

SUBDIVISION REGULATIONS

TOWN OF PLYMOUTH, NEW HAMPSHIRE



Planning Board
Town of Plymouth, New Hampshire
6 Post Office Square
Plymouth, NH 03264
(603) 536-1731

Original regulations adopted on September 15, 1971.

Current regulations adopted on September 26, 1985, revised on December 16, 1986,
September 15, 1994, September 16, 1999, January 3, 2002, November 7, 2002, and June 6,
2024.

\$10.00

Subdivision Regulations for the Town of Plymouth, New Hampshire

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APPENDIX 1

New Hampshire Department of Environmental Services rules *Env-Ws 1000*
available in the Town Hall or from
New Hampshire Department of Environmental Services
Public Information and Permitting Office
6 Hazen Drive
PO Box 95
Concord, NH 03302-0095
(603) 271-3503

Town of Plymouth, New Hampshire

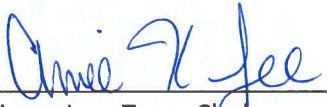
Subdivision Regulations

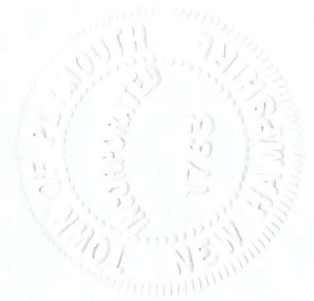
Effective Date

The original Subdivision Regulations were adopted by the Planning Board on September 15, 1971.

These regulations have been amended by the Planning Board on September 26, 1985; December 16, 1986; September 15, 1994; September 16, 1999; January 3, 2002; November 7, 2002; and June 6, 2024 as provided for under RSA 675:6.

Filed in the office of the Town Clerk on 6/21, 2024.


Aimee Lee, Town Clerk



Signature Page

Planning Board Members:



John Christ, Chair




Susan Wood, Vice Chair

Phil LaMoreaux, Non-recording Secretary

Neil McIver, Select Board Representative



Mike Ahern, Member




Mark Sturgeon, Member

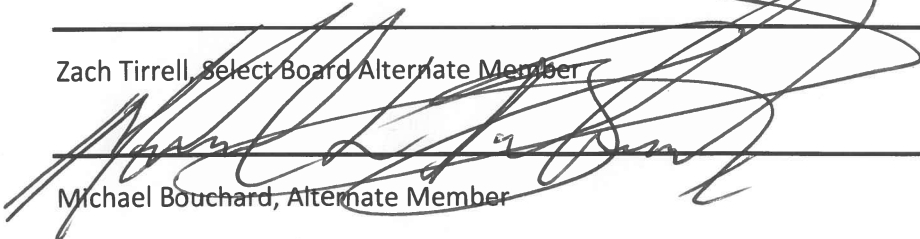


Matt Yeaton, Member

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Zach Tirrell, Select Board Alternate Member



Michael Bouchard, Alternate Member

Peter Julia, Alternate Member

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Bradford Puffer, Alternate Member

Subdivision Regulations for the Town of Plymouth, New Hampshire

Article I: Authority, Title and Purpose

A. Authority

Pursuant to the authority vested in the Plymouth Planning Board by the voters of the Town of Plymouth on March 10, 1970, and in accordance with the provisions of 674:35 of the New Hampshire Revised Statutes Annotated, as amended, the Plymouth Planning Board adopts the following regulations governing the subdivision of land in the Town of Plymouth, New Hampshire.

B. Title

These Regulations shall be known and cited as the "Subdivision Regulations for the Town of Plymouth, New Hampshire."

C. Purposes

These regulations are designed to accomplish the purposes set forth in NH RSA 674:36 and for the following purposes:

1. promote the harmonious development of an economically stable and environmentally sound community for current and future residents,
2. to provide uniform procedures and standards for observance by the Planning Board and subdividers,
3. to discourage sprawl and the scattered and premature subdivision of land,
4. to provide for the proper arrangement and coordination of streets within subdivisions in relation to existing or planned streets, for streets with adequate design and construction for present and future traffic and emergency vehicle use, and for open spaces of adequate proportions, and
5. to enable the Board to insure the provision of adequate public or private facilities and services where warranted.

Article II: Scope of Review

The subdivider or his/her authorized agent shall apply for and secure Planning Board approval whenever any subdivision is proposed and:

1. prior to a binding contract for the sale, rent, or lease of such subdivision or any part thereof and prior to any land transfer (in accordance with RSA 676:16);
2. before any land clearing, construction, or building development is begun;
3. before converting any existing developed property to condominium or time-sharing; or
4. before any permit for the erection of any building in such proposed subdivision shall be granted.

Article III: Definitions

A. General

The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular. The words “shall” and “will” are mandatory; the word “may” is permissive. The Planning Board hereby incorporates by reference the definitions of the following terms contained in RSA chapter 672. The Board intends to utilize the text of these definitions as they may be subsequently amended, to the extent possible: “Abutter” (RSA 672:3), “Street” (RSA 672:13) and “Subdivision” (RSA 672:14). All terms defined in the Zoning Ordinance of the Town of Plymouth, New Hampshire shall have the same meaning in these Regulations, except when differently defined herein or when the context requires otherwise.

B. Common Terms

“Applicant” means the person seeking subdivision approval.

“Board” means the Plymouth Planning Board.

“Building Envelope” means the area of a building lot identified on a subdivision plan indicating the allowed limits of clearing and grading, and within which all structures, and, when applicable, the well and septic systems, including the tank and leach field, shall be located. “Certified Soil Scientist” means a person certified as a Certified Soil Scientist pursuant to RSA 310-A:75 – :96.

“Driveway” means a private vehicular access serving one or two lots.

“Final Plat” means the plan presented to the Board for final approval under Article VI B.

“Homeowners’ Association” means a private nonprofit corporation, association, or other legal entity organized in accordance with state law, established by the applicant for the benefit and enjoyment of the residents of the subdivision and over which the residents have control. Member individuals share common interest in open space or facilities, and are in charge of preserving, managing, and maintaining the common property and enforcing certain covenants and restrictions.

“Major Subdivision” means any subdivision which is not a minor subdivision.

“Lot Line Adjustment” means a subdivision proposing the sale, conveyance or exchange of land among owners of land which does not create buildable lots or increase the number of parcels, and includes boundary line agreements.

“Minor Subdivision” means a subdivision which creates no more than three lots and contains all frontage on existing streets.

“Public Wastewater System” means a wastewater collection, treatment, and disposal system that is owned and operated by a municipality or the Plymouth Village Water and Sewer District.

“Public Water System” means a water supply system that is owned and operated by a municipality or the Plymouth Village Water and Sewer District.

“Sketch” means a preparatory sketch of the subdivision layout that does not include engineering details but accurately shows the proposed layout of lots, streets and recreation areas; watercourses; natural features; and easements. A sketch is required for a Design Review Plan under Art. VI, Sec. C(6) and, if necessary, to determine the base number of units for an Open Space Residential Development subdivision under Art. IX, Sec. C(4).

“Slope” means the average steepness of the land surface under consideration. For the purpose of determining lot size categories, slope shall be determined by slope factors used by the National Cooperative Soil Survey soil classification.

“Soil Type” means soils as identified by soil series described by National Cooperative Soil Survey Standards.

“Town Engineer” means the designated Town Engineer or an individual designated by the Board.

“Tract” means an area, parcel, site, piece of land, or property, which is the subject of a development proposal and applications.

“Wetlands” means 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. As adopted by reference to RSA 482-A:2, X, which will incorporate any future Statute changes.

“Yield Plan” means a sketch drawn to scale for a conventional subdivision that demonstrates the maximum practicable number of subdivision lots achievable under conventional zoning. A yield plan should depict steep slopes and wetlands as defined by the National Cooperative Soil Survey and floodplains as defined by the Federal Emergency Management Agency (FEMA)’s National Flood Hazard Layer. Subdivision lots should be laid out in the conventional format taking into consideration a roadway network and the minimum lot size and frontage requirements.

Article IV: Subdivision Review Procedures

A. Conceptual Consultation

1. The Applicant may appear at a regular meeting of the Board to discuss a proposal in conceptual form and in general terms. Although this consultation is strictly optional, the Board strongly suggests that the applicant take advantage of this opportunity. Such conceptual consultation shall be informal and directed toward:
 - a. reviewing the basic concepts of the proposal;
 - b. reviewing the proposal with regard to the Master Plan and Zoning Ordinance;
 - c. reviewing the Subdivision Regulations as they may apply to this proposal; and
 - d. guiding the applicant relative to necessary state and local requirements.
2. The conceptual consultation shall not bind the Applicant or the Board. Such discussion may occur without formal public notice, but must occur only at a posted meeting of the Board.
3. The conceptual consultation shall be separate and apart from formal consideration under the completed application procedures and the time limits for acting shall not apply until a formal completed application is accepted.

