots or sites, each with Board approved access to an existing, publicly maintained street, and not involving any utilities or public improvement. If, in the judgment of the Board, the subdivision as initially presented does not meet the requirements for a Minor Subdivision as stated in the Definition, the Board may require a subdivision to be processed as a Major Subdivision. It shall not mean the division of a residential structure into two (2) residential units only.
- C. Major Subdivision:** A Major Subdivision is any subdivision which results in four or more lots or sites, or which requires new streets, utilities or public improvements. Major Subdivision also includes resubdivision of a lot subdivided under the Minor Subdivision procedures within the previous ten years.
- D. Voluntary Merger of Lots:** Any owner of two or more contiguous pre-existing approved or subdivided lots or parcels who wishes to merge them for municipal regulation and taxation purposes may do so by applying to the Board. Except where such merger would create a violation of then current ordinances or regulations, all such requests shall be approved, and no public hearing or notice shall be required. No new survey plat need be recorded, a notice of merger containing a description of the two lots merged into one lot including tax map and lot number and signed by the Board shall be filed in the Coos County Registry of Deeds under the name of the owner or owners as grantors and a copy shall be attached to the Town's tax assessing card. Any subdivision of the merged lot shall require subdivision approval.

~193-6. Notice

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

- A. Abutters:** A copy of the Notice shall be sent by certified mail to the abutters, easement holders, the subdivider and any engineer, architect, land surveyor or soil scientist whose professional seal appears on any plat submitted to the Board, at least ten (10) days prior to the public meeting/hearing. For proposals in which any structure or building site will be within 500 feet of the top of the bank of any lake, pond, river or stream, notice shall also be given to the NHDES Dam Bureau. For the purposes of these Regulations, in counting days, the day on which notice is given and the day of the public meeting/hearing shall be excluded.
- B. Public:** Notice to the general public shall be given by publication of a copy of the Notice in the newspaper with greatest local circulation as may be designated by the Board, at least ten days prior to the public meeting/hearing. At the same time, the Board shall post copies of the Notice in two public places in Town.
- C.** Additional notice of an adjourned session of a public meeting/hearing is not required if the date, time and place of the adjourned session is made known at the prior meeting/hearing.
- D.** The subdivider shall pay, in advance, all costs of Notice. Failure to pay costs shall be the basis for disapproval of the application.
- E.** The notice must include a general description of the proposal which is the subject of the application and shall identify the applicant and the location of the proposal. The notice shall also indicate the date, time and place of the public hearing or whatever is the subject of the notice.

~193-7. Determination of Regional Impact

Upon receipt of an application for subdivision, the Board shall review it and determine whether or not the development, if approved, could reasonably be construed as having the potential for impact beyond the boundaries of Gorham. This regional impact could result from a number of factors, such as, but not limited to, the following:

- a. relative size or number of lots or units compared with existing stock;
- b. transportation networks;
- c. proximity to the borders of a neighboring community;
- d. anticipated emissions such as light, noise, smoke, odors or particles;
- e. proximity to aquifers or surface waters which transcend municipal boundaries;
and
- f. shared facilities such as schools and solid waste disposal facilities.

Doubt concerning regional impact shall be resolved in a determination that the development has a potential regional impact. Upon determination that a proposed development has a potential regional impact, the Board shall afford the Regional Planning Commission and the affected municipalities the status of abutters for the limited purpose of providing notice and giving testimony. Within 72 hours of reaching a decision that a development has regional impact, the Board shall, by certified mail, furnish the Regional Planning Commission with copies of the minutes of the meeting at which the decision was made and copies of the initial project plan, and the affected municipalities with copies of the minutes of the meeting at which the decision was made. At least fourteen (14) days prior to the public hearing, the Board shall notify, by certified mail, all affected municipalities and the Regional Planning Commission of the date, time and place of the hearing and the right to testify concerning the development.

~193-8. Application Process

The Board encourages applicants to take advantage of the Preliminary Consultation and the Preliminary Plan steps of the application process. It may be in the best interest of the applicant, as well as the Board, to discuss the proposed subdivision, minor lot line adjustment or boundary line agreement on an informal basis prior to actual submission of the application.

A. Preliminary Consultation

- 1) Procedure:** If the applicant so requests, the Board shall place on its agenda for a regularly scheduled meeting a Preliminary Consultation between the applicant and the Board. This phase in the review process is optional for the applicant to discuss a proposed subdivision in conceptual form and to ask specific questions regarding application procedures and requirements. It is made available by the Board in order to save expense and unnecessary changes later on. There is no application fee for this phase and no public notice is required.
- 2) Information Requested:** A sketch plan may be utilized when necessary to show the location and type of the proposed development, with additional information, such as general topography, including prominent natural features of the tract. If the subdivider brings a detailed plan of any type to the Board meeting, the Board will recess any consideration until notice has been sent to the abutters.
- 3) No Action of the Board:** The Preliminary Consultation between the subdivider and the Board shall be limited to a discussion as to concept and in general terms for the limited purpose of familiarizing the Board with the location and type of development, and the subdivider with general requirements of the Board, as set forth in the Regulations. Such consultation shall not result in any decision, agreement or action binding upon the applicant or the Board. Following the Preliminary Consultation, and

after determining the general character of the proposed subdivision, the Board shall advise the subdivider concerning subsequent procedures, classification of proposed subdivision as either minor or major, submission requirements for final review, and the necessity to obtain other local and state permits.