B. Design Review

1. Prior to submission of an application for Board action, an applicant may request to meet with the Board or its designee for non-binding discussions beyond the conceptual and general stage, involving more specific design and engineering details of the potential application. It is strongly recommended

that potential applicants take advantage of this design review phase to discuss issues prior to the submission of a formal application. It is anticipated that the more information submitted to the Board at this stage, the greater the quality and accuracy of the formal review at the time of submission of the completed application.

2. Notice of the submission of a design review application shall be given to abutters and the public as described in Section IV G.
3. Persons wishing to engage in design review shall submit a request to the Board not less than fifteen (15) days prior to the regularly scheduled Board meeting. The request shall include:
 - a. two paper copies of the design review plan as described in VI C. Upon the request of the applicant, the Board may choose to waive some of the design review plan requirements if they are not essential to this review.
 - b. a list of abutter names and addresses obtained from Town records not more than five days prior to filing the application; the names and addresses of any holders of conservation, preservation or agricultural preservation restrictions; the names and addresses of professionals who have stamped the plans.
 - c. design review fees as set by the Selectmen.
4. Neither time limits for consideration and action nor the public hearing requirements shall apply to this submission.
5. The Board or its designee may inform the applicant of any special studies that may be needed, such as an assessment of the impact of the proposal on water, sewer, roads, traffic, schools, fire and police protection and other municipal services. Identification of studies during this phase will not limit the Board from requiring other studies during formal review of a completed application.
6. No formal action on the proposal shall be taken, except that, after review and discussion with the subdivider, the Board or its designee shall communicate to the Applicant, in writing, specific suggestions to assist in resolving problems prior to the submission of a completed application.
7. Statements made by the Board or Board members shall not be the basis for disqualifying said members or invalidating any action eventually taken on the application.

C. Submission of Completed Application

1. A completed application shall be filed with the Community Planner at least fifteen (15) days prior to a scheduled public meeting of the Board. A completed application shall consist of all the items required in section VI of these Regulations.
2. The Community Planner shall review the application to make an initial determination of whether or not the application meets the submission requirements and shall make a recommendation to the Board regarding its formal submission with such initial determination subject to appeal to the Board.
3. The completed application shall be submitted to and may be accepted by the Board only at a regularly scheduled public meeting after due notification to applicant, abutters, and the general public of the date the completed application will be submitted to the Board.
4. The Board shall determine if an application is complete according to these Regulations within thirty (30) days of the delivery of the application to the Community Planner or at the next regular meeting for which notice can be given in accordance with the requirements of section IV G

5. An incomplete application filed by the applicant will not be submitted to the Board nor will notices of a public meeting be mailed, posted or published, subject to the right of the applicant to appeal such determination to the Board provided that notice of such appeal is provided in the same manner as a hearing in section IV G. Written notification will be provided to the applicant, stating the reasons for the determination that the application is incomplete and identifying the additional materials required for acceptance.
6. Applications may be refused for acceptance by the Board without a public hearing on grounds of:
 - a. Failure of the applicant to supply information required by these regulations, including abutters' names and addresses and information required for submission.
 - b. Failure to pay costs of notices.
 - c. Failure to meet any reasonable deadline established by these Regulations.
7. When the Board accepts a completed application, the Board shall provide a receipt to the applicant indicating the date of formal acceptance and the deadline for final action (subject to extension or waiver under section IV D).

D. Board Action on Completed Application

1. Upon formal acceptance of the completed application, the Board shall determine the kind of special studies or additional documentation which may be needed to make an informed decision. The Board may require special studies or analysis, environmental assessments, a legal review of documents, administrative expenses, and other matters necessary to make an informed decision. The Board shall attempt to determine the studies that are necessary within forty (40) days of acceptance of the application. The Board reserves the right to request additional information later, should the review process raise new or different issues or questions.
2. The Board shall act to approve or disapprove the completed application (including the final plat) within sixty-five (65) days of its formal acceptance, subject to extension or waiver as provided below. The Board shall provide the applicant with a written decision including conditions of approval or reasons for denial.
3. The Board may apply to the Selectmen for an extension not to exceed an additional ninety (90) days before acting to approve or disapprove an application. The Applicant may waive the requirement for Board action within the above time periods and consent to such extension as may be mutually agreeable.
4. If the Board has not obtained an extension, and has not taken action to approve or disapprove the completed application within sixty-five (65) days of its acceptance, the applicant may request that the Selectmen issue an order directing the Board to act within thirty (30) days. Failure of the Selectmen to issue such an order, or of the Board to act upon such order of the Selectmen, shall give the applicant certain rights as provided in RSA 676:4 I (c).
5. Approval of the application shall be certified by written endorsement on the Final Plat including date of approval, Planning Board seal and the signatures of the Chair or a designee and three other Board members.
6. The Community Planner shall transmit a mylar copy of the approved Final Plat to the Register of Deeds of Grafton County. The subdivider shall be responsible for the payment of all recording fees. Any subdivision plan not filed within ninety (90) days of final approval shall be considered void. An approved plan shall be recorded by the Planning Board with the Register of Deeds of Grafton County.

E. Conditional Approval

The Board may grant conditional approval of an application, but the plat will not be signed or recorded until all of the conditions have been met. If the applicant has not complied with the conditions of approval within one (1) year, the approval shall be considered null and void. A further public hearing to determine compliance is not required when such conditions:

1. are administrative in nature;
2. involve no discretionary judgment on the part of the Board;
3. involve the applicant's possession of permits and approvals granted by other boards or agencies, such as the Department of Transportation, the Wetlands Board, or Water Supply and Pollution Control Division; however, any subsequent change to the plan required by such approvals will constitute grounds for a new hearing.

F. Public Hearing

1. Prior to the approval, conditional approval or denial of a subdivision, a public hearing shall be held pursuant to RSA 676:4 I (d) , duly-noticed in accordance with section IV G.
2. A public hearing is not required when the Board rejects an incomplete application pursuant to section IV C.

G. Notification

1. Notice of a design review, the submission of a completed application, or a Public Hearing shall be given by the Board to the abutters, any holders of conservation, preservation or agricultural preservation restrictions, all professionals who have stamped the plans, and the applicant by certified mail, mailed at least ten (10) days prior to the submission. Notice shall be provided to the public at the same time by posting in at least two public places in the town or publication in a newspaper of general circulation, as determined by the Board.
2. The notice shall give the date, time and place of the Board meeting at which the application or other item(s) will be formally submitted to the Board, and shall include a general description of the proposal which is the subject of the application, or of the item to be considered, and shall identify the applicant and location of the proposed subdivision.
3. Additional notice shall be given to all affected municipalities and the appropriate regional planning agencies for developments with regional impact (see section V) and publication in a newspaper of general circulation in Plymouth at the discretion of the Board.
4. For any public hearing on the completed application, the same notice as required for notice of submission of the completed application shall be given. If the notice of public hearing has been included in the notice of filing and submission or any prior notice, additional notice of the public hearing is not required, nor shall additional notice be required of an adjourned session of a hearing with proper notice if the date, time, and place of adjourned session was made known at the prior hearing.

H. Fees

1. A completed application for design review, a major subdivision, minor subdivision or lot line adjustment shall be accompanied by the appropriate fees, as set by the Board of Selectmen.

2. All costs of notices, whether mailed, posted or published, shall be paid at the time of filing. Failure to pay application, notice or recording fees shall constitute valid grounds for the Board to terminate further consideration and to disapprove the plat without a public hearing.

3. It shall be the responsibility of the applicant, if the Board deems it necessary, to pay reasonable fees for special studies or analysis, environmental assessments, legal review of documents, administrative expenses, and other matters necessary to make an informed decision. Failure to pay such fees shall constitute valid grounds for the Board to terminate further consideration and to disapprove the plat without a public hearing.

I. Site Inspections

1. The Board and/or its designated agents may visit the subdivision site in order to thoroughly and knowledgeably review the proposal.

2. A site inspection by the Board shall be posted as a meeting of the Board pursuant to the provisions of RSA 91-A. If there is a quorum of the Board present at the site inspection, minutes shall be kept.

3. All applications are conditioned upon the owner allowing access to the property, to the extent reasonable and necessary to properly review the application. Denial of access automatically terminates any further consideration of the proposal.

J. Concurrent and Joint Hearings

The applicant may request a joint hearing with one or more other land use boards in conjunction with a subdivision hearing if all are required for the same project. A subdivision hearing may be held concurrently with a site plan review hearing if so requested by the applicant.

K. Review by Other Officials

It is the policy of the Planning Board to seek input from the Police, Fire, Highway, and Parks & Recreation Departments; Plymouth Village Water & Sewer District; Plymouth School District; Pemi-Baker Regional School District; and other appropriate public agencies regarding all applications. Before approval of the final plat is given, the Planning Board may obtain written statements that the proposed subdivision is satisfactory to Town and other officials, such as but not limited to the following:

1. The Chief of Police as to vehicular and pedestrian traffic safety and access for emergency vehicles.

2. The Chief of the Fire Department as to the location of hydrants or ponds where they are to be provided and with regard for access for emergency vehicles.

3. The Highway Department as to the design of the streets, sidewalks, water, and drainage facilities, including the location of easements, and the relationship of the proposed facilities to existing public facilities and public ways.

4. The Plymouth Village Water & Sewer District as to the availability of public water and sewerage and the manner in which the on-site facilities are installed and connected to the Town facilities.

5. Plymouth School District and Pemi-Baker Regional School District as to current and projected enrollments, student transportation, and other educational impacts.

Article V: *Developments of Regional Impact*

1. The purpose of this section is to provide timely notice to potentially affected municipalities concerning proposed developments which are likely to have impacts beyond the boundaries of the Town, to provide opportunities for the regional planning agencies and the potentially affected municipalities to furnish timely input to the Town, and to encourage the Town to consider the interests of other potentially affected municipalities.
2. A development shall be considered to have regional impact if it can reasonably be expected to impact on a neighboring municipality, because of factors such as, but not limited to, the following:
 - a. relative size or number of dwelling units as compared with existing stock;
 - b. proximity to the borders of a neighboring community;
 - c. transportation networks;
 - d. anticipated emissions such as light, noise, smoke, odors, or particles;
 - e. proximity to aquifers or surface waters which transcend municipal boundaries;
 - f. shared facilities such as schools and solid waste disposal facilities; or
 - g. other factors which, in the sole discretion of the Board, are reasonably likely to have a substantial effect on another municipality.
3. If, after a review of the application by the Community Planner or by the Board, with appropriate notice as provided for in section IV G, the application is found to have regional impact, notice of the meeting when the application will be submitted to the Board shall be sent by certified mail, return receipt requested, to all affected municipalities and the appropriate regional planning agencies at least fourteen (14) days prior to the date of such meeting.

Article VI: *Submission Requirements*

A. Application

All applications for design review, major subdivision, minor subdivision or lot line adjustment are required to provide the following at the time of the initial filing of the application with the Community Planner:

1. Completed application for design review, major subdivision, minor subdivision or lot line adjustment, including checklist.
2. A plat including, at a minimum, the items listed below, unless a waiver, requested in writing, is granted by the Board. Five full-size paper copies, enough 11x17 reductions of the plat for all abutters, plus fifteen more, shall be submitted. Once a Final Plat is approved by the Board, three paper print copies and a mylar (suitable for recording at the Grafton County Register of Deeds) will be required.
3. List of abutter names and addresses obtained from Town records not more than five days prior to filing the application; the names and addresses of any holders of conservation, preservation or agricultural preservation restrictions; the names and addresses of professionals who have stamped the plans.
4. Duplicate copies of all associated applications submitted to State and/or Federal agencies.
5. Fees as set by the Board of Selectmen (see section IV H).

B. Final Plat

The Final Plat for all major subdivision, minor subdivision or lot line adjustment shall show or be accompanied by the following:

1. The Final Plat shall be drawn at a scale of 100 feet to the inch, or at greater detail as directed by the Board.
2. Said plat shall be prepared in compliance with all applicable statutory requirements, including Grafton County Register of Deeds standards, and shall be prepared on sheets of 11x17, 17x22 or 22x34 inches measured from the cutting edges. If one sheet is not of sufficient size to contain the entire area of the site and environs, the plat shall be divided into sections to be shown on separate sheets of equal size with references on each sheet to the adjoining sheets.
3. All dimensions shall be shown to hundredths of a foot and bearings to at least the nearest thirty seconds. The error of closure shall not exceed 1:5000 or as otherwise allowed by the Board. The Board may determine that a different survey standard may be warranted by a particular subdivision.
4. Date; name and location of subdivision; name and address of owner; scale; north arrow; and the total acreage of land to be subdivided.
5. A key (or location) map showing the relation of the proposed subdivision to existing streets or roads, and other adjacent subdivisions.
6. Property lines of the entire parcel, rights-of-way lines of proposed or existing streets and easements, and lot lines with accurate dimensions, bearings, or deflection angles, and radii, arc and central angles of all curves. Acreage or square footage of each lot shall be shown. Lots shall be consecutively numbered.
7. Location of proposed driveways.
8. Location of proposed well and 75' radius protection area; location of 4,000 square foot area for proposed septic system, if public water and sewer service is not available.
9. Location and description of all monuments.
10. The names of abutting property owners and the location of property divisions that intersect with the land proposed for subdivision.
11. All existing structures on the property to be subdivided and wells and septic systems on abutting properties within 200 feet of proposed wells and septic systems.
12. Significant natural features such as woods, wetlands, streams, ponds, ledges, mines, scenic views, parks, public open spaces, etc.
13. Soil type units as identified by soil series described by National Cooperative Soil Survey Standards.
14. Flood hazard areas as indicated on National Flood Insurance maps available in the Town Office.
15. Topographic contours at 5-foot intervals. The Board may modify the topographic detail, depending on the proposed subdivision plan and parcel.
16. Year-round water courses.
17. The purpose and acreage of any easement or land reserved, or dedicated to public use shall be designated, and the proposed use of sites other than residential shall be noted.

18. Final locations of all proposed improvements including roads, drainage, erosion and sediment control structures, wells or water lines, septic systems, utilities, etc.
19. Final cross-sections, profiles and grades of streets. (Cross-sections at 50 foot intervals plotted at 1"=10' horizontal and vertical unless otherwise approved by the Town Engineer.) Profiles plotted with the same horizontal scale as the plans and a horizontal to vertical scale ratio of 5 to 1 respectively. All data shall be based on a field survey.
20. Plans and profiles, approved by the Town Engineer, of storm drains, culverts, catch basins, headwalls, and other drainage structures, including the identification of any potential runoff problems and methods to reduce any negative effects, as well as any other utility systems.
21. If the subdivider is considering offering to the Town land included in streets, highways, parks or other public open spaces that will not specifically be reserved by the subdivider, such offers shall be clearly indicated.
22. An engineer's estimates of the costs of proposed improvements, such as roads, water, sewer lines or septic system utilities, drainage systems, etc.
23. At least one bench mark shall be established on each section or submission of a subdivision. Said bench mark should be plainly marked in the field and stationed on the final plat with its elevation. Ties to U.S.G.S. or other bench marks may be required, as appropriate.
24. Certification of an engineer or surveyor licensed in the State of New Hampshire as to accuracy of plat details, street and drainage plans.
25. Appropriate space on the plat for approval certification of approval by the Planning Board Chair and three other members, identifying the date of approval.
26. A duplicate copy of all data submitted to the State Water Supply and Pollution Control Division for septic system subdivision approval (where needed) and a copy of their approval and any attached stipulations.
27. Final state approvals when appropriate from the Department of Transportation, the Wetlands Board, and any other State or Federal agency.
28. Indicate any and all declarations of covenants and restrictions as imposed by the developer with reference to their book and page recording number at the Grafton County Registry of Deeds. One copy of any declarations of covenants and restrictions must be provided to the Board.
29. Any other information or documentation which may be required by the Board.

C. Design Review Plans

All design review plans shall show or be accompanied by the following:

1. a site location map placing the parcel in the larger context of the community;
2. a site assessment showing pertinent features of the site;
3. an indication of any future subdivisions contemplated in or adjacent to the site;
4. a topographic map of the area;
5. any soils information, percolation, or test pit data that has been gathered; and
6. an accurate sketch showing the proposed layout of lots, streets and recreation areas; watercourses; natural features; and easements.

Article VII: Impact Fees

A. Purpose and Authority

This regulation is adopted pursuant to Zoning Ordinance § 1003 to establish procedures and guidelines for implementation of impact fees as authorized by Article X of the Zoning Ordinance.

B. Definitions

The terms “impact fee” and “development” shall have the same minimum as set forth in Zoning Ordinance § 1002.

C. Determination of Impact/Thresholds

Pursuant to Zoning Ordinance § 1004.1, the Planning Board is required to determine if a development generates sufficient off-site impact requires imposition of an impact fee. The Planning Board may impose a “site specific impact fee” to address off-site impacts in accordance with Zoning Ordinance § 1004.