B. Preliminary Plan

1) Procedure: The subdivider may, but is not required to, submit to the Board for review a Preliminary Plan of the proposed subdivision. Applications to the Board for review of preliminary plans shall be filed with the Board or its designated agent on the appropriate form as approved by the Board, at least fifteen (15) days before the regularly scheduled meeting. The Board shall give formal public notice, at the applicant's expense, to abutters and the general public of the Preliminary Plan review, as required under RSA 676:4, I (d). The review of the Preliminary Plan shall be conducted only at formal meetings of the Board. The Board may review the proposal in detail and receive testimony in person or in writing from any applicant, any abutter, or any other person as permitted by the Board. Again this phase in the subdivision review process is optional for the applicant and is made available by the Board in order to save expense and unnecessary changes later on.

2) Information Requested: The Preliminary Plan may be drawn in pencil or ink, and shall be submitted in three (3) copies. Preliminary plans should show substantially the same information described in Article IV, however, dimensions may be approximate and data may be tentative. The preliminary plans should be sufficiently clear to establish the basis of and to clarify the design requirements for the subdivision Final Plat. Maps shall be at a scale of no more than 100 feet per inch, unless an exception is granted by the Board or its agent.

3) No Action of the Board: Such preliminary review shall bind neither the applicant nor the Board.

~193-9. Final Application

The completed application shall be filed with the Chairman of the Board or designee at least fifteen (15) days prior to a scheduled public meeting of the Board.

A completed application sufficient to invoke jurisdiction of the Board pursuant to RSA 676:4, I (b) must include sufficient information to allow the Board to proceed with consideration and to make an informed decision. The following shall be required for and constitute a completed application:

An application for subdivision approval properly filled out and executed by the applicant, signed by each owner or their designee, together with the following:

- 1) The names and addresses of the applicant and all abutters as indicated in town records not more than five (5) days before the day of filing, along with any easement holders, and any engineer, architect, land surveyor or soils scientist whose professional seal appears on any plat, on two (2) sets of mailing labels. (Can be purchased from office.)
- 2) A check payable to the Board to cover filing fees, mailing, advertising, and other costs.
- 3) Three (3) paper print copies in accordance with and accompanied by the information required in Article IV.

~193-10. Submission of completed application.

The completed application shall be formally submitted to and accepted by the Board only at a regularly scheduled public meeting after due notification to the applicant, abutters and the

general public as provided in ~193-6 of the date the completed application will be submitted and received by the Board.

The Board shall, within 30 days or at the next public meeting for which notice can be given, review the application for completeness, as required by these Regulations. If determined to be complete, and all required fees and costs of notice have been paid, then the Board shall, by motion, accept the application as complete relative to jurisdiction of the Board per RSA 674:4, I(b).

If the Board finds the application to be incomplete, the subdivider shall be notified of the deficiencies in writing. The Board may reject an application with no further action based upon failure to supply information required by the Regulations, failure to meet reasonable deadlines established by the Board, or failure to pay cost of notice or other fees required by the Board.

~193-11. Board action on completed application.

- A.** The Board shall act to approve, approve with conditions, or disapprove the final plat or completed application, subject to extension or waiver as provided by RSA 676:4. Any bond or performance guaranty shall have been developed and approved as described in Article VI.
- B.** The Board may require special investigative studies, environmental assessments and a legal review of documents, administrative expenses and other matters necessary to make an informed decision. The cost of such studies and investigations shall be paid by the applicant.
- C.** Failure to pay any fee shall constitute valid grounds for the Board to terminate further consideration and to disapprove the plat without a public hearing.
- D.** Prior to approval of a subdivision, a public hearing shall be held as required by RSA 676:4(1)e, and notice to the applicant and abutters and the public shall be given in accordance with ~193-6.
- E.** The applicant shall provide a final mylar plat in permanent black ink suitable for recording, and street profiles if required, together with the recording fee. The final mylar for recording shall include any conditions to which subdivision approval is held subject by the Board. A CD or DVD shall also be submitted containing (1) an exact copy of the final plat with conditions in PDF format, and (2) digital parcel boundaries for the new lots in dwg or dxf format. Approval of the final plat shall be certified by written endorsement on the plat and signed by the Chairman or Secretary of the Planning Board. The town shall transmit a copy to the Register of Deeds of Coos County for recording. In case of disapproval of any plat submitted, the grounds for such disapproval shall be adequately stated in the records of the Planning Board and written notice given to the applicant.
- F.** Prior to final approval, the applicant shall provide proof of receipt of all other required local, state and federal permits.
- G.** Final approval of a plat approved with conditions may occur as described above only when the conditions include one of the following:
 - i. minor plan changes, whether or not imposed by the Board as a result of public hearing, compliance with which is administrative and which does not involve discretionary judgment;
 - ii. conditions which are in themselves administrative and which involve no discretionary judgment by the Board;
 - iii. conditions relating to the Applicant's possession of permits and approvals of other boards or agencies.

All other conditions shall require a hearing and notice, except that additional notice shall not be required of an adjourned hearing with proper notice, if the date, time and place of the adjourned session were made known at the time of the prior hearing.

- H. If the Board has not taken action to approve, approve with conditions, or disapprove the completed application within sixty-five (65) days of its acceptance and has not obtained an extension or waiver, the subdivider may obtain from the Selectmen an order directing the Planning Board to act within thirty (30) days. If the Board does not act on the application within that thirty (30) day time period, then within forty (40) days within issuance of the order, the Selectboard shall certify on the application that the plat is approved pursuant to RSA 676:4 I (c) (1) unless during that period the Selectboard has identified in writing that the proposed subdivision does not comply with some specific provision of the subdivision regulations or zoning ordinance.

~193.12. Expedited Review

A. Minor Lot Line Adjustments or Boundary Line Agreements

An application for a minor lot line adjustment or boundary agreement shall not require notice to the general public or a public hearing. Submission of the final application and approval may take place at the same meeting, provided that notice has been given to the abutters and easement holders who may be heard upon request. Application requirements are provided in Section 193-14.

B. Minor Subdivisions

An application for a minor subdivision may be submitted and approved at one or more Planning Board meetings following notice to abutters, easement holders and the public as required in Section ~193-6. A hearing, with notice as provided in ~193-6, shall be held if requested by the applicant, abutters, or easement holders any time prior to approval or disapproval. The Planning Board may also determine to hold a hearing at its own discretion.

ARTICLE IV Plan Requirements

~193-13. Final subdivision plat.

Sheet size may be eight and one-half by eleven (8 ½ x 11), eleven by seventeen (11 x 17), seventeen by twenty-two (17 x 22), seventeen by twenty-four (17x24), twenty-two by thirty-four (22 x 34), or twenty-four by thirty-six (24 x 36) and shall have a three-inch margin for binding on the left side of the plat. Adequate space shall be provided for the necessary endorsements. The scale shall not exceed one hundred (100) feet to the inch.

The final plan shall contain as applicable:

- 1) Title block with proposed subdivision name or identifying title, name of municipality, tax map and lot number, the name and address of owner of record, and the name, license number and seal of the surveyor and/or engineer, date, dates of any revisions.
- 2) Scale, written and graphic; north arrow.
- 3) A small locational map indicating the proposed subdivision in relation to major streets and intersections.
- 4) Names and addresses of owners of record of abutting properties; tax sheet and parcel numbers.
- 5) Signature block for Planning Board, Water and Sewer, Public Works, Police Chief and Fire Chief.

- 6) The statement: "The subdivision regulations of the Town of Gorham, New Hampshire, are a part of this plat, and approval of this plat is contingent on completion of all requirements of said subdivision regulations, excepting any waivers made in writing by the Board and attached hereto."
- 7) Flood hazard areas as show on the town's NFIP maps supplemented by any additional data available from the town.
- 8) Buildings, roads, pedestrian ways and other man-made features on and within 200 feet of the parcel.
- 9) Existing year-round and seasonal watercourses, ponds, wetlands, and standing water; outcroppings; and other significant natural features on and within 200 feet of the parcel.
- 10) Boundary survey including bearings, distances and location of permanent markers, proposed lot lines, dimensions, acreage and square feet of existing and proposed lots, numbering and proposed monumentation. Sufficient data to determine the exact location, direction and length of every street line, easement, lot line and boundary line and to reproduce these lines upon the ground. All dimensions shall be shown to hundredths of a foot and bearings to at least half minutes. The error of closure shall not exceed one to ten thousand (1:10,000).
- 11) Zoning districts, and setback lines for each proposed lot.
- 12) Existing and proposed topography at two-foot contour intervals. For large parcels where only a small portion is being subdivided, the Planning Board may allow five foot contours using best available data for portions of the parcel that are to remain unchanged by the proposal.
- 13) Existing and proposed utilities including easements on and within 200 feet of the property to be subdivided.
- 14) Proposed common areas such as recreation facilities and/or pedestrian ways.
- 15) Existing and proposed streets with names and right-of-way widths.
- 16) Final road cross sections, grades and profiles, in accordance with the road specifications in Article V.
- 17) Existing and proposed stormwater management and treatment facilities including culverts, drains, swales, retention and detention areas, on and within 200 feet of the parcel.
- 18) Soil types according to Natural Resource Conservation Service (NRCS) mapping. An on-site soil survey may also be required if NRCS units do not appear to be accurate or if natural characteristics appear to limit development potential.
- 19) Existing and proposed sewer lines and easements, or location of soil, groundwater and percolation test pits, and location of area of suitable size for on-site disposal.
- 20) Location of existing and proposed water mains and proposed connections, or alternative means of providing water supply.
- 21) Existing and proposed easements and other deed restrictions.

~193-14. Minor lot line adjustment or boundary line agreement.

- A. The applicant shall file a final mylar plat in permanent black ink along with three (3) paper copies. Sheet size may be eight and one-half by eleven (8 ½ x 11), eleven by seventeen (11 x 17), seventeen by twenty-two (17 x 22), seventeen by twenty-four (17x24), twenty-

two by thirty-four (22 x 34), or twenty-four by thirty-six (24 x 36) and shall have a three-inch margin for binding on the left side of the plat. Adequate space shall be provided for the necessary endorsements. The scale shall not exceed one hundred (100) feet to the inch.