A particular development may create off-site impacts on municipal facilities which are specifically related to the location or size of a development or to the nature of municipal facilities which exist in the area of the development. In such a case, the Planning Board reserves the right to impose an off-site impact fee to address the specific impacts on municipal facilities created by the proposed development in accordance with Zoning Ordinance § 1004.1 as follows:

- (1) The Board will determine the off-site impacts of the proposed development for which infrastructure improvements are appropriate, including both future and indirect impacts of the development. The Board will then determine if developer contribution to defray the costs of such improvements is appropriate and, in making such determination the Board may consider, in addition to current benefits to the developer, future and indirect benefits accruing to the development. The Planning Board will determine the amount of the impact fee for the development utilizing the “rational nexus analysis” as set forth in § 1004.1. of the Zoning Ordinance.
- (2) The Board may engage engineers, planners, or other professionals to assist in the determination of site specific impact fees and the costs thereof may be assessed against the applicant in the same manner as are the costs of other studies.

D. Payment, Collection and Handling of Impact Fees

Impact fees shall be assessed, imposed, collected and handled in accordance with § 1005 of the Zoning Ordinance. If a development is not implemented within one year after approval, the Board reserves the right to recomputed the amount of site-specific impact fees which may have been imposed in connection with the initial approval.

E. Surety

Unless the Planning Board expressly finds that surety for the payment of impact fees is not required under the circumstances, a performance bond or letter of credit or other acceptable surety securing payment of the impact fees shall be deposited with the Board after the Board has determined the amount of the fees and prior to final approval for the development.

F. On-Site Improvements

The Board retains all authority to address on-site impacts and to require the developer to install and pay for such improvements as may be required or appropriate.

G. Waivers

Waivers of impact fee requirements may be granted upon written application and after notice and hearing in accordance with § 1007 of the Zoning Ordinance. Notice shall be provided in the same manner as notice of other hearings is provided and the applicant shall pay the costs of such notice.

H. Appeals

In accordance with RSA 674:21, appeals of Planning Board decisions concerning impact fees are to be filed in Superior Court pursuant to RSA 677:15 and are not to be filed with the Plymouth Zoning Board of Adjustment.

Article VIII: Design Standards and Requirements

A. Premature Subdivision

1. Scattered or premature subdivision of land as would involve danger or injury to public health, safety, or prosperity by reasons such as, but not limited to, distance from nearest elementary school; capacity of school system; effect on school bus transportation; adequacy of access street(s) and/or sidewalks; adequacy of water supply for domestic and fire-fighting purposes; potential health problems due to on-site sewage systems and inadequate water supply; potential fire protection problems due to location and/or specific conditions relative to the type of use; potential special policing problems; potential drainage problems both on the site and downstream; or necessitating excessive expenditure of public funds shall not generally be approved by the Board.
2. The Board shall ascertain whether or not a proposed subdivision will result in the danger or injury as set forth above, or necessitate an excessive expenditure of public funds based on the existing supply of services. If the Board determines that a proposed subdivision does constitute a danger or injury, or will necessitate an excessive expenditure of public funds for the supply of services, then such a proposed subdivision shall constitute a scattered or premature development, and shall not be approved.

B. Preservation of Existing Features

The Board may impose requirements upon the subdivider in order to preserve and protect the existing features, trees, scenic points, views, brooks, streams, rock out-croppings, water bodies, stone walls, boundary markers, other natural resources and historic landmarks. Where possible, boundary line(s) should follow stone walls.

C. Suitability of Land

1. In general, a parcel of land shall be suitable for its proposed use. Land of such character that it cannot be safely used for building purposes because of danger to health or peril from fire, flood or other hazard shall not be generally subdivided, nor for any other use which would tend to increase the danger to health, life or property or aggravate the flood hazard, until, in the opinion of the Board, appropriate measures have been taken by the subdivider to eliminate such hazard, or reduce them to reasonable risks.

2. Land subject to periodic flooding, poor drainage or other hazardous conditions, shall not ordinarily be subdivided. Land with unsuitable soil or inadequate capacity for individual sanitary sewerage disposal systems shall not be subdivided unless connected to a common sewerage system.

3. Areas set aside for parks and playgrounds to be dedicated or reserved for the common use of all property owners shall be of reasonable size and character for neighborhood playgrounds or other recreational uses.

D. Septic Systems and Water Supply

1. In areas not currently served by public sewer systems, it shall be responsibility of the subdivider or his agent to provide the necessary State approvals for the installation and operation of an individual sewage disposal system. In subdividing parcels with existing dwellings, the subdivider must demonstrate to the satisfaction of the Board that the existing septic system is in good working order.

2. Prior to refilling, all test pits shall be inspected by the Town Health Officer or his designee.

3. There shall be a well protection area, with a radius of seventy-five (75) feet, centered around all new wells, and located entirely on the same lot as the well.

4. The location, dimensions and design of all water and sewer mains and associated systems shall be as approved by the Plymouth Village Water & Sewer District.

E. Conformance to the Master Plan

The subdivision shall conform to the Master Plan to the maximum extent possible.

F. Off-Site Improvements

If the Board determines that the proposed subdivision will adversely affect existing public facilities such as, but not limited to, school, 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 necessary to protect the public interest. If other properties would also benefit from the upgrading of such off-site public 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 the upgrading will benefit other public and private property.

3. Any other factor that the Board deems appropriate to establish a rational connection to the needs created by a subdivision and the amount to be paid by the subdivider.

G. Open Spaces

The Board may indicate to what extent, if any, a plat may be required to show open space of adequate proportions, or a park or playground suitably located for recreational purposes. The park or playground shall be of reasonable size and character for the subdivision, and shall be designated for recreational purposes. Such land may be conveyed to the Town upon the conditions of use for park or parks, as provided herein.

H. Conformance with the Zoning Ordinance

All plats shall comply with relation to minimum lot areas and dimensions, and in all other applicable respects, with the Zoning Ordinance of the Town of Plymouth.

I. Soil-Based Lot Size

In locations where the soil types are such that lot sizes larger than those required by the Zoning Ordinance are necessary for safe and effective on-site subsurface wastewater disposal facilities, minimum lot size shall be in accordance with the standards contained in the New Hampshire Department of Environmental Services rules *Env-Ws 1000*. (see Appendix I)

J. Streets, Sidewalks and Bikeways

1. All streets in the subdivision shall be designed to provide safe vehicular travel and drainage mitigation. Due consideration shall also be given to the attractiveness of the street layout in order to obtain an optimum livability and amenity of the subdivision. New streets shall be so laid out as to accommodate the continuation of the principal streets in adjoining subdivisions or for their proper protection when adjoining property is not subdivided.
2. All streets in any future subdivision shall meet the minimum standards set forth in this section. The applicant shall bear the responsibility for improving to such minimum standards any and all connecting streets if not publicly maintained.
3. Naming: No street shall have a name which duplicates or which is substantially similar to the name of an existing street. The continuation of an existing street, however, shall have the same name.
4. Right of Way: All street right-of-way widths shall be a minimum of fifty feet (50').
5. Alignment: Street intersections and curves shall be so designed as to permit adequate visibility for both pedestrian and vehicle traffic. Curves, in general, shall have a minimum radius of one hundred feet (100') and no interchange shall be acceptable at less than 60 degrees. Streets entering opposite sides of another street shall be laid out directly opposite one another or with a minimum offset of one hundred twenty-five feet (125') between their center lines. Property in corners shall reserve a twenty foot (20') curve radius.
6. Design of Intersecting Roadway Surfaces: Intersecting roadways shall have a transitional area at all corners to accommodate turning movements to a radius of thirty feet (30').
7. Grade: Grades of all streets shall be a reasonable minimum but shall not be less than 1.0 percent or more than 10 percent unless specifically approved by the Board. The Board or Town Engineer may modify the maximum gradient for short lengths of streets where, in its judgment, existing topographic conditions or the preservation of natural features indicate that such modification will result in the best subdivision of land. All changes in grade exceeding 0.5 percent shall be connected by the vertical curves of sufficient length to afford adequate sight distances, in the opinion of the Board. A maximum grade of 2 percent will be allowed within 50 feet of an intersection.
8. Construction Standards: Public or private subdivision streets (including the roadbed, drainage structures and underground utilities) shall be constructed in strict accordance with the detailed engineering plans and specifications prepared by a New Hampshire certified civil engineer for the subdivider/developer and accepted/approved by the Planning Board, and documented through periodic inspections of work in progress by designated agent(s) of the Planning Board.
9. Monuments: Boundary monuments shall be set on the right-of-way lines of streets, at the beginning and end of the project, beginning and end of curves, angle points, and on tangents with a maximum distance between monuments of 1,000 feet. No permanent monuments shall be set until all construction which would disturb or destroy the monuments is completed. Permanent monuments shall be set by a registered professional engineer or land surveyor.

10. Dead-end Streets (Turnarounds)

a. All dead-end streets shall be provided with a cul-de-sac or turnaround providing adequate room for the movement of snowplows and fire equipment. Variations in the typical cul-de-sacs and turnarounds may be allowed to accommodate differences in terrain.

b. Dead-end streets, designed to be so permanently, shall not be longer than 1,000 feet, unless approved by the Board after due consideration of safety issues.

11. Design Criteria:

	Light Duty	Medium Duty	Heavy Duty
Average Daily Traffic (ADT) (a)	0-80	81-240	241 +
Surface Width (feet) (b)	20	24	24
Shoulder Width (feet) (b)	2-4	4	8-10
Surface Slope (c)	0.25"/ft.	0.25"/ft.	0.25"/ft.
Sub-Base Course: Bank Run Gravel	12"	12"	12"
Base Course: Processed Gravel (d)	6-12"	6-12"	6-12"
Asphalt Surface Requirements (e)	No (f)	yes	yes
Compacted Surface Thickness (g)			
Asphalt: Base Course	n/a	2"	2"
Asphalt: Wearing Course	n/a	1"	1"

footnotes to design criteria:

- a. Average Daily Traffic is based on 8 trips per day per dwelling unit or lot.
- b. Typical cross-section elements including pavement and shoulder widths may be modified when based on sound engineering design and approved by the Town Engineer.
- c. Design standards shall conform to geometric design guides by the American Association of State Highway and Transportation Officials.
- d. To be determined by Town Engineer based upon actual soil & drainage conditions.
- e. Asphalt indicates hot mix bituminous asphalt pavement in accordance with New Hampshire Standard Specifications Section 403.
- f. Where road grade, drainage conditions and/or anticipated traffic volumes warrant, bituminous asphalt surface or processed gravel with an emulsion may be required on light duty roads, at the recommendation of the Town Engineer and Highway Department.
- g. Material specifications shall conform to standard specifications for road and bridge construction by New Hampshire Department of Public Works and Highways, approved and adopted 1983.

12. Sidewalks: Where traffic volume, neighborhood character and safety issues warrant, sidewalks may be required.

13. Bikeways: Where traffic volume, neighborhood character and safety issues warrant, bikeways and/or adequate roadway shoulders to accommodate bike lanes may be required. Where networks exist, off-street bicycle, pedestrian or multi-use paths may be required.

14. Curbing: The Planning Board may require curbing where it is deemed appropriate and necessary for the purposes of drainage, slope stability and/or pedestrian safety. Acceptable types of curbing include straight granite, sloped granite and bituminous Cape Cod berm.

K. Drainage

The applicant shall submit a stormwater drainage plan which provides for the detention and percolation within the boundaries of the site of all development generated stormwater runoff from a ten (10) year storm event, such that the post-development discharge volume is no greater than the pre-development discharge. A post-development drainage assessment will also be required if at any time after final approval the subdivision road(s) may be offered as Town roads.

L. Easements

1. Public or Private Utilities: Easements for public or private utilities across lots or centered on rear or side lot lines shall be provided where necessary. The widths of these easements shall be based on the requirements of the various service agencies involved (power company, telephone company, etc.) with respect to the type of subdivision contemplated and the type of service provided (overhead, underground, etc.).

2. Storm Water and Drainage: Where a subdivision is traversed by a watercourse, drainage way, channel or stream, the Board may require that there be provided a storm water easement or drainage right of way of adequate width to conform substantially to the lines of such watercourse, drainage way, channel or stream, and provide for construction of other necessary purposes.

M. Water and Sewer Facilities

1. Individual Service: Individual wells and subsurface disposal facilities shall, in all respects, comply with all applicable local and/or state requirements. The subdivider shall furnish an "approval for construction" for one subsurface disposal system on each such lot or site from the New Hampshire Water Supply and Pollution Control Division in accordance with its applicable regulations. Such disposal system shall be located not less than seventy-five (75) feet from a well site.

2. Common Systems: Such private systems proposed by a subdivider shall be of sufficient capacity to serve the subdivision and, where appropriate, shall be designed and constructed for incorporation into future Town systems. All such facilities shall meet the requirements of and be approved by the State Water Supply and Pollution Control Division, the Plymouth Village Water & Sewer District, if appropriate, and/or any other appropriate public body.

3. Plymouth Village Water & Sewer District Certification: The Board will require the subdivider to provide written certification from the Plymouth Water & Sewer District that the proposed subdivision can be provided with public water and sewer service, if the proposal requires it.

N. Special Flood Hazard Areas

1. The Planning Board shall review the proposed development to ensure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law.

2. The Board shall require that all subdivision proposals and other proposed new developments greater than 10 lots or 5 acres, whichever is the lesser, include within such proposals base (100-year) flood elevation data.
3. Sufficient evidence (construction drawings, grading and land treatment plans) shall be submitted so as to allow determination that:
 - a. all such proposals are consistent with the need to minimize flood damage,
 - b. all public utilities and facilities such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage,
 - c. the lowest floor elevation, if known, of any structures shall be at or above the base (100-year) flood elevation in conformance with the requirements of the Zoning Ordinance, and
 - d. drainage is provided so as to reduce exposure to flood hazards.

O. Erosion and Sediment Control

1. The subdivision shall be designed to minimize soil erosion, runoff, and sedimentation. The Applicant should consult the Natural Resources Conservation Service publication, *Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas of New Hampshire*, for guidance in planning and constructing structural and vegetative practices, and where applicable, obtain State Department of Environmental Services, Water Supply and Pollution Control Division approval for “alteration of existing terrain” under RSA 485:A-17.
2. The following control measures shall be employed by the developer for an effective erosion and sediment control plan:
 - a. The smallest practical area of land shall be exposed at any one time during development.
 - b. When land is exposed during development, the exposure shall be kept to the shortest practical period of time. Land shall not be left exposed during the winter months.
 - c. Where necessary, temporary vegetation and/or mulching and structural measures shall be used to protect areas exposed during development.
 - d. Sediment basins shall be installed and maintained to remove sediment from runoff waters and from land undergoing development.
 - e. Provisions shall be made to effectively accommodate the increased runoff caused by changed soil and surface conditions during and after development.
 - f. The permanent final vegetation and structures shall be installed as soon as practical in the development.
 - g. The development plan shall be fitted to the topography and soils so as to create the least erosion potential.
 - h. Whenever feasible, natural vegetation shall be retained and protected.
 - i. Natural drainage ways shall be utilized and left open to remove excess surface water.

P. Management and Ownership of Common Areas and Roadways

All subdivision proposals which will result in the creation of common areas, roads or other common facilities shall include a plan for the long term ownership and maintenance of such common areas, roads

or other common facilities and such plan shall be noted and/or referenced on the final plat to be recorded at the Grafton County Registry of Deeds.

Q. Subdivisions Served Exclusively by a Driveway

When appropriate, land may be subdivided into no more than two lots with access for each lot by a driveway(s) as opposed to a street, provided that the plat carry a condition that should the lots be resubdivided in the future, the driveway must be replaced with a street built to the specifications of the subdivision regulations at the time of subdivision.

R. Backlots (so-called Flag or Hammerhead Lots)

Backlots are permitted with a minimum of 50 (fifty) feet of road frontage under the following conditions:

1. the backlot and adjacent frontlot must both front on the same street,
2. the backlot and adjacent frontlot must have a minimum combined frontage on the same street equal to the minimum combined frontage of two lots as set forth in the Zoning Ordinance for the zone in which the lots are located. If the lots are in two different zones, the greater road frontage requirement shall apply,
3. for the purposes of calculating frontage requirements, only one backlot may be combined with any one frontlot,
4. access to the back lot must be via a corridor at least 50 (fifty) feet wide.

Article VIII: Administration and Enforcement

A. Compliance With Regulations; Penalties

1. No subdivision of land shall be made, and no land in any subdivision shall be transferred or sold, until the Planning Board has approved a final plat, prepared in accordance with the requirements of these Regulations. As provided in RSA 676:16, any owner, or agent of the owner, of any land located within a subdivision, who transfers or sells any land before a plat of the subdivision has been approved by the Planning Board and recorded or filed in the Register of Deeds shall forfeit and pay a penalty of one thousand dollars (\$1,000.00) for each lot or parcel so transferred or sold. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the transaction from such penalties. The Town of Plymouth may enjoy such transfer or sale and may recover said penalty, court costs and attorney's fees by civil action.
2. Any violation of this regulation may be made punishable in a manner in accordance with applicable State law and by the maximum allowed fine.

B. Performance Guarantee

1. Guarantee Required: Pursuant to RSA 674:36 III (b), in lieu of the completion of street work and utility installations prior to the final approval of a plat, the Board will require a performance guarantee in a form and an amount, with a surety or sufficient security, sufficient to provide for and secure to the Town the actual construction and installation of all improvements within three years from the recording of the final plat in the Grafton County Registry of Deeds. The Board shall

require the execution of a Subdivider Improvement Agreement setting forth the terms and conditions of the performance guarantee.