- B.** The final plat shall identify itself as a “minor lot line adjustment” or “boundary line agreement” and shall contain the following statement: “The subdivision regulations of the Town of Gorham, New Hampshire, are a part of this plat, and approval of this plat is contingent on completion of all requirements of said subdivision regulations, excepting any variances or modifications made, in writing, by the Board and attached hereto.”
- C.** The final plat shall be based on an on the ground boundary survey with a maximum error of closure of one (1) in five thousand (5,000) certified by a professional engineer or land surveyor registered/licensed in the State of New Hampshire. The subdivision’s boundary and survey shall be referenced to the nearest United States Geological Survey (USGS) survey benchmark.
- D.** The plat shall contain the following information:
 - 1) Names and addresses of all owners of lands involved.
 - 2) Names and addresses of all abutters (as indicated in town records not more than five (5) days before the day of filing), and easement holders if any.
 - 3) Existing buildings, streets, rights-of-ways, streams and easements.
 - 4) Lot areas and dimensions.
 - 5) Natural features in the vicinity of the affected land.
 - 6) Name, address and seal of surveyor or engineer.
 - 7) A small locational map indicating parcels in relation to major streets and intersections, the tax sheet and parcel numbers and the zoning district.

ARTICLE V Standards

~193-15. General requirements.

- A.** Land of such character that it cannot be safely used for building purposes because of exceptional danger to health or peril from fire, flood or other menace shall not be platted for residential occupancy nor for such other uses as may endanger health, life or property or aggravate the flood hazard until appropriate measures have been taken by the owner or his agent to lessen such hazards.
- B.** 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 department or other public services or necessitate an excessive expenditure of public funds for the supply of such services shall not be approved.
- C.** The Board may require the installation or construction of any of the following improvements in the subdivision, if warranted by the needs of the subdivision, its location and proximity to public services and the character of the land and the neighborhood: roads, water supply, sewage disposal, storm drainage, parks or open space or recreation facilities, fire protection facilities, street signs and sidewalks.
- D.** If the Board determines that the proposed subdivision will adversely affect existing off-site public facilities such as highways, sidewalks, drainage, sewer and water so as to be inadequate to meet the additional needs created by the proposed subdivision, then the subdivider shall pay for such upgrading of the public facilities but only to the extent

necessitated by the subdivision. If other properties would also benefit from the upgrading of such off-site improvements, then the Board shall determine the amount to be paid by the subdivider, taking into consideration the following:

- 1) The character of the area.
 - 2) The extent that other public and private property will be benefited by the upgrading.
 - 3) Any other factor that the Board deems appropriate to establish a rational connection to their needs created by subdivision and the amount to be paid by the subdivider.
- E.** Pavement and drainage facilities, curbs and sidewalks, when required, shall be installed in accordance with the standard specifications of the Town of Gorham and in all cases must be constructed under the supervision of the Road Superintendent.
- F.** The minimum frontage per lot shall be one hundred (100) feet. Long, narrow lots or lots with very irregular shapes shall not be accepted by the Board if, in the opinion of the Board, these lots will create unusable or inaccessible areas of land.
- G.** Any natural drainageways and their easements shall be so incorporated that no flooding will occur and all stormwater can be disposed of properly.
- H.** The Board shall indicate any requirements imposed upon the subdivider to preserve and protect the existing features, trees, scenic views, brooks, streams, rock outcroppings, water bodies, stone walls, boundary markers, other natural resources and historic landmarks.

~193-16. Open space and recreation.

Areas set aside for parks and playgrounds to be dedicated or to be reserved for the common use of all property owners by covenant in the deed, whether or not required by the Board, shall be of reasonable size and character for neighborhood playgrounds or other recreational uses. Park areas may be required in major subdivisions.

~193-17. Special flood hazard areas.

- A.** For Subdivisions and site plans that involve land designated as "Special Flood Hazard Areas" (SFHA) by the National Flood Insurance Program (NFIP):
- 1) 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.
 - 2) 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).
 - 3) The Planning Board shall require the applicant to submit sufficient evidence (construction drawings, grading and land treatment plans) so as to allow a determination that:
 - i. all such proposals are consistent with the need to minimize flood damage;
 - ii. all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage; and,
 - iii. adequate drainage is provided so as to reduce exposure to flood hazards.
- B.** In riverine situations, prior to the alteration or relocation of a watercourse, the Applicant for such authorization shall notify the Wetlands Board of the New Hampshire Environmental Services Department (DES), and submit copies of such notification to the Board and the Federal Emergency Management Agency (FEMA), in addition to the

copies required by RSA 482-A:3. Further, the Applicant shall be required to submit copies of said notification to those adjacent communities as determined by the Planning Board, including all scheduled hearings before the Wetlands Board.

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 can and will be maintained.

- C. Where new or replacement water and sewer systems (including on-site systems) are proposed in special flood hazard areas, the Applicant shall provide the Planning Board with assurances that these systems will be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems will be located to avoid impairment to them or contamination from them during periods of flooding.

~193-18. Road Standards - Purpose.

The purpose of the Town of Gorham's Road Standards (~193-18 through ~193-21) is to create safe and convenient traffic circulation, promote economical road construction, and to ensure that the town's acceptance of private roadways will not burden the town with extensive maintenance or upgrading costs. These standards were established to provide the town with livable neighborhoods and to alleviate future burdens from unsafe and substandard roadways.

~193-19. Road design guidelines.