2. **Amount:** The subdivider's engineer shall furnish to the Board an estimate of the full cost of all improvements. Such estimate may be reviewed by the Selectmen or an agent of the Board of Selectmen who will recommend the amount of the guarantee to the Planning Board. The Planning Board shall then determine the amount of the guarantee and of any subsequent partial release or retainage thereof.
3. **Surety or Security:** The subdivider's obligations as set forth in the performance guarantee shall be secured by a security company in the case of a bond, or other financial security, and shall be in a form approved by the Town legal counsel. Such security shall remain in effect and available to the Town throughout the duration of the construction until released in writing wholly or in part by the Town. All such documents evidencing or establishing the surety or security shall be prepared at the subdivider's expense and approved by Town legal counsel.
4. **Release of the Guarantee:** The performance guarantee shall be released when the Selectmen and/or Planning Board are satisfied that the subdivider has complied with all requirements of the approval or shall be partially released based upon partial completion pursuant to RSA 674:36, III (b). The decision will be based upon an assessment of the plans, the engineer's preparatory work for construction, engineering inspection during construction and the final "as-built" plans on the completed work. The performance guarantee shall include provisions to reserve to the Town a reasonable portion of the full amount, following full compliance and release, as a maintenance account for a minimum of one year.
5. **Enforcement:** If at any time the Board finds that the subdivider has not met the obligations imposed in the approval or the Subdivider Improvement Agreement, the Town shall enforce its right under the guarantee and the bond or security given to secure it.

C. Construction Of Subdivision

1. **Completion Time Period:** A subdivider shall construct all planned improvements within the subdivision and comply with all requirements within three years of the Approval. The Board may extend the date an additional reasonable period of time upon written request of the subdivider if the Board finds that conditions exist which are beyond the control of the subdivider and prevent compliance within three years.
2. **Supervision of Construction:** If, in the opinion of the Board, the scope of work warrants supervision, the Board may require a supervising N.H. registered professional engineer, selected by the Board, to oversee construction to ensure compliance with and documentation of the road construction requirements and conditions of approval and to give periodic status reports to the Board. The cost of such supervision shall be the responsibility of the subdivider.
3. **Inspection of Improvements:** The subdivider shall notify the Planning Board in writing of the time when construction is proposed to commence so that the Planning Board may cause inspection to be made by a N.H. registered professional engineer approved by the Board, or other qualified designee(s), on forms provided by the Board, to insure that all Town specifications and requirements shall be met. Initiation of each inspection phase is the responsibility of the developer/contractor project manager. Failure to conduct timely inspections may be cause for the Town to call the bond or letter of credit to ensure compliance. The Planning Board shall inform the Selectmen, Highway Department, Town Engineer and any other appropriate Town official. The cost of such inspections shall be the responsibility of the subdivider and, prior to commencing construction, the subdivider shall enter into an agreement with the Town to establish an escrow account from which funds may be drawn for the

payment of inspection costs. The findings of inspections conducted under this section may be utilized both by the Planning Board to effectuate these subdivision regulations and by the Board of Selectmen to effectuate the provisions of the road acceptance policy of the Town of Plymouth as it may be amended from time to time.

4. **Modifications of Designs and Improvements:** If at any time before or during the construction of the subdivision the Planning Board determines that unforeseen conditions make it necessary or preferable to substantially modify the location or design of any of the required improvements or installations, the Board, after a public hearing, per section IV G, with notice to abutters and the public, may authorize such modifications which shall be set forth in writing and signed by the Chair of the Board. The subdivider shall acknowledge acceptance of the modifications in writing to the Planning Board before such modifications are made.

5. **Completion of Improvements and Deficiencies:** The subdivider shall notify the Planning Board in writing when all requirements have been met. The subdivider's engineer or other representative shall certify compliance with the approval including correction to the extent necessary of any original installation. Where a bond has been required and all the required improvements satisfactorily completed, the Planning Board shall release the performance guarantee in accordance with section VIII B.

If it is determined after release of the performance guarantee that any of the required improvements have not been completed in accordance with the approval, the Board shall then notify the subdivider in writing of any such deficiencies. The subdivider shall rectify all deficiencies at the expense of the subdivider. If the subdivider does not substantially rectify all deficiencies within a reasonable time as determined by the Town, the Board shall take all necessary action to protect and preserve the Town's rights and interests, including suspension and/or revocation of the approval.

6. **Guarantee of Improvement Installation:** For a period of one year after completion of all improvements or one year after the correction of all deficiencies, whichever occurs last, if the Board determines that the improvements have failed for any reason or do not meet the requirements as set forth in the approval, the Board shall notify the subdivider in writing of such failures and the subdivider shall rectify all failures at the expense of the subdivider. If the subdivider does not substantially rectify all deficiencies within a reasonable time as determined by the Board, then the Board shall take all necessary action to protect and preserve the Town's rights and interests, including requiring such additional performance guarantees as are warranted.

D. Waiver of Regulations

1. A waiver of the Subdivision Regulations may be permitted when, in the opinion of the Board, topography or other considerations warrant such waiver, provided that public convenience, safety, health, and welfare will not be adversely affected. In approving waivers, the Board may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements of these regulations.

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

E. Acceptance of Streets and/or Utilities

Nothing herein is intended to modify the requirements of law with reference to the acceptance of street and/or utilities by the Town. The decision to accept a street is wholly vested with the Board of Selectmen. The decision to accept water and sewer improvements is wholly vested with the Plymouth

Village Water & Sewer District Board of Commissioners. Nothing herein is intended to modify or control the construction, reconstruction, or extension of streets and/or utilities by the Town or State.

F. Other Regulations

Where these regulations are in conflict with other local Ordinances, the more stringent shall apply. Where both state and local regulations are applicable, the most stringent regulation shall take effect. If the state regulation addresses an issue not included in the local regulation or if the local regulation addresses an issue not included in the state regulation, that regulation shall automatically apply.

G. Enforcement

The Board or its duly authorized representatives shall enforce these regulations.

H. Amendments

These regulations may be amended or rescinded by the Planning Board but only following a public hearing on the proposed changes. The Chair of the Planning Board or designee shall transmit a record of any changes so authorized to the Town Clerk and Office of State Planning pursuant to RSA 675:8 and 675:9, respectively.

I. Appeals

Any person aggrieved by any decision of the Planning Board concerning a plat or subdivision may appeal to the Superior Court as provided for in RSA 677:15.

J. Validity

Should any article, section, part, sub-part, or paragraph or any provision of these regulations be declared by the courts to be unconstitutional or invalid, such declaration shall not effect the validity of these regulations as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

Article IX. Open Space Residential Development

A. Purpose and Authority

1. Open space residential development (OSRD) is a form of residential development where, instead of subdividing an entire tract of land into lots of conventional size and arrangement, a similar number of dwelling units may, at the discretion of the Planning Board, be arranged on the land in a more innovative fashion which better fits the topography and natural attributes of the site. The arrangement of an OSRD may be in the form of subdivision lots of a reduced size, cluster(s) of buildings on a single tract of land, or a combination thereof. The remaining land in an OSRD which has not been built upon shall be integrated among the housing units and reserved for usable common open space. The open space shall be held in a form of ownership that will prevent it from being further subdivided or developed.
2. The purpose for establishing this Article IX is to promote a development pattern that creates areas of usable and accessible open space; preserves views from the road; reduces or prevents disruption of natural topography and drainage systems; protects valuable wildlife areas and the natural systems that connect them; allows for attractive, environmentally sensitive site design; maintains the rural, open character of the outlying parts of the Town and creates options for alternative design in the Town's established suburban areas; provides opportunities for a mix of uses on large tracts of land; protects historically significant resources and heritage landscapes; and encourages a lesser and more practical utility and street network. These purposes are consistent with the goals of the Town's Master Plan.

B. Approval Procedure

3. An OSRD shall be subject to major subdivision approval under the Plymouth Subdivision Regulations.
4. Submission Requirements. In addition to the requirements described in Art. VI, Sec. A of the Plymouth Subdivision Regulations, an application for an OSRD shall include:
 - a. Documentation of the density allocation according to the methodology described in Art. IX, Sec. C(4) below.
 - b. Appropriate documents defining the deed restrictions and other provisions under which all common open spaces will be established.
3. Final Plat. The final plat for an OSRD shall meet the requirements of Art. VI, Sec. B of the Plymouth Subdivision Regulations and shall also include the dimensions and locations of all proposed common open spaces (see Sec. D(3)(a) of this Article). For an OSRD with cluster arrangements on a single tract of land, the Final Plat shall depict the locations of all proposed building envelopes, roads, driveways, parking lots, and other features determined by the Planning Board to be necessary for proper review of the plan.
4. At the Applicant's waiver request, the Planning Board may vary the provisions contained herein, provided the modifications are consistent with the concept and purpose stated under Art. IX, Sec. A above.

C. General Requirements

1. Location. In any district where OSRD is permitted under Section 304 of the Zoning Ordinance, the Planning Board may approve a Major Subdivision submitted in accordance with this Article IX.
2. Permitted Uses. In an OSRD permitted uses shall be as follows:
 - a. Any residential use allowed in the district under Section 304 of the Zoning Ordinance.
 - b. Open space, private or public, providing for conservation, agriculture, forestry, or passive or active recreational uses.
3. Site Eligibility.
 - a. Area. The underlying OSRD tract may be of any size. The total area of the underlying tract shall be used to determine the density allocation for the OSRD in accordance with Sec. C(4) of this Article.
 - b. Frontage. The minimum frontage of the underlying tract on an existing public way shall be fifty (50) feet.
4. Density Allocation. The base number of dwelling units permitted in an OSRD shall not be greater than what would be permitted in a conventional subdivision on the same parcel, except as allowed under Sec. C(5) below. The number of units permitted in an OSRD shall be determined by the following formula:

$$[(\text{Net Area}) \times (\text{Factor})] \div \text{Conventional Minimum Lot Size}$$

Net Area: Total Area of Parcel (sq. ft.) – “Non-Buildable Area” on the Parcel (sq. ft.)

Conventional Minimum Lot Size: Lot size determined based on the conventional zoning requirements.

Non-Buildable Area: Areas within conservation districts; all flood hazard areas unless floodproofing standards adhere to Article VII of the Zoning Ordinance; undevelopable wetlands; and areas restricted from development by covenant, easement, or other restriction (see Sec. C(7) below).

Factor: Accounts for area required for a new roadway, right-of-way, and utilities, and reflects the difficulty of developing a site due to prevalence wetlands and steep slopes. The factor is determined by the following:

Percentage of Parcel that is Wetlands and/or Slopes Greater Than 25%	Factor
0-<10%	0.75
10-<20%	0.70
20-<30%	0.65
30% or more	Use Yield Plan Approach

Yield Plan: Sketch plan drawn to scale for a conventional subdivision that demonstrates the maximum practicable number of subdivision lots achievable under conventional zoning. A yield plan should depict steep slopes and wetlands as defined by the National Cooperative Soil Survey and floodplains as defined by the Federal Emergency Management Agency (FEMA)'s National Flood Hazard Layer. Subdivision lots should be laid out in the conventional format taking into consideration a roadway network and the minimum lot size and frontage requirements.

5. Density Bonus Options. The Planning Board shall have authority to approve density bonuses in an OSRD that meets one or more of the following criteria. The density bonuses awarded may be cumulative, up to a maximum density bonus of 75 percent for the development.
 - a. Public Access Bonus. A density bonus of up to 30 percent may be approved if the applicant provides public access to the open space in the OSRD. The Planning Board shall determine the amount of density bonus for public access based on the amount of area of open space, unique features in the open space, proximity of the open space to other key open space or unique resources on other parcels, and the creation of a public parking area for access to the open space.
 - b. A density bonus of up to 30 percent may be approved if the applicant agrees to a covenant or other legally enforceable restriction to protect agriculturally valuable lands and provides permission for their use as agriculture in perpetuity. To qualify, the open space preserved for agricultural use shall be at least 20 percent of the minimum required open space in the OSRD, either has been historically farmed or contains soils suitable for farming, and must be reasonably accessible to qualify for the maximum bonus. The instrument granting agricultural use, acceptable to the Planning Board, may reasonably restrict the type or intensity of farming to occur to prevent nuisances. This provision only requires that permission is reasonably available. The fact that agricultural uses are not pursued at any particular time does not affect the validity of the bonus.
 - c. A density bonus of up to 30 percent may be approved if the OSRD will protect in perpetuity one or more of the following unique site characteristics:
 - i. Historically significant buildings and landscapes (determined by the Planning Board) that include buildings, cemeteries, cellar holes, and associated uses that are maintained and visually separated from the developed portion of the open space development.
 - ii. Valuable wildlife and environmental areas that are otherwise buildable land, proven as such through an environmental resources inventory by a qualified wildlife biologist specializing in either flora or fauna.
 - iii. Significant and valuable natural features (determined by the Planning Board) such as waterfalls, ponds and view scapes.
 - iv. Linking open space parcels or trail corridors through the site with existing trails or open space networks. The beginning of such a network or trailway may be considered as linking where responsible opportunity is present for establishing through corridors into neighboring parcels and provided that Conservation Commission comment is in favor of this location.
6. Provision for Mixed Uses.
 - a. If the proposed development is located in an Agricultural zone and is greater than 50 acres, a nonresidential component meeting the following criteria shall be allowed on the same tract as the permitted residential uses:
 - i. No more than 50 percent of the development site, including open space, shall be

devoted to parking, streets, buildings, and accessory structures.

- ii. Nonresidential uses as listed below shall be permitted as long as they are constructed to be compatible in scale and design with residential uses, be attractive and low-key (in terms of building design, signage, lighting, and treatment of parking), and have a strong pedestrian orientation with a building footprint of not to exceed 10,000 square feet.
 - (a) Neighborhood scale retail or commercial service such as convenience store, craft store, drugstore, beauty shop, tailor, or laundromat.
 - (b) Bank.
 - (c) Office.
 - (d) Childcare center.
 - (e) Restaurant without a drive-up window.
 - (f) Residential institution, provided the building footprint does not exceed 20,000 square feet.

b. The nonresidential uses listed above may be located in a flexible spatial environment, assuring compatibility with residential uses and with the overall development design, provided that nonresidential uses do not exceed 25 percent of the net tract area of the OSRD. These limitations are maximums and shall not be construed as by right permitted levels of development.

c. Prohibited uses and designs. The following uses and designs are not permitted in an OSRD unless they are already allowed in the underlying zoning district under an existing permit or as existing nonconforming uses: commercial telecommunication towers/wireless communications facilities as a primary use, truck terminal, or warehouse use.

7. No structures or septic systems will be allowed to be built in the following areas: areas within conservation districts; all flood hazard areas, unless floodproofing standards adhere to Article VII of the Zoning Ordinance; and undevelopable wetlands.

8. Dimensional Requirements.

a. External OSRD Buffer. The underlying tract shall include a landscape buffer along the external boundaries of the OSRD. Buffers shall meet the following dimensional requirements:

	Zone						
	SFR	MFR	A	CI	VC	HC	ICD
Minimum Landscape Buffer Along Existing Frontage (feet) ¹	0	0	100	50	0	75	75
Minimum Landscape Buffer Along Adjacent Parcels (feet) ¹	30	30	100	30	30	50	50

1 Requirement may be waived by the Planning Board; see Art. IX, Sec. D.2 below.

This external buffer shall be considered an undisturbed natural area that shields the development from abutting properties and shall remain free of buildings, parking, or other structures. See also Art. IX, Sec. D(2) for additional requirements.

- b. Individual Subdivision Lots. In an OSRD that contains individual subdivision lots, all lots shall meet the following dimensional requirements:

	Zone						
	SFR	MFR	A	CI	VC	HC	ICD
Minimum Lot Size for Subdivision Lots (square feet)	5,000	5,000	10,000	5,000	5,000	5,000	5,000
Minimum Frontage for Subdivision Lots (feet)	40	40	40	40	40	40	40

Dimensional requirements for individual subdivision lots shall not apply to clusters of dwellings on a single tract of land. Nevertheless, an OSRD containing clusters of dwellings on a single parcel shall include paved access suitable for emergency vehicles from a Town road or state highway to each unit. All such accessways shall be privately owned and comply with the road standards specified in Art. VIII, Sec. J, as applicable.

- c. Minimum Separation Distance Around Building Envelopes. Within an OSRD, building envelopes of primary structures, whether located on individual subdivision lots or arranged in clusters on a single parcel, shall meet the following dimensional requirements:

	Zone						
	SFR	MFR	A	CI	VC	HC	ICD
Street Side of Building (feet)	15	15	25	15	15	15	15
Between Buildings (feet)	20	20	30	20	20	20	20

Notwithstanding the dimensional requirements outlined above, separation distance around buildings shall meet Life/Safety minimums as determined by the Plymouth Fire Department.