- A. When designing a circulation system for a residential development, certain factors should be kept in mind:
 - 1) Vehicular and pedestrian safety.
 - 2) Efficient service for the appropriate users.
 - 3) Compatibility with proposed development.
 - 4) The economy of the land construction and maintenance requirements.
- B. The following guidelines are for use in designing vehicular and pedestrian circulation systems within new developments. These guidelines can be applied to different types of development depending on the circumstances and needs of the individual development.
 - 1) Local street layouts should be designed to minimize drive-through traffic, pedestrian-vehicular conflicts, intersections and excessive vehicular travel and speed.
 - 2) Adequate vehicular and pedestrian access should be provided to all parcels.
 - 3) Provisions for bus service or carpooling within the development should be considered when appropriate.
 - 4) The circulation system should represent the most practical and efficient use of the site's topography and the proposed use.
 - 5) Traffic circulation should also be studied for its effect on the town's present circulation pattern and how best to minimize a negative impact.

~193-20. Road standard definitions.

As used in this Article, the following terms shall have the meanings indicated:

AVERAGE DAILY TRAFFIC (ADT) — An estimate of the daily volume of traffic determined using eight (8) vehicle trips per day per household on an exclusively residential road.

COLLECTOR STREET — A street whose primary function is to intercept traffic from intersecting local streets and carry it to the nearest major street. Typical ADT is from two hundred fifty-one (251) to four hundred (400) per day.

DEAD-END STREET — A local street open at one (1) end, with special provisions for turning around, such as a cul-de-sac.

DRAINAGE — All drainage systems, catch basins, drains, ditches, culverts, pipes and mains.

LOCAL STREET — A street whose primary function is to serve abutting land use with ADT of from one (1) to two hundred fifty (250) cars per day.

MAJOR STREET — A street whose primary function is to carry through traffic with ADT in excess of four hundred (400) cars.

PRIVATE ROAD — Any road which has not been accepted by the Town of Gorham.

ROAD — A public way designated for purposes of vehicular and/or pedestrian traffic, including the entire area within the right-of-way, avenues, boulevards, highways, streets and all other ways.

ROAD RIGHT-OF-WAY — Includes all construction, excavation or fill.

SUBGRADE — The top surface of the roadbed upon which the pavement and shoulders are constructed.

~193-21. Road layout and specifications.

A. The following specifications are intended to provide minimum standards for the design and construction of roadways. The town's acceptance of these guidelines for its road work ensures the residents of Gorham a standard of construction that will ease future financial burden caused by upgrading substandard roadways.

B. Unless expressly stated otherwise within these regulations, all roads proposed for construction to provide frontage and/or access to lots to be created through a proposed subdivision must be constructed to the standards contained herein.

Any existing private road which was constructed prior to adoption of these regulations and is proposed to serve as the access to a new building must be brought up to the standards contained in these regulations and approved by the Planning Board.

Any private roadway that is proposed for town maintenance must be brought up to the current road standards at the expense of the developer, homeowners association or abutting landowners before town acceptance. When there are no records indicating that the Town witnessed the road construction (i.e., inspection reports, sieve analyses, compaction tests), road corings to investigate subgrade shall be performed and paid for by the applicant.

C. The developer, landowners or homeowners association shall be responsible for the maintenance and repair of private roadways in a manner which provides safe access for the residents, visitors, delivery and emergency vehicles.

Applicants shall submit to the Planning Board for recording a development agreement which shall contain the responsibilities of the developer and of the town, if any, during the interim period between construction and acceptance by the town. The development

agreement shall meet the approval of the Selectboard. Any cost of legal review shall be paid by the applicant prior to final approval of the subdivision.

D. Roadway specifications.

- 1) **General design.** New streets shall be constructed to accommodate the continuation of the principal streets adjoining a subdivision with a width at least as great as the connecting street.
- 2) **Right-of-way.** All street rights-of-way shall be a minimum of fifty (50) feet and may, if warranted by the development, be greater.
- 3) **Alignment.** Street intersections and curves shall be to permit adequate visibility for vehicular and pedestrian traffic. No street shall be constructed with a curvature of less than one hundred twenty-five (125) feet radius for a local street, two hundred fifty (250) feet for a collector street or five hundred (500) feet for an arterial street. Streets entering on the opposite side of the same street shall be laid out directly opposite each other or shall have a minimum offset of one hundred twenty-five (125) feet from their center lines. Property on corners shall reserve a twenty-foot curve radius.
- 4) **Intersecting roadways.** Roads shall be laid out to intersect at ninety-degree angles for a minimum of fifty (50) feet, unless specific circumstances warrant differently. In any case, no street shall be less than sixty degrees (60°). Intersecting roadways shall have a transitional area at all corners to accommodate turning movements to a radius of thirty (30) feet.
- 5) **Grade.** Grades of all streets shall conform in general to the terrain and shall not be less than one percent (1%) or more than ten percent (10%) unless specifically approved by the Planning Board or its agent. A maximum of two percent (2%) of grade will be allowed within fifty (50) feet of an intersection.
- 6) **Dead-end streets.** All dead-end streets shall be constructed with a cul-de-sac or turnaround providing adequate room for movement of snowplows and fire equipment, with an outside roadway diameter of at least one hundred (100) feet. Variations in design may be allowed to accommodate variances in terrain. Dead-end streets designed to be permanent shall generally be less than one thousand (1,000) feet in length.

- 7) **Construction specifications.** Construction specifications shall be as follows:

	Local Service		Collector	Major
Average Daily Traffic (ADT)	0 to 50	51 to 250	251 to 400	401 and up
Pavement Width (feet)	20	22	24	Variable
Shoulder Width (feet)	2	4	4	8 to 10
Pavement Type -	Hot Bituminous			
Base Course	2.5	2.5	2.5	3
Wearing Course	1	1.5	2	2
Pavement Slope (inches per foot)	½	¼	¼	¼
Center of Road to Ditch Line (feet)	12	15	16	Varies
Minimum Base Course Depth, Crushed Gravel	5	6	6	6
Gravel Bottom (inches)	12	16	18	18

NOTES:

- a. Typical cross section. Elements including pavement and shoulder width may be modified when based on sound engineering design and approved by the Town Highway Superintendent or the Planning Board's designated engineer.
 - b. Material specifications shall conform to NHDOT Standard Specifications for Road and Bridge Construction, latest edition including Supplemental Specifications.
 - c. Design standards, including minimum stopping sight distance, shall conform to geometric design guides by the American Association of State Highways and Transportation Officials, "A Policy on Geometric Design of Highways and Streets," latest edition.
 - d. Roadway signage shall conform with the Reference Manual of Uniform Traffic Control Devices, latest edition.
- 8) Clearing and Grubbing. Clearing and Grubbing shall comply with NHDOT Standard Specifications for Road and Bridge Construction, latest edition including Supplemental Specifications if any. Clearing shall consist of cutting and disposing of all trees unless intended for preservation, down lumber, stubs, and bushes that interfere with excavation, embankment or clear vision of the roadway. The limits of clearing and grubbing should extend no less than 10 feet from the road shoulder and should include stumps, roots, boulders, topsoil, and unsuitable material.
 - 9) Excavation and Embankment. Excavation and embankment shall comply with NHDOT Standard Specifications for Road and Bridge Construction, latest edition including Supplemental Specifications if any.
 - 10) Aggregate Base Course. Aggregate subbase and aggregate base shall comply with NHDOT Standard Specifications for Road and Bridge Construction, latest edition, including Supplemental Specifications if any.
 - 11) Pavement Specifications. Pavement shall comply with NHDOT Standard Specifications for Road and Bridge Construction, latest edition, including Supplemental Specifications if any.
 - 12) Shoulders. Shoulder sections shall not be constructed in a separate operation from that of the gravel base. The shoulder slope shall be constructed and compacted with the gravel base installation. Shoulder material shall comply with NHDOT Standard Specifications for Road and Bridge Construction, latest edition, including Supplemental Specifications if any.
 - 13) Ditching. The base level of the ditching shall be a minimum of thirty (30) inches below final grade level.

E. Drainage.

- 1) Culverts. Culverts shall comply with NHDOT Standard Specifications for Road and Bridge Construction, Section 603 Culverts and Storm Drains, latest edition, including Supplemental Specifications if any.
- 2) Catch basins. Catch basins shall comply with the NHDOT Standard Specifications for Road and Bridge Construction, latest edition, Section 604 Catch Basins, Drop Inlets and Manholes and Section 605 Underdrains, including Supplemental Specifications If any.

F. Erosion and sediment control.

- 1) Erosion and sediment controls are an important aspect of any road construction proposal. In general, erosion and sediment control should encompass these principles:

- a. The smallest practical area of land shall be exposed at any one (1) time during the development.
- b. Land shall not be left exposed during the winter months.
- c. When land is exposed, it shall be for the shortest time period possible.
- d. The development should be fitted to the existing topography to reduce erosion.

2) Vegetation.

- a. Temporary. Temporary cover crops can be used to stabilize the soil when cover is only needed for a few months. These cover crops can be used when the time of the year is unfavorable for establishing permanent cover.
- b. Permanent. Permanent cover crops should be selected on their ability to control erosion, with little or no maintenance required. Permanent cover crops should be installed as soon as possible in the development.

3) Seeding and loaming.

- a. The loaming and seeding of disturbed land shall take place with approved methods and materials for the proper establishment and growth of grasses to be used as permanent cover.
- b. Hydroseeding. Hydroseeding, in which seed, fertilizer and mulching are applied in a fast all-in-one operation, is an acceptable form of permanent cover established.

4) Mulching.

- a. Straw mulch can be used to control erosion until a cover crop is established and doesn't have to be removed. Hay is another mulch which can be used as a mulch that adds an additional source of seeds to the ground cover. Straw and hay are usually applied at one and one-half (1 ½) tons per acre.
- b. There are also a number of fibrous materials, such as jute or cotton netting, which can be used to control erosion until permanent cover is established.

5) Sediment basins. Sediment basins shall be installed and maintained to remove sediment from runoff waters. Usually sediment basins are temporary structures and are graded into the surrounding landscape after construction is completed and the area stabilized.

6) Diversions.

Diversions intercept and divert runoff so that it will not cause damage; they consist of a channel and edge construction across the slope. Diversions need a stable outlet to dispose of the runoff safely. Many times, if the slope is long enough, diversions are used in series to protect the slope and often seeded and blended into the landscape as permanent erosion control.

7) In general, the State of New Hampshire Department of Transportation Standard Specifications for Road and Bridge Construction, latest edition, Sections No. 646, Turf Establishment, and No. 650, Planting, provide accepted practices on erosion control and the establishment of ground covers. When used in conjunction with the New Hampshire Stormwater Manual, published by NHDES, current edition, they will serve as a guideline for the Planning Board when reviewing erosion control proposals.