- d. If a parcel of land is covered by more than one zoning district and more than 50 percent of the parcel lies in the more restrictive district, the more restrictive regulations shall apply to the entire parcel.
9. Project Ownership. The subject land may be owned, leased or controlled either by a single person, a corporation or by a group of individuals or corporations. An approved OSRD shall be binding on the project land and owner(s) and shall be so indicated on each individual deed.
10. Community Leach (septic) Systems. An OSRD may include a community or common leach system for the disposal of the effluent from household septic tanks. The system shall be installed by the subdivider and shall be installed under the following conditions:

- a. Community leach systems (CLS) may only be used in those areas of the appropriate zones served by the public water system of the Plymouth Village Water and Sewer District.
- b. All CLS shall meet the design requirements of the State of New Hampshire Department of Environmental Services.
 - i. Each structure shall have its own septic tank sized according to the requirements of the New Hampshire Department of Environmental Services. Access to the septic tank cover should be provided by risers as necessary and location shown on the as-built plan submitted to the Building Department.
 - ii. Leach fields shall be located on land held in common by the property owners to be used exclusively for wastewater disposal. Each area designated for wastewater disposal shall be large enough to accommodate the required leach field and associated fill as well as an alternate reserve leach field, should replacement of the original field become necessary. The leach field and reserve field must have suitable soil according to the New Hampshire Department of Environmental Services rules for sewage disposal system design.
 - iii. All piping connecting septic tanks to leach systems and other mechanical equipment such as pumps, valves, etc., shall meet the standards of the State of New Hampshire and the Town of Plymouth. All equipment used by more than one dwelling shall be placed in an easement which shall be deeded to the maintaining authority, and the authority shall have the right to access at any time for the purposes of maintaining the system. All construction under this article shall be explicitly subject to the provisions of Art. VIII of this chapter.
 - iv. The developer and homeowners' association are required to provide each new resident in the development a copy of the New Hampshire Department of Environmental Services pamphlet "You and Your Septic System."
- c. Facility Ownership. At the conclusion of the construction of all piping, equipment and leach fields, a complete set of as-built drawings of the systems will be filed with the Building Commissioner. The owners of the CLS shall also comply with the following requirement:
 - i. Whether or not the developer has opted to establish a cooperative legal entity to own and manage the common space, an entity shall be set up to own and manage the common leach system. The bylaws of the entity shall be established in accordance with applicable state law (RSA 479-A:1 to 479-A:23, inclusive, as amended).
- d. Facility Maintenance Requirements. The following requirements shall be made part of any homeowners' association agreement:
 - i. The owner of the common leach system shall maintain a service contract with a licensed septic system service and installation contractor to perform the required maintenance. The contract shall identify and describe the periodic maintenance to be performed on the distribution/collection system, including leach fields, distribution boxes, pumps, and collection pipes, etc. The service contract shall provide for an annual report to the Department of Planning and Development by the licensed septic system installer detailing the condition of the system and any repairs made that year or anticipated at the time of the report. A copy of the service contract shall be delivered to the Town Engineer for review at least 30 days before it goes into force.

- ii. The owner of the common leach system shall collect from the users of the system an annual fee equal to the cost of repairs and an amount sufficient to establish a reasonable cost of replacement reserve. The fee should be assessed annually based upon the previous year's experience and the forthcoming service contract amount.
- iii. The maintaining authority shall keep a record of each individual septic tank, showing its location and the frequency of its pumping. As a guide to maintenance, each tank should be pumped at least once in every five-year period and not more frequently than every two years.
- iv. No structure shall be built on a leach field lot.

D. Common Open Space

1. Common open space shall be set aside for the use and benefit of the residents in an OSRD or dedicated to a public or nonprofit organization. Generally, the open space shall be usable for recreation and integrated into the layout and design of the subdivision. To the maximum extent possible, each dwelling unit in the OSRD will have direct access to common open space. The location and configuration of the open space shall be at the discretion of the Planning Board.
2. External Boundaries. Landscape buffers along the perimeter of the underlying OSRD tract shall meet the dimensional requirements defined in Art. IX, Sec. C(8)(a) above. Should the Planning Board find that the unique topography and other site conditions warrant flexibility in the extent of the required buffer zone, a waiver of the affected portion of the buffer will be taken under consideration and may be approved. The external buffer area shall be preserved or established to comply with the landscaping standards in the Plymouth Site Plan Regulations, Art. XVIII, Sec. J.
3. Open Space Requirements.
 - a. The common open space for an OSRD that contains subdivision lots shall be depicted on the subdivision plat as bounded by property lines and as being exclusive of house lots; streets, driveways and parking lots; stormwater collection ponds; land area dedicated to septic systems; and easements and rights-of-way for stormwater drainage ways, streets or utilities. The common open space for an OSRD that contains dwelling units in cluster arrangements on a single parcel shall be depicted on the subdivision plat as land area exclusive of dwelling units and accessory structures; streets, driveways and parking lots; areas required for minimum buffers around dwelling units; land area required for septic systems; area covered by easements or rights-of-way for stormwater drainage systems, streets or utilities; and stormwater collection ponds. The legal and spatial disposition of the open space is at the sole discretion of the Planning Board.
 - b. The area of the open space shall equal or exceed the total allowed reduction in the lot sizes within the OSRD and shall be permanently dedicated as open space or for municipal use, as agreed upon. A minimum of 50 percent of the total open space land shall be usable uplands and reasonably accessible to all property owners in the project.
 - c. The open space shall be deeded to the Town of Plymouth for municipal use or deeded to a nonprofit organization, or a deed restriction or easement shall be placed on all common open space so that all of it remains open space in perpetuity and shall never be developed or further subdivided. Acceptance of ownership of deeded open space is at the discretion of

the Town or nonprofit organization.

- d. The deed restrictions and documents shall be placed on file with the Town Clerk upon receipt of Planning Board subdivision approval and duly recorded with the Grafton County Registry of Deeds, where appropriate.
 - e. The required common open space shall be owned and maintained by the developer until it is owned in one or more of the following ways:
 - i. By the Town of Plymouth, subject to acceptance by the Town.
 - ii. By a private, nonprofit organization (such a land trust or a conservation trust) which has as its purpose the preservation of open space through ownership and control; provided, however, that the residents within the OSRD have access to the common open space for appropriate recreational uses.
 - iii. By a private, nonprofit corporation, association or other nonprofit legal entity, such as homeowners' association, established by the applicant for the benefit and enjoyment of the residents of the subdivision and over which the residents have control.
 - f. No privately owned recreation structures shall be built in the open common space without the approval of the Planning Board.
 - g. Current Use Limitation. The common land areas, open space areas, and natural areas in an approved development are considered to be a part of the residential use of the development and shall not be considered to be open space land, farmland, wetlands, recreation land, floodplain or wild land within the meaning of RSA 79-A except if it consists of actively operated farmland.
4. In the event that an OSRD is to be owned by a cooperative legal entity, all common open space shall be governed in accordance with the requirements of the RSA 479-A:1 to 479-A:23, inclusive, as amended.
5. Requirements of a Homeowners' Association.
- a. The financial and administrative obligations for future maintenance of common open space and other common facilities shall be clearly stated, adequate and enforceable by the Town, at the association's expense, in the event of negligence.
 - b. In the event that the homeowners' association established to own and maintain common open space or any successor organization fails to maintain the common open space in a reasonable order and condition, the Town may serve written notice upon the organization and shall demand that any deficiencies of maintenance be cured in 30 days of receipt of said notice. In addition, a trustee shall be designated by the homeowners' association to ensure that proper care of the common open space is continued. The trustee's responsibilities shall include, but not be limited to, passive and active recreational areas, retention ponds, drainage easements and common septic disposal systems.
 - c. In the event that the maintenance deficiencies have not been resolved within said prescribed time limits, the cost of maintenance by another party, other than the Town of Plymouth, shall become a tax lien on the properties within the subdivision. Entry and maintenance of the common open space shall not exceed a period of one year.
 - d. Before the expiration of the one year, the Planning Board shall, upon its initiative or upon the request of the organization of record responsible for the maintenance of the common

- open space, call a public hearing upon 15 days' notice to the organization or to the residents and owners of the development, at which hearing the organization or the residents or owners of the development shall show cause why maintenance by the third party shall not, at the election of the Town, continue for a succeeding year.
- i. If the Planning Board determines that the organization is able to maintain the common open space in a reasonable condition, the Town shall cease to have the open space maintained at the end of the prescribed time limit.
 - ii. If the Planning Board determines that the organization is not able to maintain the common open space in a reasonable condition, the Town may continue to have the land maintained by a third party for a succeeding year, subject to a similar hearing and determination in each year thereafter. The decision of the Planning Board in each case shall constitute the final administrative decision subject to judicial review.
- e. The cost of the common open space maintenance shall be assessed proportionately against the properties within the development that have a right of enjoyment of the common open space and shall become a tax lien on the properties. The Town, at the time the third party enters the common open space for the purpose of maintenance, shall file a notice of the lien in the office of the Town Assessor and the Registrar of Deeds for Grafton County upon the properties affected by the lien within the development, and the same shall be discharged by the Town upon payment as with other liens.