G. Embankments.

- 1) All cut and fill slopes shall have a maximum slope of 3:1 (three horizontal to one vertical).**

- 2) Embankment construction will generally follow the procedures set forth in the State of New Hampshire Department of Transportation Standard Specifications for Road and Bridge Construction, latest edition, Section 203, Excavation and Embankments, Subsection 3.7, including Supplemental Specifications if any.
 - 3) Any alternative methods or materials for embankment construction will be explicitly stated in the initial design submission and must receive approval by the Planning Board or designated engineer before construction proceeds.
- H. Sidewalks.** Sidewalks or other pedestrian access ways shall be installed at the expense of the subdivider where the subdivision abuts or fronts on major streets or at such locations as the Planning Board or town deems necessary. The Planning Board may require pedestrian walks and rights-of-way for access between parts of a subdivision and/or public property. Sidewalks shall be constructed in accordance with instructions from the Public Works Director. Sidewalk width shall not be less than four (4) feet and conforming to the grades of the streets. Alternative surfaces (e.g., porous pavement, grass pavers, etc.) are encouraged.
- I. Bond or escrow.** No street or road construction shall begin until a performance bond, letter of credit, or the full amount of the construction cost based on the engineer's estimate is submitted to the town pursuant with Article VI Performance Guarantees below. As a substitution for the performance bond or letter of credit, money for the full amount of the construction cost may be deposited in a savings account in escrow. As an alternative to both of the above, the owner(s) may build the road for its full length or in a phased construction in accordance with these standards and approved by the Planning Board before the final plat is signed and recorded and before any construction of dwellings proceeds.
- J. Submission data for road design.**
- 1) Road design shall be submitted in plan and profile on sheets twenty-two by thirty-four (22 x 34) inches in size and having a horizontal scale of one (1) inch equals fifty (50) feet and a vertical scale of one (1) inch equals ten (10) feet. Three (3) copies shall be submitted to the Planning Board for review and approval. Subdivision approval will not be granted until a satisfactory road design is approved.
 - 2) The plan shall display the stamp of a professional engineer and show:
 - a. Title, including the name of the subdivision, name of the owner, name of road, date, scale and name of designer/engineer.
 - b. Right-of-way lines.
 - c. Slope and drainage easements.
 - d. All center line data.
 - e. Edge of pavement lines.
 - f. Typical cross section.
 - g. Existing grade at each half station (on profile).
 - h. Proposed grade at each half station (on profile).
 - i. Length of vertical curves and data (on profile).
 - j. Utility locations.
 - k. Specific material or reference.
 - l. Drainage structure location, inverts, skew, station, length, slope and end treatments.
 - m. Design year.

n. Average daily traffic.

- 3) A detailed engineer's estimate of construction costs will be filed with the street plan when submitted for approval.

~193-22. Utilities.

- A. All subdivisions shall make adequate provisions for water supply, stormwater and sanitary sewage disposal and required utilities and improvements. If existing public water and/or sewer lines are within a reasonable distance of a proposed subdivision, then, in the sole judgment of the Board, the Board may require the extension of public water and sewers to and within a proposed subdivision, without cost to the town.
- B. Sewage disposal. In areas not currently served by public sewer, the subdivider shall provide information to prove that the area of each lot is adequate to permit the installation and operation of an individual septic system. This shall consist of the NH Department of Environmental Services subdivision application and approval and, if deemed necessary, a professional site assessment.

~193-23. Stormwater management and erosion control.

- A. The purpose of this section is to control soil erosion and the resulting sedimentation from occurring in subdivision areas by requiring proper provisions for water disposal and the protection of soil surfaces during and after construction in order to promote the public health, safety, convenience and general welfare of the community.
- B. For all subdivisions, the following minimum standards shall be observed by the subdivider in the design, layout and engineering of the proposed subdivision.
 - 1) Stripping of vegetation, regrading or other development shall be done in such a way that will minimize soil erosion.
 - 2) Whenever practical, natural vegetation shall be retained, protected and supplemented.
 - 3) The disturbed area shall be kept to a minimum and the duration of exposure shall be under a maximum of six (6) months. In no case shall completed areas be left past October 1 without being seeded.
 - 4) Temporary seedlings and/or mulching shall be used to protect exposed critical areas during development.
 - 5) Provisions shall be made to accommodate the increased runoff caused by changed soil and surface conditions during and after development.
 - 6) Sediment in the runoff water shall be trapped until the disturbed area is stabilized by the use of sediment basins or other acceptable methods.
 - 7) Diversions, sediment basins and so forth shall be constructed prior to any on-site grading or disturbance of existing surface vegetation.
- C. The applicant shall submit a stormwater management and erosion control plan when one or more of the following conditions are proposed:
 - 1) A projected cumulative disturbed area exceeding 20,000 square feet, including typical building footprints and driveways.
 - 2) Construction of a street.
 - 3) A subdivision involving three or more lots, or three or more dwelling units.

- 4) The disturbance of critical areas, such as slopes over 15%, wetlands, seasonal or year-round water courses, fluvial erosion hazard areas or floodplains.

All stormwater management and erosion control measures in the plan shall adhere to the "New Hampshire Stormwater Manual," current edition, published by NHDES.

The applicant shall bear final responsibility for the installation, construction, and establishment of provisions for ongoing maintenance of all stormwater and erosion control measures required by the Board. Site development shall not begin before the plan and a mechanism for ensuring ongoing maintenance are approved.

ARTICLE VI Performance Guarantees

~193-24. General Provisions

Before final approval is recorded at the Registry of Deeds, the applicant must file a performance guarantee, in an amount and form acceptable to the town, to serve as a surety that all proposed roads; improvements within public streets or to public facilities; and improvements that may be a part of sewer, water, storm water and/or utility systems; and proper stormwater management and erosion control measures are completed in accordance with the approved plans.

~193-25. Performance guarantee requirements and procedures.

- A. Any performance guarantee shall be approved as to form and amount by the Town of Gorham, and conditioned on the completion of such improvements within two years of the date of the performance guarantee unless released earlier by a vote of the Board upon request of the developer. The performance guarantee shall be in the form of cash, a Letter of Credit drawn on a federal or state chartered bank, or a performance bond.
- B. The applicant shall construct and pay for all temporary improvements, such as erosion and sedimentation control measures and temporary infrastructure improvements, required by the Board, and shall maintain those improvements for the period of the performance guarantee, or the date that the Town releases all securities, whichever date comes earlier.
- C. If improvements for which security is given are not completed within the period specified in the performance security, nor in proper conformance with the approved plans, the Board may vote to complete the improvements and withdraw the necessary funds from the balance of any such security in accordance with the term of security.

Any time a performance guarantee of any other sum is required by these regulations to be posted with the Town as security, the applicant shall prepare and submit an I.R.S. form 1099 with the security.

~193-26. Inspection requirements.

The Planning Board shall, at the time of plan approval, require the applicant to establish an appropriate escrow, or other security, in addition to the Performance Guarantee designated in Section 193- 25 herein, acceptable to the Planning Board, which will be used by the Town of Gorham for retention of appropriate engineers or other consultants to confirm that construction is in conformance with the approved plans and/or applicable codes and standards. The subdivider shall notify the Board in writing of the time when he/she proposes to commence the construction of any such improvements. The Board shall make necessary arrangements, including the employment of inspectors and consultants to carry out inspections and testing to ensure compliance with town specifications and requirements of these regulations during the period of construction and installation of any required

improvements. The Board may require the written agreement of the subdivider to pay an additional amount of money for inspection and testing charges which exceed the amount of money paid by the subdivider prior to the endorsement of the Board's approval set forth above.

~193-27. As-built plan requirements.

In order to provide a permanent record of the locations, dimensions and characteristics of various items and features, delineated on plans presented to the Planning Board for approval (or which are otherwise required in connection with the development), the Planning Board shall require the applicant to provide "as built" drawings, sealed by a Licensed Professional Engineer, or Licensed Land Surveyor, prior to the final release of performance guarantee pertaining to such items. As-Built Plan Requirements and content shall conform with applicable standards established by the Public Works Department.

~193-28. Release of performance guarantees.

- A. As phases or portions of the secured improvements or installations are completed, certified by the Town's inspecting engineer, and approved by the Planning Board, the Board may partially release said security to the extent reasonably calculated to reflect the value of such completed improvements or installations, provided, however, that the Planning Board shall establish a reasonable retainage sufficient to cover the cost of any defects, omissions or failures to install improvements according to approved plans. This guarantee period shall be one year unless determined otherwise by the Planning Board prior to final approval.
- B. Performance guarantees shall not be released until a Licensed Land Surveyor has certified that the boundary monuments have been set.

**ARTICLE VII
Administration and Enforcement**

~193-29. Administration.

- A. The Gorham Planning Board (or its duly authorized agent) shall administer these regulations.
- B. Applications for subdivision approval shall be in a form as required by the Planning Board.

~193-30 Waivers

Where, in the opinion of the Board, strict conformity would pose an unnecessary hardship to the Applicant and a waiver will not be contrary to the spirit and intent of these Regulations, or, 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, the Board may waive, or modify certain requirements of these Regulations in accordance with RSA 674:36,II(n). The basis for any waiver granted by the Planning Board shall be recorded in the minutes of the Board.

The Planning Board may set higher requirements with respect to any of the standards if conditions, in the opinion of the Board, warrant such action.

~193-31. Penalties for transferring lots in unapproved subdivisions.

An owner or agent of the owner of any land located within a subdivision who transfers or sells

any land before a plat of said subdivision has been approved by the Planning Board and recorded or filed in the office of the appropriate Register of Deeds shall forfeit and pay a penalty of one thousand (\$1,000) for each lot or parcel so transferred or sold; and the description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties. Said municipality may enjoin such transfer or sale or agreement and may recover said penalty by civil action. In any such action, the prevailing party may recover reasonable court costs and attorneys' fees as the same may be ordered by the court.

~193-32. Enforcement

These Regulations shall be enforced by the Board of Selectmen or their duly authorized representatives pursuant to RSA 676:15-18 as amended.

~193-33. More restrictive provisions to prevail.

Where a provision of these regulations is found to be in conflict with a provision of any other ordinance, regulations, code or covenant in effect in the Town of Gorham, the provision which is the more restrictive shall prevail.

~193-34. Amendments.

These regulations may be amended or rescinded by the Planning Board, but only following public hearing on the proposed change. The Chairman or Secretary of the Planning Board shall transmit a record of any changes so authorized to the Registry of Deeds of Coos County.

~193-35. Severability.

If any portion of these regulations is found for any reason to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of these regulations.

~193-36. Appeals.

An appeal may be taken from the decision of the Planning Board to the Superior Court, as provided in RSA 677:15.